

Dear all,

Readers will remember our email alert sent out last week on this subject. The Central Government introduced a Bill in Parliament in September 2011 to create a nuclear safety regulatory mechanism. The text of *The Nuclear Safety Regulatory Authority Bill, 2011* (NSRA Bill) is attached. This Bill is being vetted by the Department Related Parliamentary Standing Committee on Science Technology, Environment and Forests chaired by Shri T Subbarami Reddy, MP. This Bill seeks to add a new exemption on nuclear and radiation safety matters to Section 8(1) of the Right to Information Act (RTI Act). It also seeks to exclude from the purview of the RTI Act an unspecified number of nuclear safety regulatory agencies that are established by the Central Government for national defence and security purposes.

Reports indicate that the Committee is working on its report and recommendations on the Bill. We had issued an email alert requesting readers to send messages to the Chairperson of the Standing Committee urging him to reject both proposals to amend the RTI Act. I have attached CHRI's submission to the Chairperson of the Standing Committee. Please circulate this widely and also use it to send your own submissions to the Committee.

### ***Annual RTI statistics of the Department of Atomic Energy:***

After getting to know the facts about amendments to the RTI Act, I sought from the Department of Atomic Energy a copy of the Cabinet note that was sent to the Union Cabinet seeking approval for tabling the NSRA Bill in Parliament. While my RTI application is being processed the Dept. sent me some statistics about the RTI applications received by the Secretariat and all of its field units between 2010-2011 (attached). The statistics reveal very interesting data:

- The Atomic Energy Regulatory Board established under the Atomic Energy Act, 1962 (which will be replaced by the Nuclear Safety Regulatory Authority if the NSRA Bill becomes law) received a total of 43 applications during 2010-2011. It provided information in all cases without rejecting any. **If this is the case why exempt other safety regulatory boards established under Clause 25 under the Bill by putting them on Schedule 2 of the RTI Act?** Cynics may argue that the very fact that AERB did not reject any request shows that it needs greater protection. So let us see what else do the DAE's RTI statistics show.
- The Dept. of Atomic Energy itself received 280 RTI applications during this period. Only 33 applications were rejected. 28 were rejected under Section 8(1)(c) relating to parliamentary privilege. 5 were rejected under Section 8(1)(e) relating to fiduciary relationship. The use of parliamentary privilege for denying a bulk of information is very interesting. A study of the contents of these RTI applications is necessary to draw further conclusions. **So no rejections were based on Section 8(1)(a) which relate to scientific, strategic, defence or commercial interests which a public authority would normally be expected to invoke to protect sensitive information about nuclear safety matters.**
- BARC facilities at Kalpakkam received 13 RTI applications during this period. Three were rejected under Section 8(1)(j) which is a privacy-related exemption. **Again no rejections were based on Section 8(1)(a) which relates to scientific, strategic and defence interests.**
- BARC at Tarapur also received 13 RTI applications. These were rejected under Section 8(1)(e) relating to fiduciary relationship. Without finding out the contents of the RTI applications it is not possible to check whether these rejections were justified. **However again Section 8(1)(a) was not invoked by BARC Tarapur to reject RTI applications which is significant.**
- BARC at Trombay received 231 RTI applications, 8 were pending from the previous year. Rejections were issued only in 18 cases. Of these 2 were rejected under Section 8(1)(e) relating to fiduciary relationship and 7 were rejected under Section 8(1)(j) relating to privacy. **Only 1 application was rejected under Section 8(1)(a).** The remaining were rejected for other unspecified reasons. (This is an area that needs study as noted by the Central Information Commission also in its Annual Report).

- In all 34 institutions under the Dept. of Atomic Energy including the Secretariat, its units, public sector undertakings and aided institutions (like the Atomic Energy Education Society) invoked Section 8(1)(a) only twice- once by BARC at Trombay and a second time by India Rare Earth Ltd. India Rare Earth is responsible for mining the monazite sands in Kerala amongst other heavy minerals. Its website is accessible at:[http://www.irel.gov.in/scripts/about\\_us.asp](http://www.irel.gov.in/scripts/about_us.asp)

In my limited understanding of the RTI statistics provided by the Dept. of Atomic Energy, there have been only two occasions to deny access to information on grounds of defence, scientific or strategic interests which closely relate to the public interests that cover nuclear and radiation safety matters. This rare usage of Section 8(1)(a) also indicates that people are not seeking sensitive information that may jeopardise nuclear safety issues. The existing provisions of the RTI Act appear to be adequate for the purposes of AERB.

Why then add a new exemption to Section 8(1) through the NSRA Bill?

Why then completely exclude the as yet unestablished nuclear safety regulatory bodies under Clause 25 when the AERB itself has not been given this privilege?

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The proposals to amend the RTI Act seem truly arbitrary in light of the Government's own statistics.

Please use the following para to send an email to the Parliamentary Standing Committee opposing these amendments:

*"We the people of India who have been actively using RTI to promote transparency and accountability in government are distressed to learn that the Government of India has proposed amendments to the Right to Information Act, 2005 through The Nuclear Safety Regulatory Authority Bill, 2011. This Bill was tabled in the Lok Sabha in September 2011 and has since been referred to your committee. These amendments are unnecessary in view of the adequate protection for all legitimate interests provided under Section 8(1) of the RTI Act. The exclusion of special nuclear regulatory authorities referred to in Clause 25 even before they are established by the Government is a clear instance of misuse of Section 24 of the RTI Act. Such bodies by their very nature, purpose and functions cannot be categorised as intelligence and security organisations. We urge you to recommend deletion of all clauses that seek to amend the RTI Act.*

**No Amendments Through the Backdoor  
: Save Our RTI Act"**

Please send your letter/fax/email ([rsc-st@sansad.nic.in](mailto:rsc-st@sansad.nic.in)) addressed to:

*The Chairperson  
Department Related Parliamentary Standing Committee on  
Science, Technology, Environment and Forests  
Rajya Sabha Secretariat,  
Room No. 005, Ground Floor,  
Parliament House Annexe,  
New Delhi-110001.  
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# **No Amendments Through the Backdoor : Save Our RTI Act**

In order to access our previous email alerts on RTI and related issues please click on:[http://www.humanrightsinitiative.org/index.php?option=com\\_content&view=article&id=65&Itemid=84](http://www.humanrightsinitiative.org/index.php?option=com_content&view=article&id=65&Itemid=84) You will find the links at the top of this web page. If you do not wish to receive these email alerts please send an email to this address indicating your refusal.

Thanks

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