

Sri S G Mankad  
Chief Secretary  
Government of Gujarat  
Sachivalaya, Gandhinagar  
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Fax: 07923250305

13 October 2005

Dear Sri Mankad

**Re: Clarifications to the Gujarat Right to Information Rules, 2005**

I am writing to thank you for inviting CHRI to be a resource at your 3 September workshop on implementing the Right to Information Act 2005. This workshop provided us with the opportunity to learn from senior officers the challenges to its successful implementation. My colleague Mr. Venkatesh Nayak is in touch with the Sardar Patel Institute of Public Administration and has shared with them research material useful in implementing the RTI Act.

CHRI also congratulates you on issuing the notification on the rules for implementing the RTI Act within the deadline. However we would like to point out that certain provisions in the Rules do not do justice to the spirit of easy and inexpensive access to information for the general public as required by the Act. In particular, we would like to draw some specific issues to your attention:

- **Application Format:** The Rules give the impression that citizens are compulsorily required to use Form A for filing their information requests. This is not in tune with the practice followed by the Government of India which has not prescribed an application format because citizens have the right under the Act to file information requests on plain paper. Please issue a clarification to departments to accept and process applications made on plain paper as well.
- **Application Fees:** The Rules have specified an application fee of Rs. 20/- This is unreasonable considering the fact that GOI will be charging only Rs. 10/-. The citizens have the right to approach the newly constituted State Information Commission to seek review of fees if they find them to be unreasonable. It would be in the best interests of the Government of Gujarat to reduce the application fee to Rs. 10/- forthwith rather than be embarrassed by an order of the Information Commission requiring it to do so.
- **Additional fees:** We feel it would be in order to charge Rs. 1 per page for A3 or A4 size page as the prevalent market rates do not exceed that figure. Surely the Government does not intend to use the RTI Act to generate revenues for the State? We also suggest that the cost of providing information in a floppy or CD

should be Rs. 25 in tune with prevalent market rates. We are hoping you will consider a downward revision of these costs.

- **Procedure for filing appeals with the SCIC:** The Rules require that the citizen submit a certified copy of the order of the first Appellate Authority while filing an appeal with the SCIC. This in our opinion puts the citizen through more hardship as he/she will be required to seek the assistance of a Gazetted Officer for the same. Instead the first Appellate Authority may be directed to send a copy of every order issued by it to the SCIC for the sake of the record and a citizen may only be required to file a photocopy of the same order. This is common practice in countries like Canada which have implemented their own RTI Acts for several decades now.
- **Rider on BPL applicants regarding use of information:** Column 6 in Form D states as follows – “The information whichever is given to you is as a member of Below Poverty Line families and shall not be used for any other purpose.”

This formulation is redundant and is likely to be treated as discriminatory. First, nothing contained in the RTI Act requires the citizen to use the information from the Public Authority in a pre-determined manner. The citizen has used the Act to access information which is his fundamental right to seek and receive. No bar may be placed on the exercise of this right save those contained in the Act itself. If the citizen uses the information in a mala fide manner such actions may be dealt with under the relevant sections of the Indian Penal Code and other similar laws.

Second, by implication Column 6 sends the message that citizens above the poverty line have the freedom to use the information they seek for any purpose. This is clearly discriminatory in nature and no such restrictions need be placed on citizens belonging to BPL or other income groups in society.

We urge you to issue a fresh notification making the necessary changes mentioned above as soon as possible to avoid any inconvenience to citizens.

As always, if we can be of any assistance in bedding down the new RTI Act, producing materials, helping with research or in any other respect, please do not hesitate to contact me on (0)9810 199 745 or (011) 2685 0523 or via email at [majadhun@vsnl.com](mailto:majadhun@vsnl.com). Alternatively, please contact Mr Venkatesh Nayak, Coordinator, Right to Information Programme at [venkatesh@humanrightsinitiative.org](mailto:venkatesh@humanrightsinitiative.org)

Yours sincerely,



Maja Daruwala  
Director

Cc: Sri George K Joseph, General Administration Department  
Sri Robinson D'Souza, Secretary, Law Department  
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Sri T Jacob IAS, Joint Secretary, Department of Personnel and Training