

Right to Information and Good Governance

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Lecture 48

Exempted Information-II

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Most of the intelligence agencies are excluded from the ambit of RTI Act, 2005 as would be seen from Schedule 2 to the Act.



- Though the public authority is bound to disclose the information but the right to seek information from a public authority is not absolute and every information is not to be disclosed from these organizations except in cases related to corruption and human rights violation.
- Sec. 24 RTI Act
- Second schedule: original list had 18 organizations. 2005 4 more were added [Special Protection Group, Defense Research Organization, Development, Border Road Development Board, Financial Intelligence Unit, India.
- March 2008 2nd amendment to RTI Act Schedule 2.
- Oct. 2008 third amendment to schedule 2. Many other organizations were replaced.



If one reads Section 24 of the Right to Information Act, it says that the Act that is RTI Act will not be applied to intelligence and security organizations. Specified in the second schedule which are established by the central government or any information that is coming by such organizations to that government except the information that is pertaining to the allegation of corruption and human right violation are not excluded.

Which very clearly means that schedule 2 organizations are generally exempted from application of the Right to Information Act however the information that is pertaining to allegation of corruption and human right violations are permissible to be provided under the Right to Information Act. And interestingly the information sort in respect of allegation of violation of human rights shall be provided within a period of 45 days so that is very important.

So, this intelligence and secret agencies will have to provide the said information though they are

not generally available for RTI queries. But whenever the human right related information is sought, they have to give that information within 45 days. So, this is something that you clearly find out under the Section 24 of the Right to Information Act. And you will notice that the government through fortification that is lead down in the house of the parliament can issue amendments to the Right to Information Act especially in terms of Section 24.

Now a corruption in human right violations, what are they? I think we will discuss that in greater detail later on. But just, at this point of time very important to know that nearly 22 organizations have been exempted from the normal general application of the right to information acts so we call them exempted organizations. Now exempted organizations are those that are not generally covered to provide information unless and until the information sort is for corruption and human right violation cases.

Now you will notice that the first amendment to the Right to Information Act was in relation to schedule 2. So RTI has received a couple of amendments and the first 3 amendments were only about those organizations that are to be included or exempted on the right to information act. Now as originally the acts 2 it had 18 organizations which were part of schedule 2 which seems to have been exempted.

However, in 2005 itself 4 more organizations were added to the list which is right in front of you in the slide over there. And it became to 22 in total. However, in March 2008 the second amendment to the RTI it was made and there were addition and deletion of some agencies in the numerical order. And in October 2008, the third amendment also was made which also replaced and exchanged a few agencies in this schedule as well.

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Exempted organizations as of now:

- The organizations areas follows:-
- 1.Intelligence Bureau
- 2.Research and Analysis Wing of the Cabinet Secretariat
- 3.Directorste of Revenue Intelligence
- 4.Central Economic Intelligence Bureau
- 5.Directorste of Enforcement
- 6.Narcotics Control Bureau
- 7.Aviation Research Centre
- 8.Special Frontier Force
- 9.Border Security Force
- 10.Central Reserve Police Force
- 11.Indo-Tibetan Border Police
- 12.Central Industrial Security Force
- 13.National Security Guards
- 14.Assam Rifles
- 15.SashtraSeema Bal
- 16.Directorste General of Income Tax(Investigation)
- 17.National Technical Research Organization
- 18.Financial Intelligence Unit India
- 19.Special Protection Group
- 20.Defense Research and Development Organization
- 21.Border Road Development Board, and
- 22.National Security Council Secretariat



Now finally if we one has to view which is the list of exempted organizations under the Right to Information Act right now as its times like this, this is the list of exempted organizations. First is the Intelligence Bureau, the Research and Analysis Wing of the Cabinet Secretariat, Directorate of Revenue Intelligence, Central Economic Intelligence Bureau, Directorate of Enforcement, Narcotic Control Bureau, Aviation Research Centre, Special Frontier Force, Border Security Force, Central Reserve Police Force, Indo-Tibetan Border Police, Central Industrial Security Force, National Security Guard, Assam Rifles, Sashtrasenabal, Directorate General of Income Tax, National Technical Research Organization, Financial Intelligence Unit of India, Special Protection Group, Defense Research and Development Organization, Border Road Development Board and finally the National Security Council Secretariat. So I think this is the list of exempted organizations that we have under the Right to Information Act for which the RTI Act does not apply.