



# Consumer Rights Education and Awareness Trust [CREAT]

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CREAT/2017-18/RTI-1

14<sup>th</sup> April 2017

Ms.Preeti Khanna  
Under Secretary [RTI]  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel and Training, North Block  
New Delhi - 110001

Dear Madam  
Greetings

Sub: Comments regarding RTI Rules 2012  
Ref: Department's circular dated 31<sup>st</sup> March 2017

The Consumer Rights Education and Education Trust, has been working in the area of Right to Information since 2002 when the Karnataka Government legislated a law on the subject. We are happy to note that the Department has invited comments on the draft Rules. We give below some of our suggestions/Comments.

## **Fees for providing information [Rule 4]**

Under rule 4[d], cost has been fixed at Rs.50 for each diskette or floppy. We suggest that this may be **deleted** in view of the fact that these two forms have lost their relevance and even in villages people do not use the diskette or floppy.

## **Mode of Payment of fee [Rule 6]**

Under Rule 6, provision may be made to remit the fee through Money Orders, which is most convenient for the common man. The Karnataka Information Commission, in one of its orders has directed Public Authorities to accept payment of fee through Money Orders. A suitable provision may be made in the draft Rules

## **Process of Appeal [Rule 10]**

Draft Rules 10[2][a] envisages the First Appellate Authority or any other person competent to pass orders on such appeals..... This provision goes against the provisions of the Act. In Section 19[1] the Act requires an officer

senior in rank to be designated as the First Appellate Authority to receive and decide first appeals. The words 'any other person competent to decide' is to be deleted.

### **Withdrawal/Abatement of Appeal [Rule 12]**

Draft Rules 12, provide for withdrawal/abatement of appeal, which in our opinion is NOT necessary and need to be deleted. If the applicant/appellant dies during the course of the hearing, it doesn't mean that the information sought loses its relevance. The legal heirs of the appellant may take forward the case. In which case information is necessary. **Withdrawal of appeal should NOT be allowed.**

### **Time Limit for service notice to applicants [Rule 18]**

The Draft Rules provide time limits to be complied with by the complainants for filing complaints. However no such time limits is prescribed for the Commission. Rules should include a time limit [preferably clear 15 days] to send notice of hearing on an appeal or complaint.

### **Time limit for disposal of cases by CIC**

In view of the long delays in disposal of appeals and complaints filed before the CIC/SIC, there is a need to specify time limits. The draft rules may lay down a practical time limit on the CIC to dispose of appeals and complaints.

While welcoming the initiative of the Government to bring in fresh rules to the RTI Act, we request the Department to consider the above comments/suggestions, before a final decision is taken.

Thanking you,

Yours Sincerely

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