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No. 24013/39/Misc./2013-CSR.III
Government of India/Bharat Sarkar
Ministry of Home Affairs

NDCC-II Building, Jai Singh Road,
New Delhi
Dated the 14th June 2013.

To,

The Chief Secretaries,
All State Governments/UT Administrations.

**Subject: Advisory to provide adequate security of RTI Activists-
Regarding.**

Sir/Madam,

As you are aware, after promulgation of the Right to Information Act, 2005 incidents of attack on the RTI activists have been reported. Thereafter in order ensure the Safety to the RTI Activists, Ministry of Home Affairs had issued an Advisory on 1-3-2011, a copy of which is enclosed at Annexure-I.

2. The Department of Personnel & Training (DOPT), Government of India has recently conveyed that they had set up a Task Force in May 2011 to review the provisions made in Right to Information Act 2005 and also to recommend measures for its better implementation and enforcement and to suggest the measures for protection of persons seeking information under the RTI Act. The Task Force has given certain suggestions regarding ensuring of the security of the RTI Activists, which is attached at Annexure-II.

3. Since the 'Police' and 'Public Order' being State subjects under the Seventh Schedule to the Constitution of India, the State Governments/UT Administrations are again requested to consider the recommendations /suggestions of the Task Force for immediate compliance.

...2/-

4. The State Governments/UT Administrations may also consider taking any additional measures/mechanisms to introduce in their respective jurisdiction for the strict compliance of the above suggestion of DOPT. This Ministry may also be kept apprised of any special measures/mechanisms taken in their respective jurisdictions so that the same could be circulated to the other State Governments and UT Administrations for consideration/ adoption.

5. It is also requested to kindly ensure that this comprehensive instruction is circulated amongst all the concerned Departments/ Organisations under your jurisdiction for strict compliance.

Yours faithfully,



(S. Suresh Kumar)
Joint Secretary to the Govt. of India,
Tele No. 23093410.

Encl. As above

Copy for information and necessary action to:-

1. The Principal Secretary/ Secretary Home – All State Governments/UT Administrations.
2. The Director General of Police – All State Governments/UT Administrations.
3. The Secretary, Department of Personnel & Training, North Block, New Delhi.
4. The Director, Central Bureau of Investigation, CBI Hqrs, CGO Complex, New Delhi.
5. Registrar General, Supreme Court of India, New Delhi.

Answer II

Steps to be taken in matters relating to threat to RTI activists

6.1 The Task Force discussed the issue relating to threat of RTI activists and felt that this is a serious matter which would require more detailed discussions especially with law enforcement agencies. However, Task Force members felt that pending such detailed deliberations following may be taken up for immediate action:

- (a) Parliamentary Standing Committee, while discussing 'Whistle Blowers Bill' has also given certain guidance in regard to threat to RTI users. These may be adequately addressed while redrafting the Bill.
- (b) National Human Rights Commission (NHRC) has a policy to take action in matters relating to human rights defenders. The Task Force is of the view that RTI activists are also covered under the definition of a human rights defender and NHRC may be impressed upon to recognize them as such. This recognition would go a long way in helping the police to take complaints from the victims or an attack on a RTI activist as a result. The NHRC should also be requested to take action on complaints of attacks on RTI users and to seek report from the concerned police about the progress of the investigation in relation to such attacks and to give suitable directions to ensure the safety of the life and property of activists under threat.
- (c) The Task Force is of the view that if an RTI user or activist is being threatened or attacked to prevent him from accessing information under the Act, then it becomes a complaint case under Section 18 of the RTI Act and Information Commissions may take cognizance of such complaints and may conduct necessary enquiries, etc., as provided in the Act. They should also ensure that information seeking of which caused such attacks or threats is expeditiously publicized.
- (d) State Information Commission of Gujarat has taken some proactive steps whereby directions are issued to police authorities and district collectors immediately (upon receiving complaints under section 18 of RTI Act, along with details of the threats/attacks/pressures and copy of intimation of the same to nearest police station) for providing necessary protection to an RTI activist under threat and also for conducting enquiries. In case an RTI applicant is attacked, the complaints filed by applicants closest relation or civil society organization or mandal are also taken into consideration for immediate actions. Other states may also be encouraged to adopt similar practice.

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(e) The Task Force also recommends that the forums of civil societies active in the field of Right to Information in various states may also be activated to take up serious cases of threat and attacks on RTI activists before state authorities and State Information Commissions. This would bring in necessary pressure on the law enforcement agencies to take prompt action in such matters.

6.2 Although Task Force has deliberated on the issues relating to threat to RTI activists and has given recommendations in this regard, it is of the view that this issue needs more detailed discussions, particularly with law enforcing agencies, in order to work out more specific action plan for tackling this problem.

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Annexes

No.24013/26/C.C./2010-CSR.III 636-77
Government of India
Ministry of Home Affairs
(CS Division)

SINb. 411

North Block, New Delhi
Dated 1st March 2011

To,

The Chief Secretaries of all State Governments/UT Administrations.

Subject: Petition of Shri Gaurav Aggarwal through Hon'ble Supreme Court of India regarding RTI Activists-

Sir,

I am directed to forward a copy of a letter dated 28-9-2010 from the Addl. Registrar of Hon'ble Supreme Court, along-with a letter dated 30-07-2010 addressed to Chief Justice, Hon'ble Supreme Court by Shri Gaurav Aggarwal seeking direction of Hon'ble Supreme Court for CBI enquiry into mysterious deaths (alleged murder) of eight RTI Activists in the country.

3. It is requested that measures, as deemed appropriate, may please be taken to ensure the safety of the RTI activists and the action taken position may please be intimated directly to the petitioner under intimation to the Additional Registrar, Supreme Court of India and this Ministry.

Yours sincerely,


Encl: As above

Joint Secretary to the Government of India
Tel 2309 2630.



Copy to:-

1. The Home Secretary, Government of Maharashtra, Mantralaya, Mumbai.
2. The Principal Secretary (Home), Government of Andhra Pradesh, A.P. Secretariat, Hyderabad.
3. The Home Secretary, Government of Bihar, Main Secretariat, Patna.
4. The Home Secretary, Government of Gujarat, Sachivalaya, Block No. 2, 2nd Floor, Gandhi Nagar- 382010.
5. The Additional Registrar, Supreme Court of India, New Delhi w. r. to their letter No. 10811/SC/PIL/2009 (15134/2010) dated 28th September 2010 along-with a copy of this Ministry's ID note of even number dated 21-12-2010 and CBI's letter No. 21/1/2011-PD/477 dated 17-02-2011.
6. Secretary, DOPT, North Block, New Delhi w. r. to this Ministry's ID Note of even number dated 21-12-2010 along-with a copy of the CBI's letter F. No. 21/1/2011-PD/477 dated 17-2-2011 with a request that as the RTI Act is administrated by the DOPT, an appropriate reply on behalf of the Government of India may please be furnished for information of the Hon'ble Supreme Court, under intimation to the MHA.
7. Shri Saurabh Tripathi, Asstt. Inspector General of Police (P), CBI, Policy Division, North Block, New Delhi w. r. to CBI's letter F.No. 21/1/2011-PD/ 477 dated 17-2-2011 for information.


(K.K. Pathak)

Joint Secretary to the Government of India
Tel 2309 2630.

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