

शैलेश गांधी
सूचना आयुक्त
shailesh gandhi
Information Commissioner



केन्द्रीय सूचना आयोग
क्लब बिल्डिंग (बेर सराय मार्केट के सामने)
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CENTRAL INFORMATION COMMISSION
CLUB BUILDING (OPPOSITE BER SARAI MARKET)
OLD J. N. U. CAMPUS, NEW DELHI-110067

CIC/PM/RM/2012-023

सत्यमेव जयते

26 March 2012

To,
Dr. Manmohan Singh
Prime Minister of India
Raisina Hill
South Block
New Delhi- 110 001

Respected Mr. Prime Minister,

I am writing to you to convey my serious concerns about the Government's proposal to amend the Right to Information Act, 2005 (RTI Act), through the Nuclear Safety Regulatory Authority Bill, 2011 (NSRA Bill).

Your Government introduced the NSRA Bill in the Lok Sabha in September last year. It contains two proposals for amendment of the RTI Act. The first amendment seeks to add a new exemption to Section 8 of the RTI Act to cover sensitive information relating to nuclear and radiation safety issues and also commercially sensitive information of technology holders. The existing provisions of Section 8(1)(a) and Section 8(1)(d) provide adequate protection for the legitimate needs of information which should not be disclosed. I truly believe that there is no need to amend the RTI Act for this purpose. The record of RTI applications disposed of by the Department of Atomic Energy and its associated units clearly shows that the existing provisions under Section 8 are more than adequate for protecting sensitive information about nuclear energy facilities.

The second amendment seeks to insulate unspecified regulatory bodies that will oversee nuclear facilities established for strategic and national defence purposes. When these bodies are established they will automatically enter Schedule 2 of the RTI Act. Section 24 of the Act applies only to intelligence and security organizations. The regulatory bodies that will be established under Clause 25 of the NSRA Bill do not fit the criteria for exclusion given in the RTI Act. Further the NSRA Bill makes disclosure of information about such bodies a punishable offence. This clause will be used as a shield to prevent disclosure of information relating to even allegations of human rights violation and corruption in such bodies. Under Section 24 such information must be mandatorily disclosed by all bodies placed under Schedule 2. In effect the NSRA Bill seeks to vest a enormous discretion in the hands of such bodies to withhold people's access to information. These provisions are a regression in the journey of our Parliament towards a participatory democracy. Whereas Nuclear power and energy are important for the Nation, transparency and democracy are certainly more important and must not be whittled down.

The RTI Act has stood the test of time, and there is no evidence of it hurting Public interests. You have also announced your Government's decision to reduce the scope for discretion at all levels of the administration. Two members of the Parliamentary Standing Committee that examined the NSRA Bill have also expressed their opposition to the curtailment of transparency with regard to nuclear facilities. Citizens have also written to you expressing their apprehensions about the curtailment of the regime of transparency established by the RTI Act through the NSRA Bill.

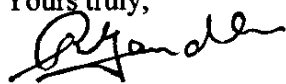
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I would like to remember Justice Mathew's clarion call in State of Uttar Pradesh v. Raj Narain (1975) "*In a government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can be but few secrets. The people of this country have a right to know every public act, everything that is done in a public way by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing. Their right to know, which is derived from the concept of freedom of speech, though not absolute, is a factor which should make one wary when secrecy is claimed for transactions which can at any rate have no repercussion on public security*".

I humbly urge you to take note of our serious apprehensions about the need for transparency in nuclear energy related matters. Nuclear energy is as much about development of the country as it is about the safety and well-being of the citizenry. A high degree of transparency in such matters will go a long way in building people's confidence in the Government's ability to establish and maintain nuclear energy facilities, and also act as a check on any mistakes which may be made. I request you to prevent amendments to the RTI Act which will weaken the fundamental right of citizens.

Looking forward to your proactive action to defend democracy,

Yours truly,



Shailesh Gandhi
Information Commissioner

