



सूचना के जन अधिकार का राष्ट्रीय अभियान

NATIONAL CAMPAIGN FOR PEOPLE'S RIGHT TO INFORMATION

Press Statement

Exempting the CBI Defeats the Stated Purpose of the Right to Information Act

The National Campaign for People's Right to Information (NCPRI) is extremely disappointed over the Central Government's decision to exclude the Central Bureau of Investigation (CBI) from the purview of the Right to Information Act (RTI Act). Section 24 of the RTI Act permits governments to exclude only intelligence and security organisations from general obligations of transparency applicable to other public authorities. The CBI is not mandated by law to undertake any intelligence gathering or security-related duties. It is tasked with conducting investigations into cases of corruption or any other criminal case involving heinous offences that may be referred to it by the Government or by the courts. The Government's decision to exclude an organisation whose job description does not fit the criteria given in the RTI Act is patently illegal and illegitimate.

The NCPRI is deeply concerned about the opaqueness involved in this decision-making process. There is no official statement yet in the public domain despite the Union Cabinet approving the proposal to exempt the CBI. Nor did the Government volunteer information as to why this organisation must be insulated from public gaze in a season of scandals involving graft. The CBI is currently investigating some of these high profile cases of grand theft of public money and resources. Parliament enacted the RTI Act in order to create a regime of transparency so that people may seek and use public information to contain corruption and hold the government and its instrumentalities accountable. The Government's decision to exempt the CBI without any public debate about the necessity of such a step is in violation of the very purpose of the RTI Act. This is clearly a case of misuse of the powers delegated by Parliament to the Government.

Exempting the CBI in this manner sets a dangerous precedent as many State Governments will feel encouraged to insulate their entire police force and anti-corruption agencies in a similar manner. The Government of Tamil Nadu has already kept its anti-corruption department and the State Vigilance Commission outside the purview of the Act in violation of the letter and the spirit of the RTI Act. The Central Government's action will only embolden other public authorities to seek similar immunity from transparency obligations thereby undermining the primacy of the rule of law that underpins our Constitution.

The exemptions contained in Section 8(1) of the RTI Act provide adequate protection for the legitimate public interests of all public authorities. Despite adjudicating scores of information access disputes involving the CBI, the Central Information

Commission, to the best of our knowledge, has not ordered the disclosure of any information that may cause harm to legitimate public interests that this organisation is mandated to serve and protect. Given the strong protections available under Section 8(1) there is no legitimate reason why the CBI should be placed beyond the pale of the regime of transparency that the RTI Act has created.

The NCPRI will use all available fora to oppose the Government's decision to exempt the CBI from the purview of the RTI Act. RTI users, activists and organisations across the country are loudly expressing their displeasure at the attempts to curtail the reach of the RTI Act in this manner. The Government is better advised to pay heed to these voices which will begin resonating in the streets when the need arises. The NCPRI demands withdrawal of the decision to exempt the CBI from the purview of the RTI Act. The NCPRI also calls for the development of rules and guidelines for Section 24 to prevent misuse of the powers granted to Governments.

Signatories:

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(For the National Campaign for People's Right to Information)

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