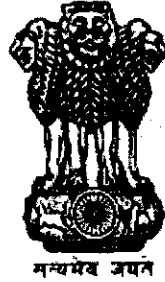


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भारत सरकार
विधि और न्याय मंत्रालय
GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE



सूचना का अधिकार अधिनियम, 2005

(2005 का अधिनियम संख्यांक 22)

[1 फरवरी, 2011 को यथाविद्यमान]

Right to Information Act, 2005

(Act No. 22 of 2005)

[As modified up to 1st February, 2011]

2011

महाप्रबंधक, भारत सरकार मुद्रणालय, मिन्टो रोड, नई दिल्ली-110 002 द्वारा मुद्रित तथा
प्रकाशन-नियंत्रक, भारत सरकार, सिविल लाईन्स, दिल्ली-110 054 द्वारा प्रकाशित।

मूल्य : (देश में) : ₹ 23.00; (विदेश में) £ 0.33 या \$ 0.47



सूचना का अधिकार अधिनियम, 2005

(2005 का अधिनियम संख्यांक 22)

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[As modified up to 1st February, 2011]

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Date	9/8/2012

प्राक्कथन

सूचना का अधिकार अधिनियम, 2005 का यह संस्करण द्विभाषी रूप में प्रकाशित किया जा रहा है । इस अधिनियम का अंग्रेजी पाठ और प्राधिकृत हिन्दी पाठ 1 फरवरी, 2011 तक अद्यतन है ।

नई दिल्ली ;
1 फरवरी, 2011

विनोद कुमार भसीन,
सचिव, भारत सरकार ।

सूचना का अधिकार अधिनियम, 2005

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सूचना का अधिकार अधिनियम, 2005

(2005 का अधिनियम संख्यांक 22)

[15 जून, 2005]

प्रत्येक लोक प्राधिकारी के कार्यकरण में पारदर्शिता और उत्तरदायित्व के संवर्धन के लिए, लोक प्राधिकारियों के नियंत्रणाधीन सूचना तक पहुंच सुनिश्चित करने के लिए नागरिकों के सूचना के अधिकार की व्यावहारिक शासन पद्धति स्थापित करने, एक केन्द्रीय सूचना आयोग तथा राज्य सूचना आयोग का गठन करने और उनसे संबंधित या उनके आनुषंगिक विषयों का उपबंध करने के लिए
अधिनियम

भारत के संविधान ने लोकतंत्रात्मक गणराज्य की स्थापना की है ;
और लोकतंत्र शिक्षित नागरिक वर्ग तथा ऐसी सूचना की पारदर्शिता की अपेक्षा करता है, जो उसके कार्यकरण तथा भ्रष्टाचार को रोकने के लिए भी और सरकारों तथा उनके परिकरणों को शासन के प्रति उत्तरदायी बनाने के लिए अनिवार्य है ;

और वास्तविक व्यवहार में सूचना के प्रकटन से संभवतः अन्य लोक हितों, जिनके अंतर्गत सरकारों के दक्ष प्रचालन, सीमित राज्य वित्तीय संसाधनों के अधिकतम उपयोग और संवेदनशील सूचना की गोपनीयता को बनाए रखना भी है, के साथ विरोध हो सकता है ;

और लोकतंत्रात्मक आदर्श की प्रभुता को बनाए रखते हुए इन विरोधी हितों के बीच सामंजस्य बनाना आवश्यक है ;
अतः, अब यह समीचीन है कि ऐसे नागरिकों को, कतिपय सूचना देने के लिए, जो उसे पाने के इच्छुक हैं, उपबंध किया जाए ;

भारत गणराज्य के छप्पनवें वर्ष में संसद् द्वारा निम्नलिखित रूप में यह अधिनियमित हो :--

अध्याय 1

प्रारम्भिक

1. संक्षिप्त नाम, विस्तार और प्रारंभ--(1) इस अधिनियम का संक्षिप्त नाम सूचना का अधिकार अधिनियम, 2005 है ।

(2) इसका विस्तार जम्मू-कश्मीर राज्य के सिवाय सम्पूर्ण भारत पर है ।

(3) धारा 4 की उपधारा (1), धारा 5 की उपधारा (1) और उपधारा (2), धारा 12, धारा 13, धारा 15, धारा 16, धारा 24, धारा 27 और धारा 28 के उपबंध तुरंत प्रभावी होंगे और इस अधिनियम के शेष उपबंध इसके अधिनियमन के एक सौ बीसवें दिन* को प्रवृत्त होंगे ।

2. परिभाषाएं--इस अधिनियम में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,--

(क) "समुचित सरकार" से किसी ऐसे लोक प्राधिकरण के संबंध में जो --

(i) केन्द्रीय सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा स्थापित, गठित, उसके स्वामित्वाधीन, नियंत्रणाधीन या उसके द्वारा प्रत्यक्ष रूप से या अप्रत्यक्ष रूप से उपलब्ध कराई गई निधियों द्वारा सारभूत रूप से वित्तपोषित किया जाता है, केन्द्रीय सरकार अभिप्रेत है ;

(ii) राज्य सरकार द्वारा स्थापित, गठित उसके स्वामित्वाधीन, नियंत्रणाधीन या उसके द्वारा प्रत्यक्ष रूप से या अप्रत्यक्ष रूप से उपलब्ध कराई गई निधियों द्वारा सारभूत रूप से वित्तपोषित किया जाता है, राज्य सरकार अभिप्रेत है ;

(ख) "केन्द्रीय सूचना आयोग" से धारा 12 की उपधारा (1) के अधीन गठित केन्द्रीय सूचना आयोग अभिप्रेत है ;

सूचना का अधिकार अधिनियम, 2005

(अध्याय 1—प्रारंभिक)

(ग) “केन्द्रीय लोक सूचना अधिकारी” से उपधारा (1) के अधीन पदाभिहित केन्द्रीय लोक सूचना अधिकारी अभिप्रेत है और इसके अन्तर्गत धारा 5 की उपधारा (2) के अधीन इस प्रकार पदाभिहित कोई केन्द्रीय सहायक लोक सूचना अधिकारी भी है ;

(घ) “मुख्य सूचना आयुक्त” और “सूचना आयुक्त” से धारा 12 की उपधारा (3) के अधीन नियुक्त मुख्य सूचना आयुक्त और सूचना आयुक्त अभिप्रेत हैं ;

(ङ) “सक्षम प्राधिकारी” से अभिप्रेत है—

(i) लोक सभा या किसी राज्य की विधान सभा की या किसी ऐसे संघ राज्यक्षेत्र की, जिसमें ऐसी सभा है, दशा में अध्यक्ष और राज्य सभा या किसी राज्य की विधान परिषद् की दशा में सभापति ;

(ii) उच्चतम न्यायालय की दशा में भारत का मुख्य न्यायमूर्ति ;

(iii) किसी उच्च न्यायालय की दशा में उच्च न्यायालय का मुख्य न्यायमूर्ति ;

(iv) संविधान द्वारा या उसके अधीन स्थापित या गठित अन्य प्राधिकरणों की दशा में, यथास्थिति, राष्ट्रपति या राज्यपाल ;

(v) संविधान के अनुच्छेद 239 के अधीन नियुक्त प्रशासक ;

(च) “सूचना” से किसी इलेक्ट्रॉनिक रूप में धारित अभिलेख, दस्तावेज, ज्ञापन, ई-मेल, मत, सलाह, प्रेस विज्ञप्ति, परिपत्र, आदेश, लागबुक, संविदा, रिपोर्ट, कागजपत्र, नमूने, माडल, आंकड़ों संबंधी सामग्री और किसी प्राइवेट निकाय से संबंधित ऐसी सूचना सहित, जिस तक तत्समय प्रवृत्त किसी अन्य विधि के अधीन किसी लोक प्राधिकारी की पहुंच हो सकती है, किसी रूप में कोई सामग्री अभिप्रेत है ;

(छ) “विहित” से, यथास्थिति, समुचित सरकार या सक्षम प्राधिकारी द्वारा इस अधिनियम के अधीन बनाए गए नियमों द्वारा विहित अभिप्रेत है ;

(ज) “लोक प्राधिकारी” से,—

(क) संविधान द्वारा या उसके अधीन ;

(ख) संसद् द्वारा बनाई गई किसी अन्य विधि द्वारा ;

(ग) राज्य विधान-मंडल द्वारा बनाई गई किसी अन्य विधि द्वारा ;

(घ) समुचित सरकार द्वारा जारी की गई अधिसूचना या किए गए आदेश द्वारा, स्थापित या गठित कोई प्राधिकारी या निकाय या स्वायत्त सरकारी संस्था अभिप्रेत है,

और इसके अन्तर्गत,—

(i) कोई ऐसा निकाय है जो समुचित सरकार के स्वामित्वाधीन, नियंत्रणाधीन या उसके द्वारा प्रत्यक्ष या अप्रत्यक्ष रूप से उपलब्ध कराई गई निधियों द्वारा सारभूत रूप से वित्तपोषित है ;

(ii) कोई ऐसा गैर-सरकारी संगठन है जो समुचित सरकार द्वारा प्रत्यक्ष या अप्रत्यक्ष रूप से उपलब्ध कराई गई निधियों द्वारा सारभूत रूप से वित्तपोषित है ।

(झ) “अभिलेख” में निम्नलिखित सम्मिलित हैं—

(क) कोई दस्तावेज, पाण्डुलिपि और फाइल ;

(ख) किसी दस्तावेज की कोई माइक्रोफिल्म, माइक्रोफिशे और प्रतिकृति प्रति ;

(ग) ऐसी माइक्रोफिल्म में सन्निविष्ट प्रतिबिम्ब या प्रतिबिम्बों का पुनरुत्पादन (चाहे वर्धित रूप में हो या न हो) ; और

(घ) किसी कम्प्यूटर द्वारा या किसी अन्य युक्ति द्वारा उत्पादित कोई अन्य सामग्री ;

(अध्याय 1—प्रारंभिक । अध्याय 2—सूचना का अधिकार और लोक प्राधिकारियों की बाध्यताएं)

(ज) “सूचना का अधिकार” से इस अधिनियम के अधीन पहुंच योग्य सूचना का, जो किसी लोक प्राधिकारी द्वारा या उसके नियंत्रणाधीन धारित है, अधिकार अभिप्रेत है और जिसमें निम्नलिखित का अधिकार सम्मिलित है—

(i) कृति, दस्तावेजों, अभिलेखों का निरीक्षण ;

(ii) दस्तावेजों या अभिलेखों के टिप्पण, उद्धरण या प्रमाणित प्रतिलिपि लेना ;

(iii) सामग्री के प्रमाणित नमूने लेना ;

(iv) डिस्कट, फ्लपी, टेप, वीडियो कैसेट के रूप में या किसी अन्य इलैक्ट्रॉनिक रीति में या प्रिंटआउट के माध्यम से सूचना को, जहां ऐसी सूचना किसी कम्प्यूटर या किसी अन्य युक्ति में भण्डारित है, अभिप्राप्त करना ;

(ट) “राज्य सूचना आयोग” से धारा 15 की उपधारा (1) के अधीन गठित राज्य सूचना आयोग अभिप्रेत है ;

(ठ) “राज्य मुख्य सूचना आयुक्त” और “राज्य सूचना आयुक्त” से धारा 15 की उपधारा (3) के अधीन नियुक्त राज्य मुख्य सूचना आयुक्त और राज्य सूचना आयुक्त अभिप्रेत है ;

(ड) “राज्य लोक सूचना अधिकारी” से उपधारा (1) के अधीन पदाभिहित राज्य लोक सूचना अधिकारी अभिप्रेत है और इसके अंतर्गत धारा 5 की उपधारा (2) के अधीन उस रूप में पदाभिहित राज्य सहायक लोक सूचना अधिकारी भी है ;

(ढ) “पर व्यक्ति” से सूचना के लिए अनुरोध करने वाले नागरिक से भिन्न कोई व्यक्ति अभिप्रेत है, और इसके अंतर्गत कोई लोक प्राधिकारी भी है ।

अध्याय 2

सूचना का अधिकार और लोक प्राधिकारियों की बाध्यताएं

3. सूचना का अधिकार—इस अधिनियम के उपबन्धों के अधीन रहते हुए, सभी नागरिकों को सूचना का अधिकार होगा ।

4. लोक प्राधिकारियों की बाध्यताएं—(1) प्रत्येक लोक प्राधिकारी—

(क) अपने सभी अभिलेखों को सम्यक् रूप से सूचीपत्रित और अनुक्रमणिकाबद्ध ऐसी रीति और रूप में रखेगा, जो इस अधिनियम के अधीन सूचना के अधिकार को सुकर बनाता है और सुनिश्चित करेगा कि ऐसे सभी अभिलेख, जो कंप्यूटरीकृत किए जाने के लिए समुचित हैं, युक्तियुक्त समय के भीतर और संसाधनों की उपलब्धता के अधीन रहते हुए, कंप्यूटरीकृत और विभिन्न प्रणालियों पर संपूर्ण देश में नेटवर्क के माध्यम से संबद्ध हैं जिससे कि ऐसे अभिलेख तक पहुंच को सुकर बनाया जा सके ;

(ख) इस अधिनियम के अधिनियमन से एक सौ बीस दिन के भीतर—

(i) अपने संगठन की विशिष्टियां, कृत्य और कर्तव्य ;

(ii) अपने अधिकारियों और कर्मचारियों की शक्तियां और कर्तव्य ;

(iii) विनिश्चय करने की प्रक्रिया में पालन की जाने वाली प्रक्रिया जिसमें पर्यवेक्षण और उत्तरदायित्व के माध्यम सम्मिलित हैं ;

(iv) अपने कृत्यों के निर्वहन के लिए स्वयं द्वारा स्थापित मानदंड ;

(v) अपने द्वारा या अपने नियंत्रणाधीन धारित या अपने कर्मचारियों द्वारा अपने कृत्यों के निर्वहन के लिए प्रयोग किए गए नियम, विनियम, अनुदेश, निर्देशिका और अभिलेख ;

(vi) ऐसे दस्तावेजों के, जो उसके द्वारा धारित या उसके नियंत्रणाधीन हैं, प्रवर्गों का विवरण ;

(vii) किसी व्यवस्था की विशिष्टियां, जो उसकी नीति की संरचना या उसके कार्यान्वयन के संबंध में जनता के सदस्यों से परामर्श के लिए या उनके द्वारा अभ्यावेदन के लिए विद्यमान हैं ;

(अध्याय 2—सूचना का अधिकार और लोक प्राधिकारियों की बाध्यताएं)

(viii) ऐसे बोर्डों, परिषदों, समितियों और अन्य निकायों के, जिनमें दो या अधिक व्यक्ति हैं, जिनका उसके भागरूप में या इस बारे में सलाह देने के प्रयोजन के लिए गठन किया गया है और इस बारे में कि क्या उन बोर्डों, परिषदों, समितियों और अन्य निकायों की बैठकें जनता के लिए खुली होंगी या ऐसी बैठकों के कार्यवृत्त तक जनता की पहुंच होगी, विवरण ;

(ix) अपने अधिकारियों और कर्मचारियों की निर्देशिका ;

(x) अपने प्रत्येक अधिकारी और कर्मचारी द्वारा प्राप्त मासिक पारिश्रमिक, जिसके अन्तर्गत प्रतिकर की प्रणाली भी है, जो उसके विनियमों में यथाउपबंधित हो ;

(xi) सभी योजनाओं, प्रस्तावित व्ययों और किए गए संवितरणों पर रिपोर्टों की विशिष्टियां उपदर्शित करते हुए अपने प्रत्येक अभिकरण को आबंटित बजट ;

(xii) सहायिकी कार्यक्रमों के निष्पादन की रीति जिसमें आबंटित राशि और ऐसे कार्यक्रमों के फायदाग्राहियों के ब्यौरे सम्मिलित हैं ;

(xiii) अपने द्वारा अनुदत्त रियायतों, अनुज्ञापत्रों या प्राधिकारों के प्राप्तिकर्ताओं की विशिष्टियां ;

(xiv) किसी इलेक्ट्रॉनिक रूप में सूचना के संबंध में ब्यौरे, जो उसको उपलब्ध हों या उसके द्वारा धारित हों ;

(xv) सूचना अभिप्राप्त करने के लिए नागरिकों को उपलब्ध सुविधाओं की विशिष्टियां, जिनमें किसी पुस्तकालय या वाचन कक्ष के, यदि लोक उपयोग के लिए अनुरक्षित हैं तो, कार्यक्रमण घंटे सम्मिलित हैं ;

(xvi) लोक सूचना अधिकारियों के नाम, पदनाम और अन्य विशिष्टियां ;

(xvii) ऐसी अन्य सूचना, जो विहित की जाए,

प्रकाशित करेगा और तत्पश्चात् इन प्रकाशनों को प्रत्येक वर्ष में अद्यतन करेगा ;

(ग) महत्वपूर्ण नीतियों की विरचना करते समय या ऐसे विनिश्चयों की घोषणा करते समय, जो जनता को प्रभावित करते हों, सभी सुसंगत तथ्यों को प्रकाशित करेगा ;

(घ) प्रभावित व्यक्तियों को अपने प्रशासनिक या न्यायिककल्प विनिश्चयों के लिए कारण उपलब्ध कराएगा ।

(2) प्रत्येक लोक अधिकारी का निरंतर यह प्रयास होगा कि वह उपधारा (1) के खंड (ख) की अपेक्षाओं के अनुसार स्वप्रेरणा से, जनता को नियमित अन्तरालों पर संसूचना के विभिन्न साधनों के माध्यम से, जिनके अन्तर्गत इंटरनेट भी है, इतनी अधिक सूचना उपलब्ध कराने के लिए उपाय करे जिससे कि जनता को सूचना प्राप्त करने के लिए इस अधिनियम का कम से कम अवलंब लेना पड़े ।

(3) उपधारा (1) के प्रयोजन के लिए, प्रत्येक सूचना को विस्तृत रूप से और ऐसे प्ररूप और रीति में प्रसारित किया जाएगा, जो जनता के लिए सहज रूप से पहुंच योग्य हो ।

(4) सभी सामग्री को, लागत प्रभावशीलता, स्थानीय भाषा और उस क्षेत्र में संसूचना की अत्यंत प्रभावी पद्धति को ध्यान में रखते हुए, प्रसारित किया जाएगा तथा सूचना, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी के पास इलेक्ट्रॉनिक रूप में संभव सीमा तक निःशुल्क या माध्यम की ऐसी लागत पर या ऐसी मुद्रण लागत कीमत पर, जो विहित की जाए, सहज रूप से पहुंच योग्य होनी चाहिए ।

स्पष्टीकरण—उपधारा (3) और उपधारा (4) के प्रयोजनों के लिए, “प्रसारित” से सूचना पट्टों, समाचारपत्रों, लोक उद्घोषणाओं, मीडिया प्रसारणों, इंटरनेट या किसी अन्य माध्यम से, जिसमें किसी लोक प्राधिकारी के कार्यालयों का निरीक्षण सम्मिलित है, जनता को सूचना की जानकारी देना या संसूचित कराना अभिप्रेत है ।

5. लोक सूचना अधिकारियों का पदनाम—(1) प्रत्येक लोक प्राधिकारी, इस अधिनियम के अधिनियमन के सौ दिन के भीतर सभी प्रशासनिक एककों या उसके अधीन कार्यालयों में, यथास्थिति, केन्द्रीय लोक सूचना अधिकारियों या राज्य लोक सूचना अधिकारियों के रूप में उतने अधिकारियों को अभिहित करेगा, जितने इस अधिनियम के अधीन सूचना के लिए अनुरोध करने वाले व्यक्तियों को सूचना प्रदान करने के लिए आवश्यक हों ।

(2) उपधारा (1) के उपबंधों पर प्रतिकूल प्रभाव डाले बिना, प्रत्येक लोक प्राधिकारी, इस अधिनियम के अधिनियमन के सौ दिन के भीतर किसी अधिकारी को प्रत्येक उपमंडल स्तर या अन्य उप जिला स्तर पर, यथास्थिति, केंद्रीय सहायक लोक सूचना अधिकारी या किसी राज्य सहायक लोक सूचना अधिकारी के रूप में इस अधिनियम के अधीन सूचना के लिए आवेदन या अपील प्राप्त करने और उसे तत्काल, यथास्थिति, केंद्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी या धारा 19 की उपधारा (1) के अधीन विनिर्दिष्ट वरिष्ठ अधिकारी या केंद्रीय सूचना आयोग अथवा राज्य सूचना आयोग को भेजने के लिए, पदाभिहित करेगा :

परंतु यह कि जहां सूचना या अपील के लिए कोई आवेदन, यथास्थिति, किसी केन्द्रीय सहायक लोक सूचना अधिकारी या किसी राज्य सहायक लोक सूचना अधिकारी को दिया जाता है, वहां धारा 7 की उपधारा (1) के अधीन विनिर्दिष्ट उत्तर के लिए अवधि की संगणना करने में पांच दिन की अवधि जोड़ दी जाएगी ।

(3) यथास्थिति, प्रत्येक केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी, सूचना की मांग करने वाले व्यक्तियों के अनुरोधों पर कार्रवाई करेगा और ऐसी सूचना की मांग करने वाले व्यक्तियों को युक्तियुक्त सहायता प्रदान करेगा ।

(4) यथास्थिति, केन्द्रीय लोक सूचना अधिकारी, ऐसे किसी अन्य अधिकारी की सहायता की मांग कर सकेगा, जिसे वह अपने कृत्यों के समुचित निर्वहन के लिए आवश्यक समझे ।

(5) कोई अधिकारी, जिसकी उपधारा (4) के अधीन सहायता चाही गई है, उसकी सहायता चाहने वाले यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी को सभी सहायता प्रदान करेगा और इस अधिनियम के उपबंधों के किसी उल्लंघन के प्रयोजनों के लिए ऐसे अन्य अधिकारी को, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी समझा जाएगा ।

6. सूचना अभिप्राप्त करने के लिए अनुरोध—(1) कोई व्यक्ति, जो इस अधिनियम के अधीन कोई सूचना अभिप्राप्त करना चाहता है, लिखित में या इलैक्ट्रॉनिक युक्ति के माध्यम से अंग्रेजी या हिन्दी में या उस क्षेत्र की, जिसमें आवेदन किया जा रहा है, राजभाषा में ऐसी फीस के साथ, जो विहित की जाए,—

(क) संबंधित लोक प्राधिकरण के, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी ;

(ख) यथास्थिति, केन्द्रीय सहायक लोक सूचना अधिकारी या राज्य सहायक लोक सूचना अधिकारी, को, उसके द्वारा मांगी गई सूचना की विशिष्टियां विनिर्दिष्ट करते हुए अनुरोध करेगा :

परंतु जहां ऐसा अनुरोध लिखित में नहीं किया जा सकता है, वहां, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी अनुरोध करने वाले व्यक्ति को सभी युक्तियुक्त सहायता मौखिक रूप से देगा, जिससे कि उसे लेखबद्ध किया जा सके ।

(2) सूचना के लिए अनुरोध करने वाले आवेदक से सूचना का अनुरोध करने के लिए किसी कारण को या किसी अन्य व्यक्तिगत ब्यौरे को, सिवाय उसके जो उससे संपर्क करने के लिए आवश्यक हों, देने की अपेक्षा नहीं की जाएगी ।

(3) जहां, कोई आवेदन किसी लोक प्राधिकारी को किसी ऐसी सूचना के लिए अनुरोध करते हुए किया जाता है,—

(i) जो किसी अन्य लोक प्राधिकारी द्वारा धारित है ; या

(ii) जिसकी विषय-वस्तु किसी अन्य लोक प्राधिकारी के कृत्यों से अधिक निकट रूप से संबंधित है, वहां, वह लोक प्राधिकारी, जिसको ऐसा आवेदन किया जाता है, ऐसे आवेदन या उसके ऐसे भाग को, जो समुचित हो, उस अन्य लोक प्राधिकारी को अंतरित करेगा और ऐसे अंतरण के बारे में आवेदक को तुरंत सूचना देगा :

परंतु यह कि इस उपधारा के अनुसरण में किसी आवेदन का अंतरण यथासाध्य शीघ्रता से किया जाएगा, किंतु किसी भी दशा में आवेदन की प्राप्ति की तारीख से पांच दिनों के पश्चात् नहीं किया जाएगा ।

7. अनुरोध का निपटारा—(1) धारा 5 की उपधारा (2) के परंतुक या धारा 6 की उपधारा (3) के परंतुक के अधीन रहते हुए, धारा 6 के अधीन अनुरोध के प्राप्त होने पर, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी, यथासंभवशीघ्रता से, और किसी भी दशा में अनुरोध की प्राप्ति के तीस दिन के भीतर, ऐसी फीस के संदाय पर, जो विहित की जाए, या तो सूचना उपलब्ध कराएगा या धारा 8 और धारा 9 में विनिर्दिष्ट कारणों में से किसी कारण से अनुरोध को अस्वीकार करेगा :

परंतु जहां मांगी गई जानकारी का संबंध किसी व्यक्ति के जीवन या स्वतंत्रता से है, वहां वह अनुरोध प्राप्त होने के अड़तालीस घंटे के भीतर उपलब्ध कराई जाएगी ।

(2) यदि, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी उपधारा (1) के अधीन विनिर्दिष्ट अवधि के भीतर सूचना के लिए अनुरोध पर विनिश्चय करने में असफल रहता है तो, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी के बारे में यह समझा जाएगा कि उसने अनुरोध को नामंजूर कर दिया है ।

(3) जहां, सूचना उपलब्ध कराने की लागत के रूप में किसी और फीस के संदाय पर सूचना उपलब्ध कराने का विनिश्चय किया जाता है, वहां यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी अनुरोध करने वाले व्यक्ति को,—

(क) उसके द्वारा यथावधारित सूचना उपलब्ध कराने की लागत के रूप में और फीस के ब्यौरे, जिनके साथ उपधारा (1) के अधीन विहित फीस के अनुसार रकम निकालने के लिए की गई संगणनाएं होंगी, देते हुए उससे उस फीस को जमा करने का अनुरोध करते हुए कोई संसूचना भेजेगा और उक्त संसूचना के प्रेषण और फीस के संदाय के बीच मध्यवर्ती अवधि को उस धारा में निर्दिष्ट तीस दिन की अवधि की संगणना करने के प्रयोजन के लिए अपवर्जित किया जाएगा ;

(ख) प्रभारित फीस की रकम या उपलब्ध कराई गई पहुंच के प्ररूप के बारे में, जिसके अंतर्गत अपील प्राधिकारी की विशिष्टियां, समय-सीमा, प्रक्रिया और कोई अन्य प्ररूप भी हैं, विनिश्चय करने का पुनर्विलोकन करने के संबंध में उसके अधिकार से संबंधित सूचना देते हुए, कोई संसूचना भेजेगा ।

(4) जहां, इस अधिनियम के अधीन अभिलेख या उसके किसी भाग तक पहुंच अपेक्षित है और ऐसा व्यक्ति, जिसको पहुंच उपलब्ध कराई जानी है, संवेदनात्मक रूप से निःशक्त है, वहां यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी सूचना तक पहुंच को समर्थ बनाने के लिए सहायता उपलब्ध कराएगा, जिसमें निरीक्षण के लिए ऐसी सहायता कराना भी सम्मिलित है, जो समुचित हो ।

(5) जहां, सूचना तक पहुंच मुद्रित या किसी इलैक्ट्रॉनिक रूपविधान में उपलब्ध कराई जानी है, वहां आवेदक, उपधारा (6) के अधीन रहते हुए, ऐसी फीस का संदाय करेगा, जो विहित की जाए :

परन्तु धारा 6 की उपधारा (1) और धारा 7 की उपधारा (1) और उपधारा (5) के अधीन विहित फीस युक्तियुक्त होंगी और ऐसे व्यक्तियों से, जो गरीबी की रेखा के नीचे हैं, जैसा समुचित सरकार द्वारा अवधारित किया जाए, कोई फीस प्रभारित नहीं की जाएगी ।

(6) उपधारा (5) में किसी बात के होते हुए भी, जहां कोई लोक प्राधिकारी उपधारा (1) में विनिर्दिष्ट समय-सीमा का अनुपालन करने में असफल रहता है, वहां सूचना के लिए अनुरोध करने वाले व्यक्ति को प्रभार के बिना सूचना उपलब्ध कराई जाएगी ।

(7) उपधारा (1) के अधीन कोई विनिश्चय करने से पूर्व, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी धारा 11 के अधीन पर व्यक्ति द्वारा किए गए अभ्यावेदन को ध्यान में रखेगा ।

(8) जहां, किसी अनुरोध को उपधारा (1) के अधीन अस्वीकृत किया गया है, वहां, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी अनुरोध करने वाले व्यक्ति को,—

(i) ऐसी अस्वीकृति के लिए कारण ;

(ii) वह अवधि, जिसके भीतर ऐसी अस्वीकृति के विरुद्ध कोई अपील की जा सकती है ; और

(iii) अपील प्राधिकारी की विशिष्टियां,

संसूचित करेगा ।

(9) किसी सूचना को साधारणतया उसी प्ररूप में उपलब्ध कराया जाएगा, जिसमें उसे मांगा गया है, जब तक कि वह लोक प्राधिकारी के स्रोतों को अननुपाती रूप से विचलित न करता हो या प्रश्नगत अभिलेख की सुरक्षा या संरक्षण के प्रतिकूल न हो ।

8. सूचना के प्रकट किए जाने से छूट—(1) इस अधिनियम में अंतर्विष्ट किसी बात के होते हुए भी, किसी नागरिक को निम्नलिखित सूचना देने की बाध्यता नहीं होगी—

(क) सूचना, जिसके प्रकटन से भारत की प्रभुता और अखण्डता, राज्य की सुरक्षा, रणनीति, वैज्ञानिक या आर्थिक हित, विदेश से संबंध पर प्रतिकूल प्रभाव पड़ता हो या किसी अपराध को करने का उद्दीपन होता हो;

(ख) सूचना, जिसके प्रकाशन को किसी न्यायालय या अधिकरण द्वारा अभिव्यक्त रूप से निषिद्ध किया गया है या जिसके प्रकटन से न्यायालय का अवमान होता है;

(ग) सूचना, जिसके प्रकटन से संसद् या किसी राज्य के विधान-मंडल के विशेषाधिकार का भंग कारित होगा ;

(घ) सूचना, जिसमें वाणिज्यिक विश्वास, व्यापार गोपनीयता या बौद्धिक संपदा सम्मिलित है, जिसके प्रकटन से किसी पर व्यक्ति की प्रतियोगी स्थिति को नुकसान होता है, जब तक कि सक्षम प्राधिकारी का यह समाधान नहीं हो जाता है कि ऐसी सूचना के प्रकटन से विस्तृत लोक हित का समर्थन होता है ;

(ङ) किसी व्यक्ति को उसकी वैश्वासिक नातेदारी में उपलब्ध सूचना, जब तक कि सक्षम प्राधिकारी का यह समाधान नहीं हो जाता है कि ऐसी सूचना के प्रकटन से विस्तृत लोक हित का समर्थन होता है ;

(च) किसी विदेशी सरकार से विश्वास में प्राप्त सूचना ;

(छ) सूचना जिसको प्रकट करना किसी व्यक्ति के जीवन या शारीरिक सुरक्षा को खतरे में डालेगा या जो विधि प्रवर्तन या सुरक्षा प्रयोजनों के लिए विश्वास में दी गई किसी सूचना या सहायता के स्रोत की पहचान करेगा ;

(ज) सूचना, जिससे अपराधियों के अन्वेषण, पकड़े जाने या अभियोजन की प्रक्रिया में अड़चन पड़ेगी ;

(झ) मंत्रिमंडल के कागजपत्र, जिसमें मंत्रिपरिषद्, सचिवों और अन्य अधिकारियों के विचार-विमर्श के अभिलेख सम्मिलित हैं :

परन्तु यह कि मंत्रिपरिषद् के विनिश्चय, उनके कारण तथा वह सामग्री, जिसके आधार पर विनिश्चय किए गए थे, विनिश्चय किए जाने और विषय के पूरा या समाप्त होने के पश्चात् जनता को उपलब्ध कराए जाएंगे :

परन्तु यह और कि वे विषय, जो इस धारा में विनिर्दिष्ट छूटों के अंतर्गत आते हैं, प्रकट नहीं किए जाएंगे ;

(ज) सूचना, जो व्यक्तिगत सूचना से संबंधित है, जिसका प्रकटन किसी लोक क्रियाकलाप या हित से संबंध नहीं रखता है या जिससे व्यक्ति की एकांतता पर अनावश्यक अतिक्रमण होगा, जब तक कि, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी या अपील प्राधिकारी का यह समाधान नहीं हो जाता है कि ऐसी सूचना का प्रकटन विस्तृत लोक हित में न्यायोचित है :

परन्तु ऐसी सूचना के लिए, जिसको, यथास्थिति, संसद् या किसी राज्य विधान-मंडल को देने से इंकार नहीं किया जा सकता है, किसी व्यक्ति को इंकार नहीं किया जा सकेगा ।

(2) शासकीय गुप्त बात अधिनियम, 1923 (1923 का 19) में, उपधारा (1) के अनुसार अनुज्ञेय किसी छूट में किसी बात के होते हुए भी, किसी लोक प्राधिकारी को सूचना तक पहुंच अनुज्ञात की जा सकेगी, यदि सूचना के प्रकटन में लोक हित, संरक्षित हितों के नुकसान से अधिक है ।

(3) उपधारा (1) के खण्ड (क), खंड (ग) और खण्ड (झ) के उपबंधों के अधीन रहते हुए, किसी ऐसी घटना, वृत्तांत या विषय से संबंधित कोई सूचना, जो उस तारीख से, जिसको धारा 6 के अधीन कोई अनुरोध किया जाता है, बीस वर्ष पूर्व घटित हुई थी या हुआ था, उस धारा के अधीन अनुरोध करने वाले किसी व्यक्ति को उपलब्ध कराई जाएगी :

परन्तु यह कि जहां उस तारीख के बारे में, जिससे बीस वर्ष की उक्त अवधि को संगणित किया जाता है, कोई प्रश्न उद्भूत होता है, वहां इस अधिनियम में उसके लिए उपबंधित प्रायिक अपीलों के अधीन रहते हुए केन्द्रीय सरकार का विनिश्चय अंतिम होगा।

9. कतिपय मामलों में पहुंच के लिए अस्वीकृति के आधार—धारा 8 के उपबन्धों पर प्रतिकूल प्रभाव डाले बिना, यथास्थिति, कोई केन्द्रीय लोक सूचना अधिकारी या कोई राज्य लोक सूचना अधिकारी सूचना के किसी अनुरोध को वहां अस्वीकार कर सकेगा, जहां पहुंच उपलब्ध कराने के लिए ऐसा अनुरोध राज्य से भिन्न किसी व्यक्ति के अस्तित्वयुक्त प्रतिलिप्यधिकार का उल्लंघन अन्तर्वर्तित करेगा।

10. पृथक्करणीयता—(1) जहां सूचना तक पहुंच के अनुरोध को इस आधार पर अस्वीकार किया जाता है कि वह ऐसी सूचना के संबंध में है, जो प्रकट किए जाने से छूट प्राप्त है, वहां इस अधिनियम में किसी बात के होते हुए भी, पहुंच अभिलेख के उस भाग तक उपलब्ध कराई जा सकेगी जिसमें कोई ऐसी सूचना अन्तर्विष्ट नहीं है, जो इस अधिनियम के अधीन प्रकट किए जाने से छूट प्राप्त है और जो किसी ऐसे भाग से, जिसमें छूट प्राप्त सूचना अन्तर्विष्ट है, युक्तियुक्त रूप से पृथक् की जा सकती है।

(2) जहां उपधारा (1) के अधीन अभिलेख के किसी भाग तक पहुंच अनुदत्त की जाती है, वहां, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी निम्नलिखित सूचना देते हुए, आवेदक को एक सूचना देगा कि—

(क) अनुरोध किए गए अभिलेख का केवल एक भाग ही, उस अभिलेख से उस सूचना को, जो प्रकटन से छूट प्राप्त है पृथक् करने के पश्चात् उपलब्ध कराया जा रहा है ;

(ख) विनिश्चय के लिए कारण, जिनके अंतर्गत तथ्य के किसी महत्वपूर्ण प्रश्न पर उस सामग्री के प्रति, जिस पर वे निष्कर्ष आधारित थे, निर्देश करते हुए कोई निष्कर्ष भी हैं ;

(ग) विनिश्चय करने वाले व्यक्ति का नाम और पदनाम ;

(घ) उसके द्वारा संगणित फीस के ब्यौरे और फीस की वह रकम जिसकी आवेदक से निक्षेप करने की अपेक्षा की जाती है ; और

(ङ) सूचना के भाग को प्रकट न किए जाने के संबंध में विनिश्चय के पुनर्विलोकन के बारे में उसके अधिकार, प्रभारित फीस की रकम या उपलब्ध कराया गया पहुंच का प्ररूप, जिसके अन्तर्गत, यथास्थिति, धारा 19 की उपधारा (1) के अधीन विनिर्दिष्ट वरिष्ठ अधिकारी या केन्द्रीय सूचना अधिकारी या राज्य सूचना अधिकारी की विशिष्टियां, समय-सीमा, प्रक्रिया और कोई अन्य पहुंच का प्ररूप भी है।

11. पर व्यक्ति सूचना—(1) जहां, यथास्थिति, किसी केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी का, इस अधिनियम के अधीन किए गए अनुरोध पर कोई ऐसी सूचना या अभिलेख या उसके किसी भाग को प्रकट करने का आशय है, जो किसी पर व्यक्ति से संबंधित है या उसके द्वारा इसका प्रदाय किया गया है और उस पर व्यक्ति द्वारा उसे गोपनीय माना गया है, वहां, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी अनुरोध प्राप्त होने से पांच दिन के भीतर, ऐसे पर व्यक्ति को अनुरोध की और इस तथ्य की लिखित रूप में सूचना देगा कि, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी का उक्त सूचना या अभिलेख या उसके किसी भाग को प्रकट करने का आशय है, और इस बारे में कि सूचना प्रकट की जानी चाहिए या नहीं, लिखित में या मौखिक रूप से निवेदन करने के लिए पर व्यक्ति को आमंत्रित करेगा तथा सूचना के प्रकटन के बारे में कोई विनिश्चय करते समय पर व्यक्ति के ऐसे निवेदन को ध्यान में रखा जाएगा :

परन्तु विधि द्वारा संरक्षित व्यापार या वाणिज्यिक गुप्त बातों की दशा में के सिवाय, यदि ऐसे प्रकटन में लोकहित, ऐसे पर व्यक्ति के हितों की किसी संभावित अपहानि या क्षति से अधिक महत्वपूर्ण है तो प्रकटन अनुज्ञात किया जा सकेगा।

(2) जहां उपधारा (1) के अधीन, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी द्वारा पर व्यक्ति पर किसी सूचना या अभिलेख या उसके किसी भाग के बारे में किसी सूचना की तामील की जाती है, वहां ऐसे पर व्यक्ति को, ऐसी सूचना की प्राप्ति की तारीख से दस दिन के भीतर, प्रस्तावित प्रकटन के विरुद्ध अभ्यावेदन करने का अवसर दिया जाएगा।

(3) धारा 7 में किसी बात के होते हुए भी, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी धारा 6 के अधीन अनुरोध प्राप्त होने के पश्चात् चालीस दिन के भीतर, यदि पर व्यक्ति को उपधारा (2) के अधीन अभ्यावेदन करने का अवसर दे दिया गया है, तो इस बारे में विनिश्चय करेगा कि उक्त सूचना या अभिलेख या उसके भाग का प्रकटन किया जाए या नहीं और अपने विनिश्चय की सूचना लिखित में पर व्यक्ति को देगा।

(4) उपधारा (3) के अधीन दी गई सूचना में यह कथन भी सम्मिलित होगा कि वह पर व्यक्ति, जिसे सूचना दी गई है, धारा 19 के अधीन उक्त विनिश्चय के विरुद्ध अपील करने का हकदार है।

केन्द्रीय सूचना आयोग

12. केन्द्रीय सूचना आयोग का गठन—(1) केन्द्रीय सरकार, राजपत्र में अधिसूचना द्वारा, केन्द्रीय सूचना आयोग के नाम से ज्ञात एक निकाय का गठन करेगी, जो ऐसी शक्तियों का प्रयोग और ऐसे कृत्यों का पालन करेगा, जो उसे इस अधिनियम के अधीन सौंपे जाएं।

(2) केन्द्रीय सूचना आयोग निम्नलिखित से मिलकर बनेगा—

(क) मुख्य सूचना आयुक्त ; और

(ख) दस से अनधिक उतनी संख्या में केन्द्रीय सूचना आयुक्त, जितने आवश्यक समझे जाएं।

(3) मुख्य सूचना आयुक्त और सूचना आयुक्तों की नियुक्ति, राष्ट्रपति द्वारा निम्नलिखित से मिलकर बनी समिति की सिफारिश पर की जाएगी—

(i) प्रधानमंत्री, जो समिति का अध्यक्ष होगा ;

(ii) लोक सभा में विपक्ष का नेता ; और

(iii) प्रधानमंत्री द्वारा नामनिर्दिष्ट संघ मंत्रिमण्डल का एक मंत्री।

स्पष्टीकरण—शंकाओं के निवारण के प्रयोजन के लिए यह घोषित किया जाता है कि जहां लोक सभा में विपक्ष के नेता को उस रूप में मान्यता नहीं दी गई है, वहां लोक सभा में सरकार के विपक्षी एकल सबसे बड़े समूह के नेता को विपक्ष का नेता समझा जाएगा।

(4) केन्द्रीय सूचना आयोग के कार्यों का साधारण अधीक्षण, निदेशन और प्रबंधन, मुख्य सूचना आयुक्त में निहित होगा, जिसकी सहायता सूचना आयुक्तों द्वारा की जाएगी और वह ऐसी सभी शक्तियों का प्रयोग और ऐसे सभी कार्य और बातें कर सकेगा, जिनका केन्द्रीय सूचना आयोग द्वारा स्वतंत्र रूप से इस अधिनियम के अधीन किसी अन्य प्राधिकारी के निदेशों के अधीन रहे बिना प्रयोग किया जा सकता है या जो की जा सकती है।

(5) मुख्य सूचना आयुक्त और सूचना आयुक्त विधि, विज्ञान और प्रौद्योगिकी, समाज सेवा, प्रबंध, पत्रकारिता, जनसंपर्क माध्यम या प्रशासन तथा शासन का व्यापक ज्ञान और अनुभव रखने वाले जनजीवन में प्रख्यात व्यक्ति होंगे।

(6) मुख्य सूचना आयुक्त या कोई सूचना आयुक्त, यथास्थिति, संसद का सदस्य या किसी राज्य या संघ राज्यक्षेत्र के विधान-मंडल का सदस्य नहीं होगा या कोई अन्य लाभ का पद धारित नहीं करेगा या किसी राजनैतिक दल से संबद्ध नहीं होगा अथवा कोई कारबार नहीं करेगा या कोई वृत्ति नहीं करेगा।

(7) केन्द्रीय सूचना आयोग का मुख्यालय, दिल्ली में होगा और केन्द्रीय सूचना आयोग, केन्द्रीय सरकार के पूर्व अनुमोदन से, भारत में अन्य स्थानों पर कार्यालय स्थापित कर सकेगा।

13. पदावधि और सेवा शर्तें—(1) मुख्य सूचना आयुक्त, उस तारीख से, जिसको वह अपना पद ग्रहण करता है पांच वर्ष की अवधि के लिए पद धारण करेगा और पुनर्नियुक्ति के लिए पात्र नहीं होगा :

परन्तु यह कि कोई मुख्य सूचना आयुक्त पैंसठ वर्ष की आयु प्राप्त करने के पश्चात् उस रूप में पद धारण नहीं करेगा।

(2) प्रत्येक सूचना आयुक्त, उस तारीख से, जिसको वह अपना पद ग्रहण करता है, पांच वर्ष की अवधि के लिए या पैंसठ वर्ष की आयु प्राप्त करने तक, इनमें से जो भी पूर्वतर हो, पद धारण करेगा और ऐसे सूचना आयुक्त के रूप में पुनर्नियुक्ति के लिए पात्र नहीं होगा :

परन्तु प्रत्येक सूचना आयुक्त, इस उपधारा के अधीन अपना पद रिक्त करने पर, धारा 12 की उपधारा (3) में विनिर्दिष्ट रीति से मुख्य सूचना आयुक्त के रूप में नियुक्ति के लिए पात्र होगा :

परन्तु यह और कि जहां सूचना आयुक्त को मुख्य सूचना आयुक्त के रूप में नियुक्त किया जाता है वहां उसकी पदावधि सूचना आयुक्त और मुख्य सूचना आयुक्त के रूप में कुल मिलाकर पांच वर्ष से अधिक नहीं होगी ।

(3) मुख्य सूचना आयुक्त या कोई सूचना आयुक्त, अपना पद ग्रहण करने से पूर्व राष्ट्रपति या उसके द्वारा इस निमित्त प्राधिकृत किसी अन्य व्यक्ति के समक्ष, पहली अनुसूची में इस प्रयोजन के लिए उपवर्णित प्ररूप के अनुसार एक शपथ या प्रतिज्ञान लेगा और उस पर हस्ताक्षर करेगा ।

(4) मुख्य सूचना आयुक्त या कोई सूचना आयुक्त, किसी भी समय, राष्ट्रपति को संबोधित अपने हस्ताक्षर सहित लेख द्वारा अपना पद त्याग सकेगा :

परन्तु मुख्य सूचना आयुक्त या किसी सूचना आयुक्त को धारा 14 में विनिर्दिष्ट शीति से हटाया जा सकेगा ।

(5) संदेय वेतन और भत्ते तथा सेवा के अन्य निबंधन और शर्तें--

(क) मुख्य सूचना आयुक्त की वही होंगी, जो मुख्य निर्वाचन आयुक्त की हैं ;

(ख) सूचना आयुक्त की वही होंगी, जो निर्वाचन आयुक्त की हैं :

परन्तु यदि मुख्य सूचना आयुक्त या कोई सूचना आयुक्त, अपनी नियुक्ति के समय, भारत सरकार के अधीन या किसी राज्य सरकार के अधीन किसी पूर्व सेवा के संबंध में कोई पेंशन, अक्षमता या क्षति पेंशन से भिन्न, प्राप्त कर रहा है तो मुख्य सूचना आयुक्त या सूचना आयुक्त के रूप में सेवा के संबंध में उसके वेतन में से, उस पेंशन की, जिसके अंतर्गत पेंशन का ऐसा कोई भाग, जिसे संरक्षित किया गया था और सेवानिवृत्ति उपदान के समतुल्य पेंशन को छोड़कर, सेवानिवृत्ति फायदों के अन्य रूपों के समतुल्य पेंशन भी है, रकम को कम कर दिया जाएगा :

परन्तु यह और कि यदि मुख्य सूचना आयुक्त या कोई सूचना आयुक्त, अपनी नियुक्ति के समय, किसी केन्द्रीय अधिनियम या राज्य अधिनियम द्वारा या उसके अधीन स्थापित किसी निगम में या केन्द्रीय सरकार या राज्य सरकार के स्वामित्वाधीन या नियंत्रणाधीन किसी सरकारी कंपनी में की गई किसी पूर्व सेवा के संबंध में सेवानिवृत्ति फायदे प्राप्त कर रहा है तो मुख्य सूचना आयुक्त या सूचना आयुक्त के रूप में सेवा के संबंध में उसके वेतन में से, सेवानिवृत्ति फायदों के समतुल्य पेंशन की रकम कम कर दी जाएगी :

परन्तु यह भी कि मुख्य सूचना आयुक्त और सूचना आयुक्त के वेतन, भत्तों और सेवा की अन्य शर्तों में उसकी नियुक्ति के पश्चात् उसके अलाभकर रूप में कोई परिवर्तन नहीं किया जाएगा ।

(6) केन्द्रीय सरकार, मुख्य सूचना आयुक्त और सूचना आयुक्तों को उतने अधिकारी और कर्मचारी उपलब्ध कराएगी, जितने इस अधिनियम के अधीन उनके कृत्यों के दक्ष पालन के लिए आवश्यक हों और इस अधिनियम के प्रयोजन के लिए नियुक्त किए गए अधिकारियों और अन्य कर्मचारियों को संदेय वेतन और भत्ते तथा सेवा के निबंधन और शर्तें ऐसी होंगी, जो विहित की जाएं ।

14. सूचना आयुक्त या मुख्य सूचना आयुक्त का हटाया जाना—(1) उपधारा (3) के उपबंधों के अधीन रहते हुए, मुख्य सूचना आयुक्त या किसी सूचना आयुक्त को राष्ट्रपति के आदेश द्वारा साबित कदाचार या असमर्थता के आधार पर उसके पद से तभी हटाया जाएगा, जब उच्चतम न्यायालय ने, राष्ट्रपति द्वारा उसे किए गए किसी निर्देश पर जांच के पश्चात् यह रिपोर्ट दी हो कि, यथास्थिति, मुख्य सूचना आयुक्त या सूचना आयुक्त को उस आधार पर हटा दिया जाना चाहिए ।

(2) राष्ट्रपति, उस मुख्य सूचना आयुक्त या सूचना आयुक्त को, जिसके विरुद्ध उपधारा (1) के अधीन उच्चतम न्यायालय को निर्देश किया गया है, ऐसे निर्देश पर उच्चतम न्यायालय की रिपोर्ट प्राप्त होने पर राष्ट्रपति द्वारा आदेश पारित किए जाने तक पद से निलंबित कर सकेगा और यदि आवश्यक समझे तो, जांच के दौरान कार्यालय में उपस्थित होने से भी प्रतिषिद्ध कर सकेगा ।

(3) उपधारा (1) में अंतर्विष्ट किसी बात के होते हुए भी राष्ट्रपति, मुख्य सूचना आयुक्त या किसी सूचना आयुक्त को आदेश द्वारा पद से हटा सकेगा, यदि, यथास्थिति, मुख्य सूचना आयुक्त या सूचना आयुक्त,--

(क) दिवालिया न्यायनिर्णीत किया गया है; या

(अध्याय 3—केन्द्रीय सूचना आयोग । अध्याय 4—राज्य सूचना आयोग ।)

(ख) वह ऐसे अपराध के लिए दोषसिद्ध ठहराया गया है, जिसमें राष्ट्रपति की राय में, नैतिक अधमता अन्तर्वर्तित है ; या

(ग) अपनी पदावधि के दौरान, अपने पद के कर्तव्यों से परे किसी वैतनिक नियोजन में लगा हुआ है ; या

(घ) राष्ट्रपति की राय में, मानसिक या शारीरिक अक्षमता के कारण पद पर बने रहने के अयोग्य है ; या

(ङ) उसने ऐसे वित्तीय और अन्य हित अर्जित किए हैं, जिनसे मुख्य सूचना आयुक्त या किसी सूचना आयुक्त के रूप में उसके कृत्यों पर प्रतिकूल प्रभाव पड़ने की संभावना है ।

(4) यदि मुख्य सूचना आयुक्त या कोई सूचना आयुक्त, किसी प्रकार भारत सरकार द्वारा या उसकी ओर से की गई किसी संबद्ध या करार से संबद्ध या उसमें हितबद्ध है या किसी निगमित कंपनी के किसी सदस्य के रूप में से अन्यथा और उसके अन्य सदस्यों के साथ सामान्यतः उसके लाभ में या उससे प्रोद्भूत होने वाले किसी फायदे या परिलब्धियों में हिस्सा लेता है तो वह, उपधारा (1) के प्रयोजनों के लिए, कदाचार का दोषी समझा जाएगा ।

अध्याय 4

राज्य सूचना आयोग

15. **राज्य सूचना आयोग का गठन**—(1) प्रत्येक राज्य सरकार राजपत्र में अधिसूचना द्वारा..... (राज्य का नाम) सूचना आयोग के नाम से ज्ञात एक निकाय का गठन करेगी, जो ऐसी शक्तियों का प्रयोग और ऐसे कृत्यों का पालन करेगा, जो उसे इस अधिनियम के अधीन सौंपे जाएं ।

(2) राज्य सूचना आयोग निम्नलिखित से मिलकर बनेगा—

(क) राज्य मुख्य सूचना आयुक्त ; और

(ख) दस से अनधिक उतनी संख्या में राज्य सूचना आयुक्त, जितने आवश्यक समझे जाएं ।

(3) राज्य मुख्य सूचना आयुक्त और राज्य सूचना आयुक्तों की नियुक्ति राज्यपाल द्वारा निम्नलिखित से मिलकर बनी किसी समिति की सिफारिश पर की जाएगी,—

(i) मुख्यमंत्री, जो समिति का अध्यक्ष होगा ;

(ii) विधान सभा में विपक्ष का नेता ; और

(iii) मुख्यमंत्री द्वारा नामनिर्देशित किया जाने वाला मंत्रिमंडल का सदस्य ।

स्पष्टीकरण—शंकाओं को दूर करने के प्रयोजनों के लिए यह घोषित किया जाता है कि जहां विधान सभा में विपक्षी दल के नेता को उस रूप में मान्यता नहीं दी गई है, वहां विधान सभा में सरकार के विपक्षी एकल सबसे बड़े समूह के नेता को विपक्षी दल का नेता समझा जाएगा ।

(4) राज्य सूचना आयोग के कार्यों का साधारण अधीक्षण, निदेशन और प्रबंध राज्य मुख्य सूचना आयुक्त में निहित होगा, जिसकी राज्य सूचना आयुक्तों द्वारा सहायता की जाएगी और वह सभी ऐसी शक्तियों का प्रयोग कर सकेगा और सभी ऐसे कार्य और बातें कर सकेगा जो राज्य सूचना आयोग द्वारा इस अधिनियम के अधीन किसी अन्य प्राधिकारी के निदेशों के अधधीन रहे बिना स्वतंत्र रूप से प्रयोग की जा सकती हैं या की जा सकती हैं ।

(5) राज्य मुख्य सूचना आयुक्त और राज्य सूचना आयुक्त विधि, विज्ञान और प्रौद्योगिकी, समाजसेवा, प्रबंध, पत्रकारिता, जनसंपर्क माध्यम या प्रशासन और शासन में व्यापक ज्ञान और अनुभव वाले समाज में प्रख्यात व्यक्ति होंगे ।

(6) राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त, यथास्थिति, संसद का सदस्य या किसी राज्य या संघ राज्यक्षेत्र के विधान-मंडल का सदस्य नहीं होगा या कोई अन्य लाभ का पद धारण नहीं करेगा या किसी राजनीतिक दल से संबद्ध नहीं होगा या कोई कारबार नहीं करेगा या कोई वृत्ति नहीं करेगा ।

(7) राज्य सूचना आयोग का मुख्यालय राज्य में ऐसे स्थान पर होगा, जिसे राज्य सरकार राजपत्र में अधिसूचना द्वारा विनिर्दिष्ट करे और राज्य सूचना आयोग, राज्य सरकार के पूर्व अनुमोदन से, राज्य में अन्य स्थानों पर अपने कार्यालय स्थापित कर सकेगा।

16. पदावधि और सेवा की शर्तें—(1) राज्य मुख्य सूचना आयुक्त उस तारीख से, जिसको वह अपना पद ग्रहण करता है, पांच वर्ष की अवधि के लिए पद धारण करेगा और पुनर्नियुक्ति के लिए पात्र नहीं होगा :

परन्तु कोई राज्य मुख्य सूचना आयुक्त पैंसठ वर्ष की आयु प्राप्त करने के पश्चात् उस रूप में पद धारण नहीं करेगा।

(2) प्रत्येक राज्य सूचना आयुक्त उस तारीख से, जिसको वह अपना पद ग्रहण करता है, पांच वर्ष की अवधि के लिए या पैंसठ वर्ष की आयु प्राप्त करने तक, इनमें से जो भी पूर्वतर हो, पद धारण करेगा और राज्य सूचना आयुक्त के रूप में पुनर्नियुक्ति के लिए पात्र नहीं होगा :

परन्तु प्रत्येक राज्य सूचना आयुक्त, इस उपधारा के अधीन अपना पद रिक्त करने पर, धारा 15 की उपधारा (3) में विनिर्दिष्ट रीति से राज्य मुख्य सूचना आयुक्त के रूप में नियुक्ति के लिए पात्र होगा :

परन्तु यह और कि जहां राज्य सूचना आयुक्त की राज्य मुख्य सूचना आयुक्त के रूप में नियुक्ति की जाती है, वहां उसकी पदावधि राज्य सूचना आयुक्त और राज्य मुख्य सूचना आयुक्त के रूप में कुल मिलाकर पांच वर्ष से अधिक नहीं होगी।

(3) राज्य मुख्य सूचना आयुक्त या कोई राज्य सूचना आयुक्त अपना पद ग्रहण करने से पूर्व राज्यपाल या इस निमित्त उसके द्वारा नियुक्त किए गए किसी अन्य व्यक्ति के समक्ष पहली अनुसूची में इस प्रयोजन के लिए उपवर्णित प्ररूप के अनुसार शपथ या प्रतिज्ञान लेगा और उस पर अपने हस्ताक्षर करेगा।

(4) राज्य मुख्य सूचना आयुक्त या कोई राज्य सूचना आयुक्त, किसी भी समय, राज्यपाल को संबोधित अपने हस्ताक्षर सहित लेख द्वारा अपने पद का त्याग कर सकेगा :

परन्तु राज्य मुख्य सूचना आयुक्त या किसी राज्य सूचना आयुक्त को धारा 17 में विनिर्दिष्ट रीति से हटाया जा सकेगा।

(5) संदेय वेतन और भत्ते तथा सेवा के अन्य निबंधन और शर्तें—

(क) राज्य मुख्य सूचना आयुक्त की वही होंगी, जो किसी निर्वाचन आयुक्त की हैं ;

(ख) राज्य सूचना आयुक्त की वही होंगी, जो राज्य सरकार के मुख्य सचिव की हैं :

परन्तु यदि राज्य मुख्य सूचना आयुक्त या कोई राज्य सूचना आयुक्त अपनी नियुक्ति के समय भारत सरकार के अधीन या किसी राज्य सरकार के अधीन किसी पूर्व सेवा के संबंध में कोई पेंशन, अक्षमता या क्षति पेंशन से भिन्न, प्राप्त कर रहा है तो राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त के रूप में सेवा के संबंध में उसके वेतन में से उस पेंशन की रकम को, जिसके अंतर्गत पेंशन का ऐसा भाग जिसे संराशिकृत किया गया था और सेवानिवृत्ति उपदान के समतुल्य पेंशन को छोड़कर अन्य प्रकार के सेवानिवृत्ति फायदों के समतुल्य पेंशन भी है, कम कर दिया जाएगा :

परन्तु यह और कि जहां राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त, अपनी नियुक्ति के समय, किसी केन्द्रीय अधिनियम या राज्य अधिनियम द्वारा या उसके अधीन स्थापित किसी निगम या केन्द्रीय सरकार या राज्य सरकार के स्वामित्वाधीन या नियंत्रणाधीन किसी सरकारी कंपनी में की गई किसी पूर्व सेवा के संबंध में सेवानिवृत्ति फायदे प्राप्त कर रहा है वहां राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त के रूप में सेवा के संबंध में उसके वेतन में से सेवानिवृत्ति फायदों के समतुल्य पेंशन की रकम कम कर दी जाएगी :

परन्तु यह और कि राज्य मुख्य सूचना आयुक्त और राज्य सूचना आयुक्तों के वेतन, भत्तों और सेवा की अन्य शर्तों में उनकी नियुक्ति के पश्चात् उनके लिए अलाभकारी रूप में परिवर्तन नहीं किया जाएगा।

(अध्याय 4—राज्य सूचना आयोग । अध्याय 5—सूचना आयोगों की शक्तियां और कृत्य, अपील तथा शास्तियां ।)

(6) राज्य सरकार, राज्य मुख्य सूचना आयुक्त और राज्य सूचना आयुक्तों को उतने अधिकारी और कर्मचारी उपलब्ध कराएगी, जितने इस अधिनियम के अधीन उनके कृत्यों के दक्ष पालन के लिए आवश्यक हों और इस अधिनियम के प्रयोजन के लिए नियुक्त किए गए अधिकारियों और अन्य कर्मचारियों को संदेय वेतन और भत्ते तथा सेवा के निबंधन और शर्तें ऐसी होंगी, जो विहित की जाएं ।

17. राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त का हटाया जाना—(1) उपधारा (3) के उपबंधों के अधीन रहते हुए, राज्य मुख्य सूचना आयुक्त या किसी राज्य सूचना आयुक्त को राज्यपाल के आदेश द्वारा साबित कदाचार या असमर्थता के आधार पर उसके पद से तभी हटाया जाएगा, जब उच्चतम न्यायालय ने, राज्यपाल द्वारा उसे किए गए किसी निर्देश पर जांच के पश्चात् यह रिपोर्ट दी हो कि, यथास्थिति, राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त को उस आधार पर हटा दिया जाना चाहिए ।

(2) राज्यपाल, उस राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त को, जिसके विरुद्ध उपधारा (1) के अधीन उच्चतम न्यायालय को निर्देश किया गया है, ऐसे निर्देश पर उच्चतम न्यायालय की रिपोर्ट की प्राप्ति पर राज्यपाल द्वारा आदेश पास्ति किए जाने तक, पद से निलंबित कर सकेगा और यदि आवश्यक समझे तो ऐसी जांच के दौरान कार्यालय में उपस्थित होने से प्रतिषिद्ध भी कर सकेगा ।

(3) उपधारा (1) में अंतर्विष्ट किसी बात के होते हुए भी राज्यपाल, राज्य मुख्य सूचना आयुक्त या किसी राज्य सूचना आयुक्त को, आदेश द्वारा, पद से हटा सकेगा, यदि, यथास्थिति, राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त—

(क) दिवालिया न्यायनिर्णीत किया गया है ; या

(ख) वह ऐसे किसी अपराध के लिए दोषसिद्ध ठहराया गया है, जिसमें राज्यपाल की राय में नैतिक अधमता अंतर्वर्तित है ; या

(ग) वह अपनी पदावधि के दौरान अपने पद के कर्तव्यों से परे किसी वैतनिक नियोजन में लगा हुआ है ; या

(घ) राज्यपाल की राय में, मानसिक या शारीरिक अक्षमता के कारण पद पर बने रहने के अयोग्य है ; या

(ङ) उसने ऐसे वित्तीय या अन्य हित अर्जित किए हैं, जिनसे, राज्य मुख्य सूचना आयुक्त या राज्य सूचना आयुक्त के रूप में उसके कृत्यों पर प्रतिकूल प्रभाव पड़ने की संभावना है ।

(4) यदि राज्य मुख्य सूचना आयुक्त या कोई राज्य सूचना आयुक्त, किसी प्रकार, राज्य सरकार द्वारा या उसकी ओर से की गई किसी संविदा या करार से संबद्ध या उसमें हितबद्ध है या किसी निगमित कंपनी के किसी सदस्य को किसी रूप में से अन्यथा और उसके अन्य सदस्यों के साथ सामान्यतः उसके लाभ में या उससे प्रोद्भूत होने वाले किसी फायदे या परिलब्धियों में हिस्सा लेता है तो वह उपधारा (1) के प्रयोजनों के लिए कदाचार का दोषी समझा जाएगा ।

अध्याय 5

सूचना आयोगों की शक्तियां और कृत्य, अपील तथा शास्तियां

18. सूचना आयोगों की शक्तियां और कृत्य—(1) इस अधिनियम के उपबंधों के अधीन रहते हुए, यथास्थिति, केन्द्रीय सूचना आयोग या राज्य आयोग का यह कर्तव्य होगा कि वह निम्नलिखित किसी ऐसे व्यक्ति से शिकायत प्राप्त करे और उसकी जांच करे,—

(क) जो, यथास्थिति, किसी केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी को, इस कारण से अनुरोध प्रस्तुत करने में असमर्थ रहा है कि इस अधिनियम के अधीन ऐसे अधिकारी की नियुक्ति नहीं की गई है या, यथास्थिति, केन्द्रीय सहायक लोक सूचना अधिकारी या राज्य सहायक लोक सूचना अधिकारी ने इस अधिनियम के अधीन सूचना या अपील के लिए धारा 19 की उपधारा (1) में विनिर्दिष्ट केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी अथवा ज्येष्ठ अधिकारी या, यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग को उसके आवेदन को भेजने के लिए स्वीकार करने से इंकार कर दिया है ;

(ख) जिसे इस अधिनियम के अधीन अनुरोध की गई कोई जानकारी तक पहुंच के लिए इंकार कर दिया गया है ;

(अध्याय 5—सूचना आयोगों की शक्तियाँ और कृत्य, अपील तथा शास्तियाँ ।)

(ग) जिसे इस अधिनियम के अधीन विनिर्दिष्ट समय-सीमा के भीतर सूचना के लिए या सूचना तक पहुंच के लिए अनुरोध का उत्तर नहीं दिया गया है ;

(घ) जिससे ऐसी फीस की रकम का संदाय करने की अपेक्षा की गई है, जो वह अनुचित समझता है या समझती है ;

(ङ) जो यह विश्वास करता है कि उसे इस अधिनियम के अधीन अपूर्ण, भ्रम में डालने वाली या मिथ्या सूचना दी गई है ; और

(च) इस अधिनियम के अधीन अभिलेखों के लिए अनुरोध करने या उन तक पहुंच प्राप्त करने से संबंधित किसी अन्य विषय के संबंध में ।

(2) जहां, यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग का यह समाधान हो जाता है कि उस विषय में जांच करने के लिए युक्तियुक्त आधार हैं, वहां वह उसके संबंध में जांच आरंभ कर सकेगा ।

(3) यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग को, इस धारा के अधीन किसी मामले में जांच करते समय वही शक्तियाँ प्राप्त होंगी, जो निम्नलिखित मामलों के संबंध में सिविल प्रक्रिया संहिता, 1908 (1908 का 5) के अधीन किसी वाद का विचारण करते समय सिविल न्यायालय में निहित होती हैं, अर्थात् :-

(क) किन्हीं व्यक्तियों को समन करना और उन्हें उपस्थित कराना तथा शपथ पर मौखिक या लिखित साक्ष्य देने के लिए और दस्तावेज या चीजें पेश करने के लिए उनको विवश करना ;

(ख) दस्तावेजों के प्रकटीकरण और निरीक्षण की अपेक्षा करना ;

(ग) शपथपत्र पर साक्ष्य को अभिग्रहण करना ;

(घ) किसी न्यायालय या कार्यालय से किसी लोक अभिलेख या उसकी प्रतियाँ मंगाना ;

(ङ) साक्षियों या दस्तावेजों की परीक्षा के लिए समन जारी करना ; और

(च) कोई अन्य विषय, जो विहित किया जाए ।

(4) यथास्थिति, संसद् या राज्य विधान-मंडल के किसी अन्य अधिनियम में अंतर्विष्ट किसी असंगत बात के होते हुए भी, यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग इस अधिनियम के अधीन किसी शिकायत की जांच करने के दौरान, ऐसे किसी अभिलेख की परीक्षा कर सकेगा, जिसे यह अधिनियम लागू होता है और जो लोक प्राधिकारी के नियंत्रण में है और उसके द्वारा ऐसे किसी अभिलेख को किन्हीं भी आधारों पर रोका नहीं जाएगा ।

19. अपील—(1) ऐसा कोई व्यक्ति, जिसे धारा 7 की उपधारा (1) या उपधारा (3) के खंड (क) में विनिर्दिष्ट समय के भीतर कोई विनिश्चय प्राप्त नहीं हुआ है या जो, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी के किसी विनिश्चय से व्यथित है, उस अवधि की समाप्ति से या ऐसे किसी विनिश्चय की प्राप्ति से तीस दिन के भीतर ऐसे अधिकारी को अपील कर सकेगा, जो प्रत्येक लोक प्राधिकरण में, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी की पंक्ति से ज्येष्ठ पंक्ति का है :

परन्तु ऐसा अधिकारी, तीस दिन की अवधि की समाप्ति के पश्चात् अपील को ग्रहण कर सकेगा, यदि उसका यह समाधान हो जाता है कि अपीलार्थी समय पर अपील फाइल करने में पर्याप्त कारण से निवारित किया गया था ।

(2) जहां अपील धारा 11 के अधीन, यथास्थिति, किसी केन्द्रीय लोक सूचना अधिकारी या किसी राज्य लोक सूचना अधिकारी द्वारा पर व्यक्ति की सूचना प्रकट करने के लिए किए गए किसी आदेश के विरुद्ध की जाती है वहां संबंधित पर व्यक्ति द्वारा अपील, उस आदेश की तारीख से तीस दिन के भीतर की जाएगी ।

(3) उपधारा (1) के अधीन विनिश्चय के विरुद्ध दूसरी अपील उस तारीख से, जिसको विनिश्चय किया जाना चाहिए था या वास्तव में प्राप्त किया गया था, नब्बे दिन के भीतर केन्द्रीय सूचना आयोग या राज्य सूचना आयोग को होगी :

परन्तु, यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग नब्बे दिन की अवधि की समाप्ति के पश्चात् अपील को ग्रहण कर सकेगा, यदि उसका यह समाधान हो जाता है कि अपीलार्थी समय पर अपील फाइल करने से पर्याप्त कारण से निवारित किया गया था ।

(अध्याय 5—सूचना आयोगों की शक्तियाँ और कृत्य, अपील तथा शास्तियाँ।)

(4) यदि, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी का विनिश्चय, जिसके विरुद्ध अपील की गई है, पर व्यक्ति की सूचना से संबंधित है तो, यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग उस पर व्यक्ति को सुनवाई का व्यक्तिगत अवसर देगा।

(5) अपील संबंधी किन्हीं कार्यवाहियों में यह साबित करने का भार कि अनुरोध को अस्वीकार करना न्यायोचित था, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी पर, जिसने अनुरोध से इंकार किया था, होगा।

(6) उपधारा (1) या उपधारा (2) के अधीन किसी अपील का निपटारा, लेखबद्ध किए जाने वाले कारणों से, अपील की प्राप्ति के तीस दिन के भीतर या ऐसी विस्तारित अवधि के भीतर, जो उसके फाइल किए जाने की तारीख से कुल पैंतालीस दिन से अधिक न हो, किया जाएगा।

(7) यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग का विनिश्चय आबद्धकर होगा।

(8) अपने विनिश्चय में, यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग को निम्नलिखित की शक्ति है—

(क) लोक प्राधिकरण से ऐसे उपाय करने की अपेक्षा करना, जो इस अधिनियम के उपबंधों का अनुपालन सुनिश्चित करने के लिए आवश्यक हो, जिनके अंतर्गत निम्नलिखित भी हैं :—

(i) सूचना तक पहुंच उपलब्ध कराना, यदि विशिष्ट प्ररूप में ऐसा अनुरोध किया गया है ;

(ii) यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी को नियुक्त करना ;

(iii) कतिपय सूचना या सूचना के प्रवर्गों को प्रकाशित करना ;

(iv) अभिलेखों के अनुस्क्षण, प्रबंध और विनाश से संबंधित अपनी पद्धतियों में आवश्यक परिवर्तन करना ;

(v) अपने अधिकारियों के लिए सूचना के अधिकार के संबंध में प्रशिक्षण के उपबंध को बढ़ाना ;

(vi) धारा 4 की उपधारा (1) के खंड (ख) के अनुसरण में अपनी एक वार्षिक रिपोर्ट उपलब्ध कराना ;

(ख) लोक प्राधिकारी से शिकायतकर्ता को, उसके द्वारा सहन की गई किसी हानि या अन्य नुकसान के लिए प्रतिपूरित करने की अपेक्षा करना ;

(ग) इस अधिनियम के अधीन उपबंधित शास्तियों में से कोई शास्ति अधिरोपित करना ;

(घ) आवेदन को नामंजूर करना।

(9) यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग शिकायतकर्ता और लोक प्राधिकारी को, अपने विनिश्चय की, जिसके अंतर्गत अपील का कोई अधिकार भी है, सूचना देगा।

(10) यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग, अपील का विनिश्चय ऐसी प्रक्रिया के अनुसार करेगा, जो विहित की जाए।

20. शास्ति—(1) जहां किसी शिकायत या अपील का विनिश्चय करते समय, यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग की यह राय है कि, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी ने, किसी व्यक्तिगत कारण के बिना सूचना के लिए, कोई आवेदन प्राप्त करने से इंकार किया है या धारा 7 की उपधारा (1) के अधीन विनिर्दिष्ट समय के भीतर सूचना नहीं दी है या असदभावपूर्वक सूचना के लिए अनुरोध से इंकार किया है या जानबूझकर गलत, अपूर्ण या भ्रामक सूचना दी है या उस सूचना को नष्ट कर दिया है, जो अनुरोध का विषय थी या किसी रीति से सूचना देने में बाधा डाली है, तो वह ऐसे प्रत्येक दिन के लिए, जब तक आवेदन प्राप्त किया जाता है या सूचना दी जाती है, दो सौ पचास रुपए की शास्ति अधिरोपित करेगा, तथापि, ऐसी शास्ति की कुल रकम पच्चीस हजार रुपए से अधिक नहीं होगी :

(अध्याय 5—सूचना आयोगों की शक्तियाँ और कृत्य, अपील तथा शास्तियाँ । अध्याय 6—प्रकीर्ण)

परन्तु, यथास्थिति, केंद्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी को, उस पर कोई शास्ति अधिरोपित किए जाने के पूर्व, सुनवाई का व्यक्तिबुद्ध अवसर दिया जाएगा :

परन्तु यह और कि यह साबित करने का भार कि उसने व्यक्तिबुद्ध रूप से और तत्पश्चात्पूर्वक कार्य किया है, यथास्थिति, केंद्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी पर होगा ।

(2) जहां किसी शिकायत या अपील का विनिर्णय करते समय, यथास्थिति, केंद्रीय सूचना आयोग या राज्य सूचना आयोग की यह राय है कि, यथास्थिति, केंद्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी, किसी व्यक्तिबुद्ध कारण के बिना और लगातार सूचना के लिए कोई आवेदन प्राप्त करने में असफल रहा है या उसने धारा 7 की उपधारा (1) के अधीन विनिर्दिष्ट समय के भीतर सूचना नहीं दी है या असदभावपूर्वक सूचना के लिए अनुरोध से इंकार किया है या जानबूझकर गलत, अपूर्ण या भ्रामक सूचना दी है या ऐसी सूचना को नष्ट कर दिया है, जो अनुरोध का विषय थी या किसी रीति से सूचना देने में बाधा डाली है वहां वह, यथास्थिति, ऐसे केंद्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी के विरुद्ध उसे लागू सेवा नियमों के अधीन अनुशासनिक कार्रवाई के लिए सिफारिश करेगा ।

अध्याय 6

प्रकीर्ण

21. सद्भावपूर्वक की गई कार्रवाई के लिए संरक्षण—कोई वाद, अभियोजन या अन्य विधिक कार्यवाही किसी भी ऐसी बात के बारे में, जो इस अधिनियम या उसके अधीन बनाए गए किसी नियम के अधीन सद्भावपूर्वक की गई है या की जाने के लिए आशयित है, किसी व्यक्ति के विरुद्ध न होगी ।

22. अधिनियम का अध्यारोही प्रभाव होना—इस अधिनियम के उपबंध, शासकीय गुप्त बात अधिनियम, 1923 (1923 का 19) और तत्समय प्रवृत्त किसी अन्य विधि में या इस अधिनियम से अन्यथा किसी विधि के आधार पर प्रभाव रखने वाली किसी लिखत में, उससे असंगत किसी बात के होते हुए भी, प्रभावी होंगे ।

23. न्यायालयों की अधिकारिता का वर्जन—कोई न्यायालय, इस अधिनियम के अधीन किए गए किसी आदेश के संबंध में कोई वाद, आवेदन या अन्य कार्यवाही ग्रहण नहीं करेगा और ऐसे किसी आदेश को, इस अधिनियम के अधीन किसी अपील के रूप में के सिवाय किसी रूप में प्रश्नगत नहीं किया जाएगा ।

24. अधिनियम का कतिपय संगठनों को लागू न होना—(1) इस अधिनियम में अंतर्विष्ट कोई बात, केन्द्रीय सरकार द्वारा स्थापित आसूचना और सुरक्षा संगठनों को, जो दूसरी अनुसूची में विनिर्दिष्ट है या ऐसे संगठनों द्वारा उस सरकार को दी गई किसी सूचना को लागू नहीं होगी :

परन्तु भ्रष्टाचार और मानव अधिकारों के अतिक्रमण के अभिकथनों से संबंधित सूचना इस उपधारा के अधीन अपवर्जित नहीं की जाएगी :

परन्तु यह और कि यदि मांगी गई सूचना मानवाधिकारों के अतिक्रमण के अभिकथनों से संबंधित है तो सूचना, केन्द्रीय सूचना आयोग के अनुमोदन के पश्चात् ही दी जाएगी और धारा 7 में किसी बात के होते हुए भी, ऐसी सूचना अनुरोध की प्राप्ति के पैंतालीस दिन के भीतर दी जाएगी ।

(2) केन्द्रीय सरकार, राजपत्र में किसी अधिसूचना द्वारा, अनुसूची का उस सरकार द्वारा स्थापित किसी अन्य आसूचना या सुरक्षा संगठन को उसमें सम्मिलित करके या उसमें पहले से विनिर्दिष्ट किसी संगठन का उससे लोप करके, संशोधन कर सकेगी और ऐसी अधिसूचना के प्रकाशन पर ऐसे संगठन को अनुसूची में, यथास्थिति, सम्मिलित किया गया या उसका उससे लोप किया गया समझा जाएगा ।

(3) उपधारा (2) के अधीन जारी की गई प्रत्येक अधिसूचना, संसद् के प्रत्येक सदन के समक्ष रखी जाएगी ।

(4) इस अधिनियम की कोई बात ऐसे आसूचना और सुरक्षा संगठनों को लागू नहीं होगी, जो राज्य सरकार द्वारा स्थापित ऐसे संगठन हैं, जिन्हें वह सरकार समय-समय पर, राजपत्र में अधिसूचना द्वारा, विनिर्दिष्ट करे :

परन्तु भ्रष्टाचार और मानव अधिकारों के अतिक्रमण के अभिकथनों से संबंधित सूचना इस उपधारा के अधीन अपवर्जित नहीं की जाएगी :

परन्तु यह और कि यदि मांगी गई सूचना मानव अधिकारों के अतिक्रमण अभिकथनों से संबंधित है तो सूचना राज्य सूचना आयोग के अनुमोदन के पश्चात् ही दी जाएगी और धारा 7 में किसी बात के होते हुए भी, ऐसी सूचना अनुरोध की प्राप्ति के पैंतालीस दिनों के भीतर दी जाएगी।

(5) उपधारा (4) के अधीन जारी की गई प्रत्येक अधिसूचना राज्य विधान-मंडल के समक्ष रखी जाएगी।

25. मनीटर करना और रिपोर्ट करना—(1) यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग, प्रत्येक वर्ष के अंत के पश्चात्, यथासाध्यशीघ्रता से उसे वर्ष के दौरान इस अधिनियम के उपबंधों के कार्यान्वयन के संबंध में एक रिपोर्ट तैयार करेगा और उसकी एक प्रति समुचित सरकार को भेजेगा।

(2) प्रत्येक मंत्रालय या विभाग, अपनी अधिकारिता के भीतर लोक प्राधिकारियों के संबंध में, ऐसी सूचना एकत्रित करेगा और उसे, यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग को उपलब्ध कराएगा, जो इस धारा के अधीन रिपोर्ट तैयार करने के लिए अपेक्षित है और इस धारा के प्रयोजनों के लिए, उस सूचना को देने तथा अभिलेख रखने से संबंधित अपेक्षाओं का पालन करेगा।

(3) प्रत्येक रिपोर्ट में, उस वर्ष के संबंध में, जिससे रिपोर्ट संबंधित है, निम्नलिखित के बारे में कथन होगा,—

(क) प्रत्येक लोक प्राधिकारी से किए गए अनुरोधों की संख्या ;

(ख) ऐसे विनिश्चयों की संख्या, जहां आवेदक अनुरोधों के अनुसरण में दस्तावेजों तक पहुंच के लिए हक्कार नहीं थे, इस अधिनियम के वे उपबंध, जिनके अधीन ये विनिश्चय किए गए थे और ऐसे समयों की संख्या, जब ऐसे उपबंधों का अवलंब लिया गया था ;

(ग) पुनर्विलोकन के लिए, यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग को निर्दिष्ट की गई अपीलों की संख्या, अपीलों की प्रकृति और अपीलों के निष्कर्ष ;

(घ) इस अधिनियम के प्रशासन के संबंध में किसी अधिकारी के विरुद्ध की गई अनुशासनिक कार्यवाही की विशिष्टियां ;

(ङ) इस अधिनियम के अधीन प्रत्येक लोक प्राधिकारी द्वारा एकत्रित की गई प्रभारों की रकम ;

(च) कोई ऐसे तथ्य, जो इस अधिनियम की भावना और आशय को प्रशासित और कार्यान्वित करने के लिए लोक प्राधिकारियों के किसी प्रयास को उपदर्शित करते हैं ;

(छ) सुधार के लिए सिफारिशें, जिनके अंतर्गत इस अधिनियम या अन्य विधान या सामान्य विधि के विकास, समुन्नति, आधुनिकीकरण, सुधार या संशोधन के लिए विशिष्ट लोक प्राधिकारियों के संबंध में सिफारिशें या सूचना तक पहुंच के अधिकार को प्रवर्तनशील बनाने से सुसंगत कोई अन्य विषय भी हैं।

(4) यथास्थिति, केन्द्रीय सरकार या राज्य सरकार प्रत्येक वर्ष के अंत के पश्चात्, यथासाध्यशीघ्रता से, उपधारा (1) में निर्दिष्ट, यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग की रिपोर्ट की एक प्रति संसद् के प्रत्येक सदन के समक्ष या जहां राज्य विधान-मंडल के दो सदन हैं, वहां प्रत्येक सदन के समक्ष और जहां राज्य विधान-मंडल का एक सदन है वहां उस सदन के समक्ष रखवाएगी।

(5) यदि केन्द्रीय सूचना आयोग या राज्य सूचना आयोग को ऐसा प्रतीत होता है कि इस अधिनियम के अधीन अपने कृत्यों का प्रयोग करने के संबंध में किसी लोक प्राधिकारी की पद्धति इस अधिनियम के उपबंधों या भावना के अनुरूप नहीं है तो वह प्राधिकारी को ऐसे उपाय विनिर्दिष्ट करते हुए, जो उसकी राय में ऐसी अनुरूपता को बढ़ाने के लिए किए जाने चाहिए, सिफारिश कर सकेगा।

26. समुचित सरकार द्वारा कार्यक्रम तैयार किया जाना—(1) समुचित सरकार, वित्तीय और अन्य संसाधनों की उपलब्धता की सीमा तक—

(क) जनता की, विशेष रूप से, उपेक्षित समुदायों की इस बारे में समझ की वृद्धि करने के लिए कि इस अधिनियम के अधीन अनुध्यात अधिकारों का प्रयोग कैसे किया जाए शैक्षिक कार्यक्रम बना सकेगी और आयोजित कर सकेगी ;

(ख) लोक प्राधिकारियों को, खंड (क) में निर्दिष्ट कार्यक्रमों को बनाने और उनके आयोजन में भाग लेने और ऐसे कार्यक्रमों का स्वयं जिम्मा लेने के लिए प्रोत्साहित कर सकेगी ;

(ग) लोक प्राधिकारियों द्वारा उनके क्रियाकलापों के बारे में सही जानकारी का समय से और प्रभावी रूप में प्रसारित किए जाने को बढ़ावा दे सकेगी ;

(घ) लोक प्राधिकरणों के, यथास्थिति, केन्द्रीय लोक सूचना अधिकारियों या राज्य लोक सूचना अधिकारियों को प्रशिक्षित कर सकेगी और लोक प्राधिकरणों द्वारा स्वयं के उपयोग के लिए सुसंगत प्रशिक्षण सामग्रियों का उत्पादन कर सकेगी ।

(2) समुचित सरकार, इस अधिनियम के प्रारंभ से अठारह मास के भीतर, अपनी राजभाषा में, सहज व्यापक रूप और रीति से ऐसी सूचना वाली एक मार्गदर्शिका संकलित करेगी, जिसकी ऐसे किसी व्यक्ति द्वारा व्यक्तिगत रूप में अपेक्षा की जाए, जो अधिनियम में विनिर्दिष्ट किसी अधिकार का प्रयोग करना चाहता है ।

(3) समुचित सरकार, यदि आवश्यक हो तो, उपधारा (2) में निर्दिष्ट मार्गदर्शी सिद्धांतों को नियमित अंतरालों पर अद्यतन और प्रकाशित करेगी, जिनमें विशिष्टतया और उपधारा (2) की व्यापकता पर प्रतिकूल प्रभाव डाले बिना निम्नलिखित सम्मिलित होगा—

(क) इस अधिनियम के उद्देश्य ;

(ख) धारा 5 की उपधारा (1) के अधीन नियुक्त प्रत्येक लोक प्राधिकरण के, यथास्थिति, केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी का डाक और गली का पता, फोन और फैक्स नंबर और यदि उपलब्ध हो तो उसका इलैक्ट्रॉनिक डाक पता ;

(ग) वह रीति और प्ररूप, जिसमें, यथास्थिति, किसी केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी से किसी सूचना तक पहुंच का अनुरोध किया जाएगा ;

(घ) इस अधिनियम के अधीन लोक प्राधिकरण के, यथास्थिति, किसी केन्द्रीय लोक सूचना अधिकारी या राज्य लोक सूचना अधिकारी से उपलब्ध सहायता और उसके कर्तव्य ;

(ङ) यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग से उपलब्ध सहायता ;

(च) इस अधिनियम द्वारा प्रदत्त या अधिरोपित किसी अधिकार या कर्तव्य के संबंध में कोई कार्य करने या करने में असफल रहने के बारे में विधि में उपलब्ध सभी उपचार, जिनके अंतर्गत आयोग को अपील फाइल करने की रीति भी है ;

(छ) धारा 4 के अनुसार अभिलेखों के प्रवर्गों के स्वैच्छिक प्रकटन के लिए प्रावधान करने वाले उपबंध ;

(ज) किसी सूचना तक पहुंच के लिए अनुरोधों के संबंध में संदत्त की जाने वाली फीसों से संबंधित सूचनाएं ; और

(झ) इस अधिनियम के अनुसार किसी सूचना तक पहुंच प्राप्त करने के संबंध में बनाए गए या जारी किए गए कोई अतिरिक्त विनियम या परिपत्र ।

(4) समुचित सरकार को, यदि आवश्यक हो, नियमित अंतरालों पर मार्गदर्शी सिद्धांतों को अद्यतन और प्रकाशित करना चाहिए ।

27. नियम बनाने की समुचित सरकार की शक्ति—(1) समुचित सरकार, इस अधिनियम के उपबंधों को कार्यान्वित करने के लिए, राजपत्र में अधिसूचना द्वारा, नियम बना सकेगी ।

(2) विशिष्टतया और पूर्वगामी शक्ति की व्यापकता पर प्रतिकूल प्रभाव डाले बिना, ऐसे नियम निम्नलिखित सभी या किसी विषय के लिए उपबंध कर सकेंगे, अर्थात् :—

(क) धारा 4 की उपधारा (4) के अधीन प्रसारित की जाने वाली सामग्रियों के माध्यम की लागत या प्रिन्ट लागत मूल्य ;

(ख) धारा 6 की उपधारा (1) के अधीन संदेय फीस ;

(ग) धारा 7 की उपधारा (1) और उपधारा (5) के अधीन संदेय फीस ;

(घ) धारा 13 की उपधारा (6) और धारा 16 की उपधारा (6) के अधीन अधिकारियों और अन्य कर्मचारियों को संदेय वेतन और भत्ते तथा उनकी सेवा के निबंधन और शर्तें ;

(ड) धारा 19 की उपधारा (10) के अधीन अपीलों का विनिश्चय करते समय, यथास्थिति, केन्द्रीय सूचना आयोग या राज्य सूचना आयोग द्वारा अपनाई जाने वाली प्रक्रिया ;

(च) कोई अन्य विषय, जो विहित किए जाने के लिए अपेक्षित हो या विहित किया जाए ।

28. नियम बनाने की सक्षम प्राधिकारी की शक्ति—(1) सक्षम प्राधिकारी, इस अधिनियम के उपबंधों को कार्यान्वित करने के लिए, राजपत्र में अधिसूचना द्वारा, नियम बना सकेगा ।

(2) विशिष्टतया और पूर्वगामी शक्ति की व्यापकता पर प्रतिकूल प्रभाव डाले बिना, ऐसे नियम निम्नलिखित सभी या किसी विषय के लिए उपबंध कर सकेंगे, अर्थात् :—

(i) धारा 4 की उपधारा (4) के अधीन प्रसारित की जाने वाली सामग्रियों के माध्यम की लागत या प्रिन्ट लागत मूल्य ;

(ii) धारा 6 की उपधारा (1) के अधीन संदेय फीस ;

(iii) धारा 7 की उपधारा (1) के अधीन संदेय फीस ; और

(iv) कोई अन्य विषय, जो विहित किए जाने के लिए अपेक्षित हो या विहित किया जाए ।

29. नियमों का रखा जाना—(1) इस अधिनियम के अधीन केन्द्रीय सरकार द्वारा बनाया गया प्रत्येक नियम, बनाए जाने के पश्चात्, यथाशीघ्र, संसद् के प्रत्येक सदन के समक्ष, जब वह ऐसी कुल तीस दिन की अवधि के लिए सत्र में हो, जो एक सत्र में अथवा दो या अधिक आनुक्रमिक सत्रों में पूरी हो सकती है, रखा जाएगा और यदि उस सत्र के या पूर्वोक्त आनुक्रमिक सत्रों के ठीक बाद के सत्र के अवसान के पूर्व दोनों सदन उस नियम में कोई परिवर्तन करने के लिए सहमत हो जाएं या दोनों सदन इस बात से सहमत हो जाएं कि ऐसा नियम नहीं बनाया जाना चाहिए तो ऐसा नियम तत्पश्चात्, यथास्थिति, केवल ऐसे उपांतरित रूप में ही प्रभावी होगा या उसका कोई प्रभाव नहीं होगा । तथापि, उस नियम के ऐसे उपांतरित या निष्प्रभाव होने से उसके अधीन पहले की गई किसी बात की विधिमान्यता पर प्रतिकूल प्रभाव नहीं पड़ेगा ।

(2) इस अधिनियम के अधीन किसी राज्य सरकार द्वारा बनाया गया प्रत्येक नियम अधिसूचित किए जाने के पश्चात्, यथाशीघ्र, राज्य विधान-मंडल के समक्ष रखा जाएगा ।

30. कठिनाइयों को दूर करने की शक्ति—(1) यदि इस अधिनियम के उपबंधों को प्रभावी करने में कोई कठिनाई उत्पन्न होती है तो केन्द्रीय सरकार, राजपत्र में प्रकाशित आदेश द्वारा ऐसे उपबंध बना सकेगी, जो इस अधिनियम के उपबंधों से असंगत न हों, जो उसे कठिनाई को दूर करने लिए आवश्यक और समीचीन प्रतीत होते हों :

परन्तु कोई ऐसा आदेश इस अधिनियम के प्रारंभ से दो वर्ष की अवधि की समाप्ति के पश्चात् नहीं किया जाएगा ।

(2) इस धारा के अधीन किया गया प्रत्येक आदेश, किए जाने के पश्चात्, यथाशीघ्र, संसद् के प्रत्येक सदन के समक्ष रखा जाएगा ।

31. निरसन—सूचना स्वातंत्र्य अधिनियम, 2002 (2003 का 5) इसके द्वारा निरसित किया जाता है ।

पहली अनुसूची

[धारा 13(3) और धारा 16(3) देखिए]

मुख्य सूचना आयुक्त/सूचना आयुक्त/राज्य मुख्य सूचना आयुक्त/राज्य सूचना आयुक्त द्वारा ली जाने वाली शपथ या किए जाने वाले प्रतिज्ञान का प्ररूप

“मैं, _____ जो मुख्य सूचना आयुक्त/सूचना आयुक्त/राज्य मुख्य सूचना आयुक्त/राज्य सूचना आयुक्त नियुक्त हुआ हूं, ईश्वर की शपथ लेता हूं कि मैं विधि द्वारा स्थापित भारत सत्यनिष्ठा से प्रतिज्ञान करता हूं
के संविधान के प्रति सच्ची श्रद्धा और निष्ठा रखूंगा, मैं भारत की प्रभुता और अखंडता अक्षुण्ण रखूंगा तथा मैं सम्यक् प्रकार से और श्रद्धापूर्वक तथा अपनी पूरी योग्यता, ज्ञान और विवेक से अपने पद के कर्तव्यों का भय या पक्षपात, अनुराग या द्वेष के बिना पालन करूंगा तथा मैं संविधान और विधियों की मर्यादा बनाए रखूंगा।”

दूसरी अनुसूची

(धारा 24 देखिए)

केन्द्रीय सरकार द्वारा स्थापित आसूचना और सुरक्षा संगठन

1. आसूचना ब्यूरो ।
2. मंत्रिमंडल सचिवालय के अनुसंधान और विश्लेषण खंड ।
3. राजस्व आसूचना निदेशालय ।
4. केन्द्रीय आर्थिक आसूचना ब्यूरो ।
5. प्रवर्तन निदेशालय ।
6. स्वापक नियंत्रण ब्यूरो ।
7. वैमानिक अनुसंधान केन्द्र ।
8. विशेष सीमान्त बल ।
9. सीमा सुरक्षा बल ।
10. केन्द्रीय आरक्षित पुलिस बल ।
11. भारत-तिब्बत सीमा बल ।
12. केन्द्रीय औद्योगिक सुरक्षा बल ।
13. राष्ट्रीय सुरक्षा गार्ड ।
14. असम राइफल्स ।
- ¹[15. सशस्त्र सीमा बल]
16. आय-कर महानिदेशालय (अन्वेषण) ।
17. राष्ट्रीय तकनीकी अनुसंधान संगठन ।
18. वित्तीय आसूचना यूनिट, भारत ।
- ²[19. विशेष संरक्षा ग्रुप ।
20. रक्षा अनुसंधान और विकास संगठन ।
21. सीमा सड़क विकास बोर्ड ।
22. राष्ट्रीय सुरक्षा परिषद् सचिवालय ।

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1. सा0का0नि0 347, तारीख 28-9-2005 द्वारा प्रतिस्थापित ।
2. सा0का0नि0 347, तारीख 28-9-2005 द्वारा (28-9-2005 से) अंतःस्थापित ।

14 AUG 2012
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- विक्रेता:—(1) प्रकाशन और विक्रय प्रबंधक, विधि साहित्य प्रकाशन, भारत सरकार, भारतीय विधि संस्थान भवन,
भगवानदास रोड, नई दिल्ली-110 001.
(2) प्रकाशन-नियंत्रक, भारत सरकार, सिविल लाईन्स, दिल्ली-110 054.

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GOVERNMENT OF INDIA
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सूचना का अधिकार अधिनियम, 2005

(2005 का अधिनियम संख्यांक 22)

[1 फरवरी, 2011 को यथाविद्यमान]

Right to Information Act, 2005

(Act No. 22 of 2005)

[As modified up to 1st February, 2011]

2011

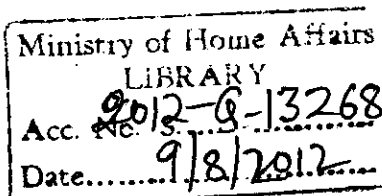
महाप्रबंधक, भारत सरकार मुद्रणालय, मिन्टो रोड, नई दिल्ली-110 002 द्वारा मुद्रित तथा
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(2005 का अधिनियम संख्यांक 22)
[1 फरवरी, 2011 को यथाविद्यमान]

Right to Information Act, 2005
(Act No. 22 of 2005)
[As modified up to 1st February, 2011]



PREFACE

This edition of the Right to Information Act, 2005 is being published in diglot form. The English text and the authoritative Hindi text of the Act have been modified up to the 1st day of February, 2011.

NEW DELHI;
The 1st February, 2011

V.K. BHASIN,
Secretary to the Government of India.

THE RIGHT TO INFORMATION ACT, 2005

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

RIGHT TO INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES

3. Right to information.
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THE RIGHT TO INFORMATION ACT, 2005

NO. 22 OF 2005

[15th June, 2005.]

An Act to provide for setting out the practical regime of right to information for citizens 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 State Information Commissions and for matters connected therewith or incidental thereto.

WHEREAS the Constitution of India has established democratic Republic;

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

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

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

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

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

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Right to Information Act, 2005.

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

(3) The provisions of sub-section (1) of section 4, sub-sections (1) and (2) of section 5, sections 12, 13, 15, 16, 24, 27 and 28 shall come into force at once, and the remaining provisions of this Act shall come into force on the one hundred and twentieth day* of its enactment.

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

(a) “appropriate Government” means in relation to a public authority which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly—

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

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

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

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

(d) "Chief Information Commissioner" and "Information Commissioner" mean the Chief Information Commissioner and Information Commissioner appointed under sub-section (3) of section 12;

(e) "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 having such Assembly and the Chairman in the case of the Council of States or 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 established or constituted by or under the Constitution;

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

(f) "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;

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

(h) "public authority" means any authority or body or institution of self-government established or constituted—

(a) by or under the Constitution;

(b) by any other law made by Parliament;

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

(d) by notification issued or order made by the appropriate Government, and includes any—

(i) body owned, controlled or substantially financed;

(ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;

(i) "record" includes—

(a) any document, manuscript and file;

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

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

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

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

(i) inspection of work, documents, records;

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

(iii) taking certified samples of material;

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

(k) "State Information Commission" means the State Information Commission constituted under sub-section (1) of section 15;

(l) "State Chief Information Commissioner" and "State Information Commissioner" mean the State Chief Information Commissioner and the State Information Commissioner appointed under sub-section (3) of section 15;

(m) "State Public Information Officer" means the State Public Information Officer designated under sub-section (1) and includes a State Assistant Public Information Officer designated as such under sub-section (2) of section 5;

(n) "third party" means a person other than the citizen making a request for information and includes a public authority.

CHAPTER II

RIGHT TO INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES

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

4. Obligations of public authorities.—(1) Every public authority shall—

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

(b) publish within one hundred and twenty days from the enactment of this Act,—

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

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

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

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

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

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

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

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

(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 purposes of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible 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 Public Information Officer or State Public Information Officer, as the case may be, 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.

5. Designation of Public Information Officers.—(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 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.

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(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 a Central Assistant Public Information Officer or a 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 the Central Public Information Officer or the State Public Information Officer or senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be;

Provided that where an application for information or appeal is given to a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, 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 Public Information Officer or State Public Information Officer, as the case may be, shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information.

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

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

6. Request for obtaining information.—(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 Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to—

(a) the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority;

(b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be,

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

Provided that where such request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, 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.

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7. Disposal of request.—(1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be, 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 State Public Information Officer, as the case may be, fails to give decision on the request for information within the period specified under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, 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 State Public Information Officer, as the case may be, 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 or State Public Information Officer, as the case may be, 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 the provisions of sub-section (6), pay such fee as may be prescribed:

Provided that the fee prescribed under sub-section (1) of section 6 and sub-sections (1) and (5) of section 7 shall be reasonable and no such fee shall be charged from the persons who are of below poverty line as may be determined by the appropriate Government.

(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 State Public Information Officer, as the case may be, shall take into consideration the representation made by a third party under section 11.

(8) Where a request has been rejected under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, 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.

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(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. Exemption from disclosure of information.—(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—

(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 specified in this section 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 Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may 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.

(2) Notwithstanding anything in the Official Secrets Act, 1923 (19 of 1923) nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

(3) Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty 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:

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(Chapter II.—Right to information and obligations of public authorities.)

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

9. Grounds for rejection to access in certain cases.—Without prejudice to the provisions of section 8, a Central Public Information Officer or a State Public Information Officer, as the case may be, 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. Severability.—(1) Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.

(2) Where access is granted to a part of the record under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, 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 calculated 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 senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be, time limit, process and any other form of access.

11. Third party information.—(1) Where a Central Public Information Officer or a State Public Information Officer, as the case may be, 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 State Public Information Officer, as the case may be, 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 Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:

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

(2) Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, 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 State Public Information Officer, as the case may be, 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 19 against the decision.

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(Chapter III.—The Central Information Commission.)

CHAPTER III

THE CENTRAL INFORMATION COMMISSION

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

(2) The Central Information Commission shall consist of—

(a) the Chief Information Commissioner; and

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

(3) The Chief Information Commissioner and 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) a Union Cabinet Minister to be nominated by the Prime Minister.

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 Opposition.

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

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

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

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

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

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

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

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

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

(3) The Chief Information Commissioner or an 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 Chief Information Commissioner or an Information Commissioner may, at any time, by writing under his hand addressed to the President, resign from his office:

Provided that the Chief Information Commissioner or an 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 Chief Information Commissioner shall be the same as that of the Chief Election Commissioner;

(b) an Information Commissioner shall be the same as that of an Election Commissioner:

Provided that if the Chief Information Commissioner or an 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 Chief Information Commissioner or an 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 Chief Information Commissioner or an 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 Chief Information Commissioner or an Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

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

(6) The Central Government shall provide the Chief Information Commissioner and the 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 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. Removal of Chief Information Commissioner or Information Commissioner.—(1) Subject to the provisions of sub-section (3), the Chief Information Commissioner or any 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 Chief Information Commissioner or any Information Commissioner, as the case may be, ought on such ground be removed.

(2) The President may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the Chief Information Commissioner or 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 Chief Information Commissioner or any Information Commissioner if the Chief Information Commissioner or a Information Commissioner, as the case may be,—

(a) is adjudged an insolvent; or

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- (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 the Chief Information Commissioner or a Information Commissioner.

(4) If the Chief Information Commissioner or a 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 IV

THE STATE INFORMATION COMMISSION

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

(2) The State Information Commission shall consist of—

- (a) the State Chief Information Commissioner, and
- (b) such number of State Information Commissioners, not exceeding ten, as may be deemed necessary.

(3) The State Chief Information Commissioner and the State 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) a Cabinet Minister to be nominated by the Chief Minister.

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 Opposition.

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

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

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

*Right to Information Act, 2005**(Chapter IV.—The State Information Commission.)*

(7) The headquarters of the State Information Commission shall be at such place in the State 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.

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

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

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

Provided that every State Information Commissioner shall, on vacating his office under this sub-section, be eligible for appointment as the State Chief Information Commissioner in the manner specified in sub-section (3) of section 15:

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

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

Provided that the State Chief Information Commissioner or a State Information Commissioner may be removed in the manner specified under section 17.

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

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

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

Provided that if the State Chief Information Commissioner or a State 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 Chief Information Commissioner or a State 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 where the State Chief Information Commissioner or a State 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 Chief Information Commissioner or the State Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

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

*Right to Information Act, 2005**(Chapter IV.—The State Information Commission. Chapter V.—Powers and functions of the Information Commissions, appeal and penalties.)*

(6) The State Government shall provide the State Chief Information Commissioner and the State 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 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.

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

(2) The Governor may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the State Chief Information Commissioner or a State 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 Chief Information Commissioner or a State Information Commissioner if a State Chief Information Commissioner or a State 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 the State Chief Information Commissioner or a State Information Commissioner.

(4) If the State Chief Information Commissioner or a State Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of the State or participates in any way in the profit thereof or in any benefit or emoluments 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 V

POWERS AND FUNCTIONS OF THE INFORMATION COMMISSIONS, APPEAL AND PENALTIES

18. Powers and functions of Information Commissions.—(1) Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or State Information Commission, as the case may be, to receive and inquire into a complaint from any person,—

(a) who has been unable to submit a request to a Central Public Information Officer or State Public Information Officer, as the case may be, either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, has refused to accept his or her application for information or appeal under this Act for forwarding the same to the Central Public Information Officer or State Public Information Officer or senior officer specified in sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be;

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

*Right to Information Act, 2005**(Chapter V.—Powers and functions of the Information Commissions, appeal and penalties.)*

(c) who has not been given a response to a request for information or access to information within the time limit 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 State Information Commission, as the case may be, 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 State Information Commission, as the case may be, 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 (5 of 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 State Legislature, as the case may be, the Central Information Commission or the State Information Commission, as the case may be, 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.

19. Appeal.—(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 State Public Information Officer, as the case may be, 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 State Public Information Officer as the case may be, in each public authority:

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

(2) Where an appeal is preferred against an order made by a Central Public Information Officer or a State Public Information Officer, as the case may be, 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.

(3) 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 the State Information Commission:

Provided that the Central Information Commission or the State Information Commission, as the case may be, 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.

(Chapter V.—Powers and functions of the Information Commissions, appeal and penalties.)

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

(8) In its decision, the Central Information Commission or State Information Commission, as the case may be, 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 Public Information Officer or State Public Information Officer, as the case may be;

(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 Information Commission or State Information Commission, as the case may be, shall give notice of its decision, including any right of appeal, to the complainant and the public authority.

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

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

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*(Chapter V.—Powers and functions of the Information Commissions, appeal and penalties.
Chapter VI.—Miscellaneous.)*

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

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

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

CHAPTER VI

MISCELLANEOUS

21. Protection of action taken in good faith.—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.

22. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923 (19 of 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.

23. Bar of jurisdiction of courts.—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.

24. Act not to apply in certain organizations.—(1) Nothing contained in this Act shall apply to the intelligence and security organisations specified in the Second Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government:

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the Central Information Commission, and notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

(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 organisation being organisations established by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify:

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

*Right to Information Act, 2005**(Chapter VI.—Miscellaneous.)*

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the State Information Commission and, notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

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

25. Monitoring and reporting.—(1) The Central Information Commission or 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 appropriate 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 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 State Information Commission, as the case may be, 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, as the case may be, 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, as the case may be, referred to in sub-section (1) to be laid before each House of Parliament or, as the case may be, before each House of the State Legislature, where there are two Houses, and where there is one House of the State Legislature before that House.

(5) If it appears to the Central Information Commission or State Information Commission, as the case may be, 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.

26. Appropriate Government to prepare programmes.—(1) The appropriate Government may, to the extent of availability of financial and other resources,—

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

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

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

(d) train Central Public Information Officers or State Public Information Officers, as the case may be, 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 State Public Information Officer, as the case may be, 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 Central Public Information Officer or State Public Information Officer, as the case may be;

(d) the assistance available from and the duties of the Central Public Information Officer or State Public Information Officer, as the case may be, of a public authority under this Act;

(e) the assistance available from the Central Information Commission or State Information Commission, as the case may be;

(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 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.

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

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

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

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

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

(d) the salaries and allowances payable to and the terms and conditions of service of the officers and other employees under sub-section (6) of section 13 and sub-section (6) of section 16;

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(e) the procedure to be adopted by the Central Information Commission or State Information Commission, as the case may be, in deciding the appeals under sub-section (10) of section 19; and

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

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

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

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

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

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

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

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

(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.

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

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

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

31. Repeal.—The Freedom of Information Act, 2002 (5 of 2003) is hereby repealed.

Right to Information Act, 2005

(The First Schedule.)

THE FIRST SCHEDULE

[See sections 13 (3) and 16(3)]

FORM OF OATH OR AFFIRMATION TO BE MADE BY THE CHIEF INFORMATION COMMISSIONER/THE INFORMATION COMMISSIONER/THE STATE CHIEF INFORMATION COMMISSIONER/THE STATE INFORMATION COMMISSIONER

"I,, having been appointed Chief Information Commissioner/Information Commissioner/State Chief Information Commissioner/State Information Commissioner swear in the name of God that I will bear true faith and solemnly affirm allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge and 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 24)

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.
- ¹[15. Sashtra Seema Bal.]
16. Special Branch (CID), Andaman and Nicobar.
17. The Crime Branch-C.I.D.-CB, Dadra and Nagar Haveli.
18. Special Branch, Lakshadweep Police.
- ²[19. Special Protection Group.
20. Defence Research and Development Board.
21. Border Road Development Board.
22. Financial Intelligence Unit, India.]

1. Subs. by Notification No. G.S.R. 347, dated 28-9-2005.

2. Ins. by *ibid.* (w.e.f. 28-9-2005).

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विक्रेता:—(1) प्रकाशन और विक्रय प्रबंधक, विधि साहित्य प्रकाशन, भारत सरकार, भारतीय विधि संस्थान भवन,
भगवानदास रोड़, नई दिल्ली-110 001.
(2) प्रकाशन-नियंत्रक, भारत सरकार, सिविल लाईन्स, दिल्ली-110 054.

THE RIGHT TO INFORMATION ACT, 2005

ARRANGEMENT OF SECTIONS

Last Updated: 17-5-2021

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THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

THE RIGHT TO INFORMATION ACT, 2005

ACT NO. 22 OF 2005

[15th June, 2005.]

An Act to provide for setting out the practical regime of right to information for citizens 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 State Information Commissions and for matters connected therewith or incidental thereto.

WHEREAS the Constitution of India has established democratic Republic;

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

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

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

Now, THEREFORE, it is expedient to provide for furnishing certain information to citizens who desire to have it.

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

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Right to Information Act, 2005.

(2) It extends to the whole of India^{1***}.

(3) The provisions of sub-section (1) of section 4, sub-sections (1) and (2) of section 5, sections 12, 13, 15, 16, 24, 27 and 28 shall come into force at once, and the remaining provisions of this Act shall come into force on the one hundred and twentieth day of its enactment.

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

(a) "appropriate Government" means in relation to a public authority which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly—

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

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

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

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

(d) "Chief Information Commissioner" and "Information Commissioner" mean the Chief Information Commissioner and Information Commissioner appointed under sub-section (3) of section 12;

1. The words "except the State of Jammu and Kashmir" omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019).

(e) "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 having such Assembly and the Chairman in the case of the Council of States or 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 established or constituted by or under the Constitution;

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

(f) "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;

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

(h) "public authority" means any authority or body or institution of self- government established or constituted—

(a) by or under the Constitution;

(b) by any other law made by Parliament;

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

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

and includes any—

(i) body owned, controlled or substantially financed;

(ii) non-Government organisation substantially financed,

directly or indirectly by funds provided by the appropriate Government;

(i) "record" includes—

(a) any document, manuscript and file;

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

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

(d) 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;

(k) "State Information Commission" means the State Information Commission constituted under sub-section (1) of section 15;

(l) "State Chief Information Commissioner" and "State Information Commissioner" mean the State Chief Information Commissioner and the State Information Commissioner appointed under sub-section (3) of section 15;

(m) "State Public Information Officer" means the State Public Information Officer designated under sub-section (1) and includes a State Assistant Public Information Officer designated as such under sub-section (2) of section 5;

(n) "third party" means a person other than the citizen making a request for information and includes a public authority.

CHAPTER II

RIGHT TO INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES

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

4. Obligations of public authorities.—(1) Every public authority shall—

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

(b) publish within one hundred and twenty days from the enactment of this Act,—

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

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

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

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

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

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

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

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

(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 *suomotu* 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 purposes of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible 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 Public Information Officer or State Public Information Officer, as the case may be, 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.

5. Designation of Public Information Officers.—(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 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 a Central Assistant Public Information Officer or a 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 the Central Public Information Officer or the State Public Information Officer or senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be:

Provided that where an application for information or appeal is given to a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, 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 Public Information Officer or State Public Information Officer, as the case may be, shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information.

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

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

6. Request for obtaining information.—(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 Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to—

(a) the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority;

(b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be,

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

Provided that where such request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, 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. Disposal of request.—(1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be, 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 State Public Information Officer, as the case may be, fails to give decision on the request for information within the period specified under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, 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 State Public Information Officer, as the case may be, 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 or State Public Information Officer, as the case may be, 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 the provisions of sub-section (6), pay such fee as may be prescribed:

Provided that the fee prescribed under sub-section (1) of section 6 and sub-sections (1) and (5) of section 7 shall be reasonable and no such fee shall be charged from the persons who are of below poverty line as may be determined by the appropriate Government.

(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 State Public Information Officer, as the case may be, shall take into consideration the representation made by a third party under section 11.

(8) Where a request has been rejected under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, 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. Exemption from disclosure of information.—(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—

(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 specified in this section 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 Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may 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.

(2) Notwithstanding anything in the Official Secrets Act, 1923 (19 of 1923) nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

(3) Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty 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 where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.

9. Grounds for rejection to access in certain cases.—Without prejudice to the provisions of section 8, a Central Public Information Officer or a State Public Information Officer, as the case may be, 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. Severability.—(1) Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.

(2) Where access is granted to a part of the record under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, 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 calculated 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 senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be, time limit, process and any other form of access.

11. Third party information.—(1) Where a Central Public Information Officer or a State Public Information Officer, as the case may be, 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 State Public Information Officer, as the case may be, 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 Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:

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

(2) Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, 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 State Public Information Officer, as the case may be, 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 19 against the decision.

CHAPTER III

THE CENTRAL INFORMATION COMMISSION

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

(2) The Central Information Commission shall consist of—

- (a) the Chief Information Commissioner; and
- (b) such number of Central Information Commissioners, not exceeding ten, as may be deemed necessary.

(3) The Chief Information Commissioner and 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) a Union Cabinet Minister to be nominated by the Prime Minister.

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 Opposition.

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

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

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

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

13. Term of office and conditions of service.—(1) The Chief Information Commissioner shall hold office ¹[for such term as may be prescribed by the Central Government] and shall not be eligible for reappointment:

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

(2) Every Information Commissioner shall hold office ¹[for such term as may be prescribed by the Central Government] or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such Information Commissioner:

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

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

(3) The Chief Information Commissioner or an 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 Chief Information Commissioner or an Information Commissioner may, at any time, by writing under his hand addressed to the President, resign from his office:

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

²[(5) The salaries and allowances payable to and other terms and conditions of service of the Chief Information Commissioner and the Information Commissioners shall be such as may be prescribed by the Central Government:

Provided that the salaries, allowances and other conditions of service of the Chief Information Commissioner or the Information Commissioners shall not be varied to their disadvantage after their appointment:

Provided further that the Chief Information Commissioner and the Information Commissioners appointed before the commencement of the Right to Information (Amendment) Act, 2019 shall continue to be governed by the provisions of this Act and the rules made thereunder as if the Right to Information (Amendment) Act, 2019 had not come into force.]

1. Subs. by Act 24 of 2019, s. 2, for “for a term of five years from the date on which he enters upon his office” (w.e.f. 24-10-2019).

2. Subs. by, s. 2, *ibid.*, for sub-section (5) (w.e.f. 24-10-2019).

(6) The Central Government shall provide the Chief Information Commissioner and the 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 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.

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

14. Removal of Chief Information Commissioner or Information Commissioner.—(1) Subject to the provisions of sub-section (3), the Chief Information Commissioner or any 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 Chief Information Commissioner or any Information Commissioner, as the case may be, ought on such ground be removed.

(2) The President may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the Chief Information Commissioner or 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 Chief Information Commissioner or any Information Commissioner if the Chief Information Commissioner or a 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 the Chief Information Commissioner or a Information Commissioner.

(4) If the Chief Information Commissioner or a 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 IV

THE STATE INFORMATION COMMISSION

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

(2) The State Information Commission shall consist of—

(a) the State Chief Information Commissioner, and

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

(3) The State Chief Information Commissioner and the State 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) a Cabinet Minister to be nominated by the Chief Minister.

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 Opposition.

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

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

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

(7) The headquarters of the State Information Commission shall be at such place in the State 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.

16. Term of office and conditions of service.—(1) The State Chief Information Commissioner shall hold office ¹[for such term as may be prescribed by the Central Government] and shall not be eligible for reappointment:

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

(2) Every State Information Commissioner shall hold office ¹[for such term as may be prescribed by the Central Government] or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such State Information Commissioner:

Provided that every State Information Commissioner shall, on vacating his office under this sub-section, be eligible for appointment as the State Chief Information Commissioner in the manner specified in sub-section (3) of section 15:

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

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

Provided that the State Chief Information Commissioner or a State Information Commissioner may be removed in the manner specified under section 17.

1. Subs. by Act 24 of 2019, s. 3, for, "for a term of five years from the date on which he enters upon his office"(w.e.f. 24-10-2019).

¹[(5) The salaries and allowances payable to and other terms and conditions of service of the State Chief Information Commissioner and the State Information Commissioners shall be such as may be prescribed by the Central Government:

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

Provided further that the State Chief Information Commissioner and the State Information Commissioners appointed before the commencement of the Right to Information (Amendment) Act, 2019 shall continue to be governed by the provisions of this Act and the rules made there under as if the Right to Information (Amendment) Act, 2019 had not come into force.]

(6) The State Government shall provide the State Chief Information Commissioner and the State 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 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.

17. Removal of State Chief Information Commissioner or State Information Commissioner.—

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

(2) The Governor may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the State Chief Information Commissioner or a State 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 Chief Information Commissioner or a State Information Commissioner if a State Chief Information Commissioner or a State 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 the State Chief Information Commissioner or a State Information Commissioner.

(4) If the State Chief Information Commissioner or a State Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of the State or participates in any way in the profit thereof or in any benefit or emoluments 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 V

POWERS AND FUNCTIONS OF THE INFORMATION COMMISSIONS, APPEAL AND PENALTIES

18. Powers and functions of Information Commissions.—(1) Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or State Information Commission, as the case may be, to receive and inquire into a complaint from any person,—

1. Subs. by Act 24 of 2019, s. 3, for sub-section (5), (w.e.f. 24-10-2019).

(a) who has been unable to submit a request to a Central Public Information Officer or State Public Information Officer, as the case may be, either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, has refused to accept his or her application for information or appeal under this Act for forwarding the same to the Central Public Information Officer or State Public Information Officer or senior officer specified in sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be;

(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 limit 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 State Information Commission, as the case may be, 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 State Information Commission, as the case may be, 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 (5 of 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 State Legislature, as the case may be, the Central Information Commission or the State Information Commission, as the case may be, 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.

19. Appeal.—(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 State Public Information Officer, as the case may be, 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 State Public Information Officer as the case may be, in each public authority:

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

(2) Where an appeal is preferred against an order made by a Central Public Information Officer or a State Public Information Officer, as the case may be, 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.

(3) 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 the State Information Commission:

Provided that the Central Information Commission or the State Information Commission, as the case may be, 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.

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

(8) In its decision, the Central Information Commission or State Information Commission, as the case may be, 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 Public Information Officer or State Public Information Officer, as the case may be;

(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 Information Commission or State Information Commission, as the case may be, shall give notice of its decision, including any right of appeal, to the complainant and the public authority.

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

20. Penalties.—(1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall

impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

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

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

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

CHAPTER VI

MISCELLANEOUS

21. Protection of action taken in good faith.—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.

22. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923 (19 of 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.

23. Bar of jurisdiction of courts.—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.

24. Act not to apply in certain organisations.—(1) Nothing contained in this Act shall apply to the intelligence and security organisations specified in the Second Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government:

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the Central Information Commission, and notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

(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 organisation being organisations established by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify:

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the State Information Commission and, notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

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

25. Monitoring and reporting.—(1) The Central Information Commission or 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 appropriate 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 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 State Information Commission, as the case may be, 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, as the case may be, 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, as the case may be, referred to in sub-section (1) to be laid before each House of Parliament or, as the case may be, before each House of the State Legislature, where there are two Houses, and where there is one House of the State Legislature before that House.

(5) If it appears to the Central Information Commission or State Information Commission, as the case may be, 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.

26. Appropriate Government to prepare programmes.—(1) The appropriate Government may, to the extent of availability of financial and other resources,—

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

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

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

(d) train Central Public Information Officers or State Public Information Officers, as the case may be, 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 State Public Information Officer, as the case may be, 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 Central Public Information Officer or State Public Information Officer, as the case may be;

(d) the assistance available from and the duties of the Central Public Information Officer or State Public Information Officer, as the case may be, of a public authority under this Act;

(e) the assistance available from the Central Information Commission or State Information Commission, as the case may be;

(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 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.

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

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

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

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

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

¹[(ca) the term of office of the Chief Information Commissioner and Information Commissioners under sub-sections (1) and (2) of section 13 and the State Chief Information Commissioner and State Information Commissioners under sub-sections (1) and (2) of section 16;

(cb) the salaries, allowances and other terms and conditions of service of the Chief Information Commissioner and the Information Commissioners under sub-section (5) of section 13 and the State Chief Information Commissioner and the State Information Commissioners under sub-section (5) of section 16;]

1. Ins. by Act 24 of 2019, s. 4, (w.e.f. 24-10-2019).

(d) the salaries and allowances payable to and the terms and conditions of service of the officers and other employees under sub-section (6) of section 13 and sub-section (6) of section 16;

(e) the procedure to be adopted by the Central Information Commission or State Information Commission, as the case may be, in deciding the appeals under sub-section (10) of section 19; and

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

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

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

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

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

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

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

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

(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.

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

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

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

31. Repeal.—The Freedom of Information Act, 2002 (5 of 2003) is hereby repealed.

THE FIRST SCHEDULE

[See sections 13 (3) and 16(3)]

FORM OF OATH OR AFFIRMATION TO BE MADE BY THE CHIEF INFORMATION COMMISSIONER THE INFORMATION COMMISSIONER/THE STATE CHIEF INFORMATION COMMISSIONER/THE STATE INFORMATION COMMISSIONER

"I, having been appointed Chief Information Commissioner/Information
Commissioner/State Chief Information Commissioner/State 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 24)

INTELLIGENCE AND SECURITY ORGANISATION ESTABLISHED BY THE CENTRAL GOVERNMENT

1. Intelligence Bureau.
- ⁸[2. Research and Analysis Wing including its technical wing namely, the Aviation Research Centre of the Cabinet Secretariat.]
3. Directorate of Revenue Intelligence.
4. Central Economic Intelligence Bureau.
5. Directorate of Enforcement.
6. Narcotics Control Bureau.
- ⁹[7. * * * * *]
- ⁸[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.
- ¹[15. Sashtra Seema Bal.]
- ²[16. Directorate General of Income-tax (Investigation).]
- ²[17. National Technical Research Organisation.]
- ²[18. Financial Intelligence Unit, India.]
- ³[19. Special Protection Group.
20. Defence Research and Development Organisation.
21. Border Road Development Board.
- ⁴* * * * *]
- ⁵[22. National Security Council Secretariat.]
- ⁶[23. Central Bureau of Investigation.]
- ⁶[24. National investigation Agency.]
- ⁶[25. National Intelligence Grid.]
- ⁷[26. Strategic Forces Command.]

1. Subs. by notification No. G.S.R. 347, dated 28-9-2005
2. Subs. by notification No. G.S.R. 235(E) dated 27-3-2008
3. Ins. by notification No. G.S.R. 347, dated 28-9-2005
4. Omitted by G.S.R. 235(E) dated 27-3-2008
5. Added by notification No. G.S.R. 726(E), dated 8-10-2008
6. Added by notification No. G.S.R. 442(E), dated 9-6-2011
7. Added by notification No. G.S.R. 673(E), dated 8-7-2016
8. Subs. by notification No. G.S.R. 253, dated 4-5-2021
9. Omitted by notification No. G.S.R. 253, dated 4-5-2021