



DHIRAJ SRIVASTAVA
Private Secretary to Chairperson
National Advisory Council



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January 31, 2011

NO. N-180 14/1/2010-NAC-1258

Dear Shri Anbarasu,

Please find enclosed a letter No. RTIF/GF/03/20/Rep dated 14th January, 2011, along with enclosures, addressed to Smt. Sonia Gandhi, Chairperson, National Advisory Council (NAC), by Shri Virag Gupta, President, RTI Foundation, New Delhi, regarding the proposed amendment in RTI Rules.

You are requested to kindly look into the matter appropriately.

With good wishes,

Yours sincerely,

Sd/-
(Dhiraj Srivastava)

Shri A. Anbarasu,
Private Secretary to
Hon'ble Minister of State for Personnel,
PG & Pension,
North Block,
New Delhi-110 001.

Copy to: Shri Virag Gupta,
President, RTI Foundation, RTI House,
17, Central Lane,
Bengali Market, New Delhi-110 002.

✓ Copy, along with enclosures, also to:
Smt. Aruna Roy, Convenor,
Working Group on Transparency & Accountability and
Member, NAC, C/o 278, SFS DDA Flats,
Hauz Khas, New Delhi-110 016,

(Dhiraj Srivastava)

RTI Foundation

Resolving Transform India

(Society Regn No 59680 Dt 11-9-2007)

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Ref No: RTIF/GF/03/20/Rep

14th January, 2011

Smt. Sonia Gandhiji
Hon'ble Chairperson
National Advisory Council
2- Motilal Nehru Place
New Delhi 110011

Madam

Sub: Representation on proposed word limit restriction in RTI applications

RTI foundation is working towards effective utilization of Right to Information Act and our constant endeavours are towards empowering citizens of the country with the motto of **Resolving to Transform India**. RTI is one of the most powerful and versatile tool in the hands of the citizen, by which one can assert their legal rights, induce accountability and at the same time it has manifested greater transparency in the working of the various branches of the government.

We would most humbly put forth, that we are perturbed by newspaper reports wherein it has been highlighted that the government has drawn up a proposal to limit the application under right to information act within 250 words and restrict the application to one topic.

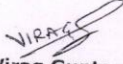
It is herein submitted that any act or move of the government in the said paradigm would only lead to vitiating the intended effects of the right to information act and would deprive the citizen with one of the most important tool. **The government should not try to define the word limit parameters only for administrative convenience ignoring the socio-economic parameters of the nation. You will appreciate that the need of hour is to do the large scale awakening of common people and training of the government staff dealing with RTI, instead of coming with such legislative amendment.**

Hence by this letter and as per detailed representation, we strongly protest against any such move and request the government not to pass any such law or amendment and if any such process is in consideration we may be informed to submit our contentions on the same before a proper forum.

After detailed research we have **prepared a scientific format of RTI application which will address the government concern and streamline the administrative process without curtailing the citizen's right. We would be pleased to make presentation** of the application format, before the authorities so it may be applied at national level.

Thanking you

Sincerely


Virag Gupta
President

Email : president@rtiindia.in
Mob : 09971797927

Annexed: Copy of Representation

REPRESENTATION

Proposed amendment in the RTI Rules imposing word limit and topic restriction

From the media reports, we understand that the government has proposed amendment in RTI Act and Rules due to following difficulties and limitations:

- a. Limitation as to government machinery and increasing burden of RTI applications.
- b. Time constraints due to lengthy RTI applications on multiple issues with irrelevant contents.
- c. Misuse of RTI for vested interest & oblique motives.

However the said must not be used so as to limit the powers which the citizen have, rather the government should work towards overcoming the difficulties posed by the barriers viz. problems faced in RTI fee payment, by way of postal order, large pendency of RTI application before different authorities, Non disclosure of information in various governmental departments etc.

We after detailed legal research and study of the existing system submit our representation on following grounds:-

1. First and foremost it is imperative to mention following objectives of the Right to Information Act, 2005 which have been mentioned in the foreword and serve as basic tenets to the act. Any modification proposed in the act must be done in fulfillment of the purpose of the act.

"An act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of the public authorities, **in order to promote transparency and accountability in the working of every public authority**, the constitution of a central Information commission and state Information Commission and for matter connected therewith or incidental thereto."

In view of above objectives of the act, any such amendment of limiting the word limit to 250 words and restriction of single topic would frustrate the very purpose of the act.

2. In India, Article 19(1) (a) of the constitution guarantees freedom to speech and expression and is one of the basic guiding principles to the RTI Act and it nowhere provides restriction on the same. For administrative convenience fetters cannot be imposed on the application by limiting it to 250 words. We must amply make ourselves clear that Right to information is a tool in making an informed decision which allows a citizen's to express their views and also allows the citizen to voice their concerns. Hence Right to information is inclusive of the freedom to speech and expression. Hence it is most humbly submitted that the said move by the government is not in the best interest of the citizen and the fundamental rights guaranteed to them.
3. Further if we move to the international arena and go through the following declarations it is pertinent to highlight the following points –
 - a. Everyone has freedom to speech and expression
 - b. The freedom should be without any fetters being imposed on it.
 - c. Interference by the public authorities should be minimum.
 - I. **Universal Declaration of Human Rights, 1948:** As per Article 19 "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinion without inference and to seek, receive and impart information and ideas through any media and regardless of frontiers"

- II. **International covenant on civil and political rights, 1966:** "Everyone shall have the right to hold opinions without interference." "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice"
 - III. **American Declaration of the rights of man, 1948:** As per Article IV, "Every person has the right to freedom of expression, of opinion, and of the expression and dissemination of ideas, by any medium whatsoever."
 - IV. **American Convention on Human Rights:** As per Article 13, "Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice".
 - V. **Rome Convention for Protection of Human Rights and Fundamental Freedom, 1950:** As per Article 10, "Everyone has the right to freedom of expression, this right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers."
4. On evaluation of the said parameters on the Right to Information act, 2005 it is important to highlight that freedom to speech and expression and must not be restricted by fetters being planned to be imposed by the government. From Indian perspective, it is pertinent to put forth to you that the very move by the government as such must be addressed on two touch stones:--
- a. Knowledge of the act to the common people of India.
 - b. Educational parameters in the country.
- On both the parameter we find that India has a long way to go and any restriction on the number of words or prescribing more technicalities in the law would prove to be a death blow to the act, since the nation as such is not even aware of the RTI Act, let alone the technicalities. Further the country still has a long way to go to meet the educational qualification to allow its citizen to succinctly write down the right to information application within the paradigm defined in the act.
5. As per DoPT findings and media reports, knowledge of the RTI act is only 33% in urban areas and 13% in the rural areas. In such a scenario instead of promoting RTI, the government restricting move would only lead to daily dilly over the application and demoralize existing activist to further the objectives of the Right to information act. It would further frustrate the entire procedure and would inculcate more technicalities in the act and hence act as a hurdle in promotion and further empowerment of the people. At this juncture the government emphasis should be on finding and promoting measures so that the knowledge of RTI Act percolates in the entire country, rather than imposing restrictions.
 6. Further it must be understood that there is a mark difference in the information seeker and information provider. While the information seeker could be an illiterate or uninformed citizen, PIO's are qualified government official who can very well ascertain the intention of the information seeker and provide them relevant information. **The person seeking the information may be a lay-man, but most importantly a citizen of the nation. The moment he writes an application he tends to become an informed citizen which is one of the biggest touch stone of the democratic setup.** Hence the government as such should aim to train the personnel handling the information to promote the use of Right to information for it is only when the information seeker succeeds in getting the requisite information he tends to publicise the use and spirit of the legislation.

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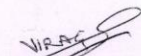
7. Most important point is that as per the provisions of the Right to Information (regulation of fee and cost) rules, 2005 applicant has to pay charges prescribed for supply of information under the act. **Hence it is immaterial that the information seeker is asking the information in a lucid manner or a hazardous manner. It is the details and magnitude of the information provided by the PIO's and not the number of words in the application or the multiple topics.** Person who is seeking the information has to pay charges for the supply of documents.
8. Regarding restricting the RTI application to one topic, this can be solved by use of well researched format suggested by RTI foundation. Secondly, as per the rules, PIO's has the authority to transfer the RTI application to the concerned department if one of the topics is not related to him. So, this proposed amendment is not required.
9. Lastly we would like to put forth that **there is no other law in India which restricts the word limit restriction on any representation or application by the common people.** Besides curtailing the fundamental rights guaranteed as per constitution of India, **it will lead to the involvements of lawyers and consultants in RTI domain which will make the whole procedure expensive and complicated.**

We in the RTI foundation after detailed research have prepared format of RTI application which not only is I.T. friendly but user friendly also for the common people. It will automatically block the unwanted content in the RTI application which leads to lengthy content and multiple topics and PIO's can go through only specific columns and they can further use the same format for reply also. This will eventually save a lot of time and resources. **We would like to give presentation before the authorities and policy makers so that same can be circulated before the state governments and law departments for consideration and approval.**

Lastly, we would like to further reiterate that all actions in the government must be to further strengthen and promote the act, rather than have a restrictive approach to the same. It is imperative that the government and the stake holders in the democratic process must not try to amend the act to suit the administrative feasibility and must allow the transition of the citizen of the Indian into informed citizens of the India and use right to information in a manner so that common people can **Resolve to Transform India.**

We hope you would appreciate our concerns and express them in a constructive manner.

Sincerely



Virag Gupta
President

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M: 9971797927

Dated: 14th January, 2011