



# Commonwealth Human Rights Initiative

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New Delhi - 110001

## Smt Shiela Dixit

Chief Minister

Government of the NCT of Delhi

3 Motilal Nehru Place

New Delhi - 110011

12 July 2005

Dear Sir and Madam:

### Re: Coverage of Delhi Police under the new Right to Information Act 2005

I am writing from the Commonwealth Human Rights Initiative (CHRI), an independent, non-partisan, non-government organisation. CHRI's Right to Information Programme is dedicated to advocating for the right to information, as well as assisting governments to develop and implement effective RTI laws. In India, CHRI has been closely involved in the recent legislative processes leading up to the enactment of the new national Right to Information Act 2005.

I understand from a report published in the Hindustan Times on 9 July 2005 "Information Right: Delhi Police Wants Out" that the Delhi Police have requested the Delhi and/or Central Governments to make them exempt from coverage under the new RTI Act 2005, by exercising the powers under s.24(2) or s.24(4) of the Act.

I wish to strongly urge you to reject the Delhi Police's request, as the Act in its current form already adequately protects their legitimate interests. Specifically, the exemption clauses in s.8 (1) of the law already specifically safeguard sensitive law enforcement information. Thus, even as a public authority covered by the RTI Act 2005, nonetheless the Delhi Police is not under obligation to give any citizen:

- *Information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic...interests of the State...or lead to incitement of an offence (Clause 8(1)(a))*
- *Information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes (Clause 8 (1)(g))*
- *Information which would impede the process of investigation or apprehension or prosecution of offenders (Clause 8(1)(h))*

Given that the Delhi Police are already protected from disclosure via the exemptions, there appear to be no valid reasons why the working of the Police should not be open and transparent. In particular, the Delhi Police should most certainly be under an obligation to implement the proactive disclosure provisions in clause 4 of the Act, because they are a front line public service organisation and it is therefore essential that the public are regularly provided with updates on the services they provide, the means of accessing them and other general information on the police force. More generally, as a public body which spends public monies and provides an essential public service, in fact it is imperative that the Delhi Police are covered by the law so that they are able to be subject to public oversight.

The national Right to Information Act 2005 is a key piece of legislation which promises to usher in a new era of openness, transparency and accountability in government. I would therefore urge you, in the spirit of the Act, not to action the Delhi Police's request that the organisation be added to the list of agencies exempt from coverage under the Act and instead set a positive example reaffirming the faith of Delhi's citizens in the Police's motto: "With You For You Always".

If you would like more information on the exemption clauses or any other specific points of the law or if we can be of assistance to you in any other way please do not hesitate to contact me on (0) 9810 199 745 or (011) 2685 0523 or via email at [majadhun@vsnl.com](mailto:majadhun@vsnl.com) or Ms Charmaine Rodrigues, Co-Coordinator - RTI Programme at those numbers or [charmaine@humanrightsinitiative.org](mailto:charmaine@humanrightsinitiative.org).

Sincerely,



Maja Daruwala  
Director

- Cc: Mr K K Paul, Delhi Police Commissioner, Police Headquarters, ITO, Indraprastha Estate, New Delhi □ 110011.
- Shri S Regunathan, Chief Secretary, Government of the National Capital Territory of Delhi, Players Building, Indraprastha Estate, ITO, New Delhi □ 110011.
  - Mr A N Tiwari, Secretary for Personnel, Ministry of Personnel, Public Grievances and Pensions, Government of Delhi. North Block, New Delhi - 110001
  - Shri T K Vishwanathan, Secretary for Legislation, Legislative Department, Ministry of Law and Justice, Government of India, Room # 405, A Wing,
  - Smt Sonia Gandhi, Chairperson, National Advisory Council, 10 Janpath, New Delhi - 110011
  - Shri Arun Bhatnagar, Secretary, National Advisory Council (for circulation to all NAC members), 2 Motilal Nehru Place, New Delhi - 110001