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ABSTRACT

The Right to Information Act, 2005 (Central Act 22 of 2005) - Act not to apply to certain organizations - Notification - Issued.

Personnel and Administrative Reforms (N) Department

G.O.Ms.No.158

Dated: 26.8.2008

ஆவணி 10,

திருவள்ளூர் ஆண்டு 2039.

ORDER:

The Government of India have enacted the Right to Information Act, 2005 (Central Act 22 of 2005) to provide for setting up the practical regime of right to information for citizens to secure access to the information under the control of Public Authorities, in order to promote transparency and accountability in the working of every Public Authority.

2. As per sub-section (4) of section 24 of the Right to Information Act, 2005, nothing contained in the Act shall apply to such Intelligence and security organization being organizations established by the State Government as that Government may, from time to time, by notification in the Official Gazette specify.

3. The State Vigilance Commission and the Directorate of Vigilance and Anti-Corruption primarily deal with investigation into alleged corrupt activities of public servants. The investigations and subsequent actions culminate in disciplinary action or criminal action in the appropriate courts of law. Confidentiality and secrecy in certain cases requires to be maintained during the whole process from the initial stage upto filing of charge sheet in the court on the one hand and upto issue of final orders in the case of disciplinary proceedings. Revealing any information to any agency including the aggrieved person would be detrimental to the progress of the case. Of late, there has been a tendency on the part of some citizens to ask for a lot of information under the Right to Information Act, 2005. The Government feel that in vigilance cases giving information at the initial stages, investigation stages and even prosecution stages would lead to unnecessary embarrassment and will definitely hamper due process on investigation.

4. The Government have therefore decided to specify by notification in the Tamil Nadu Government Gazette under sub-section (4) of section 24 of the Right to Information Act, 2005 (Central Act 22 of 2005) that the Right to Information Act, 2005 shall not apply to Tamil Nadu State Vigilance Commission and Directorate of Vigilance and Anti-Corruption organizations.

/p.t.o./

5. The following Notification will be published in the Tamil Nadu Government Gazette

NOTIFICATION

In exercise of the powers conferred by sub-section (4) of section 24 of the Right to Information Act, 2005 (Central Act 22 of 2005), the Governor of Tamil Nadu hereby specifies the following Organisations established by the Government of Tamil Nadu for which the said Act shall not apply:-

1. Tamil Nadu State Vigilance Commission.
2. Directorate of Vigilance and Anti-Corruption.

(BY ORDER OF THE GOVERNOR)

A. ELANGO VAN
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Chief State Information Commissioner,
Tamil Nadu Information Commission, Chennai.

The State Information Commissioner,
Tamil Nadu Information Commission, Chennai.

The Vigilance Commissioner, Chennai-9.

✓ The Director of Vigilance and Anti-Corruption, Chennai-28.

The Vigilance Commission, Chennai-9.

The Private Secretary to Chief Secretary to Government, Chennai-9.

The Secretary to Government, Law Department, Chennai-9.

The Principal Secretary to Government, Home Department, Chennai-9.

All District Collectors.

The Secretary to Government of India.

Ministry of Personnel, Public Grievances and Pensions, New Delhi.

The Secretary to Government of India.

Ministry of Home Affairs, New Delhi.

The Works Manager, Government Central Press, Chennai-79.

(for publication in the Tamil Nadu Government Gazette)

All Secretaries to Government, Chennai-9.

All Departments of Secretariat, Chennai-9.

The Secretary to Governor, Raj Bhavan, Guindy, Chennai.

The Secretary to Hon'ble Chief Minister, Chennai - 9.

All Senior Personal Assistants to all Ministers, Chennai - 9.

Copy to:

The Principal Secretary to Government,
Personnel and Administrative Reforms (Trg.) Department, Chennai-9.

The Principal Secretary to Government,
Personnel and Administrative Reforms Department, Chennai-9.

All Officers in Personnel and Administrative Reforms Department, Chennai-9.

All Sections in Personnel and Administrative Reforms Department, Chennai-9.

The Personnel and Administrative Reforms (AR-II) Department, Chennai-9.

SF / SCs.

//Forwarded/By Order//

S. Subramanian
4.9.08
SECTION OFFICER.
AP
4/9/08