

(See page 36, para 41.0 of the Report)

THE RIGHT TO INFORMATION BILL, 2004

(AS AMENDED BY THE STANDING COMMITTEE)

[Words underlined indicate the amendments/insertions suggested by the Committee, asterisks indicate deletions]

A

BILL

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

WHEREAS the Constitution of India has established democratic Republic; and

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

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

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

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

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

CHAPTER I

PRELIMINARY

- | | | |
|----|---|---|
| 1. | (1) This Act may be called the Right to Information Act, 2004. | Short title,
extent and
commencement. |
| | (2) It extends to the whole of India except the State of Jammu and Kashmir. | |
| | (3) It shall come into force on the one hundred and twentieth day of its enactment. | |

2. In this Act, unless the context otherwise requires,— Definitions.

(aa) “appropriate Government” means in relation to a public authority which is established, constituted, owned or substantially financed -

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

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

(a) “Central Information Commission” means the Central Information Commission constituted under sub-section (1) of section 12;

(b) “competent authority” means—

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

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

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

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

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

(c) *****

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

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

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

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

(i) by or under the Constitution;

(ii) by any other law made by Parliament;

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

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

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

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

(i) "record" includes—

(i) any document, manuscript and file;

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

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

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

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

(i) inspection of work, documents, records;

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

(iii) taking certified samples of material;

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

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

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

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

section 17A:

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

CHAPTER II

RIGHT TO INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES

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

Right to information.

4. (1) Every public authority shall—

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

Obligations of public authorities.

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

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

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

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

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

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

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

(vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the

formulation of its policy or administration thereof;

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

(ix) a directory of its officers and employees;

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

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

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

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

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

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

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

(xvii) such other information as may be prescribed;

and thereafter update these publications every year;

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

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

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

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

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

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

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

Designation of
Central or State
Public
Information
Officers.

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

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

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

(3) Every Central or State Public Information Officer shall deal with requests from persons seeking

information and render reasonable assistance to the persons seeking such information.

(4) *****

(5) *****

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

Request for obtaining information.

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

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

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

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

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

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

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

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

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

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

7. (1) Subject the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the

Disposal of request.

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

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

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

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

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

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

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

(5) Where access to information is to be provided in the printed or in any electronic format, the applicant shall,

subject to sub-section (6), pay such fee as may be the prescribed.

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

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

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

(i) the reasons for such rejection;

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

(iii) the particulars of the appellate authority.

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

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

Exemption from disclosure of information.

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

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

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

(d) information the disclosure of which will lead to identification of an informer or his sources of

information or which would endanger the life or safety of any person for having furnished material information useful to the Indian nation or would materially hamper investigations into crimes or other law enforcement activities;

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

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

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

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

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

(3) A public authority may, notwithstanding the exemptions specified in sub-section (1), allow access to information if public interest in disclosure of the information outweighs the harm to the public authority.

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

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

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

Grounds for rejection to access in certain cases.
Severability

10. (1) Where a request for access to information is Severability.

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

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

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

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

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

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

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

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

Third party information.

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

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

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

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

CHAPTER III

THE CENTRAL INFORMATION COMMISSION

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

Constitution of
Central
Information
Commission.

(2) **The Central Information Commission shall consist of—**

(a) **the Central Information Commissioner; and**

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

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

committee consisting of-

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

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

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

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

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

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

Terms of office and conditions of service.

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

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

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

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

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

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

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

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

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

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

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

Provided that if the Central Information Commissioner or a Central Deputy Information Commissioner, at the time of his appointment is, in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or under the

Government of a State, his salary in respect of the service as the Central Information Commissioner or a Central Deputy Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

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

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

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

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

Removal of
Information
Commissioner
or Deputy
Information
Commissioner.

such ground be removed.

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

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

(a) is adjudged an insolvent; or

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

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

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

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

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

CHAPTER III A

THE STATE INFORMATION COMMISSION AND PUBLIC INFORMATION OFFICER

14A. (1) Every State Government shall, by notification in

the Official Gazette, constitute a body to be known as the(name of the State) Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

Constitution of
State
Information
Commission.

(2) The State Commission shall consist of—

(a) the State Information Commissioner; and

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

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

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

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

(iii) the Chief Justice of High Court.

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

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

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

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

places in the State.

14B. (1) The State Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment:

Term of office and conditions of service.

Provided that the State Government may extend the term of five years by one more year if recommended by the committee referred to in sub-section (3) of section 14A:

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

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

Provided that every State Deputy Information Commissioner shall, on vacating his office under this sub-section, be eligible for appointment as the State Information Commissioner in the manner specified in sub-section (3) of section 14A:

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

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

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

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

(5) The salaries and allowances payable to and other

terms and conditions of service of—

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

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

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

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

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

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

14C. (1) Subject to the provisions of sub-section (3), the State Information Commissioner or any State Deputy Information Commissioner shall be removed from his office only by order of the Governor on the ground of

Removal of State Information Commissioner

proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the Governor, has, on inquiry, reported that the State Information Commissioner or any State Deputy Information Commissioner, as the case may be, ought on such ground be removed.

or State Deputy Information Commissioner.

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

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

(a) is adjudged an insolvent; or

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

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

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

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

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

CHAPTER III B

POWERS AND FUNCTIONS OF THE INFORMATION COMMISSIONS, APPEAL AND PENALTIES

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

Powers and functions of Central or State Information Commissions.

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

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

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

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

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

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

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

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

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

(b) requiring the discovery and inspection of

documents;

(c) receiving evidence on affidavit;

(d) requisitioning any public record or copies thereof from any court or office;

(e) issuing summons for examination of witnesses or documents; and

(f) any other matter which may be prescribed.

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

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

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

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

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

(3) Where an appeal is preferred against an order made

by the Central or the State Public Information Officer under section 11 to disclose third party information, the appeal by the concerned third party shall be made within thirty days from the date of the order.

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

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

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

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

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

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

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

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

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

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

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

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

(b) require the public authority to compensate the

complainant for any loss or other detriment suffered;

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

(d) reject the application.

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

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

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

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

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

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

CHAPTER IV

MISCELLANEOUS

- 19 of 1923.
- 18.** No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder. Protection of action taken in good faith.
- 19.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act. Act to have overriding effect.
- 20.** No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act. Bar of jurisdiction of courts.
- 21.(1)** Nothing contained in this Act shall apply to the intelligence and security organisations specified in the Second Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government: Act not to apply to certain organization.
- Provided that the information pertaining to the allegations of violation of human rights or corruption shall not be excluded under this sub-section.
- (2) The Central Government may, by notification in the Official Gazette, amend the Schedule by including therein any other intelligence or security organisation established by that Government or omitting therefrom any organisation already specified therein and on the publication of such notification, such organisation shall be deemed to be included in or, as the case may be, omitted from the Schedule.
- (3) Every notification issued under sub-section (2) shall be laid before each House of Parliament.
- (4) Nothing contained in this Act shall apply to such intelligence and security organisations which may be specified, by a notification in the Official Gazette, by a State Government from time to time.
- (5) Every notification issued under sub-section (4) shall be laid before the State Legislature.

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

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

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

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

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

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

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

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

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

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

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

(5) If it appears to the Central Information or the State Information Commission that the

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

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

Appropriate
Government to
prepare
programmes.

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

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

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

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

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

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

(a) the objects of this Act;

(b) the postal and street address, the phone and fax number and, if available, electronic mail address of the Central Public Information Officer or the State Public Information Officer of every public authority appointed under sub-section (1) of section 5;

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

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

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

(f) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act including the manner of filing an appeal to the

Central Information Commission or, as the case may be, the State Information Commission;

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

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

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

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

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

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

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

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

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

(d) the fee payable under sub-sections (1) and (5) of section 7;

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

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

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

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

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

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

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

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

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

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

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.

Laying of rules.

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

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

Power to remove difficulties.

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

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

5 of 2003.

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

Repeal.

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

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

“I,, having been appointed Central Information
Commissioner/State Information Commissioner/Central Deputy
Information Commissioner/State Deputy Information Commissioner
swear in the name of God that I will bear true faith and allegiance to
the

solemnly affirm

Constitution of India as by law established, that I will uphold the
sovereignty and integrity of India, that I will duly and faithfully and
to the best of my ability, knowledge and judgment perform the duties
of my office without fear or favour, affection or ill-will and that I
will uphold the Constitution and the laws.”

THE SECOND SCHEDULE
(See section 21)

INTELLIGENCE AND SECURITY ORGANISATION
ESTABLISHED BY THE CENTRAL GOVERNMENT

1. Intelligence Bureau.
2. Research and Analysis Wing of the Cabinet Secretariat.
3. Directorate of Revenue Intelligence.
4. Central Economic Intelligence Bureau.
5. Directorate of Enforcement.
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-C.I.D.- CB, Dadra and Nagar Haveli.
18. Special Branch, Lakshadweep Police.

STATEMENT OF OBJECTS AND REASONS

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

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

The Bill seeks to achieve the above objects.

NEW DELHI; SURESH PACHOURI.

The 18th December, 2004 .

Notes on clauses

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

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

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

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

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

Clause 6 specifies the manner in which requests may be made by a citizen to the authority for obtaining the information. It also provides for transferring the request to the other concerned public authority who may hold the information.

Clause 7 lays down specific time limit within which a public authority shall provide information and the fees to be paid for processing the request and for providing the information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Clause 25 seeks to empower the competent authority to make rules so as to carry out the provisions of the legislation.

Clause 26 seeks to require the Central Government to lay the rules before each House of Parliament.

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

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

FINANCIAL MEMORANDUM

1. Sub-clauses (1) and 2 of clause 12 provide for constituting the Central Information Commission which shall consist of a Information Commissioner and such number of Deputy Information Commissioners, not exceeding ten, as may be deemed necessary.
2. Sub-clause (7) of clause 13 provides for appointment of officers and employees for assisting the Information Commissioner and the Deputy Information Commissioners as may be necessary for the efficient performance of their functions under the Act.
3. An estimated recurring expenditure of rupees one crore eighty-six lakhs is likely to be incurred on the salaries of the Information Commissioner, Deputy Information Commissioners and other officers and employees of the Commission.
4. At this stage, it is not possible to give precise details of the expenditure to be incurred on material resources in terms of office accommodation, vehicles, telephones and other office equipments required by the Commission. Adequate provisions will have to be made in the annual grants of the Commission to meet this expenditure.
5. The Bill does not involve any other recurring or non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

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

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

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

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

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

ARRANGEMENT OF CLAUSES

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PRELIMINARY

CLAUSES

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4. Obligations of public authorities.
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CHAPTER IV
MISCELLANEOUS

18. Protection of action taken in good faith.
19. Act to have overriding effect.
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23. Central Government to prepare programmes.
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26. Laying of rules.
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28. Repeal.

THE FIRST SCHEDULE
THE SECOND SCHEDULE