

**Title:** Introduction of the Freedom of Information Bill, 2000.

**14.14 hrs.**

THE MINISTER OF STATE OF THE MINISTRY OF SMALL SCALE INDUSTRIES, AGRO AND RURAL INDUSTRIES, MINISTER OF STATE IN THE DEPARTMENT OF PERSONNEL AND TRAINING, DEPARTMENT OF PENSIONS AND PENSIONERS WELFARE OF THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE DEPARTMENTS OF ATOMIC ENERGY AND SPACE (SHRIMATI VASUNDHARA RAJE): Sir, I beg to move for leave to introduce a Bill to provide for freedom to every citizen to secure access to information under the control of public authorities, consistent with public interest, in order to promote openness, transparency and accountability in administration and in relation to matters connected therewith or incidental thereto.

Mr. Speaker, Sir, the Freedom of Information Bill, 2000 enables to the extent possible disclosure of information by Central Government, State Government and other public authorities specified in the Bill. The proposed Bill seeks to provide statutory right of individual institutions to seek information which they wish to obtain from public authority, subject only to the restrictions allowed under Article 19(1) and 19(2) of the Constitution, and exceptions provided in public interest in the proposed Bill.

MR. SPEAKER: Shri Radhakrishnan, I will call you in a minute. Please take your seat.

Motion moved :

" That leave be granted to introduce a Bill to provide for freedom to every citizen to secure access to information under the control of public authorities, consistent with public interest, in order to promote openness, transparency and accountability in administration and in relation to matters connected therewith or incidental thereto. "

You can speak now, Shri Radhakrishnan.

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SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): I oppose the introduction of this Bill at this stage. In the first stage, it is only an eye wash. While welcoming the principle involved in the Bill, I am constrained to oppose the Bill on some other grounds.

Now here is a Bill which is not good in nature, if I put it correctly. On payment of fees everybody can get a copy of the order or information that is required. We apply to the court and on payment of fees we will get a reply. So also in all public offices even now we can get information or we can get a copy of the order on payment of fees. That is the provision in the present Bill also.

Now if we were making an earnest attempt to give the right to information, I would suggest that there must be an amendment to the Constitution that it must be made a Fundamental Right. So, the hon. Minister will have to bring in an amendment of the Constitution making the right to information a Fundamental Right. Without doing that, they are bringing another Bill which will not stand legal scrutiny. Moreover, there is an inherent lacuna in the Bill that there is no provision for taking the matter to a court of law. The first authority will be prescribed by law, the second appellate authority also will be prescribed by the Central Government, as the case may be. So, in the instant case it is only for propaganda purpose that the NDA Government has moved a Bill to make the right to information a right to education. But it is not a right.

If it has to be made a right, fundamental changes will have to be made and I would ask the hon. Minister, as I have suggested earlier, to bring an amendment to the Constitution making that right a Fundamental Right because there are so many instances.

That can reduce, reject any information on the pretext that it is in the interest of the State. So, which is the authority to decide? There is no provision. So, I would suggest that this is only for propaganda purpose and the purpose will be served only by moving an amendment to the Constitution, making the right to

information a Fundamental Right So, I oppose it.

SHRIMATI VASUNDHARA RAJE: At the outset I am constrained that this should be opposed at the introductory level. I would like to say that all these issues will be raised in the House and will definitely be put through during the

discussion stage and if there are any lacunae at all, through the discussion they will be taken care of.

However, Rule 72(l) of the Rules of Procedure and Conduct of Business in Lok Sabha provides that when a Motion to initiate a legislation is opposed on the ground that the Bill initiates legislation which is outside the legislative competence of the House, the Speaker may permit a full discussion here.

So far as the Government is concerned, we are of the view that the Parliament is competent to legislate on all matters envisaged in the Bill. This view that Parliament is competent to legislate on matters envisaged in the Bill has been confirmed by the learned Attorney General of India. The entire Bill has been drafted keeping in view the provisions of Article 19 of the Constitution and there is no incongruity between the Constitution and the proposed Bill.

As far as the question of the jurisdiction of the courts through appellate provision is concerned, since judicial review is an inherent part of the Constitution it is neither the intention nor is it legally possible under the proposed Bill. In fact, the Freedom of Information Bill does not bar the jurisdiction of the courts at all and we have in addition provided for administrative appeals and review of any decision of the competent authority to withhold information.

I would also like to say that the Bill has been considered by three separate Groups of Ministers, appointed by different Governments and the GOMs have gone into it in great detail while framing the Bill.

The proposed Bill also conforms favourably with similar laws in various countries like Canada, USA and Australia and it can be said, therefore, that the proposed Bill is as advantageous as any similar legislation's in other countries and it is consistent with constitutional provisions.

Therefore, the notice of the hon. M.P. to oppose the introduction of the Bill at this stage may be rejected as he will have adequate opportunity to express his views when the Bill comes up for discussion.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for freedom to every citizen to secure access to information under the control of public authorities, consistent with public interest, in order to promote openness, transparency and accountability in administration and in relation to matters connected therewith or incidental thereto. "

*The motion was adopted.*

SHRIMATI VASUNDHARA RAJE: I introduce the Bill.\*

\* Introduced with the Recommendation of the President