

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 यथादियमाना-१]

Right to Information Act, 2005

(Act No. 22 of 2005)

[As modified up to 1st February, 2011]

2011

महाप्रबन्धक, भारत सरकार, भुवनेश्वर, बिल्डिंग रोड, नई दिल्ली-110 002 द्वारा मुद्रित तथा
 प्रकाशन-विभक्त, भारत सरकार, सिविल लायन्स, दिल्ली-110 014 द्वारा प्रकाशित।

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



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Ministry of Home Affairs
1, LGB Bldg
Acc. No. 012-6-13268
Date: 9/8/2012

PREFACE

This edition of the Right to Information Act, 2005 is being published in digital 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

MOH. BHASKAR,
Secretary to the Government of India

THE RIGHT TO INFORMATION ACT, 2015

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THE RIGHT TO INFORMATION ACT, 2005

NO. 17 OF 2005

[Enacted, 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 thereon.

WHEREAS the Constitution of India has established a democratic Republic;

AND WHEREAS democracy requires an informed citizenry and transparency in 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 freedom of information is a basic principle which is likely to enable citizens to take informed decisions in the matter of public interest including efficient operation of the Government; optimum use of financial resources and the promotion of accountability of executive information;

AND WHEREAS it is necessary to harmonise such conflicting interests while ensuring the preservation of the democratic system;

AND WHEREAS it is expedient to provide for furnishing certain information in which is obtainable or held by

the Government by Parliament in the Fifty-sixth Year of the Republic of India as follows:-

CHAPTER I

PREAMBLE

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 States 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, 19, 20, 24, 25 and 26 shall come into force as regards, 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 it is otherwise provided:-

(a) "appropriate Government" means in relation to a public authority which is established, controlled, owned 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 17;

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(Chapter I - Preliminary)

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

(2) "Chief Information Commissioner" and "Information Commissioner" mean the Chief Information Commissioner and Information Commissioner appointed under sub-section (1) of section 17;

(3) "competent authority" means-

(a) 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;

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

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

(d) the President or the Governor, as the case may be, in the case of other authorities established or constituted by or under the Constitution;

(e) the appropriate person as mentioned in clause (3) of section 10;

(4) "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;

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

(6) "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-Governmental organisation substantially financed, directly or indirectly, by funds provided by the appropriate Government;

(7) "records" include-

(a) any document, manuscript and file;

(b) any floppy, disk, microfilm and photostatic copy of a document;

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

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

Right to Information Act, 2005

(b) *Right to Information (Right to Information and Obligations of Public Authorities)*

(i) "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—

- (a) inspection of such documents, records;
- (b) taking notes, extracts or certified copies of documents or records;
- (c) taking certified samples of material;

(ii) including information in the form of diskette, floppy tape, video cassette or in any other electronic mode or through printing, e-mail or information stored in a computer or in any other device;

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

(iv) "State Chief Information Commissioner" and "State Information Commissioner" mean the State Chief Information Commissioner and the State Information Commissioner appointed under sub-section (2) of section 15;

(v) "State Public Information Officer" means the State Public Information Officer designated under sub-section (2) and includes a State Secretary Public Information Officer designated as such under sub-section (2) of section 16;

(vi) "third party" means a person other than the citizen making a request for information who 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 categorised 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 in its possession are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country or different systems so that access to such records is facilitated;

(b) publish within one hundred and twenty days into the calendar of this Act,

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

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

(iii) the executive policies, in the decision-making process, including channels of supervision and accountability;

(iv) the rules and by-laws and contracts or the facilities;

(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 for seeking for representation with or without fee, the number of the public servants to the Registrar, this policy on disclosure of information.

(Chapter II - Right to information and obligation of public authorities)

(10) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as a part or for the purpose of its exercise, 2005 or 2006, whether meetings of those boards, councils, committees and other bodies are open to the public or the minutes of such meetings are accessible to public;

(11) a directory of its officers and employees;

(12) the salary, pension, 2005 received by each of its officers and employees, including the system of compensation as provided in its regulations;

(13) the budget allocated to each of its agency, indicating the particulars of all items, proposed expenditure and reasons for such expenditures;

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

(15) particulars of contracts or transactions entered into by it;

(16) details in respect of the information available to it which is recorded in an electronic form;

(17) 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;

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

(19) such other information as may be prescribed;

and thereafter update these particulars every year;

(20) publish all relevant data while formulating important policies or programmes which affect public;

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

(22) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (1) of sub-section (1) to provide as much information as access in the public interest through various means of communication, including internet, so that the public have minimum resort to the use of this Act to obtain information.

(23) For the purposes of sub-section (1) access information shall be disseminated widely and in such form and manner which is easily accessible to the public.

(24) All work shall be disseminated using most convenient and cost effective means, local language and the most effective method of communication in local area and the information should be easily accessible in the most possible in electronic form with the Central Public Information Officer or State Public Information Officer, as the case may be, 2005-2006 or 2007 or such best of the medium as the public see, or as may be prescribed.

Explanation To the purpose of sub-section (1) and (4), "dissemination" means making known or communication to the public through newspapers, public announcements, media briefings, the internet or any other means, including internet of officers of any public authority.

5. Designation of Public Information Officers. (1) Every public authority shall, within one hundred days of the commencement 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 offices or offices under this Act as may be necessary to provide information to persons requesting for the information under this Act.

Right to Information Act, 2005

(Chapter II - Right to information and sub-sections of public authority)

(1) Without prejudice to the provisions of sub-section (1), every public authority shall designate or refer within the hierarchical levels of the structure of this Act, at each sub-divisional level or other sub-division 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 a committee specified under sub-section (2) or section 19 or the Central Information Commission or the State Information Commission, as the case may be;

Provided that when 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 (2) or section 7.

(2) Every Central Public Information Officer or State Public Information Officer, as the case may be, shall and will respond to any person seeking information and shall render assistance to the person seeking such information.

(3) 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.

(4) Any officer, whose assistance has been sought under sub-section (3), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking same for compliance and for the purposes of any communication 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.

b. Request for obtaining information. (5) 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 or the script in which the application is being made, wordings used therein may be prescribed by-

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

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

and every request for information made 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;

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

(7) Where an application is made to a public authority requesting for an information-

(a) which is held by another public authority, or

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

the public authority in which such application is made, shall forward the application in such form if it is not applicable to another 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 possible and in no case later than ten days from the date of receipt of the application.

Right to Information Act, 2005

17. Appeal: (A) Right to information and management of public information

7. Disposal of request: (1) With effect from the commencement of sub-section (1A) or section 3 or the proviso to sub-section (2) 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 advise the requestor of any of the reasons specified in sub-sections 8 and 9.

(2) 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.

(3) If the Central Public Information Officer or State Public Information Officer, as the case may be, fails to give a 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.

(4) Where a decision is taken to provide the information or payment of any further fee, upon the receipt 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, stating-

(a) the details of further fees representing the cost of providing the information as determined by him, together with the categories made available in the manner as mentioned in sub-section (1) representing him, an estimate that fee, and the period intervening between the deposit of the cost information and payment of the said fee, shall be advised for the purpose of calculating the period of thirty days specified in sub-section (1);

(b) information concerning his or her right with respect to any fee and deposit made to the amount of fees charged on the form of access provided, including the particulars of the applicable categories of fee limit, means and modes of payment;

(c) where access to the records or publication is required as a condition under this Act, on the person to whom access is to be provided is denied, the Central Public Information Officer or State Public Information Officer, as the case may be, shall provide assistance or make access to the information, including providing any assistance or any other appropriate facilities, if any.

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

Provided that the fee prescribed under sub-section (5) of clause (c) and sub-sections (5) and (6) of clause 7 shall be reimbursable to the said fee charged from the persons who are of below poverty line and may be determined by the appropriate Government.

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

(7) Where a request is denied under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall take such appropriate decision as may be 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 jurisdiction of the appellate authority.

Right to Information Act, 2000

17. Right to Information and disclosure of public information.

191. An information shall routinely be provided in the form in which it is sought unless it would disproportionately disadvantage the interests of the public or it would be detrimental to the safety or protection of the record in question.

7. Information from disclosure of Information-47) Notwithstanding anything contained in this Act, there shall be no obligation to grant any class,

(a) information, disclosure of which would unjudicially affect the sovereignty and integrity of India, the unity, security, stability or economic interests of the State, relations with foreign States or lead to incitement of an offence;

(b) information which has been expressly prohibited to be published by any law or instrument 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 outweighs the harm 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 Governments;

(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 offences;

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

Provided that the disclosure of Council of Ministers, the records thereof, and the material on the basis of which the decisions were taken shall be made public after the death of the person concerned, and the matter is complete, or over.

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

(j) information which relates to persons, information the disclosure of which has no relation to any public activity or function, or which would cause unwarranted invasion of the privacy of the individual under the Central Protection Directorate, 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.

192. Notwithstanding anything in the Official Records Act, 1952 (19 of 1952) or 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 individual or rights;

193. Subject to the provisions of clause (a), (b) or (c) of sub-section (1), any information relating to any court record, court or matter which has taken place, occurred or happened twenty years before the date on which any clause is made in that section shall be provided to any person seeking it, except under the following conditions:

Right to Information Act, 2005

Chapter II - Right to Information and obligation of public authorities

Provided that when any question arises as to the time from which the said period of twenty years has to be reckoned, the decision of the Central Information Commission shall be final, subject to the final appeals provided for in this Act.

9. Grounds for rejection or access is denied cases - Without prejudice to the provisions of section 4, a Central Public Information Officer or a State Public Information Officer, as the case may be, may refuse a request for information when such a request for something which would involve an infringement of copyright subsisting in a particular work in the State.

10. Severability: (1) Where a request for access to information is rejected on the ground that it is in respect of 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 assumed to contain any such information exempt information.

(2) Where access is granted in 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, in writing,

(a) that only part of the record requested, after assessment 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, referred to for recording in which those findings were based;

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

(d) an estimate of the fee estimated by him or her and the amount of fee which the applicant is required to deposit; and

(e) the order or orders with respect to review of the decision regarding non-disclosure of part of the information, the amount of any charges or the sum of money involved, including the particulars of the manner of payment as notified under sub-section (2) of section 19 of the Central Information Commission or the State Information Commission, as the case may be, time limit, process and any other sum of money.

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 concerned, 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.

(2) Subject to the receipt of notice or summons served by the disclosure authority, be allowed if the public interest in disclosure outweighs the harm or injury to the interests of such third party.

(3) 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) on 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 a submission on whether the proposed disclosure.

(4) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within thirty days from receipt of the request, refer the request of the third party, has been given an opportunity to make a submission under sub-section (3), make a decision as to whether to disclose or not the information or record or part thereof, and give in writing the notice of his decision to the third party.

(5) A notice given under sub-section (1) shall include a statement that the third party, if within the notice is given an opportunity to prefer an appeal under section 19 against the disclosure.

Right to Information Act, 2005

Part IV - Central Information Commission

CHAPTER II

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 by 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, to be appointed as may be deemed fit.

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

(a) the Prime Minister, to be nominated by the President;

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

(c) the Union Minister in charge of the Ministry.

Nothing shall prevent the members of committee of members of either House of Parliament or of either House of the State Legislatures being nominated as such, the Leader of the Opposition being a member of the House of the People shall not be deemed to be the Leader of Opposition.

(4) The Central Information Commission shall have power in the affairs of the Central Information Commission and over the Chief Information Commissioner who shall be vested by the Information Commission and may exercise all such powers and do all such acts and things which may be deemed to have been done by the Central Information Commission, as if done by the Commission or directed 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 work, management, journalism, mass media or administration and governance.

(6) The Central Information Commission or its Information Commissioners shall not be a member of Parliament or Member of the Legislature of any State or other institution and shall not be a member of any office or position connected with any political party or carrying on any business (including any profession).

(7) An Information Commission of the Central Information Commission shall be an officer and an Information Commissioner may, with the previous sanction of the Central Government, hold any other office or position in India.

(8) Terms of office and conditions of services of the Chief Information Commissioner shall be - (a) office for a term not exceeding five years or such shorter term as may be determined by the Government;

(b) such that the Chief Information Commissioner shall not be eligible for re-appointment after the expiry of his term.

(9) Chief Information Commission shall hold office for a term of five years from the date on which he enters upon his duties or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for re-appointment as such Information Commissioner.

Provided that every Information Commissioner shall be eligible for other such offices as may be notified by the Government in the Official Gazette and Information Commission shall not be deemed to be a member of the Government.

Right to Information Act, 2005

(Chapter VI - The Central Information Commission)

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 purposes of 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 in sub-section (5).

(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 entitled to a pension, other than a disability or war 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 including pension equivalent of retirement gratuity.

Provided further that if the Chief Information Commissioner or an Information Commissioner, at the time of his appointment, is entitled to retirement benefits in respect of any previous service rendered to 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 his 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 purposes of this Act shall be such as may be prescribed.

13. Removal of Chief Information Commissioner or Information Commissioner.—(1) Subject to the provisions of sub-section (2), 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 as ascertained 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 to be removed.

(2) The President may suspend from office and if deemed necessary prohibit or restrict 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 as insolvent;

Right to Information Act, 2002

(Chapter 16 - The Central Information Commission (Chapter 17 - The State Information Commissioners),

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

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

(C) is, in the opinion of the President, unfit to conduct his office by reason of infirmity of mind or body; or

(D) has acquired such financial or other interest as is likely to affect prejudicially his discharges as the Chief Information Commissioner or a Information Commissioner.

(4) If the Chief Information Commissioner or a Information Commissioner in any way concerned as mentioned 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 procurement arising therefrom otherwise than as a member and in concert with the other members of an incorporated company, he shall, for the purposes of sub-section (3), 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, 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—

(a) the Chief Minister, who shall be the Chairman of the committee;

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

(c) a Cabinet Minister to be nominated by the Chief Minister.

Explanation.—For the purposes of removal of doubts in this behalf, it is hereby declared that where the Leader of Opposition in the Legislative Assembly has not been designated 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 may 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 unanimously without being referred to or discussed 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 and administration and government.

(6) The State Chief Information Commissioner or a State Information Commissioner shall not be a Member of the Council or Member of the Legislature of any State or other Territory, or the executive or judicial or other officer of an State connected with any political party or carrying on any business or pursuing any profession.

Agenda November 24, 1964

10. State Information Commissioner:

(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 elsewhere in the State.

14. 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 in case the Information Commissioner shall hold office as such after he has attained the age of fifty-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 fifty-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 13.

Provided further that where the State Information Commission 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 submit to the Governor or such other person appointed by him in this behalf, an annual report submitted according to the form specified in the schedule in the First schedule.

(4) The State Chief Information Commissioner or a State Information Commissioner shall, on any day, be wearing under his hand addressed to the Governor, a sign from his office.

Provided that the State Chief Information Commissioner or a State Information Commissioner may be appointed in the manner specified under section 13.

15) 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 those of a 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 special pension, in respect of any previous service under the Government of India or under the Government of a State, the pay in respect of the service as the State Chief Information Commissioner or a State Information Commissioner shall be reduced by the amount of the pension including any portion of pension which was accumulated and portion equivalent of other forms of retirement benefits existing pension or provident fund or retirement gratuity.

Provided further that where the State Chief Information Commissioner or a State Information Commissioner is at the time of his appointment, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government or the State Information Commissioner shall be reduced by the amount of portion equivalent of the retirement benefits.

Provided also that the salaries, allowances and other conditions of service of the State Chief Information Commissioner and the State Information Commissioner 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 review);

(4) 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 (2), 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 so ordered, provided that the State Chief Information Commissioner or a State Information Commissioner, as the case may be, might at such ground be removed.

(2) The Governor may suspend from office, and if deemed 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) Where anything 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 to be insolvent; or
- (b) has been convicted of an offence which, in the opinion of the Governor, involved moral turpitude; or
- (c) engages during his term of office in any paid employment, besides 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, connected or interested in any contract or agreement made by or on behalf of the Commission of the State or participate in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in concert 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 REVIEW.

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 obtain 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 other officer specified in sub-section (2) of section 19 of 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 2007

(2) *Aggravated Offences* (the functions of the Information Commissioner, appeal and penalties):

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

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

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

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

(3) 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.

(4) The Central Information Commission or State Information Commission, as the case may be, shall, when inquiring into any matter under this section, have the same powers as are vested in a court of law trying a suit under the Code of Civil Procedure, 1908 (as amended), in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of persons and examining them on oath and or affidavits or requiring them to produce the documents or things;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) requiring any public officer or other person to produce any document or information;

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

(f) any other matter which may be prescribed.

(5) 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 enquiry 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, after receiving a decision within the time specified in sub-section (1) of clause (a) of sub-section (3) of section 7, 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 receipt of such 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 being satisfied that the applicant 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 information, the appeal by the applicant 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 thirty days from the date on which the order should have been made or was finally 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 thirty days if being satisfied that the applicant was prevented by sufficient cause from filing the appeal in time.

(1) Where a person is aggrieved by an administrative decision, application made to—

(4) If the decision of the Central Public Information Officer or State Public Information Officer, as the case may be, is appealed, and an appeal is preferred by either party, the Central Information Commission or State Information Commission, as the case may be, shall give a reasonable opportunity of being heard to both the parties.

(5) In any appeal proceedings, the user 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 made under section (4) or (5) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a period of sixty-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, may be setting

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

(a) restore 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 part or in full;
- (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 in 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 officers;
- (vi) by providing a watch and award in pursuance of compliance with a provision of sub-section (4) of section (4);
- (b) require the public authority to compensate the complainant for any loss or other detriment suffered;
- (c) increase any of its period, as provided under the 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 to accord with such procedure as may be prescribed.

24. Penalties.—(1) Where the Central Information Commission or the State Information Commission, as the case may be, is of the opinion that 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 or apply for information or failed to respond to information within the time specified under sub-section (4) of section 7 or not duly complied the request for information or knowingly given incorrect, incomplete or misleading information or delayed information which was the subject of the request or not responded to the request in providing the information, it shall impose a penalty of one hundred and fifty rupees each day, till application is received or information is furnished, as the case may be, but not exceeding three thousand rupees.

Right to Information Act, 2005

(Impact of Powers and functions of the Information Commission, appeal and penalty
Chapter IV—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.

(7) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of allowing 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 unduly 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 V

MISCELLANEOUS

21. Protection of litigation taken in good faith.—No suit, prosecution or other legal proceeding shall be instituted 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 in any territory having effect as if it or 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 matter under this Act and no such matter shall be called in question otherwise than by way of an appeal under this Act.

24. Act not to apply to 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 in a request or 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, 2005 information shall be provided within forty-two 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 intelligence or security organisation established by that Government or authority, the term any organisation thereby specified therein and of the publication or such notification and amendment shall be deemed to be included in the Schedule.

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

(4) Nothing contained in this Act shall apply to such intelligence and security organisations being organisations established by the State Government or the Government, until, 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.

Original Information Act 2005

(Chapter 22—Access to Information)

Provided further that in the case of disclosure on request for information 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.

(1) These provisions shall apply to sub-section (1) 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 its 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 those 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 person in respect of the administration of this Act;

(e) the number of changes effected by each public authority under this Act;

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

(g) recommendations for reform or remedying shortcomings in relation to the practice of public authorities, for the development, improvement, re-examination, reform or amendment in this Act or other legislation or common law or any other matter relevant for operations being conducted 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 printed in each House of Parliament or, as the case may be, before each House of the State Legislature, where there is a two House, and where there is one House of the State Legislature before that House.

(5) It shall be the duty of the Central Information Commission or State Information Commission, as the case may be, to monitor and supervise public authorities in relation to the manner in which they administer this Act and its compliance with the provisions in spirit of this Act. It may give its assistance and recommendations regarding the steps which ought to be taken to ensure better compliance with this Act.

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

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

(b) to encourage public authorities to participate in the development and promotion of programmes related to education and awareness and to guarantee their success.

Right to Information Act, 2009

Chapter IV - Miscellaneous

(e) ensure timely and effective dissemination of necessary information by public authorities about their activities;

(f) help Central Public Information Officers or State Public Information Officers, as the case may be, in public information and public relations training materials for use by the public authorities in the matter.

(2) The appropriate Government shall, within a given time from the commencement of the Act, consider its official language policy containing such information, in an easily comprehensible form and manner as may necessarily be required by a person who wishes to exercise the rights specified in this Act.

(3) The appropriate Government shall, if necessary, undertake, subject to the provisions referred to in sub-section (2) of regulation as which shall, in particular and without prejudice to the generality of sub-section (2), include—

(a) the objects of the Act;

(b) the period and place within the State and the manner 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 specified under sub-section (1) of section 3;

(c) the manner and the time 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 salaries payable 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 salaries payable to the Central Information Commission or State Information Commission, as the case may be;

(f) all matters in law relating to the Act or rules made in pursuance of a part or any part of the Act, as is imposed by this Act relating to the manner of its implementation by the Commission;

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

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

(i) any additional regulations or directions made or issued in relation to the Act or any information to be furnished under this Act.

(4) The appropriate Government may, if necessary, update and publish the guidelines or regulations referred to in section 21.

21. Power to make rules by appropriate Government.—(1) The appropriate Government may, in pursuance of 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 production or print-out price of the materials to be disseminated under sub-section (3) of section 6;

(b) the fee payable under sub-section (2) of section 6;

(c) the fee payable under sub-sections (4) 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 15;

Right to Information Act, 2005

(Chapter III - Administration)

(n) the procedure to be adopted by the Central Information Commission or State Information Commission, as the case may be, in dealing for appeals under sub-section (1)(c) of section 19; and

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

28. **Power to make rules by competent authority.** (1) The competent authority mentioned in section 14, the Official Gazette, make rules in every of 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 provision or print cost price of the materials to be disseminated under sub-section (1)(c) 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. **Disallowing 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 period of thirty days which may be extended in the manner or to the extent as may be necessary in the interests of justice; and if, before the expiry of the so-called period, 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; and, moreover, that any such modification or rescission 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 and modifications with the provisions of this Act as appear to it to be necessary or expedient for removal of that 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 both Houses of Parliament.

31. **Repeal.** The Freedom of Information Act, 1987 (5 of 1987) is hereby repealed.

Act of Parliament No. 2025

; Part 5 of Schedule 1

THE FIRST SCHEDULE

[New sections 17(1) and 18(3)]

FORM OF OATH OF ALLEGIANCE TO BE TAKEN BY THE CHIEF INFORMATION OFFICER OF THE INFORMATION COMMISSIONS AND THE CHIEF INFORMATION OFFICERS OF THE STATES AND UNION TERRITORIES

I, _____, having been appointed Chief Information Commissioner/Information Commissioner/State Chief Information Officer/State Information Commissioner, swear in the presence of God that I will bear true faith and entirely official

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 obey the Constitution and the laws.

Right to Information Act, 2005

FOIA/Secy/2005/01

APPENDIX SCHEME

(See section 24)

INTELLIGENCE AND SECURITY ORGANISATIONS ESTABLISHED BY THE CENTRAL GOVERNMENT

1. Intelligence Bureau.
2. Control and Analysis Wing of the Cabinet Secretariat.
3. Directorate of Revenue Intelligence.
4. Central Economic Intelligence Bureau.
5. Directorate of Information.
6. National Council Bureau.
7. Atomic Research Centre.
8. Special Protection Force.
9. Border Security Force.
10. Central Reserve Police Force.
11. Border Guard Bangladesh.
12. Central Institute of Security Force.
13. National Security Council.
14. Assam Rifles.
15. Indian Security Belt.
16. Special Branch of the Andaman and Nicobar.
17. The Central Directorate of CB, India and Nepal Border.
18. Special Branch, Lakshadweep Police.
19. Special Protection Group.
20. Atomic Research and Development Board.
21. Border Road Development Board.
22. Central Intelligence Organisation.

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- निवेदन:-(1) प्रकाशन और माल. प्रमाणक, विधि इन्डिस्ट्रिय प्रमोशन, राजा सरदार, आर.वि. विधि संस्थान भवन,
महात्मागान्धे रोड, नई दिल्ली 110 004.
(2) प्रकाशन-निर्माण: राजा सरदार, दिव्य लाईन्स, दिल्ली-110 084.