

The Second Schedule (of the 'RTI Act, 2005') – As Amended

-- Srinivas Madhav, Consultant (RTI), madhav@cgg.gov.in (dt. March 2009)

First amendment to the Second Schedule of the Right to Information Act

The Second Schedule of the Right to Information (RTI) Act was first amended *vide* Notification General Statutory Rules(G.S.R.)347 dated 28 September 2005 issued by Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), published in the Gazette of India on 8 October 2005.

First amendment to the Second Schedule of the RTI Act substituted Sashastra Seema Bal (corresponding serial number in the Second Schedule -15) for Special Services Bureau (Sashastra Seema Bal was earlier called Special Services Bureau when it was formed in 1963 after the Sino-Indian war) and added the following four organizations (with corresponding serial numbers in the Second Schedule prior to the second amendment):

19. Special Protection Group.
20. Defence Research and Development Organisation.
21. Border Road Development Board.
22. Financial Intelligence Unit, India.

Second amendment to the Second Schedule of the RTI Act

The Second Schedule of the RTI Act was further amended *vide* No.G.S.R.235(E) dated 27 March 2008 issued by the Ministry Of Personnel, Public Grievances And Pensions (Department Of Personnel and Training) ,published in the Gazette of India on 28 March 2008. A copy of the Ministry of Personnel, Public Grievance and Pensions (Department of Personnel and Training) Notification G.S.R. 235 (E) dated the 28th March, 2008, publishing amendments to the Second Schedule to the Right to Information Act, 2005, under sub-section (3) of Section 24 (B) of the Right to Information Act, 2005 was tabled in the Rajya Sabha on 30th April, 2008. ¹

Second amendment to the Second Schedule omitted following three organizations (with corresponding serial numbers in the Second Schedule prior to the second amendment):

16. Special Branch (CID), Andaman and Nicobar.
17. The Crime Branch-C.I.D.- CB, Dadra and Nagar Haveli.
18. Special Branch, Lakshadweep Police.

It added following two organizations (with corresponding serial numbers in the Second Schedule after the second amendment):

16. Directorate General of Income-tax (Investigation)
17. National Technical Research Organisation

¹ Brief Record of the Proceedings of the Meeting of the Rajya Sabha held on the 30th April, 2008, *RAJYA SABHA Parliamentary Bulletin PART - I (Two hundred and thirteenth Session)*

Third amendment to the Second Schedule of the RTI Act

The Second Schedule of the RTI Act was further amended vide No.G.S.R.726(E) dated 8 October 2008 issued by the Ministry Of Personnel, Public Grievances And Pensions (Department Of Personnel and Training), published in the Gazette of India on 8 October 2008.

Third amendment to the Second Schedule added following organization (with corresponding serial numbers in the Second Schedule after the third amendment):
22. National Security Council Secretariat

Sub-section (1) of section 24 of the RTI Act reads as follows:

Nothing contained in this Act shall apply to the intelligence and security organisations specified in the Second Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government:

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the Central Information Commission, and notwithstanding anything contained in Section 7, such information shall be provided within forty-five days from the date of the receipt of request.

The RTI Act partially excludes the following from the ambit of the Act:

- Organisations specified in the Second Schedule
- Information furnished by such organisations to the Central Government

However, the following information is not excluded:

- Information pertaining to the allegations of corruption
- Information pertaining to the allegations of human rights violations

Approval of the Central Information Commission is required for disclosure of information in respect of allegations of human rights violations and maximum time limit is 45 days for such disclosures. It seems the excluded organisations need not obtain such approval from the Central Information Commission to disclose the information pertaining to the allegations of corruption.

Department of Personnel and Training (DOPT) issued a circular on 14 November 2007 advising all the organisations specified in the Second Schedule to designate Central Public Information Officers (CPIO) and First Appellate Authorities within the organisations and publish the details immediately.

The Second Schedule of the Right to Information Act, as amended, is as follows:

THE SECOND SCHEDULE

(See section 24)

Intelligence and security organisation established by the Central Government

1. Intelligence Bureau.
2. Research and Analysis Wing of the Cabinet Secretariat.
3. Directorate of Revenue Intelligence.
4. Central Economic Intelligence Bureau.
5. Directorate of Enforcement.
6. Narcotics Control Bureau.
7. Aviation Research Centre.
8. Special Frontier Force.
9. Border Security Force.
10. Central Reserve Police Force.
11. Indo-Tibetan Border Police.
12. Central Industrial Security Force.
13. National Security Guards.
14. Assam Rifles.
15. Sashastra Seema Bal.
16. Directorate General of Income-tax (Investigation).
17. National Technical Research Organisation.
18. Financial Intelligence Unit, India.
19. Special Protection Group.
20. Defence Research and Development Organisation.
21. Border Road Development Board.
22. National Security Council Secretariat.