

# RIGHT TO INFORMATION ACT

## PREAMBLE

A Bill to operationalise the right to information by setting out the practical regime for people to secure access to information under the control of public authorities, consistent with public interest, in order to promote openness, transparency and accountability and in relation to matters connected therewith or incidental thereto.

## Chapter I: PRELIMINARY

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

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

**CHAPTER II**  
**FREEDOM OF INFORMATION AND OBLIGATIONS OF PUBLIC**  
**AUTHORITIES**

3. Subject to the provision of this Act, all persons shall have the right to information.
4. Every public authority shall-
  - (a) maintain all its records, duly catalogued and indexed, in a manner and form which facilitates the right to information as provided for in this Act, including ensuring that all records, covered by the Act that are appropriate to computerise, are within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that authorised access to such records is facilitated.
  - (b) publish within 6 months of this Act coming into force and thereafter update at least every 12 months-
    - (i) The particulars of its organisation, functions and duties.
    - (ii) The powers and duties of its officers and employees
    - (iii) Procedures followed during the decision making process, including chains of supervision and accountability.
    - (iv) The norms set by the public authority for the discharge of its functions.
    - (v) Rules, regulations, instructions, manual and records held by or under its control used by its employees for discharging its functions.
    - (vi) A statement of the categories of documents that are held by or under the control of the public authority.
    - (vii) Particulars of any arrangement that exists for consultation with, or representation by, members of the public in relation to the formulation of policy in, or in the administration of, the public authority.
    - (viii) A statement listing all boards, councils, committees and other bodies constituted by two or more persons, that are part of, or that have been established for the purpose of advising, the public authority, and whose meetings are open to the public, or the minutes of whose meetings are available for public inspection;
    - (ix) A directory of their public servants, from the level of the head of the department or his/her equivalent and below;
    - (x) The monthly remuneration received for each position, including the system of compensation as established in regulations;
    - (xi) Information concerning the budget assigned to each agency, including all plans, proposed expenditures and reports on disbursement,
    - (xii) The design and execution of subsidy programs, including the amounts allocated to them, criteria for access, implementation details and beneficiaries.
    - (xiii) All concessions, permits or authorisations granted, with their recipients specified.

- (xiv) All information available to the public authority in electronic form or capable of being reduced to electronic form which is not exempt under this Act, subject to availability of resources.
- (xv) the details of facilities available to citizens for obtaining information, including if the public authority maintains a library or reading room that is available for public use, a statement of that fact including details of the address and hours of opening of the library or reading room; and
- (xvi) the name, designation and other particulars of the Public Information Officer;
- (xvii) such other information as prescribed by the appropriate government or Information Commissioner from time to time which would promote transparency across public authorities or in specific public authorities, as appropriate;

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

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

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

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

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

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

(a) An officer at each sub-divisional level or other appropriate sub-district level, shall be designated a Public Information Officer, within three months of this act coming into force, for the purposes of this Act. He/she shall receive all requests for information, and appeals, both under the

state and the central acts, and pass them on to a designated authority for onward transmission to the relevant department/agency.

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

- (2) Every Public Information Officer shall deal with requests for information and shall render reasonable assistance to any person seeking such information.
  - (3) The Public Information Officer may seek the assistance of any other officer as he considers necessary for the proper discharge of his duties.
  - (4) Any officer whose assistance has been sought under sub-section (3), shall render all assistance to the Public Information Officer seeking his/her assistance and be treated as a Public Information Officer for the purposes of the penalty provisions in this Act
6. (1) A person desirous of obtaining information shall make a request in writing or through electronic means in English or in the official language of the area in which the application is being submitted, to:
- (a) the Public Information Officer of the relevant public authority;
  - (b) other designated Public Information Officers, as specified in 5 (1a )
- specifying the particulars of the information sought by him/her.
- Provided that where such request cannot be made in writing the Public Information Officer shall render all reasonable assistance to the person making the request orally to reduce it in writing.
- 6 (2) An applicant for access to information shall not be required to give any reason for requesting access to that information or any other personal details except those necessary for contacting the applicant.
- 6 (3) (1) Where an application is made to a Public Authority for information:
- (a) which is held by another Public Authority; or
  - (b) the subject matter of which is more closely connected with the functions of another Public Authority,
- the first mentioned Public Authority shall transfer the application or such part of it as may be appropriate to that other Public Authority and shall inform the applicant immediately of the transfer.
- (2) A transfer of an application pursuant to subsection (1) shall be made as soon as practicable but not later than 5 days after the date of receipt of the application
- 7(1) Subject to section 5, sub section (1b) above and section 7, sub-section (3)(a) below, on receipt of a request under section 6, the Public Information Officer shall as expeditiously as possible and in any case within fifteen days of the receipt of the request, either provide the information requested on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9.
- Provided that where the information sought for concerns the life and liberty of a person, the same should be provided within forty-eight hours of the receipt of the request:
- 7(2) If a Public Information Officer fails to give the decision on a request for access to the requestor concerned within the period contemplated in section 7(1), the Public Information Officer would, for the purposes of this Act, be regarded as having refused the request.

- 7(3) Where it is decided to provide the information on payment of any further fee representing the cost of providing the information, the Public Information Officer shall send an intimation to the person making the request, giving:
- (a) the details of such fees as determined by him, showing the calculations as per the act, at prescribed rates, requesting him to deposit the fees, and the period intervening between the dispatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of fifteen days referred to above;
  - (b) information concerning his/her rights with respect to review the decision as to the amount of fees charged and/or the form of access provided, including the contact details of the appellate authority, time limits, process and any relevant forms.
- 7 (4) Where access to a record or a part thereof is to be given under this Act and the person to whom access is to be given has a sensory disability, the public authority will provide assistance to enable access to the information, including providing assistance with inspection as appropriate.
- 7(5)(a) Subject to sub-sections (b) and (c) below, where access to information is to be given in the form of printed copies, or copies in some other form, such as on tape, disk, film or other material, the applicant shall pay the prescribed fee.
- (b) Any fees payable by the applicant shall be reasonable, and shall in no case exceed the actual cost of copying the information or in the case of samples of materials the cost of obtaining the sample, and shall be set via regulations at a maximum limit taking account of the general principle that fees should not be set so high that they undermine the objectives of this Act in practice.
  - (c) Notwithstanding subsection (a), where a public authority fails to comply with the time limits specified in section 7, any access to information to which the applicant is entitled pursuant to his request shall be provided free of charge.
- 7(6) Before taking any decision under sub-section (1), the Public Information Officer shall take into consideration the representation made by a third party under section 11.
- 7 (7) Where a request is rejected under sub-section (6), the Public Information Officer shall communicate to the person making request,
- (i) the reasons for such rejection;
  - (ii) the period within which an appeal against such rejections may be preferred;
  - (iii) the particulars of the appellate authority.
- 7(8) Information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.
- 8(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any person:
- (a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;

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

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

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

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

(f) information received in confidence from foreign government;

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

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

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

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

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

Notwithstanding anything in the Official Secrets Act 1923 nor any of the exemptions permissible in accordance with section 8 (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

- (2) Subject to the provisions of clause (a) and (i) of sub section 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.

Provided that the matters covered by Sub-Section 8(a) and Sub-Section 8(i) may be disclosed after twenty-five years.

Provided that where any question arises as to the date from which the said period of ten years or twenty-five has to be computed, the decision of the Union Government shall be final, subject to the usual appeals provided for in this act.

9. Without prejudice to the provisions of section 8, a Public Information Officer may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.
10. (1) If a request for access to information is rejected on the ground that it is in relation to information which is exempted from disclosure, then notwithstanding anything contained in this Act, access may be given to that part of the record which does not obtain any information that is exempted from disclosure under this Act and which can reasonably be severed from any part that contains exempted information.
- 10(2) Where access is granted to a part of the record in accordance with sub-section (1), the Public Information Officer shall send a notice to the applicant, advising:
  - (a) that only part of the record requested, after severance of the record containing information which is exempted from disclosure, is being furnished; and
  - (a) The reasons for the decision; including any findings on any material questions of fact, referring to the material on which those findings were based;
  - (b) The name and designation of the person giving the decision; and
  - (c) Details of the fees determined by him/her and requesting the applicant to deposit the fees;
  - (d) Information concerning his/her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fees charged and/or the form of access provided, including the contact details of the appellate body, time limits, process and any relevant forms;
11. (1) Where a public authority intends to disclose any information or record, or part thereof on a request made under this Act which relates to, or has been supplied by a third party and has been treated as confidential by that third party, the Public Information Officer shall, within five days from the receipt of a request, give written notice to such third party of the request and of the fact that the public authority intends to disclose the information or record, or part thereof and invite the third party to make a submission, in writing or orally, regarding whether the information should be disclosed, which submission shall be taken into account when determining whether to disclose the information.

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

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

- (3) Notwithstanding anything contained in section 7, the public information officer shall, within twenty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.
- (4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal against the decision under section 12(2).
- 12(1): (i)(a) The President shall appoint or designate a Chief Information Commissioner for all matters pertaining to the Union. Such appointment shall be made on the basis of a recommendation made by an Appointing Committee presided by the Prime Minister, with the Leader of Opposition in the Lok Sabha and the Chief Justice of India as members.
- (i)(b) The Governor shall appoint or designate a State Information Commissioner for all matters pertaining to the State. Such appointment shall be made on the basis of recommendation made by an Appointing Committee presided by the Chief Minister, with the Leader of Opposition in the Legislative Assembly and the Chief Justice of the High Court as members.
- (ii) Information Commissioners may be appointed by the President or the Governor, as the case may be, in consultation with the appropriate Appointing Committee and the Chief Information Commissioner or State Information Commissioners, as the case may be.
- (iii) Every Chief Information Commissioner, State Information Commissioner and Information Commissioner shall be a person with wide knowledge and experience of administration and governance, and/or a person with high public stature.
- (iv) The Chief Information Commissioners and any Information Commissioners shall not be members of Parliament or members of the Legislative of any State or Union Territory and shall not hold any other office of profit and shall not be connected with any political party or be carrying on any business or practice any profession;
- (v) The requisite budgetary allocations for the emoluments and expenses, including office expenses, of the Chief Information Commissioner and of other Information Commissioners will be provided by the Government of India through special budgetary provisions made available to the respective states out of the Union Government Budget.
- (vi) The Chief Information Commissioner and of other Information Commissioners shall function autonomously without being subjected to directions by any other authority and would be under the administrative control of the Government of India, Ministry of Personnel, Administrative Reforms and Public Grievances.
- (vii) Every person appointed as a Chief Information Commissioner or an Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office. He/she will not be eligible for reappointment.
12. (2)(i) Any person who does not receive a decision in the time period specified in Section 7(1) or 7(3)(a) above, or is aggrieved by a decision of the Public information officer may, within thirty days of the expiry of such a

period or of receipt of such a decision, prefer an appeal to an appellate authority prescribed for the purpose in each department and senior in rank to the Public Information Officer.

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

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

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

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

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

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

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

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

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

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

(ix) The Information Commissioner shall serve notice of his/her decision, including any rights of appeal, on both the complainant and the public authority.

(x) A decision of the Information Commissioner may be appealed to the High Court or the Supreme Court, on any point of fact and law.

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

(1) Subject to this Act, the Chief Information Commissioner /State Information

Commissioners/Information Commissioners shall receive and investigate complaints from persons:

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

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

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

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

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

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

#### 12(4) Penalties

- (1) Subject to sub-section (3), where any Public Information Officer has, without any reasonable cause, failed to supply the information sought, within the period specified under section 7(1), the relevant Information Commissioner shall, on appeal, impose a penalty of rupees two hundred fifty, which amount must be increased by regulation at least once every five years, for each day's delay in furnishing the information, after giving such Public Information Officer a reasonable opportunity of being heard.
- (2) Subject to sub-section (3), where it is found in appeal that any Public Information Officer has –
  - (i) Refused to receive an application for information;
  - (ii) Mala fide denied a request for information;
  - (iii) Knowingly given incorrect or misleading information,
  - (iv) Knowingly given wrong or incomplete information,
  - (v) Destroyed information subject to a request; or
  - (vi) Obstructed the activities of a Public Information Officer, any Information Commission or the courts; he/she would have committed an offence and will be liable upon summary conviction to a fine of not less than rupees two thousand and imprisonment of up to five years, or both.
- (3) An officer whose assistance has been sought by the Public Information Officer for the performance of his/her duties under this Act shall be liable for penalty as prescribed in sub-sections (1) and (2) jointly with the Public Information Officer or severally as may be decided by the relevant Information Commissioner.
- (4) Any fines imposed under sub-sections (1), (2) and (3) shall be recoverable from the salary of the concerned officer, including the Public Information Officer, or if no salary is drawn, as an arrears of land revenue, recoverable within a maximum of six months of the order imposing the fine.
- (5) The Public Information Officer or any other officer on whom the penalty under sub-sections (1), (2) and (3) is imposed shall also be liable to appropriate disciplinary action under the service rules applicable to him. Provided that in cases where the officer is proved guilty of deliberate denial of information or misinformation, the punishment imposed shall be a major penalty, i.e., dismissal or removal or reduction in rank.

### **CHAPTER III MISCELLANEOUS**

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

14. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.
15. No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.
16. (1) Nothing contained in this Act shall apply to the intelligence and security organisations, specified in the Schedule being organisations established by the Union Government or any information furnished by such organisations to that Government.

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

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

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

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

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

#### 16A Monitoring and Reporting

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

- (d) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;
  - (e) the amount of charges collected by each public authority under this Act;
  - (f) any facts which indicate an effort by public authorities to administer and implement the spirit and intention of this Act;
  - (g) recommendations for reform, including recommendations in respect of particular public authorities, for the development, improvement, modernisation, reform or amendment of this Act or other legislation or common law or any other matter relevant to operationalising the right to access information, as appropriate.
- (4) The Union Government Ministry responsible for the administration of this Act, as soon as practicable after the end of each year, prepare a summary report on the implementation of this Act during that year and cause a copy of the report to be laid before the concerned state legislatures and each House of the Parliament, drawing on the information provided in the reports of the Chief Information Commissioners for each State.
- (5) If it appears to any Chief Information Commissioner that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with provisions or spirit of the Act, s/he may give to the authority a recommendation specifying the steps which ought in his/her opinion to be taken for promoting such conformity.

16B (1) The Government must, to the extent that financial and other resources are available:

- (a) develop and conduct educational programmes to advance the understanding of the public, in particular of disadvantaged communities, of this Notification and of how to exercise the rights contemplated in this Act;
  - (b) encourage public authorities to participate in the development and conduct of programmes referred to in paragraph (a) and to undertake such programmes themselves; and
  - (c) promote timely and effective dissemination of accurate information by public authorities about their activities.
  - (d) train information officers of public authorities and/or produce relevant training materials for use by authorities themselves.
- (2) The Government must, within 18 months of this Act coming into force, compile in each official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in this Act.
- (3) The Government must, if necessary, update and publish the guide at regular intervals. The guide must, without limiting the generality of subsection (2), include a description of-
- (a) the objects of this Act;
  - (b) the postal and street address, phone and fax number and, if available, electronic mail address of the Public Information Officer of every public authority as appointed under sub section (1) of section 5
  - (c) the manner and form of a request for access to a information of a public authority;

- (d) the assistance available from and the duties of Public Information Officers of a public authority in terms of this Act;
- (e) the assistance available from the Information Commissioners in terms of this Act;
- (f) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act, including the manner of lodging an appeal with the appellate authorities/Chief/State/ Information Commissioners and a court against a decision by the Public Information Officer of a public authority;
- (g) the provisions providing for the voluntary disclosure of categories of records in accordance with section 4;
- (h) the notices regarding fees to be paid in relation to requests for access; and
- (i) any additional regulations or circulars relevant to obtaining access to information in accordance with this Act.

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

- 17 (1) The Union Government may by notification in the Official Gazette, make rules to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely
- (a) intervals at which matters referred to in sub-clauses (i) to (vi) of clause (b) of section 4 shall be published.
  - (b) The fee payable under sub-section (1) of section 7;
  - (c) The authority before whom an appeal may be preferred under sub-section (2) of section 12;
  - (d) any other matter which is required to be, or may be, prescribed.
18. (1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of the Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
- (a) the fee payable under sub-section (1) of section 7:
  - (b) the authority before whom an appeal may be preferred under sub-section (2) of section 12:
  - (c) any other matter which is required to be, or may be prescribed:
- Provided that initially the rules shall be made by the Union Government by notification in the official gazette.
19. (1) The competent authority may, by notification in the official gazette make rules to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:-
- (a) the fee payable under sub-section (1) of section 7:
  - (b) the authority before whom an appeal may be preferred under sub-section (2) of section 12;
  - (c) any other matter which is required to be, or may be, prescribed.

20. (1) Every rule made by the Union Government under this Act shall be laid, as soon as may be after it is made, before each house of parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both houses agree in making any modification in the rule or both houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.
- (2) Every rule made under this Act by a State Government shall be laid, as soon as may be after it is notified, before the State Legislature.
21. (1) If any difficulty arises in giving effect to the provisions of this Act, the Union Government may, by order published in the official gazette, make such provision not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:
- Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.
- (2) Every order made under this section shall as soon as may be after it is made, be laid before the houses of parliament.

## **THE SCHEDULE**

(See section 16 (1))

### Intelligence and Security Organisations Established by the Union Government

1. Intelligence Bureau.
2. Research and Analysis Wing of the Cabinet Secretariat.
3. Directorate of Revenue Intelligence.
4. Central Economic Intelligence Bureau.
5. Directorate of Enforcement.
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.