

भाषा हिन्दी

फाइल संख्या/FILE NO. 34012 / 1(S) / 2005-ES#13

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भारत सरकार
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(कामिक और प्रशिक्षण विभाग)
GOVT. OF INDIA
PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS
OF PERSONNEL & TRAINING)
(TATHA PENSION MANTRALAYA)
(SHIKSHAN VIBHAG)
अनुभाग/SECTION

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NOTES/COM

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अधिकारी के आदेश पर
tials of S.O.

RIGHT TO INFORMATION
Bill, 2004
EXAMINATION BY
GROUP OF MINISTERS

DEPARTMENT OF PERSONNEL & TRAINING (A)

F/B

In the course of drafting the 'Freedom of Information Bill, 2000', a reference was made to the then Attorney General in 1998 seeking his opinion whether the Union Government has the legislative competence to enact a law on the subject. On this, the Learned Attorney General^(X) opined that the States lack the legislative competence to enact legislation on access to information and that Parliament alone can legislate by deriving the authority of residuary powers under Entry 97 of List I of the Seventh Schedule of the Constitution. Consequently, the ✓ 'Freedom of Information Act, 2002' applies to all public authorities be they are established/constituted by the Central Government, State Governments or Union Territories.

X

2. In order to make the Information Act more progressive, participatory and meaningful, the National Advisory Council (NAC) had drafted a Bill on 'Right to Information Act, 2004'. Clause 1(4) of this Bill provided as under: -

"...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 VII of the Constitution of India."

3. The legislative competence of Parliament to enact a law on this subject which would cover the public authorities under the State Governments as well was once again examined in consultation with the Ministry of Law and Justice.

4. The Department of Legal Affairs held the view that in matters of Right to Information, Central and State Governments have independent legislative competence which are mutually exclusive. This means that while in matters of information held by the Central Government the citizen will have to use the provisions of the Central Act, for information under control of the State Government he will have to exercise his rights under the State Act should there be one.

5. The Legislative Department were of the view that if the competence to legislate on the access to information is derived from Entry 97 of List I of the Seventh Schedule of the Constitution, there can be only one Central Act which can be made applicable to both the information held by the Central Government as well as the State Governments.

(x) F/'D' 6. (x) The 'Right to Information Bill, 2004', finally introduced in the Parliament in the last Session, proposes to confer on the citizen the right to access information held by the Central Government through the Central Act. As far as information held by the State Government is concerned, access to such information will have to be through the State Acts wherever they exist.

7. A question has now been raised whether such a provision would be fully meeting the requirements keeping in view the objectives of the proposed enactment.

8. The following are the various options: -

(i) Not to disturb the provision in the Right to Information Bill, 2004, which provides only for access to the information held by the Central Government. *This would be in conformity with the views of the Department of Legal Affairs.*

(ii) To treat the 'Right to Information Bill, 2004' as an enactment contemplated under Entry 97 of List 1 of the Seventh Schedule of the Constitution and to have a single Act for the entire country – both Centre and the States. This will have the effect of superceding State Laws, wherever they exist. *It shall also be in conformity with the view of the former Attorney*

General as also the provisions of the 'Freedom of Information Act, 2002'.

- (iii) As recommended by the NAC, to provide the citizen the option to access (a) Central Information through the Central Right to Information Act; and (b) State Information either through the Central Act or a State Act should there be one. This provision does not find favour with the Ministry of Law & Justice.

9. It is for consideration if all three options are referred to the Ld. Attorney General of India for his consideration and advice especially about option (iii), which, if approved, will place at the disposal of the citizen dual mechanism to access information held by the State authorities.

10. In case legal opinion favours option (iii), Government may consider introducing an appropriate amendment to the Right to Information Bill, 2004 now before the Lok Sabha.

11. For orders on paras 9 and 10 above.

Ag. Secy
(A.N. TIWARI)

SECRETARY (PERSONNEL)

13th January, 2005

MOS (PP)

Suresh Pachouri
13/1/05
SURESH PACHOURI
MOS (PP)

Min. of Law & Justice
Dep. of Legal Affairs
[Shri R. L. Meena, Secretary]

Dep. of Personnel & Trng. I.D. No. 34012/1(5)/2005-ESHCB
Dated 17th Jan., 2005

10/3/05
28/1/05

F 1099/SHRMS
16/3/05
RER/SHRMS
No. 7
Date 17/1/05
183/11/05
13/1/2005

please specify

Cap. Secy (in charge)
17/1

J. S. C. R. (U) S. P. K. S.

Ld. Secy (P)
Dy. Secy (P)
Date 17/1/05

Secy (P)
Dir. (E-II)

DEPARTMENT OF LEGAL AFFAIRS

This relates to solicit the opinion of Learned Attorney General for India on the recommendation made by the National Advisory Council to make a provision in the Right to Information Bill, 2004 to provide the citizen the option to access (a) Central Information through the Central Right to Information Act; and (b) State Information either through the Central Act or the State Act should there be one.

2. It may be recalled that 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 this commitment the National Advisory Council (NAC) has proposed certain amendments to the Freedom of Information Act, 2002. The NAC, inter alia, has also proposed to insert a sub-clause (4) in Section 1 of the Act, 2002 to provide that where a State Legislation, dealing with the right to access information, exists simultaneously, a citizen will have the right to seek information under the State law only if the information pertains to a subject under the State List in the Seventh Schedule of the Constitution of India. The said sub-clause (4) proposed in Section 1 of the Act was as under :-

"...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 VII of the Constitution of India."

3. In regard to the above sub-clause (4) proposed by NAC in Section 1 of the Freedom of Information Act, 2002, it was stated by this Department vide note dated 09.12.2004 that 'the record maintained by the offices of the State Government would relate to the executive functions and that such executive functions may relate to legislative entries in List II (in State List). The subject of information including the public records maintained by the State Government offices, corporations, Government Companies and other bodies owned and controlled by the State Government would all relate to those entries.'

4. The Legislative Department had also examined the said proposal and it was on the view that if the competence to legislate on the access to information is derive from Entry 97 of List I of the Seventh Schedule to the Constitution, there can be only one Central Act which can be made applicable to both the information held by the Central Government as well as the State Government.

5. It may be recalled that in the course of drafting the Freedom of Information Bill, 2000, a reference was made to the then Attorney General in 1998 seeking his opinion on the issue as to whether the Union Government has the legislative competence to enact a law on the proposed Freedom of Information Bill, 1997. The Learned Attorney General vide his opinion dated 14.10.1998 has opined that "the proposed Freedom of Information Bill, 1997

does not fall either in List II or List III. Consequently, it is fully within the legislative competence of Parliament and would be covered by the residuary Entry 97." The said opinion of the then Attorney General for India was also examined in this department and vide note dated 27.10.1998 it was stated that :-

" ...information about a subject in List II or III, which is administered by the State Government, would relate to that subject, and may not be said to be not covered by it. A subject in the State List would cover all aspects including maintenance of records, disclosure of information, etc. In other words, the information would also naturally flow from the particular subject of legislative entry in the State List. It would be for the State Government to see whether any information should be disclosed in respect of their public records and if so, to what extent. It would be over stretching to take a view that information relatable to subjects mentioned in the State List would not be covered by such subjects.)

It is understood that some of the States have already enacted laws on freedom of information in respect of their public records. If a view is taken that the information relatable to State subjects is covered by a residuary entry 97 of the Union List, competence of State Legislatures for enactment of those laws may become questionable. It appears to us that competence of State Legislatures cannot be doubted for enacting law in respect of public records of the State Governments. Rather Parliament's competence to make laws in respect of the records of the State Governments may be open to question."

6. The then Hon'ble MLJ had approved the above view of this Department. Thereafter the opinion of Ld. Attorney General for India was forwarded to the DOP&T along with our above said views.

7. Since, the legal position on the legislative competence of the Central Government as well as of the State Government on the subject of right to information is emphatically clear and there is no doubt on the competence of the State Governments to enact a law on the subject. Accordingly, we may not consider it appropriate to trouble the Ld. Attorney General for India for opinion in the matter.

May kindly see.

R.L.Koli
25/11
(R.L.Koli)
Joint Secretary & Legal Adviser

Law Secretary.

Ameenu

27/11

27.1.05

MSLT (on tour)

MLJ

205/DWR(F-4)05
9/12

फ्रीडम ऑफ इन्फॉर्मेशन एक्ट
FREEDOM OF INFORMATION ACT
विभाग
Deptt. of Personnel & Trg.
1 - F.P.S. 2-0
999/40/05
C.R. No.

Office of MLJ
Dy. Secy. 191
Date 27/11/05

394-
85/11/05

US (EST B-M)

D&T

Secy (Personnel)

10/31/05

22/11/05

Dep^t. of Personnel & Tng.

ES#(B) Sec

MOS(PP) may perhaps like to see the advice of the Min. of Law & Justice at pp. 4-5/N.

[Signature]
11.2.2005

JS(E)

[Signature]
11/2/2005

MOS (PP)

The matter was discussed with the Law Minister yesterday. May kindly consider referring the matter for advice of Ld Attorney General.

[Signature]
11/2/05
SURESH PACHOURI
MOS(PP)

Law Minister

Dep^t. of Pers. & Tng I.D. No. 34012/1(S)/2005- ES#(B)
dated 11th Feb., 2005.

Law Secretary
Dy. No. 69-M
Date 11/2/05

Law Secretary may please obtain AG's opinion on the questions raised in para 8 of the report urgently taking also in account of reference from PPO (Happ).

Recd at
7-10 PM
11/2/05

Law Secy

please expedite.
Ameaw

[Signature]
11/2/05

7/11/05 (on leave)
DLA

14/2
12/14/2

Department of Legal Affairs

As desired by the Secretary (Personnel) the opinion of Ld. Attorney General for India has been obtained on the issues raised in para 8 of the referring note. The opinion of Ld. Attorney General is placed in the file at F 'X'.

Fee Bill is also annexed for payment.

M
19/3
(R. L. Koli)

Joint Secy. & Legal Adviser

Sh. A.N. Tiwari, Secretary (Personnel), DOP&I.

May kindly see.

R. L. Koli
16.3

MOS (PP)

Sach
17/3
SURESH PACHOURI
MOS (PP)

Secy (P) - has seen.

JS(E)

J. Dir/(E-II)

18/3

US(E) H.D.-M)

Q
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16/3/2012

Department of Personnel & Training
Estt.(B) Section

With a view to make the legislation on 'Right to Information more progressive, participatory and meaningful, Government had with the approval of the Cabinet, introduced 'The Right to Information Bill, 2004' in the Lok Sabha on 23rd December, 2004. The Bill, inter-alia, sought to confer on the citizen the right to access information held by the Central Government through the Central Act. As far as information held by the State Governments is concerned, access to such information was to be through the State Acts wherever they exist. Subsequently, a question was raised whether such a provision would be fully meeting the requirements keeping in view the objectives of the new enactment.

2. Having regard to the importance of the issue, and with the approval of MOS(PP), a reference was made (through the Department of Legal Affairs) to the Attorney General seeking his opinion in the matter. The Attorney General has since given his views on the subject and has also preferred a fee bill thereof for Rs. 5000/-.

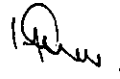
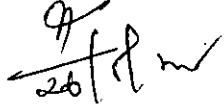
3. Formal sanction order to the payment of the aforesaid amount of Rs. 5000/- to the Attorney General has accordingly been prepared and placed below. F.A.(Home) may kindly see and concur.




(Rakesh Malhotra)
Under Secretary
17.5.2005

Dir.(E-II)

JS(E)

F.A.(Home)


24.5.05



21/5/2005 

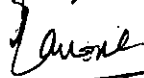
We may have no objection to release payment of Rs. 5000/- to the A.G. for rendering his opinion, as per the advice received from DOLA (Advisory 'C') Section

Dr. A. (Pers.)

Dr. A. (Pers.)

E&A B


30/5/2005


30/5/05

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27 May 05

1570/Dir (E/PP) 05
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1/6/2005

Amil
28/04/05
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Department of Personnel and Training
Estt.(B) Section

.....

Sl. No.1-4 (Receipts) pp. 1-4/vcorr

In its meeting held on 15th December, 2004, the Cabinet approved the proposal to introduce the 'Right to Information Bill, 2004' in the Lok Sabha in order to repeal the Freedom of Information Act, 2002 and enact a new law on the subject to make the 'Right to Information' more progressive, participatory and meaningful. The Cabinet also directed that a Group of Ministers may be set up to consider the Government amendments that need to be made in the Bill.

2. As a sequel to the directions, the Cabinet Secretariat has, with the approval of the Prime Minister, constituted a Group of Ministers with the following composition to look into the amendments:-

- (i) Shri Pranab Mukherjee,
Minister of Defence
- (ii) Shri Sharad Pawar,
Minister of Agriculture and Minister of Consumer Affairs,
Food and Public Distribution.
- (iii) Shri Shivraj V. Patil,
Minister of Home Affairs
- (iv) S. Jaipal Reddy,
Minister of Information & Broadcasting and Minister of
Culture
- (v) P. Chidambaram,
Minister of Finance
- (vi) Shri H.R. Bhardwaj,
Minister of Law & Justice
- (vii) Shri Dayanidhi Maran,
Minister of Communications and Information Technology
- (viii) Shri Suresh Pachouri,
Minister of State in the Ministry of Personnel, Public
Grievances and Pensions and Minister of State in the
Ministry of Parliamentary Affairs.

Ministry of Defence have now written to state that the Defence Minister, as Chairman of the GOM, desires that the 'Note for GOM' may be submitted so that the meeting of the Group could be held. We have also received a note from the PMO conveying the directions of the Prime Minister, namely, that efforts should be made by Government to get the Bill passed in the ongoing (*forthcoming*) Budget Session.

2. In this connection, it may be stated that further to the Cabinet's approval, Government had introduced the 'Right to Information Bill, 2004' in the Lok Sabha on the 23rd December, 2004. The Bill, as

introduced in the Lok Sabha and pending therein, was referred to the Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, for examination and report. A presentation of the Bill was made before the Standing Committee by Secretary (Personnel) on 1st February, 2005 and, after considering the written and oral submissions made before it by various individuals and organizations, the Committee took up the clause-by-clause consideration of the Bill on 1st March, 2005. The discussions concluded on 2nd March, 2005 and, as per indications, the Committee is likely to recommend extensive changes to the Bill some of which would be substantial in content. Secretary, Legislative Department, who was also present during these discussions, has been asked by the Committee to prepare, for its consideration, a draft of the amendments to the Bill on the lines decided by the Committee. After the Legislative Department has drafted the necessary amendments, and these are approved by the Committee, it shall be presenting its Report to the two Houses of Parliament.

3. It may also be pertinent to mention that the legislative competence of Parliament to enact a law on 'Right to Information', which would also be applicable to public authorities under the State Governments, and the parallel co-existence of this legislation alongwith the State enactment where the States have already enacted their own law, was discussed in great detail during the course of oral hearings before the Committee. Keeping in view the legal complexities involved, it was decided to seek a fresh opinion of the Attorney General in the matter. The opinion of the A.G. is awaited.

4. Keeping in view the position as brought out above, it may perhaps be more appropriate if the 'Note for Group of Ministers' is drafted after receiving the opinion of the Attorney General, and also the amendments as may be recommended by the Department Related Parliamentary Standing Committee, so that both the opinion and the recommendation receive the consideration of the GOM before it finalises the Government's amendments to the Bill. MOS(PP) may perhaps like to apprise the PM and the Chairman of the GOM (Defence Minister) of the position.

Director (E.II)

JS(E)

Secretary (P)

MOS (PP)

R. Malhotra
(Rakesh Malhotra)
Under Secretary
3.3.2005

3.3.05

T. JACOB
Joint Secretary (E)
3/3/2005

The GOM may even meet earlier for a discussion on certain aspects of the RTI bill, should it be convenient to the Chairman and other members. MOS may like to consult Rakesh Malhotra for his convenience.

4.3

930/4/105
4/3/2005

410/1/15(G)/05
3/3/05

Received back today
24/3

Department of Personnel & Training

X F/'B'

✓ F/'A'

⊙ F/'C'

The Right to Information Bill, 2004(RTI Bill), as approved by the Cabinet in its meeting held on 15th December, 2004, was introduced in the Lok Sabha on 23rd December, 2004. The Bill, as introduced in the Lok Sabha and pending therein, was referred on 31st December, 2004 to the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice for examination and report. The Committee has since presented its Report to the Rajya Sabha on 21st March, 2005 and laid this Report in the Lok Sabha on the same day. A copy of the Report is placed on file.

2. The Cabinet, while approving the proposal to introduce the RTI Bill in Lok Sabha, also⁽³⁾ directed that a Group of Ministers may be set up to consider the Government amendments that need to be made in this Bill. In pursuance thereof, Cabinet Secretariat have, with the approval of Prime Minister, constituted the GOM under the Chairmanship of Shri Pranab Mukherjee, Defence Minister. A copy of the orders constituting the Group is at flag 'C'. This Note deals with formulating the additions/amendments to the Bill as may be put up to Group for its consideration/recommendation and eventual submission to the Cabinet for approval.

3. Besides recommending a change in the short title and preamble of the Bill, the Parliamentary Standing Committee has suggested changes to 21 of the 28 clauses in the Right to Information Bill, 2004. The changes recommended for clause 1 are of a drafting nature, those for clauses 2, 4, 5, 8, 12, 13, 17 and 21 are of a substantial nature while the amendments suggested to clauses 6, 9, 10, 11, 14, 15, 16, 22, 23, 24 and 26 are of a generally of a consequential nature following the Committee's recommendation to make the enactment applicable to public authorities under the State Governments as well. The changes to clause 7 are in part substantial and partly consequential.

4. An attempt has been made to draft the comments of this Department on the substantial recommendations and these are given in the statement at flag 'D'.

5. The changes recommended by the Committee for clauses 6, 7(in part), 9, 10, 11, 14, 14 A-C, 15, 16, 22, 23, 24 and 26, being of consequential nature, need no comments and shall be effected in case the final decision is that the contemplated enactment should be made applicable to public authorities under the State Governments also.

6. Apart from the recommendations of the Parliamentary Standing Committee, it is proposed to place the following items also before the Group of Ministers for its consideration, namely:-

contd...

- (i) that the appointment of Assistant Public Information Officers shall be made by the Central Government instead of each public authority [clause 5(2) of the Bill];
- (ii) the nomenclature of Information Commissioner and Deputy Information Commissioner may be revised as Chief Information Commissioner and Information Commissioner respectively [clause 12(2) of the Bill]; and
- (iii) the Minister of State/ Cabinet Minister other than the Prime Minister, in the Ministry of Personnel, Public Grievances & Pensions may also be included as one of the Members of the Committee to make appointments of Information Commissioner and Deputy Information Commissioner. [clause 12(3) of the Bill].

A statement of these items is at Annexure-VII (of the draft Note for Group of Ministers).

7. After the comments of this Department on the Parliamentary Committee's recommendations as also the suggestion made in para 6 above are approved, these shall be taken to the Group of Ministers(GOM) for its consideration. A draft note for the GOM in this regard has also been added to the file. (Flag 'E').

8. The instructions contained in the Cabinet Secretariat's D.O.No. 1/16/1/2000-Cab dated the^x15th April, 2002 provide that the Note should be approved by the Minister-in-charge of the sponsoring Ministry before it is taken to the Group of Ministers for its consideration.

9. Prime Minister, as Minister in-charge of the Ministry of Personnel, P.G. and Pensions, may kindly see for approval of the

- (i) draft comments of this Department on the Parliamentary Committee's recommendations as in flag 'D';
- (ii) additional 3 items which may be proposed for the Group's consideration as in flag 'G'; and
- (iii) draft Note for the GOM

after which action shall be taken to obtain the Chairman's convenience in fixing a date and time for the meeting of the Group.

(RAKESH MALHOTRA)

Under Secretary

4.4.2005

JS(E)

Secretary (P)

Mos (PP)

SURESH PACHOURI
MOS (PP)

4/4/2005

4/4/2005

12/04/05

X F/M

13/4/2005 (PP/05)
8/4/2005

5437 PM 5/05
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DSCU)

12/4

Prime Minister, as Minister-in-charge, has approved all those recommendations of the Parliamentary Standing Committee that have been agreed to by DoPT in flag 'D' Annexure VI to the draft Note for the GoM. These are recommendations of the Parliamentary Standing Committee relating to:-

- i. Item 1 in Annexure VI relating to Preamble;
- ii. Items 2, 3 and 4 in Annexure VI relating to Clause 2;
- iii. Items 5, 6 and 7 in Annexure VI relating to Clause 4;
- iv. Items 11, 13 and 15 in Annexure VI relating to Clause 12.

2. Prime Minister, as Minister-in-charge, has approved the DoPT recommendation with respect to sub-Clause (4) and (5) of Clause 5 given in item 8 of Annexure VI.

3. With respect to item 9 in Annexure VI concerning Clause 7, Prime Minister, as Minister-in-charge, has approved that a sub-clause should be added after clause 24(1)(d) or after 7(3)(a) as under:

"Any fees payable by the applicant shall be reasonable, and shall be set taking account of the general principle that fees should not be set so high as to undermine the objectives of this Act. Below Poverty Line (BPL) families shall be provided information free of cost."

4. With respect to item 10 in Annexure VI concerning Clause 8, Prime Minister has approved as under:-

- a) exemption from disclosure of information which is of strategic, scientific or economic interest of the State may be withdrawn;
- b) exemption from disclosure of information which may lead to incitement to commit an offence may be withdrawn;
- c) exemption from disclosure of information, the disclosure of which may result in a breach of privilege of Parliament or the Legislature of a State, may be retained;
- d) exemption from disclosure of information available to a person in his fiduciary relationship may be withdrawn;
- e) exemption from disclosure of information received in confidence from a foreign Government may be withdrawn.

5. Prime Minister, as Minister-in-charge, has approved the DoPT recommendation with respect to Clause 12 given in item 12 of Annexure VI.

6. Prime Minister, as Minister-in-charge, has approved the DoPT recommendation with respect to Clause 13 given in item 14 of Annexure VI.

7. Prime Minister, as Minister-in-charge, has approved the DoPT recommendation with respect to Clause 17 given in item 16 of Annexure VI, that the word "persistently" in Clause 17 (1) may be retained. Prime Minister has also approved that Clause 17 may be amended to read as under:-

(1) Notwithstanding anything contained in Section 20, where the Central Commission or the State Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central or the State Public Information Officer or the State Public Information Officer, as the case may be has failed to provide information without any reasonable cause, within the period specified under sub-Section (1) of Section 7, the burden of proving that he acted reasonably and diligently shall be upon him, and the Central Commission or the State Commission shall file a complaint against such Central or State Public Information Officer or State Public Information Officer, before a Judicial Magistrate of First Class.

(2) Any Central or State Public Information Officer, as the case may be, who is in default under sub-Section (1) shall be liable on conviction to fine of rupees two hundred fifty, for each day's delay in furnishing the information, subject to a maximum of Rs.25,000/- after giving such Public Information Officer a reasonable opportunity of being heard.

(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 misconduct and 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.

(4) Where the Commission comes to the prima facie conclusion that an offence under sub-Section (3) has been committed, the Commission shall direct the filing of a charge sheet in a court of competent jurisdiction for the trial of the Offender.

(5) Without prejudice to the provisions of sub-Sections (1), (2), (3) and (4), the Central Commission or the State Commission, as the case may be, may recommend for disciplinary action against the Central Public Information Officer under the service rules applicable to him.

8. With respect to item 17 in Annexure VI concerning Clause 21, Prime Minister has approved that Section 21 could read as under :-

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

Provided that the information pertaining to the allegations of violation of human rights or 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 organization established by that Government or omitting therefrom any organization 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.

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

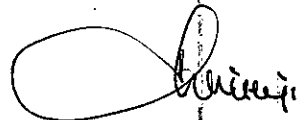
Provided that the information pertaining to the allegations of violation of human rights or corruption shall not be excluded under this sub-Section.

(5) Every notification issued under sub-Section (4) shall be laid before the State Legislature.

9. Prime Minister, as Minister-in-charge, has not approved the proposal of the DoPT given in item 1 of Annexure VII (flag "G") to the draft Note for GoM concerning Clause 5.

10. Prime Minister, as Minister-in-charge, has approved the proposals of the DoPT given in items 2 and 3 of Annexure VII to the draft Note for GoM concerning Clause 12.

11. The draft Note for the GoM may kindly be modified accordingly.



(Pulok Chatterji)
JS (PMO)
20.4.2005

MOS (PP)

Secretary (P)

PMO UOM. 600/40/C/S/04-ES-17 DT: 20.4.05

~~5/22/25
5/21/25
5/20/25~~

541/c/IS(E.)05
5/4/05

~~JS(E)~~
~~Secretary (P)~~

Mos (pp) *Slack* *7/4/05*
Raksha Mantri SURESH PACHOURI
MOS (PP)

we may have an
mily on 25th of April
at 15.30 hrs D

T. JACOB
Joint Secretary (E)

Finali

5.4

Mos (pp) Slack 7/4/05

Raksha Mantri

we may have an
meeting on 25th of April
at 15.30 hrs D

Secy (P) MOS (AP) Hach 19/4/05 19/4

Department of Personnel & Training

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

A meeting the Group of Ministers was held on 26th April, 2005 to consider the Government amendments that need to be made in the 'Right to Information Bill, 2004' introduced by the Government in the Lok Sabha on 23rd December, 2004. Draft minutes of the meeting are placed below for kind consideration and approval of the Minister of Defence, as Chairman of the Group.

2. Minister of Defence may also kindly indicate the date and time, as may be convenient to him, to hold the next meeting of the Group.

R. Malhotra

(RAKESH MALHOTRA)
Under Secretary
28.4.2005

Dir(E-H)

[Signature]

28.4.05

JS(E)

[Signature]
28/4/2005
T. JACOB
Joint Secretary (E)

EO & AS

[Signature]
28/4/05

Secretary (P)

Slated for tomorrow.

[Signature]

28.4.

JS(E)

638/c/JS(E)/05
28/4/05

DepH. of Personnel & Trg.

JS(E) informs that OSD to the Defence Minister
rang up to say that the Defence Minister shall be
taking up the next meeting of the Group of Ministers
at 14.00hrs on 30th April, 2005 in his Chamber,
viz. Room no. 102, South Block, New Delhi.

2. Draft Notice for the meeting is placed
below for approval/signature.

IRP
aug
29.4.2005

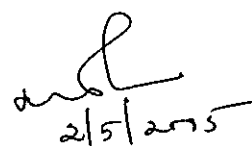
JS(E)

Secretary (P)

ff
29/4/2005
for [unclear]

Department of Personnel and Training

The Group of Ministers met on 26th April, 2005 and again 30th April, 2005 to consider the Government amendments that need to be made to Right to Information Bill, 2004. A consolidated draft of the minutes of both the meetings has been prepared for kind consideration and approval of the Defence Minister as Chairman of the Group.


2/5/2005

(T. Jacob)

Joint Secretary (Estt)

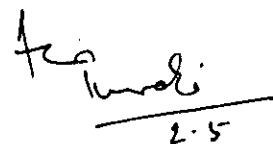
Dated: 02nd May, 2005

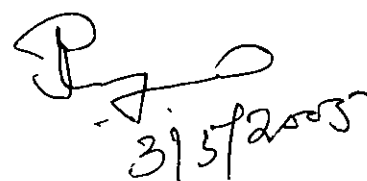
Secretary (Personnel)

Mos (P&T)

R/M. (Chairman, GOM)


3/5/05


2.5


3/5/2005

Department of Personnel & Training

We have received directions from the Prime Minister that efforts should be made to get the 'Right to Information Bill, 2004' passed by the Parliament during the ongoing Budget Session.

As a sequel to these directions, a note is being submitted to the Prime Minister for placing the recommendations of the Parliamentary Standing Committee on the above Bill before the Group of Ministers in order to finalise the Government amendments that need be made to the Bill. As time left for is short, we may request the Legislative Department to provide a draft of the 'Notice of Amendments', based on the recommendations made by the Parliamentary Standing Committee, so that the matter could be promptly taken to the Cabinet after the GOM has finalized the amendments. A draft d.o. letter to Secretary, Legislative Department, is accordingly put up for approval.

R. Paul
(Rakesh Malhotra)
Under Secretary
7.4.2005

~~JS(E)~~

~~Secretary (P)~~

~~JS(E)~~

~~Dir (E-II)~~

al
7/4/05
Joint Secy (E)

8.4

7/4/05

Note above.

2. Legislative Dept. has informed that it shall be possible for them to draft the 'Notice of Amendment' only after the Govt. takes a decision on the Standing Committee's recommendation.

3. Submitted for information.

R. Paul
13-4-2005

~~JS(E)~~

~~Secretary (P)~~

This may be so. But why can't
Legislative dept. prepare a large
part of the amending bill!

~~JS(E)~~

~~Dir (E-II)~~

19/4/05

13-4-2005
Joint Secy (E)

19.4.05

U2 (E) (P) (B) (M)

552/2/03 (E) 105
7/4/05

Reference notes on pre-page.

2. We had requested the Legislative Department to provide a draft of the 'Notice of Amendments', based on the recommendations made by the Parliamentary Standing Committee on the 'Right to Information Bill, 2004', so that the matter could be promptly taken to the Cabinet after the Group of Ministers has finalized the amendments. For the purpose of drafting the 'Notice of Amendments', the Legislative Department has ^{xx}desired to have the views of this Ministry as to whether the entire recommendations of the said Committee are acceptable to the Government. Further, they have suggested that in view of the large number of recommendations to modify different clauses of the Bill, we may consider for withdrawal of the pending Bill and introduce a fresh revised Bill in its place so that passage of the Bill could be smooth. They will take further action only after hearing from us in this regard.

xx
FR

3. As regards the recommendations made by the Parliamentary Standing Committee, a 'Note' has been ^{xx}submitted to the Prime Minister separately for obtaining his approval. The recommendations, as approved by the Prime Minister, will be placed before the Group of Ministers in order to finalise the Government amendments to the Bill. The GOM is now scheduled to meet on 25th April, 2005 at 15.30 hours. The suggestion made by the Legislative Department for withdrawal of the pending Bill and introduction of a fresh revised Bill does not seem to be feasible for acceptance at this stage, keeping in view the directions from the PMO to have the Bill passed during the ongoing Budget Session itself.

File
received
from PMO.
In.
21.4.05

4. If approved, a copy of the amendments proposed to be made by the Government, which are yet to be finalized by the GOM, may be forwarded to the Legislative Department for the purpose of drafting the 'Notice of Amendments' to facilitate prompt passage of the Bill during the ongoing Budget Session, as per DFA pl.

[Signature]

(Hari Kumar)
Director(E-II)
20.4.2005

JS(E) may be approved

Secretary(P)

[Signature]
21.4

J.S.(E)

Dir (E/H) 21.4

[Signature]
21.4.05
T. JACOB
Joint Secretary (E)

[Signature]
16/6/05

US(E+H-B-M)

DEPARTMENT OF PERSONNEL & TRAINING

With a view to make the legislation on 'Right to Information more progressive, participatory and meaningful, Government had, with the approval of the Cabinet, introduced the 'Right to Information Bill, 2004' in the Lok Sabha on 23rd December, 2004. The Bill seeks to repeal the existing 'Freedom of Information Act, 2002' and enact a new legislation in its place entitled the 'Right to Information Act, 2004'.

2. The 'Right to Information Bill, 2004', as introduced in the Lok Sabha and pending therein, was referred on 31st December, 2004 to the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice for examination and report. The Standing Committee presented its Third Report on this Bill to the Rajya Sabha on 21st March, 2005 and laid this Report in the Lok Sabha on the same day. The Committee has recommended a number of amendments to the various clauses in the Right to Information Bill, 2004.

3. In its meeting held on 15th December, 2004, the Cabinet, while approving the proposal to introduce the 'Right to Information Bill, 2004' in the Lok Sabha, also directed that the Bill may be looked into by a Group of Ministers to consider the Government amendments that need to be made in the Bill. In pursuance thereto, the amendments to the Bill recommended by the Parliamentary Standing Committee were placed before the Group of Ministers for its consideration. The proposal also included certain amendments to the provisions of clause 12 as formulated by the Ministry of Personnel, Public Grievances & Pensions.

4. The Group of Ministers met on 26th April, 2005, and again on 30th April, 2005, to examine the 'Right to Information Bill, 2004' with a view to consider amendments, as are necessary, thereto. Taking into consideration the various constitutional, administrative and implementative aspects, the Group has made a number of recommendations to amend the Bill. Based on the recommendations of the Parliamentary Standing Committee and the further recommendations made by the Group of Ministers, it is now proposed to make the following amendments to the Bill, namely

- (i) the applicability of the contemplated enactment may be expanded to cover the State Public authorities as also the non-Government organizations who are substantially funded by the Government;
- (ii) amend clause 6 to provide that a request for information can be made in Hindi also;

- (iii) amend clause 7 to provide the fee to be charged for providing information shall be reasonable and that 'Below Poverty Line' families shall be provided information free of cost;
- (iv) in respect of categories of information exempted from disclosure, the formulation made by the National Advisory Council in its draft Bill recommended to the Government for consideration, shall be adopted subject to the modification that information pertaining to security, Cabinet papers, etc. as given in sub clause 1(a) and (i) of the formulation, shall have an all time exemption from disclosure;
- (v) that the Central Information Commissioner and the Central Deputy Information Commissioner shall be redesignated as Chief Information Commissioner and Information Commissioner who will have a single tenure of 5 years till they attain the age of 65 years, whichever is earlier, with no extensions thereof;
- (vi) that the salaries and allowances of Chief Information Commissioner and Information Commissioner shall be same as those of Chief Election Commissioner and Election Commissioner respectively;
- ✓ (vii) that the third member of the Committee to make selection of Chief Information Commissioner and Information Commissioner shall be a Minister nominated by the Prime Minister instead of the Chief Justice of India;
- (viii) the clause making the Chief Information Commissioner and Information Commissioner ineligible to take up future employment to an office under the Government or any Constitutional appointment, etc. should be deleted;
- (ix) subject to the contemplated enactment being made applicable to State Public authorities, analogous provisions may be made in the Bill for setting up State Information Commissions and appointing State Chief Information Commissioner and State Information Commissioner with further recommendations that

- (a) the salaries and allowances of a State Chief Information Commissioner and State Information Commissioner shall be the same as those of an Election Commissioner and Chief Secretary to the State Government respectively; and
 - (b) the third Member of the Committee to select the State Chief Information Commissioner and State Information Commissioner shall be a Minister to be nominated by the Chief Minister in place of the Chief Justice of the High Court;
-
- (x) to empower the Central Information Commission or State Information Commission to impose on the Public Information Officer a fine of Rs.250 for each day's delay in furnishing the information subject to a maximum of Rs.25000;
 - (xi) to empower the Central Information Commission or State Information Commission with direct powers to file before the Judicial Magistrate of First Class a complaint against the defaulting Public Information Officer;
 - (xii) that persistent failure to provide information within the prescribed time, refusal to receive an application for information, mala fide denial of a request for information, knowingly giving incorrect, misleading, wrong or incomplete information, destroying information subject to a request, obstructing the activities of Public Information Officer, ~~any Information Commissioner~~ or the Courts shall, on summary conviction, make the Public Information Officer liable to a fine of not less than rupees two thousand and not more than rupees twenty five thousand and imprisonment upto one year or both;
 - (xiii) that the departmental disciplinary action shall be without prejudice to the penalties enumerated above;
 - (xiv) that, apart from matters related to allegations of corruption, the security and intelligence organizations as are exempted from the purview of the Act shall, subject to the approval of the Information Commission, have the additional obligation to provide information in matters relating to violation of human rights and that the response time for such requests shall be 45 days.

The details of the amendments as summarized above, together with the other amendments as are proposed to be made in the Bill, are given in the comparative Table.

- ✓ 5. In view of the paucity of time, the Ministry of Finance(Department of Expenditure) and the Ministry of Law and Justice are being requested to furnish their views in the Cabinet meeting. The amendment notice will be drafted and finalized in consultation with the Legislative Department subject to such drafting or consequential changes as may be required or directed by the Cabinet.
- ✓ 6. Prime Minister, as Minister-in-charge of the Ministry of Personnel, P.G. & Pensions, may kindly approve the proposals contained in the draft 'Note for the Cabinet' placed below and its submission to the Cabinet.

R. Paul

(RAKESH MALHOTRA)

Under Secretary

May 3, 2005.

Dir.(E-II)

JS(E)

SECRETARY(P)

MOS(PA)

PM.

R. Paul
3.5.05
3/5/05

R. Paul
3.5

Shah
3/5/05

Prime Minister has approved
as Minister-in-charge.

Pulok Chatterji
4.5.05

(Pulok Chatterji)
Joint Secretary to PM
Prime Minister's Office
New Delhi

MOS(PA) *Shah* 4/5/05

PMO UO No. 600/40/C/5/04-ES-II

DT: 4.5.05

Secy (P)
2/6.5
JS(E)

1789/14/MOS (PA)/05
4/5/05

659 5/25/05

SUBJECT : PROPOSAL FOR AMENDMENT TO THE RIGHT TO INFORMATION BILL, 2004.

The 'Right to Information Bill, 2004', as introduced in the Lok Sabha on 23rd December, 2004 and pending therein, was referred on 31st December, 2004 to the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice for examination and report. The Standing Committee presented its Third Report on this Bill to the Rajya Sabha on 21st March, 2005 and laid this Report in the Lok Sabha on the same day. The Committee has recommended a number of amendments to the various clauses in the Right to Information Bill, 2004.

2. In its meeting held on 15th December, 2004, the Cabinet, while approving the proposal to introduce the 'Right to Information Bill, 2004' in the Lok Sabha, also directed that the Bill may be looked into by a Group of Ministers to consider the Government amendments that need to be made in the Bill. In pursuance thereto, the amendments to the Bill recommended by the Parliamentary Standing Committee were placed before the Group of Ministers for its consideration. The proposal also included certain amendments to the provisions of clause 12 as formulated by the Ministry of Personnel, Public Grievances & Pensions.

3. The Group of Ministers met on 26th April, 2005, and again on 30th April, 2005, to examine the 'Right to Information Bill, 2004' with a view to consider amendments, as are necessary, thereto. Taking into consideration the various constitutional, administrative and implementative aspects, the Group has made a number of recommendations to amend the Bill. Based on the recommendations of the Department-related Parliamentary Standing Committee and the further recommendations made by the Group of Ministers, a proposal to approve the amendments to the Right to Information Bill, 2004 as recommended by the Group of Ministers and for the introduction of a 'Notice of Amendment' in this regard in the Lok Sabha was submitted to the Cabinet. In its meeting held on 4th May, 2005, Cabinet approved the proposal (Minutes awaited).

4. In the first instance, it is proposed to move the following motion in Lok Sabha during the current Session, 2005 in furtherance of the proposed legislation :-

- (i) The Right to Information Bill, 2004, be taken into consideration; and
- (ii) that the Bill be passed.

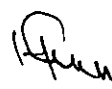
(Recommendation of the President for consideration of the Bill in Lok Sabha has been obtained at the stage of introduction of the Bill.)

5. Action is being taken separately, in consultation with the Ministry of Law & Justice, to draft the notice for making amendments to the Right to Information Bill as approved by the Cabinet. The draft

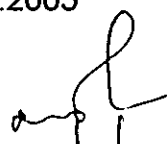
✓ F/X

shall be submitted for MOS (PP)'s approval as soon as the Law Ministry has finalized the same.


6. Notice, as proposed in para 4 above, is placed below for kind consideration and approval by MOS (PP).


(Hari Kumar)
Director (E-II)
05.05.2005

Joint Secretary (E)


5/5/2005

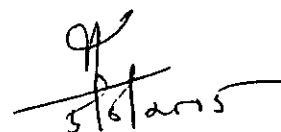
~~Secretary (P)~~


5.5.05

MOS (PP)


5/5/05

pl issue


5/5/2005

Div (E-II)

S. No. 1 (i)

SECRET
MOST IMMEDIATE

No. 34011/6(S)/2004-Estt.(B)
Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel & Training)

**SUBJECT : PROPOSAL FOR AMENDMENT TO THE RIGHT TO
INFORMATION BILL, 2004.**

✓ F/A' President of India was pleased to recommend the introduction in and consideration by the Lok Sabha of the 'Right to Information Bill, 2004', under Clauses (1) and (3) of Article 117 of the Constitution (copy ✓ enclosed).

2. The 'Right to Information Bill, 2004', as introduced in the Lok Sabha on 23rd December, 2004 and pending therein, was referred on 31st December, 2004 to the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice for examination and report. The Standing Committee presented its Third Report on this Bill to the Rajya Sabha on 21st March, 2005 and laid this Report in the Lok Sabha on the same day. The Committee has recommended a number of amendments to the various clauses in the Right to Information Bill, 2004.

3. Keeping in view the recommendations made by the Standing Committee and the Group of Ministers, the Government proposes to make a number of amendments in the Right to Information Bill, 2004. These amendments, inter alia, include:

- a) Expansion of applicability of the enactment to cover State Public authorities as also the non-Government organizations, which are substantially funded by the Government;
- b) Setting up of State Information Commissions and appointing State Chief Information Commissioner and State Information Commissioner;
- c) To empower the Central Information Commission or State Information Commission to impose on the Public Information Officer a fine of Rs.250/- for each day's delay in furnishing the information subject to a maximum of Rs.25000/-; and,
- d) On summary conviction, make the Public Information Officer liable to a fine of not less than rupees two thousand and not more than rupees twenty five thousand and imprisonment upto one year.

F/B'

x F/C'

4. The Cabinet, in its meeting held on 4th May, 2005 approved the proposal for amendments in the Right to Information Bill, 2004. A copy of the Note considered by the Cabinet is placed at flag 'B'. A copy of the letter of authority dated the 5th May, 2005 issued by the Cabinet Secretariat for taking further necessary action in the matter is enclosed.

5. The proposed amendments may involve expenditure to be charged on the Consolidated Fund of India. The proposed amendment, therefore, attracts sub-clause (e) of clause (1) of Article 110 of the Constitution of India and thus, requires recommendation of the President for introduction in Parliament as provided under Article 117 (1) of the Constitution, and under Article 117 (3) for its consideration by the Parliament.

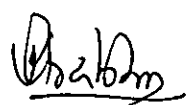
6. Accordingly the recommendation of the President may be solicited under Clause (1) and Clause (3) of the Article 117 of the Constitution for introduction and consideration by the Lok Sabha of the afore-mentioned Amendments. (DFA)

Director(E-II)

JS(E)

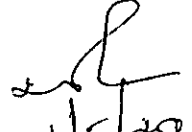
Secretary (P)

Mos(pp)


(A. Prabhakaran)
Under Secretary
6.5.2005

H. S. S.
G. S. S.

to be


6/5/2005

Paul

DEPARTMENT OF PERSONNEL & TRAINING

Further to the Cabinet's approval of the proposal to amend the 'Right to Information Bill, 2004' as introduced in the Lok Sabha on the 23rd December, 2004, the Legislative Department has provided a draft of the 'Notice of Amendment' to be moved in the House. This, incidentally, is the first draft and may undergo a few drafting changes subsequently not necessarily of a substantive nature.

2. It may be recalled that based on the recommendations of the Group of Ministers, Cabinet has approved specific formulations for clause 17 (being renumbered as clause 20) and clause 21 (being renumbered as clause 24).
3. In respect of clause 17 which relates to penalties, the clause, as approved by the Cabinet, has undergone some drafting changes. These, however, do not appear to be of a substantial nature. It may particularly be mentioned that in the pre-revised formulation, refusal to receive an application for information was a misconduct to be tried by a Judicial Magistrate of First Class. In the revised formulation, the Legislative Department has empowered the Commission itself to impose such penalties on the delinquent Public Information Officer as have been prescribed for 'delay' in providing information.
4. Further, sub-clauses (2) and (3) of this clause provide as follows:-

"(2) Where the Central Information Commission or the State Information Commission at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has persistently failed to provide the information or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it may file a complaint against such Public Information Officer before a Judicial Magistrate of First Class.

(3) The Central Public Information Officer or the State Public Information Officer shall, upon summary conviction be punishable with *imprisonment for a term which may extend to one year and shall also be liable to* a fine which shall not be less than two thousand rupees but may extend to twenty thousand rupees."

It may, however, be submitted that most of the advanced democracies in the world have not considered it appropriate to prescribe 'imprisonment' as a penalty for violating the provisions of the Act. This apart, such a provision also does not exist in the legislations enacted by various States in our own

contd.

country. It is felt that the other penalties, which include departmental disciplinary action and imposition of monetary fines, are considered sufficient by themselves towards enforcement of the legislation and the provision for 'imprisonment', which prima facie appears to be somewhat stringent, may not be necessary. In the circumstances, it is for re-consideration whether imprisonment as a penalty could be deleted from the above clause.

5. As regards clause 21 of the Bill (renumbered as clause 24), it is observed that consequent to the applicability of the enactment being extended to public authorities under the State Governments, the Legislative Department have included a provision in this clause that intelligence and security organizations of the State Governments shall also be exempted from the purview of the Act except in matters relating to corruption and human rights violations. Provisions have also been made that in the case of allegations of violation of human rights, information shall only be provided after the approval of the State Information Commission and the response time for such requests shall be 45 days. This being a consequential change, there may not be any objection to its inclusion.

6. Prime Minister, as Minister-in-charge of the Ministry of Personnel, P.G. & Pensions, may like to consider and approve the change as proposed in para 4 above. In addition, he may also approve changes in clauses 17 and 21 as explained in paras 3 and 5 above. In view of the urgency, he, as the Prime Minister, may also approve making the aforesaid changes under rule 12 of the Transaction of Business Rules so as to enable consideration and passing of the Bill in the current session of Parliament. Necessary ex-post facto approval of the Cabinet shall be solicited subsequently.



(RAKESH MALHOTRA)

Under Secretary

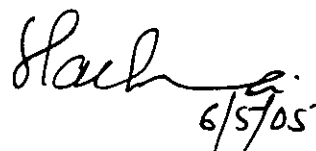
May 6, 2005

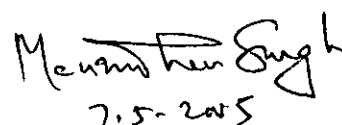
Dir.(E)

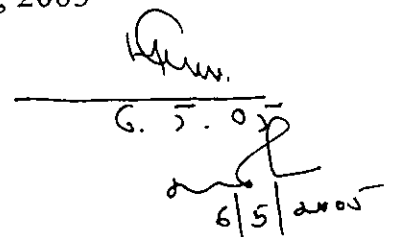
JS(E)

MOS(PP)

Hon'ble P.M.


6/5/05


7.5.2005


G. S. O. 2
6/5/2005

Contd. overleaf

The PM has approved, under Rule 12 subject to the ex-post facto approval of the Cabinet, that Clause 17 of the Right to Information Bill could now be modified to read as under:-

Clause 17 (1)

"Notwithstanding anything contained in section 23, where the Central Information Commissioner or the State Information Commissioner, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:


Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him.

Provided further that the burden of proving that he acted reasonably and diligently shall be upon the Central Public Information Officer or the State Public Information Officer, as the case may be."


Clause 17 (2)

"Where the Central Information Commissioner or the State Information Commissioner, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause and **persistently**, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Central Public Information Officer or State Public Information Officer, as the case may be, under the service rules applicable to him."

2. PM, as Minister-in-charge, has also approved all other amendments to the Bill approved by the Cabinet on 4.5.2005 and signed the note for obtaining recommendation of the President under Clauses (1) and (3) of Article 117 of the Constitution for introduction and consideration of the Bill by the Lok Sabha.


(Pulok Chatterji)
JS, PMO
7.5.2005

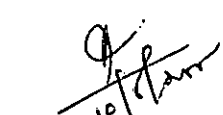
MOS (PP)


7/5/05
SURESH PACHOURI
MOS (PP)



70.5

JS (PP)


10/5/05
D. B. Chatterji

1882/11/1005 (07/05)
10/5/05
686/1/3300/05
10/5/05

644/10/10/05
7/5

Q.
11/5
U) H B-M)

No.34012/1(s)/2005-Estt.(B)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
.....

Subject: 'Right to Information Bill, 2004'.

As per the programme drawn up by the Ministry of Parliamentary Affairs, the 'Right to Information Bill, 2004' has been scheduled for discussion in the Lok Sabha on Tuesday, the 10th May, 2005.

2. It is now proposed to move a motion for making amendments to the above-mentioned Bill, as approved by the Cabinet. A 'Notice of Amendment' is likely to be finalized by the Ministry of Law and Justice, during late hours today, i.e. 6th May, 2005. Accordingly, it may be feasible to send the same to the Lok Sabha Secretariat tomorrow i.e. 7th May, 2005 only.

3. We may therefore request Secretary General, Lok Sabha, to direct the Bill Section to accept the 'Notice of Amendment' tomorrow i.e. 7th May, 2005 as per DFA.

[Signature]

(Hari Kumar)
Director(E-II)
6.5.2005

~~JS(E)~~

[Signature]
6/5/2005

Secretary (P)

Discussed with Secy (P).
He spoke to Secretary, General, Lok Sabha
in this regard.

[Signature]
Dy. Dir (E-II)

US (EHRB-M)

[Signature]
6/5/2005

SUBJECT : PROPOSAL FOR AMENDMENT TO THE RIGHT TO INFORMATION BILL, 2004.

The 'Right to Information Bill, 2004', as introduced in the Lok Sabha on 23rd December, 2004 and pending therein, was referred on 31st December, 2004 to the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice for examination and report. The Standing Committee presented its Third Report on this Bill to the Rajya Sabha on 21st March, 2005 and laid this Report in the Lok Sabha on the same day. The Committee has recommended a number of amendments to the various clauses in the Right to Information Bill, 2004.

2. In its meeting held on 15th December, 2004, the Cabinet, while approving the proposal to introduce the 'Right to Information Bill, 2004' in the Lok Sabha, also directed that the Bill may be looked into by a Group of Ministers to consider the Government amendments that need to be made in the Bill. In pursuance thereto, the amendments to the Bill recommended by the Parliamentary Standing Committee were placed before the Group of Ministers for its consideration. The proposal also included certain amendments to the provisions of clause 12 as formulated by the Ministry of Personnel, Public Grievances & Pensions.

3. The Group of Ministers met on 26th April, 2005, and again on 30th April, 2005, to examine the 'Right to Information Bill, 2004' with a view to consider amendments, as are necessary, thereto. Taking into consideration the various constitutional, administrative and implementative aspects, the Group has made a number of recommendations to amend the Bill. Based on the recommendations of the Department-related Parliamentary Standing Committee and the further recommendations made by the Group of Ministers, a proposal to approve the amendments to the 'Right to Information Bill, 2004' as recommended by the Group of Ministers and for the introduction of a 'Notice of Amendment' in this regard in the Lok Sabha was submitted to the Cabinet. In its meeting held on 4th May, 2005, Cabinet approved the proposal. A copy of the letter of authority dated the 5th May, 2005 issued by the Cabinet Secretariat for taking further necessary action in the matter is enclosed.

4. Notice of the motion for consideration and passing of the 'Right to Information Bill, 2004', has already been sent to the Secretary General, Lok Sabha Secretariat on 5th May, 2005. The Ministry of Parliamentary Affairs has indicated that Bill has been scheduled for discussion in Lok Sabha on Tuesday, 10.05.2005.


5. It is now proposed to move another motion for making amendments to the 'Right to Information Bill, 2004' as approved by the Cabinet. The 'Notice of Amendment' has since been finalized by the Ministry of Law & Justice.

6. Rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha, provides, inter-alia, as under:


- (i) An amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates.
- (ii) An amendment shall not be inconsistent with any previous decision of the House on the same question.
- (iii) An amendment shall not be such as to make the clause which it proposes to amend unintelligible or ungrammatical.

7. The proposed amendments, inter-alia, include setting up of State Information Commissions, appointment of State Chief Information Commissioner and State Information Commissioners and conditions of their service. This requires insertion of 3 clauses namely, Clause 15, Clause 16 and Clause 17. These clauses relate to the Constitution of State Information Commission, term of office and conditions of service and removal of State Chief Information Commissioner or State Information Commissioner respectively. The insertion of new clauses in the Bill will require suspension of Rule 80(i) in its application to the 'Notice of Amendments' in terms of Rule 388 of the Rules of Procedure and Conduct of Business in the Lok Sabha.


8. A notice of Amendment, as proposed in para 5 above, and another Notice under Rule 388 regarding insertion of new clauses in the Right to Information Bill, 2004, are placed below for kind consideration and approval of MOS(PP).


(Rakesh Malhotra)
Under Secretary
7/5/2005

Joint Secretary(E)


7/5/2005

MOS (PP)


7/5/05

SECRET
MOST IMMEDIATE

No. 34011/6(S)/2004-Estt.(B)
Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel & Training)

**SUBJECT : PROPOSAL FOR AMENDMENT TO THE RIGHT TO
INFORMATION BILL, 2004.**

President of India was pleased to recommend the introduction in and consideration by the Lok Sabha of the 'Right to Information Bill, 2004', under Clauses (1) and (3) of Article 117 of the Constitution (copy enclosed).

2. The 'Right to Information Bill, 2004', as introduced in the Lok Sabha on 23rd December, 2004 and pending therein, was referred on 31st December, 2004 to the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice for examination and report. The Standing Committee presented its Third Report on this Bill to the Rajya Sabha on 21st March, 2005 and laid this Report in the Lok Sabha on the same day. The Committee has recommended a number of amendments to the various clauses in the Right to Information Bill, 2004.

3. Keeping in view the recommendations made by the Standing Committee and the Group of Ministers, the Government proposes to make a number of amendments in the Right to Information Bill, 2004. These amendments, inter alia, include:

- a) Expansion of applicability of the enactment to cover State Public authorities as also the non-Government organizations, which are substantially funded by the Government;
- b) Setting up of State Information Commissions and appointing State Chief Information Commissioner and State Information Commissioner; and
- c) To empower the Central Information Commission or State Information Commission to impose on the Public Information Officer a penalty of Rs.250/- for each day's delay in furnishing the information subject to a maximum of Rs.25000/-.

✓ F | 'C'

Dr. ... 117 ... 12005-
Dr. ... 117 ... 12005-

6. Recommendation of the President is accordingly solicited under Clause (1) and Clause (3) of the Article 117 of the Constitution for introduction and consideration by the Lok Sabha of the afore-mentioned Amendments.

Slack *per*
6/5/05

(SURESH PACHOURI)
MINISTER OF STATE IN THE MINISTRY OF PERSONNEL,
PUBLIC GRIEVANCES & PENSIONS AND
MINISTER OF STATE IN THE MINISTRY OF
PARLIAMENTARY AFFAIRS.

PRIME MINISTER

Mamtesh Singh
7.5.2005

PRESIDENT

Recommended.

H. P. J. Abdul Kalam
PRESIDENT OF INDIA
9/5/05


Minister of State in the Ministry of Personnel, Public Grievances & Pensions
and Minister of State in the Ministry of Parliamentary Affairs.
(Shri Suresh Pachauri)

President: Lett I.D. No. 117-A2 (A) / 2005, dated 9-5-05

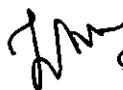
Legislative Department

Subject: Notice of official amendments to be moved to amend the
Right to Information Bill, 2004.

This Department is in receipt of a copy of the aforesaid Notice. From the perusal of the Notice it is found that clause 20 contained at pages 16 and 17 of the Notice requires reconsideration of the DOP&T. In view of clause 20 of the Bill (now 23) the expression "notwithstanding anything contained in section 23" was required to be incorporated in the Notice to Official Amendment but since clause 17 in which modifications were recommended by the Parliamentary Standing Committee has undergone change [(please refer to Pulok Chaterjee, JS, PMO's note dated 7.5.2005 to MOS (PP)) in which the proposal to file complaint before the Judicial Magistrate of First Class has been dropped . Since there is no prosecution provision, that expression is redundant and may require to be considered to be omitted from the Notice of Official Amendment. Likewise in sub-clause (1) of clause 17 the per day penalty for destroying information which was the subject of request for information or obstruction in any manner in furnishing the information may not be workable. However, provision for disciplinary action is provided under sub-clause (2) where a Central Public Information Officer or a State Public Information Officer destroys information which was the subject of request for information or obstructs in any manner in furnishing the information. However, this Department has revised clause 20. The revised provision of clause 20 is enclosed herewith for consideration and approval of the Department of Personnel and Training. If the revised draft provision is acceptable with or without modification to the DOP&T, then an amendment in the Notice may be required for which a suitable direction to the Legislative Section of Lok Sabha may be issued by the DOP&T.


(Z.S. Negi)
Additional Secretary
9.5.2005

~~Secretary~~


 9/5/05

Secretary to the Government of India, (Department of Personnel and Training).

M/Secy to Govt of India (DOP&T) 104-4 dt. 9-5-05

2

9.5 (6.30 PM)

 JS(E)

Recd.

today

27/5

Dir(E-II)

US (E+ B-M)

2-1922/suff/ear
9-5-2005

Penalties.

"20. (1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or the correct or complete information is furnished, subject to the condition that the total amount of such penalty shall not exceed twenty-five thousand rupees:

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.

(2) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause persistently failed to receive application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against such Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rules applicable to him.

DEPARTMENT OF PERSONNEL & TRAINING

Sub. : 'The Right to Information Bill, 2004' – Consideration in Rajya Sabha.

Clause (1) of Article 117 of the Constitution of India provides that a Bill, which involves expenditure to be charged on the Consolidated Fund of India, shall not be introduced or moved except on the recommendation of the President. Further, it has been provided in clause (3) of the said Article that such a Bill shall not be passed by either House of Parliament unless the President has recommended to that House the consideration of the Bill.

2. Considering that Clause 5(1) and Clause 12 of the 'Right to Information Bill, 2004' may involve expenditure from the Consolidated Fund of India, recommendation of the President under clauses (1) and (3) of Article 117 was accordingly obtained for introduction and consideration of this Bill by the **Lok Sabha**. The Bill was subsequently introduced in the House on 23rd December, 2004.

3. The 'Right to Information Bill, 2004', as introduced and pending in the Lok Sabha, was referred to the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice on 31st December, 2004 for examination and report. The Standing Committee presented its Report to both the Houses of Parliament on 21st March, 2005. The recommendations of the Committee were considered by the Group of Ministers and with the approval of the Cabinet, it was decided to move a motion in the House for making certain amendments to the Bill. The President's recommendations under clauses (1) and (3) of Article 117 of the Constitution was accorded on 9th May, 2005 for moving the amendments and consideration of the Bill in the Lok Sabha.

4. The Bill, was taken into consideration clause-by-clause by the Lok Sabha in its sitting on 10th and 11th May, 2005 and all the amendments proposed thereto by the Government, were adopted. The Bill as amended was, thereafter, passed by the House on 11th May, 2005.


5. As a sequel to the above, it is now proposed to move the **Rajya Sabha** to take up Bill(*as amended*) for consideration and passing. For this purpose, recommendation of the President under clause(3) of Article 117 of the Constitution is necessary. A Note (DFA -I) for obtaining the President's recommendation is accordingly put up for kind approval of MOS(PP).

6. It is also proposed to send a notice (DFA-II) to the Secretary General, Rajya Sabha, that the Government intends to move the following motions during the current Budget Session of the Rajya Sabha:-

- (i) That the Bill with the title 'The Right to Information Bill, 2004', as passed by the Lok Sabha, be taken into consideration; and
- (ii) That the Bill be passed".

7. A letter (DFA-III) requesting the Chairman Rajya Sabha to waive the requirement of two days notice under Rule 123 of the Rules of Procedure and Conduct of Business in Rajya Sabha is also put up.

8. Submitted for kind approval of MOS (PP).


(RAKESH MALHOTRA)
Under Secretary
May 11, 2005

Director (E-II)

JS (E)

Secretary (P)

MOS (PP)

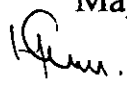
Hon'ble PM


JS (E)

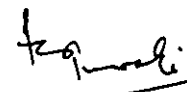
G. Dir (E-II)

13.5.05

US (E) H B-m

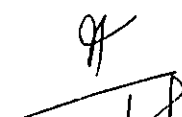

11.5.05


11.5.05


11.5.05


11/5/05

Mamun Khan Singh
11.5.2005


13/5/2005

1950/R/MOS (PP)/05
12/5/2005

Department of Personnel and Training
Estt (B) Desk

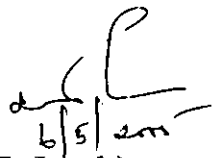
.....

Subject:- Right to Information Bill, 2004-

F/C

Approval of the Cabinet has been obtained in setting up of State Information Commissions (in States/Union Territories) as envisaged under the contemplated RTI Act and for creation of posts therefor. The implication is that funds for the purpose will be born out of the Consolidated Fund of India. in grants.


2. As MOS(PP) has to make a statement to this effect in the Parliament during the consideration of the Bill, Ministry of Finance may kindly confirm the position.

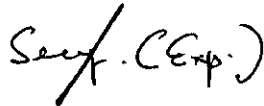

(T. Jacob)

Joint Secretary (Estt)

Dated: 06th May, 2005


Secretary(Personnel)


6.5

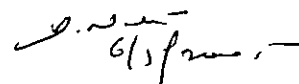

Secy. (Exp.)

Immediate action / exam

gs (P/o)


6/5/05

DS (C)


6/5/05

673/TSCE/05
6/5/05

F. 1721/SE/05
6/5/05

F. 3114/SSC/05
6/5

Ministry of Finance
Department of Expenditure

Reference preceding Note regarding Right to Information Bill 2004.

The matter has been examined. Sections 15 (1) and 15(2) of the proposed Bill provide that the State Government would constitute the State Information Commission and appoint the Commissioners. Therefore, the Parliament, by law, is imposing a statutory obligation on the States. The States should discharge this obligation through their own funds.

2. Based on ^{the} above, this Department does not support the funding of the State Information Commissions through the Central Budget.

3. This has the approval of the Finance Minister.

S. Nath
(Sushama Nath)
Joint Secretary (Per.)

DOPT [Shri T. Jacob, Jt. Secy. (Estt.)]
MOF (Exp) I. D.No,3114/JS (Per.)/2005 Dt.9.5.2005

9/
10/5/2005

Dir (E-II)
16/5
U) (E-II B.M.)

Department of Personnel & Training

'The Right to Information Bill, 2005', as passed by the Houses of Parliament, now awaits the assent of the President.

2. The Bill envisages that the Central Government shall constitute a body known as the Central Information Commission consisting of one Chief Information Commissioner and such number of Information Commissioners not exceeding ten as may be necessary. In its primary function, the Commission shall be the second-stage appellate authority to consider appeals from citizens who are dissatisfied with the outcome of their request for information. The Bill also provides that the Central Government shall provide necessary support staff to the Commission in order to efficiently perform its functions. The funds for meeting the expenditure arising out of the establishment of this Commission are to be borne out of the Central Budget.

3. The proposed enactment jurisdictionally covers all State Governments (except J&K) and the Bill makes it mandatory for each of these State Governments to constitute their respective Commissions on similar lines. On the question of funding these Commissions, the Ministry of Finance, with the approval of the Finance Minister, has advised as follows:-

"The Parliament by law, is imposing a statutory obligation on the States *(to constitute their Information Commissions)*. The States should discharge this obligation through their own funds.

Based on the above, the Department (of Expenditure) does not support the funding of the State Information Commissions through the Central Budget."

4. MOS(PP) may, perhaps, like to suitably apprise the Prime Minister of the above position.

R. Malhotra

(Rakesh Malhotra)

Under Secretary

14.06.2005

Director(E.II)

JS(E)

Secretary(P)

MOS(PP)

SURESH PACHOUR
MOS (PP)

Secy(P)

16.6

22.7

14/6/2005

22/7/05

JS(E)

Dir(E.II)

25/2

US(E) B-M

23/6/2005
16/6/2005

Principal Secretary, Finance, Govt. of Uttaranchal, vide FR, has requested for providing Financial Assistance for implementing Right to Information Act, 2005, besides giving progress of implementation of Right to Information Act in the State of Uttaranchal. It has been stated in their communication that implementation of Right to Information Act in an effective manner involves substantial expenditure and for a small State like Uttaranchal it is very difficult to spare extra funds in the midst of the financial year. It has been projected that Financial Assistance of Rs.1025 lakhs for non-recurring expenditure and Rs.100 lakhs for annual recurring expenditure, is required for the State, the details of which are given below.

(Rs. in lakhs)

Sl.No	Expenditure	Recurring	Non-recurring
1.	Establishment of State Information Commission	100	100
2.	Training of Master Trainees, PIOs, APIOs, etc.		100
3.	Village level training for Gram Pradhans		200
4.	State level Task force		25
5.	Equipments		300
6.	Publication of material		200
7.	Publicity of the Act		100
	Total	100	1025

2. In this regard, it is mentioned that the issue of providing financial grant for setting up of State Information Commissions was taken up with Ministry of Finance. However Ministry of Finance has advised as follows: -

"Sections 15(1) and 15(2) of the proposed Bill provide that a State Govt. would constitute the State Information Commission and appoint the Commissioners. Therefore, the Parliament, by law, is imposing a statutory obligation on the States. The States should discharge this obligation through their own funds.

Based on the above, this Department does not support the funding of the State Information Commissions through the Central Budget".

3. However, the justification given by Uttaranchal Govt. for requirement of financial support is reasonable. Similar demands from other States may also come up for providing financial support. It appears that the implementation of RTI Act in the States may not be

① P 41-N/2005
② P 42/N-2005

smooth without providing the financial assistance from Central Government. 10th five Year Plan document has also recommended that Right to Information Act is one of the various strategies for improving governance in the country.

4. In view of the above, it would be appropriate to take up again the issue of providing financial assistance for setting up of State information Commissions with Ministry of Finance, Department of Expenditure for reconsideration. We may show the file to MOS (PP) before sending it to Ministry of Finance.

Meenakshisundaram

S.Meenakshisundaram
Dy.secy. (P&A)
19.8.05

22/8/05
19/8/2005

JS(E)

Secretary (P)

C-13227/JS(E)OS
22/8/05
Pl. disu
Q
22.8

From pre-page.

- 46 -

JSCC) has desired to change the note.
A copy of cabinet note may be placed on file
to indicate the position stated in the Cabinet note
regarding funding for State Information Commission

Alexander
28/8/05

Disc #1,

Disc #1) copy of the note dated 3.5.05
is placed on file. (Disc 5 is relevant).

W. H. W.

29.8.05

DS(P4A)

Principal Secretary, Finance, Govt. of Uttaranchal, vide FR, has requested for providing Financial Assistance for implementing Right to Information Act, 2005, besides giving progress of implementation of Right to Information Act in the State of Uttaranchal. It has been stated in their communication that implementation of Right to Information Act in an effective manner involves substantial expenditure and for a small State like Uttaranchal it is very difficult to spare extra funds in the midst of the financial year. It has been projected that Financial Assistance of Rs.1025 lakhs for non-recurring expenditure and Rs.100 lakhs for annual recurring expenditure, is required for the State, the details of which are given below.

(Rs. in lakhs)

Sl.No	Expenditure	Recurring	Non-recurring
1.	Establishment of State Information Commission	100	100
2.	Training of Master Trainees, PIOs, APIOs, etc.		100
3.	Village level training for Gram Pradhans		200
4.	State level Task force		25
5.	Equipments		300
6.	Publication of material		200
7.	Publicity of the Act		100
	Total	100	1025

2. In this regard, it is mentioned that the issue of providing financial grant for setting up of State Information Commissions was taken up with Ministry of Finance. However Ministry of Finance has advised as follows: -

"Sections 15(1) and 15(2) of the proposed Bill provide that a State Govt. would constitute the State Information Commission and appoint the Commissioners. Therefore, the Parliament, by law, is imposing a statutory obligation on the States. The States should discharge this obligation through their own funds.

Based on the above, this Department does not support the funding of the State Information Commissions through the Central Budget".

3. Though Ministry of Finance has not supported the funding of State Information Commissions through the Central Budget, the justification given by Uttaranchal Govt. for requirement of financial support is reasonable. Other States especially small States may also come up with the request for providing financial support. It appears that the implementation of RTI Act in these States may not be smooth without providing the financial assistance from Central Government. 10th five Year Plan document has also recommended that Right to Information Act is one of the various strategies for improving governance in the country.

2 P. 41/14.2015
(P) P. 42/14.2015

It would be appropriate to mention here that Cabinet, while approving the amendments to the "Right to Information Bill, 2004", has also approved the proposal of setting up the Information Commissions in the States/Union Territories and creation of posts therefor. Since the State Governments are implementing the Central Act, it would be better if funds are also provided by Central Government atleast to those States which have been recently formed and North Eastern States.

4. In view of the above, we may again take up the issue of providing financial assistance for setting up of State information Commissions for recently formed States and North Eastern States with Ministry of Finance, Department of Expenditure for reconsideration. We may show the file to MOS (PP) before sending it to Ministry of Finance.

S. Meenakshisundaram

S. Meenakshisundaram
Dy. secy. (P&A)
9.9.05

JS (E)

pl cph

2/9/2005

DS (P&A)

Spokes
related note submitted
AL

Similar demand
is from

① MP

② Gujarat pl cph

DS (P&A)

Spokes. 01

Govt. of Uttaranchal, Madhya Pradesh, Gujarat and Tripura vide FR-I, FR-II, FR-III, FR-IV and FR-V have requested for providing financial assistance for setting up the State Information Commission/Training of employees, preparation of literatures etc. as per the details given below:

Sl.No.	State	Amount Requested (Rs. in lakhs)	Remarks
1.	Uttaranchal	1125.00	Includes 100 Lakhs of recurring expenditure.
2.	Madhya Pradesh	11252.90	-
3.	Gujarat	10000.00	-
4.	Tripura	48.36	-
5.	Chattisgarh	1462.00	-
	Total	23888.26	

2. In this regard, it is mentioned that the issue of providing financial grant for setting up of State Information Commissions was taken up with Ministry of Finance. However Ministry of Finance has advised as follows: -

"Sections 15(1) and 15(2) of the proposed Bill provide that a State Govt. would constitute the State Information Commission and appoint the Commissioners. Therefore, the Parliament, by law, is imposing a statutory obligation on the States. The States should discharge this obligation through their own funds.

Based on the above, this Department does not support the funding of the State Information Commissions through the Central Budget".

3. It would be appropriate to mention that Cabinet, while approving the amendments to the "Right Information Bill, 2004", has also approved the proposal of setting up the Informational Commission in the States/Union Territories and creation of posts therefor. Since the State Governments are implementing the Central Act, it would be better if funds are also provided by Central Govt. to the State Governments.

4. In view of the above, we may again request Ministry of Finance, Deptt. of Expenditure to reconsider the issue of providing financial assistance for setting up the State Information Commissions. We may show the file to MOS(PP) before sending to Ministry of Finance.

Meenakshisundaram
(S. Meenakshisundaram)
Deputy Secretary (P&A)
03.10.2005

JS(E)

DS(P&A) pl yr
Spoken.

File received on
14/10/05. *df*
14/11/05

Spoken on 16/11/05
JS(E) told to wait
for any other
State's request
df
16/11/05

As I am going on
leave, I have
my pl. pro. up
df
25/11/05

S.O.(DR)

Reference FR. (P. 2241c)

The Government of India Press has forwarded a bill for Rs.26226 in connection with printing of 1500 copies of the Right to Information Act, 2005 containing 22 pages each copy. So far as the work done by the Government of India Press is concerned, the Head of Department is fully empowered to sanction the expenditure in full. We may request Director (Adm) to approve the expenditure for payment to the Government of India Press, New Delhi.

Submitted, please.

[Signature]
19/7/06

US(Estt.B)

[Signature]
19/7/06

Director (G.I.)

[Signature]
20.7.06

Dir (Adm)

Please ~~rept~~ rept

[Signature]
20/7/06

DS (Coord)

Since the budget for such work is provided under sub head "Publications" US (budget) may kindly see and put up to Dir (Adm)

[Signature]
20/7/06

US (budget)

[Signature]
21/7
50 (B+A)
[Signature]
24/7

Cash Section

As per the records of the Cash Section, the sufficient budget under the sub head "Publication" is available for making the payment in connection with the above-mentioned bill. We may ask the concern section to issue the sanction order against the bill mentioned above.

Sh. ~~Thakur~~
Soren

[Signature]
25/7/06
U.S (com)
Dir (Adm)
US (Estt. B)
[Signature]

[Signature]
25/7/06