



Compliance to the RTI Act, 2005

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Why in News

The think tank 'Vidhi Centre for Legal Policy' has released a report titled, 'Sunshine in the Courts: Ranking the High Courts on their compliance with the RTI Act'.

- It developed a '**Convenience Index**' which evaluates the extent to which the RTI Rules framed by the High Courts make it convenient for citizens to file RTI applications.
- According to the **Right to Information (RTI) Act, 2005**, every High Court is required to draft RTI Rules to lay down a procedure for filing RTI applications.
- Many High Courts draft RTI Rules, which while legal, make it extremely inconvenient for citizens to file RTI applications by raising unnecessary hurdles.

Key Findings

- **Wide Gap** between the judiciary's pronouncements on the RTI Act and the manner in which the High Courts are implementing it.
- **Violation of the Act**
 - Despite **Section 8 of the RTI Act** restricting the number of grounds for denying information to citizens, the RTI rules of several High Courts have included additional grounds for rejecting requests for information.
High Courts at Bombay, Delhi, Gauhati and Gujarat are among the ones which have created additional grounds for non-disclosure of information.
 - There is a **lack of good quality proactive disclosures** by several High Courts on their websites. This is **violative of Section 4(1)(b)** of the RTI Act.
- **Transparency**
 - There is a lack of administrative transparency and financial transparency within High Courts.
 - Fewer High Courts are only willing to provide copies of their budgets and audit reports under the RTI Act.

- **Payment of Fees**
 - High Courts of Allahabad, Chhattisgarh and Gauhati are among the ones which **do not recognise convenient modes of payments** like postal orders.
 - The High Courts of Chhattisgarh and Jharkhand prescribe only court fee stamps as relevant mode of payment.
 - The **Gujarat High Court does not mention any mode of payment**, which increases uncertainty for RTI applicants.
- **Ranking on the 'Convenience Index'**
 - On the index, **not a single High Court was able to match the convenience offered by the Government of India's RTI Rules.**
 - The **High Courts at Patna, Delhi and Kerala performed the best** on the index.
 - The High Courts at Gujarat, Madras, Meghalaya and Chhattisgarh performed the worst.
- **In Comparison with the Government of India**
 - RTI rules of several High Courts provide for a **relatively inconvenient procedure** when compared to the RTI rules of the Government of India.
 - For example, many courts currently charge five times the amount charged by the Centre for filing RTI applications.
- **Recommendations**
 - The High Courts should publish **clearly discernible rules** on the website in the local language of the state.
 - Having **more modes of payment** through the RTI fees in order to make it simple for citizens to file RTI applications.

Source: TH