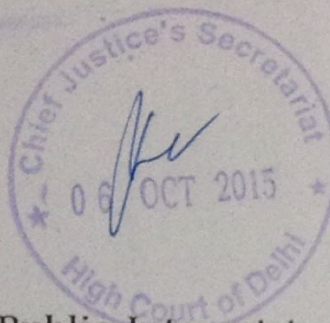


To

4th October, 2015

Hon'ble Chief Justice
Delhi High Court
New Delhi



Sub: Representation in Public Interest to harmonize the Delhi High Court RTI Rules, 2006 with the Umbrella Legislation namely Right to Information Act, 2005.

Madam

We, being the law students and responsible citizens of India, would like to bring in to your notice a grave concern pertaining to the fundamental right of the citizens which is being hampered and denied the access to the information available under the Right to Information Act, 2005 on three aspects which are as follow:

- a) *Exorbitant Fees* prescribed under Rule 10 of the Delhi High Court RTI Rules, 2006 i.e. Rs 50/- as application fee and Rs 5 per page for obtaining Photostat/Physical/Xerox copies.

As per the Central Legislation namely Right to Information Act, 2005 under which Central Government has framed Right to Information Rules, 2012 of which Rule 3 and 4 prescribes Rs 10 as application fee and Rs 2 per page for providing the Photostat/Physical/Xerox copies.

On comparing the Delhi High Court RTI Rules, 2006 and Right to Information Rules, 2012, the former rules prescribe application fee which is five times of the application fee prescribed under the later rules whereas for providing the information through Photostat/Physical/Xerox copies, the fees is sixty percent extra despite the fact that the same facility is being provided to the people at 75 paisa per page by the licensed vendor in the Delhi High Court Premises.

Further the Department of Personnel and Training, Ministry of Personnel, PG and Pension, Government of India has also requested to all the 1) Chief Secretaries of all States/UTs 2) The Registrars of all High Courts and 3) The Registrar of Supreme Court vide letter dated 10-07-2015 to harmonize their RTI (Fee and Cost) Rules and Appeal

Procedure Rules in consonance with the Central Legislation namely Right to Information (Regulation of Fee and Cost), Rules, 2005, so that the fee should not become a disincentive for using the Right to Information on the basis of 2nd Administrative Reforms Commission. The copy of said letter is hereby enclosed as **Annexure-1**.

- b) No provision for supply of information at free of cost for the citizens falling under Below Poverty Line Category.

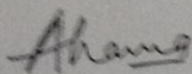
It must be noted that under proviso of sub-section (5) of the Section-7 of the RTI Act, 2005, it is stated that no fee for providing the information in any form shall be charged from the persons who are of Below Poverty Line as may be determined by the Appropriate Government. Further Persons falling under Below Poverty Line have been given exemption from payment of application fee but there is no such provision under Delhi High Court RTI Rules, 2006 which is depriving an important part of the society from accessing the information.

- c) Provision of filing separate applications for unrelated information as per Rule 3 of the Delhi High Court RTI Rules, 2006.

There is no provision in the entire RTI Act, 2005 which specifies about filing of separate application in case of unrelated information but according to Rule 3 of the Delhi High Court RTI Rules, 2006 provides that for each information sought, separate application shall be made which is creating unnecessary financial loss in terms of extra paper work, extra application fee, extra delivery charges as well as more time consuming process for both the applicant and the Public Information Officer. Further Section-22 of the RTI Act, 2005 contains the non-obstante clause which states that "*the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923 (19 of 1923), and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act* which means RTI Act, 2005 overrides the Rule 3 of the Delhi High Court RTI Rules, 2006.

We hereby humbly request to your high authority to consider this representation in public interest and harmonize the Delhi High Court RTI Rules, 2006 with the Central Legislation to uphold and promote the objective and spirit of the Right to Information Act, 2005 within a reasonable time period of fifteen days failing to which it shall be presumed to have refused the request.

Yours Sincerely



Aastha Sharma

Address-15, Banarsi Das Estate, Civil Lines, Delhi-110054

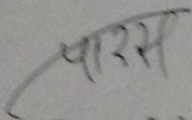
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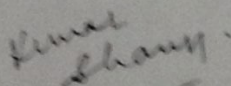
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No. 1/5/2011-IR
Government of India
Ministry of Personnel, PG & Pension
Department of Personnel & Training

North Block, New Delhi
Dated 10th July, 2015

To

- 1) Chief Secretaries of all States/UTs (except J&K).
- 2) The Registrars of all High Courts.
- 3) The Registrar of Supreme Court.

Subject: Harmonization of RTI (Fee & Cost) Rules and Appeal Procedure Rules under Right to Information Act, 2005.

Sir,

The Government of India had notified a set of RTI Rules, 2012 dated 31.7.2012 in supersession of Central Information Commission (Appeal procedure) Rules, 2005 and the Right to Information (Regulation of Fee and Cost) Rules, 2005. While drafting the RTI Rules, 2012, it was stipulated that once notified, the State Governments would be requested to adopt these rules *mutatis mutandis*, so that there might be uniformity, as far as possible, in the matter of implementation of the Act throughout the country.

2. Attention is also invited to this Department's letter of even number dated 26.4.2011 titled harmonization of fee payable under the Right to Information Act requesting thereby to review the State/Supreme Court/High Court RTI Fee & Cost Rules and to prescribe fee in consonance with the fee prescribed by the Government of India as per Right to Information (Regulation of Fee and Cost) Rules, 2005, so that the fee should not become a disincentive for using the Right to Information. It has been observed that few States have not yet harmonized their fee rules with that of the Central Government.

3. All the States/Competent Authorities are, therefore requested to kindly review their Right to Information (Fee & Cost Rules) and Appeal Procedure Rules and to notify, if need be, fresh rules in consonance with the those notified by the Government of India. A copy of RTI Rules, 2012 is enclosed.

Sandeep Jain

(Sandeep Jain)
Director (IR)
Tel.23092755

Jain

o/c