

**This document tracks the changes between
Freedom of Information Act 2002
and
NAC Draft 2004 submitted to the Government on August 16, 2004
and
Proposed RTI Bill sent by Dept. of Personnel on December 14, 2004
and
RTI Bill 2004 as tabled in the Parliament on December 23, 2004**

FOI Act 2002	NAC Draft 2004 submitted to the Government on August 16, 2004	Proposed RTI Bill sent by Dept. of Personnel on December 14, 2004	RTI Bill 2004 as tabled in Parliament on December 23, 2004
PREAMBLE	PREAMBLE	PREAMBLE	PREAMBLE
A Bill to provide for freedom to every citizen to secure access to information under the control of public authorities, consistent with public interest, in order to promote openness, transparency and accountability in administration and in relation to matters connected therewith or incidental thereto.	A Bill to operationalise the right to information by setting out the practical regime for people to secure access to information under the control of public authorities, consistent with public interest, in order to promote openness, transparency and accountability and in relation to matters connected therewith or incidental thereto.	Retained.	Retained with amendments: A BILL <i>to provide for setting out the practical regime of the 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.</i>
Chapter I: PRELIMINARY	Chapter I: PRELIMINARY	Chapter I: PRELIMINARY	Chapter I: PRELIMINARY
1. (1) This Act may be called the Freedom of Information Act, 2002	(1) This Act may be called the Right to Information Act 2004	Retained.	Retained.
(2) It extends to the whole of India except the State of Jammu and Kashmir.	Retain	Retained.	Retained.
(3) It shall come into force on such date as the Central Government may, by	(3) It shall come into force within 120 days of it being enacted.	Retained.	(3) It shall come into force on the one hundred and twentieth day of its

notification in the Official Gazette, appoint			enactment.
Section 1(4) Does not exist in the present Act.	(4) Where State legislation exists dealing with the right to access information, a person will have the right to seek information under the State law as well as under this Act, if the information pertains to a subject under the State List in Schedule 7 of the Constitution of India.	(4) Where 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 Schedule 7 of the Constitution of India.	Deleted
Section 1(5) Does not exist in the present Act.	(5) Objectives of the Act: The objectives of the Act are to - (i) give effect to the Fundamental Right to Information, which will contribute to strengthening democracy, improving governance, increasing public participation, promoting transparency and accountability in Union, State and Local Self Government Institutions. (ii) establish voluntary and mandatory mechanisms or procedures to give effect to right to information in a manner which enables persons to obtain access to records of public authorities in a swift, effective, inexpensive and reasonable manner. (iii) promote transparency, accountability and effective governance of all public authorities by, including but not limited to, empowering and educating all persons to: - understand their rights in terms of this Act in order to exercise their rights in relation to	(5) Objectives of the Act: The objectives of the Act are to - (i) give effect to the Fundamental Right to Information, which will contribute to strengthening democracy, improving governance, increasing public participation, promoting transparency and accountability in Union, State and Local Self Government Institutions, (ii) establish voluntary and mandatory mechanisms or procedures to give effect to right to information in a manner which enables persons to obtain access to records of public authorities in a swift, effective, inexpensive and reasonable manner, and Retained.	Deleted

	<ul style="list-style-type: none"> - public authorities; understand the functions and operation of public authorities; and - effectively participating in decision making by public authorities that affects their rights. 		
<p>2. In This Act, unless the context otherwise requires: (a) “appropriate Government” means in relation to a public authority established, constituted, owned, substantially financed by funds provided directly or indirectly or controlled-</p> <p>(i) by the Central Government, the Central Government; (ii) by the State Government, The State Government; (iii) by the Union territory, The Central Government;</p>	Retain	<p>2. In This Act, unless the context otherwise requires: (a) “appropriate Government” means in relation to a public authority established, constituted, owned, substantially financed by funds provided directly or indirectly or controlled-</p> <p>(i) by the Central Government, the Central Government; (ii) by the State Government, the State Government; (iii) by the Union territory, the Central Government;</p>	<p>Deleted. Instead added: (a) ”Commission” means the Central Information Commission constituted under section 12;</p>
<p>(b) “competent authority” means-</p> <p>(i) the Speaker in the case of the House of the People or the Legislative Assembly and the Chairman in the case of the Council of States or the Legislative Council: (ii) The Chief Justice of India in the case of the Supreme Court; (iii) The Chief Justice of the High Court in the case of a High Court; (iv) The President or the Governor, as the case may be, in case of other authorities created by or under the Constitution: (v) the administrator appointed under article 239 of the Constitution;</p>	Retain	<p>(b) “competent authority” means-</p> <p>(i) the Speaker in the case of the House of the People or the Legislative Assembly and the Chairman in the case of the Council of States or the Legislative Council: (ii) the Chief Justice of India in the case of the Supreme Court; (iii) the Chief Justice of the High Court in the case of a High Court; (iv) the President or the Governor, as the case may be, in case of other authorities created by or under the Constitution: (v) the administrator appointed under article 239 of the Constitution;</p>	<p>Amended: (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 in the case of a 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;</p>

<p>(c) “freedom of information” means the right to obtain information from any public authority by means of.-</p> <p>(i) inspection, taking of extracts and notes;</p> <p>(ii) Certified copies of any records of such public authority;</p> <p>(iii) Disketts, floppies or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;</p>	<p>(c) “Chief Information Commissioner” and “Information Commissioner”, “State Information Commissioner” means the authorities so appointed under this act</p> <p>(d) “right to information” means the right to access information held by, legally accessible by or under the control of any public authority and includes:</p> <p>(i) Inspection of works, documents, records;</p> <p>(ii) Taking notes and extracts and obtaining certified copies of documents or records;</p> <p>(iii) Taking certified samples of material;</p> <p>(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.</p>	<p>(c) “Chief Information Commissioner” and “Deputy Information Commissioner”, “State Information Commissioner” means the authorities so appointed under this Act;</p> <p>(d) “right to information” means the right to access information held by, legally accessible by or under the control of any public authority and includes:</p> <p>(i) Inspection of works, documents, records;</p> <p>(ii) taking notes and extracts and obtaining certified copies of documents or records;</p> <p>(iii) taking certified samples of material;</p> <p>(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.</p>	<p>Amended: point (c) is retained but as (e) below.</p> <p>(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;</p> <p>(d) is deleted here but included below as point (j)</p>
<p>(d) “information” means any material in any form relating to the administration, operations or decisions of a public authority;</p>	<p>(e) “information” means any material in any form, including records, documents, file notings, memos, emails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data, material held in any electronic form and any information relating to a private body which can be accessed by a public authority under any law;</p>	<p>(e) “information” means any material in any form, including records, documents, file notings, memos, emails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data, material held in any electronic form and any information relating to a private body which can be accessed by a public authority under any law;</p>	<p>(e) is retained but as (d) with minor changes.</p> <p>(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 any information relating to a private body which can be accessed by a public authority under any other law for the time being in force;</p> <p>(e) added:</p> <p>(e) “Information Commissioner” and “Deputy Information Commissioners” mean the Information Commissioner and the Deputy Information Commissioners appointed under sub-section (3) of section 12;</p>

(e) “prescribed” means prescribed by rules made under this Act by the appropriate Government or the competent authority, as the case may be;	Retain, renumber (f).	Retained.	Retained as (f)
(f) “public authority” means any authority or body established or constituted,- (i) by or under the Constitution; (ii) by any law made by the appropriate Government, and includes any other body owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government:	(g) “public authority” means any authority or body established or constituted,- (i) by or under the Constitution; (ii) by any law made by the appropriate Government, and includes any other body owned or controlled by the appropriate Government and includes panchayati raj institutions and other community bodies, like district councils, and village or locality durbars, performing public functions in areas notified under schedule 5 and 6 of the Constitution.	Retained.	Retained but with amendments: (g) “public authority” means any authority or body established or constituted, (i) by or under the Constitution; (ii) by any law made by Parliament ; [Deleted in (ii): “the appropriate Government, and includes any other body owned or controlled by the appropriate Government and includes panchayati raj institutions and other community bodies, like district councils, and village or locality durbars, performing public functions in areas notified under schedule 5 and 6 of the Constitution.”] (iii) added: (iii) by notification issued or order made by the Government, and includes any other body owned or controlled by the Government;
(g) “Public Information Officer” means the Public Information Officer appointed under sub-section (I) of section 5;	(h) “Public Information Officer” means the Public Information Officer appointed under sub-section (1) and/or (1)(a) of section 5;	Retained.	Retained but with amendments: (h) “Public Information Officer” means the Public Information Officer appointed under sub-section (1), and, includes an Assistant Information Officer designated as such under sub-section (2), of section 5;

(h) "record" includes- (i) any document, manuscript and file; (ii) any microfilm, microfiche and facsimile copy of a document; (iii) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and (iv) any other material produced by a computer or by any other device.	Retain. Renumber (i)	Retained.	Retained.
(i) "third party" means a person other than the person making a request for information and includes a public authority.	Retain. Renumber (j)	Retained.	(j) added here [was point (d) in last draft] and (i) retained as (k)
CHAPTER II FREEDOM OF INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES	CHAPTER II FREEDOM OF INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES	CHAPTER II FREEDOM OF INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES	CHAPTER II RIGHT TO INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES
3. Subject to the provision of this Act, all citizens shall have freedom of information.	3. Subject to the provision of this Act, all persons shall have the right to information.	Retained. BUT persons changed to citizens	Retained with citizens as the criteria.
4. Every public authority shall- (a) maintain all its records, in such manner and form as is consistent with its operational requirements duly catalogued and indexed:	4. Every public authority shall- (a) maintain all its records, duly catalogued and indexed, in a manner and form which facilitates the right to information as provided for in this Act, including ensuring that all records, covered by the Act that are appropriate to computerise, are within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that authorised access to such records is facilitated.	Retained.	Retained with minor changes
(b) publish at such intervals as may be prescribed by the appropriate Government or competent authority.- (i) the particulars of its organisation, functions and duties. (ii) the powers and duties of its officers	(b) publish within 6 months of this Act coming into force and thereafter update at least every 12 months- (i) The particulars of its organisation, functions and	(b) publish within 6 months of this Act coming into force and thereafter update at least every 12 months- (i) the particulars of its organisation, functions	Retained with minor changes: (b) publish before the commencement of this Act, rest retained with minor changes

<p>and employees and the procedure followed by them in the decision making process.</p> <p>(iii) the norms set by the public authority for the discharge of its functions.</p> <p>(iv) rules, regulations, instructions, manual and other categories of records under its control used by its employees for discharging its functions.</p> <p>(v) the details of facilities available to citizens for obtaining information, and</p> <p>(vi) the name, designation and other particulars of the Public Information Officer;</p>	<p>duties.</p> <p>(ii) The powers and duties of its officers and employees</p> <p>(iii) Procedures followed during the decision making process, including chains of supervision and accountability.</p> <p>(iv) The norms set by the public authority for the discharge of its functions.</p> <p>(v) Rules, regulations, instructions, manual and records held by or under its control used by its employees for discharging its functions.</p> <p>(vi) A statement of the categories of documents that are held by or under the control of the public authority.</p> <p>(vii) Particulars of any arrangement that exists for consultation with, or representation by, members of the public in relation to the formulation of policy in, or in the administration of, the public authority.</p> <p>(viii) A statement listing all boards, councils, committees and other bodies constituted by two or more persons, that are part of, or that have been established for the purpose of advising, the public authority, and whose meetings are open to the public, or the minutes of whose meetings are</p>	<p>and duties.</p> <p>(ii) the powers and duties of its officers and employees</p> <p>(iii) procedures followed during the decision making process, including chains of supervision and accountability.</p> <p>(iv) the norms set by the public authority for the discharge of its functions.</p> <p>(v) rules, regulations, instructions, manual and records held by or under its control used by its employees for discharging its functions.</p> <p>(vi) a statement of the categories of documents that are held by or under the control of the public authority.</p> <p>(vii) particulars of any arrangement that exists for consultation with, or representation by, members of the public in relation to the formulation of policy in, or in the administration of, the public authority.</p> <p>(viii) a statement listing all boards, councils, committees and other bodies constituted by two or more persons, that are part of, or that have been established for the purpose of advising, the public</p>	
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	<p>available for public inspection;</p> <p>(ix) A directory of their public servants, from the level of the head of the department or his/her equivalent and below;</p> <p>(x) The monthly remuneration received for each position, including the system of compensation as established in regulations;</p> <p>(xi) Information concerning the budget assigned to each agency, including all plans, proposed expenditures and reports on disbursement,</p> <p>(xii) The design and execution of subsidy programs, including the amounts allocated to them, criteria for access, implementation details and beneficiaries.</p> <p>(xiii) All concessions, permits or authorisations granted, with their recipients specified.</p> <p>(xiv) All information available to the public authority in electronic form or capable of being reduced to electronic form which is not exempt under this Act, subject to availability of resources.</p> <p>(xv) the details of facilities available to citizens for obtaining information, including if the public authority maintains a library or reading room that is available for public</p>	<p>authority, and whose meetings are open to the public, or the minutes of whose meetings are available for public inspection;</p> <p>(ix) a directory of their public servants, from the level of the head of the department or his/her equivalent and below;</p> <p>(x) the monthly remuneration received for each position, including the system of compensation as established in regulations;</p> <p>(xi) information concerning the budget assigned to each agency, including all plans, proposed expenditures and reports on disbursement,</p> <p>(xii) the design and execution of subsidy programs, including the amounts allocated to them, criteria for access, implementation details and beneficiaries.</p> <p>(xiii) all concessions, permits or authorisations granted, with their recipients specified.</p> <p>(xiv) all information available to the public authority in electronic form or capable of being reduced to electronic form which is not exempt under this Act, subject to availability of resources.</p>	
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	<p>use, a statement of that fact including details of the address and hours of opening of the library or reading room; and</p> <p>(xvi) the name, designation and other particulars of the Public Information Officer;</p> <p>(xvii) such other information as prescribed by the appropriate government or Information Commissioner from time to time which would promote transparency across public authorities or in specific public authorities, as appropriate;</p> <p>on the basis that it shall be a constant endeavor of public authorities to take steps to provide as much information to the public suo moto at regular intervals through various means of communication so that the public have minimum resort to the use of this Act to obtain information.</p>	<p>(xv) the details of facilities available to citizens for obtaining information, including if the public authority maintains a library or reading room that is available for public use, a statement of that fact including details of the address and hours of opening of the library or reading room; and</p> <p>(xvi) the name, designation and other particulars of the Public Information Officer;</p> <p>(xvii) such other information as prescribed by the appropriate government or Information Commissioner from time to time which would promote transparency across public authorities or in specific public authorities, as appropriate;</p> <p>on the basis that it shall be a constant endeavor of public authorities to take steps to provide as much information to the public suo moto at regular intervals through various means of communication so that the public have minimum resort to the use of this Act to obtain information.</p>	
(c) publish all relevant facts concerning important decisions and policies that affect the public while announcing such	Retain	Retained.	Retained with minor changes

decisions and policies;			
(d) give reasons for its decisions, whether administrative or quasi-judicial to those affected by such decisions;	Retain	Retained.	Retained with minor changes
(e) before initiating any project, publish or communicate to the public generally or to the persons affected or likely to be affected by the project in particular, the facts available to it or to which it has reasonable access which in its opinion should be known to them in the best interests of natural justice and promotion of democratic principles.	Retain	Retained.	Retained with minor changes
Section 4(f) Does not exist in the present Act.	(f) For the purpose of this section, information should be disseminated widely and in a form and manner which is easily accessible and comprehensible to the public. “Disseminated” shall mean appropriately making known to the public the information to be communicated through notice boards, newspapers, public announcements, media broadcasts, the internet or other such means and shall include inspection at all of the bodies offices. All materials shall be disseminated keeping in mind cost effectiveness, the local language and the most effective method of communication in that local area. Such information should be easily accessible, with the Public Information Officer, where possible in electronic format, which shall be available free or at the cost of the medium, or in print at cost price.	Retained, renumbered 4. (2).	(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 <i>suo moto</i> to the public at regular intervals through various means of communications so that the public have minimum resort to the use of this Act to obtain information. (3) For the purpose of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible and comprehensible to the public. (4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Public Information Officer, available fee or at such cost of the medium or in print cost price may be prescribed. <i>Explanation</i> 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.
<p>5. (1) Every public authority shall for the purposes of this Act, appoint one or more officers as Public Information Officers.</p>	<p>5. (1) Every public authority shall for the purposes of this Act, designate as many officers as Public Information Officers, in all administrative units and offices under such authority, as are necessary to render the public body as accessible as reasonably possible for requesters of information, within one month of this Act coming into force.</p> <p>(a) An officer at each sub-divisional level or other appropriate sub-district level, shall be designated a Public Information Officer, within three months of this act coming into force, for the purposes of this Act. He/she shall receive all requests for information, and appeals, both under the state and the central acts, and pass them on to a designated authority for onward transmission to the relevant department/agency.</p> <p>(b) Where applications/appeals are handed over at the sub divisional or sub-district level, an additional period of five days would be added to the time of response specified under this act, in order to enable the request/appeal to be communicated to the relevant authority.</p>	<p>5. (1) Every public authority shall for the purposes of this Act, designate as many officers as Public Information Officers, in all administrative units and offices under such authority, as are necessary to render the public body as accessible as reasonably possible for requesters of information, within one month of the enactment of this Act.</p> <p>(a) An officer at each sub-divisional level or other appropriate sub-district level, shall be designated a Public Information Officer, within three months of this Act being enacted, for the purposes of this Act. He/she shall receive all requests for information, and appeals, both under this state and the central Act, and pass them on to a designated authority for onward transmission to the relevant department/agency.</p> <p>(b) Where applications/appeals are handed over at the sub divisional or sub-district level, an additional period of five days would be added to the time of response specified under this act, in order to enable the request/appeal to be communicated to the relevant authority.</p>	<p>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.</p> <p>(2) Without prejudice to the provisions of sub-section (1), every public authority shall designate an officer, within one hundred days 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:</p> <p>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.</p>

(2) Every Public Information Officer shall deal with requests for information and shall render reasonable assistance to any person seeking such information.	Retain	Retained.	Retained as (3) with minor changes
(3) The Public Information Officer may seek the assistance of any other officer as he considers necessary for the proper discharge of his duties.	Retain	Retained.	Retained as (4) with minor changes
(4) Any officer whose assistance has been sought under sub-section (3), shall render all assistance to the Public Information Officer seeking his assistance.	(4) Any officer whose assistance has been sought under sub-section (3), shall render all assistance to the Public Information Officer seeking his/her assistance and be treated as a Public Information Officer for the purposes of the penalty provisions in this Act	Retained.	Retained as (5) with minor changes
6. A person desirous of obtaining information shall make a request in writing or through electronic means, to the concerned Public Information Officer specifying the particulars of the information sought by him.	6. (1) A person desirous of obtaining information shall make a request in writing or through electronic means in English or in the official language of the area in which the application is being submitted, to: (a) the Public Information Officer of the relevant public authority; (b) other designated Public Information Officers, as specified in 5 (1a) specifying the particulars of the information sought by him/her.	6. (1) A person desirous of obtaining information shall make a request in writing or through electronic means in English or in the official language of the area in which the application is being submitted, to: (a) the Public Information Officer of the relevant public authority; (b) other designated Public Information Officers, as specified in 5 (1) (a) specifying the particulars of the information sought by him/her.	Retained with minor changes

Provided that where such request cannot be made in writing the Public Information Officer shall render all reasonable assistance to the person making the request orally to reduce it in writing.	Retain	Retained.	Retained with minor changes
New Section 6 (2) Does not exist in present Act.	6 (2) An applicant for access to information shall not be required to give any reason for requesting access to that information or any other personal details except those necessary for contacting the applicant.	Retained.	Retained with minor changes
New Section 6 (3) Does not exist in the present Act.	6 (3) (1) Where an application is made to a Public Authority for information: <ul style="list-style-type: none"> (a) which is held by another Public Authority; or (b) the subject matter of which is more closely connected with the functions of another Public Authority, the first mentioned Public Authority shall transfer the application or such part of it as may be appropriate to that other Public Authority and shall inform the applicant immediately of the transfer. (2) A transfer of an application pursuant to subsection (1) shall be made as soon as practicable but not later than 5 days after the date of receipt of the application	Retained.	Retained with minor changes
7. (1) On receipt of a request under section 6, the Public Information Officer shall as expeditiously as possible and in any case within thirty days of the receipt of the request either provide the information requested on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9.	7(1) Subject to section 5, sub section (1b) above and section 7, sub-section (3)(a) below, on receipt of a request under section 6, the Public Information Officer shall as expeditiously as possible and in any case within fifteen days of the receipt of the request, either provide the information requested on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8	7(1) Subject to section 5, sub section (1) (b) above and section 7, sub-section (3)(a) below, on receipt of a request under section 6, the Public Information Officer shall as expeditiously as possible and in any case within fifteen thirty days of the receipt of the request, either provide the information requested on payment of such fee as may be prescribed or reject the request for	Retained with minor changes

<p>Provided that where the information sought for concerns the life and liberty of a person, the same should be provided within forty-eight hours of the receipt of the request:</p>	<p>and 9. Provided that where the information sought for concerns the life and liberty of a person, the same should be provided within forty-eight hours of the receipt of the request;</p> <p>7(2) If a Public Information Officer fails to give the decision on a request for access to the requestor concerned within the period contemplated in section 7(1), the Public Information Officer would, for the purposes of this Act, be regarded as having refused the request.</p>	<p>any of the reasons specified in sections 8 and 9. Provided that where the information sought for concerns the life and liberty of a person, the same should be provided within forty-eight hours of the receipt of the request;</p> <p>7(2) If a Public Information Officer fails to give the decision on a request for access to the applicant concerned within the period contemplated in section 7(1), the Public Information Officer would, for the purposes of this Act, be regarded as having refused the request.</p>	<p>Retained with minor changes</p>
<p>Provided further that where it is decided to provide the information on payment of any further fee representing the cost of providing the information, he shall send an intimation to the person making the request, giving the details of the fees determined by him, requesting him to deposit the fees and the period intervening between the dispatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to above.</p>	<p>7(3) Where it is decided to provide the information on payment of any further fee representing the cost of providing the information, the Public Information Officer shall send an intimation to the person making the request, giving:</p> <p>(a) the details of such fees as determined by him, showing the calculations as per the act, at prescribed rates, requesting him to deposit the fees, and the period intervening between the dispatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of fifteen days referred to above;</p> <p>(b) information concerning his/her rights with respect to review the decision as to the amount of fees charged and/or the form of access provided, including the contact details of the appellate authority, time limits, process and any relevant forms.</p>	<p>7(3) Where it is decided to provide the information on payment of any further fee representing the cost of providing the information, the Public Information Officer shall send an intimation to the person making the request, giving:</p> <p>(a) the details of such fees as determined by him, showing the calculations as per the Act, at prescribed rates, requesting him to deposit the fees, and the period intervening between the dispatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of fifteen thirty days referred to above;</p> <p>(b) information concerning his/her rights with respect to review the decision as to the amount of fees charged and/or the form of access provided, including the contact details of the appellate authority, time limits, process and any relevant forms.</p>	<p>Retained with minor changes.</p>

<p>New Section 7 (4) Does not exist in the present Act.</p>	<p>7 (4) Where access to a record or a part thereof is to be given under this Act and the person to whom access is to be given has a sensory disability, the public authority will provide assistance to enable access to the information, including providing assistance with inspection as appropriate.</p>	<p>Retained.</p>	<p>Retained with minor changes.</p>
<p>New Section 7(5) Does not exist in the present Act.</p>	<p>7(5)(a) Subject to sub-sections (b) and (c) below, where access to information is to be given in the form of printed copies, or copies in some other form, such as on tape, disk, film or other material, the applicant shall pay the prescribed fee. (b) Any fees payable by the applicant shall be reasonable, and shall in no case exceed the actual cost of copying the information or in the case of samples of materials the cost of obtaining the sample, and shall be set via regulations at a maximum limit taking account of the general principle that fees should not be set so high that they undermine the objectives of this Act in practice. (c)Notwithstanding subsection (a), where a public authority fails to comply with the time limits specified in section 7, any access to information to which the applicant is entitled pursuant to his request shall be provided free of charge.</p>	<p>Retained.</p>	<p>Retained with minor changes and renumbered as 7 (5) & 7 (6).</p>
<p>(2) Before taking any decision under sub-section (1), the Public Information Officer shall take into consideration the representation made by a third party under section 11.</p>	<p>Retain. Renumber 7 (6)</p>	<p>Retained.</p>	<p>Retained as 7 (7) with minor changes.</p>

<p>(3) Where a request is rejected under sub-section (2), the Public Information Officer shall communicate to the person making request,</p> <p>(i) the reasons for such rejection;</p> <p>(ii) the period within which an appeal against such rejections may be preferred;</p> <p>(iii) the particulars of the appellate authority.</p>	<p>Retain. Renumber 7 (7)</p>	<p>Retained.</p>	<p>Retained as 7 (8) with minor changes.</p>
<p>(4) Information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.</p>	<p>Retain. Renumber 7 (8)</p>	<p>Retained.</p>	<p>Retained as 7 (9) with minor changes.</p>
<p>8. (1) Notwithstanding anything herein before contained, the following information not being information relating to any matter referred to in sub-section (2), shall be exempted from disclosure, namely:-</p> <p>(a) information, the disclosure of which would prejudicially affect the sovereignty and integrity of India, security of the State, strategic scientific or economic interest of India or conduct of international relations;</p> <p>(b) information, the disclosure of which would prejudicially affect public safety and order, detection and investigation of an offence or which may lead to an incitement to commit an offence or prejudicially affect fair trial or adjudication of a pending case;</p> <p>(c) information, the disclosure of which would prejudicially affect the conduct of Centre-State relations, including information exchanged in confidence between the Central and</p>	<p>8(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any person:</p> <p>(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;</p> <p>(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 ;</p> <p>(c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature ;</p> <p>d)information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the Competent Authority is satisfied that larger</p>	<p>Retained.</p>	<p>Retained with minor changes.</p>

<p>State Governments or any of their authorities or agencies;</p> <p>(d) Cabinet papers including records of deliberation of the Council of Ministers, Secretaries and other officers;</p> <p>(e) Minutes or records of advice including legal advice, opinions or recommendations made by any officer of a public authority during the decision making process prior to the executive decision or policy formulation;</p> <p>(f) Trade or commercial secrets protected by law or information, the disclosure of which would prejudicially affect the legitimate economic and commercial interests or the competitive position of a public authority; or would cause unfair gain or loss to any person; and</p> <p>(g) Information, the disclosure of which may result in the breach of privileges of Parliament or the Legislature of a State, or contravention of a lawful order of a court.</p>	<p>public interest warrants the disclosure of such information ;</p> <p>(e) information available to a person in his fiduciary relationship, unless the Competent Authority is satisfied that the larger public interest warrants the disclosure of such information ;</p> <p>(f) information received in confidence from foreign government;</p> <p>(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes ;</p> <p>(h) information which would impede the process of investigation or apprehension or prosecution of offenders ;</p> <p>(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers, provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over; provided further that those matters which come under the exemptions listed in Section 8 shall not be disclosed.</p> <p>(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual</p>	<p>Retained.</p> <p>(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Public Information Officer or the appellate authority, as the case might be, is satisfied that the larger public interest justifies the disclosure of such information.</p> <p>Provided that the information, which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.</p> <p>Notwithstanding anything in the Official Secrets Act, 1923, nor any of the exemptions permissible in accordance with section 8 (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.</p>	<p>Retained as 8 (2) with changes: Information, which cannot be denied to the Parliament or Legislature of a State, as the case may be, shall not be denied to any person.</p> <p>Retained as 8 (3) with changes: A public authority may, notwithstanding the exemptions specified in sub-section (1), allow access to information, if public interest in disclosure of the information outweighs the harm to public authority.</p>
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	<p>unless the Information Officer or the appellate authority, as the case might be, is satisfied that the larger public interest justifies the disclosure of such information.</p> <p>Provided that the information, which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.</p> <p>Notwithstanding anything in the Official Secrets Act 1923 nor any of the exemptions permissible in accordance with section 8 (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.</p>		
<p>(2) Subject to the provisions of clause (a) of sub-section I, any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty-five years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:</p>	<p>(2) Subject to the provisions of clause (a) and (i) of sub section I of section 8, any information relating to any occurrence, event or matter which has taken place, occurred or happened ten years before the date on which any request is made under section 6 shall be provided to any person making a request under that section.</p> <p>Provided that the matters covered by Sub-Section 8(a) and Sub-Section 8(i) may be disclosed after twenty-five years.</p>	<p>(2) Subject to the provisions of clause (a) and (i) of sub section I of section 8, any information relating to any occurrence, event or matter which has taken place, occurred or happened ten years before the date on which any request is made under section 6 shall be provided to any person making a request under that section.</p> <p>Deleted:</p> <p>Provided that the matters covered by Sub-Section 8(a) and Sub-Section 8(i) may be disclosed after twenty-five years.</p>	<p>Retained as 8 (4) with minor changes.</p> <p>Deleted:</p> <p>Provided that the matters covered by Sub-Section 8(a) and Sub-Section 8(i) may be disclosed after twenty-five years.</p>
<p>Provided that where any question arises as to the date from which the said period of twenty-five years has to be computed, the decision of the Central Government shall be final.</p>	<p>Provided that where any question arises as to the date from which the said period of ten years or twenty-five has to be computed, the decision of the Union Government shall be final, subject to the usual appeals provided for in this act.</p>	<p>Provided that where any question arises as to the date from which the said period of ten years or twenty-five has to be computed, the decision of the Union Government shall be final, subject to the usual appeals</p>	<p>Retained with minor changes.</p>

		provided for in this Act.	
<p>9. Without prejudice to the provisions of section 8. A public information officer may reject a request for information also where such request-</p> <p>(a) is too general in nature or is of such a nature that, having regard to the volume of information required to be retrieved or processed would involve unreasonable diversion of the resources a public authority or would adversely interfere with the functioning of such authority:</p> <p>Provided that where such request is rejected on the ground that the request is too general, it would be the duty of the Public Information Officer to render help as far as possible to the person making request to reframe his request in such a manner as may facilitate compliance with it;</p> <p>(b) relates to information that is required by law, rules, regulations or orders to be published at a particular time and such information is likely to be so published within thirty days of the receipt of such request; or</p> <p>(c) relates to information that is contained in published material available to public;</p> <p>(d) relates to information which would cause unwarranted invasion of the privacy of any person.</p>	<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.</p>	<p>Retained.</p>	<p>Retained</p>

<p>10. (1) If a request for access to information is rejected on the ground that it is in relation to information which is exempted from disclosure, then notwithstanding anything contained in this Act, access may be given to that part of the record which does not obtain any information that is exempted from disclosure under this Act and which can reasonably be severed from any part that contains exempted information.</p>	<p>Retain</p>	<p>Retained.</p>	<p>Retained with minor changes.</p>
<p>10.(2) Where access is granted to a part of the record in accordance with sub-section (1), the person making the request shall be informed:</p> <p>(a) that only part of the record requested, after severance of the record containing information which is exempted from disclosure, is being furnished; and</p> <p>(b) of the provisions of the Act under which the severed part is exempted from disclosure.</p>	<p>10(2) Where access is granted to a part of the record in accordance with sub-section (1), the Public Information Officer shall send a notice to the applicant, advising:</p> <p>(a) that only part of the record requested, after severance of the record containing information which is exempted from disclosure, is being furnished; and</p> <p>(a) The reasons for the decision; including any findings on any material questions of fact, referring to the material on which those findings were based;</p> <p>(b) The name and designation of the person giving the decision; and</p> <p>(c) Details of the fees determined by him/her and requesting the applicant to deposit the fees;</p> <p>(d) Information concerning his/her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fees charged and/or the form of access provided, including the contact details of the appellate body, time limits, process and any relevant forms;</p>	<p>10(2) Where access is granted to a part of the record in accordance with sub-section (1), the Public Information Officer shall send a notice to the applicant, advising:</p> <p>(b) that only part of the record requested, after severance of the record containing information which is exempted from disclosure, is being furnished; and</p> <p>(e) the reasons for the decision; including any findings on any material questions of fact, referring to the material on which those findings were based;</p> <p>(f) the name and designation of the person giving the decision; and</p> <p>(g) details of the fees determined by him/her and requesting the applicant to deposit the fees;</p> <p>(h) information concerning his/her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fees charged and/or the form of access provided, including the contact details of the appellate body, time limits, process and any relevant</p>	<p>Retained with minor changes.</p>

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

<p>third party to whom the notice is given is entitled to prefer an appeal against the decision under section 12.</p>	<p>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.</p> <p>(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal against the decision under section 12(2).</p>	<p>third party.</p> <p>(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal against the decision under section 12(2).</p>	<p>Retained with minor changes.</p>
<p>Section 12(1)</p> <p>A new section to be introduced</p>	<p>12(1): (i)(a) The President shall appoint or designate a Chief Information Commissioner for all matters pertaining to the Union. Such appointment shall be made on the basis of a recommendation made by an Appointing Committee presided by the Prime Minister, with the Leader of Opposition in the Lok Sabha and the Chief Justice of India as members.</p> <p>(i)(b) The Governor shall appoint or designate a State Information Commissioner for all matters pertaining to the State. Such appointment shall be made on the basis of recommendation made by an Appointing Committee presided by the Chief Minister, with the Leader of Opposition in the Legislative Assembly and the Chief Justice of the High Court as members.</p> <p>(ii) Information Commissioners may be appointed by the President or the Governor, as the case may be, in consultation with the appropriate</p>	<p>Changed and put into a new chapter III- Central Information Commission. Refer to Annexure A, Sections 14 - 18.</p> <p>Some points were retained, others were deleted.</p>	<p>CHAPTER III – CENTRAL INFORMATION COMMISSION</p> <p>Section 12 of NAC draft has been included below as Section 16.</p> <p>Sections 14 - 18 of December 14, 2004 draft retained with changes as Sections 12 – 17.</p> <p>14 (2) of December 14 draft retained as 12 (2) (b) with changes:</p> <p>12 (2) (b) such number of Deputy Information Commissioners not exceeding ten as may be deemed necessary.</p> <p>Rest retained from December 14, 2004 draft with changes noted below:</p> <p>Added:</p> <p>12 (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</p>

	<p>Appointing Committee and the Chief Information Commissioner or State Information Commissioners, as the case may be.</p> <p>(iii) Every Chief Information Commissioner, State Information Commissioner and Information Commissioner shall be a person with wide knowledge and experience of administration and governance, and/or a person with high public stature.</p> <p>(iv) The Chief Information Commissioners and any Information Commissioners shall not be members of Parliament or members of the Legislative of any State or Union Territory and shall not hold any other office of profit and shall not be connected with any political party or be carrying on any business or practice any profession;</p> <p>(v) The requisite budgetary allocations for the emoluments and expenses, including office expenses, of the Chief Information Commissioner and of other Information Commissioners will be provided by the Government of India through special budgetary provisions made available to the respective states out of the Union Government Budget.</p> <p>(vi) The Chief Information Commissioner and of other Information Commissioners shall function autonomously without being subjected to directions by any other authority and would be under the administrative control of the Government of India, Ministry of Personnel, Administrative Reforms and Public Grievances.</p>		<p>Commission autonomously without being subjected to the directions by any other authority under this Act.</p> <p>(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;</p> <p>(6) Retained with minor changes.</p> <p>(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.</p> <p>(8) Every Deputy Information Commissioner shall perform his functions within such area as may be specified by the Central Government.</p> <p>13 (1) retained with minor changes. Added:</p> <p>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:</p> <p>Provided further that no Information Commissioner shall hold office as such after he has attained the age of sixty-five years.</p> <p>Rest retained with minor changes.</p> <p>13 (7) added: The Central Government shall provide the Information Commissioner and the Deputy Information Commissioners with such officers and employees as may be</p>
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	<p>(vii) Every person appointed as a Chief Information Commissioner or an Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office. He/she will not be eligible for reappointment.</p>		<p>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.</p>
<p>12. (1) Any person aggrieved by a decision of the Public information officer may, within thirty days of receipt of such decision, prefer an appeal to such authority as may be prescribed: Provided that such authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. (2) A second appeal against the decision under sub-section (1) shall lie within thirty days of such decision, to the Central Government or the State Government or the competent authority, as the case may be: Provided that the Central Government or the State Government or the competent authority, as the case may be, may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. (3) The appeals referred to in sub-sections (1) and (2) shall be disposed of within thirty days of the receipt of such appeals or within such extended period, as the case may be, for reasons to be recorded in writing. (4) If the decision of the public information officer against which the appeal is preferred under sub-section</p>	<p>12. (2) (i) Any person who does not receive a decision in the time period specified in Section 7(1) or 7(3)(a) above, or is aggrieved by a decision of the Public information officer may, within thirty days of the expiry of such a period or of receipt of such a decision, prefer an appeal to an appellate authority prescribed for the purpose in each department and senior in rank to the Public Information Officer. Provided that such authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. (ii) A second appeal against the decision (or lack of it), under sub-section (i), shall lie within 90 days from the time by which the decision should have been made or was actually received, with the relevant Chief/State/Information Commissioner; Provided that the relevant Chief/State/Information Commissioner may entertain an appeal after the expiry of the said period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. (iii) Where an appeal is</p>	<p>12. (1) Any person who does not receive a decision in the time period specified in Section 7(1) or 7(3)(a) above, or is aggrieved by a decision of the Public information officer may, within thirty days of the expiry of such a period or of receipt of such a decision, prefer an appeal to an appellate authority prescribed for the purpose in each department and senior in rank to the Public Information Officer. Provided that such authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. (2) A second appeal against the decision (or lack of it), under sub-section (i), shall lie within 90 days from the time by which the decision should have been made or was actually received, with the Information Commissioner; Provided that the Information Commissioner may entertain an appeal after the expiry of the said period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. (3) Where an appeal is being preferred against an</p>	<p>Retained with minor changes as Section 16.</p>

<p>(1) or (2) also relates to information of third party, the appellate authority shall give a reasonable opportunity of being heard to that third party.</p>	<p>being preferred against an order made by the Public Information Officer under Section 11 to disclose “third party” information , the appeal by the concerned third party must be made within thirty days of the order.</p> <p>(iv) If the decision of the Public Information Officer against which the appeal is preferred relates to information of a third party, the relevant Information Commissioner shall give a reasonable opportunity of being heard to that third party.</p> <p>(v) In any appeal proceedings, the onus to prove that a denial of a request was justified will be on the public authority that denied the request.</p> <p>(vi) Appeals to any appellate authority/Information Commissioner shall be disposed of within thirty days of the receipt of the appeals, or within such extended period, not exceeding a total of forty five days from the date of filing of appeal, for reasons to be recorded in writing.</p> <p>(vii) The decision of the Information Commissioner shall be binding.</p> <p>(viii) In his/her decision, the relevant Information Commissioner has the</p>	<p>order made by the Public Information Officer under Section 11 to disclose “third party” information , the appeal by the concerned third party must be made within thirty days of the order.</p> <p>(4) If the decision of the Public Information Officer against which the appeal is preferred relates to information of a third party, the relevant Information Commissioner shall give a reasonable opportunity of being heard to that third party.</p> <p>(5) In any appeal proceedings, the onus to prove that a denial of a request was justified will be on the public authority that denied the request.</p> <p>(6) Appeals to any appellate authority/Information Commissioner shall be disposed of within thirty days of the receipt of the appeals, or within such extended period, not exceeding a total of forty five days from the date of filing of appeal, for reasons to be recorded in writing.</p> <p>(7) The decision of the Information Commissioner shall be binding.</p> <p>(viii) In his/her decision,</p>	
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	<p>power to:</p> <ul style="list-style-type: none"> (a) require the public authority to take any such steps as may be necessary to bring it into compliance with the Act, including by: <ul style="list-style-type: none"> (i) providing access to information, including in a particular form; (ii) appointing an information officer; (iii) publishing certain information and/or categories of information; (iv) making certain changes to its practices in relation to the keeping, management and destruction of records; (v) enhancing the provision of training on the right to information for its officials; (vi) providing him or her with an annual report, in compliance with section 4(b); (b) require the public body to compensate the complainant for any loss or other detriment suffered; (c) impose any of the penalties available under this Act; (d) reject the application. 	<p>the relevant Information Commissioner has the power to:</p> <ul style="list-style-type: none"> (a) require the public authority to take any such steps as may be necessary to bring it into compliance with the Act, including by: <ul style="list-style-type: none"> (i) providing access to information, including in a particular form; (ii) appointing an information officer; (iii) publishing certain information and/or categories of information; (iv) making certain changes to its practices in relation to the keeping, management and destruction of records; (v) enhancing the provision of training on the right to information for its officials; (vi) providing him or her with an annual report, in compliance with section 4(b); (b) require the public body to compensate the complainant for any loss or other detriment suffered; (c) impose any of the penalties available under this Act; (d) reject the application. <p>(9) The Information Commissioner shall serve notice of his/her decision, including any rights of appeal, on both the complainant and the public authority.</p>	
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	<p>(ix) The Information Commissioner shall serve notice of his/her decision, including any rights of appeal, on both the complainant and the public authority.</p> <p>(x) A decision of the Information Commissioner may be appealed to the High Court or the Supreme Court, on any point of fact and law.</p>	<p>(10) A decision of the Information Commissioner may be appealed to the High Court or the Supreme Court, on any point of fact and law.</p>	
<p>Section 12(3)</p> <p>A new section to be introduced</p>	<p>12(3) Powers of the Chief Information Commissioner/State Information Commissioners/Information Commissioners</p> <p>(1) Subject to this Act, the Chief Information Commissioner /State Information Commissioners shall receive and investigate complaints from persons:</p> <p>(a) who have been unable to submit a request to a Public Information Officer, either because none has been appointed as required under the Act or because the Public Information Officer has refused to accept their application;</p> <p>(b) who have been refused access to information requested under this Act;</p> <p>(c) who have not been given a response or access to information within the time limits required under this Act;</p> <p>(d) who have been required to pay an amount under the</p>	<p>Changed and put into a new chapter III- Central Information Commission. Refer to Annexure A.</p> <p>Retained as Section 18 with changes.</p>	<p>Retained in new chapter III as Section 15 with minor changes.</p> <p>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:</p> <p>(a) who has been unable to submit a request to a Public Information Officer, either by reason that no such officer has been appointed under this Act, or because the Assistant Public Information Officer has refused to accept his or her application for forwarding the same to the public authority or the appropriate Government;</p> <p>(b) who have been refused access to any information requested under this Act;</p> <p>(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;</p> <p>(d) who has been required to pay an amount of fee which he or she considers unreasonable;</p> <p>(e) who believe that he or she has been</p>

	<p>fees provisions that they consider unreasonable;</p> <p>(e) who believe that they have been given incomplete, misleading or false information under this act;</p> <p>(f) in respect of any other matter relating to requesting or obtaining access to records under this Act.</p> <p>(2) Where a Chief Information Commissioner/State Information Commissioner/Information Commissioner is satisfied that there are reasonable grounds to investigate a matter relating to requesting or obtaining access to records under this Act, he/she may initiate a complaint in respect thereof.</p> <p>(3) The Chief Information Commissioner/State Information Commissioners/Information Commissioners have, in relation to the carrying out of the investigation of any complaint under this Act, power:</p> <p>(a) to summon and enforce the appearance of persons and compel them to give oral or written evidence on oath and to produce such documents and things as the Commissioner deems requisite to the full investigation and consideration of the complaint, in the same manner and to the same extent as a superior court of record;</p> <p>(b) to administer oaths;</p>		<p>given incomplete, misleading or false information under this Act; and</p> <p>(f) in respect of any other matter relating to requesting or obtaining access to records under this Act.</p> <p>(2) Where the Commission is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof.</p> <p>(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:</p> <p>(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;</p> <p>(b) requiring the discovery and inspection of documents;</p> <p>(c) receiving evidence on affidavit;</p> <p>(d) requisitioning any public record or copies thereof from any court or office;</p> <p>(e) issuing summons for examination of witnesses or documents; and</p> <p>(f) any other matter which may be prescribed.</p> <p>(4) Notwithstanding anything consistent contained in any other Act of Parliament, the Commission may, during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the public authority, and no such record may be withheld from any it on any grounds.</p>
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	<ul style="list-style-type: none">(c) to receive and accept such evidence and other information, whether on oath or by affidavit or otherwise, as the relevant Information Commissioner sees fit, whether or not the evidence or information is or would be admissible in a court of law;(d) to enter any premises occupied by any government institution on satisfying any security requirements of the institution relating to the premises;(e) to converse in private with any person in any premises entered pursuant to paragraph (d) and otherwise carry out therein such inquiries within the authority of the Chief Information Commissioner under this Act as the Commissioner sees fit; and(f) to examine or obtain copies of or extracts from books or other records found in any premises entered pursuant to paragraph (d) containing any matter relevant to the investigation.(g) To impose the penalties prescribed under this act, after giving due opportunity to the concerned official of being heard.		
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	<p>(4) Notwithstanding any other Act of Parliament or any privilege under the law of evidence, an Chief Information Commissioner /State Information Commissioners/Information Commissioners may, during the investigation of any complaint under this Act, examine any record to which this Act applies that is under the control of a government institution, and no such record may be withheld from any Commissioner on any grounds.</p> <p>(5)All the powers of the Chief Information Commissioner would also be enjoyed by the State Information Commissioners and other Information Commissioners, within their jurisdictions.</p>		
<p>Section 12 (4) New section to be inserted.</p>	<p>12(4) Penalties</p> <p>(1) Subject to sub-section (3), where any Public Information Officer has, without any reasonable cause, failed to supply the information sought, within the period specified under section 7(1), the relevant Information Commissioner shall, on appeal, impose a penalty of rupees two hundred and fifty, which amount must be increased by regulation at least once every five years, for each day's delay in furnishing the information, after giving such Public Information Officer a reasonable opportunity of being heard.</p> <p>(2) Subject to sub-section (3), where it is found in appeal that any Public Information Officer has –</p> <p>(i) Refused to receive an application for</p>	<p>13 Penalties</p> <p>(1) Subject to sub-section (3), where any Public Information Officer, or any other officer who holds or is responsible for holding the information, as the case may be has, without any reasonable cause, failed to supply the information sought, within the period specified under section 7(1), the relevant Information Commissioner shall, on appeal, impose a penalty of rupees two hundred and fifty, which amount must be increased by regulation at least once every five years, for each day's delay in furnishing the information, after giving such Public Information Officer or the other officer, as the case may be, a reasonable opportunity of being heard. Provided that the penalty</p>	<p>Drastically curtailed and included as Section 17:</p> <p>17. (1) Notwithstanding anything contained in the provisions of section 20, where the Commission at the time of deciding any appeal is of the opinion that the Public Information Officer has persistently failed to provide information without any reasonable cause within the period specified under sub-section (1) of section 7, the Commission may authorize any officer of the Central Government to file a complaint against such Public Information Officer before a Judicial Magistrate of First Class.</p> <p>(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-</p>

	<p>information;</p> <p>(ii) Mala fide denied a request for information;</p> <p>(iii) Knowingly given incorrect or misleading information,</p> <p>(iv) Knowingly given wrong or incomplete information,</p> <p>(v) Destroyed information subject to a request, or</p> <p>(vi) Obstructed the activities of a Public Information Officer, any Information Commissioner or the courts;</p> <p>He/she would have committed an offence and will be liable upon summary conviction to a fine of not less than rupees two thousand and imprisonment of up to five years, or both.</p> <p>(3) An officer whose assistance has been sought by the Public Information Officer for the performance of his/her duties under this Act shall be liable for penalty as prescribed in sub-sections (1) and (2) jointly with the Public Information Officer or severally as may be decided by the relevant Information Commissioner.</p> <p>(4) Any fines imposed under sub-sections (1), (2) and (3) shall be recoverable from the salary of the concerned officer, including the Public Information Officer, or if no salary is drawn, as an arrears of land revenue, recoverable within a maximum of six months of the order imposing the fine.</p> <p>(5) The Public Information Officer or any other officer on whom the penalty under sub-sections (1), (2) and (3) is imposed shall also be</p>	<p>so determined shall not exceed the sum of rupees twenty five thousand.</p> <p>(2) Subject to sub-section (3), where it is found in appeal that any Public Information Officer has –</p> <p>(i) Refused to receive an application for information;</p> <p>(ii) Mala fide denied a request for information;</p> <p>(iii) Knowingly given incorrect or misleading information,</p> <p>(iv) Knowingly given wrong or incomplete information,</p> <p>(v) Destroyed information subject to a request, or</p> <p>(vi) Obstructed the activities of a Public Information Officer, any Information Commissioner or the courts; he/she would have committed an offence and will be liable upon summary conviction to a fine of not less than rupees two thousand, but not exceeding rupees twenty five thousand, and imprisonment of up to five years, or both.</p> <p>(3) An officer whose assistance has been sought by the Public Information Officer for the performance of his/her duties under this Act shall be liable for penalty as prescribed in sub-sections (1) and (2) jointly with the Public Information Officer or severally as may be decided by the relevant Information Commissioner.</p> <p>(4) Any fines imposed under sub-sections (1), (2) and (3) shall be recoverable from the salary of the</p>	<p>five thousand or a term of imprisonment which may extend to five years, or with both.</p> <p>Rest Deleted!</p>
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	liable to appropriate disciplinary action under the service rules applicable to him. Provided that in cases where the officer is proved guilty of deliberate denial of information or misinformation, the punishment imposed shall be a major penalty, i.e., dismissal or removal or reduction in rank.	concerned officer, including the Public Information Officer, or if no salary is drawn, as an arrears of land revenue, recoverable within a maximum of six months of the order imposing the fine. (5) The Public Information Officer or any other officer on whom the penalty under sub-sections (1), (2) and (3) is imposed shall also be liable to appropriate disciplinary action under the service rules applicable to him. Provided that in cases where the officer is proved guilty of deliberate denial of information or misinformation, the punishment imposed shall be a major penalty, i.e., dismissal or removal or reduction in rank.	
CHAPTER III MISCELLANEOUS	CHAPTER III MISCELLANEOUS	This has been retained as CHAPTER III MISCELLANEOUS But now there are 2 chapters numbered Chapter III. This should rightfully be Chapter IV.	CHAPTER IV MISCELLANEOUS
13. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.	Retain	Retained as 19.	Retained as 18.
14. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.	Retain	Retained as 20.	Retained as 19.
15. No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in	Retain	Retained as 21.	Retained as 20.

<p>question otherwise than by way of an appeal under this Act.</p>			
<p>16. (1) Nothing contained in this Act shall apply to the intelligence and security organisations, specified in the Schedule being organisations established by the Central Government or any information furnished by such organisations to that Government.</p> <p>(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.</p> <p>(3) Every notification issued under sub-section (2) shall be laid before each house of parliament.</p> <p>(4) Nothing contained in this Act shall apply to such intelligence and security organisations which may be specified, by a notification in the official gazette, by a state Government from time to time.</p> <p>(5) Every notification issued under sub section (4), shall be laid before the state legislature.</p>	<p>16. (1) Nothing contained in this Act shall apply to the intelligence and security organisations, specified in the Schedule being organisations established by the Union Government or any information furnished by such organisations to that Government.</p> <p>Provided that information pertaining to alleged violations of human rights, to the life and liberty of human beings and to the allegations of corruption will not be excluded under this clause.</p> <p>(2) The Union Government may, by notification in the official Gazette, amend the Schedule by including therein any other intelligence or security organisation established by that government or omitting therefrom any organisation already specified therein and on the publication of such notification, such organisation shall be deemed to be included in or, as the case may be omitted from the Schedule.</p> <p>(3) Every notification issued under sub-section (2) shall be laid before each house of parliament.</p> <p>(4) Nothing contained in this Act shall apply to such intelligence and security organisations which may be specified, by a notification in the official gazette, by a state Government from time to time. Provided that information pertaining to alleged violations of human rights, to the life and liberty of human beings and to the allegations of corruption will not be excluded under this clause</p>	<p>22. (1) Nothing contained in this Act shall apply to the intelligence and security organisations, specified in the Schedule being organisations established by the Union Government or any information furnished by such organisations to that Government.</p> <p>Provided that information pertaining to alleged violations of human rights, to the life and liberty of human beings and to the allegations of corruption will not be excluded under this clause.</p> <p>(2) The Union Government may, by notification in the official Gazette, amend the Schedule by including therein any other intelligence or security organisation established by that government or omitting therefrom any organisation already specified therein and on the publication of such notification, such organisation shall be deemed to be included in or, as the case may be omitted from the Schedule.</p> <p>(3) Every notification issued under sub-section (2) shall be laid before each house of parliament.</p> <p>(4) Nothing contained in this Act shall apply to such intelligence and security organisations which may be specified, by a notification in the official gazette, by a state Government from time to time. Provided that information pertaining to alleged violations of human rights, to the life and liberty of human beings and to</p>	<p>Retained as 21 with changes. Added since December 14 draft: Provided that the information pertaining to the allegations of corruption shall not be excluded under this sub-section.</p> <p>But security and intelligence agencies continue to be exempted for human rights violations and violations of life and liberty of human beings.</p> <p>(4) & (5) deleted.</p>

	(5) Every notification issued under sub section (4), shall be laid before the state legislature.	the allegations of corruption will not be excluded under this clause (5) Every notification issued under sub section (4), shall be laid before the state legislature.	
Section 16A: New section to be inserted.	16A Monitoring and Reporting 1. The Chief Information Commissioners/State Information Commissioners/Information Commissioners shall, as soon as practicable after the end of each year, prepare a report on the implementation of this Act during that year and cause a copy of the report to be laid before the legislatures of the concerned state and each House of the Parliament. 2. Each responsible department/ministry shall, in relation to the public authorities within their jurisdiction, collect and provide such information to the Chief/State/ Information Commissioners as is required to prepare the report under this section, and shall comply with any prescribed requirements concerning the furnishing of that information and the keeping of records for the purposes of this section. 3. Each report shall, at a minimum, state in respect of the year to which the report relates: (a) the number of requests made to each public authority; (b) the number of decisions that an applicant was not entitled to access to a document pursuant to a request, the provisions of this Act under which these decisions were made and the number of times each provision was invoked; (c) the number of appeals sent to the Information Commissioners for review, the nature of the complaints and the outcome of the appeals;.	23 Monitoring and Reporting 1. The Information Commissioner shall, as soon as practicable after the end of each year, prepare a report on the implementation of this Act during that year and cause a copy of the report to be laid before the legislatures of the concerned state and each House of the Parliament. 2. Each responsible department/ministry shall, in relation to the public authorities within its jurisdiction, collect and provide such information to the Information Commissioner as is required to prepare the report under this section, and shall comply with any prescribed requirements concerning the furnishing of that information and the keeping of records for the purposes of this section. Retained.	Retained as Section 22 with some changes.

	<p>(d) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;</p> <p>(e) the amount of charges collected by each public authority under this Act;</p> <p>(f) any facts which indicate an effort by public authorities to administer and implement the spirit and intention of this Act;</p> <p>(g) recommendations for reform, including recommendations in respect of particular public authorities, for the development, improvement, modernisation, reform or amendment of this Act or other legislation or common law or any other matter relevant to operationalising the right to access information, as appropriate.</p> <p>4. The Union Government Ministry responsible for the administration of this Act, as soon as practicable after the end of each year, prepare a summary report on the implementation of this Act during that year and cause a copy of the report to be laid before the concerned state legislatures and each House of the Parliament, drawing on the information provided in the reports of the Chief Information Commissioners for each State.</p> <p>5. If it appears to any Chief Information Commissioner that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with provisions or spirit of the Act , s/he may give to the authority a recommendation specifying the steps which ought in his/her opinion to be taken for promoting such conformity.</p>		
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<p>Section 16B</p> <p>New section to be inserted.</p>	<p>16B (1) The Government must, to the extent that financial and other resources are available:</p> <ul style="list-style-type: none"> (a) develop and conduct educational programmes to advance the understanding of the public, in particular of disadvantaged communities, of this Notification and of how to exercise the rights contemplated in this Act; (b) encourage public authorities to participate in the development and conduct of programmes referred to in paragraph (a) and to undertake such programmes themselves; and (c) promote timely and effective dissemination of accurate information by public authorities about their activities. (d) train information officers of public authorities and/or produce relevant training materials for use by authorities themselves. <p>(2) The Government must, within 18 months of this Act coming into force, compile in each official language a guide containing such</p>	<p>Retained as 24.</p>	<p>Retained as 23 with some changes.</p>
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	<p>information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in this Act.</p> <p>(3)The Government must, if necessary, update and publish the guide at regular intervals The guide must, without limiting the generality of subsection (2), include a description of-</p> <ul style="list-style-type: none">(a) the objects of this Act;(b) the postal and street address, phone and fax number and, if available, electronic mail address of the Public Information Officer of every public authority as appointed under subsection (1) of section 5(c) the manner and form of a request for access to a information of a public authority;(d) the assistance available from and the duties of Public Information Officers of a public authority in terms of this Act;(e) the assistance available from the Information Commissioners in terms of this Act;(f) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or		
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	<p>imposed by this Act, including the manner of lodging an appeal with the appellate authorities/ Chief/State/Information Commissioners and a court against a decision by the Public Information Officer of a public authority;</p> <p>(g) the provisions providing for the voluntary disclosure of categories of records in accordance with section 4;</p> <p>(h) the notices regarding fees to be paid in relation to requests for access; and</p> <p>(i) any additional regulations or circulars relevant to obtaining access to information in accordance with this Act.</p> <p>(4) The Government must, if necessary, update and publish the guide at regular intervals.</p>		
17. (1) The Central Government may by notification in the Official Gazette, make rules to carry out the provisions of this Act.	Retain	Retained as 25.	Retained as 24 with some changes.
(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	Retain	Retained.	Retained.
(a) intervals at which matters referred to in sub-clauses (i) to (vi) of clause (b) of section 4 shall be published.	Retain	Retained.	Retained with some changes.

(b) The fee payable under sub-section (1) of section 7;	Retain	Retained.	Retained with some changes. b) the fee payable under sub-section (1) of section 6; c) the fee payable under sub-section (1) of section 7; d) 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;
(c) The authority before whom an appeal may be preferred under sub-section (1) of section 12;	Retain	Retained. Retained.	Retained as (e) with some changes. (f) added: the procedure to be adopted by the Commission in deciding the appeals under sub-section (10) of section 16; and
(d) any other matter which is required to be, or may be, prescribed.	Retain	Retained.	Retained as (g) with some changes.
		(3) The Central Government may also make rules with respect to the number of members of the staff of the Commission and their conditions of service.	Deleted.
18. (1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of the Act.	Retain	Retained as 26.	Retained as 25 with some changes. References to State Government deleted.
(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:-	Retain	Retained.	Retained. (i) & (ii) added: (i) intervals at which matters referred to in sub-clauses (i) to (iv) of clause (b) of sub-section (1) of section 4 shall be published; (ii) the fee payable under sub-section (1) of section 6;
(a) the fee payable under sub-section (1) of section 7:	Retain	Retained.	Retained as (iii)
(b) the authority before whom an appeal may be preferred under sub-section (1) of section 12:	Retain	Retained.	Retained as (iv) with minor changes.
(c) any other matter which is required to be, or may be prescribed:	Retain	Retained.	Retained as (v) with minor changes.
Provided that initially the rules shall be	Retain	Deleted.	

made by the Central Government by notification in the official gazette.			
19. (1) The competent authority may, by notification in the official gazette make rules to carry out the provisions of this Act.	Retain	Retained as 27 with some changes.	27 & 28 retained as a single section, 26, with changes: 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) 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:-	Retain	Retained with some changes.	
(a) the fee payable under sub-section (1) of section 7:	Retain	Retained.	
(b) the authority before whom an appeal may be preferred under sub-section (1) of section 12;	Retain	Retained.	
(c) any other matter which is required to be, or may be, prescribed.	Retain	Retained.	
20. (1) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each house of parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before	Retain	Retained as 28.	Collapsed into 26 above with changes.

the expiry of the session immediately following the session or the successive sessions aforesaid, both houses agree in making any modification in the rule or both houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.			
(2) Every rule made under this Act by a State Government shall be laid, as soon as may be after it is notified, before the State Legislature.	Retain	Retained.	
21. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the official gazette, make such provision not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:	Retain	Retained as 29.	Retained as 27 with some changes.
Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.	Retain	Retained.	Retained as 27 with some changes.
(2) Every order made under this section shall as soon as may be after it is made, be laid before the houses of parliament.	Retain	Retained.	Retained as 27 with some changes.
			28 Added: The Freedom of Information Act, 2002 is hereby repealed.

<p style="text-align: center;">THE SCHEDULE (See section 16)</p> <p>Intelligence and Security Organisations Established by the Central Government</p> <ol style="list-style-type: none"> 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. 6. Narcotics Control Bureau. 7. Aviation Research Centre. 8. Special Frontier Force. 9. Border Security Force. 10. Central Reserve Police Force. 11. Indo Tibetan Border Police. 12. Central Industrial Security Force. 13. National Security Guards. 14. Assam Rifles. 15. Special Service Bureau. 16. Special Branch (CID), Andaman and Nicobar. 17. The Crime Branch-CID, - CB, Dadra and Nagar Haveli. 18. Directorate of Vigilance including Anti Corruption Branch, National Capital Territory of Delhi. 19. Special Branch, Lakshadweep Police. 	<p style="text-align: center;">THE SCHEDULE (See section 16 (1))</p> <p>Intelligence and Security Organisations Established by the Central Government</p> <ol style="list-style-type: none"> 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. 6. Narcotics Control Bureau. 7. Aviation Research Centre. 8. Special Frontier Force. 9. Border Security Force. 10. Central Reserve Police Force. 11. Indo Tibetan Border Police. 12. Central Industrial Security Force. 13. National Security Guards. 14. Assam Rifles. 15. Special Service Bureau. 16. Special Branch (CID), Andaman and Nicobar. 17. The Crime Branch-CID, - CB, Dadra and Nagar Haveli. 18. Directorate of Vigilance including Anti Corruption Branch, National Capital Territory of Delhi. 19. Special Branch, Lakshadweep Police. 	<p>Retained.</p>	<p>Retained with one change. See below.</p> <p>Deleted:</p> <p>18. Directorate of Vigilance including Anti Corruption Branch, National Capital Territory of Delhi.</p> <p>19 retained as 18:</p> <p>18. Special Branch, Lakshadweep Police.</p>
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Annexure A
Chapter added to December 14, 2004 Draft
Chapter III – CENTRAL INFORMATION COMMISSION

- 14 (1): There shall be constituted a body to be known as the Central Information Commission to exercise the powers conferred upon, and to perform the functions assigned to it under this Act.
- (2) The Commission shall consist of –
- (a) a Information Commissioner
 - (b) such number of Deputy Information Commissioners as are required.
- (3) The Information Commissioner and the Deputy Information Commissioners shall be appointed from amongst persons with wide knowledge and experience of administration and governance, and/or persons with high public stature.
- (4) The Headquarter of the Commission shall be at New Delhi.

15. (1) The Information Commissioner and the Deputy Information Commissioner shall be appointed by the President.
Provided that every appointment under this sub-section shall be made after obtaining the recommendation of a Committee consisting of –

- | | | |
|---|---|--------------|
| (a) the Prime Minister | - | Chairperson; |
| (b) the Leader of the Opposition in the House of the People | - | Member; |
| (c) Chief Justice of India | - | Member. |

Explanation – For the purpose of this sub-section, “the Leader of the Opposition in the House of the People” shall, when so such Leader has been so recognized, include the Leader of the single largest group in opposition of the Government in the House of the People.

- (2) No appointment of a Information Commissioner or Deputy Information Commissioner shall be invalid merely by reason of any vacancy in the Committee.
- (3) The Information Commissioner and any Deputy Information Commissioner shall not be members of Parliament or members of the Legislative Assembly of any State or Union Territory and shall not hold any other office of profit and shall not be connected with any political party or be carrying on any business or practice any profession.

16. (1) Subject to the provisions of sub-sections (3) and (4), 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. The Information Commissioner, on ceasing to hold the office, shall be ineligible for reappointment in the Commission.

- (2) Subject to the provisions of sub-section (3) and (4), every Deputy Information Commissioner shall hold office for a term of four years form 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, on ceasing to hold the office, shall be eligible for appointment as the Information Commissioner in the manner specified in sub-section (1) of section 15:

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

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

(4) The Information Commissioner or Deputy Information Commissioner may, by writing under his hand addressed to the President, resign his office.

(5) The Information Commissioner or a Deputy Information Commissioner may be removed from his office in the manner provided in section 16.

(6) On ceasing to hold office, the Information Commissioner and every other Deputy Information Commissioner shall be ineligible for –

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

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

(7) The salary and allowances payable; to and the other conditions of service of -

(a) the Information Commissioner shall be the same as those of the Secretary to the Government of India;

(b) the Deputy Information Commissioner shall be the same as those of Joint Secretary to the Government of India;

Provided that if the Information Commissioner or any Deputy Information Commissioner is, at the time of his appointment, in receipt of a pension (other than a disability or wound pension) in respect to 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 any 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 any Deputy Information Commissioner is, at the time of his appointment, in receipt of retirement benefits in respect of any previous service rendered in a corporation established by or under any Central Act or a Government Company owned or controlled by a Central Government, his salary in respect of the service as the Information Commissioner or, as the case may be, the Deputy Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits.

Provided also that the salary, allowances and pension payable to, and the other conditions of service of, the Information Commissioner or any Deputy Information Commissioner shall not be varied to his disadvantage after his appointment.

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

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

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

(a) is adjudged an insolvent; or

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

(4) If the Information Commissioner or any Deputy Information Commissioner is or becomes 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.

Powers of the Information Commissioner

18 (1) The Information Commissioner shall be assisted by the Deputy Information Commissioners and he shall function autonomously without being subjected to directions by any other authority and would be under the administrative control of the Government of India, Ministry of Personnel, Public Grievances & Pensions.

(2) Subject to this Act, the Information Commissioner shall receive and investigate complaints from persons:

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

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

(4) The Information Commissioner shall have, in relation to the carrying out of the investigation of any complaint under this Act, power:

- (g) to summon and enforce the appearance of persons and compel them to give oral or written evidence on oath and to produce such documents and things as the Commissioner deems requisite to the full investigation and consideration of the complaint, in the same manner and to the same extent as a superior court of record;

- (h) to administer oaths;
- (i) to receive and accept such evidence and other information, whether on oath or by affidavit or otherwise, as the relevant Information Commissioner sees fit, whether or not the evidence or information is or would be admissible in a court of law;
- (j) to enter any premises occupied by any government institution on satisfying any security requirements of the institution relating to the premises;
- (k) to converse in private with any person in any premises entered pursuant to paragraph (d) and otherwise carry out therein such inquiries within the authority of the Chief Information Commissioner under this Act as the Commissioner sees fit; and
- (l) to examine or obtain copies of or extracts from books or other records found in any premises entered pursuant to paragraph (d) containing any matter relevant to the investigation.
- (m) To impose the penalties prescribed under this act, after giving due opportunity to the concerned official of being heard.

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