New Delhi, dated the 13th December, 2004.

**NOTE FOR THE CABINET**

Subject: Proposal for repeal of the 'Freedom of Information Act, 2002' and legislation of the 'Right to Information Act, 2004'.

With the approval of the Cabinet, the Freedom of Information Bill, 2000 was introduced in the Lok Sabha on the 25th July, 2000. This Bill was referred to the Department-related Parliamentary Standing Committee on Home Affairs for examination and report. The Standing Committee presented its Seventy-Eighth Report on the Bill to the Rajya Sabha on 25th July, 2001 and laid this Report in the Lok Sabha on the same day. The Bill, as reported by the Standing Committee, was taken into consideration by the Lok Sabha on the 3rd December, 2002 and passed the same day after adopting the amendments moved by the Government. The Bill was subsequently passed by the Rajya Sabha on 16th December, 2002 and on receiving the assent of the President on 6th January, 2003, ‘The Freedom of Information Act, 2002’ was published in the Gazette of India on 7th January, 2003. A copy of the Act is at Annexure-I (Pages 9 - 16).
2. The Freedom of Information Act, 2002 contains 21 Sections. Section 1(3) of the Act lays down that it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. As the basic infrastructure required for operationalising the Act is in the process of being set up, the Act has not yet been brought into force.

3. The National Common Minimum Programme of the United Progressive Alliance inter-alia provides that

'The Right to Information Act will be made more progressive, participatory and meaningful.'

In pursuance of the above commitment, the National Advisory Council has proposed certain amendments to the 'Freedom of Information Act, 2002'.

4. The Council, besides proposing amendment of the Preamble, has, in all, proposed 34 amendments which also include changing the title of the Act from 'The Freedom of Information Act, 2002' to 'The Right to Information Act, 2004'. A comparative statement showing the existing provisions in the 'Freedom of Information Act, 2002' which have been suggested for amendment by the National Advisory Council, together with their formulation after the proposed amendment, is at Annexure-II(Pages 17 - 50).

5. In proposing the amendments, the National Advisory Council has, while recommending the retention of sections 13, 14, 15, 17, 18, 19, 20 and 21 of the existing Act, proposed changes to sections 1 to 12 and 16 thereof in order to ensure
1. maximum disclosure and minimum exemptions consistent with Constitutional provisions.

2. independent appeal mechanisms

3. Penalties for failure to provide information as per the law; and

4. effective mechanisms for access to information, and disclosure by authorities.

6. The amendments proposed by the National Advisory Council for the reasons mentioned in para-5 above, have been considered in the Ministry of Personnel, Public Grievances and Pensions and it is proposed to repeal the existing enactment, i.e. ‘The Freedom of Information Act, 2002’ and initiate a proposal to enact a new legislation entitled as ‘The Right to Information Act, 2004’ broadly on the suggestions made by the Council. However, certain provisions suggested by the Council have been modified keeping in view the legislative, constitutional and administrative requirements. A draft of the Bill, to repeal the existing Act as also to enact the proposed new legislation, is at Annexure III (Pages 51-74).

7. The proposed new enactment envisages the setting up of a Central Information Commission to be headed by the Information Commissioner who will be assisted by such number of Deputy Information Commissioners, not exceeding ten, as are required to meet
the functional needs. Besides the Information Commissioner, who will be equivalent to the Secretary to the Government of India, and five Deputy Information Commissioners, one for each of the 5 zones of the country, who will be equivalent to an Joint Secretary/Additional Secretary to the Government of India, the following additional manpower shall have to be sanctioned for the Commissionerate in order to provide the necessary administrative support:

1. Joint Secretary - One
2. Director - Five
3. Deputy Secretary - One
4. Under Secretary - Five
5. Section Officer - Twelve
6. Assistant - Fourteen
7. Sr.PPS (DS level) - One
8. Private Secretary - Six
9. Personal Assistant - Twelve
10. Peon - Twenty-four

The expenditure involved in creation of these posts is estimated to be Rs.1,86,17,448/- per annum as per the details provided in Annexure-IV (page 75). In addition, funds shall have to be provided for accommodation, office equipment, vehicles and other ancillary needs of the Commission as per the prescribed norms. The Commission is proposed to be set up immediately after the enactment is notified.

8. A nodal cell shall also have to be set up in the Ministry of Personnel, Public Grievances and Pensions immediately for the purpose of enacting the proposed legislation initially and, later, for
DEPARTMENT OF PERSONNEL AND TRAINING

finalization of rules and instructions and reporting the progress of the implementation of the Act to the Government of India. The details of staff requirements are provided in Annexure-V (page 76).

9. The views of the Ministry of Finance (Department of Expenditure), were sought in the matter. The Ministry has been requested to furnish its views in the Cabinet meeting.

10. Ministry of Law and Justice (Department of Legal Affairs and the Legislative Department) has seen and concurred in this Note. The Bill drafted by the Legislative Department is at Annexure III. The Bill will be finalized in consultation with the Legislative Department subject to such drafting or consequential changes as may be required or directed by the Cabinet.

11. The Prime Minister, as Minister-in-charge of the Ministry of Personnel, Public Grievances and Pensions, has approved of this Note for the Cabinet.

12. Approval of the Cabinet is accordingly solicited for the following:-

   (i) to approve the legislative proposal on the lines of 'The Right to Information Bill, 2004' and for its introduction in a House of Parliament;

F.No.34011/6(s)/2004-Estt.(B)
(ii) setting up the Central Information Commission, and creation of posts therefor, as proposed in para-7 of this Note; and

(iii) creation of a Nodal Cell in the Ministry of Personnel, Public Grievances and Pensions, and creation of posts there for, as proposed in para-8 of this Note.

13. The Statement of Implementation Schedule in respect of the above proposals has been given in Appendix to the Note.

(A.N. TIWARI)
SECRETARY TO THE GOVERNMENT OF INDIA
**APPENDIX**

No. 34011/6(s)/2004-Estt.(B)

Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

STATEMENT OF IMPLEMENTATION SCHEDULE


<table>
<thead>
<tr>
<th>Gist of decision required</th>
<th>Projected benefits/results</th>
<th>Time schedule for manner of implementation/reporting to Cabinet Secretariat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval to the</td>
<td>'The Freedom of Information Act, 2002' will be made more</td>
<td>After approval of the Cabinet, the Bill will be introduced, as soon as</td>
</tr>
<tr>
<td>(i) legislative proposal on the lines of 'The Right to Information Bill, 2004' and for its introduction in a House of Parliament;</td>
<td>progressive, participatory and meaningful.</td>
<td>possible and after obtaining the recommendations of the President,</td>
</tr>
<tr>
<td>(ii) setting up the Central Information Commission and creation of posts therefor; and</td>
<td></td>
<td>in the ongoing Winter Session of Parliament. Action will also be</td>
</tr>
<tr>
<td>(iii) creation of a nodal Cell in the Ministry of Personnel, Public Grievances and Pensions and posts for work</td>
<td></td>
<td>taken to immediately create the nodal cell and posts therefor in the</td>
</tr>
</tbody>
</table>
relating to enactment and implementation of the Bill as in (i).

Ministry of Personnel, Public Grievances & Pensions. Central Information Commission, and the posts therefore, will be set up immediately after the proposed 'Right to Information Act' is enacted.

F.No. 34011/6(s)/2004-Estt.(B)

A.N.TIWARI
SECRETARY TO THE GOVERNMENT OF INDIA.
Dated the 13th December, 2004.

F.No.34011/6(s)/2004-Estt.(B)
MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 7th January, 2003 /Pausa 17, 1924 (Saka)

The following Act of Parliament received the assent of the President on the 6th January, 2003, and is hereby published for general information:—

THE FREEDOM OF INFORMATION ACT, 2002

No. 5 of 2003

[6th January, 2003.]

An Act to provide for freedom to every citizen to secure access to information under the control of public authorities, consistent with public interest, in order to promote openness, transparency and accountability in administration and in relation to matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Freedom of Information Act, 2002.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in relation to a public authority established, constituted, owned, substantially financed by funds provided directly or indirectly or controlled—

(i) by the Central Government, the Central Government;

(ii) by the State Government, the State Government;

(iii) by the Union territory, the Central Government;

(b) "competent authority" means—

(i) the Speaker in the case of the House of the People or the Legislative Assembly and the Chairman in the case of the Council of States or the Legislative Council;

(ii) the Chief Justice of India in the case of the Supreme Court;

(iii) the Chief Justice of the High Court in the case of a High Court;

(iv) the President or the Governor, as the case may be, in the case of other authorities created by or under the Constitution;

(v) the administrator appointed under article 239 of the Constitution;

(c) "freedom of information" means the right to obtain information from any public authority by means of,—

(i) inspection, taking of extracts and notes;

(ii) certified copies of any records of such public authority;

(iii) diskettes, floppy's or in any other electronic mode or through print-outs where such information is stored in a computer or in any other device;

(d) "information" means any material in any form relating to the administration, operations or decisions of a public authority;

(e) "prescribed" means prescribed by rules made under this Act by the appropriate Government or the competent authority, as the case may be;

(f) "public authority" means any authority or body established or constituted,—

(i) by or under the Constitution;

(ii) by any law made by the appropriate Government, and includes any other body owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government;

(g) "Public Information Officer" means the Public Information Officer appointed under sub-section (1) of section 5;

(h) "record" includes—

(i) any document, manuscript and file;

(ii) any microfilm, microfiche and facsimile copy of a document;

(iii) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and

(iv) any other material produced by a computer or by any other device;

(i) "third party" means a person other than the person making a request for information and includes a public authority.
CHAPTER II

FREEDOM OF INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES

3. Subject to the provisions of this Act, all citizens shall have freedom of information.

4. Every public authority shall—

(a) maintain all its records, in such manner and form as is consistent with its operational requirements duly catalogued and indexed;

(b) publish at such intervals as may be prescribed by the appropriate Government or competent authority,—

(i) the particulars of its organisation, functions and duties;

(ii) the powers and duties of its officers and employees and the procedure followed by them in the decision making process;

(iii) the norms set by the public authority for the discharge of its functions;

(iv) rules, regulations, instructions, manuals and other categories of records under its control used by its employees for discharging its functions;

(v) the details of facilities available to citizens for obtaining information; and

(vi) the name, designation and other particulars of the Public Information Officer;

(c) publish all relevant facts concerning important decisions and policies that affect the public while announcing such decisions and policies;

(d) give reasons for its decisions, whether administrative or quasi-judicial to those affected by such decisions;

(e) before initiating any project, publish or communicate to the public generally or to the persons affected or likely to be affected by the project in particular, the facts available to it or to which it has reasonable access which in its opinion should be known to them in the best interests of natural justice and promotion of democratic principles.

5. (1) Every public authority shall for the purposes of this Act, appoint one or more officers as Public Information Officers.

(2) Every Public Information Officer shall deal with requests for information and shall render reasonable assistance to any person seeking such information.

(3) The Public Information Officer may seek the assistance of any other officer as he considers necessary for the proper discharge of his duties.

(4) Any officer whose assistance has been sought under sub-section (3), shall render all assistance to the Public Information Officer seeking his assistance.

6. A person desirous of obtaining information shall make a request in writing or through electronic means, to the concerned Public Information Officer specifying the particulars of the information sought by him:

Provided that where such request cannot be made in writing, the Public Information Officer shall render all reasonable assistance to the person making the request orally to reduce it in writing.

7. (1) On receipt of a request under section 6, the Public Information Officer shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information requested on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9.
Provided that where the information sought for concerns the life and liberty of a person, the same should be provided within forty-eight hours of the receipt of the request.

Provided further that where it is decided to provide the information on payment of any further fee representing the cost of providing the information, he shall send an intimation to the person making the request, giving the details of the fees determined by him, requesting him to deposit the fees and the period intervening between the despatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to above.

(2) Before taking any decision under sub-section (1), the Public Information Officer shall take into consideration the representation made by a third party under section 11.

(3) Where a request is rejected under sub-section (2), the Public Information Officer shall communicate to the person making request,—

(i) the reasons for such rejection;

(ii) the period within which an appeal against such rejections may be preferred;

(iii) the particulars of the appellate authority.

(4) Information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.

8. (1) Notwithstanding anything hereinbefore contained, the following information not being information relating to any matter referred to in sub-section (2), shall be exempted from disclosure, namely:—

(a) information, the disclosure of which would prejudicially affect the sovereignty and integrity of India, security of the State, strategic scientific or economic interest of India, or conduct of international relations;

(b) information, the disclosure of which would prejudicially affect public safety and order, detection and investigation of an offence or which may lead to an incitement to commit an offence or prejudicially affect fair trial or adjudication of a pending case;

(c) information, the disclosure of which would prejudicially affect the conduct of Centre-State relations, including information exchanged in confidence between the Central and State Governments or any of their authorities or agencies;

(d) Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers;

(e) minutes or records of advice including legal advice, opinions or recommendations made by any officer of a public authority during the decision making process prior to the executive decision or policy formulation;

(f) trade or commercial secrets protected by law or information, the disclosure of which would prejudicially affect the legitimate economic and commercial interests or the competitive position of a public authority; or would cause unfair gain or loss to any person; and

(g) information, the disclosure of which may result in the breach of privileges of Parliament or the Legislature of a State, or contravention of a lawful order of a court.

(2) Subject to the provisions of clause (e) of sub-section (1), any information relating to any occurrence, event or matter which has taken place occurred or happened twenty-five years before the date on which any request is made under section 6 shall be provided to any person making a request under that section.
Provided that where any question arises as to the date from which the said period of twenty-five years has to be computed, the decision of the Central Government shall be final.

9. Without prejudice to the provisions of section 8, a Public Information Officer may reject a request for information also where such request—

(a) is too general in nature or is of such a nature that, having regard to the volume of information required to be retrieved or processed would involve unreasonable diversion of the resources of a public authority or would adversely interfere with the functioning of such authority:

Provided that where such request is rejected on the ground that the request is too general, it would be the duty of the Public Information Officer to render help as far as possible to the person making request to reframe his request in such a manner as may facilitate compliance with it;

(b) relates to information that is required by law, rules, regulations or orders to be published at a particular time and such information is likely to be so published within thirty days of the receipt of such request;

(c) relates to information that is contained in published material available to public; or

(d) relates to information which would cause unwarranted invasion of the privacy of any person.

10. (1) If a request for access to information is rejected on the ground that it is in relation to information which is exempted from disclosure, then notwithstanding anything contained in this Act, access may be given to that part of the record which does not obtain any information that is exempted from disclosure under this Act and which can reasonably be severed from any part that contains exempted information.

(2) Where access is granted to a part of the record in accordance with sub-section (1), the person making the request shall be informed,—

(a) that only part of the record requested, after severance of the record containing information which is exempted from disclosure, is being furnished; and

(b) of the provisions of the Act under which the severed part is exempted from disclosure.

11. (1) Where a public authority intends to disclose any information or record, or part thereof, on a request made under this Act which relates to, or has been supplied by a third party and has been treated as confidential by that third party, the Public Information Officer shall, within twenty-five days from the receipt of a request, give written notice to such third party of the request and of the fact that the public authority intends to disclose the information or record, or part thereof:

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

(2) Where a notice is given by the Public Information Officer under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within twenty days from the date of issuance of notice, be given the opportunity to make representation against the proposed disclosure.

(3) Notwithstanding anything contained in section 7, the Public Information Officer shall, within sixty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.
(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal against the decision under section 12.

12. (1) Any person aggrieved by a decision of the Public Information Officer may, within thirty days of receipt of such decision, prefer an appeal to such authority as may be prescribed:

Provided that such authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) A second appeal against the decision under sub-section (1) shall lie within thirty days of such decision, to the Central Government or the State Government or the competent authority, as the case may be:

Provided that the Central Government or the State Government or the competent authority, as the case may be, may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) The appeals referred to in sub-sections (1) and (2) shall be disposed of within thirty days of the receipt of such appeals or within such extended period, as the case may be, for reasons to be recorded in writing.

(4) If the decision of the Public Information Officer against which the appeal is preferred under sub-section (1) or sub-section (2) also relates to information of third party, the appellate authority shall give a reasonable opportunity of being heard to that party.

CHAPTER III
MISCELLANEOUS

13. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

14. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

15. No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.

16. (1) Nothing contained in this Act shall apply to the intelligence and security organisations, specified in the Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government.

(2) The Central Government may, by notification in the Official Gazette, amend the Schedule by including therein any other intelligence or security organisation established by that Government or omitting therefrom any organisation already specified therein and on the publication of such notification, such organisation shall be deemed to be included in or, as the case may be, omitted from the Schedule.

(3) Every notification issued under sub-section (2) shall be laid before each House of Parliament.

(4) Nothing contained in this Act shall apply to such intelligence and security organisations which may be specified, by a notification in the Official Gazette, by a State Government from time to time.

(5) Every notification issued under sub-section (4) shall be laid before the State Legislature.
17. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) intervals at which matters referred to in sub-clauses (i) to (vi) of clause (b) of section 4 shall be published;

(b) the fee payable under sub-section (1) of section 7;

(c) the authority before whom an appeal may be preferred under sub-section (1) of section 12;

(d) any other matter which is required to be, or may be, prescribed.

18. (1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the fee payable under sub-section (1) of section 7;

(b) the authority before whom an appeal may be preferred under sub-section (1) of section 12;

(c) any other matter which is required to be, or may be, prescribed:

Provided that initially the rules shall be made by the Central Government by notification in the Official Gazette.

19. (1) The competent authority may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the fee payable under sub-section (1) of section 7;

(b) the authority before whom an appeal may be preferred under sub-section (1) of section 12;

(c) any other matter which is required to be, or may be, prescribed.

20. (1) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(2) Every rule made under this Act by a State Government shall be laid, as soon as may be after it is notified, before the State Legislature.

21. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.
THE SCHEDULE
(See section 16)

Intelligence and Security Organisations 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.
7. Aviation Research Centre.
8. Special Frontier Force.
15. Special Service Bureau.
16. Special Branch (CID), Andaman and Nicobar.
18. Directorate of Vigilance including Anti-Corruption Branch, National Capital Territory of Delhi.

K. N. CHATURVEDI,
Additional Secy. to the Govt. of India.
### FREEDOM OF INFORMATION ACT 2002: PROPOSED AMENDMENTS

<table>
<thead>
<tr>
<th>Original Act</th>
<th>Proposed Amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PREAMBLE</strong></td>
<td><strong>PREAMBLE</strong></td>
</tr>
<tr>
<td>A Bill to provide for freedom to every citizen to secure access to information under the control of public authorities, consistent with public interest, in order to promote openness, transparency and accountability in administration and in relation to matters connected therewith or incidental thereto.</td>
<td>A Bill to operationalise the right to information by setting out the practical regime for people to secure access to information under the control of public authorities, consistent with public interest, in order to promote openness, transparency and accountability and in relation to matters connected therewith or incidental thereto.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Chapter I: PRELIMINARY</th>
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<tbody>
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<td>1. (1) This Act may be called the Freedom of Information Act, 2002.</td>
<td>(1) This Act may be called the Right to Information Act 2004.</td>
</tr>
<tr>
<td>(2) It extends to the whole of India except the State of Jammu and Kashmir.</td>
<td>Retain</td>
</tr>
<tr>
<td>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</td>
<td>(3) It shall come into force within 120 days of it being enacted.</td>
</tr>
</tbody>
</table>

**Section 1(4)**

Does not exist in the present Act.

**Section 1(5)**

Does not exist in the present Act.

(5) Objectives of the Act: The objectives of the Act are to—

(i) give effect to the Fundamental Right to Information, which will contribute to strengthening democracy, improving governance, increasing public participation, promoting transparency and accountability in Union, State and Local Self Government Institutions.

(ii) establish voluntary and mandatory mechanisms or procedures to give effect to right to information in a manner which enables persons to obtain access to records of public authorities in a swift, effective, inexpensive and reasonable manner.

(iii) promote transparency, accountability and effective governance of all public authorities by, including but not limited to, empowering and educating all persons to:

- understand their rights in terms of this Act in order to exercise their rights in relation to public authorities;
- understand the functions and operation of public authorities; and
- effectively participating in decision making by public authorities that affects their rights.
<table>
<thead>
<tr>
<th>Section</th>
<th>Definition</th>
</tr>
</thead>
</table>
| 5 | (a) "appropriate Government" means in relation to a public authority established, constituted, owned, substantially financed by funds provided directly or indirectly or controlled—
   (i) by the Central Government, the Central Government;
   (ii) by the State Government, The State Government;
   (iii) by the Union territory, The Central Government;

(b) "competent authority" means—
   (i) the Speaker in the case of the House of the People or the Legislative Assembly and the Chairman in the case of the Council of States or the Legislative Council:
   (ii) The Chief Justice of India in the case of the Supreme Court;
   (iii) The Chief Justice of the High Court in the case of a High Court;
   (iv) The President or the Governor, as the case may be, in case of other authorities created by or under the Constitution:
   (v) the administrator appointed under article 239 of the Constitution;

(c) "freedom of information" means the right to obtain information from any public authority by means of—
   (i) inspection, taking of extracts and notes;
   (ii) Certified copies of any records of such public authority;
   (iii) Diskettes, floppies or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

(d) "information" means any material in any form relating to the administration, operations or decisions of a public authority;

(e) "prescribed" means prescribed by rules made under this Act by the appropriate Government or the competent authority, as the case may be;

(f) "public authority" means any authority or body established or constituted—
   (i) by or under the Constitution;
   (ii) by any law made by the appropriate Government, and includes any other body owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government:

(g) "Public Information Officer" means the Public Information Officer appointed under sub-section (f) of section 5;

(h) "Public Information Officer" means the Public Information Officer appointed under sub-section (1) and/or (1)(a) of section 5;
The Freedom of Information Act in India grants citizens the right to access information held by public authorities. The act outlines various provisions to ensure transparency and accountability. Here are some key points:

1. **Right to Access Information**:
   - Every public authority shall provide citizens with access to information held by them. This includes details of their organisation, functions, and the procedure followed by them. It also includes the details of facilities available to citizens for obtaining information and the name, designation, and other particulars of the Public Information Officer.

2. **Accessibility**:
   - Public authorities are required to publish information in a manner and form consistent with its operational requirements, indexed, and easily accessible.

3. **Public Records**:
   - The Act covers records held by or under the control of the public authority.

4. **Publication**:
   - Information published under the Act shall be updated at least every 12 months.

5. **Third Party**:
   - "Third party" means a person other than the person making a request for information and includes a public authority.

This Act aims to promote transparency and accountability in governance, ensuring that citizens have access to the information they need to make informed decisions.
| (i) | Position, including the system of compensation as established in regulations; |
| (xi) | Information concerning the budget assigned to each agency, including all plans, proposed expenditures and reports on disbursement; |
| (xii) | The design and execution of subsidy programs, including the amounts allocated to them, criteria for access, implementation details and beneficiaries; |
| (xiii) | All concessions, permits or authorisations granted, with their recipients specified; |
| (xiv) | All information available to the public authority in electronic form or capable of being reduced to electronic form which is not exempt under this Act, subject to availability of resources; |
| (xv) | The details of facilities available to citizens for obtaining information, including if the public authority maintains a library or reading room that is available for public use, a statement of that fact including details of the address and hours of opening of the library or reading room; and |
| (xvi) | The name, designation and other particulars of the Public Information Officer; |
| (xvii) | Such other information as prescribed by the appropriate government or Information Commissioner from time to time which would promote transparency across public authorities or in specific public authorities, as appropriate; |

on the basis that it shall be a constant endeavor of public authorities to take steps to provide as much information to the public suo moto at regular intervals through various means of communication so that the public have minimum resort to the use of this Act to obtain information.

**Section 4(f)**

| (e) | Publish all relevant facts concerning important decisions and policies that affect the public while announcing such decisions and policies; |
| (d) | Give reasons for its decisions, whether administrative or quasi-judicial to those affected by such decisions; |
| (e) | Before initiating any project, publish or communicate to the public generally or to the persons affected or likely to be affected by the project in particular, the facts available to it or to which it has reasonable access which in its opinion should be known to them in the best interests of natural justice and promotion of democratic principles. |

*Retain*

*Retain*

*Retain*

(f) For the purpose of this section, information should be disseminated widely and in a form and manner which is easily accessible and comprehensible to the public. "Disseminated" shall mean appropriately making known to the public the information to be communicated through notice boards, newspapers, public announcements, media broadcasts, the internet or other such means and shall include inspection at all of the bodies' offices. All materials shall be disseminated keeping in mind cost-effectiveness, the local language and the most effective method of communication in that local area. Such information should be easily accessible, with the Public Information Officer, where possible in electronic format, which shall be available free or at the cost of the medium, or in print at cost price.
<table>
<thead>
<tr>
<th>Section</th>
<th>Text</th>
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<tbody>
<tr>
<td>5. (1)</td>
<td>Every public authority shall for the purposes of this Act, appoint one or more officers as Public Information Officers.</td>
</tr>
<tr>
<td>5. (1)</td>
<td>Every public authority shall for the purposes of this Act, designate as many officers as Public Information Officers, in all administrative units and offices under such authority, as are necessary to render the public body as accessible as reasonably possible for requesters of information, within one month of this Act coming into force.</td>
</tr>
<tr>
<td>(a)</td>
<td>An officer at each sub-divisional level or other appropriate sub-district level, shall be designated a Public Information Officer, within three months of this Act coming into force, for the purposes of this Act. He/she shall receive all requests for information, and appeals, both under the state and the central acts, and pass them on to a designated authority for onward transmission to the relevant department/agency.</td>
</tr>
<tr>
<td>(b)</td>
<td>Where applications/appeals are handed over at the sub-divisional or sub-district level, an additional period of five days would be added to the time of response specified under this Act, in order to enable the request/appeal to be communicated to the relevant authority.</td>
</tr>
<tr>
<td>(2)</td>
<td>Every Public Information Officer shall deal with requests for information and shall render reasonable assistance to any person seeking such information.</td>
</tr>
<tr>
<td>(3)</td>
<td>The Public Information Officer may seek the assistance of any other officer as he considers necessary for the proper discharge of his duties.</td>
</tr>
<tr>
<td>(4)</td>
<td>Any officer whose assistance has been sought under subsection (3), shall render all assistance to the Public Information Officer seeking his assistance.</td>
</tr>
<tr>
<td>(4)</td>
<td>Any officer whose assistance has been sought under subsection (3), shall render all assistance to the Public Information Officer seeking his/her assistance and be treated as a Public Information Officer for the purposes of the penalty provisions in this Act.</td>
</tr>
<tr>
<td>6.</td>
<td>A person desirous of obtaining information shall make a request in writing or through electronic means, to the concerned Public Information Officer specifying the particulars of the information sought by him.</td>
</tr>
<tr>
<td>6. (1)</td>
<td>A person desirous of obtaining information shall make a request in writing or through electronic means in English or in the official language of the area in which the application is being submitted, to:</td>
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<tr>
<td>(a)</td>
<td>the Public Information Officer of the relevant public authority;</td>
</tr>
<tr>
<td>(b)</td>
<td>other designated Public Information Officers, as specified in 5 (1a) specifying the particulars of the information sought by him/her.</td>
</tr>
<tr>
<td>Provided that where such request cannot be made in writing, the Public Information Officer shall render all reasonable assistance to the person making the request orally to reduce it in writing.</td>
<td></td>
</tr>
<tr>
<td>New Section 6 (2)</td>
<td>Does not exist in present Act.</td>
</tr>
<tr>
<td>New Section 6 (3)</td>
<td>Does not exist in the present Act.</td>
</tr>
<tr>
<td>6 (2)</td>
<td>An applicant for access to information shall not be required to give any reason for requesting access to that information or any other personal details except those necessary for contacting the applicant.</td>
</tr>
<tr>
<td>6 (3) (1)</td>
<td>Where an application is made to a Public Authority for information:</td>
</tr>
<tr>
<td>(a)</td>
<td>which is held by another Public Authority; or</td>
</tr>
<tr>
<td>(b)</td>
<td>the subject matter of which is more closely connected with the functions of another Public Authority,</td>
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</table>
# DEPARTMENT OF PERSONNEL AND TRAINING

| Section 7 (4) | Provided further that where it is decided to provide the information on payment of any further fee representing the cost of providing the information, the Public Information Officer shall send an intimation to the person making the request, giving the details of the fees determined by him, requesting him to deposit the fees and the period intervening between the dispatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to above. |
| Section 7(5) | New Section 7 (5) Does not exist in the present Act. |

| New Section 7 (4) | Provided that where the information sought for concerns the life and liberty of a person, the same should be provided within forty-eight hours of the receipt of the request: |
| New Section 7(5) | Does not exist in the present Act. |

| Section 7 (5) | Subject to sub-sections (b) and (c) below, where access to information is to be given in the form of printed copies, or copies in some other form, such as on tape, disk, film or other material, the applicant shall pay the prescribed fee. (b) Any fees payable by the applicant shall be reasonable, and shall in no case exceed the actual cost of copying the information or in the case of samples of materials the cost of obtaining the sample, and shall be set via regulations at a maximum limit taking account of the general principle that fees should not be set so high that they undermine the objectives of this Act in practice. (c) Notwithstanding subsection (a), where a public authority fails to comply with the time limits specified in section 7, |

| Section 7 (1) | Subject to section 5, sub section (1b) above and section 7, sub-section (3(a) below, on receipt of a request under section 6, the Public Information Officer shall as expeditiously as possible and in any case within fifteen days of the receipt of the request, either provide the information requested on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9. Provided that where the information sought for concerns the life and liberty of a person, the same should be provided within forty-eight hours of the receipt of the request: |
| Section 7(2) | If a Public Information Officer fails to give the decision on a request for access to the requestor concerned within the period contemplated in section 7(1), the Public Information Officer would, for the purposes of this Act, be regarded as having refused the request. |

| Section 7 (4) | Where access to a record or a part thereof is to be given under this Act and the person to whom access is to be given has a sensory disability, the public authority will provide assistance to enable access to the information, including providing assistance with inspection as appropriate. |

| Section 7(5) | Subject to sub-sections (b) and (c) below, where access to information is to be given in a form of printed copies, or copies in some other form, such as on tape, disk, film or other material, the applicant shall pay the prescribed fee. (b) Any fees payable by the applicant shall be reasonable, and shall in no case exceed the actual cost of copying the information or in the case of samples of materials the cost of obtaining the sample, and shall be set via regulations at a maximum limit taking account of the general principle that fees should not be set so high that they undermine the objectives of this Act in practice. (c) Notwithstanding subsection (a), where a public authority fails to comply with the time limits specified in section 7, |
(2) Before taking any decision under sub-section (1), the Public Information Officer shall take into consideration the representation made by a third party under section 11.

Retention. Retumber 7 (6)

(3) Where a request is rejected under sub-section (2), the Public Information Officer shall communicate to the person making request,
(i) the reasons for such rejection;
(ii) the period within which an appeal against such rejections may be preferred;
(iii) the particulars of the appellate authority.

Retention. Retumber 7 (7)

(4) Information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.

Retention. Retumber 7 (8)

8. Notwithstanding anything herein before contained, the following information not being information relating to any matter referred to in sub-section (2), shall be exempted from disclosure, namely:-

(a) information, the disclosure of which would prejudicially affect the sovereignty and integrity of India, security of the State, strategic scientific or economic interest of India or conduct of international relations;

(b) information, the disclosure of which would prejudicially affect public safety and order, detection and investigation of an offence or which may lead to an incitement to commit an offence or prejudicially affect fair trial or adjudication of a pending case;

(c) information, the disclosure of which would prejudicially affect the conduct of Centre-State relations, including information exchanged in confidence between the Central and State Governments or any of their authorities or agencies;

(d) Cabinet papers including records of deliberation of the Council of Ministers, Secretaries and other officers;

(e) Minutes or records of advice including legal advice, opinions or recommendations made by any officer of a public authority during the decision making process prior to the executive decision or policy formulation;

(f) Trade or commercial secrets protected by law or information, the disclosure of which would prejudicially affect the legitimate economic and commercial interests or the competitive position of a public authority; or would cause unfair gain or loss to any person; and

(g) Information, the disclosure of which may result in the breach of privileges of Parliament or the Legislature of a State, or contravention of a lawful order of a court.

8(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any person:
(a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;

(b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;

(c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the Competent Authority is satisfied that larger public interest warrants the disclosure of such information;

(e) information available to a person in his fiduciary relationship, unless the Competent Authority is satisfied that the larger public interest warrants the disclosure of such information;

(f) information received in confidence from foreign government;

(g) 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;

(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers, provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over; provided further that those matters which come under the exemptions listed in Section 8 shall not be disclosed.

F.No. 340116/(s)/2004-Estt (B)
<table>
<thead>
<tr>
<th><strong>SECRET</strong></th>
<th><strong>DEPARTMENT OF PERSONNEL AND TRAINING</strong></th>
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<tbody>
<tr>
<td><strong>unwarranted invasion of the privacy of the individual unless the Information Officer or the appellate authority, as the case might be, is satisfied that the larger public interest justifies the disclosure of such information.</strong></td>
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<tr>
<td>Provided that the information, which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.</td>
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<tr>
<td>Notwithstanding anything in the Official Secrets Act 1923 nor any of the exemptions permissible in accordance with section 8 (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.</td>
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<tr>
<td><strong>(2) Subject to the provisions of clause (a) of sub-section 1, any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty-five years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:</strong></td>
<td><strong>(2) Subject to the provisions of clause (a) and (i) of sub-section 1 of section 8, any information relating to any occurrence, event or matter which has taken place, occurred or happened ten years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:</strong></td>
</tr>
<tr>
<td>Provided that where any question arises as to the date from which the said period of twenty-five years has to be computed, the decision of the Central Government shall be final.</td>
<td>Provided that where any question arises as to the date from which the said period of ten years or twenty-five years has to be computed, the decision of the Union Government shall be final, subject to the usual appeals provided for in this act.</td>
</tr>
<tr>
<td><strong>9. Without prejudice to the provisions of section 8, a Public Information Officer may reject a request for information also where such request—</strong></td>
<td><strong>9. Without prejudice to the provisions of section 8, a Public Information Officer may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.</strong></td>
</tr>
<tr>
<td>(a) is too general in nature or is of such a nature that, having regard to the volume of information required to be retrieved or processed would involve unreasonable diversion of the resources a public authority or would adversely interfere with the functioning of such authority: Provided that where such request is rejected on the ground that the request is too general, it would be the duty of the Public Information Officer to render help as far as possible to the person making request to reframe his request in such a manner as may facilitate compliance with it;</td>
<td></td>
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<tr>
<td>(b) relates to information that is required by law, rules, regulations or orders to be published at a particular time and such information is likely to be so published within thirty days of the receipt of such request; or</td>
<td></td>
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<tr>
<td>(c) relates to information that is contained in published material available to public;</td>
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<tr>
<td>(d) relates to information which would cause unwarranted invasion of the privacy of any person.</td>
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F.No. 34011/6/(s)/2004-Estt.(B)
10. (1) If a request for access to information is rejected on the ground that it is in relation to information which is exempted from disclosure, then notwithstanding anything contained in this Act, access may be given to that part of the record which does not obtain any information that is exempted from disclosure under this Act and which can reasonably be severed from any part that contains exempted information.

10.(2) Where access is granted to a part of the record in accordance with sub-section (1), the person making the request shall be informed:
(a) that only part of the record requested, after severance of the record containing information which is exempted from disclosure, is being furnished; and
(b) of the provisions of the Act under which the severed part is exempted from disclosure.

(11) (1) Where a public authority intends to disclose any information or record, or part thereof on a request made under this Act which relates to, or has been supplied by a third party and has been treated as confidential by that third party, the Public Information Officer shall, within twenty-five days from the receipt of a request, give written notice to such third party of the request and of the fact that the public authority intends to disclose the information or record, or part thereof:
Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such party.
(2) where a notice is given by the public information officer under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within twenty days from the date of issuance of notice, be given the opportunity to make representation against the proposed disclosure.
(3) Notwithstanding anything contained in section 7, the public information officer shall, within sixty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.
(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal against the decision under section 12.

11. (1) Where a public authority intends to disclose any information or record, or part thereof on a request made under this Act which relates to, or has been supplied by a third party and has been treated as confidential by that third party, the Public Information Officer shall, within five days from the receipt of a request, give written notice to such third party of the request and of the fact that the public authority intends to disclose the information or record, or part thereof and invite the third party to make a submission, in writing or orally, regarding whether the information should be disclosed, which submission shall be taken into account when determining whether to disclose the information.
Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such party.
(2) where a notice is given by the public information officer under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of issuance of notice, be given the opportunity to make representation against the proposed disclosure.
(3) Notwithstanding anything contained in section 7, the public information officer shall, within twenty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.

F.No. 34011/6/(s)/2004-Estt.(B)
Section 12(1)
A new section to be introduced

12(1): (i)(a) The President shall appoint or designate a Chief Information Commissioner for all matters pertaining to the Union. Such appointment shall be made on the basis of a recommendation made by an Appointing Committee presided by the Prime Minister, with the Leader of Opposition in the Lok Sabha and the Chief Justice of India as members.

(ii) Information Commissioners may be appointed by the President or the Governor, as the case may be, in consultation with the appropriate Appointing Committee and the Chief Information Commissioner or State Information Commissioners, as the case may be.

(iii) Every Chief Information Commissioner, State Information Commissioner and Information Commissioner shall be a person with wide knowledge and experience of administration and governance, and/or a person with high public stature.

(iv) The Chief Information Commissioners and any Information Commissioners shall not be members of Parliament or members of the Legislative of any State or Union Territory and shall not hold any other office of profit and shall not be connected with any political party or be carrying on any business or practice any profession;

(v) The requisite budgetary allocations for the emoluments and expenses, including office expenses, of the Chief Information Commissioner and of other Information Commissioners will be provided by the Government of India through special budgetary provisions made available to the respective states out of the Union Government Budget.

(vi) The Chief Information Commissioner and of other Information Commissioners shall function autonomously without being subjected to directions by any other authority and would be under the administrative control of the Government of India, Ministry of Personnel, Administrative Reforms and Public Grievances.

(vii) Every person appointed as a Chief Information Commissioner or an Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office. He/she will not be eligible for reappointment.

12. (1) Any person aggrieved by a decision of the Public Information officer may, within thirty days of receipt of such decision, prefer an appeal to such authority as may be prescribed:
Provided that such authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

12. (2) (i) Any person who does not receive a decision in the time period specified in Section 7(1) or 7(3)(a) above, or is aggrieved by a decision of the Public information officer may, within thirty days of the expiry of such a period or of receipt of such a decision, prefer an appeal to an appellate authority prescribed for the purpose in each department and senior in rank to the Public Information Officer.
(2) A second appeal against the decision under sub-section (1) shall lie within thirty days of such decision, to the Central Government or the State Government or the competent authority, as the case may be:

Provided that the Central Government or the State Government or the competent authority, as the case may be, may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) The appeals referred to in sub-sections (1) and (2) shall be disposed of within thirty days of the receipt of such appeals or within such extended period, as the case may be, for reasons to be recorded in writing.

(4) If the decision of the public information officer against which the appeal is preferred under sub-section (1) or (2) also relates to information of third party, the appellate authority shall give a reasonable opportunity of being heard to that third party.

Provided that such authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(ii) A second appeal against the decision (or lack of it), under sub-section (i), shall lie within 90 days from the time by which the decision should have been made or was actually received, with the relevant Chief/State/Information Commissioner;

Provided that the relevant Chief/State/Information Commissioner may entertain an appeal after the expiry of the said period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(ii) If the appeal is preferred against an order made by the Public Information Officer under Section 11 to disclose “third party” information, the appeal by the concerned third party must be made within thirty days of the order.

(iv) If the decision of the Public Information Officer against which the appeal is preferred relates to information of a third party, the relevant Information Commissioner shall give a reasonable opportunity of being heard to that third party.

(v) In any appeal proceedings, the onus to prove that a denial of a request was justified will be on the public authority that denied the request.

(vi) Appeals to any appellate authority/Information Commissioner shall be disposed of within thirty days of the receipt of the appeals or within such extended period, not exceeding a total of forty five days from the date of filing of appeal, for reasons to be recorded in writing.

(vii) The decision of the Information Commissioner shall be binding.

(viii) In his/her decision, the relevant Information Commissioner has the power to:

(a) require the public authority to take any such steps as may be necessary to bring it into compliance with the Act, including by:
   (i) providing access to information, including in a particular form;
   (ii) appointing an information officer;
   (iii) publishing certain information and/or categories of information;
   (iv) making certain changes to its practices in relation to the keeping, management and destruction of records;
   (v) enhancing the provision of training on the right to information for its officials;
   (vi) providing him or her with an annual report, in compliance with section 4(b);

(b) require the public body to compensate the complainant for any loss or other detriment suffered;

(c) impose any of the penalties available under this act.

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Act:
(d) reject the application.
(ix) The Information Commissioner shall serve notice of his/her decision, including any rights of appeal, on both the complainant and the public authority.
(x) A decision of the Information Commissioner may be appealed to the High Court or the Supreme Court, on any point of fact and law.

Section 12(3)
A new section to be introduced

12(3) Powers of the Chief Information Commissioner/State Information Commissioners/Information Commissioners

(1) Subject to this Act, the Chief Information Commissioner/State Information Commissioners/Information Commissioners shall receive and investigate complaints from persons:
(a) who have been unable to submit a request to a Public Information Officer, either because none has been appointed as required under the Act or because the Public Information Officer has refused to accept their application;
(b) who have been refused access to information requested under this Act;
(c) who have not been given a response or access to information within the time limits required under this Act;
(d) who have been required to pay an amount under the fees provisions that they consider unreasonable;
(e) who believe that they have been given incomplete, misleading or false information under this act;
(f) in respect of any other matter relating to requesting or obtaining access to records under this Act.

(2) Where a Chief Information Commissioner/State Information Commissioner/Information Commissioner is satisfied that there are reasonable grounds to investigate a matter relating to requesting or obtaining access to records under this Act, he/she may initiate a complaint in respect thereof.

(3) The Chief Information Commissioner/State Information Commissioners/Information Commissioners have, in relation to the carrying out of the investigation of any complaint under this Act, power:
(a) to summon and enforce the appearance of persons and compel them to give oral or written evidence on oath and to produce such documents and things as the Commissioner deems requisite to the full investigation and consideration of the complaint, in the same manner and to the same extent as a superior court of record;
(b) to administer oaths;
(c) to receive and accept such evidence and other information, whether on oath or by affidavit or otherwise, as the relevant Information Commissioner sees fit, whether or not the evidence or information is or would be admissible in a court of law;
(d) to enter any premises occupied by any government institution on satisfying any security requirements of the institution relating to the premises;
(e) to converse in private with any person in any premises entered pursuant to paragraph (d) and otherwise carry out therein such inquiries within the authority of the Chief Information Commissioner under this Act as the Commissioner sees fit; and
(f) to examine or obtain copies of or extracts from books or other records found in any premises entered pursuant to paragraph (d) containing any matter relevant to the investigation.

(g) To impose the penalties prescribed under this act, after giving due opportunity to the concerned official of being heard.

(4) Notwithstanding any other Act of Parliament or any privilege under the law of evidence, an Chief Information Commissioner/State Information Commissioners/Information Commissioners may, during the investigation of any complaint under this Act, examine any record to which this Act applies that is under the control of a government institution, and no such record may be withheld from any Commissioner on any grounds.

(5) All the powers of the Chief Information Commissioner would also be enjoyed by the State Information Commissioners and other Information Commissioners, within their jurisdictions.

<table>
<thead>
<tr>
<th>Section 12 (4) New section to be inserted.</th>
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<tr>
<td>12(4) Penalties</td>
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</tbody>
</table>
| (1) Subject to sub-section (3), where any Public Information Officer has, without any reasonable cause, failed to supply the information sought, within the period specified under section 7(1), the relevant Information Commissioner shall, on appeal, impose a penalty of rupees two hundred and fifty, which amount must be increased by regulation at least once every five years, for each day's delay in furnishing the information, after giving such Public Information Officer a reasonable opportunity of being heard.
| (2) Subject to sub-section (3), where it is found in appeal that any Public Information Officer has –
| (i) Refused to receive an application for information;
| (ii) Mala fide denied a request for information;
| (iii) Knowingly given incorrect or misleading information,
| (iv) Knowingly given wrong or incomplete information,
| (v) Destroyed information subject to a request, or
| (vi) Obstructed the activities of a Public Information Officer, any Information Commissioner or the courts;
| He/she would have committed an offence and will be liable upon summary conviction to a fine of not less than rupees two thousand and imprisonment of up to five years, or both.
| (3) An officer whose assistance has been sought by the Public Information Officer for the performance of his/her duties under this Act shall be liable for penalty |
### CHAPTER III MISCELLANEOUS

<table>
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<tr>
<th>Section</th>
<th>Original Text</th>
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<tr>
<td>13.</td>
<td>No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.</td>
</tr>
<tr>
<td>14.</td>
<td>The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.</td>
</tr>
<tr>
<td>15.</td>
<td>No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.</td>
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</tbody>
</table>
| 16.     | (1) Nothing contained in this Act shall apply to the intelligence and security organisations, specified in the Schedule being organisations established by the Central Government or any information furnished by such organisations to that Government.  
(2) The Central Government may, by notification in the official Gazette, amend the Schedule by including therein any other intelligence or security organisation established by that government or omitting therefrom any organisation already specified therein and on the publication of such notification, such organisation shall be deemed to be included in or, as the case may be omitted from the Schedule.  
(3) Every notification issued under sub-section (2) shall be laid before each house of parliament.  
(4) Nothing contained in this Act shall apply to such intelligence and security organisations which may be specified, by a notification in the official gazette, by a state Government from time to time.  
(5) Every notification issued under sub section (4), shall be laid before the state legislature.  

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F.No. 34011/6/(s)/2004-Estt.(B)
### Section 16A:

New section to be inserted.

<table>
<thead>
<tr>
<th>16A Monitoring and Reporting</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The Chief Information Commissioners/State Information Commissioners shall, as soon as practicable after the end of each year, prepare a report on the implementation of this Act during that year and cause a copy of the report to be laid before the legislatures of the concerned state and each House of the Parliament.</td>
</tr>
<tr>
<td>2. Each responsible department/ministry shall, in relation to the public authorities within their jurisdiction, collect and provide such information to the Chief/State Information Commissioners as is required to prepare the report under this section, and shall comply with any prescribed requirements concerning the furnishing of that information and the keeping of records for the purposes of this section.</td>
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<tr>
<td>3. Each report shall, at a minimum, state in respect of the year to which the report relates:</td>
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<tr>
<td>(a) the number of requests made to each public authority;</td>
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<tr>
<td>(b) the number of decisions that an applicant was not entitled to access to a document pursuant to a request;</td>
</tr>
<tr>
<td>(c) the number of appeals sent to the Information Commissioners for review, the nature of the complaints and the outcome of the appeals;</td>
</tr>
<tr>
<td>(d) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;</td>
</tr>
<tr>
<td>(e) the amount of charges collected by each public authority under this Act;</td>
</tr>
<tr>
<td>(f) any facts which indicate an effort by public authorities to administer and implement the spirit and intention of this Act;</td>
</tr>
<tr>
<td>(g) recommendations for reform, including recommendations in respect of particular public authorities, for the development, improvement, modernisation, reform or amendment of this Act or other legislation or common law or any other matter relevant to operationalising the right to access information, as appropriate.</td>
</tr>
<tr>
<td>4. The Union Government Ministry responsible for the administration of this Act, as soon as practicable after the end of each year, prepare a summary report on the implementation of this Act during that year and cause a copy of the report to be laid before the concerned state legislatures and each House of the Parliament, drawing on the information provided in the reports of the Chief Information Commissioners for each State.</td>
</tr>
<tr>
<td>5. If it appears to any Chief Information Commissioner that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with provisions or spirit of the Act, s/he may give to the authority a recommendation specifying the steps which ought in his/her opinion to be taken for promoting such conformity.</td>
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</table>

### Section 16B

New section to be inserted.

<table>
<thead>
<tr>
<th>16B (1) The Government must, to the extent that financial and other resources are available:</th>
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<tr>
<td>(a) develop and conduct educational programmes to advance the understanding of the public, in particular of disadvantaged communities, of this Notification and of how to exercise the</td>
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</table>
rights contemplated in this Act;
(b) encourage public authorities to participate in the development and conduct of programmes referred to in paragraph (a) and to undertake such programmes themselves; and
(c) promote timely and effective dissemination of accurate information by public authorities about their activities.
(d) train information officers of public authorities and/or produce relevant training materials for use by authorities themselves.

(2) The Government must, within 18 months of this Act coming into force, compile in each official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in this Act.

(3) The Government must, if necessary, update and publish the guide at regular intervals. The guide must, without limiting the generality of subsection (2), include a description of
(a) the objects of this Act;
(b) the postal and street address, phone and fax number and, if available, electronic mail address of the Public Information Officer of every public authority as appointed under sub section (1) of section 5;
(c) the manner and form of a request for access to a information of a public authority;
(d) the assistance available from and the duties of Public Information Officers of a public authority in terms of this Act;
(e) the assistance available from the Information Commissioners in terms of this Act;
(f) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act, including the manner of lodging an appeal with the appellate authorities/Chief/State/ Information Commissioners and a court against a decision by the Public Information Officer of a public authority;
(g) the provisions providing for the voluntary disclosure of categories of records in accordance with section 4;
(h) the notices regarding fees to be paid in relation to requests for access; and
(i) any additional regulations or circulars relevant to obtaining access to information in accordance with this Act.

(4) The Government must, if necessary, update and publish the guide at regular intervals.

17. (1) The Central Government may by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of

Retain
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<th>Clause</th>
<th>Description</th>
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<tbody>
<tr>
<td>(a)</td>
<td>Intervals at which matters referred to in sub-clauses (i) to (vi) of clause (b) of section 4 shall be published.</td>
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<tr>
<td>(b)</td>
<td>The fee payable under sub-section (1) of section 7:</td>
</tr>
<tr>
<td>(c)</td>
<td>The authority before whom an appeal may be preferred under sub-section (1) of section 12:</td>
</tr>
<tr>
<td>(d)</td>
<td>Any other matter which is required to be, or may be, prescribed.</td>
</tr>
<tr>
<td>18.</td>
<td>(1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of the Act.</td>
</tr>
<tr>
<td>19.</td>
<td>(1) The competent authority, by notification in the official gazette, make rules to carry out the provisions of this Act.</td>
</tr>
<tr>
<td>20.</td>
<td>(1) Every rule made by the Central Government under this Act shall be laid, as soon as may be, after it is made, before each house of parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both houses agree in making any modification in the rule or both houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.</td>
</tr>
<tr>
<td>21.</td>
<td>(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the official gazette, make such provision not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:</td>
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**F.N.O. 34011/6/(s)/2004-Estt.(B)**
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<tr>
<th>DEPARTMENT OF PERSONNEL AND TRAINING</th>
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<tr>
<td><strong>TH E SCHEDULE</strong></td>
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<tr>
<td>(See section 16)</td>
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<tr>
<td>2. Research and Analysis Wing of the Cabinet Secretariat.</td>
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<tr>
<td>3. Directorate of Revenue Intelligence.</td>
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<tr>
<td>4. Central Economic Intelligence Bureau.</td>
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<td>11. Indo Tibetan Border Police.</td>
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<tr>
<td>15. Special Service Bureau.</td>
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<tr>
<td>16. Special Branch (CID), Andaman and Nicobar.</td>
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<tr>
<td>17. The Crime Branch-CID, - CB, Dadra and Nagar Haveli.</td>
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PREAMBLE
A Bill to operationalise the right to information by setting out the practical regime for people to secure access to information under the control of public authorities, consistent with public interest, in order to promote openness, transparency and accountability and in relation to matters connected therewith or incidental thereto.

Chapter I: PRELIMINARY

1. (1) This Act may be called the Right to Information Act 2004
(2) It extends to the whole of India except the State of Jammu and Kashmir.
(3) It shall come into force within 120 days of it being enacted.
(4) Where State legislation exists dealing with the right to access information, a person will have the right to seek information under the State law as well as under this Act, if the information pertains to a subject under the State List in Schedule 7 of the Constitution of India.
(5) Objectives of the Act: The objectives of the Act are to -
   (i) give effect to the Fundamental Right to Information, which will contribute to strengthening democracy, improving governance, increasing public participation, promoting transparency and accountability in Union, State and Local Self Government Institutions.
   (ii) establish voluntary and mandatory mechanisms or procedures to give effect to right to information in a manner which enables persons to obtain access to records of public authorities in a swift, effective, inexpensive and reasonable manner.
   (iii) promote transparency, accountability and effective governance of all public authorities by, including but not limited to, empowering and educating all persons to:
       - understand their rights in terms of this Act in order to exercise their rights in relation to public authorities;
       - understand the functions and operation of public authorities; and
       effectively participating in decision making by public authorities that affects their rights.

2. In This Act, unless the context otherwise requires:
(a) “appropriate Government” means in relation to a public authority established, constituted, owned, substantially financed by funds provided directly or indirectly or controlled-
   (i) by the Union Government, the Union Government;
   (ii) by the State Government, The State Government;
   (iii) by the Union territory, The Union Government;
(b) “competent authority” means-
   (i) the Speaker in the case of the House of the People or the Legislative Assembly and the Chairman in the case of the Council of States or the Legislative Council:
(ii) The Chief Justice of India in the case of the Supreme Court;
(iii) The Chief Justice of the High Court in the case of a High Court;
(iv) The President or the Governor, as the case may be, in case of other authorities created by or under the Constitution:
(v) the administrator appointed under article 239 of the Constitution;
(c) "Chief Information Commissioner", "Information Commissioner" and "State Information Commissioner" means the authorities so appointed under this act
(d) "right to information" means the right to access information held by, legally accessible by or under the control of any public authority and includes:
   (i) Inspection of works, documents, records;
   (ii) Taking notes and extracts and obtaining certified copies of documents or records;
   (iii) Taking certified samples of material;
   (iv) Obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.
(e) "information" means any material in any form, including records, documents, file notings, memos, emails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data, material held in any electronic form and any information relating to a private body which can be accessed by a public authority under any law;
(f) "prescribed" means prescribed by rules made under this Act by the appropriate Government or the competent authority, as the case may be;
(g) "public authority" means any authority or body established or constituted,-
   (i) by or under the Constitution;
   (ii) by any law made by the appropriate Government, and includes any other body owned or controlled by the appropriate Government and includes panchayati raj institutions and other community bodies, like district councils, and village or locality durbars, performing public functions in areas notified under schedule 5 and 6 of the Constitution.
(h) "Public Information Officer" means the Public Information Officer appointed under sub-section (1) and/or (1)(a) of section 5;
(i) "record" includes-
   (i) any document, manuscript and file;
   (ii) any microfilm, microfiche and facsimile copy of a document;
   (iii) any reproduction of image or images embodied in such microfilm (whether enlarged or not): and
   (iv) any other material produced by a computer or by any other device.
(j) "third party" means a person other than the person making a request for information and includes a public authority.
3. Subject to the provision of this Act, all persons shall have the right to information.

4. Every public authority shall-

(a) maintain all its records, duly catalogued and indexed, in a manner and form which facilitates the right to information as provided for in this Act, including ensuring that all records, covered by the Act that are appropriate to computerise, are within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that authorised access to such records is facilitated.

(b) publish within 6 months of this Act coming into force and thereafter update at least every 12 months-

(i) The particulars of its organisation, functions and duties.
(ii) The powers and duties of its officers and employees
(iii) Procedures followed during the decision making process, including chains of supervision and accountability.
(iv) The norms set by the public authority for the discharge of its functions.
(v) Rules, regulations, instructions, manual and records held by or under its control used by its employees for discharging its functions.
(vi) A statement of the categories of documents that are held by or under the control of the public authority.
(vii) Particulars of any arrangement that exists for consultation with, or representation by, members of the public in relation to the formulation of policy in, or in the administration of, the public authority.
(viii) A statement listing all boards, councils, committees and other bodies constituted by two or more persons, that are part of, or that have been established for the purpose of advising, the public authority, and whose meetings are open to the public, or the minutes of whose meetings are available for public inspection;
(ix) A directory of their public servants, from the level of the head of the department or his/her equivalent and below;
(x) The monthly remuneration received for each position, including the system of compensation as established in regulations;
(xi) Information concerning the budget assigned to each agency, including all plans, proposed expenditures and reports on disbursement,
(xii) The design and execution of subsidy programs, including the amounts allocated to them, criteria for access, implementation details and beneficiaries.
(xiii) All concessions, permits or authorisations granted, with their recipients specified.
(xiv) All information available to the public authority in electronic form or capable of being reduced to electronic form which is not exempt under this Act, subject to availability of resources.

(xv) the details of facilities available to citizens for obtaining information, including if the public authority maintains a library or reading room that is available for public use, a statement of that fact including details of the address and hours of opening of the library or reading room; and

(xvi) the name, designation and other particulars of the Public Information Officer;

(xvii) such other information as prescribed by the appropriate government or Information Commissioner from time to time which would promote transparency across public authorities or in specific public authorities, as appropriate;

on the basis that it shall be a constant endeavor of public authorities to take steps to provide as much information to the public suo moto at regular intervals through various means of communication so that the public have minimum resort to the use of this Act to obtain information.

(c) publish all relevant facts concerning important decisions and policies that affect the public while formulating and announcing such decisions and policies;

(d) give reasons for its decisions, whether administrative or quasi-judicial to those affected by such decisions;

(e) before initiating any project, or formulating any policy, scheme, programme or law, publish or communicate to the public generally or to the persons affected or likely to be affected by these in particular, the facts available to it or to which it has reasonable access which in its opinion should be known to them in the best interests of natural justice and promotion of democratic principles.

(f) For the purpose of this section, information should be disseminated widely and in a form and manner which is easily accessible and comprehensible to the public. “Disseminated” shall mean appropriately making known to the public the information to be communicated through notice boards, newspapers, public announcements, media broadcasts, the internet or other such means and shall include inspection at all of the bodies offices. All materials shall be disseminated keeping in mind cost effectiveness, the local language and the most effective method of communication in that local area. Such information should be easily accessible, with the Public Information Officer, where possible in electronic format, which shall be available free or at the cost of the medium, or in print at cost price.

5. (1) Every public authority shall for the purposes of this Act, designate as many officers as Public Information Officers, in all administrative units and offices under such authority, as are necessary to render the public body as accessible as reasonably possible for requesters of information, within one month of this Act coming into force.

(a) An officer at each sub-divisional level or other appropriate sub-district level, shall be designated a Public Information Officer, within three months of this act coming into force, for the purposes of this Act. He/she shall receive all requests for information, and appeals, both under the
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state and the central acts, and pass them on to a designated authority for onward transmission to
the relevant department/agency.

(b) Where applications/appeals are handed over at the sub divisional or sub-district level, an
additional period of five days would be added to the time of response specified under this act, in
order to enable the request/appeal to be communicated to the relevant authority.

(2) Every Public Information Officer shall deal with requests for information and shall render reasonable
assistance to any person seeking such information.

(3) The Public Information Officer may seek the assistance of any other officer as he considers necessary for
the proper discharge of his duties.

(4) Any officer whose assistance has been sought under sub-section (3), shall render all assistance to the Public
Information Officer seeking his/her assistance and be treated as a Public Information Officer for the
purposes of the penalty provisions in this Act.

6. (1) A person desirous of obtaining information shall make a request in writing or through electronic means in
English or in the official language of the area in which the application is being submitted, to:

(a) the Public Information Officer of the relevant public authority;

(b) other designated Public Information Officers, as specified in 5 (1a)

specifying the particulars of the information sought by him/her.

Provided that where such request cannot be made in writing the Public Information Officer shall render all
reasonable assistance to the person making the request orally to reduce it in writing.

6 (2) An applicant for access to information shall not be required to give any reason for requesting access to that
information or any other personal details except those necessary for contacting the applicant.

6 (3) (1) Where an application is made to a Public Authority for information:

(a) which is held by another Public Authority; or

(b) the subject matter of which is more closely connected with the functions of another Public
Authority,

the first mentioned Public Authority shall transfer the application or such part of it as may be appropriate
to that other Public Authority and shall inform the applicant immediately of the transfer.

(2) A transfer of an application pursuant to subsection (1) shall be made as soon as practicable but not later
than 5 days after the date of receipt of the application.

7(1) Subject to section 5, sub section (1b) above and section 7, sub-section (3)(a) below, on receipt of a request
under section 6, the Public Information Officer shall as expeditiously as possible and in any case within
fifteen days of the receipt of the request, either provide the information requested on payment of such fee as
may be prescribed or reject the request for any of the reasons specified in sections 8 and 9.

Provided that where the information sought for concerns the life and liberty of a person, the same should be
provided within forty-eight hours of the receipt of the request.

7(2) If a Public Information Officer fails to give the decision on a request for access to the requestor concerned
within the period contemplated in section 7(1), the Public Information Officer would, for the purposes of this
Act, be regarded as having refused the request.
7(3) Where it is decided to provide the information on payment of any further fee representing the cost of providing the information, the Public Information Officer shall send an intimation to the person making the request, giving:

(a) the details of such fees as determined by him, showing the calculations as per the Act, at prescribed rates, requesting him to deposit the fees, and the period intervening between the dispatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of fifteen days referred to above;

(b) information concerning his/her rights with respect to review the decision as to the amount of fees charged and/or the form of access provided, including the contact details of the appellate authority, time limits, process and any relevant forms.

7(4) Where access to a record or a part thereof is to be given under this Act and the person to whom access is to be given has a sensory disability, the public authority will provide assistance to enable access to the information, including providing assistance with inspection as appropriate.

7(5)(a) Subject to sub-sections (b) and (c) below, where access to information is to be given in the form of printed copies, or copies in some other form, such as on tape, disk, film or other material, the applicant shall pay the prescribed fee.

(b) Any fees payable by the applicant shall be reasonable, and shall in no case exceed the actual cost of copying the information or in the case of samples of materials the cost of obtaining the sample, and shall be set via regulations at a maximum limit taking account of the general principle that fees should not be set so high that they undermine the objectives of this Act in practice.

(c) Notwithstanding subsection (a), where a public authority fails to comply with the time limits specified in section 7, any access to information to which the applicant is entitled pursuant to his request shall be provided free of charge.

7(6) Before taking any decision under sub-section (1), the Public Information Officer shall take into consideration the representation made by a third party under section 11.

7(7) Where a request is rejected under sub-section (6), the Public Information Officer shall communicate to the person making request,

(i) the reasons for such rejection;

(ii) the period within which an appeal against such rejections may be preferred;

(iii) the particulars of the appellate authority.

7(8) Information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.

8(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any person:

(a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
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(b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;

c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the Competent Authority is satisfied that larger public interest warrants the disclosure of such information;

e) information available to a person in his fiduciary relationship, unless the Competent Authority is satisfied that the larger public interest warrants the disclosure of such information;

(f) information received in confidence from foreign government;

(g) 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;

(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers, provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over; provided further that those matters which come under the exemptions listed in Section 8 shall not be disclosed.

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Information Officer or the appellate authority, as the case might be, is satisfied that the larger public interest justifies the disclosure of such information.

Provided that the information, which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.

Notwithstanding anything in the Official Secrets Act 1923 nor any of the exemptions permissible in accordance with section 8 (i), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

(2) Subject to the provisions of clause (a) and (i) of sub section 1 of section 8, any information relating to any occurrence, event or matter which has taken place, occurred or happened ten years before the date on which any request is made under section 6 shall be provided to any person making a request under that section.

Provided that the matters covered by Sub-Section 8(a) and Sub-Section 8(i) may be disclosed after twenty-five years.
Provided that where any question arises as to the date from which the said period of ten years or twenty-five has to be computed, the decision of the Union Government shall be final, subject to the usual appeals provided for in this act.

9. Without prejudice to the provisions of section 8, a Public Information Officer may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.

10. (1) If a request for access to information is rejected on the ground that it is in relation to information which is exempted from disclosure, then notwithstanding anything contained in this Act, access may be given to that part of the record which does not obtain any information that is exempted from disclosure under this Act and which can reasonably be severed from any part that contains exempted information.

10(2) Where access is granted to a part of the record in accordance with sub-section (1), the Public Information Officer shall send a notice to the applicant, advising:

(a) that only part of the record requested, after severance of the record containing information which is exempted from disclosure, is being furnished; and

(a) The reasons for the decision; including any findings on any material questions of fact, referring to the material on which those findings were based;

(b) The name and designation of the person giving the decision; and

(c) Details of the fees determined by him/her and requesting the applicant to deposit the fees;

(d) Information concerning his/her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fees charged and/or the form of access provided, including the contact details of the appellate body, time limits, process and any relevant forms;

11. (1) Where a public authority intends to disclose any information or record, or part thereof on a request made under this Act which relates to, or has been supplied by a third party and has been treated as confidential by that third party, the Public Information Officer shall, within five days from the receipt of a request, give written notice to such third party of the request and of the fact that the public authority intends to disclose the information or record, or part thereof and invite the third party to make a submission, in writing or orally, regarding whether the information should be disclosed, which submission shall be taken into account when determining whether to disclose the information.

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweights in importance any possible harm or injury to the interests of such party.

(2) where a notice is given by the public information officer under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of issuance of notice, be given the opportunity to make representation against the proposed disclosure.
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(3) Notwithstanding anything contained in section 7, the public information officer shall, within twenty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.

(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal against the decision under section 12(2).

12(1): (i)(a) The President shall appoint or designate a Chief Information Commissioner for all matters pertaining to the Union. Such appointment shall be made on the basis of a recommendation made by an Appointing Committee presided by the Prime Minister, with the Leader of Opposition in the Lok Sabha and the Chief Justice of India as members.

(i)(b) The Governor shall appoint or designate a State Information Commissioner for all matters pertaining to the State. Such appointment shall be made on the basis of recommendation made by an Appointing Committee presided by the Chief Minister, with the Leader of Opposition in the Legislative Assembly and the Chief Justice of the High Court as members.

(ii) Information Commissioners may be appointed by the President or the Governor, as the case may be, in consultation with the appropriate Appointing Committee and the Chief Information Commissioner or State Information Commissioners, as the case may be.

(iii) Every Chief Information Commissioner, State Information Commissioner and Information Commissioner shall be a person with wide knowledge and experience of administration and governance, and/or a person with high public stature.

(iv) The Chief Information Commissioners and any Information Commissioners shall not be members of Parliament or members of the Legislative of any State or Union Territory and shall not hold any other office of profit and shall not be connected with any political party or be carrying on any business or practice any profession;

(v) The requisite budgetary allocations for the emoluments and expenses, including office expenses, of the Chief Information Commissioner and of other Information Commissioners will be provided by the Government of India through special budgetary provisions made available to the respective states out of the Union Government Budget.

(vi) The Chief Information Commissioner and of other Information Commissioners shall function autonomously without being subjected to directions by any other authority and would be under the administrative control of the Government of India, Ministry of Personnel, Administrative Reforms and Public Grievances.

(vii) Every person appointed as a Chief Information Commissioner or an Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office. He/she will not be eligible for reappointment.

12. (2)(i) Any person who does not receive a decision in the time period specified in Section 7(1) or 7(3)(a) above, or is aggrieved by a decision of the Public information officer may, within thirty days of the expiry of such a
period or of receipt of such a decision, prefer an appeal to an appellate authority prescribed for the purpose in each department and senior in rank to the Public Information Officer.

Provided that such authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(ii) A second appeal against the decision (or lack of it), under sub-section (i), shall lie within 90 days from the time by which the decision should have been made or was actually received, with the relevant Chief/State/Information Commissioner;

Provided that the relevant Chief/State/Information Commissioner may entertain an appeal after the expiry of the said period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(iii) Where an appeal is being preferred against an order made by the Public Information Officer under Section 11 to disclose "third party" information, the appeal by the concerned third party must be made within thirty days of the order.

(iv) If the decision of the Public Information Officer against which the appeal is preferred relates to information of a third party, the relevant Information Commissioner shall give a reasonable opportunity of being heard to that third party.

(v) In any appeal proceedings, the onus to prove that a denial of a request was justified will be on the public authority that denied the request.

(vi) Appeals to any appellate authority/Information Commissioner shall be disposed of within thirty days of the receipt of the appeals, or within such extended period, not exceeding a total of forty-five days from the date of filing of appeal, for reasons to be recorded in writing.

(vii) The decision of the Information Commissioner shall be binding.

(viii) In his/her decision, the relevant Information Commissioner has the power to:

(a) require the public authority to take any such steps as may be necessary to bring it into compliance with the Act, including by;

(i) providing access to information, including in a particular form;

(ii) appointing an information officer;

(iii) publishing certain information and/or categories of information;

(iv) making certain changes to its practices in relation to the keeping, management and destruction of records;

(v) enhancing the provision of training on the right to information for its officials;

(vi) providing him or her with an annual report, in compliance with section 4(b);

(b) require the public body to compensate the complainant for any loss or other detriment suffered;

(c) impose any of the penalties available under this Act;

(d) reject the application.

(ix) The Information Commissioner shall serve notice of his/her decision, including any rights of appeal, on both the complainant and the public authority.
(x) A decision of the Information Commissioner may be appealed to the High Court or the Supreme Court, on any point of fact and law.

12(3) Powers of the Chief Information Commissioner/State Information Commissioners

(1) Subject to this Act, the Chief Information Commissioner/State Information Commissioners shall receive and investigate complaints from persons:

(a) who have been unable to submit a request to a Public Information Officer, either because none has been appointed as required under the Act or because the Public Information Officer has refused to accept their application;
(b) who have been refused access to information requested under this Act;
(c) who have not been given a response or access to information within the time limits required under this Act;
(d) who have been required to pay an amount under the fees provisions that they consider unreasonable;
(e) who believe that they have been given incomplete, misleading or false information under this Act;
(f) in respect of any other matter relating to requesting or obtaining access to records under this Act.

(2) Where a Chief Information Commissioner/State Information Commissioner is satisfied that there are reasonable grounds to investigate a matter relating to requesting or obtaining access to records under this Act, he/she may initiate a complaint in respect thereof.

(3) The Chief Information Commissioner/State Information Commissioners/Information Commissioners have, in relation to the carrying out of the investigation of any complaint under this Act, power:

(a) to summon and enforce the appearance of persons and compel them to give oral or written evidence on oath and to produce such documents and things as the Commissioner deems requisite to the full investigation and consideration of the complaint, in the same manner and to the same extent as a superior court of record;
(b) to administer oaths;
(c) to receive and accept such evidence and other information, whether on oath or by affidavit or otherwise, as the relevant Information Commissioner sees fit, whether or not the evidence or information is or would be admissible in a court of law;
(d) to enter any premises occupied by any government institution on satisfying any security requirements of the institution relating to the premises;
(e) to converse in private with any person in any premises entered pursuant to paragraph (d) and otherwise carry out therein such inquiries within the authority of the Chief Information Commissioner under this Act as the Commissioner sees fit; and
(f) to examine or obtain copies of or extracts from books or other records found in any premises entered pursuant to paragraph (d) containing any matter relevant to the investigation.

(g) To impose the penalties prescribed under this act, after giving due opportunity to the concerned official of being heard.
(4) Notwithstanding any other Act of Parliament or any privilege under the law of evidence, an Chief Information Commissioner/State Information Commissioners/Information Commissioners may, during the investigation of any complaint under this Act, examine any record to which this Act applies that is under the control of a government institution, and no such record may be withheld from any Commissioner on any grounds.

(5) All the powers of the Chief Information Commissioner would also be enjoyed by the State Information Commissioners and other Information Commissioners, within their jurisdictions.

12(4) Penalties

(1) Subject to sub-section (3), where any Public Information Officer has, without any reasonable cause, failed to supply the information sought, within the period specified under section 7(1), the relevant Information Commissioner shall, on appeal, impose a penalty of rupees two hundred fifty, which amount must be increased by regulation at least once every five years, for each day's delay in furnishing the information, after giving such Public Information Officer a reasonable opportunity of being heard.

(2) Subject to sub-section (3), where it is found in appeal that any Public Information Officer has –

(i) Refused to receive an application for information;
(ii) Mala fide denied a request for information;
(iii) Knowingly given incorrect or misleading information,
(iv) Knowingly given wrong or incomplete information,
(v) Destroyed information subject to a request; or
(vi) Obstructed the activities of a Public Information Officer, any Information Commission or the courts; he/she would have committed an offence and will be liable upon summary conviction to a fine of not less than rupees two thousand and imprisonment of up to five years, or both.

(3) An officer whose assistance has been sought by the Public Information Officer for the performance of his/her duties under this Act shall be liable for penalty as prescribed in sub-sections (1) and (2) jointly with the Public Information Officer or severally as may be decided by the relevant Information Commissioner.

(4) Any fines imposed under sub-sections (1), (2) and (3) shall be recoverable from the salary of the concerned officer, including the Public Information Officer, or if no salary is drawn, as an arrears of land revenue, recoverable within a maximum of six months of the order imposing the fine.

(5) The Public Information Officer or any other officer on whom the penalty under sub-sections (1), (2) and (3) is imposed shall also be liable to appropriate disciplinary action under the service rules applicable to him. Provided that in cases where the officer is proved guilty of deliberate denial of information or misinformation, the punishment imposed shall be a major penalty, i.e., dismissal or removal or reduction in rank.

CHAPTER III MISCELLANEOUS

13. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

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14. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

15. No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.

16. (1) Nothing contained in this Act shall apply to the intelligence and security organisations, specified in the Schedule being organisations established by the Union Government or any information furnished by such organisations to that Government.

Provided that information pertaining to alleged violations of human rights, to the life and liberty of human beings and to the allegations of corruption will not be excluded under this clause.

(2) The Union Government may, by notification in the official Gazette, amend the Schedule by including therein any other intelligence or security organisation established by that government or omitting therefrom any organisation already specified therein and on the publication of such notification, such organisation shall be deemed to be included in or, as the case may be, omitted from the Schedule.

(3) Every notification issued under sub-section (2) shall be laid before each house of parliament.

(4) Nothing contained in this Act shall apply to such intelligence and security organisations which may be specified, by a notification in the official gazette, by a state Government from time to time. Provided that information pertaining to alleged violations of human rights, to the life and liberty of human beings and to the allegations of corruption will not be excluded under this clause

(5) Every notification issued under sub-section (4), shall be laid before the state legislature.

16A Monitoring and Reporting

(1) The Chief Information Commissioners/State Information Commissioners/Information Commissioners shall, as soon as practicable after the end of each year, prepare a report on the implementation of this Act during that year and cause a copy of the report to be laid before the legislatures of the concerned state and each House of the Parliament.

(2) Each responsible department/ministry shall, in relation to the public authorities within their jurisdiction, collect and provide such information to the Chief/State/ Information Commissioners as is required to prepare the report under this section, and shall comply with any prescribed requirements concerning the furnishing of that information and the keeping of records for the purposes of this section.

(3) Each report shall, at a minimum, state in respect of the year to which the report relates:

(a) the number of requests made to each public authority;

(b) the number of decisions that an applicant was not entitled to access to a document pursuant to a request, the provisions of this Act under which these decisions were made and the number of times each provision was invoked;

(c) the number of appeals sent to the Information Commissioners for review, the nature of the complaints and the outcome of the appeals;
(d) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;
(e) the amount of charges collected by each public authority under this Act;
(f) any facts which indicate an effort by public authorities to administer and implement the spirit and intention of this Act;
(g) recommendations for reform, including recommendations in respect of particular public authorities, for the development, improvement, modernisation, reform or amendment of this Act or other legislation or common law or any other matter relevant to operationalising the right to access information, as appropriate.

(4) The Union Government Ministry responsible for the administration of this Act, as soon as practicable after the end of each year, prepare a summary report on the implementation of this Act during that year and cause a copy of the report to be laid before the concerned state legislatures and each House of the Parliament, drawing on the information provided in the reports of the Chief Information Commissioners for each State.

(5) If it appears to any Chief Information Commissioner that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with provisions or spirit of the Act, s/he may give to the authority a recommendation specifying the steps which ought in his/her opinion to be taken for promoting such conformity.

16B (1) The Government must, to the extent that financial and other resources are available:
(a) develop and conduct educational programmes to advance the understanding of the public, in particular of disadvantaged communities, of this Notification and of how to exercise the rights contemplated in this Act;
(b) encourage public authorities to participate in the development and conduct of programmes referred to in paragraph (a) and to undertake such programmes themselves; and
(c) promote timely and effective dissemination of accurate information by public authorities about their activities.
(d) train information officers of public authorities and/or produce relevant training materials for use by authorities themselves.

(2) The Government must, within 18 months of this Act coming into force, compile in each official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in this Act.

(3) The Government must, if necessary, update and publish the guide at regular intervals. The guide must, without limiting the generality of subsection (2), include a description of-
(a) the objects of this Act;
(b) the postal and street address, phone and fax number and, if available, electronic mail address of the Public Information Officer of every public authority as appointed under sub section (1) of section 5
(c) the manner and form of a request for access to a information of a public authority;
(d) the assistance available from and the duties of Public Information Officers of a public authority in terms of this Act;

(e) the assistance available from the Information Commissioners in terms of this Act;

(f) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act, including the manner of lodging an appeal with the appellate authorities/Chief/State/Information Commissioners and a court against a decision by the Public Information Officer of a public authority;

(g) the provisions providing for the voluntary disclosure of categories of records in accordance with section 4;

(h) the notices regarding fees to be paid in relation to requests for access; and

(i) any additional regulations or circulars relevant to obtaining access to information in accordance with this Act.

(4) The Government must, if necessary, update and publish the guide at regular intervals.

17 (1) The Union Government may by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely

(a) intervals at which matters referred to in sub-clauses (i) to (vi) of clause (b) of section 4 shall be published.

(b) The fee payable under sub-section (1) of section 7;

(c) The authority before whom an appeal may be preferred under sub-section (2) of section 12;

(d) any other matter which is required to be, or may be, prescribed.

18. (1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of the Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the fee payable under sub-section (1) of section 7:

(b) the authority before whom an appeal may be preferred under sub-section (2) of section 12:

(c) any other matter which is required to be, or may be, prescribed.

Provided that initially the rules shall be made by the Union Government by notification in the official gazette.

19. (1) The competent authority may, by notification in the official gazette make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:

(a) the fee payable under sub-section (1) of section 7:

(b) the authority before whom an appeal may be preferred under sub-section (2) of section 12:

(c) any other matter which is required to be, or may be, prescribed.
20. (1) Every rule made by the Union Government under this Act shall be laid, as soon as may be after it is made, before each house of parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both houses agree in making any modification in the rule or both houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(2) Every rule made under this Act by a State Government shall be laid, as soon as may be after it is notified, before the State Legislature.

21. (1) If any difficulty arises in giving effect to the provisions of this Act, the Union Government may, by order published in the official gazette, make such provision not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:
Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall as soon as may be after it is made, be laid before the houses of parliament.

THE SCHEDULE
(See section 16 (1))

Intelligence and Security Organisations Established by the Union 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.
7. Aviation Research Centre.
8. Special Frontier Force.
11. Indo Tibetan Border Police.
15. Special Service Bureau.
16. Special Branch (CID), Andaman and Nicobar.
17. The Crime Branch-CID, - CB, Dadra and Nagar Haveli.
18. Directorate of Vigilance including Anti Corruption Branch, National Capital Territory of Delhi.
THE RIGHT TO INFORMATION, BILL, 2004

A BILL
to provide for setting out the practical regime of right to information for people to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Right to Information Act, 2004.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on the one hundred and twentieth day of its enactment.

2. In this Act, unless the context otherwise requires, -

(a) "Commission" means the Central Information Commission constituted under section 12;

(b) "competent authority" means-

(i) the Speaker in the case of the House of the People or the Legislative Assembly of a Union territory and the Chairman in the case of the Council of States;

(ii) the Chief Justice of India in the case of the Supreme Court;

(iii) the Chief Justice of the High Court of Delhi;

(iv) the President in the case of other authorities created by or under the Constitution;

(v) the administrator appointed under article 239 of the Constitution;
(c) "Government", in relation to a public authority established, constituted, owned, substantially financed by funds provided directly or indirectly or controlled by the Central Government or a Union territory administration, means the Central Government;

(d) "information" means any material in any form, including records, documents, memos, emails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;

(e) "Information Commissioner" and "Deputy Information Commissioners" mean the Information Commissioner and the Deputy Information Commissioners appointed under sub-section (3) of section 12;

(f) "prescribed" means prescribed by rules made under this Act by the Government or the competent authority, as the case may be;

(g) "public authority" means any authority or body established or constituted,-

(i) by or under the Constitution;

(ii) by any other law made by the Government, and includes any other body owned or controlled by the Government;

(h) "Public Information Officer" means the Public Information Officer appointed under sub-section (1) and includes an Assistant Information Officer designated as such under sub-section (2), of section 5;

(i) "record" includes-

(i) any document, manuscript and file;

(ii) any microfilm, microfiche and facsimile copy of a document;

(iii) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and
any other material produced by a computer or any other device;

"right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to-

(i) inspection of work, documents, records;
(ii) taking notes, extracts, or certified copies of documents or records;
(iii) taking certified samples of material;
(iv) obtaining information in the form of diskettes, floppy tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

"third party" means a person other than the person making a request for information and includes a public authority.

CHAPTER II

RIGHT TO INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES

3. Subject to the provisions of this Act, all citizens shall have the right to information.

4. (1) Every public authority shall-

(a) maintain all its records duly catalogued and indexed in a manner and form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;

(b) publish before the commencement of this Act,-

(i) the particulars of its organisation, functions and duties;
(ii) the powers and duties of its officers and employees;
(iii) the procedure followed in the decision making process, including
channels of supervision and accountability;
(iv) the norms set by it for the discharge of its functions;
(v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
(vi) a statement of the categories of documents that are held by it or under its control;
(vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
(viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advise, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
(ix) a directory of its officers and employees;
(x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
(xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
(xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
(xiii) particulars of concessions, permits or authorisations granted by it.
(xiv) details in respect of the information, available to or held by it, reduced in an electronic form;

(xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;

(xvi) the names, designations and other particulars of the Public Information Officers;

(xvii) such other information as may be prescribed;

and thereafter update these publications within such intervals in each year as may be prescribed;

(c) publish all relevant facts while formulating important policies or announcing the decisions which affect public;

(d) provide reasons for its administrative or quasi-judicial decisions to affected persons;

(e) before initiating any project, or formulating any policy, scheme, programme or law, publish or communicate to the public in general or to the persons likely to be affected thereby in particular, the facts available to it or to which it has reasonable access which in its opinion should be known to them in the best interest of natural justice and promotion of democratic principles.

(2) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suomoto to the public at regular intervals through various means of communications so that the public have minimum resort to the use of this Act to obtain information.

(3) For the purpose of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible and comprehensible to the public.

(4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Public Information Officer, available free or at
such cost of the medium or in print cost price as may be prescribed.

Explanation.- For the purposes of sub-sections (3) and (4), “disseminated” means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority.

5. (1) Every public authority shall, within one hundred days of the enactment of this Act, designate as many officers as Public Information Officers in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act.

(2) Without prejudice to the provisions of sub-section (1), every public authority shall designate an officer, within one hundred days of the enactment of this Act, at each sub-divisional level or other sub-district level as an Assistant Public Information Officer to receive the applications for information or appeals under this Act for forwarding the same forthwith to it or to the appropriate Government:

Provided that where an application for information or appeal is given to an Assistant Public Information Officer, a period of five days shall be added in computing the period for response specified under sub-section (1) of section 7.

(3) Every Public Information Officer shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information.

(4) The Public Information Officer may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.

(5) Any officer whose assistance has been sought under sub-section (4), shall render all assistance to the Public Information Officer seeking his or her assistance and for the purposes of any contravention of the provisions of this Act such other officer shall be treated as a Public Information Officer.

6. (1) A person who desires to obtain any information under this Act shall make a request in writing or through electronic means in English or in the official language of the area in which the application is being made, accompanying such fee as may be...
prescribed, to -

(a) the Public Information Officer of the concerned public authority;

(b) the Assistant Public Information Officers,

specifying the particulars of the information sought by him or her:

Provided that where such request cannot be made in writing, the Public Information Officer shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

(2) An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

(3) Where an application is made to a public authority requesting for an information,-

(i) which is held by another public authority; or

(ii) the subject matter of which is more closely connected with the functions of another public authority,

the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.

7. (1) Subject the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Public Information Officer on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9:
Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.

(2) If the Public Information Officer fails to give decision on the request for information within the period specified under sub-section (1), the Public Information Officer shall be deemed to have refused the request.

(3) Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, the Public Information Officer shall send an intimation to the person making the request, giving -

(a) the details of further fees representing the cost of providing the information as determined by him, together with the calculations made to arrive at the amount in accordance with fee prescribed under sub-section (1), requesting him to deposit that fees, and the period intervening between the despatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to in that sub-section;

(b) information concerning his or her right with respect to review the decision as to the amount of fees charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms.

(4) Where access to the record or a part thereof is required to be provided under this Act and the person to whom access is to be provided is sensorily disabled, the public authority shall provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection.

(5) Where access to information is to be provided in the printed or in any electronic format, the applicant shall, subject to sub-section (6), pay such fee as may be the prescribed.

(6) Notwithstanding anything contained in sub-section (5), the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in sub-section (1).
(7) Before taking any decision under sub-section (1), the Public Information Officer shall take into consideration the representation made by a third party under section 11.

(8) Where a request has been deemed to be rejected under sub-section (2), the Public Information Officer shall communicate to the person making the request,-

(i) the reasons for such rejection;
(ii) the period within which an appeal against such rejection may be preferred; and
(iii) the particulars of the appellate authority.

(9) An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.

8. (1) Notwithstanding anything contained in this Act, except as otherwise provided herein, the following information shall be exempted from disclosure, namely:-

(a) an information, the disclosure of which would,-

(i) prejudicially affect the sovereignty and integrity of India, security, strategic, scientific or economic interest of the State, relation with foreign State; or
(ii) lead to an incitement to commit an offence;

(b) an information, which has been expressly forbidden to be disclosed by any court of law or tribunal or the disclosure of which may constitute contempt of court;

(c) an information, the disclosure of which may result in a breach of privileges of Parliament or the Legislature of a State;

(d) an information, including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party:

Provided that such information may be disclosed, if the Public Information Officer is satisfied that a larger public interest warrants the disclosure of such information;

Exemption from disclosure of information.
(e) an information available to a person in his fiduciary relationship:
   Provided that such information may be disclosed, if the Public Information Officer is satisfied that a larger public interest warrants the disclosure of such information;
(f) an information received in confidence from a foreign government;
(g) an information, the disclosure of which would endanger the life or physical safety of any person or cause to identify the source of information or assistance given in confidence of law enforcement or security purposes;
(h) an information, the disclosure of which would impede the process of investigation or apprehension or prosecution of offenders;
(i) the Cabinet papers, including records of deliberations of the Council of Ministers, Secretaries and other officers:

   Provided that the decisions of the Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken, shall be made public after the decision has been taken, and the matter is complete, or over:

   Provided further that those matters which come under the exemptions listed in this section shall not be disclosed;

(j) an information which relates to personal information, the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of the privacy of the individual:

   Provided that such information may be disclosed, if the Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information

(2) An information which cannot be denied to Parliament or Legislature of a State, as the case may be, shall not be denied to any person.

(3) A public authority may, notwithstanding anything contained in the Official Secrets Act, 1923 or any of the exemptions specified in sub-section (1), allow access to information if public
interest in disclosure of the information outweighs the harm to the public authority.

(4) Subject to the provisions of clause (a) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place or occurred ten years before the date on which any request is made under section 6, shall be provided to the person making the request under that section:

Provided that where any question arises to the date from which the said period of ten years has to be computed, the decision of the Central Government shall be final.

9. Without prejudice to the provisions of section 8, a Public Information Officer may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.

10. (1) Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.

(2) Where access is granted to a part of the record under sub-section (1), the Public Information Officer shall give a notice to the applicant, informing:-

(a) that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;
(b) the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;
(c) the name and designation of the person giving the decision;
(d) the details of the fees determined by him or her and the amount of fee which the applicant is required to deposit; and
(e) his or her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms.
11. (1) Where a public authority intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Public Information Officer shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the public authority intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

(2) Where a notice is served by the Public Information Officer under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.

(3) Notwithstanding anything contained in section 7, the Public Information Officer shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.

(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 15 against the decision.

CHAPTER III

THE CENTRAL INFORMATION COMMISSION

12. (1) The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the Central Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.
(2) The Commission shall consist of -

(a) the Information Commissioner; and
(b) such number of Deputy Information Commissioners not exceeding ten as may be deemed necessary.

(3) The Information Commissioner and the Deputy Information Commissioners shall be appointed by the President on the recommendation of a committee consisting of-

(i) the Prime Minister, who shall be the Chairperson of the committee;
(ii) the Leader of Opposition in the Lok Sabha;
(iii) the Chief Justice of India.

Explanation.- For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the House of the People has not been recognised as such, the Leader of the single largest group in opposition of the Government in the House of the People shall be deemed to be the Leader of the Opposition.

(4) The general superintendence, direction and management of the affairs of the Commission shall vest in the Information Commissioner who shall be assisted by the Deputy Information Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the Commission autonomously without being subjected to directions by any other authority under this Act.

(5) The Information Commissioner and the Deputy Information Commissioners shall be persons of eminence in public life with wide knowledge and experience of administration and governance.

(6) The Information Commissioner or a Deputy Information Commissioner shall not be a member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

(7) The headquarters of the Commission shall be at Delhi and the Commission may, with the previous approval of the Central Government, establish offices at other places in India.
(8) Every Deputy Information Commissioner shall perform his functions within such area as may be specified by the Central Government.

13. (1) The Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment:

Provided that the term of five years may be extendable to one more year, in appropriate cases, subject to the condition that the one year extension shall not exceed the age limit of sixty-five years.

(2) Every Deputy Information Commissioner shall hold office for a term of four years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier:

Provided that every Deputy Information Commissioner shall, on vacating his office under this sub-section, be eligible for appointment as the Information Commissioner in the manner specified in sub-section (3) of section 12:

Provided further that the term of office of the Deputy Information Commissioner, if appointed as the Information Commissioner, shall not be more than five years in aggregate as the Deputy Information Commissioner and the Information Commissioner.

(3) The Information Commissioner or a Deputy Information Commissioner, shall before he enters upon his office make and subscribe before the President or some other person appointed by him in that behalf, as oath or affirmation according to the form set out for the purpose in the Schedule.

(4) The Information Commissioner or a Deputy Information Commissioner may, at any time, by writing under his hand addressed to the President, resign from his office:

Provided that the Information Commissioner or a Deputy Information Commissioner may be removed in the manner specified under section 14.

(5) The Information Commissioner or a Deputy Information Commissioner shall, on cessation of his office, not be eligible for -
for -

(a) any diplomatic assignment, assignment as administrator or a Union territory or such other assignment or appointment which is required by law to be made by the President by warrant under his hand and seal;
(b) further employment to any office of profit under the Government of India or the Government of a State.

(6) The salaries and allowances payable to and other terms and conditions of service of –

(a) the Information Commissioner shall be the same as that of a Secretary to the Government of India;
(b) the Deputy Information Commissioner shall be the same as that of a Joint Secretary or an Additional Secretary to the Government of India:

Provided that the if the Information Commissioner or a Deputy Information Commissioner, at the time of his appointment is, in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the service as the Information Commissioner or a Deputy Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

Provided further that if the Information Commissioner or a Deputy Information Commissioner if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the Information Commissioner or the Deputy Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that the salaries, allowances and the other conditions of service of the Information Commissioner and the Deputy Information Commissioners shall not be varied to their disadvantage after their appointment.
(7) The Central Government shall provide the Information Commissioner and the Deputy Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the other terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

14. (1) Subject to the provisions of sub-section (3), the Information Commissioner or any Deputy Information Commissioner shall be removed from his office only by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the Information Commissioner or any Deputy Information Commissioner, as the case may be, ought on such ground be removed.

(2) The President may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the Information Commissioner or Deputy Information Commissioner in respect of whom a reference has been made to the Supreme Court under sub-section (1) until the President has passed orders on receipt of the report of the Supreme Court on such reference.

(3) Notwithstanding anything contained in sub-section (1), the President may by order remove from office the Information Commissioner or any Deputy Information Commissioner if the Information Commissioner or a Deputy Information Commissioner, as the case may be,-

(a) is adjudged an insolvent; or
(b) has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or
(c) engages during his term of office in any paid employment outside the duties of his office; or
(d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or
(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Information Commissioner or a Deputy Information Commissioner.

(4) If the Information Commissioner or any Deputy Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of India or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in common with the other members of an incorporated company, be
common with the other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehaviour.

15. (1) Subject to the provisions of this Act, it shall be the duty of the Commission to receive and inquire into a complaint from any person,-

(a) who has been unable to submit a request to a Public Information Officer, either by reason that no such officer has been appointed under this Act, or because the Assistant Public Information Officer has refused to accept his or her application for forwarding the same to the public authority or the appropriate Government;
(b) who has been refused access to any information requested under this Act;
(c) who has not been given a response to a request for information or access to information within the time limits specified under this Act;
(d) who has been required to pay an amount of fee which he or she considers unreasonable;
(e) who believes that he or she has been given incomplete, misleading or false information under this Act; and
(f) in respect of any other matter relating to requesting or obtaining access to records under this Act.

(2) Where the Commission is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof.

(3) The Commission shall, while inquiring into any matter under this section, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;
(b) requiring the discovery and inspection of documents;
(c) receiving evidence on affidavit;
(d) requisitioning any public record or copies thereof from any court or office;
(e) issuing summons for examination of witnesses or documents; and
(f) any other matter which may be prescribed.

(4) Notwithstanding any thing consistent contained in any other Act of Parliament, the Commission may, during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the public authority, and no such record may be withheld from it on any grounds.

16. (1) Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 8, or is aggrieved by a decision of the Public Information Officer, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Public Information Officer in each public authority:

Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Commission:

Provided that the Commission may admit the appeal after the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) Where an appeal is preferred against an order made by the Public Information Officer under section 11 to disclose third party information, the appeal by the concerned third party shall be made within thirty days from the date of the order.

(4) If the decision of the Public Information Officer against which an appeal is preferred relates to information of a third party, the Commission shall give a reasonable opportunity of being heard to that third party.

(5) In any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the public authority which denied the request.
(6) An appeal under sub-section (1) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.

(7) The decision of the Commission shall be binding.

(8) In its decision, the Commission has the power to,—

(a) require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including—

(i) by providing access to information, if so requested, in a particular form;
(ii) by appointing a Public Information Officer;
(iii) by publishing certain information or categories of information;
(iv) by making necessary changes to its practices in relation to the maintenance, management and destruction of records;
(v) by enhancing the provision of training on the right to information for its officials;
(vi) by providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4;

(b) require the public authority to compensate the complainant for any loss or other detriment suffered;
(c) impose any of the penalties provided under this Act;
(d) reject the application.

(9) The Commission shall give notice of its decision, including any rights of appeal, on the complainant and the public authority.

(10) The Commission shall decide the appeal in accordance with such procedure as may be prescribed.

(11) An appeal against the decision of the Commission shall lie in the High Court on any point of fact and law.

17. (1) Notwithstanding anything contained in the provisions of section 20, where the Commission at the time of deciding any appeal is of the opinion that the Public Information Officer has persistently failed to provide information without any reasonable cause within the period specified under sub-section (1) of section Penalties.
7, the Commission may authorise any officer of the Central Government to file a complaint against such Public Information Officer before a Judicial Magistrate of First Class.

(2) Any Public Information Officer who is in default under sub-section (1) shall be liable on conviction to fine which may extend to rupees twenty-five thousand or a term of imprisonment which may extend to five years, or with both.

CHAPTER IV
MISCELLANEOUS

18. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

19. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

20. No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.

21. (1) Nothing contained in this Act shall apply to the intelligence and security organisations established by the Union Government or any information furnished by such organisations to that Government:

Provided that the information pertaining to the allegations of corruption shall not be excluded under this sub-section.

(2) The Central Government may, by notification in the Official Gazette, amend the Schedule by including therein any other intelligence or security organisation established by that Government or omitting therefrom any organisation already specified therein and on the publication of such notification, such organization shall be deemed to be included in or, as the case may be, omitted from the Schedule.
(3) Every notification issued under sub-section (2) shall be laid before each House of Parliament.

22. (1) The Commission shall, as soon as practicable after the end of each year, prepare a report on the implementation of this Act during that year and forward a copy thereof to the Central Government.

(2) Each Ministry or Department shall, in relation to the public authorities within their jurisdiction, collect and provide such information to the Commission as is required to prepare the report under this section and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes of this section.

(3) Each report shall state in respect of the year to which the report relates,-

(a) the number of requests made to each public authority;
(b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked;
(c) the number of appeals referred to the Commission for review, the nature of the appeals and the outcome of the appeals;
(d) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;
(e) the amount of charges collected by each public authority under this Act;
(f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of this Act;
(g) recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernisation, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the right to access information.

(4) The Central Government may, as soon as practicable after the end of each year, cause a copy of the report of the Commission
referred to sub-section (1) to be laid before each House of Parliament.

(5) If it appears to the Commission that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with the provisions or spirit of this Act, it may give to the authority a recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity.

23. (1) The Central Government may, to the extent of availability of financial and other resources,-

(a) develop and organize educational programmes to advance the understanding of the public, in particular of disadvantaged communities as to how to exercise the rights contemplated under this Act;

(b) encourage public authorities to participate in the development and organisation of programmes referred to in clause (a) and to undertake such programmes themselves;

(c) promote timely and effective dissemination of accurate information by public authorities about their activities; and

(d) train Information Officers of public authorities and or produce relevant training materials for use by the public authorities themselves.

(2) The Government shall, within eighteen months from the commencement of this Act, compile in its official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified in this Act.

(3) The Government shall, if necessary, update and publish the guidelines referred to in sub-section (2) at regular intervals which shall, in particular and without prejudice to the generality of sub-section (2), include-

(a) the objects of this Act;

(b) the postal and street address, the phone and fax number and, if available, electronic mail address of the Public Information Officer of every public authority appointed under sub-section (1) of section 5;
(c) the manner and the form in which request for access to an information shall be made to a public authority;
(d) the assistance available from and the duties of the Public Information Officers of a public authority under this Act;
(e) the assistance available from the Commission;
(f) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act including the manner of filing an appeal to the Commission;
(g) the provisions providing for the voluntary disclosure of categories of records in accordance with section 4;
(h) the notices regarding fees to be paid in relation to requests for access to an information; and
(i) any additional regulations or circulars made or issued in relation to obtaining access to an information in accordance with this Act.

(4) The Government must, if necessary, update and publish the guidelines at regular intervals.

24. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) intervals at which matters referred to in sub-clauses (i) to (vi) of clause (b) of sub-section (1) of section 4 shall be published;
(b) the fee payable under sub-section (1) of section 6;
(c) the fee payable under sub-section (1) of section 7;
(d) the appellate authority before whom an appeal may be preferred under sub-section (1) of section 15;
(e) the procedure to be adopted by the Commission in deciding the appeals under sub-section (10) of section 16;
(f) any other matter which is required to be, or may be, prescribed.

25. (1) The competent authority may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
DEPARTMENT OF PERSONNEL & TRAINING

(i) intervals at which matters referred to in sub-clauses (i) to (vi) of clause (b) of sub-section (1) of section 4 shall be published;
(ii) the fee payable under sub-section (1) of section 6;
(iii) the fee payable under sub-section (1) of section 7;
(iv) the appellate authority before whom an appeal may be preferred under sub-section (1) of section 15;
(v) the procedure to be adopted by the Commission in deciding the appeals under sub-section (10) of section 16;
(vi) any other matter which is required to be, or may be, prescribed.

26. (1) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised of one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

27. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

5 of 2002. 28. The Freedom of Information Act, 2002 is hereby repealed.

Repeal.

F.No.34011/6(s)/2004-Estt(B) SECRET

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Financial implications on creation of posts
for the Central Information Commission

<table>
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<tr>
<th>S.No.</th>
<th>Nomenclature of post and scale of pay</th>
<th>No. of posts</th>
<th>Approximate monthly emoluments</th>
<th>Total expenditure per annum</th>
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Total 1,86,17,448
Financial implications on the creation of posts for the Nodal Cell to be set up in the Ministry of Personnel, Public Grievances & Pensions for the Right to Information Act.

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<th>No. of posts</th>
<th>Approximate monthly emoluments</th>
<th>Total expenditure per annum</th>
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