

To,
Dr. Suresh Joshi,
Chief Information Commissioner,
Mantralaya, Mumbai.

Sub: Request for Urgent Intervention

Dear Sir,

With respect to the now repealed MRTI Act of 2002, a Government circular no. 2005/P.C.116(Part2)/05/5 has been issued on 7 October, 2005 by Secretary GAD. In this respect I request your urgent intervention in two matters which have a significant bearing on the Citizen's fundamental right to information. These are:

1. Point 2 states that all actions like applications and appeals filed under the MRTI Act are to be considered as if MRTI was not repealed. This is indeed a very good decision and in keeping with the spirit of continuing and facilitating Citizens use of Right To Information. The obvious implication is that in case the applicant is aggrieved by the decision, he should also be able to pursue the subsequent appeals as if MRTI had not been repealed. However, some of the appellate authorities have informally stated that they would not consider appeals, since this is not specifically stated. We request you to issue a clarification, or ask GAD to do this clarifying that the further process of appeals for all actions initiated before 12 October, would continue as per MRTI. There is only a new codification of the Citizens rights and any actions which nullify these should not be allowed.
2. Point 3 of the said circular states that if any applications are received after 12 October, 2005 using the format of MRTI Act 2002, they should be returned and applicants should be asked to apply in the format for the RTI Act of 2005. There appears to be some mistake in this. The RTI act actually envisages that the PIO and the State would encourage and facilitate Citizens to use the Act and even assist illiterate applicants. Even a cursory comparison of the formats of Annexure A would show that there is hardly any difference. The new format permits payment of fees by Court fee stamp, and has almost the same matter as the earlier one. The only difference is that those under MRTI may mention filed under MRTI act 2002. This can certainly be cancelled in any application received. The other difference is that 'purpose of information' row is not there whereas a new row which talks of BPL has been added to the new form. In essence, since it is almost same as the earlier form, the order to return Applications must be withdrawn immediately. I would also bring to your notice that specific forms are not a necessary condition under the RTI Act 22 of 2005 as per the Law Ministry's advice, based on which the Centre has not specified any form. Providing a format as done by Maharashtra is convenient, but this should not be taken as a means for returning applications merely on this ground. I accept that the applications submitted after 12 October would be considered as per the provisions of Act 22 of 2005.

I request your urgent intervention in these two matters so that we can take RTI forward, and not take any actions which could regress its implementation.

Best Regards,
Shailesh Gandhi

Please join
National Campaign for People's Right To Information -NCPRI
Mera Bharat Mahaan...
Nahi Hai,
Per Yeh Dosh Mera Hai.