

Dear all,

We are all aware of the practice of bureaucrats who classify files, records and various kinds of electronic information as 'top secret', 'secret' and 'confidential'. However the rules governing such classification are themselves secret. These instructions are contained in a book called Manual of Departmental Security Instructions. This Manual was first issued in 1966 and revised several times later. The Union Ministry of Home Affairs is responsible for updating this Manual. Two years ago I filed an RTI application seeking access to this Manual. The CPIO and the First Appellate Authority rejected the request on grounds of national security saying that the document was classified as 'confidential'. The Central Information Commission in its wisdom upheld the rejection despite my argument that rules, regulations and guidelines cannot be classified in any civilised society. This [decision](#) has been challenged in another matter pending before the CIC because another public authority has rejected another RTI application of mine saying that what I asked for has been marked 'Restricted' in the interests of national security. This is a funny situation as they do not tell you on what grounds classification is done but still deny information saying a document is classified. So it is not possible to challenge the security classification before the CIC. I am hoping that my next appeal will be decided differently in order to undo the previous decision which with all respect to the CIC, I believe has been decided wrongly.

**Proactive DoPT:**

But the Department of Personnel and Training (DoPT) has been more than diligent in this case. My first application was sent to them. I sought to know in 2008 what action has been taken on the recommendation made by the Second Administrative Reforms Commission in para 4.1.8 (which I wrongly mentioned as 4.8.1) of its first report entitled Right to Information: master Key to Good Governance. Later I followed up this matter with another application to the Ministry of Home Affairs which led to the CIC's decision upholding denial of information.

However the DoPT has kept this matter open and a few weeks ago sent me a [reply](#) about the action taken by the Union Home Ministry on para 4.1.8. The Home Ministry has made some changes and now we know what is minimum rank of an officer required for marking any information or document top secret', 'secret' and 'confidential'. Frankly they did not have to send me this reply as the CIC had disposed of the matter and I have not made the DoPT a party to my second case pending before the CIC. Nevertheless they have sent a response and I applaud them for this good practice. Of course every time they write to me they always rub it saying I mentioned the para number wrongly. I accept that mistake in all humility (as it was a typo) and thank them for sending me this information. The scheme of authorisation for classification is as follows:

**'Top Secret': Officer of Joint Secretary Rank or above.**

**'Secret': Officer of Deputy Secretary Rank or above.**

**'Confidential': Officer of Under Secretary rank or above.**

I wonder who is authorised to make these kinds of classifications in State Governments and district administration offices.

**Is the information about classification procedures really so 'confidential'?**

There is another interesting dimension to this case. Even as the Home Ministry denied access to the Manual saying that it could be misused by terrorists (one of the MHA representatives stated during the hearing that my efforts would only help terrorists and nothing more) and the CIC upheld the decision of rejection surprisingly brushing aside all international best practices that I had highlighted, a sister unit of the Home Ministry has gone ahead and published a whole chapter on security classification on its website which is available to any person anywhere in the world.

The Andaman and Nicobar Administration has published a Manual of Office Procedure for its Secretariat. This Manual is accessible at: <http://www.and.nic.in/Announcements/Office%20Procedure%20Manual/OfficeProcedureManual.htm>. [Chapter 13 of this Manual](#) contains details of criteria for classification and the manner in which classified documents must be handled and transported. To top it all, Andaman and Nicobar Administration falls under the administrative jurisdiction of the Union Home Ministry! The left hand knows not what the right hand does.

I was blissfully unaware about the existence of this document when the first case was on. The most interesting aspect of this disclosure is that the draft version of the Manual was up on the website of the Andaman and Nicobar Administration for public comment and stayed there for several months. I must thank a gentleman associated with a senior advocate's office in Delhi for bringing this to my attention. In 2010 I sent a compliance request to the Andaman and Nicobar Administration reminding them that the final version of the Manual must be uploaded on their website as per their obligation of proactive disclosure under Section 4(1)(b) of the Right to Information Act. As expected no response was forthcoming. Later I sent them a formal request with application fee. They responded a couple of months late but indicated the URL where the entire Manual was available. They also charged me a considerable sum for sending a hard copy of the Manual. I chose to download it for free from their website instead.

I hope to bring this matter up with the CIC when the next case comes up for hearing. Until then, the veil on the mystery of who is authorised to classify documents has lifted a little bit.

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Thanks

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