

Day 11

Module IV

Exemptions and Other Miscellaneous Provisions

Chapter 11

Exempted Organisations

Chapter Scheme

- ☐ List of Abbreviations / Acronyms.
- ☐ Exempted Organisations of Central Government.
- ☐ The Second Schedule.
- ☐ Exempted Organisations of State Governments.
- ☐ References.

List of Abbreviations / Acronyms

<i>CPIO</i>	Central Public Information Officer	<i>PAs</i>	Public Authority / Authorities
<i>DoPT</i>	Department of Personnel and Training	<i>PIO(s)</i>	Public Information Officer(s)
<i>FAA(s)</i>	First Appellate Authority / Authorities	<i>RTI</i>	Right to Information
<i>IC(s)</i>	Information Commission(s)	<i>Ss</i>	Section(s)

Exempted Organisations of Central Government...

□ S. 24(1) of the 'RTI Act, 2005' states that

“Nothing contained in this Act shall apply to... intelligence and security organisations specified in the Second Schedule, being organisations established by the Central Government...

or information furnished by such organisations to that Government”

Exempted Organisations of Central Government.....II

□ S. 24(1) further states that

... the information pertaining to the **allegations of corruption and human rights violation** shall (however) not be excluded...

...(and) that information... in respect of **allegations of violation of human rights**...

...shall only be **provided after the approval** of the **Central Information Commission**, and... **within 45 days** from the date of the receipt of request.

The Second Schedule...

Note: The original 2nd Schedule specified 18
“Intelligence and security organisations established
by the Central Government”...

[Please refer to the original copy of the Bare Act provided – to peruse the list]

- ❑ The Central Government may by notification in the Official Gazette amend the schedule... including any other intelligence or security organisation or omitting any organisation... (the change would be deemed to have taken place on the publication of such notification) **[S. 24(2)]**
- ❑ **Each notification shall be laid before each house of the Parliament [S. 24(2)].**

The Second ScheduleII

□ The 2nd Schedule has been amended 3 times.

- The 1st amendment to the 2nd Schedule of the RTI Act substituted 15. Special Services Bureau with 15. Sashastra Seema Bal
- The amendment added 4 organisations (with corresponding serial numbers) in the 2nd Schedule:
 - 19. Special Protection Group.**
 - 20. Defence Research and Development Organisation.**
 - 21. Border Road Development Board.**
 - 22. Financial Intelligence Unit, India.**

The Second ScheduleIII

- The 2nd amendment to the 2nd Schedule omitted 3 organizations (with corresponding serial numbers in the Second Schedule prior to the 2nd amendment):
 - 16. Special Branch (CID), Andaman and Nicobar.**
 - 17. The Crime Branch-C.I.D.- CB, Dadra and Nagar Haveli.**
 - 18. Special Branch, Lakshadweep Police.**

- It added following two organisations (with corresponding serial numbers in the 2nd Schedule after the 2nd amendment):
 - 16. Directorate General of Income-tax (Investigation)**
 - 17. National Technical Research Organisation**

The Second ScheduleIV

- The 3rd amendment to the 2nd Schedule added 1 **organization** (with corresponding serial numbers in the Second Schedule after the 3rd amendment):
22. National Security Council Secretariat
- **Note:** The Department of Personnel and Training (DOPT) issued a circular on 14 November 2007 advising all the organisations specified in the Second Schedule to designate Central Public Information Officers (CPIOs) and First Appellate Authorities (FAA) within the organisations and publish the details immediately.

Exempted Organisations of State Governments...

□ S. 24(4) of the 'RTI Act, 2005' states that

"Nothing contained in this Act shall apply to ...intelligence and security organisation... established by the State Government as that Government may, from time to time, by notification in the Official Gazette specify:

provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded...

Exempted Organisations of State Governments.....II

- S. 24(4) further states that

...(and) that information... in respect of **allegations of violation of human rights**...

...shall only be **provided after the approval** of the **State Information Commission**, and... **within 45 days** from the date of the receipt of request.

- Every notification issued under S. 24(4) shall be laid before the State Legislature.

References

- ❑ 'Right to Information Act', 2005 – Bare Act. A soft copy is available on this website. It is downloadable.
- ❑ www.rti.gov.in
- ❑ www.cic.gov.in

End of Chapter 11

You must take the Quiz for this Chapter before proceeding to the next Chapter!