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

New Delhi, dated the 3rd May, 2005  

NOTE FOR THE CABINET  


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. A copy of the Bill is at Annexure-I (pages 8 - 31). 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 and a copy of the clause by clause recommendations of the Committee, together with the Bill drafted by
DEPARTMENT OF PERSONNEL & TRG. F.No.34012/1(s)/2005-Estt.(B)

...it after incorporating its recommendations, is at Annexure II (Pages 32 - 111).

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 that rupees two thousand and not more than rupees twenty five thousand and imprisonment up to 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 as in Annexure-III. (Pages 112-162)

5. The proposed amendments to the Bill also envisage the setting up of Information Commissions in States and Union Territories to be headed by the State Chief Information Commissioner who will be assisted by such number of State Information Commissioners, not exceeding 10, as are required to meet the functional needs. Beside the State Chief Information Commissioner and the State Information Commissioners, additional man power shall have to be sanctioned for the Commissionerate in order to provide the necessary administrative support. It is proposed that to begin with, the Commissions may be provided with not more than five State Information Commissioners and on that basis, the expenditure involved in creation of these posts is estimated to be rupees 65 crore per annum. In addition, funds shall have to be provided for accommodation, office equipment, vehicles and other ancillary needs of the Commission as per the prescribed norms. The Commissions are proposed to set up immediately after the enactment is notified.

6. In view of the paucity of time, the Ministry of Finance (Department of Expenditure) and the Ministry of Law and Justice have been 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.
7. The Prime Minister, as Minister-in-charge of the Ministry of Personnel, Public Grievances and Pensions, has approved of this Note for the Cabinet.

8. Approval of the Cabinet is accordingly solicited for the following:

(i) to approve the amendments to the ‘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; and

(ii) setting up the Information Commissions in the States/Union Territories, and creation of posts therefor, as proposed in para-6 of this Note.

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

(SECRETARY TO THE GOVERNMENT OF INDIA)
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**APPENDIX**

No. 34012/1(s)/2005-Estt.(B)

Government of India

Ministry of Personnel, Public Grievances and Pensions

Department of Personnel & Training

**STATEMENT OF IMPLEMENTATION SCHEDULE**


<table>
<thead>
<tr>
<th>Gist of decision required</th>
<th>Projected benefits/results</th>
<th>Time schedule for manner of implementation/reporting to Cabinet Secretariat.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To implement certain recommendations made by the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice and the Group of Ministers on Preamble, clauses 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 21, 22, 23, 24, 25 and 26.</td>
<td>In the light of the recommendations made by the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice and Group of Ministers, 'The Right to Information Bill, 2005' will be enacted as an Act of Parliament.</td>
<td>An official amendment to 'The Right to Information Bill, 2004' will be introduced and moved in the ongoing Budget Session of Parliament for the year 2005.</td>
</tr>
</tbody>
</table>

F.No. 34012/1(s)/2005-Estt.(B)

(A.N.TIWARI)

SECRETARY TO THE GOVERNMENT OF INDIA.

Dated the May, 2005.
No. 32/CM/2004

CABINET SECRETARIAT

EXTRACTS FROM THE MINUTES OF THE MEETING OF THE CABINET HELD AT 1700 HOURS, ON WEDNESDAY, THE 15TH DECEMBER, 2004, IN PANCHVATI, 7, RACE COURSE ROAD, NEW DELHI.

Case No. 273/32/2004

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

The Cabinet considered the note dated 13.12.2004 from the Ministry of Personnel, Public Grievances and Pensions (Karmik, Lok Shikayat tatha Pension Mantralaya), Department of Personnel and Training (Karmik aur Prashikshan Vibhag) and

(i) approved the proposals contained in paragraph 12 thereof with the modification that as far as creation of posts is concerned, the issue will be examined in consultation with the Ministry of Finance; and

(ii) Directed that a Group of Ministers may be set up to consider the Government amendments that may need to be made in the Bill.

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In accordance with the Rules of Procedure in Regard to Proceedings of the Cabinet (Rule 10), progress of action to implement the decision may be included in the Ministry's Monthly Summary for the information of the Members of the Council of Ministers.

Action taken to implement the decision may be communicated to the Cabinet Secretariat with reference to the Implementation Schedule attached to the agenda note.
SECRET

MOST IMMEDIATE

GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)
RASHTRAPATI BHAVAN

New Delhi, the 5th January, 2005
15 Pausa, 1926 (S)

Subject: Constitution of a Group of Ministers to consider amendments in the proposed legislation regarding 'Repeal of the 'Freedom of Information Act, 2002' and legislation of the 'Right to Information Act, 2004'.

The Cabinet, in its meeting held on 15th December, 2004, considered the note dated 13.12.2004 from the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training regarding Repeal of the 'Freedom of Information Act, 2002' and legislation of the 'Right to Information Act, 2004' and inter-alia directed that a Group of Ministers may be set up to consider the Government amendments that may need to be made in the Bill.

2. It has, accordingly been decided, with the approval of the Prime Minister, to constitute a Group of Ministers (GoM) with the following composition :-

Shri Pranab Mukherjee,
Minister of Defence.

Shri Sharad Pawar,
Minister of Agriculture and Minister of Consumer Affairs, Food and Public Distribution.

Shri Shivaraj V. Patil,
Minister of Home Affairs.

Shri S. Jaipal Reddy,
Minister of Information & Broadcasting and Minister of Culture.

Shri P. Chidambaram,
Minister of Finance.

Shri H.R. Bhardwaj,
Minister of Law & Justice.

Shri Dayanidhi Maran,
Minister of Communications and Information Technology.

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.

3. The Group of Ministers will be serviced by the Department of Personnel and Training in the Ministry of Personnel, Public Grievances and Pensions.

(K.L. Sharma)
for Cabinet Secretary
Tele: 301 5802

To
Shri Pranab Mukherjee, Minister of Defence.
Shri Sharad Pawar, Minister of Agriculture and Minister of Consumer Affairs, Food and Public Distribution.
Shri Shivaraj V. Patil, Minister of Home Affairs.

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- 2 -

Shri S. Jaipal Reddy, Minister of Information & Broadcasting and Minister of Culture.
Shri P. Chidambaram, Minister of Finance.
Shri H.R. Bhardwaj, Minister of Law & Justice.
Shri Dayanidhi Maran, Minister of Communications and Information Technology.
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.

Copy forwarded for information to :-

Secretary to the President.
Secretary to the Vice-President.

(K.L. Sharma)
Deputy Secretary (Cabinet)

Copy also forwarded for information to the Principal Secretary to the Prime Minister.

(K.L. Sharma)
Deputy Secretary (Cabinet)

Copy also forwarded, for information to :-

Secretary, Department of Personnel & Training.
Secretary, Department of Legal Affairs.
Secretary, Department of Expenditure.
Secretary, Legislative Department.
Secretary, Ministry of Parliamentary Affairs.

(K.L. Sharma)
Deputy Secretary (Cabinet)

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

New Delhi, dated the 3 May, 2005

Minutes of the meetings of Group of Ministers held on 26th April, 2005 at 6.30 P.M. in Parliament House (Room No. 9) and on 30th April, 2005 at 2.00 P.M. in South Block, New Delhi.

Present

1. Shri Pranab Mukherjee
   Minister of Defence, CHAIRMAN

2. Shri Shivraj V. Patil
   Minister of Home Affairs

3. Shri S. Jaipal Reddy
   Minister of Information & Broadcasting and Minister of Culture

4. Shri P. Chidambaram
   Minister of Finance

5. Shri H.R. Bhardwaj
   Minister of Law & Justice

6. Shri Dayanidhi Maran
   Minister of Communications and Information Technology

7. 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.
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<td>1</td>
<td>Shri A.N. Tiwari</td>
<td>Secretary, Ministry of Personnel, PG &amp; Pensions</td>
</tr>
<tr>
<td>2</td>
<td>Shri T.K. Vishwanathan</td>
<td>Secretary, Legislative Department, Ministry of Law &amp; Justice</td>
</tr>
<tr>
<td>3</td>
<td>Shri Z.S. Negi</td>
<td>Additional Secretary, Legislative Department, Ministry of Law &amp; Justice</td>
</tr>
<tr>
<td>4</td>
<td>Shri K.D. Singh</td>
<td>Additional Secretary, Department of Legal Affairs, Ministry of Law &amp; Justice</td>
</tr>
<tr>
<td>5</td>
<td>Shri Badal K. Das</td>
<td>Establishment Officer &amp; Addl. Secretary, Department of Personnel &amp; Training</td>
</tr>
<tr>
<td>6</td>
<td>Shri R.S. Koli</td>
<td>Joint Secretary &amp; LA, Department of Legal Affairs</td>
</tr>
<tr>
<td>7</td>
<td>Shri T. Jacob</td>
<td>Joint Secretary, Department of Personnel &amp; Training</td>
</tr>
<tr>
<td>8</td>
<td>Shri S.R. Dhaleta</td>
<td>Addl. Legal Adviser, Legislative Department, Ministry of Law and Justice</td>
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The Cabinet, in its meeting held on 15th December, 2004, while approving the proposal to introduce the ‘Right to Information Bill, 2004’, also directed that the Bill may be looked into by a Group of Ministers to consider the Government amendments that need to be made therein.

2. The Defence Minister took a meeting of the Group of Ministers on 26th April, 2005 at 6.30 PM. in Parliament House (Room.No.9) followed by another meeting on 30th April, 2005 at 2.00 PM in South Block (Room.No. 102). The Group of Ministers considered the Note dated 21st April, 2005 of the Department of Personnel and Training and examined the ‘Right to Information Bill, 2004’ in the light of the comparative position given in the Table provided in Annexure –VIII thereto.

3. Taking into consideration the various constitutional, administrative and implementative aspects, the Group of Ministers inter-alia made following recommendations:-

(i) The Group of Ministers were of the view that the Parliament has the legislative competence to enact a Law on Right to Information in respect of all public authorities under the Central Government or the State Government (clause-2).

(ii) The Group also approved the proposal of the Department of Personnel and Training to insert in sub-clause after clause 7(3)(a) so as to provide that

(a) the fee shall be reasonable; and
(b) ‘Below Poverty Line’ families shall be provided information free of cost.

(iii) In respect of categories of information exempt from disclosure under the bill (clause 8), the GOM recommended to retain the formulations made by National Advisory Council subject to security related information and Cabinet papers retaining an all-time exemption from disclosure.

(iv) The composition of selection committee for recommending members of the Central Information Commission provided (Clause 12) in the Bill, is as under:

i) Prime Minister : Chairman
ii) Leader of Opposition in Lok Sabha : Member
iii) Chief Justice of India : Member

The GOM, however, recommended that a Minister nominated by the Prime Minister should be the third Member of the Committee in place of the ‘Chief Justice of India’.

(v) As regards the penalty provisions (Clause 17 of the Bill), the Group approved the revised formulation as under:

(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, finds that the Central 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 Information Commission or the State Information Commission, may impose a fine of Rs.250/- for each day’s delay in furnishing the information, subject to a maximum of Rs.25000/-, after giving the Central or State Public Information Officer, as the case may be, a reasonable opportunity of being heard.

(2) Notwithstanding anything contained in Section 20, 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 or State Information Officer, is persistently guilty of any misconduct under Sub-section (3) of this
clause, he shall file a complaint before a Judicial Magistrate of First Class, after giving the Central or State Public Information Officer, a reasonable opportunity of being heard.

(3) Where it is found by a Judicial Magistrate of First Class that any Central or State Public Information Officer has

(i) Persistently failed to provide information without a reasonable cause within the period specified under sub-section (1) of section 7

(ii) Refused to receive an application for information;

(iii) Mala-fide denied a request for information;

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(vi) Destroyed information subject to a request; or

(vii) Obstructed the activities of a Public Information Officer, any Information Commissioner or the Courts; he would be guilty of misconduct under this sub-section and will be liable upon summary conviction to a fine of not less than rupees two thousand and not more than Rs.25000/- and an imprisonment upto one year or both.

(4) Without prejudice to the sub-sections (1), (2) and (3), the Central Information Commission or the State Information Commission, as the case may be, may recommend for disciplinary action against the Central or State Public Information Officer, as the case may be, under the Service Rules applicable to him.

(vi) Security and intelligence agencies are exempted (Clause 21) under the Bill from providing any information except in case of allegations of corruption. The GOM, however, recommended as under:-

(a) The security and intelligence agencies should not be exempted from providing the information pertaining to the allegations of corruption and human rights violations:

(b) In case of allegations of violation of human rights, information shall be given with the approval of the concerned Information Commissioner and notwithstanding anything contained in Section 7, such information shall be provided within 45 days of the receipt of request.
4. The provisions formulated by Parliamentary Standing Committee in respect of other clauses of the Bill were also approved by the Group of Ministers with some modifications. A tabular statement of all recommendations of the Group of Ministers as regards each clause of the Right to Information Bill, 2004 is annexed.

(PRANAB MUKHERJEE)
Chairman
34(2)(1)(S)-2005-Rt.1

13.10.06

26.11.07

JS(A&T/A)

JS(A&T/A) wanted to see the report

of the Subcommitte

on the Right to Information Bill, 2004. A

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Section 26

26.11.07

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26.11.07

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GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)
RASHTRAPATI BHAVAN

New Delhi, the 5th January, 2005
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Shri Suresh Pachouri,
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3. The Group of Ministers will be serviced by the Department of Personnel and Training in the Ministry of Personnel, Public Grievances and Pensions.

(K.L. Sharma)
for Cabinet Secretary
Tele: 301 5802

To
Shri Pranab Mukherjee, Minister of Defence.
Shri Sharad Pawar, Minister of Agriculture and Minister of Consumer Affairs, Food and Public Distribution.
Shri Shivalaj V. Patil, Minister of Home Affairs.

SKB
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6. Shri Dayanidhi Maran
   Minister of Communications and Information Technology

7. 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.
In Attendance

1. Shri A.N. Tiwari
   Secretary, Ministry of Personnel, PG & Pensions

2. Shri T.K. Vishwanathan
   Secretary, Legislative Department,
   Ministry of Law & Justice

3. Shri Z.S. Negi
   Additional Secretary, Legislative Department
   Ministry of Law & Justice

4. Shri K.D. Singh
   Additional Secretary, Department of Legal Affairs
   Ministry of Law & Justice

5. Shri Badal.K. Das
   Establishment Officer & Addl. Secretary,
   Department of Personnel & Training

6. Shri R.S. Koli
   Joint Secretary & LA, Department of Legal Affairs

7. Shri T. Jacob
   Joint Secretary, Department of Personnel & Training

8. Shri S.R. Dhaleta
   Addl. Legal Adviser, Legislative Department
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(a) the fee shall be reasonable; and
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(iii) In respect of categories of information exempt from disclosure under the bill (clause 8), the GOM recommended to retain the formulations made by National Advisory Council subject to security related information and Cabinet papers retaining an all time exemption from disclosure.

(iv) The composition of selection committee for recommending members of the Central Information Commission provided (Clause 12) in the Bill, is as under:-

i) Prime Minister : Chairman
ii) Leader of Opposition in Lok Sabha : Member
iii) Chief Justice of India : Member

The GOM, however, recommended that a Minister nominated by the Prime Minister should be the third Member of the Committee in place of the 'Chief Justice of India'.

(v) As regards the penalty provisions (Clause 17 of the Bill), the Group approved the revised formulation as under:-

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, finds that the Central 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 subsection (1) of section 7, the burden of proving that he acted reasonably and diligently shall be upon him and the Central Information Commission or the State Information Commission, may impose a fine of Rs.250/- for each day's delay in furnishing the information, subject to a maximum of Rs.25000/-, after giving the Central or State Public Information Officer, as the case may be, a reasonable opportunity of being heard.

2) Notwithstanding anything contained in Section 20, 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 or State Information Officer, is persistently guilty of any misconduct under Sub-section (3) of this
clause, he shall file a complaint before a Judicial Magistrate of First Class, after giving the Central or State Public Information Officer, a reasonable opportunity of being heard.

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(vi) Destroyed information subject to a request, or

(vii) Obstructed the activities of a Public Information Officer, any Information Commissioner or the Courts; he would be guilty of misconduct under this sub-section and will be liable upon summary conviction to a fine of not less than rupees two thousand and not more than Rs.25000/- and an imprisonment up to one year or both.

(4) Without prejudice to the sub-sections (1), (2) and (3), the Central Information Commission or the State Information Commission, as the case may be, may recommend for disciplinary action against the Central or State Public Information Officer, as the case may be, under the Service Rules applicable to him.

(vi) Security and intelligence agencies are exempted (Clause 21) under the Bill from providing any information except in case of allegations of corruption. The GOM, however, recommended as under:-

(a) The security and intelligence agencies should not be exempted from providing the information pertaining to the allegations of corruption and human rights violations;

(b) In case of allegations of violation of human rights, information shall be given with the approval of the concerned Information Commissioner and notwithstanding anything contained in Section 7, such information shall be provided within 45 days of the receipt of request.
4. The provisions formulated by Parliamentary Standing Committee in respect of other clauses of the Bill were also approved by the Group of Ministers with some modifications. A tabular statement of all recommendations of the Group of Ministers as regards each clause of the Right to Information Bill, 2004 is annexed.

(PRANAB MUKHERJEE)
Chairman
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 relatable 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 overstretching 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.

Law Secretary,

Joint Secretary & Legal Adviser

(R.L.Koll)
STATEMENT OF CASE

The Department of Personnel & Training is examining a proposal to introduce a Bill, namely, the Freedom of Information Bill, in the Parliament. The proposal contained in the draft Bill seeks to provide freedom to every citizen to secure information under the control of public authorities, consistent with public interest. The proposal is aimed at promoting openness, transparency and accountability in administration. The draft Bill also contains a list of items, information in relation to which will be exempt from disclosure. A copy of the draft Bill is enclosed at Annexure-I.

2. Under the draft Bill every public authority shall appoint one or more Public Information Officer who will deal with requests for information. Public authority has been defined as any authority or body established or constituted by or under the Constitution, or by any law made by the appropriate Government, and includes any other body owned, controlled or substantially funded by the Government. Appropriate Government in relation to a public authority, has been defined as the Central Government or a State Government, as the case may be. Thus the proposed Bill will cast an obligation on any public authority whether coming under the Central Government or a State Government, to provide information subject to other provisions of the Bill. The Bill is based on the Report of the Working Group on Right to Information and Promotion of Open and Transparent Government, a copy of which is placed at Annexure-II.

3. When the draft Bill was further considered, it was felt that the proposed exemptions appeared too large and
sweeping, giving an impression of denying practically all information to the public despite the avowed intention of right to information. It was suggested that the draft Bill should spell out items where the supply of information was mandatory, and areas where a citizen would have right to seek and get information.

4. Accordingly, a draft positive list has to be prepared, which is sought to be included in one of the schedules to be appended to the Bill. The positive list would contain items, such as copies of land records, the list of beneficiaries under various developmental schemes at village level, proceedings of Gram Sabhas, details of charges and fee for various civic services, copies of monthly crime report, etc.

5. When the matter was placed before the Committee of Secretaries recently, a doubt was expressed that since the positive list would include items listed under List II (State List) of the Seventh Schedule to the Constitution, the proposed Bill might appear to be falling outside the legislative competence of Parliament. Another view that was expressed was that if the doctrine of 'pith and substance' was applied and the item did not come under List II or List III of the Seventh Schedule to the Constitution, then it would come under Entry 97 of List I, in respect of which the Parliament was competent to legislate. It was accordingly decided that the opinion of the Attorney General in the matter would be solicited. For the sake of convenience of the learned Counsel, the relevant constitutional provisions are being indicated in the subsequent paras.

6. According to Art. 1 of the Constitution, India is a union of States. Our Constitution provides for a Federal
System of Government. Every Federation requires a division of powers between the Federal Government and the States. In our Constitution, this has been effected by Part XI dealing with 'Relations Between the Union and the States'. While Articles 245 to 255 deal with distribution of legislative powers, the administrative relations between the Union and the States is dealt with in Articles 256 to 261.

7. Art. 246 deals with the distribution of legislative powers as between the Union and the State Legislatures with reference to the different Lists in the Seventh Schedule. The provisions of this Article are extracted below for the sake of convenience:

"246. Subject matter of laws made by Parliament and by the Legislatures of States - (1) Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the "Union List")

(2) Notwithstanding anything in clause (3), Parliament, and, subject to clause (1), the Legislature of any State also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the "Concurrent List").

(3) Subject to clauses (1) and (2), the Legislature of any State has exclusive power to make laws for such State or any part thereof with
respect to any of the matters enumerated in List II in the Seventh Schedule (in the Constitution, referred to as the "State List").

(4) Parliament has power to make laws with respect to any matter for any part of the territory of India not included in a "State List" notwithstanding that such matter is a matter enumerated in the State List."

As per the above scheme, the Union Parliament has full and exclusive power to legislate with respect to matters in List I and has also power to legislate with respect to matters in List III. The State Legislature, on the other hand, has exclusive power to legislate with respect to matters in List II and has concurrent power with respect to matters included in List III. Further, Article 248 dealing with residuary powers of legislation reads as follows:

"(1) Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List.

(2) Such powers shall include power of making any law imposing a tax not mentioned in either of these Lists."

Entry 97 of List I (Union List) also reads as under:

"Any other matter not enumerated in List II or List III including any tax not mentioned in
either of those Lists."

As would be clear, if an item does not relate to any of the matters enumerated in List II or III, it will come under Entry 97 of List I. Consequently, Parliament alone will be competent to make law on such a subject.

8. It follows from the above that the Parliament would be competent to make law in relation to a subject covered by List I or List II. Similarly, the State Legislature would be competent to make law in relation to a subject falling in List II or List III. So far as the power of the State Legislature in relation to a matter contained in List III is concerned, the same would be subject to law made by Parliament.

9. The Supreme Court has held that various entries in the three Lists are not 'powers' of legislation, but 'fields' of legislation. The power to legislate is given by Art. 246, and other Articles of the Constitution [AIR 1962 SC 1044 Calcutta Gas Company v State of West Bengal: (1970) 1 SCR 4797 Harakchand v. Union of India; (1971) 2 SCC 779 Union of India v Dillon]. The Supreme Court has also held that the language of these entries should be given the widest scope of which their meaning is fairly capable because they set up a machinery of Government [(1995) 1 SCR 1071 Dhunichand v. Bhawalka Bros; AIR 1957 SC 459 Sri Ram v. State of Bombay; AIR 1965 SC 1387 Banwari v. WTO]. Each general word should, accordingly, be held to extend to all ancillary and subsidiary matters, which can fairly and reasonably be comprehended in it [(1955) 1 SCR 1285 Hans Muller v. Superintendent; AIR 1963 SC 1667 Ram Kishan v. State of Bihar]. The doctrine of widest possible interpretation of a legislative entry would not, however,
enable the legislature to make a law relating to a matter which has no rational connection with the subject matter of an Entry (AIR 1965 SC 1375 Navnit Lal v. K.K.Sen, A.A.C of IT).

10. It may be apt to point out at this stage that the executive power of the Union is co-extensive with its legislative power (Art. 73). Similarly, the executive power of the State is co-extensive with its legislative power (Art. 162).

11. Now, under the draft Bill, both the Central Government as well as the State Governments will be obliged to make information available in respect of their respective executive functioning. So far as the State Government is concerned, its executive function would relate to the legislative entries in Lists II and III. As has already been indicated, a legislative entry has to be given widest interpretation so as to include all ancilliary and subsidiary matters. It is possible to take a view that the obligation to provide information in relation to an executive function would be covered under the corresponding legislative entry, being an ancilliary or subsidiary matter. If the view is accepted, then only the State Legislature would be competent to enact a law on the subject, in respect of an item included in List II. So far as an executive function corresponding to an entry in List III is concerned, if the field is occupied by a Parliamentary legislation, then Parliament would be competent to enact a law regarding right to information in respect of that matter. Otherwise, the State Legislature only will have power to provide for right to information. So far as Parliament is concerned, it can make law in respect of an administrative function corresponding to an entry in List I or List III.
12. As regards residuary power of Parliament, the Supreme Court has, in M/s. International Tourist Corporation v. State of Haryana [AIR 1981 SC 74] held that before exclusive legislative competence can be claimed for Parliament by resort to the residuary power, the legislative incompetence of the State legislation must be clearly established. Entry 97 itself is specific that a matter can be brought under that entry only if it is not enumerated in List II or List III. The residuary power cannot be so exclusively incorporated as to whittle down the power of the State Legislature.

13. As would be seen from the above, so far as the executive functions of the States are concerned, the power to enact a law on Right to Information could be clearly traced to the legislative entries in List II & III. As such, no occasion to invoke the residuary power of Parliament would arise. Parliament can, however, make law on right to information in relation to matters included in List I and those matters in List III in respect of which a law made by Parliament is already in existence.

14. The question relating to the competence of Parliament was also considered by the Working Group on Right to Information and Promotion to Open and Transparent Government. The Group was of the view that since the subject matter of right to information was not included in any of the entries in List II of the Seventh Schedule, it would be covered by Entry 97 of List I. This may be seen in para 3.4 of the Report of the Working Group. The Department of Administrative Reforms and Public Grievances has also written a letter to this Department, drawing attention, inter alia, to the above reference in the said Report and to the Bill on
right to information of the Press Council of India. It has been stated that while drafting the Bill, Justice P.V. Sawant took a clear view that Parliament alone had the legislative competence to enact a legislation on freedom of information. The Department of Administrative Reforms and Public Grievances has requested that the contents of their letter may also be brought to the notice of the learned Counsel. Accordingly, a copy of the letter is placed at Annexure-III. It may be pointed out in this connection that the proposal to draw up a positive list covering the State subjects was not considered by the Working Group.

15. So far as the doctrine of 'pith and substance' is concerned, it means that if an enactment substantially falls within the powers expressly conferred by the Constitution upon the Legislature which enacted it, then it cannot be held to be invalid merely because it incidentally encroaches on matters assigned to another Legislature. As has already been explained above, the administrative functions performed by the State Governments relate to matters included in List II and III. The disclosure of information in respect of those matters would be ancillary or subsidiaries to those legislative entries. As such, the State Legislatures alone would be competent to enact law on 'Right to Information' on them. Entry 97 of List I would not give incidental powers to Parliament to encroach upon the above right of the State Legislatures. As such, the doctrine of 'pith and substance' does not appear to be applicable in this case.

16. In the light of the above, the opinion of the learned Counsel is solicited on the following:

(i) Whether, in pursuance of Entry 97 of List I, Parliament would be competent to make a law on
'Right to Information' casting obligations on the State Governments to make disclosure in respect of the information maintained by their offices concerning functions performed by them, which are relatable to Entries in List II and III?

(ii) Whether the State Legislatures are competent to enact law on 'Right to Information' in respect of the information maintained by the offices under the State Governments?

(iii) Whether the proposed positive list can be validly incorporated in the law to be enacted by Parliament? and

(iv) Generally.

New Delhi,
7th July, 1998

\[\text{(A. SINGH)}\]
\[\text{JS(A) & LA}\]
PARLIAMENT OF INDIA
RAJYA SABHA

DEPARTMENT RELATED PARLIAMENTARY STANDING COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES, LAW AND JUSTICE

THIRD REPORT

ON

THE RIGHT TO INFORMATION BILL, 2004

(PRESENTED TO THE RAJYA SABHA ON 21ST MARCH, 2005)
(LAID ON THE TABLE OF THE LOK SABHA ON 21ST MARCH, 2005)

RAJYA SABHA SECRETARIAT
NEW DELHI
MARCH, 2005/ PHALGUNA, 1926 (SAKA)
PARLIAMENT OF INDIA
RAJYA SABHA

DEPARTMENT RELATED PARLIAMENTARY STANDING COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES, LAW AND JUSTICE

THIRD REPORT

ON

THE RIGHT TO INFORMATION BILL, 2004

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(LAID ON THE TABLE OF THE LOK SABHA ON 21ST MARCH, 2005)

RAJYA SABHA SECRETARIAT
NEW DELHI
MARCH, 2005/ PHALGUNA, 1926 (Saka)
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   (v) The Right to Information Bill, 2004 as amended by the Committee.

* To be appended at printing stage.
COMPOSITION OF THE COMMITTEE (2004-05)

1. Shri E.M. Sudarsana Natchiappan — **Chairman**

**RAJYA SABHA**

2. Dr. Radhakant Nayak
3. Shri Balavant alias Bal Apte
4. Shri Ram Nath Kovind
5. Shri Varinder Singh Bajwa
6. Shri Ram Jethmalani
7. Dr. P.C. Alexander
8. Shri Tariq Anwar
9. Shri Raashid Alvi
10. Vacant

**LOK SABHA**

11. Dr. Shafiqurrahman Barq
12. Smt. Bhavani Rajenthiran
13. Shri Chhatar Singh Darbar
14. Justice (Retd.) N.Y. Hanumanthappa
15. Shri Shailendra Kumar
16. Smt. Kiran Maheshwari
17. Shri Dahyabhai V. Patel
18. Shri Brajesh Pathak
19. Shri Harin Pathak
20. Shri V. Radhakrishnan
21. Shri Vishwendra Singh
22. Shri Bhupendrasinh Solanki
23. Prof. Vijaya Kumar Malhotra
24. Kumari Mamata Banerjee
25. Shri S.K. Khareventhan
26. Shri Shriniwas D. Patil
27. Shri A.K. Moorthy
28. Shri Ramchandra Paswan
29. Vacant
30. Vacant
31. Vacant

**SECRETARIAT**

Shri Tapan Chatterjee, Joint Secretary
Shri Surinder Kumar Watts, Deputy Secretary
Shri H.C. Sethi, Under Secretary
Shri Vinoy Kumar Pathak, Committee Officer

(i)
INTRODUCTION


2. In pursuance of the rules relating to the Department Related Parliamentary Standing Committees, the Chairman, Rajya Sabha in consultation with the Speaker, Lok Sabha referred* the Right to Information Bill, 2004 as introduced in the Lok Sabha on 23rd December, 2004 for examination and report.

3. The Committee considered the Bill in five sittings held on the 1st, 14th and 16th February and 1st and 2nd March, 2005.

4. The Committee heard the oral evidence of the Secretary, Ministry of Personnel, Public Grievances and Pensions in its sitting held on 1st February, 2005.

5. The Committee heard the views of the prominent NGOs and eminent experts on the Bill (Annexure-I) in its sittings held on 14th and 16th February, 2005.

6. In its sittings held on 1st and 2nd March, 2005 the Committee took up clause-by-clause consideration of the Bill.

7. In its sitting held on 16th March, 2005 the Committee considered the draft report on the Bill and adopted the same.

8. In the said sitting, the Committee also decided that the evidence tendered before it may be laid on the table of both the Houses of Parliament.

9. In the course of its deliberations, the Committee has made use of the background note on the Bill received from the Ministry of Personnel, Public Grievances and Pensions; similar legislations of various States of India and foreign countries; suggestions received from organizations/experts; comments of the Ministry on the views received from organizations/experts; queries raised by the Members on the Bill in the meetings, the Freedom of Information Act 2002; 78th Report of the Committee on Home Affairs on the
Freedom of Information Bill, 2000 and recommendations of the National Advisory Council (NAC) proposing amendments to the Bill.

10. For facility of reference and convenience, observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

11. On behalf of the Committee, I would like to acknowledge with thanks the contributions made by experts/organizations who deposed before the Committee and submitted their valuable suggestions on the Bill.

E.M. SUDARSANA NATCHIAPPAN
Chairman

NEW DELHI:  Committee on Personnel, Public Grievances,
March 16, 2005  Law and Justice
REPORT

1. **Worldwide trend to promote freedom of information:**

   It is being recognized globally that public participation in the democratic and governmental process is at its meaningful best when citizens have adequate access to official information. This access lays the foundation for good governance, transparency, accountability and participation. This realization has found expression with over fifty-five countries having enacted their comprehensive laws that protect the right to information and many more countries are coming forward to enact specific legislations in pursuit of this objective. Sweden, Australia, Canada, New Zealand, Belize, Pakistan, South Africa, Trinidad and Tobago, United Kingdom, Zimbabwe, Jamaica and USA are among the countries exhibiting their Governments' commitment to open governance through legislative measures guaranteeing citizens access to information.

   **Campaign for the right to information in India**

2.1 India too is not left behind in the race. Growing realization for open governance and assured access to information has brought it on the world map. Eight States namely, Maharashtra, Tamil Nadu, Rajasthan, Karnataka, Jammu and Kashmir, Assam, Goa and Madhya Pradesh have already
enacted laws on the right to information to show their commitment for building a more dynamic and prosperous society by involving people in governance and decision making process. Not only this, the Supreme Court of India has, from time to time, interpreted article 19 which upholds the right to freedom of speech and expression, to implicitly include the right to receive and impart information. The Supreme Court’s judgement in S.P. Gupta v/s Union of India (AIR 1982 SC 149) reinforced the right to information by stating:

“The citizens have a right to decide by whom and by what rules they shall be governed and they are entitled to call on those who govern on their behalf to account for their conduct. No democratic government can survive without accountability and the basic postulate of accountability in that the people should have information about the functioning of the government …. The concept of open government is the direct emanation from the right to know which seems to be implicit in the right of free speech and expression guaranteed under Article 19(1)”.

2.2 Despite this, a demand for an ‘access to information law’, at the central level, grew extensively. There had been relentless efforts and mass mobilization in favour of a comprehensive Central Act providing access to
information regimes. It also became necessary to protect the fundamental right by some legal mechanism. The campaign started by some prominent social groups like Mazdoor Kisan Shakti Sanghathan (MKSS) and the National Campaign for People’s Right to Information, took concrete shape when in January, 1997 the Government set up a Working Group on “Right to Information and Transparency” under the chairmanship of Shri H.D. Shourie to examine the feasibility and need for a full-fledged law. The Chief Ministers Conference held in Delhi in 1997 on ‘Effective and Responsive Government’ recognized the importance and approved the scheme. Thereafter, for greater deliberations, a statutory scheme was circulated to the States/Union Territories and the Ministries of Govt. of India who submitted their report with constructive suggestions and comments. The report of the Working Group together with the responses was placed before the Committee of Secretaries, which broadly endorsed the legislative proposal subject to certain modifications. Finally, the draft Bill was submitted to the Group of Ministers prior to approval of the Cabinet. The Cabinet approved the proposal in its meeting held on 13th May, 2000. Thus, the legislative process which passed through the different levels concretised in the form of Freedom of Information Bill, 2000.
Freedom of Information Bill, 2000:


4. In order to live up to the ideals reflected in the commitment to the right to information, the Bill laid emphasis on the following features contained in its 21 clauses:-

   (i) Right to information to all citizens of the country;
   (ii) Access to information held by or under the central as well as the State Governments and local bodies;
   (iii) Obligation on every public authority to provide information and publish all records at regular intervals;
   (iv) Exemption from disclosures; and
   (v) Appellate mechanism to deal with the cases of defaults in providing information.

5. The Committee on Home Affairs presented its report to Parliament on 25th July, 2001 recommending some changes/modifications in that Bill. The Bill was passed by Parliament in December, 2002 and got assent of the President on 6th January, 2003.
6. The vigorous campaign for bringing out a central legislation has seen only partial success as the Act had not been brought into force, as according to the Government, the basic infrastructure required for its operationalisation had not been fully established. Meanwhile, there had been growing apprehensions that the Act in many respects fell short of the aspirations and expectations of the people. The Government had reportedly received a number of representations from people/civil society/groups pointing out the key issues needing modifications so that the information access right of citizens were fully realized and the legislation truly achieved its objectives.

Need for an improved legislation:

7. Having regard to the above considerations, the Government in its National Common Minimum Programme (NCMP) *inter-alia* declared that it would strive for a corruption free, transparent and accountable governance. The NCMP envisaged enactment of a more progressive, participatory and meaningful law in place of the Freedom of Information Act, 2002. In pursuance of the above commitment, the Government assigned to the National Advisory Council (NAC) the task of suggesting constructive changes in the Act of 2002. The NAC based on the inputs received from several NGOs, social group and experts, proposed some 35 amendments to the Freedom Information Act, 2002 to ensure:
(i) Maximum disclosure and minimum exemptions consistent with the constitutional provisions;

(ii) Independent appeal mechanism;

(iii) Penalties for failure to provide information as per the law; and

(iv) Effective mechanism for access to information and disclosure by authorities.

8. The amendments proposed by NAC were examined comprehensively by the Government and certain provisions suggested by the Council were modified keeping in view legislative, constitutional and administrative requirements. Considering that the changes envisaged were extensive, it had also been decided to enact a new legislation on the subject and simultaneously repeal the existing Freedom of Information Act, 2002. In furtherance thereof the Right to information Bill, 2004 was introduced in the Lok Sabha on 23rd December, 2004.

9. As per the Statement of Objects and Reasons appended to the Bill, the important changes proposed to be incorporated *inter-alia* include, establishment of an appellate machinery with investigative powers to review decisions of the Public Information Officers', penal provisions for failure to provide information as per law; provisions to ensure maximum disclosure and minimum exemptions consistent with constitutional provisions and an
effective mechanism for access to information. The Statement of Objects and Reasons also reassured that the proposed legislation would provide an effective mechanism/框架 work for effectuating the right to information recognized under article 19 of the Constitution of India.

Deposition of the Secretary, Ministry of Personnel, Public Grievances and Pensions

10. The Secretary, Ministry of Personnel, Public Grievances and Pensions in his deposition before the Committee stated that the Bill made provisions for designation of Public Information Officers within 100 days of the enactment of the Act and such officers would be under the Ministries/Departments of Government of India Making distinction between the Freedom of Information Act 2002 and the present Bill, the Secretary stated that there was a definitiveness as to when action would be taken to create the required infrastructure for the implementation of this Act. There was a provision for transfer of a request by a public authority to another public authority wherein the subject matter/information was held by the latter. As per the Bill, exemptions provided in clause 8 of the Bill were not absolute and withholding of information must be balanced against disclosure in the public interest. All the exemptions were conditional and were weighed against disclosure in public interest. Clarifying the issue further,
the Secretary stated that information was to be released if the public benefit in disclosing the information outweighed the harm that might be caused by such disclosure.

10.1 He further stated that the Bill envisaged creation of an independent non-judicial appellate machinery in the form of the Central Information Commission comprising an Information Commissioner and ten Deputy Information Commissioners to decide the second appeals. The Central Information Commission was to monitor the implementation of the Act and prepare an Annual Report to be laid on the table of both the Houses of Parliament.

10.2 On being asked why the Freedom of Information Act, 2002 was sought to be repealed and replaced by the Right to Information Bill, 2004, despite so much efforts put in the past to give it legislative shape, the Secretary replied that the number of amendments suggested by the NAC to the Freedom of Information Act, 2002 were quite elaborate. Therefore, it was becoming very difficult to incorporate so many amendments in the Act both cosmetic and substantive. Therefore, it was decided in consultation with the Department of Legal Affairs and Legislative Department that perhaps a better alternative would be to bring in a new Bill incorporating all those amendments rather than to amend the Act comprehensively.
Broad suggestions/recommendations made by the National Advisory Council (NAC):

11. The Committee notes that the amendments suggested by the National Advisory Council (NAC) laid the foundation for repealing the Freedom of Information Act, 2002 (hereinafter referred to as Act of 2002) and introduction of the Right to Information Bill, 2004 (hereinafter referred as the Bill) in the Lok Sabha. As informed by the Ministry, the suggestions of the NAC based on the public inputs were considered by the Government and substantive recommendations were incorporated in the proposed legislation. Some important recommendations of the NAC alongwith analysis of those issues in the Act of 2002 and the Bill are as follows:-

(i) The Bill should prescribe a period of 120 days within which the Act would come into force. In the Act of 2002, no time limit was specified for its commencement. It was left to the discretion of the Central Government to decide the date of commencement. In the new Bill, however, the recommendation of the NAC has been incorporated

(ii) As in the Act of 2002, applicability of the Bill should be expanded to the State Governments also. Provisions of the Bill
at present are applicable to the Central Government and the bodies under its control.

(iii) Definition of ‘Right to Information’ should be modified so as to cover some more categories therein. The Bill has incorporated the suggestion. The Act of 2002, however, had narrower definition of the term.

(iv) Definition of ‘public authority’ should be modified to cover the States, Panchayati Raj Institutions and other Local Bodies. The Act of 2002 has a provision by and large of the similar nature. But the Bill restricts its applicability to the Central government or Bodies controlled and owned by it.

(v) Right to information should be conferred on all persons. The Bill restricts the right to citizens only.

(vi) Information should be published within six months of the Act coming into force and thereafter be updated at least every twelve months. The Act of 2002 requires information to be published at intervals to be prescribed by the appropriate Government. The Bill, however, provides for publication of information before the commencement of the Act.
(vii) Public Information Officers should be designated within one month of the enforcement of the Act. The Bill prescribes one hundred days from its enactment for appointment of Public Information Officers. The Act of 2002 does not fix any time limit for the purpose.

(viii) Information seekers should have liberty to request in the official language of the area to make access procedures simple. The Act of 2002 does not give this liberty. The Bill incorporates the suggestion.

(ix) The fee payable by the applicant for seeking information should be reasonable and should in no case exceed the actual cost of copying the information. Neither the Act of 2002 nor the Bill contains any such provisions.

(x) Information Commissioner should impose a penalty of rupees two hundred fifty for each day’s delay in furnishing the information. The Act of 2002 does not have penal provisions. The Bill does not empower the Information Commissioner to impose penalty on the delinquent Public Information Officer.

(xi) Offences should be comprehensive and detailed and should include:
(a) Refusal to receive an application for information;
(b) Malafide denial of a request for information;
(c) Knowingly giving incorrect, wrong or incomplete information;
(d) Destroying information;
(e) Obstructing the activities of a Public Information Officer and any Information Commissioner or the Courts. The Bill does not provide for the comprehensive/detailed list of offences. It provides penalty merely for persistent delay in supplying information.

(xii) There should not be blanket exemption for intelligence and security agencies. Information should be released where it pertains to allegations of human rights violations besides the allegations of corruption. Proviso to sub-clause (1) of clause 21 of the Bill does not cover allegations of human right violations.

11.1 A comparative tabular statement showing the provisions of the Freedom of Information Act, 2002, the recommendations made by the National Advisory Council and the provisions of the Right to Information Bill, 2004 is appended as Annexure......
Oral evidence

12.1 The Committee in its meeting held on the 1st and 2nd March, 2005 heard Ms. Aruna Roy and other representatives of Mazdoor Kisan Shakti Sangathan (MKSS); National Campaign for People's Right to Information (NCPRI), eminent social activist Shri Anna Hazare and Shri Prakash Kardley, Ms. Maja Daruwala, Director, Commonwealth Human Rights Initiative (CWHRI) Delhi; and other representatives, Dr. Jean Dreze, Professor, Centre for Development Economics, Delhi School of Economics; Eminent Supreme Court Advocate and former Law Minister Shri Shanti Bhushan; Shri Shailesh Gandhi, Fellow, Indian Institute of Management, Ahmedabad and Dr. Jaiprakash, Convener, Lok Satta. The Committee also received several written suggestions from different groups, organizations and individuals on the provisions of the Bill.

12.2 The suggestions/views put forward by the organizations/individuals and the witnesses who deposed before the Committee are summarized below:-

(i) The Bill should have a preamble to clearly state the scheme and scope of the law so as to be consistent with the principles of democracy and ideals of the Constitution;
(ii) The applicability of the Act should not be restricted to citizens but should cover non-citizens as well;

(iii) The Bill should not only apply to the Central Government and bodies owned or controlled by it but be extended to the States, Local Bodies or Authorities;

(iv) The definition of 'Government' as provided in clause 2 (c) should be amended to ensure its consistency with the definition of 'public authority' in clause 2 (g);

(v) The information regime should be extended to private sector;

(vi) All political parties, MLAs/MPs/Ministers and such other public representatives should be included in the category of 'public authorities' under the Act;

(vii) There should be no provision for paying fee at the time of making a request for information;

(viii) The fee charged under clause 7 (5) must be reasonable, affordable and should in no case exceed the actual cost of supplying the information. There should be a provision for waiving the fee in case the information is in the larger public interest;
(ix) To honour the spirit of the rule of maximum disclosure and minimum exemption, the Bill should make suitable provisions that information related to security, sovereignty and integrity of India, relations with foreign countries/states and cabinet papers etc. as exempted under sub-clauses (a) (i) of sub section (1) of clause 8 should not be an all time exemption;

(x) The exemptions should be qualified with a strong public interest override, in the sense that the citizens should have access to information about the exempted agencies, their policies, personnel etc. so far the information relates to corruption and issues of public interest;

(xi) Clause 11 of the Bill lays down procedure for seeking third party information. This clause, by its nature, provides the Public Information Officer and the third party an opportunity to deny information on the ground of confidentiality. It should, therefore, be deleted;

(xii) Clause 12 to 15 of the Bill provide for constitution of the Centre Information Commission, appointment of Information Commissioners and Deputy Information Commissioners, their terms of offices and powers and functions etc. This is the
essence of the Bill in the sense that the mechanism of access to
information will depend on effectiveness of this system. It
should therefore be ensured that the Commission and its
functionaries perform their duties independently and with
complete autonomy. For this, it is necessary to elevate their
status to that of the Election Commission of India. Moreover,
their appointment criteria should include elements like,
integrity, transparency and accountability;

(xiii) There should be a provision clarifying that the Information
Commissioner can hear appeal where an applicant has received
no response to an appeal under sub-clause (1) of clause 16;

(xiv) Sub-clause (1) of clause 16 should be amended to provide that
the appeals should be made to the head of the public authority
who can delegate this power to a subordinate functionary;

(xv) In order to ensure that the autonomy of the Commission is not
impeded, sub-clause (10) of clause 16 should be amended to
provide that the procedure for deciding an appeal by the
Commission should be prescribed by the Commission itself
instead of the Central Government;
(xvi) Clause 17 providing penalty for delay in supplying information needs to be amended suitably as it does not prescribe the adequate punishment. Sub-clause (1) of the clause should be amended so as to recognize the more acts of ‘omission or commission’ as offences for the purpose of imposing penalties;

(xvii) The Commission should be authorized to initiate legal proceedings against the delinquent officer through one of its officers instead of through an officer of the Central Government;

(xviii) An explicit provision should be made to empower the appellate authority including the Information Commission to impose all penalties available under the law;

(xix) Clause 17 should be amended to provide a penalty of Rs.250/- for per day’s delay against the defaulting Public Information Officer beyond the stipulated deadline and disciplinary action like suspension and dismissal at the departmental level;

(xx) Clause 20 providing bar on jurisdiction of Courts should be deleted as it is both unconstitutional and inconsistent with the right to appeal to the High Court;
(xxi) Sub-clause (1) clause 21 should be deleted or alternatively the proviso to the sub-clause be amended so as to include therein the information pertaining to human right violations. This clause, otherwise gives blanket exclusion to the intelligence and security agencies from application of the Bill; and

(xxii) Provision should be made in the Bill to remove difficulties in functioning of the proposed legislation.

12.3 The views/suggestions received from organizations/individuals and witnesses were forwarded to the Ministry of Personnel, Public Grievances and Pensions for comments. The views/suggestions in brief and comments of the Ministry are appended as Annexure......

12.4 The Committee is of the view that the amendments/suggestions received on the Bill form an important part of the legislative process as they give an idea as to how to make the formulations better and more effective. In this endeavour, many suggestions, not incorporated in the Bill, need consideration by the Government so that the Bill can squarely meet its objects.

Clause-by-clause consideration

14. The Committee took up clause-by-clause consideration of the Bill in its meetings held on the 1st and 2nd March, 2005.
Clause – 2

14.1 The clause defines the various terms used in the Bill.

14.2 Sub-clause (c) of the clause defines the term ‘government’ as follows:–

“Government in relation to a public authority established, constituted, owned, substantially financed by funds provided directly or indirectly or controlled by the Central Government or a Union Territory Administration, means the Central Government”.

14.3 The Committee noted that the above definition of the term ‘Government’ restricts the right to access information to the subjects held by or under the public authority owned or controlled by Central Government, whereas the Freedom of Information Act, 2002 had an all India applicability covering State Government under the definition. The Committee also noted that eight states have already enacted specific laws protecting this right. The Committee considered the recommendation of the NAC which had also supported the idea of all India applicability of the Bill much on the pattern of the Act of 2002.

14.4 The Committee held detailed discussion on this issue and heard the views/suggestions of prominent NGOs, social groups, experts and individuals and came to the conclusion that the proposed Right to
Information Bill, 2004 assumed paramount importance as it was stated to be a touchstone for democracy and development. Not only that, by passing this legislation, India would join the world community having legislations guaranteeing access to information.

14.5 The Committee is, therefore, of the view that passing a law with all India applicability will send a positive signal and would squarely serve the purpose of the proposed law.

14.6 Subject to the observations of the Committee in the foregoing paras, it suggests that sub-clause (c) should be amended in such manner as may bring the states and local bodies or authorities under its purview.

14.7 The Committee recommends that in sub-clause (k), the words ‘and includes a public authority’ should be deleted as one government body should not be considered a third party in respect of another government body.

14.8 The clause is adopted as amended.

Clause – 3

15. The clause confers the right to information on all citizens.

15.1 The issue who can access information triggered an animated debate. Witnesses in their deposition favoured the idea of extending the coverage of
the law to all persons. Examples of some foreign jurisdictions were placed before the Committee, which permit the right to access to be exercised by all persons.

15.2 The Committee took note that the Act of 2002 gives the access right to the citizens only. Not only this, the fundamental rights enshrined in the Constitution are exercisable by citizens and not by all. After some discussion, the Committee favoured retention of the provision.

15.3 The clause is adopted without any change.

Clause – 4

16. The clause requires public authorities to maintain information within a reasonable time and publish it before the commencement of the Act. The information to be published under the Act has been categorized widely to cover a broad spectrum of information. The clause also provides for *suomotu* information through various means of communication.

16.1 The Committee sought clarification from the representatives of the Ministries of Personnel, Public Grievances and Pensions and Law and Justice with regard to the expression 'within reasonable time' used in sub-clause (1) as it had apprehension that the expression could be lead to undue delay in maintaining the records. Similarly, the Committee desired to specify a time limit in sub-clause (1) (b) to publish information. It observed
that the NAC had also recommended a time limit for this purpose. The Secretary, Ministry of Personnel clarifying the position explained that fixing a time limit may delay the process rather than to expedite it. The idea according to him was to put information regime in place by the time the Act came into force.

16.2 The Committee however recommend that in sub clause (b) (xiii), the words, 'recipients of' should be inserted after the words 'particulars of'.

16.3 The Committee is of the view that the obligation of public authority to publish information before the commencement of the Act and thereafter update these publications at such intervals as may be prescribed, leaves wide discretion to the authority, which may lead to delay in providing the latest and updated information to the public. It, therefore, suggests that the clause should be amended in such manner as may specify the time for updating publication of information. It therefore, suggests that in sub-clause (b) after item (xvii) for the words 'and thereafter update these publications within such intervals in each year as may be prescribed' the words 'and thereafter update these publications every year' should be substituted.
16.4 The Committee recommends that in sub-clause (2) after the word 'communications' the words 'including internet' should be inserted.

16.5 The clause is adopted as amended.

Clause – 5

17.1 The clause lays down the procedure for designation of Public Information Officers within one hundred days of the enactment of this Act.

17.2 The Committee considered the provisions contained in sub-clauses (4) and (5) and felt that these may do more harm than good. It therefore, recommends that the sub-clauses should be deleted.

17.3 The clause is adopted as amended.

Clause – 6

18.1 The clauses prescribes the procedure for obtaining information from the Public Information Officers.

18.2 The clause is adopted without any change.

Clause – 7

19.1 The clause provides for disposal of request of applicants by the Public Information Officers as per the procedure prescribed.

19.2 The Committee notes that the Public Information Officer is to provide the information on payment of such fee as may be prescribed or any further fee representing the cost of providing the information. The clause thus
allows the Public Information Officer to use discretion in determining the fee structure to access information. The Committee in this regard considered the views expressed by the witnesses and other suggestions received on the Bill from a wide cross section of the society, strongly arguing in favour of reasonable and affordable fee not exceeding the actual cost of supplying the information to the requester. It was also debated that if payment of fee causes financial hardship then it may invite serious obstacles in implementation of the Act.

19.3 Clarifying the position in this respect, the Ministry of Personnel, Public Grievances and Pensions has explained that in many jurisdictions across the world the factors which go to determine the fees to be charged for providing the actual information also include search charges, charges for preparing the documents for supply etc. The Bill however does not contain any provision for levying search charges etc.

19.4 The Committee is of the view that in a country like India where a majority of the people are poor or belong to rural areas, it will not be in the fitness of thing to insist on payment of fee, which is beyond the reach of a commoner. The Committee strongly feels that people living below the poverty line should be exempted from paying any fee for accessing information and in other cases it should not exceed the actual cost of
supplying the information. The Committee, therefore, recommends that provisions should be inserted to give effect to the suggested changes.

19.5 Subject to the above, the clause is adopted.

Clause – 8

20.1 The clause provides for exemption of certain information from disclosure.

20.2 The Committee held detailed deliberation on the question of exemption from disclosure of information relating to sovereignty, integrity, security, foreign relations, trade secrets, cabinet papers etc. enumerated in sub-clauses (a) to (j) of the clause. The Committee heard the views of experts/NGOs and others who vehemently contended that to ensure maximum disclosure, exemption should be kept to the absolute minimum and narrowly drawn. A Member of the Committee was of the view that the provisions regarding exemption from disclosure leave many flaws and as such they may be interpreted in a manner that may restrict or curb the extent of disclosure and widen the scope of exemptions which is against the spirit of the legislation and will defeat the very purpose of its enactment. The Committee feels that the provisions regarding exemption should be redrafted appropriately so as to logically justify
their genuineness. The Committee therefore recommends that the provision should be amended suitably as suggested by the member.

20.3 Subject to the above, the clause is adopted.

Clause – 9

21.1 The clause empowers the Public Information Officer to reject a request for information where an infringement of a copyright subsisting in a person would be involved.

21.2 The clause is adopted without any change.

Clause – 10

22.1 The clause enables the public authority to severe and provide partial information which falls partly under the exempted categories and partly under the non-exempted categories.

22.2 The clause is adopted without any change.

Clause – 11

23.1 The clause seeks to disclose any information or record which relates to or has been supplied by a third party.

23.2 The clause is adopted without any change.
Clause – 12

24.1 The clause proposes to constitute the Central Information Commission to exercise the powers conferred on and to perform the functions which may be assigned to it.

24.2 The Committee is of the view that no specific qualification has been prescribed for appointment of the Information Commissioner and the Deputy Information Commissioners and scope of the areas/fields included in the eligibility criteria under sub-clause (5) is also very limited. It merely states that a person eligible for the posts of the Information Commissioner and Deputy Information Commissioners shall be persons of eminence in public life with wide knowledge and experience of administration and governance. The Committee feels that persons from other walks of life should also be considered to be eligible for appointment to these posts. The Committee, therefore, recommends that the sub-clause should be so amended as to cover thereunder the disciplines of law, science and technology, social service, management, journalism, mass media apart from administration and governance.

24.3 The Committee observed that sub-clause (6) unnecessarily puts a restriction on the Member of Parliament or Member of the Legislature of a State or person holding any other office of profit or carrying on any
business or pursuing any profession, to be appointed as the Information Commissioner and the Deputy Information Commissioners. It therefore recommends deletion of the sub-clause.

24.4 The Committee considered sub-clause (8) and found that the Deputy Information Commissioner would have to function as per the direction of the Central Government. The Committee feels that this provision curbs the independence and autonomy of the officers. It therefore recommends deletion of this provision.

Clause – 13

25.1 The clause seeks to provide the term of office and other conditions of service of the Information Commissioner and the Deputy Information Commissioners.

25.2 The Committee considered sub-clause (5) and felt that it would neither be desirable nor justifiable to put a restriction on the Information Commissioner and the Deputy Information Commissioners from being considered eligible for further employment to any office of profit under the Central or a State Government or any diplomatic assignment or Administrator of Union Territories on cessation of their offices. The Committee, therefore, recommends that this sub-clause should be deleted.
25.3 The Committee is of the view that the Central Information Commission is an important creation under the Act which will execute the laudable scheme of the legislation and will hold an all India responsibility for this. It should, therefore, be ensured that it functions with utmost independence and autonomy. The Committee feels that to achieve this objective, it will be desirable to confer on the Information Commissioner and Deputy Information Commissioners, status of the Chief Election Commissioner and the Election Commissioner, respectively. The Committee, accordingly, recommends insertion of a suitable provision in the clause to this effect.

25.4 Subject to the above, the clause is adopted.

Clause – 14

26.1 The clause lays down the procedure of removal of Information Commissioner or Deputy Information Commissioners.

26.2 The clause is adopted without any change.

Clause – 15

27.1 The clause provides for powers and functions of the Central Information Commission.

27.2 The clause is adopted without any change.
Clause - 16

28.1 The clause provides for appeal mechanism through which an aggrieved person who does not receive a decision or aggrieved by a decision of the Central Public Information Officer or the State Public Information Officer may prefer an appeal within the prescribed period.

28.2 The clause is adopted without any change.

Clause - 17

29.1 The clause proposes to impose penalties on the Public Information Officers for persistently delaying the information required.

29.2 The Committee notes that the provisions imposing penalty lack in many respects. Firstly, the Information Commission has discretionary power which is restricted to authorize an officer of the Central Government to file a complaint against the defaulting Public Information Officer before a Judicial Magistrate of First Class. Secondly, the Commission may do so after forming an opinion that the Public Information Officer has persistently failed to provide information and such an opinion may be formed at the time of deciding an appeal. Thirdly, the burden of proof to establish that the Public Information Officer has failed to provide information without any reasonable cause lies on the public. It also notes that only an appeal has been considered for the purpose of initiating penal action. Almost all
NGOs/Social Groups and other persons who deposed before the Committee were of the unanimous view that penal provisions need to be strengthened, as the existing provisions were weak and ineffective. A concern was also expressed that in the absence of adequate and comprehensive penal provisions, objective of the law for which it was being brought in would not be achieved fully.

29.3 In the light of the above observations, the Committee feels that unless the Information Commission is vested with direct powers to initiate penal action against the Public Information Officers or some kind of disciplinary action under the service rules applicable to them, it would not be able to exercise due control and superintendence over the Public Information Officers who are the frontline functionaries in the access regime. In this connection, it notes that the Right to Information Act of Maharashtra is being implemented effectively in the State and one of the reasons for its success has been assigned to the stringent penal provisions of that Act. The Committee is of the view that similar provisions should also be inserted in the Central Act and shortcomings or defects as noted above be removed by amending the provisions suitably.

29.4 Subject to the above, the clause is adopted.
Clause – 18

30.1 The clause seeks to provide protection of action taken in good faith.

30.2 **The clause is adopted without any change.**

Clause – 19

31.1 The clause provides that this Act shall have overriding effect over the provisions of the Official Secrets Act, 1923 and any other law for the time being in force.

31.2 **The clause is adopted without any change.**

Clause – 20

32.1 The clause bars jurisdiction of courts in any suit, application or other proceedings in respect of any order made under this Act.

32.2 **The clause is adopted without any change.**

Clause – 21

33.1 The clause provides that the provisions of the Act shall not apply to the intelligence and security organizations specified in the Second Schedule. The proviso to the clause, however, casts an obligation on the authorities to provide information relating to allegations of corruption.

33.2 It was argued that keeping the intelligence and security agencies out of purview of the Act will not be in the larger public interest. Curbing disclosure or denial of any information may be justified only on the ground
of principle of public interest override. In other words, information can be refused only if releasing such information may be prejudicial to the larger public interest.

33.3 The Committee appreciates the role and importance of the intelligence and security agencies. Though these agencies might have acted fairly and legitimately still they are not free from allegations of excesses. The Committee notes that keeping in view the importance of these agencies in national security and maintaining law and order, the exemption granted by the law may not be said to be totally irrational or illogical. It is, however, of the view that giving blanket exclusion to these agencies may also not be justified. Though proviso to sub-clause (1) leaves some scope for getting information pertaining to the allegations of corruption, it is also felt desirable to include allegations of violation of human rights. The Committee, therefore, recommends insertion of a suitable provision in the proviso to the sub-clause to give effect to the suggestion of the Committee.

Clause – 22

34.1 The clause provides for preparing a report on the implementation of the provisions of this Act.

34.2 The clause is adopted without any change.
Clause – 23

35.1 The clause seeks to cast an obligation on the Central Government to develop and promote schemes for advancement of the information regime.

35.2 The clause is adopted without any change.

Clause – 24

36.1 The clause seeks to empower the Central Government to make rules so as to carry out the provisions of the legislation.

36.2 The clause is adopted without any change.

Clause – 25

37.1 The clause seeks to empower the competent authority to make rules so as to carry out the provisions of the legislation.

37.2 The clause is adopted without any change.

Clause – 26

38.1 The clause seeks to require the Central Government to lay the rules before each House of Parliament.

38.2 The clause is adopted without any change.

Clause – 27

39.1 The clause empowers the Central Government to remove difficulties in giving effect to the provisions of the legislation within a period of two years from the commencement of the legislation.
39.2 The clause is adopted without any change.

Clause – 28

40.1 The clause seeks to repeal the Freedom of Information Act, 2002.

40.2 The clause is adopted without any change.

Clause 1, Enacting Formula and Title

40.3 Clause 1, the Enacting Formula and the Title were adopted with some changes which were of consequential or drafting nature, namely, the figure “2004” and the words and “Fifty-fifth” to be substituted by the figure “2005” and the words “Fifty-sixth”, respectively.

41.0 The Committee has suggested amendments in the light of the above observations. The Bill as amended by the Committee has been appended to the Report at Annexure……. The Committee recommends that Government should give due consideration to the proposed amendments.

Recommendations on some key issues

41.1 During the course of deposition of the Secretary, Ministry of Personnel, Public Grievances and Pensions, some Members raised a specific query as to why the Freedom of Information Act, 2002 could not be enforced. Members were concerned with non-implementation of the Act even after a lapse of almost two years of its enactment. In fact, no
convincing reply came from the Government for not enforcing the Act for such a long time. The Committee felt that an important legislation of this kind should have been enforced at the earliest to send a positive message. The Committee is optimistic that the new Bill, after its enactment, would be enforced within the specified time affirming commitment of the Government to citizens to have access to information regimes through this legislation, which, in turn, will mobilize the people to have an effective and better participation in governance and strengthen the institution of democracy.

41.2 Members of the Committee as well as the witnesses who appeared before it were of the view that the long title of the Bill does not explain the democratic ideals which the Bill seeks to enforce. It seems to be inadequate so far as it fails to send an appropriate message consistent with the principles of maximum disclosure.

It was argued that a Preamble to the Bill would better serve the purpose. The Committee considered the suggestions in the light of the views of the members and experts. It found that the recommendations of the National Advisory Committee were also worthwhile considering as they aimed at broadly stating the principles of disclosure, transparency and
accountability. The Committee therefore recommends insertion of Preamble to the Bill on the lines suggested by a member of the Committee.

41.3. The Committee is of the view that in the light of its recommendations in clause 2 (definitions clause) for bringing the States and other local bodies or authorities within the purview of the proposed legislation, it becomes imperative to amend definitions of the various terms to bring them in consonance with the spirit of its recommendations. Likewise, other consequential changes at appropriate places of the Bill need to be effected. The Committee also recommends insertion of new clauses 14A, 14B and 14C in the Bill providing for constitution of State Information Commission, terms of and conditions of service of State Information Commissioners and State Deputy Information Commissioners and the procedure for removal of the State Information Commissioners or the State Deputy Information Commissioners.
A BILL

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

WHEREAS the Constitution of India has established democratic Republic; and

AND WHEREAS democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed;

AND WHEREAS revelation of information in actual practice is likely to conflict with other public interests such as efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information;

AND WHEREAS it is necessary to harmonise these conflicting interests while preserving the paramountcy of the democratic ideal;

NOW, THEREFORE, it is expedient to provide for furnishing certain information to persons desirous of it;

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

CHAPTER 1
PRELIMINARY

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

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

(3) It shall come into force on the one hundred and twentieth day of its enactment.
2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in relation to a public authority which is established, constituted, owned or substantially financed—

(i) by the Central Government or the Union territory administration, the Central Government;

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

(b) "competent authority" means—

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

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

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

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

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

(c) **********

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

(e) "Central Information Commissioner" and "Central Deputy Information Commissioners" mean the Central Information Commissioner and the Deputy Central Information Commissioners appointed under sub-section (2) of section 12;

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

(g) "public authority" means any local authority or local body or local Self Government institution established or constituted,—

(i) by or under the Constitution;
(ii) by any other law made by Parliament;

(iii) by any other law made by State Legislature;

(iv) by notification issued or order made by the appropriate Government,

and includes any non-Government organisation or any other body owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government;

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

(i) “record” includes——

(i) any document, manuscript and file;

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

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

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

(j) “right to information” means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to——

(i) inspection of work, documents, records;

(ii) taking notes, extracts, or certified copies of documents or records;

(iii) taking certified samples of material;

(iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

JJ) “State Information Commission” means the State Information Commission constituted under sub-section (1) of section 17 B;

(iii) “State Information Commissioner” and “State Deputy Information Commissioners” mean the State Information Commissioner and the State Deputy Information Commissioners appointed under sub-section (2) of section 17 B;

(iii) “State Public Information Officer” means the State Public Information Officer appointed under sub-section (1) and includes an State Assistant Information Officer designated as such under sub-section (2) of

...
(k) "third party" means a person other than the person making a request for information ****.

CHAPTER II

RIGHT TO INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES

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

4. (I) Every public authority shall—

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

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

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

(ii) the powers and duties of its officers and employees;

(iii) the procedure followed in the decision making process, including channels of supervision and accountability;

(iv) the norms set by it for the discharge of its functions;

(v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;

(vi) a statement of the categories of documents that are held by it or under its control;

(vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the
formulation of its policy or administration thereof;

(viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advise, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;

(ix) a directory of its officers and employees;

(x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;

(xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;

(xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;

(xiii) particulars of recipients of concessions, permits or authorisations granted by it;

(xiv) details in respect of the information, available to or held by it, reduced in an electronic form;

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

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

(xvii) such other information as may be prescribed;

and thereafter update these publications every year;

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

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

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

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

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

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

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

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

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

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

(4) ****************************

(5) ****************************

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

(a) the Central or State Public Information Officer of the concerned public authority,

(b) the Central or State Assistant Public Information Officers designated by the concerned public authority,

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

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

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

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

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

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

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

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

7. (1) Subject the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or the State Public
Central Public Information Officer or the State Public Information Officer on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9:

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

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

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

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

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

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

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

(6) Notwithstanding anything contained in sub-section
(5), the person making request for the information shall
be provided the information free of charge where a
public authority fails to comply with the time limits
specified in sub-section (1).

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

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

(i) the reasons for such rejection;
(ii) the period within which an appeal against
such rejection may be preferred; and

(iii) the particulars of the appellate authority.

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

8. (1) Nothing in the foregoing sections shall compel any
public authority to disclose the following:-

(a) information which, if disclosed will prejudicially
affect the sovereignty and integrity of India or
the defence and security of India or relations
with foreign States and which has been classified
as such in pursuance of any rule or order made
by the appropriate Government;

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

(c) legitimate trade secrets, and commercial or
financial information obtained from or furnished by
a third party on condition of strict confidentiality;

(d) information the disclosure of which will lead to
identification of an informer or his sources of
information or which would endanger the life or safety of any person for having furnished material information useful to the Indian nation or would materially hamper investigations into crimes or other law enforcement activities;

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

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

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

(f) information not related to operations of appropriate Government or its instrumentalities and disclosure of which would constitute a clear unwarranted invasion of privacy of an individual.

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

(3) A public authority may, notwithstanding the exemptions specified in sub-section (f), allow access to information if public interest in disclosure of the information outweighs the harm to the public authority.

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

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

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

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

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

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

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

(c) the name and designation of the person giving the decision;

(d) the details of the fees determined by him or her and the amount of fee which the applicant is required to deposit, and

(e) his or her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms.

11. (1) Where a public authority intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or the State Public Information Officer shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the public authority intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information.
Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

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

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

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

CHAPTER III
THE CENTRAL INFORMATION COMMISSION

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

(2) The Central Information Commission shall consist of—

(a) the Central Information Commissioner; and

(b) such number of Central Deputy Information Commissioners not exceeding ten as may be deemed necessary.

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

(i) the Prime Minister, who shall be the Chairperson of the committee;

(ii) the Leader of Opposition in the Lok Sabha; and

(iii) the Chief Justice of India.

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

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

(5) The Central Information Commissioner and the Central Deputy Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in the discipline of law, science and technology, social service, management, journalism, mass media, or administration and governance.

13. (1) The Central Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment:

Provided that the Central Government may extend the term of five years by one more year if recommended by the committee referred to in sub-section (3) of section 12:

Provided further that no Central Information Commissioner shall hold office as such after he has attained the age of sixty-five years.
(2) Every Central Deputy Information Commissioner shall hold office for a term of four years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier:

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

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

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

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

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

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(5) The salaries and allowances payable to and other terms and conditions of service of—

(a) the Central Information Commissioner shall be the same as that of the Chief Election Commissioner of India;

(b) the Central Deputy Information Commissioner shall be the same as that of the Election Commissioner of India;

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

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

Provided also that the salaries, allowances and the other conditions of service of the Central Information Commissioner and the Central Deputy Information Commissioners shall not be varied to their disadvantage after their appointment.

(7) The Central Government shall provide the Central Information Commissioner and the Central Deputy Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the other terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

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

Removal of Information Commissioner or Deputy Information Commissioner.
such ground be removed.

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

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

(a) is adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or

(c) engages during his term of office in any paid employment outside the duties of his office; or

(d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or

(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as an Central Information Commissioner or a Central Deputy Information Commissioner.

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

CHAPTER III A

THE STATE INFORMATION COMMISSION AND PUBLIC
INFORMATION OFFICER

14A. (1) Every State Government shall, by notification in
the Official Gazette, constitute a body to be known as the
......(name of the State) Information Commission to
exercise the powers conferred on, and to perform the
functions assigned to, it under this Act.

(2) The State Commission shall consist of—

(a) the State Information Commissioner; and

(b) such number of State Deputy Information
Commissioners not exceeding ten as may be
deemed necessary.

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

(i) the Chief Minister, who shall be the Chairperson
of the committee;

(ii) the Leader of Opposition in the Legislative
Assembly; and

(iii) the Chief Justice of High Court.

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

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

(5) The State Information Commissioner and the State
Deputy Information Commissioners shall be persons of
eminence in public life with wide knowledge and
experience of law, science and technology, social
service, management, journalism, mass media or
administration and governance.

(6) The headquarters of the State Commission shall be at such place
as the State Government may, by notification in the Official Gazette,
specify and the State Information Commission may, with the
previous approval of the State Government, establish offices at other
(i) the Prime Minister, who shall be the Chairperson

The State Information Commissioner shall hold office for a term of five years from the date upon which he enters upon his office and shall not be eligible for reappointment.

Explanation — For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the House of the People has not been recognised as such, the Leader of the single largest group in opposition of the Government, or where no State Information Commissioner shall hold ten of office, the person who has attained the age of sixty-five years

(4) The general superintendence, direction and control of the State Information Commission shall be with the Central Information Commissioner, subject to the General Rules and Orders laid down by the Central Commission and may consist of such powers and duties as may be prescribed in the Council or any other authority under this section or be eligible for appointment as the State Information Commissioner in the manner specified in

Sub-section (3) of section 14-A Commissioner and the Central Deputy Information Commissioners, shall be provided to such persons of eminence in public life as may be appointed as the State Informaion and experience in the discharge of law, science and technology, social service, management, polishing five years in experience as the State Deputy Information Commissioner and the State Information Commissioner.

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(3) The State Information Commissioner or a State Deputy Information Commissioner shall be at Delhi and the State Information Commissioner may, with the approval of the Governor of the Central Government, designate any place as the place in which he shall hold office for such purpose in the First Schedule.

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

Provided that the State Information Commissioner may resign from the office at any time by writing under his hand addressed to the Governor and specified under section 14-C.

Provided further that no Central Information Commissioner shall hold office as such after he has attained the age of sixty-five years.

Terms of office and conditions of service.
terms and conditions of service of—

(a) the State Information Commissioner shall be the same as that of the Election Commissioner of India;

(b) the State Deputy Information Commissioner shall be the same as that of the Chief Secretary to the State:

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

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

Provided also that the salaries, allowances and the other conditions of service of the State Information Commissioner and the State Deputy Information Commissioners shall not be varied to their disadvantage after their appointment.

(2) The State Government shall provide the State Information Commissioner and the State Deputy Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the other terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

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

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

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

(a) is adjudged an insolvent, or

(b) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or

(c) engages during his term of office in any paid employment outside the duties of his office; or

(d) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or

(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as an State Information Commissioner or a State Deputy Information Commissioner.

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

POWERS AND FUNCTIONS OF THE INFORMATION COMMISSIONS, APPEAL AND PENALTIES

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

(a) who has been unable to submit a request to a Central or State Public Information Officer, either by reason that no such officer has been appointed under this Act, or because the Central or the State Assistant Public Information Officer has refused to accept his or her application for forwarding the same to the public authority or the appropriate Government;

(b) who has been refused access to any information requested under this Act;

(c) who has not been given a response to a request for information or access to information within the time limits specified under this Act;

(d) who has been required to pay an amount of fee which he or she considers unreasonable;

(e) who believes that he or she has been given incomplete, misleading or false information under this Act; and

(f) in respect of any other matter relating to requesting or obtaining access to records under this Act.

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

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

(a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;

(b) requiring the discovery and inspection of
documents;
(c) receiving evidence on affidavit;
(d) requisitioning any public record or copies thereof from any court or office;
(e) issuing summons for examination of witnesses or documents; and
(f) any other matter which may be prescribed.

(4) Notwithstanding anything inconsistent contained in any other Act, of Parliament or the State Legislature, as the case may be, the Central Information Commission or the State Information Commission may, during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the public authority, and no such record may be withheld from it on any grounds.

16. (1) Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Public Information Officer or the State Public Information Officer, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or the State Public Information Officer, as the case may be, in each public authority:

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

(2) A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Central Information Commission or, as the case may be, the State Information Commission;

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

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

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

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

(6) An appeal under sub-section (1) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.

(7) The decision of the Central or State Information Commission shall be binding.

(8) In its decision, the Central or State Information Commission has the power to,—

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

(i) by providing access to information, if so requested, in a particular form;

(ii) by appointing a Central or a State Public Information Officer;

(iii) by publishing certain information or categories of information;

(iv) by making necessary changes to its practices in relation to the maintenance, management and destruction of records;

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

(vi) by providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4;

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

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

(d) reject the application.

(9) The Central or the State Information Commission shall give notice of its decision, including any right of appeal, to the complainant and the public authority.

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

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

17. (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, 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 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 which may extend to rupees twenty-five thousand or a term of imprisonment which may extend to five years, or with both.

(3) Without prejudice to the provisions of sub-sections (1) and (2), 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.
CHAPTER IV
MISCELLANEOUS

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

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

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

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

Provided that the information pertaining to the allegations of 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 organisation established by that Government or omitting therefrom any organisation already specified therein and on the publication of such notification, such organisation shall be deemed to be included in or, as the case may be, omitted from the Schedule.

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

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

(5) Every notification issued under sub-section (4) shall be laid before the State Legislature.
22. (1) The Central Information Commission or the State Information Commission, as the case may be, shall, as soon as practicable after the end of each year, prepare a report on the implementation of the provisions of this Act during that year and forward a copy thereof to the Central Government or the State Government.

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

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

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

(b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked;

(c) the number of appeals referred to the Central Information Commission or, as the case may be, the State Information Commission for review, the nature of the appeals and the outcome of the appeals;

(d) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;

(e) the amount of charges collected by each public authority under this Act;

(f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of this Act;

(g) recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernisation, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the right to access information.

(4) The Central Government or the State Government may, as soon as practicable after the end of each year, cause a copy of the report of the Central Information Commission or the State Information Commission referred to sub-section (1) to be laid before each House of Parliament or, as the case may be, before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

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

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

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

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

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

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

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

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

(a) the objects of this Act;

(b) the postal and street address, the phone and fax number and, if available, electronic mail address of the Central Public Information Officer or the State Public Information Officer of every public authority appointed under sub-section (f) of section 5,

(c) the manner and the form in which request for access to an information shall be made to a public authority;

(d) the assistance available from and the duties of the Central Public Information Officer or the State Public Information Officers of a public authority under this Act;

(e) the assistance available from the Central Information Commission or the State Information Commission;

(f) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act including the manner of filing an appeal to the
Central Information Commission or, as the case may be, the State Information Commission;

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

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

(i) any additional regulations or circulars made or issued in relation to obtaining access to an information in accordance with this Act.

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

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

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

(a) intervals at which matters referred to in sub-clauses (i) to (xvii) of clause (b) of sub-section (1) of section 4 shall be published;

(b) the cost of the medium or print cost price of the materials to be disseminated under sub-section (4) of section 4;

(c) the fee payable under sub-section (1) of section 6;

(d) the fee payable under sub-sections (1) and (3) of section 7;

(e) the salaries and allowances payable to and the terms and conditions of service of the officers and other employees under sub-section (7) of section 13;

(f) the procedure to be adopted by the Commission in deciding the appeals under sub-section (10) of section 16; and

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

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

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

(i) intervals at which matters referred to in sub-clauses (i) to (xvii) of clause (b) of sub-section (1) of section 4 shall be published:

(ii) the cost of the medium or print cost price of the materials to be disseminated under sub-section (4) of section 4;

(iii) the fee payable under sub-section (1) of section 6;

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

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

(2) Every rule made under this Act shall, as soon as may be after it is made, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

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

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

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

28. The Freedom of Information Act, 2002 is hereby repealed.
THE FIRST SCHEDULE

[See sub-section (3) of section 13 and sub-section (3) of section 14B]

Form of oath or affirmation to be made by the Central Information Commissioner/State Information Commissioner or the Central Deputy Information Commissioner/State Deputy Information Commissioner

"I, .................., having been appointed Central Information Commissioner/State Information Commissioner/Central Deputy Information Commissioner/State Deputy Information Commissioner swear in the name of God that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws."
THE SECOND SCHEDULE
(See section 21)

INTELLIGENCE AND SECURITY ORGANISATION
ESTABLISHED BY THE CENTRAL GOVERNMENT

1. Intelligence Bureau.
2. Research and Analysis Wing of the Cabinet Secretariat.
3. Directorate of Revenue Intelligence.
4. Central Economic Intelligence Bureau.
5. Directorate of Enforcement.
7. Aviation Research Centre.
8. Special Frontier Force.
15. Special Service Bureau.
16. Special Branch (CID), Andaman and Nicobar.
17. The Crime Branch-C.I.D.-CB, Dadra and Nagar Haveli.
STATEMENT OF OBJECTS AND REASONS

In order to ensure greater and more effective access to information, the Government resolved that the Freedom of Information Act, 2002 enacted by the Parliament needs to be made more progressive, participatory and meaningful. The National Advisory Council deliberated on the issue and suggested certain important changes to be incorporated in the existing Act to ensure smoother and greater access to information. The Government examined the suggestions made by the National Advisory Council and others and decided to make a number of changes in the law.

The important changes proposed to be incorporated, *inter alia*, include establishment of an appellate machinery with investigating powers to review decisions of the Public Information Officers; penal provisions for failure to provide information as per law; provisions to ensure maximum disclosure and minimum exemptions, consistent with the constitutional provisions, and effective mechanism for access to information and disclosure by authorities, etc. In view of significant changes proposed in the existing Act, the Government also decided to repeal the Freedom of Information Act, 2002. The proposed legislation will provide an effective framework for effectuating the right of information recognized under Article 19 of the Constitution of India.

The Bill seeks to achieve the above objects.

The 18th December, 2004.

NEW DELHI, SURESH PACHOURI.

*Notes on clauses*

*Clause 1* deals with the short title, extent and the commencement of the legislation. The legislation will come into force on the one hundred and twentieth day of its assent by the President.

*Clause 2* defines various words and expressions used in the Bill.

*Clause 3* seeks to confer on the citizens a right of access to information held by public authorities.

*Clause 4* seeks to entrust a duty on every public authority to maintain records and publish manuals rules, regulations, instructions, etc. in its possession.

*Clause 5* provides for designation of Public Information Officers and Assistant Public Information Officers.

*Clause 6* specifies the manner in which requests may be made by a citizen to the authority for obtaining the information. It also provides for transferring the request to the other concerned public authority who may hold the information.
Clause 7 lays down specific time limit with in which a public authority shall provide information and the fees to be paid for processing the request and for providing the information.

Clause 8 deals with various categories of information which shall be exempted from disclosure.

Clause 9 empowers the Public Information Officer to reject a request for information where an infringement of a copyright subsisting in a person would be involved.

Clause 10 enables the public authority to severe and provide partial information which falls partly under the exempted categories and partly under the non-exempted categories.

Clause 11 provides for consultation with the third party where the request relates to or has been supplied by a third party and has been treated as confidential by that party.

Clauses 12 to 15 provides for constitution of Central Information Commission, the terms and conditions of service and the powers of the Information Commissioners and the Deputy Information Commissioners.

Clause 16 seeks to provide for first and second appeals, the first appeals lies with the officer senior in rank to the Public Information Officer and the second appeal may be made to the Commission.

Clause 17 provides for imposition of penalty on a Public Information Officer for persistently failing to provide information without any reasonable cause within the specified period. The Commission may authorise any officer of the Central Government to file a complaint against such Public Information Officer before a Judicial Magistrate and on conviction, a penalty upto rupees twenty five thousand, or an imprisonment upto five years, or both, may be imposed.

Clause 18 bars the institution of legal proceedings against any person for things done in good faith under the Act.

Clause 19 seeks to make the legislation overriding in character so that the scheme is not subverted through the operation of other enactment.

Clause 20 seeks to bar the jurisdiction of the subordinate courts.

Clause 21 seeks to exempt certain intelligence and security organisations from the purview of the legislation but information pertaining to allegation of corruption, shall, without prejudice to the exemption, be provided.

Clause 22 provides for preparation of an annual report by the Commission and laying of such report by the Central Government before each House of Parliament.

Clause 23 seeks to cast an obligation on the Central Government to develop and promote schemes for advancement of the information regime.

Clause 24 seeks to empower the Central Government to make rules so as to carry out the provisions of the legislation.

Clause 25 seeks to empower the competent authority to make rules so as to carry out the provisions of the legislation.
Clause 26 seeks to require the Central Government to lay the rules before each House of Parliament.

Clause 27 empowers the Central Government to remove difficulties in giving effect to the provisions of the legislation within a period of two years from the commencement of the legislation.

Clause 28 seeks to repeal the Freedom of Information Act, 2002.
FINANCIAL MEMORANDUM

1. Sub-clauses (1) and 2 of clause 12 provide for constituting the Central Information Commission which shall consist of a Information Commissioner and such number of Deputy Information Commissioners, not exceeding ten, as may be deemed necessary.

2. Sub-clause (7) of clause 13 provides for appointment of officers and employees for assisting the Information Commissioner and the Deputy Information Commissioners as may be necessary for the efficient performance of their functions under the Act.

3. An estimated recurring expenditure of rupees one crore eighty-six lakhs is likely to be incurred on the salaries of the Information Commissioner, Deputy Information Commissioners and other officers and employees of the Commission.

4. At this stage, it is not possible to give precise details of the expenditure to be incurred on material resources in terms of office accommodation, vehicles, telephones and other office equipments required by the Commission. Adequate provisions will have to be made in the annual grants of the Commission to meet this expenditure.

5. The Bill does not involve any other recurring or non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (2) of clause 21 of the Bill empowers the Central Government, by notification in the Official Gazette, to amend the Schedule for including any other intelligence or security organisation established by the Central Government or omit therefrom any organisation already specified therein.

Clause 24 of the Bill empowers the Central Government to make rules to carry out the provisions of the Act. Sub-clause (2) of that clause enumerates the matter with respect to which rules may be made under this clause.

These matters relate to, inter alia, the publishing of particulars of public authority, functions and duties of its officers, details of facilities available to citizens for obtaining information, fee payable to obtain an information from a public authority, salaries and allowances payable to and the terms and conditions of service of the officers and other employees, procedure for disposal of appeals and the authority before whom an appeal may be preferred against the decision of Public Information Officer.

Clause 25 of the Bill empowers the competent authority to make rules to carry out the provisions of the Act. These matters relate to, inter alia, the fee payable for obtaining the information from the Public Information Officer of a public authority; the appellate authority before whom an appeal may be preferred against the decision of the Public Information Officer and the procedure to be adopted by the Commission in deciding the appeals.

Clause 27 of the Bill empowers the Central Government by order to remove certain difficulties which may appear to it to be necessary or expedient in giving effect to the provisions of the Act with in a period of two years from the commencement of the Act.

The matters in respect of which rules and the order may be made are matters of administrative details and procedure and, it is not practicable to make provisions for them in the Bill. The delegation of legislative power is, therefore, of a normal character.
27. Power to remove difficulties.
28. Repeal.

THE FIRST SCHEDULE

THE SECOND SCHEDULE
<table>
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<th>Clause No.</th>
<th>RIGHT TO INFORMATION BILL, 2004 AS INTRODUCED IN LOK SABHA</th>
<th>RIGHT TO INFORMATION BILL AS SUGGESTED BY PARLIAMENTARY STANDING COMMITTEE</th>
<th>RECOMMENDATIONS OF GROUP OF MINISTERS</th>
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<td>A Bill to provide for setting out the practical regime of right to information for people to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and for matters connected therewith or incidental thereto.</td>
<td>A Bill to provide for setting out the practical regime of right to information for people to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and for matters connected therewith or incidental thereto.</td>
<td>Approved the formulation of the Standing Committee.</td>
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**WHEREAS** the Constitution of India has established democratic Republic:

AND **WHEREAS** democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed;

AND **WHEREAS** revelation of information in actual practice is likely to conflict with other public interests such as efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information;

AND **WHEREAS** it is necessary to harmonise these conflicting interests while preserving the paramountcy of the democratic ideal;

NOW, THEREFORE, IT is expedient to provide for furnishing certain information to persons who desire to have it.

**CHAPTER 1: PRELIMINARY**
1. (1) This Act may be called the Right to Information Act, 2004.
(2) It extends to the whole of India except the State of Jammu and Kashmir.
(3) It shall come into force on the one hundred and twentieth day of its enactment.

2. In this Act, unless the context otherwise requires,
(c) "Government", in relation to a public authority established, constituted, owned, substantially financed by funds provided directly or indirectly or controlled by the Central Government or a Union territory administration, means the Central Government.

Approved the formulation of the Standing Committee with further recommendation that keeping in view the preparatory action envisaged in clause 4(1), sub-clauses (1) and (2) of clause 5, clause 12, clause 14A, clause 21 and clause 24, these subsections may be separately brought into force on the day the Bill is assented to by the President.

Approved the formulation of the Standing Committee with further recommendation that
(i) the definition of the expression 'public authority' may be suitably redrafted to
(b) "competent authority" means—

(i) the Speaker in the case of the House of the People or the Legislative Assembly of a Union territory and the Chairman in the case of the Council of States;
(ii) the Chief Justice of India in the case of the Supreme Court;
(iii) the Chief Justice of the High Court of Delhi;
(iv) the President in the case of other authorities created by or under the Constitution;
(v) the administrator appointed under article 239 of the Constitution.

(ii) the words 'and includes a public authority' occurring in the definition of the expression 'third party' as given in sub-clause (k) of the Government's Bill, may be retained.

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<th>(b) &quot;competent authority&quot; means—</th>
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<td>(i) the Speaker in the case of the House of the People or the Legislative Assembly of a State or a Union territory and the Chairman in the case of the Council of States or a Legislative Council of a State;</td>
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<td>(ii) the Chief Justice of India in the case of the Supreme Court;</td>
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<td>(iii) the Chief Justice of the High Court in the case of a High Court;</td>
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<td>(iv) the President or the Governor, as the case may be, in the case of other authorities created by or under the Constitution;</td>
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<td>(v) the administrator appointed under article 239 of the Constitution;</td>
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(j) "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

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

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(i) inspection of work, documents, records;
(ii) taking notes, extracts, or certified copies of documents or records;
(iii) taking certified samples of material;
(iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.
(a) "Commission" means the Central Information Commission constituted under section 12;

(b) "Central Information Commission" means the Central Information Commission constituted under sub-section (1) of section 12;

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

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

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

(j) "State Information Commissioner" means the State Information Commissioner constituted under sub-section (1) of section 17B;

(ji) "State Information Commissioner" and "State Deputy Information Commissioners" mean the State Information Commissioner and the State Deputy Information Commissioners appointed under sub-section (3) of section 17B;

(f) "prescribed" means prescribed by rules made under this Act by the Government or the competent authority, as the case may be;
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<th>Section</th>
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| (g) | “public authority” means any authority or body established or constituted—
   (i) by or under the Constitution;
   (ii) by any other law made by Parliament;
   (iii) by notification issued or order made by the Government;
   and includes any other body owned or controlled by the Government; and includes any non-Government organisation or any other body owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government; |
<p>| (h) | “Public Information Officer” means the Public Information Officer appointed under sub-section (1), and includes an Assistant Public Information Officer designated as such under sub-section (2), of section 5; |
| (k) | “Central Public Information Officer” means the Central Public Information Officer appointed under sub-section (1), and includes an Assistant central Public Information Officer designated as such under sub-section (2); |
| (l) | “State Public Information Officer” means the State Public Information Officer appointed under sub-section (1) and includes an State Assistant Information Officer designated as such under sub-section (2) of section 17A; |</p>
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<td>(i) “record” includes—</td>
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<td>(i) any document, manuscript and file;</td>
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<tr>
<td>(ii) any microfilm, microfiche and facsimile copy of a document;</td>
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<td>(iii) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and</td>
<td>(iii) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and</td>
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<tr>
<td>(iv) any other material produced by a computer or any other device;</td>
<td>(iv) any other material produced by a computer or any other device;</td>
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<td>(k) “third party” means a person other than the person making a request for information and includes a public authority.</td>
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**CHAPTER II**

**RIGHT TO INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES**

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<td>3. Subject to the provisions of this Act, all citizens shall have the right to information.</td>
<td></td>
<td>Approved the formulation of the Standing Committee.</td>
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(1) Every public authority shall—

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

(b) publish before the commencement of this Act—

(i) the particulars of its organisation, functions and duties;
(ii) the powers and duties of its officers and employees;
(iii) the procedure followed in the decision making process, including channels of supervision and accountability;
(iv) the norms set by it for the discharge of its functions;
(v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
(vi) a statement of the categories of documents that are held by it or under its control;
(vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;

(viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those approved the formulation of the Standing Committee with further recommendation that

(i) sub-clause (1)(c) shall be deleted;

(ii) the words 'and comprehensible' occurring in sub-clause (3) may be deleted.
| 5. | (1) Every public authority shall, within one hundred days of the enactment of this Act, designate as many officers as Public Information Officers in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act.

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

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

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

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

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

|  | Approved the formulation of the Standing Committee with further recommendation that sub-clauses (4) and (5), as in the Government's Bill, may be retained. |
6. (1) A person who desires to obtain any information under this Act shall make a request in writing or through electronic means in English or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed to—

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

(b) the Assistant Public Information Officers,

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

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

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

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

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

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

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

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

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

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

(b) the Central or State Assistant Public Information Officers designated by the concerned public authority,

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

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

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

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

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

Approved the formulation of the Standing Committee with further recommendation that a suitable provision may be made whereby a person could make a request in Hindi also apart from English or in the official language of the area in which the application is being made.
7. (1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Public Information Officer on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9:

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

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

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

(a) the details of further fees representing the cost of providing the information as determined by him, together with the calculations made to arrive at the amount in accordance with fee prescribed under sub-section (1), requesting him to deposit that fees, and the period intervening between the despatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to in that sub-section;
(b) information concerning his or her right with respect to review the decision as to the amount of fees charged or the form of access provided, including the particular

(1) Subject the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or the State Public Information Officer on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9:

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

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

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

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

Approved the formulation of the Standing Committee with further recommendation that the response time to a request indicated in sub-clause (1) and (3) may be substituted as '60 days' in place of '30 days'.

The Group also approved the recommendation of the Standing Committee, as agreed to by the Department of Personnel & Training to insert a sub-clause, after sub-clause 3(a), so that to provide that

(a) the fee shall be reasonable; and

(b) 'Below Poverty Line' families shall be provided information free of cost.
1. (1) This Act may be called the Right to Information Act, 2004.
   (2) It extends to the whole of India except the State of Jammu and Kashmir.
   (3) It shall come into force on the one hundred and twentieth day of its enactment.

   Approved the formulation of the Standing Committee with further recommendation that keeping in view the preparatory action envisaged in clause 4(1), subclauses (1) and (2) of clause 5, clause 12, clause 14.4, clause 21 and clause 24, these subsections may be separately brought into force on the day the Bill is assented to by the President.

2. In this Act, unless the context otherwise requires, -
   (c) “Government”, in relation to a public authority established, constituted, owned, substantially financed by funds provided directly or indirectly by the Central Government or a Union territory administration, means the Central Government;

   In this Act, unless the context otherwise requires,—
   (aa) “appropriate Government” means in relation to a public authority which is established, constituted, owned or substantially financed -
   (i) by the Central Government or the Union territory administration , the Central Government;
   (ii) by the State Government, the State Government;

   Approved the formulation of the Standing Committee with further recommendation that
   (i) the definition of the expression ‘public authority’ may be suitably redrafted to
(b) "competent authority" means—

(i) the Speaker in the case of the House of the People or the Legislative Assembly of a Union territory and the Chairman in the case of the Council of States;
(ii) the Chief Justice of India in the case of the Supreme Court;
(iii) the Chief Justice of the High Court of Delhi;
(iv) the President in the case of other authorities created by or under the Constitution;
(v) the administrator appointed under article 239 of the Constitution;

indicate that in its applicability to the non-Government organizations, the Act shall cover only such of these organizations which are substantially financed, directly or indirectly, by the government; and

(ii) the words 'and includes a public authority' occurring in the definition of the expression 'third party' as given in sub-clause (k) of the Government's Bill, may be retained.

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

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

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

(i) inspection of work, documents, records;
(ii) taking notes, extracts, or certified copies of documents or records;
(iii) taking certified samples of material;
(iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;
<table>
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<th>(i) “record” includes—</th>
<th>(i) “record” includes—</th>
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| (i) any document, manuscript 
and file; | (i) any document, manuscript and file; |
| (ii) any microfilm, microfiche 
and facsimile copy of a 
document; | (ii) any microfilm, microfiche and facsimile 
copy of a document; |
| (iii) any reproduction of image 
or images embodied in 
such microfilm (whether 
enlarged or not); and | (iii) any reproduction of image or images 
embodied in such microfilm (whether 
enlarged or not); and |
| (iv) any other material 
produced by a computer or 
any other device; | (iv) any other material produced by a computer 
or any other device; |

| (k) “third party” means a person other than 
the person making a request for 
information and includes a public 
authority. | (k) “third party” means a person other than the 
person making a request for information. |

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| RIGHT TO INFORMATION AND 
OBLIGATIONS OF PUBLIC 
AUTHORIES | RIGHT TO INFORMATION AND 
OBLIGATIONS OF PUBLIC AUTHORITIES |

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

Approved the formulation of the 
Standing Committee.
(1) Every public authority shall—

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

(b) publish before the commencement of this Act—

(i) the particulars of its organisation, functions and duties;
(ii) the powers and duties of its officers and employees;
(iii) the procedure followed in the decision making process, including channels of supervision and accountability;
(iv) the norms set by it for the discharge of its functions;
(v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
(vi) a statement of the categories of documents that are held by it or under its control;

(vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;

(viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advise, and as to whether meetings of those)

(4) Approved the formulation of the Standing Committee with further recommendation that

(i) sub-clause (1)(e) shall be deleted; and

(ii) the words 'and comprehensible' occurring in sub-clause (3) may be deleted.
5. (1) Every public authority shall, within one hundred days of the enactment of this Act, designate as many officers as Public Information Officers in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act.

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

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

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

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

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

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

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

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

(3) Every Central or State Public Information Officer shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information.
6. (1) A person who desires to obtain any information under this Act shall make a request in writing or through electronic means in English or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to—

(a) the Public Information Officer of the concerned public authority;
(b) the Assistant Public Information Officers,

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

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

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

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

(i) which is held by another public authority; or
(ii) the subject matter of which is more closely connected with the functions of another public authority,

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

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

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

(a) the Central or State Public Information Officer of the concerned public authority;
(b) the Central or State Assistant Public Information Officers designated by the concerned public authority,

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

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

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

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

(i) which is held by another public authority; or
(ii) the subject matter of which is more closely connected with the functions of another public authority,

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

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of the application.
| 8. | (1) Notwithstanding anything contained in this Act, except as otherwise provided herein, the following information shall be exempted from disclosure, namely:-

(a) information, the disclosure of which would:

(i) prejudicially affect the sovereignty and integrity of India, security, strategic, scientific or

(b) information which, if disclosed will prejudicially affect the sovereignty and integrity of India or the defence and security of India or relations with foreign States and which has been classified as such in pursuance of any rule or order made by the appropriate government;

The Group approved the formulation as suggested by the National Advisory Council, reproduced as under, subject to the deletion of the first proviso, as also the words 'or twenty five' from the second proviso:

(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any person:
economic interest of the
State, relation with foreign
State: or
(ii) lead to an incitement to
commit an offence;

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

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

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

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

(e) information available to a person
in his fiduciary relationship:

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

(f) information received in confidence
from a foreign government;

(g) information, the disclosure of
which would endanger the life or
physical safety of any person or
cause to identify the source of
information or assistance given in
confidence of law enforcement or
security purposes;

(h) information, the disclosure of
which would impede the process of
investigation or apprehension of

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

(c) legitimate trade secrets, and
commercial or financial information
obtained from or furnished by a third	party or condition of strict
confidentiality;

(d) information the disclosure of which
will lead to identification of an
informers or his sources of information
or which would endanger the life or
safety of any person for having
furnished material information useful
to the Indian nation or would
materially hamper investigations into
crimes or other law enforcement
activities;

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

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

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

(f) information not related to operations
of appropriate government or its
instrumentalities and disclosure of
which would constitute a clear
unwarranted invasion of privacy of an
individual.

(2) Information which cannot be denied to
Parliament or Legislature of a State, as the case
may be:

(a) information,
disclosure of which would
prejudicially affect the
sovereignty and integrity of
India, the security,
strategic, scientific or
economic interests of the
State, relation with foreign
State or lead to incitement of
an offence;

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

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

d) information including
commercial confidence,
trade secrets or intellectual
property, the disclosure of
which would harm the
competitive position of a
third party, unless the
Competent Authority is

no obligation to give any person:

(1) information,
disclosure of which would
prejudicially affect the
sovereignty and integrity of
India, the security,
strategic, scientific or
economic interests of the
State, relation with foreign
State or lead to incitement of
an offence;

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

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

d) information including
commercial confidence,
trade secrets or intellectual
property, the disclosure of
which would harm the
competitive position of a
third party, unless the
Competent Authority is
| 9. | Without prejudice to the provisions of section 8, a Public Information Officer may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State. | Without prejudice to the provisions of section 8, a Central or State Public Information Officer may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State. | Approved the formulation of the Standing Committee. |
8. (1) Notwithstanding anything contained in this Act, except as otherwise provided herein, the following information shall be exempted from disclosure, namely:

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<td>(a) information, the disclosure of which would:-</td>
<td>(l) Nothing in the foregoing sections shall compel any public authority to disclose the following:-</td>
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<td>(i) prejudicially affect the sovereignty and integrity of India, security, strategic, scientific or</td>
<td>(a) information which, if disclosed will prejudicially affect the sovereignty and integrity of India or the defence and security of India or relations with foreign States and which has been classified as such in pursuance of any rule or order made by the appropriate government;</td>
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The Group approved the formulation as suggested by the National Advisory Council, reproduced as under, subject to the deletion of the first proviso, as also the words 'or twenty five' from the second proviso.:

(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any person:
economic interest of the State, relation with foreign State: or
(ii) lead to an incitement to commit an offence:

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

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

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

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

(e) information available to a person in his fiduciary relationship:

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

(f) information received in confidence from a foreign government;

(g) information, the disclosure of which would endanger the life or physical safety of any person or cause to identify the source of information or assistance given in confidence of law enforcement or security purposes;

(h) information, the disclosure of which would impede the process of investigation or apprehension of persons:

Information which cannot be denied to Parliament or Legislature of a State, as the case may be:

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

(c) legitimate trade secrets, and commercial or financial information obtained from or furnished by a third party or condition of strict confidentiality;

(d) information the disclosure of which will lead to identification of an informer or his sources of information or which would endanger the life or safety of any person for having furnished material information useful to the Indian nation or would materially hamper investigations into crimes or other law enforcement activities;

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

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

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

(f) information not related to operations of appropriate government or its instrumentalities and disclosure of which would constitute a clear unwarranted invasion of privacy of an individual.

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no obligation to give any person:

(a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence:

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

(c) information, the disclosure of which would lead to identification of an informer or his sources of information or which would endanger the life or safety of any person for having furnished material information useful to the Indian nation or would materially hamper investigations into crimes or other law enforcement activities;

(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the Competent Authority is
<p>| 9. | Without prejudice to the provisions of section 8, a Public Information Officer may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State. | Without prejudice to the provisions of section 8, a Central or State Public Information Officer may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State. | Approved the formulation of the Standing Committee. |</p>
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<th>10.</th>
<th>(1) Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.</th>
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<td>(2) Where access is granted to a part of the record under sub-section (1), the Public Information Officer shall give a notice to the applicant, informing:-</td>
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<td>(a) that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;</td>
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<td>(b) the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;</td>
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<td>(c) the name and designation of the person giving the decision;</td>
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<td>(d) the details of the fees determined by him or her and the amount of fee which the applicant is required to deposit; and</td>
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<td>(e) his or her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms.</td>
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<td>Approved the formulation of the Standing Committee.</td>
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<td>11.</td>
<td>(1) Where a public authority intends to disclose any information or record, or part thereof on a request made under this Act,</td>
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<td>(1) Where a public authority intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or</td>
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<td>Approved the formulation of the Standing Committee with further recommendation that the time</td>
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shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 15 against the decision.

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

### CHAPTER III: THE CENTRAL INFORMATION COMMISSION

#### 12.

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

(2) The Commission shall consist of-

(a) the Information Commissioner;

(b) such number of Deputy Information Commissioners not exceeding ten as may be deemed necessary.

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

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

*Explanation*: For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the House of the

Approved the formulation of the Standing Committee with further recommendation that the

(i) Central Information Commissioner shall be designated as Chief Information Commissioner and the Central Deputy Information Commissioner as Information Commissioner; 
(ii) third member of the Committee shall be a Minister nominated by the Prime Minister in place of the Chief Justice of India;

The Group also recommended that sub-clause (6) in the Government’s Bill debarring the Chief Information Commissioner and the Information Commissioner from being a Member of Parliament, holding any office of profit under the Govt., etc., should be retained.
People has not been recognised as such. the
Leader of the single largest group in
opposition of the Government in the House
of the People shall be deemed to be the
Leader of the Opposition.

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

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

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

(7) The headquarters of the Commission
shall be at Delhi and the Commission may,
with the previous approval of the Central
Government, establish offices at other places
in India.

(8) Every Deputy Information
Commissioner shall perform his functions
within such area as may be specified by the
Central Government.

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

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

(7) The headquarters of the Central Information
Commission shall be at Delhi and the Central
Information Commission may, with the previous
approval of the Central Government, establish
offices at other places in India.
13. (1) The Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment:

Provided that the Central Government may extend the term of five years by one more year if recommended by the Committee referred to in sub-section (3) of Section 12:

Provided further that no Information Commissioner shall hold office as such after he has attained the age of sixty-five years.

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

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

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

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

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

Provided that the Central Government may extend the term of five years by one more year if recommended by the Committee referred to in sub-section (3) of Section 12:

Provided further that no Central Information Commissioner shall hold office as such after he has attained the age of sixty-five years.

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

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

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

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

Approved the formulation of the Standing Committee with further recommendation that

(i) the Chief Information Commissioner or the Information Commissioner shall have a single tenure of 5 years or till he attains the age of 65 years, whichever is earlier;

(ii) no extension of tenure shall be given; and

(iii) where the Information Commissioner is appointed as Chief Information Commissioner, his tenure shall not be more than 5 years in aggregate.
(4) The Information Commissioner or a Deputy Information Commissioner may, at any time, by writing under his hand addressed to the President, resign from his office:

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

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

(a) any diplomatic assignment as administrator of a Union territory or such other assignment or appointment which is required by law to be made by the President by warrant under his hand and seal;

(b) any office of profit under the Government of India or the Government of a State.

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

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

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

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

Provided also that the salaries, allowances and the other conditions of service of the Information Commissioner and the Deputy Information Commissioners shall not be varied to their disadvantage after their appointment.

(7) The Central Government shall provide the Information Commissioner and the Deputy Information Commissioners with in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the service as the Information Commissioner or a Deputy Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

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

Provided also that the salaries, allowances and the other conditions of service of the Central Information Commissioner and the Central Deputy Information Commissioners shall not be varied to their disadvantage after their appointment.

(7) The Central Government shall provide the Central Information Commissioner and the Central Deputy Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the other terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.
such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the other terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

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

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

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

(a) is adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the

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

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

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

(a) is adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or

Approved the formulation of the Standing Committee.
President, involves moral turpitude;  
(c) engages during his term of office in any paid employment outside the duties of his office; or  
(d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or  
(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as an Information Commissioner or a Deputy Information Commissioner.  
(4) If the Central Information Commissioner or any Central Deputy Information Commissioner, in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of India or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehaviour.

### CHAPTER III A

**THE STATE INFORMATION COMMISSIONER AND PUBLIC INFORMATION OFFICER**

<table>
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<th>14.A</th>
<th>Approved the formulation of the Standing Committee with further recommendation that</th>
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<td>(1) Every State Government shall, by notification in the Official Gazette, constitute a body to be known as the ..........(name of the State) Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.</td>
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| (2) The State Commission shall consist of—  
(a) the State Information Commissioner, and  
(b) such number of State Deputy Information Commissioners not exceeding ten as may be deemed necessary. |
| (3) The State Information Commissioner and the | (i) the nomenclature of the State Information Commissioner and State Deputy Information Commissioner shall be revised as 'State Chief Information Commissioner' and 'State Information Commissioner' |
State Deputy Information Commissioners shall be appointed by the Governor on the recommendation of a committee consisting of:

(i) the Chief Minister, who shall be the Chairperson of the committee;

(ii) the Leader of Opposition in the Legislative Assembly; and

(iii) the Chief Justice of High Court.

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

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

(5) The State Information Commissioner and the State Deputy Information Commissioners shall be persons of eminence in public life with wide knowledge and experience of law, science and technology, social service, management, journalism, mass media or administration and governance.

(6) The headquarters of the State Commission shall be at such place as the State Government may, by notification in the Official Gazette, specify and the State Information Commission may, with the respectively:

(ii) in sub-clause (3), the third Member of the Committee shall be a Minister nominated by the Chief Minister instead of the 'Chief Justice of High Court'.

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previous approval of the State Government, establish offices at other places in the State.

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<th>14.B</th>
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| (1) The State Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment:

Provided that the State Government may extend the term of five years by one more year if recommended by the committee referred to in sub-section (3) of section 14A.

Provided further that no State Information Commissioner shall hold office as such after he has attained the age of sixty-five years.

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

Provided that every State Deputy Information Commissioner shall, on vacating his office under this sub-section, be eligible for appointment as the State Information Commissioner in the manner specified in sub-section (3) of section 14A:

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

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

(4) The State Information Commissioner or a

Approved the formulation of the Standing Committee with further recommendation

(i) the State Chief Information Commissioner or the State Information Commissioner shall have a single tenure of 5 years or till he attains the age of 65 years, whichever is earlier;

(ii) no extension of tenure shall be given; and

(iii) where the State Information Commissioner is appointed as State Chief Information Commissioner, his tenure shall not be more than 5 years in aggregate.
State Deputy Information Commissioner may, at any time, by writing under his hand addressed to the Governor, resign from his office:

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

* * * * * * * *

(5) The salaries and allowances payable to and other terms and conditions of service of—

(a) the State Information Commissioner shall be the same as that of the Election Commissioner of India:

(b) the State Deputy Information Commissioner shall be the same as that of the Chief Secretary to the State:

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

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

Provided also that the salaries, allowances and the other conditions of service of the State Information Commissioner and the State Deputy Information Commissioners shall not be varied to their disadvantage after their appointment.

(7) The State Government shall provide the State Information Commissioner and the State Deputy Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the other terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

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

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

Approved the formulation of the Standing Committee.
(3) Notwithstanding anything contained in subsection (1), the Governor may by order remove from office the State Information Commissioner or any State Deputy Information Commissioner if the Information Commissioner or a Deputy Information Commissioner, as the case may be,—

(a) is adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or

(c) engages during his term of office in any paid employment outside the duties of his office; or

(d) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or

(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as an State Information Commissioner or a State Deputy Information Commissioner.

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

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

(a) who has been unable to submit a request to a Public Information Officer, either by reason that no such officer has been appointed under this Act, or because the Assistant Public Information Officer has refused to accept his or her application for forwarding the same to the public authority or the Government;

(b) who has been refused access to any information requested under this Act;

(c) who has not been given a response to a request for information or access to information within the time limits specified under this Act;

(d) who has been required to pay an amount of fee which he or she considers unreasonable;

(e) who believes that he or she has been given incomplete, misleading or false information under this Act; and

(f) in respect of any other matter relating to requesting or obtaining access to records under this Act.

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

(3) Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or the State Information Commission, as the case may be, to receive and inquire into a complaint from any person,—

(a) who has been unable to submit a request to a Central or State Public Information Officer, either by reason that no such officer has been appointed under this Act, or because the Central or the State Assistant Public Information Officer has refused to accept his or her application for forwarding the same to the public authority or the appropriate Government;

(b) who has been refused access to any information requested under this Act;

(c) who has not been given a response to a request for information or access to information within the time limits specified under this Act;

(d) who has been required to pay an amount of fee which he or she considers unreasonable;

(e) who believes that he or she has been given incomplete, misleading or false information under this Act; and

(f) in respect of any other matter relating to requesting or obtaining access to records under this Act.

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

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

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<th>Clause</th>
<th>Description</th>
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<td>(a)</td>
<td>summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;</td>
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<tr>
<td>(b)</td>
<td>requiring the discovery and inspection of documents;</td>
</tr>
<tr>
<td>(c)</td>
<td>receiving evidence on affidavit;</td>
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<tr>
<td>(d)</td>
<td>requisitioning any public record or copies thereof from any court or office;</td>
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<tr>
<td>(e)</td>
<td>issuing summons for examination of witnesses or documents; and</td>
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<tr>
<td>(f)</td>
<td>any other matter which may be prescribed.</td>
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(4) Notwithstanding anything inconsistent contained in any other Act of Parliament, the Commission may, during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the public authority, and no such record may be withheld from it on any grounds.

16. (1) Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Public Information Officer, may within thirty days from the expiry of such period or from
the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Public Information Officer in each public authority:

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

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

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

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

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

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

from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or the State Public Information Officer, as the case may be, in each public authority:

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

(2) A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Central Information Commission or, as the case may be, the State Information Commission.

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

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

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

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

(6) An appeal under sub-section (1) or sub-section (2) shall be disposed of within thirty days.
(6) An appeal under sub-section (1) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.

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

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

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

(i) by providing access to information, if so requested, in a particular form;

(ii) by appointing a Central or a State Public Information Officer;

(iii) by publishing certain information or categories of information;

(iv) by making necessary changes to its practices in relation to the maintenance, management and destruction of records;

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

(b) require the public authority to compensate the complainant for any loss or other detriment suffered;
clause (b) of sub-section (1) of section 4:
(b) require the public authority to compensate the complainant for any loss or other detriment suffered;
(c) impose any of the penalties provided under this Act;
(d) reject the application.

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

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

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

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

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

(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. The Central Commission or the State Commission shall file a complaint against such Central or State Public Information Officer, before a Judicial Magistrate of First Class.

(2) Any Central or State Public Information Officer or State Public Information Officer, as the case may be, who is in default under sub-section (1) shall

GOM did not agree to the formulation in the Government's Bill, the Standing Committee's Bill as also the revised formulation proposed by Department of Personnel & Training. It accordingly directed the Ministry of Law & Justice to prepare an alternative formulation taking into consideration the observations made by the Group.

Further to the recommendation of the Ministry, the Committee has proposed the following:

(1) Notwithstanding anything contained in section 20 where the Central Information Commission, in deciding any complaint or appeal is of the opinion that the Central Public Information Officer has failed to provide information within the period specified under the Central Information Commission Act, a complaint shall be filed against the Central Public Information Officer by the complainant, before a Judicial Magistrate of First Class.
| 18. | No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder. | Approved the formulation of the Standing Committee. |
| 19. | The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act. | Approved the formulation of the Standing Committee. |
| 20. | No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall | Approved the formulation of the Standing Committee. |
be called in question otherwise than by way of an appeal under this Act.

in question otherwise than by way of an appeal under this Act.

| 21. | (1) Nothing contained in this Act shall apply to the intelligence and security 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 corruption shall not be excluded under this sub-section.

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

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

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

Provided that the information pertaining to the allegations of 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 organisation established by that Government or omitting therefrom any organisation already specified therein and on the publication of such notification, such organisation shall be deemed to be included in or, as the case may be, omitted from the Schedule.

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

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

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

| 22. | (1) The Commission shall, as soon as practicable after the end of each year, prepare a report on the implementation of

(1) The Commission shall, as soon as practicable after the end of

Approved the formulation of the

Standing Committee with further recommendation that

(i) the proviso to sub-clause (1) shall be deleted; and

(ii) in addition to the security and intelligence organizations, the armed forces shall also be excluded from the purview of the Act.

Approved the formulation of the

Standing Committee.
the provisions of this Act during that year and forward a copy thereof to the Central Government.

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

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

(a) the number of requests made to each public authority;
(b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked;
(c) the number of appeals referred to the Commission for review, the nature of the appeals and the outcome of the appeals;
(d) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;
(e) the amount of charges collected by each public authority under this Act;
(f) any facts which indicate an effort by the public authorities each year, prepare a report on the implementation of the provisions of this Act during that year and forward a copy thereof to the Central Government or the State Government.

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

Each report shall state in respect of the year to which the report relates—

(a) the number of requests made to each public authority;
(b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked;
(c) the number of appeals referred to the Central Information Commission or, as the case may be, the State Information Commission for review, the nature of the appeals and the outcome of the appeals;
(d) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;
(e) the amount of charges collected by each public authority under this Act;
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<th>23.</th>
<th>(1) The Central Government may, to the extent of availability of financial and other resources,-</th>
<th>(f) The appropriate Government may, to the extent of availability of financial and other resources,—</th>
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To administer and implement the spirit and intention of this Act,
(g) recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernisation, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the right to access information.

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

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

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

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

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

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

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

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

(a) the objects of this Act;

(b) the postal and street address, the phone and fax number and, if available, electronic mail address of

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

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

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

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

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

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

(a) the objects of this Act;

(b) the postal and street address, the phone and fax number and, if available, electronic mail address of
(4) The Central Government, if necessary, may by notification in the Official Gazette, make the following provisions:

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

(b) the provisions providing for the regulations of fees to be paid in relation to requests for access to an information in accordance with section 4,

(c) the provisions providing for the circulars made, or issued in relation to obtaining access to an information in accordance with section 4,

(d) the provisions providing for the categories of records in accordance with section 4,

(e) the provisions providing for the form in which request for access to an information or records in accordance with section 4, may be made or issued in relation to obtaining access to an information in accordance with section 4,

(f) the provisions providing for the manner of filing an appeal to the Central Information Commission or, as the case may be, the State Information Commission, and

(g) the provisions providing for the manner of filing an appeal to the State Information Commission.

(5) The Central Government may, if necessary, notify in the Official Gazette, any additional regulations or circulars made or issued in relation to obtaining access to an information in accordance with this Act.

(6) The Central Government may, if necessary, update and publish the guidelines at regular intervals.

(7) The Central Government may, if necessary, by notification in the Official Gazette, make the following provisions:

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

(b) the provisions providing for the regulations of fees to be paid in relation to requests for access to an information in accordance with section 4,

(c) the provisions providing for the circulars made, or issued in relation to obtaining access to an information in accordance with section 4,

(d) the provisions providing for the categories of records in accordance with section 4,

(e) the provisions providing for the form in which request for access to an information or records in accordance with section 4, may be made or issued in relation to obtaining access to an information in accordance with section 4,

(f) the provisions providing for the manner of filing an appeal to the Central Information Commission or, as the case may be, the State Information Commission, and

(g) the provisions providing for the manner of filing an appeal to the State Information Commission.

(8) The Central Government may, if necessary, notify in the Official Gazette, any additional regulations or circulars made or issued in relation to obtaining access to an information in accordance with this Act.

(9) The Central Government may, if necessary, update and publish the guidelines at regular intervals.

(10) The Central Government may, if necessary, by notification in the Official Gazette, make the following provisions:

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

(b) the provisions providing for the regulations of fees to be paid in relation to requests for access to an information in accordance with section 4,

(c) the provisions providing for the circulars made, or issued in relation to obtaining access to an information in accordance with section 4,

(d) the provisions providing for the categories of records in accordance with section 4,

(e) the provisions providing for the form in which request for access to an information or records in accordance with section 4, may be made or issued in relation to obtaining access to an information in accordance with section 4,

(f) the provisions providing for the manner of filing an appeal to the Central Information Commission or, as the case may be, the State Information Commission, and

(g) the provisions providing for the manner of filing an appeal to the State Information Commission.

(11) The Central Government may, if necessary, notify in the Official Gazette, any additional regulations or circulars made or issued in relation to obtaining access to an information in accordance with this Act.
rules to carry out the provisions of this Act. 

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

(a) intervals at which matters referred to in sub-clauses (i) to (xvii) of clause (b) of sub-section (1) of section 4 shall be published;
(b) the cost of the medium or print cost price of the materials to be disseminated under sub-section (4) of section 4;
(c) the fee payable under sub-section (1) of section 6;
(d) the fee payable under sub-sections (1) and (5) of section 7;
(e) the salaries and allowances payable to and the terms and conditions of service of the officers and other employees under sub-section(7) of section 13;
(f) the procedure to be adopted by the Commission in deciding the appeals under sub-section (10) of section 16; and
(g) any other matter which is required to be, or may be, prescribed.

recommendation that item (a) of sub-clause (2) shall be deleted.

rules to carry out the provisions of this Act. 

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

(a) intervals at which matters referred to in sub-clauses (i) to (xvii) of clause (b) of sub-section (1) of section 4 shall be published;
(b) the cost of the medium or print cost price of the materials to be disseminated under sub-section (4) of section 4;
(c) the fee payable under sub-section (1) of section 6;
(d) the fee payable under sub-sections (1) and (5) of section 7;
(e) the salaries and allowances payable to and the terms and conditions of service of the officers and other employees under sub-section(7) of section 13;
(f) the procedure to be adopted by the Commission in deciding the appeals under sub-section (10) of section 16; and
(g) any other matter which is required to be, or may be, prescribed.
25. (1) The competent authority may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

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

(i) intervals at which matters referred to in sub-clauses (i) to (xvii) of clause (b) of sub-section (1) of section 4 shall be published;
(ii) the cost of the medium of print cost price of the materials to be disseminated under sub-section (4) of section 4;
(iii) the fee payable under sub-section (1) of section 6;
(iv) the fee payable under sub-section (1) of section 7;
(v) any other matter which is required to be, or may be, prescribed.

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

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

(i) intervals at which matters referred to in sub-clauses (i) to (xvii) of clause (b) of sub-section (1) of section 4 shall be published;
(ii) the cost of the medium or point cost price of the materials to be disseminated under sub-section (4) of section 4;
(iii) the fee payable under sub-section (1) of section 6;
(iv) the fee payable under sub-section (1) of section 7; and
(v) any other matter which is required to be, or may be, prescribed.

Approved the formulation of the Standing Committee with further recommendation that item (i) of sub-clause (2) shall be deleted.

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

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

Approved the formulation of the Standing Committee with further recommendation that in sub-clause (2), after the words 'Every rule made', the words 'by the State Government' shall be added.
(2) Every rule made under this Act shall, as soon as may be after it is made, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

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

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

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

Approved the formulation of the Standing Committee.
THE FIRST SCHEDULE
[See sub-section (3) of section 13]
Form of oath or affirmation to be made by
the Information Commissioner or the Deputy
Information Commissioner

"I, ................................, having been appointed
Information Commissioner/Deputy
Information Commissioner
swear in the name of God, that I will bear
true faith and
solemnly affirm
allegiance to the Constitution of India as by
law established, that I will uphold the
sovereignty and integrity of India, that I will
duly and faithfully and to the best of my
ability, knowledge and judgement perform
the duties of my office without fear or
favour, affection or ill-will and that I will
uphold the Constitution and the laws."

THE FIRST SCHEDULE
[See sub-section (3) of section 13 and
sub-section (3) of section 14B]
Form of oath or affirmation to be made by
the Central Information Commissioner/
State Information Commissioner or the
Central Deputy Information
Commissioner/State Deputy Information
Commissioner

"I, ................................, having been appointed
Central Information Commissioner/State
Information Commissioner/Central Deputy
Information Commissioner/State Deputy
Information Commissioner swear in the
name of God that I will bear true faith and
allegiance to the
solemnly affirm
Constitution of India as by law established,
that I will uphold the sovereignty and
integrity of India, that I will duly and faithfully
and to the best of my ability, knowledge and
judgement perform the duties of my office
without fear or favour, affection or ill-will and
that I will uphold the Constitution and the
laws."

Approved the formulation of
the Standing Committee.
THE SECOND SCHEDULE
(See section 21)
INTELLIGENCE AND SECURITY ORGANISATIONS ESTABLISHED BY THE CENTRAL GOVERNMENT.

1. Intelligence Bureau.
2. Research and Analysis Wing of the Cabinet Secretariat.
3. Directorate of Revenue Intelligence.
4. Central Economic Intelligence Bureau.
5. Directorate of Enforcement.
7. Aviation Research Centre.
8. Special Frontier Force.
11. Indo Tibetan Border Police.
15. Special Service Bureau.
16. Special Branch (CID), Andaman and Nicobar.
17. The Crime Branch-CID, - CB, Dadra and Nagar Haveli.

THE SECOND SCHEDULE
(See section 21)
INTELLIGENCE AND SECURITY ORGANISATION ESTABLISHED BY THE CENTRAL GOVERNMENT

1. Intelligence Bureau.
2. Research and Analysis Wing of the Cabinet Secretariat.
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15. Special Service Bureau.
16. Special Branch (CID), Andaman and Nicobar.
17. The Crime Branch-CID, - CB, Dadra and Nagar Haveli.

Approved the formulation of the Standing Committee.