

**12.52 hrs.**

**RIGHT TO INFORMATION BILL, 2004**

MR. SPEAKER: We come to Item No. 19 - further consideration of the motion regarding Right to Information Bill, 2004.

Now, the hon. Prime Minister will intervene.

THE PRIME MINISTER (DR. MANMOHAN SINGH): Mr. Speaker Sir, I am very grateful to you for granting me permission to intervene on a very important and critical Bill, which is before this august House.

Sir, all modern societies or complex societies, require strong and purposeful Government to steer them. In our own country, Government expenditure, both at the Central level and at the level of States and local bodies, accounts for nearly 33 per cent of our Gross National Product. At the same time, the social and economic imperatives require our Government to intervene extensively in economic and social affairs. Therefore, the efficiency and effectiveness of Governmental processes, are critical variables, which will determine how our Government functions and to what extent it is able to discharge the responsibilities entrusted to us by the electorate.

I have always believed all power is a sacred societal trust ; that you cannot sit on power - you have to spend it, but you must spend it taking into account the good of the largest number of people. Therefore, it becomes obligatory that in addition to processes, we have to determine that expenditure confirm with the canons of efficiency and effectiveness. We all know that there are widespread complaints in our country about wastefulness of expenditure, about corruption, and matter which have relations with the functioning of our Government. Therefore, it is very important that we must explore new effective mechanisms to ensure that our Government will effectively, purposefully and efficiently discharge the responsibilities entrusted to it. This is the guiding spirit behind this new momentous measure that is now before this august House, that is, the Right to Information Bill.

Sir, the key to the successful functioning of any democratic polity is the ability of a citizen to observe and evaluate the functioning of elected representative and make an informed judgement of their performance. This evaluation is predicated on the easy availability of the necessary information for a citizen to arrive at an assessment. Further, our founding fathers have established an elaborate system of rights and obligations, a system of checks and balances, a system with clear division of powers at different levels of Government. This complex web, further translated into practice by our laws, procedures, policies and programmes, is the foundation of our rich, varied, vibrant polity which has earned the respect of the whole world for our ability to harmoniously match the goals of economic development and a pluralistic democratic society.

Sir, at the centre of this intricate web is the common man, the '*aam aadmi*', whose prosperity and welfare is the core concern of our Constitution. It is this common man or common woman who is the fulcrum of our democratic system, as an observer, as the seeker of information, as the one who asks relevant questions, as the analyst and as the final judge of our performance.

The UPA Government has made a commitment, not only to work for the welfare of the common man, but also to strengthen his or her role as the arbiter of our destiny. It is in this background that our Government has introduced the Right to Information Bill, and the subsequent amendments in this august House.

Mr. Speaker, Sir, efficient and effective institutions are the key to rapid economic and social development, institutions which can translate promises into policies and actionable programmes with the least possible cost and with the maximum possible efficiency; institutions which can deliver on the promises made and convert, as the hon. Finance Minister pointed out a few days ago while presenting the Budget, "outlays into outcomes". For institutions to be efficient and effective, they must function in a transparent, responsive and accountable manner. This is dependent not only on processes internal to the institutions but also on the ability of citizens and external agents to enforce their rights, vis-à-vis these very institutions. The Right to Information Bill, Sir, will bring into force another right which will empower the citizen in this regard and ensure that our

institutions and their functionaries discharge their duties in the desired manner. It will bring into effect a critical right for enforcing other rights and fill a vital gap in a citizen's framework of rights.

Sir, while there is an existing Freedom of Information Act, the Bill now under consideration is more far-reaching and effective and I am very grateful to the National Advisory Council presided over by Shrimati Sonia Gandhi for having played a very important role in bringing into focus what are the major drawbacks in the previous legislation. The Bill that we have presented has the widest possible reach, covering the Central and the State Governments, Panchayati Raj institutions, local bodies as well as recipients of Government grants. Access to information under this Bill is extensive with minimum exemptions, which too can be over-ridden on the basis of a public benefit test, namely when the benefit of release of information outweighs the harm caused by disclosure of information.

**13.00 hrs.**

However, I think that we should also consider exempting such information, the disclosure of which may result in breach of privilege of Parliament or a State Legislature. Even security and intelligence agencies, which are otherwise exempt, are subject to disclosure in cases of allegations of corruption or violation of human rights.

The Bill lays down an architecture for accessing information, which is simple, easy, time-bound and inexpensive. It has stringent penalties for failing to provide information or affecting information flow in any way. In fact, it imposes obligations on agencies to disclose information *suo motu*, thus reducing the cost of access.

Sir, an important feature is the independent appeal mechanism proposed through the appointment of Central and State Information Commissioners. This independent appeal mechanism, coupled with extensive disclosure obligations and stringent penalties, gives teeth to the right, making the right a potent instrument for good governance.

Mr. Speaker, Sir, many hon. Members have, during the discussion on the Bill, raised many concerns and questions. They will be answered by the Minister

of State, Shri Suresh Pachauri. I would only like to see that everyone, particularly our civil servants, should see the Bill in a positive spirit; not as a draconian law for paralysing Government, but as an instrument for improving Government-citizen interface resulting in a friendly, caring and effective Government functioning for the good of our people. Sir, it is with this in mind that we have removed the penalty of imprisonment through this Amendment. However, erring officials would still be subject to departmental proceedings. I appeal all civil servants to see this Bill in the right spirit and hope they will only be spurred towards better performance. After all, we, the elected representatives of people, bow to the wishes of people and have come to no harm. So will it be with honest, hard working civil servants.

I would like State Governments to take the initiative and establish State Information Commissions. The bulk of our citizens' interface is with agencies under State Governments and hence the success of this Bill depends on their determination and their commitment to implement and generate awareness in the country at large.

Sir, our work will not end with the passage of this Bill. This is an innovative Bill, where there will be scope to review its functioning as we gain experience. Therefore, this is a piece of legislation, whose working will be kept under constant reviews. We will need to have a sustained effort to establish institutions and systems envisaged under the Bill, to build the capacity of our civil servants to discharge their obligations and above all, inform our citizens about the new rights conferred on them.

Mr. Speaker, Sir, I believe that the passage of this Bill will see the dawn of a new era in our processes of governance, an era of performance and efficiency, an era which will ensure that benefits of growth flow to all sections of our people, an era which will eliminate the scourge of corruption, an era which will bring the common man's concern to the heart of all processes of governance, an era which will truly fulfil the hopes of the founding fathers of our Republic.

MR. SPEAKER: Can we dispense with the luncheon recess?

SEVERAL HON. MEMBERS: Yes.

MR. SPEAKER: Now, the hon. Minister, Shri Suresh Pachauri to reply.

कार्मिक, लोक शिकायत और पेंशन मंत्रालय में राज्य मंत्री तथा संसदीय कार्य मंत्रालय में राज्य मंत्री

(श्री सुरेश पचौरी) : आदरणीय अध्यक्ष महोदय, सबसे पहले मैं राइट टू इंफार्मेशन जैसे महत्वपूर्ण बिल पर हुई चर्चा में भाग लेने वाले सभी माननीय सदस्यों का हृदय से आभारी हूं, जिन्होंने इस बिल का समर्थन करते हुए अपने मूल्यवान और उपयोगी सुझाव दिए हैं। माननीय सदस्यों द्वारा सुझाए गए जरूरी मुद्दों पर मैं कुछ कहना चाहूंगा।

अध्यक्ष महोदय, मैं अपनी बात की शुरुआत महाभारत में कहे गए एक श्लोक से करना चाहूंगा।

तथा संप्रेषियेत राष्ट्रे राष्ट्रीयां त्व दश्येत  
अनेन व्यवहारेण दृष्टाव्याश्च प्रजाः सदा।

अर्थात् सबकी राय लेकर शासन जो नीति बनाए और जो निश्चय करे, उसे प्रजा के सामने अवश्य प्रस्तुत किया जाना चाहिए। कहने का मतलब यह है कि शासन जो भी करे, सरकार जो भी कदम उठाए, उसे जानने का अधिकार प्रजा यानि जनता को होना चाहिए। इसी पारदर्शी भावना का परिचायक यह राइट टू इंफार्मेशन बिल है। हमें यह कहते हुए खुशी है कि राष्ट्रीय सलाहकार परिषद की अध्यक्षता, श्रीमती सोनिया गांधी के कुशल मार्गदर्शन तथा यशस्वी प्रधान मंत्री डॉ. मनमोहन सिंह के नेतृत्व में यूपीए सरकार ने कामन मिनिमम प्रोग्राम के जरिए देश की जनता से जो वादे किए थे, उनकी पूर्ति की दिशा में उठाया गया यह एक महत्वपूर्ण कदम है।

हमने कल इस राइट टू इंफार्मेशन बिल पर चर्चा शुरू की थी और आज इसे पास करने जा रहे हैं। इस बिल को ठोस और अंतिम रूप देने के लिए नेशनल एडवाइजरी कौंसिल, स्टैंडिंग कमेटी, ग्रुप आफ मिनिस्टर्स के महत्वपूर्ण और बहुमूल्य सुझाव हमें प्राप्त हुए। माननीय सदस्यों ने बताया कि लगभग 150 संशोधन प्रस्तुत किए गए हैं। लेकिन इसके पीछे मूल कारण यह है कि

स्टैंडिंग कमेटी, जिसके सदस्य हमारे राधाकृष्णन जी भी रहे हैं, उन्होंने इस कमेटी में 28 क्लोजेज़ में से 21 क्लोजेज़ में परिवर्तन करने के महत्वपूर्ण सुझाव दिए, जिसे हमने स्वीकार किया है। यह पहला ऐसा बिल है कि जिसमें स्टैंडिंग कमेटी ने जो सुझाव दिए, उन पर गम्भीरता से विचार किया गया है। उसके बाद केबिनेट के निर्णय के बाद प्रधान मंत्री के निर्देशन में ग्रुप आफ मिनिस्टर्स का गठन हुआ। ग्रुप आफ मिनिस्टर्स ने स्टैंडिंग कमेटी की सिफारिशों को स्वीकार करते हुए 15 क्लोजेज़ ऐसी थीं, जिनमें सुधार की आवश्यकता महसूस की। नेशनल एडवाइजरी कौंसिल के भी लगभग 34 संशोधन आए हैं, उन पर हम लोगों ने बहुत गम्भीरता से प्रायः सभी पर विचार किया।

मैं कहना चाहता हूँ कि राइट टू इंफार्मेशन बिल यूपीए सरकार का एक अंग है। यूपीए सरकार के कामन मिनीमम प्रोग्राम में इस बात का उल्लेख है। जैसा अभी प्रधान मंत्री जी ने बताया कि देश में पारदर्शी जिम्मेदारी तथा ईमानदार प्रशासन का होना बहुत आवश्यक है, इस बिल के माध्यम से ये सारे के सारे संकल्प पूरे होने जा रहे हैं। यह यूपीए सरकार का ऐतिहासिक कदम है। इससे आम जनता के व्यापक हितों की रक्षा होगी।

मैं यह कहने में संकोच महसूस नहीं कर रहा हूँ कि एक जवाबदेह और जिम्मेदारीपूर्ण नए युग की शुरुआत होने जा रही है, नए युग का सूत्रपात होने जा रहा है। राइट टू इंफार्मेशन बिल पास होने के बाद हमें एहसास होगा कि लम्बे समय से भारत के हर नागरिक जो आशा और अपेक्षा करते थे कि उन्हें हर प्रकार की सूचना प्राप्त करने का नैतिक अधिकार है। हमारे संविधान के आर्टिकल 19 में भी इस बात का अधिकार दिया गया है। इसे सुप्रीम कोर्ट के निर्णय के द्वारा भी प्रतिपादित किया गया है तो यह स्पष्ट रूप से हमें दृष्टिगोचर होगा। मान्यवर, यूपीए की सरकार लोकतंत्र की चाबी जनता को सौंपना चाहती है। कोई भी ऐसी सूचना जो देशहित में हो, वह हम जनता से छिपाकर रखना नहीं चाहते हैं। इसलिए माननीय प्रधान मंत्री जी ने कहा कि

हम प्रशासन में पारदर्शिता के पक्षधर हैं। हमारी प्रतिबद्धता आम नागरिकों के लिए आसान और प्रभावी ढंग से सूचनाओं को जनता तक पहुंचाना है। सूचना का अधिकार जो भारतीय संविधान के आर्टिकल 19 में निहित है, उसी के हिसाब से हमने यह कहा है कि सूचना प्राप्त करना जनता का मूलभूत अधिकार है। इस बिल के लागू होने के बाद एक क्रंतिकारी बदलाव आयेगा और यह सोचने पर मजबूर होना बड़ेगा कि नये तौर-तरीकों के अजमाने के बाद सरकारी कामकाज में भी आशातीत बदलाव हुआ है।

हमारे दिवंगत नेता आदरणीय राजीव जी का सपना था कि इस देश में एक ऐसे पारदर्शी शासन की व्यवस्था होनी चाहिए जिसमें प्रत्येक नागरिक को सूचना का अधिकार प्राप्त हो। इस बिल के प्रस्तुत करते समय निसंदेह हमें उनकी याद आ रही है क्योंकि वे चाहते थे कि सरकार और जनता के बीच में पूरी तरह से पारदर्शिता होनी चाहिए, उनके बीच में विश्वास का वातावरण बनना चाहिए और देश में एक स्वच्छ प्रशासकीय वातावरण होना चाहिए। वे इसके बहुत बड़े पक्षधर थे। उनकी इच्छा थी कि समाज का जो सबसे कमजोर व्यक्ति है, उसको संविधान द्वारा जो मौलिक अधिकार दिये गये हैं, उन मौलिक अधिकारों को उन तक पहुंचाना जरूरी है। उनकी राय को दृष्टि में रखते हुए राइट टू इंफोर्मेशन बिल की क्लॉज 7 में प्रावधान रखा गया है कि ऐसे व्यक्ति जो गरीबी रेखा से नीचे रहते हैं, उन्हें हम मुफ्त सूचना उपलब्ध कराएंगे। अनेक राज्यों में जो विभिन्न इंफोर्मेशन बिल बनाए हुए हैं, कुछ माननीय सदस्यों ने उनका जिक्र किया है। महाराष्ट्र के इंफोर्मेशन बिल का जिक्र किया गया है। मैं विनम्रतापूर्वक कहना चाहता हूं कि जो भी राज्य ऐसा बिल लाए हैं, वहां ऐसी व्यवस्था नहीं है कि बिना भुगतान के गरीबी रेखा से नीचे रहने वाले व्यक्ति को मुफ्त में सूचना उपलब्ध कराई जा सके। इसलिए यह बिल अनुकरणीय और सराहनीय है और दिवंगत राजीव जी की भावनाओं का आदर है जिसके अनुसार वे चाहते थे कि गरीबी रेखा से नीचे रहने वाले व्यक्ति को सूचना मुफ्त उपलब्ध कराई जाए। सन् 2002 में



एनडीए की सरकार द्वारा जब यह एक्ट पारित किया गया था तब इसका नाम फ्रीडम ऑफ एक्सप्रेसन एक्ट था। मैंने भारतीय संविधान के आर्टिकल 19 का जिक्र किया और उसी को ध्यान में रखते हुए हमने इसका नामकरण राइट टू इंफोर्मेशन बिल किया है जिससे लगता है कि सूचना प्राप्त करना हर नागरिक का अधिकार है।

मैं अपनी बात की शुरुआत माननीय राधाकृष्णन जी से करना चाहूंगा जिनका महत्वपूर्ण योगदान इस बिल को वर्तमान स्वरूप में लाने में रहा है। उनके बहुत सारे महत्वपूर्ण सुझाव इस बिल में आये हैं। उन्होंने एक बात उठाई थी कि कुछ राज्यों में पहले से ही इंफोर्मेशन एक्ट का प्रावधान है और जब यह बिल लागू होगा तो वहां क्या स्थिति होगी? मैं बहुत विनम्रतापूर्वक कहना चाहता हूं कि इस बिल के क्लॉज 2 के सब-क्लॉज 2 में केन्द्रीय सरकार, राज्य सरकारें या जो लोकल बॉडीज को नागरिकों को सूचना देना का अधिकार दिया गया है।

यदि किसी राज्य के नागरिक, सूचना का एक्ट जहां पहले से लागू है, अगर उस एक्ट के तहत सूचना चाहते हैं तो वह भी उनको उपलब्ध होगी और सेंट्रल एक्ट के तहत जो उसमें प्रावधान रखे गए हैं, यदि वह भी सूचना लेना चाहते हैं, तो उनको उपलब्ध होगी। केन्द्र सरकार ने इस विषय में वर्तमान विद्वान एटॉर्नी जनरल से इस मामले में राय ली। उनकी राय इस मामले में बड़ी स्पष्ट थी कि सेंट्रल एक्ट लागू होने के बाद स्टेट में जो बिल हैं, वे भी को-एग्जिस्ट करेंगे, इसलिए उसमें किसी प्रकार की शंका नहीं होनी चाहिए। उन्होंने सलाह देते समय इस बात को स्पष्ट किया था कि संसद को पूरे देश में इस प्रकार के कानून बनाने का अधिकार है।

दूसरी बात हमारे दूसरे माननीय सदस्यों ने कही थी। उन्होंने एक सिलैक्शन कमेटी का जिक्र किया था। श्री ओवेसी और श्री नायडू ने सेंट्रल इनफॉर्मेशन कमिश्नर के चयन के लिए बनी सिलैक्शन कमेटी का जिक्र किया था। उनका यह आशय था कि इसमें से आदरणीय चीफ जस्टिस ऑफ इंडिया का नाम कैसे अलग किया जा रहा है? मैं विनम्रतापूर्वक कहना चाहता हूं कि सूचना

आयोग के सदस्यों की नियुक्ति का मुद्दा एक एग्जीक्यूटिव फंक्शन के रूप में देखा जाना चाहिए। पारम्परिक रूप से इस तरह की जो एडमिनिस्ट्रेटिव पोजिशन होती है, सामान्य रूप से मुख्य न्यायाधीश को ऐसी समितियों में नहीं रखा जा सकता है। आप कहेंगे कि ऐसी कौन सी कमेटी है? मैं आपको याद दिलाना चाहता हूँ कि जब सेंट्रल विजिलेंस कमीशन की बात आती है, तो उसमें जो सलैक्शन कमेटी रहती है, उसमें चीफ जस्टिस ऑफ इंडिया नहीं रहते हैं। जब कंट्रोलर ऐंड ऑडिटर जनरल की बात आती है, उसमें वह नहीं रहते हैं। इलैक्शन कमीशन के मैम्बर का जब चयन होता है, या यूनियन पब्लिक सर्विस कमीशन के मैम्बर का चयन होता है तो सरकार अपनी अनुशंसा महामहिम राष्ट्रपति को प्रेषित करती है और वह उसे स्वीकार करते हैं। यद्यपि हमें अपने मुख्य न्यायाधीश के प्रति पूरी आस्था है लेकिन यह चूंकि एग्जीक्यूटिव फंक्शन से संबंधित मामला है, इसलिए हमने यह निर्णय लिया कि इसमें प्रधान मंत्री जी रहेंगे। एक स्वस्थ परम्परा रहे, उसे दृष्टिगत रखते हुए हमने इसमें विपक्ष के लोक सभा के नेता को शामिल करने का निर्णय लिया है और जो तीसरे सदस्य रहेंगे, वह आदरणीय प्रधान मंत्री जी द्वारा नामित मंत्रिमंडल के सदस्य रहेंगे।

SHRI KINJARAPU YERRANNAIDU (SRIKAKULAM): I will agree with the hon. Minister. But instead of the Chief Justice of India, the Chief Justice of the High Court and the Union Minister nominated by the President, it is better to keep the Speaker of the Lok Sabha and the Speaker of the Legislative Assembly..  
(Interruptions)

MR. SPEAKER: Do not add to the pressure. Sufficient pressure is there.

. (Interruptions)

SHRI SURESH PACHAURI : Thank you, Sir.

भाई सचिन पायलट जी ने एक महत्वपूर्ण मुद्दा उठाया था। उन्होंने राइट टू इनफॉर्मेशन बिल की क्लॉज 8 (सी) में दी जाने वाली सूचना का जिक्र किया। उन्होंने कहा था कि इस प्रकार की सूचना देने से संसद व राज्य विधायिका के विशेषाधिकार का हनन होगा, इसलिए इस पर

सरकार को पुनर्विचार करना चाहिए। मैं प्रधान मंत्री जी की अनुमति से यह स्पष्ट करना चाहता हूँ कि यद्यपि इस प्रकार का संशोधन पवन बंसल जी ने दिया था, इस मामले में सरकार सार्थक रूप से विचार करेगी, यही मैं इस अवसर पर कहना चाहता हूँ।

जहां तक इस बिल के अन्तर्गत जो गोपनीयता की बात आई है, जिसे हमारे एक दूसरे माननीय सदस्य असादूद्दीन जी ने उठायी थी कि सूचना देने पर जो गोपनीयता का उल्लंघन या ऑफिशियल सिक्रेट एक्ट का उल्लंघन तो नहीं होगा - ऐसी कोई बात नहीं है। इस बात को हम लोगों ने स्पष्ट किया है और बिल के प्रावधान में भी स्पष्ट किया है कि कोई भी सूचना जो इस बिल के प्रावधानों के अन्तर्गत प्रतिबंधित नहीं है, वह दी जा सकेगी और वह गोपनीयता की शपथ का उल्लंघन नहीं कर पाएगी। बिल का दायरा राज्य सरकारों पर भी लागू हो, यह बात एक माननीय सदस्य ने कही। मैंने यह स्पष्ट कर दिया है कि हमने अब जो प्रॉवीजन क्लॉज दो में किया है, उसमें स्पष्ट रूप से इस प्रकार का प्रावधान किया है।

अध्यक्ष महोदय, ऊर्जावान सदस्य, श्री मिलिन्द देवरा ने इस बात को रखा कि तीसरे पक्ष को इस एक्ट से निकाल दिया जाए। मैं कहना चाहता हूँ कि बिल की क्लॉज 11 में इस बात की व्यवस्था है कि तीसरे पक्ष को सूचना दी जानी चाहिए। इसके साथ ही मैं यह स्पष्ट कर देना चाहता हूँ कि तीसरे पक्ष से संबंधित सूचना, जो या तो तीसरे पक्ष से संबंधित हो या तीसरे पक्ष द्वारा दी जाने वाली हो, यदि उपयुक्त सूचना प्राप्त करने हेतु आवेदन प्राप्त होता है, तो पब्लिक इन्फार्मेशन ऑफिसर द्वारा तीसरे पक्ष को अवसर दिया जाएगा कि उस विषय में दस दिन में अपना पक्ष प्रस्तुत करे। पब्लिक इन्फार्मेशन ऑफिसर को इस विषय में अपना निर्णय चालीस दिन के अंदर लेने की स्वतंत्रता होगी।

अध्यक्ष महोदय, एक और बात अन्य माननीय सदस्य ने कही कि राइट टू इन्फार्मेशन बिल में आम आदमियों की भलाई को दृष्टिगत रखने के लिए क्या कदम उठाए गए हैं? विधेयक

की क्लॉज 6 में प्रावधान किया गया है और उसमें उल्लेख है कि सर्वहारा वर्ग, गरीब वर्ग और गरीबी की रेखा से नीचे रहने वाले लोगों को मुफ्त में इस प्रकार की सूचना मिलने का पूरा अधिकार मिल सकेगा।

श्री अशोक मेहता जी ने.(व्यवधान)

**श्री राम कृपाल यादव (पटना) :** अध्यक्ष महोदय, उसका स्वरूप क्या होगा? आप गरीबों को मुफ्त सूचना पहुंचाने का काम करेंगे। उसका स्वरूप क्या होगा, इस पर आपने प्रकाश नहीं डाला है।

**श्री सुरेश पचौरी :** अध्यक्ष महोदय, क्लॉज 6 को आप विस्तार से पढ़ें, उसमें इसका उल्लेख है। मैं यह भी आपको विनम्रतापूर्वक कहना चाहता हूं कि इसके लिए रूल्स बनेंगे, उनमें इस बात का स्पष्ट और सही चित्रण परिलक्षित होगा, उनमें इन सब बातों का उल्लेख होगा।

अध्यक्ष महोदय, जुर्माना लगाने से संबंधित प्रावधान का अधिकार अदालत को दिया गया है। इस बात का उल्लेख माननीय सांसद श्री रामजीलाल सुमन जी ने किया, लेकिन इसमें ऐसी कोई व्यवस्था नहीं है। अब इस प्रकार के अधिकार इन्फार्मेशन कमिश्नर को उपलब्ध करा दिए गए हैं।

एक अन्य महत्वपूर्ण सुझाव श्री मिलिन्द देवरा ने दिया था कि सूचना के अधिकार के विषय को शिक्षा के क्षेत्र से जोड़कर देखा जाना चाहिए और माध्यमिक पाठशालाओं के पाठ्यक्रमों में इसका समावेश किया जाना चाहिए, ताकि छात्रों को इसका लाभ मिल सके। यह बहुत अच्छा, उपयोगी और सार्थक सुझाव है। इस मामले में हम मानव संसाधन मंत्रालय से विचार-विमर्श करेंगे कि इसमें और क्या किया जा सकता है, कैसे इसे उपयोगी बनाया जा सकता है। श्री मिलिन्द देवरा की इस मामले में जो इच्छा थी, मैं बताना चाहता हूं कि बिल की क्लॉज 23 से संबंधित विषय में इन सब बातों का विस्तार से उल्लेख किया गया है।

एक अन्य महत्वपूर्ण बात माननीय सदस्यों ने जाननी चाही है कि इस बिल में और जो एक्ट वर्ष 2002 में पास हुआ था, उसमें क्या फर्क है। मैं किसी और नजरिए से इसे स्पष्ट नहीं कर रहा हूं, क्योंकि माननीय सदस्यों की जिज्ञासा थी कि बिल अस्तित्व में कैसे आए? आज हम लोग इस बात को देखते हैं, तो मैं कहना चाहता हूं कि एनडीए सरकार के कार्यकाल में फ्रीडम ऑफ इन्फॉर्मेशन एक्ट, 2002 पास हुआ था। वह सरकार का निर्णय एकदम अस्तित्व में आना चाहिए था, लेकिन दुर्भाग्य से वह अस्तित्व में नहीं आ पाया। लेकिन इस प्रकार का प्रावधान रखा गया है कि यह बिल यहां से पास होने के बाद, राष्ट्रपति की एसेंट मिलने के बाद, राज्य सभा में पास होने के बाद, इसमें कुछ ऐसे प्रावधान हैं, जो एकदम इनेक्टमेंट में आ जाएंगे और जो कुछ बचे हुए प्रावधान हैं, वे 120 दिन के अंदर अमल में आ जाएंगे। इससे हमारी नीयत स्पष्ट हो जाती। हमारे नौजवान सदस्यों ने यह कहा कि यही फर्क है यूपीए और एनडीए में, हमारी कथनी और करनी में कोई फर्क नहीं है।

अध्यक्ष महोदय, दूसरी बात कवरेज के स्कोप की है, क्लॉज़ 2 में, जो व्यवस्था उस समय थी और जो अब है, उसका उल्लेख किया गया है।

जहां तक फीस का सवाल है, उस समय गरीबों के लिये मुफ्त में सूचना देने का प्रावधान नहीं था लेकिन इस बिल में उसका प्रावधान रखा गया है। इसलिये उस समय के बिल में और आज के बिल में फर्क है। यहां पर एकजंप्शन की बात कही गई है। ऐसी सूचनायें जो महत्वपूर्ण हैं लेकिन कुछ वर्षों में दी जायें। उसके लिये वर्षों की समय सीमा निर्धारित की गई है। जहां फ्रीडम ऑफ इन्फॉर्मेशन एक्ट, 2002 में 25 वर्षों की समय सीमा रखी गई थी, उसे घटाकर इस बिल में 20 वर्ष का प्रावधान रख दिया गया है। आदरणीय प्रधान मंत्री जी ने पीनल प्रोवीजन का जिक्र किया है। फ्रीडम ऑफ इन्फॉर्मेशन एक्ट, 2002 में तत्कालीन एन.डी.ए. की सरकार ने पीनल प्रोवीजन रखा था लेकिन हम एक जवाबदेह, जिम्मेदार और पारदर्शी प्रशासन चाहते हैं। हम एक

ऐसे शासन की व्यवस्था चाहते हैं जिससे आम लोगों को प्रशासन के द्वारा पूर्ण सहयोग मिले। यदि किसी स्तर पर लापरवाही होती है, तो जवाबदेही निश्चित की जाये। इस बात को दृष्टिगत रखते हुये हमने पैनल प्रोवीजन का उल्लेख बिल के क्लॉज़-17 में किया है।

अध्यक्ष महोदय, फ्रीडम ऑफ इन्फॉर्मेशन एक्ट, 2002 में सिक््यूरिटी एंड इंटेलीजेंस एजेंसीज को बिलकुल एग्जंप्ट कर दिया गया था लेकिन इस बिल में, यदि उनके संबंध में भ्रष्टाचार से जुड़ी हुई कोई बात होगी या वायलेशन ऑफ ह्युमन राइट्स की बात होगी तो वह सूचना आम नागरिकों को एक प्रक्रिया से गुजरने के बाद उपलब्ध हो सकेगी, इस का उल्लेख हमने इस बिल में किया है। इन बातों को दृष्टिगत रखते हुये, मैं यह कहना चाहूंगा कि इस बिल के पारित होने के बाद एक क्रान्तिकारी सुधार की हम लोग जो आवश्यकता महसूस कर रहे थे, उसका सिलसिला प्रारम्भ हो जायेगा। जब भी हम कोई अच्छी और नई शुरुआत करते हैं, संभव है, उसमें कोई कमी दिखाई दे। हो सकता है कि माननीय सदस्य उसे और अच्छा करने के लिये कुछ महत्वपूर्ण और उपयोगी सुझाव दें, लेकिन मैं सब सदस्यों से विनम्रतापूर्वक कहना चाहूंगा कि हमें शुरुआत करने दीजिये, हमें अवसर दीजिये, उनके सहयोग और महत्वपूर्ण सुझावों को दृष्टिगत रखते हुये हम काम की शुरुआत करना चाहते हैं। समय के साथ साथ, जब वे और सुझाव देंगे, तो हम उन सुझावों का समय समय पर समावेश करते रहेंगे।

अध्यक्ष महोदय, यहां पर एकजंप्शन और पील प्रोवीजन की बात कई माननीय सदस्यों द्वारा कही गई है। इससे पहले कि मैं अपनी बात समाप्त करूं, मैं स्पष्ट रूप से कहना चाहूंगा कि पूरे विश्व में भारत ही एक ऐसा देश है जहां राइट टू इनफॉर्मेशन बिल पास होने के बाद उसमें पैनल प्रोवीजन सख्त हैं। विश्व के ऐसे 55 देश हैं जहां राइट टू इनफॉर्मेशन बिल का नामकरण अलग अलग तरीके से हुआ है। यदि बिल के क्लॉज़ 18 और 21 को देखा जायेगा, तो उसमें जितने कम एकजंप्शन उतने विश्व के एडवांस्ड कंट्रीज़ - यू.एस., ए., यू.के., आस्ट्रेलिया, फ्रांस,

आयरलैंड, न्यूजीलैंड, नीदरलैंड और कनाडा - में हम से ज्यादा एकजंप्शन दिये गये हैं लेकिन हमने अपने बिल में ऐसे एकजंप्शन की संख्या कम रखी है। इसके पीछे कारण यह है कि हमारे इरादे बहुत बुलंद हैं, हमारी नीयत स्पष्ट है और हमारे सामने एक स्पष्ट कार्य-योजना है। हमारे सामने अपने कर्तव्य निर्वहन का अहसास है, जिसका जिक्र माननीय प्रधान मंत्री जी ने किया है। हमने देश की जनता के सामने जो वायदे किये गये थे, उन वायदों को पूरा करने की दिशा में हम लोग कदम बढ़ाना चाहते हैं। इसी को मद्देनजर रखते हुये हमने अपना कदम बढ़ाया है। मैं अपनी बात एक शायर द्वारा कहे गये शेर से समाप्त करना चाहूंगा :

कमाले बुज़दिली है, पस्त होना अपनी आंखों में,  
अगर थोड़ी सी हिम्मत हो तो फिर क्या हो नहीं सकता।

हमारे आदरणीय प्रधान मंत्री जी और यू.पी.ए. की चेयरपर्सन श्रीमती सोनिया गांधी ने राइट टु इनफॉर्मेशन बिल का स्वरूप और प्रारूप कितना प्रभावी हो, इसके लिये जो पहल की है, उसके पीछे उनका बुलंद इरादा और दृढ़ इच्छा शक्ति है। उसे आधार मानते हुये आज यह स्थिति आई है कि हमारे कॉमन मिनिमम प्रोग्राम में जो महत्वपूर्ण वायदा था, हम उस वायदे को आपके सहयोग और समर्थन से पूरा करने जा रहे हैं।

अध्यक्ष महोदय, मैं आपके जरिये सभी माननीय सदस्यों से आग्रह करना चाहता हूं कि वे इस महत्वपूर्ण और उपयोगी बिल को संशोधनों सहित पारित करें।

MR. SPEAKER : The question is :

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

*The motion was adopted.*

MR. SPEAKER : The House will now take up clause-by-clause consideration of the Bill.

**Clause 2**

Definitions

*Amendments made:*

Page,1, *for* lines 9-11, *substitute-*

'(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;

(e) "competent authority" means-- (5)

Page 1, *for* lines 13 and 14, *substitute* "Assembly of a State or a Union territory having such Assembly and the Chairman in the case of the Council of States or a Legislative Council of States"; (6)

Page 2, *for* lines 2 to 5, *substitute-*

"(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" (7)

Page 2, *omit* lines 7 to 10; (8)

Page 2, line 11 *for* "(d)", *substitute* "(f)" (9)



Page 2, *omit* lines 16 to 18 (10)

Page 2, line 19, *for* "(f)", *substitute* "(g)" (11)

Page 2, in line 20, *for* "Government", *substitute* "appropriate  
Government" (12)

Page 2, *for* lines 21 to 25, *substitute*-

'(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;' (13)

Page 2, *omit* lines 26 to 28; (14)

Page 2, *after* line 43, *insert*-

'(k) "State Information Commission" means the State Information Commission constituted under sub-section (1) of section 14A;

(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 14A;

(m) "State Public Information Officer" means the State Public Information Officer designated under sub-section (1) and includes an State Assistant Public Information Officer designated as such under sub-section (2) of section 5;' (15)

Page 2, in line 44,--

- (i) *for* "(k), *substitute* "(n)"
- (ii) *for* "person making", *substitute* "citizen making" (16)

(Shri Suresh Pachauri)

MR. SPEAKER : The question is:

"That clause 2, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 2, as amended, was added to the Bill.*

*Clause 3 was added to the Bill.*

**Clause 4**  
authorities

Obligation of Public

*Amendments made:*

Page 3, *for* line 10, *substitute* "(b) publish within one hundred and twenty days from the enactment of this Act,-" (17)

Page 3, line 35, *for* "particulars of concessions", *substitute* "particulars of recipients of concessions" (18)

Page 3, lines 44 and 45, *for* "within such intervals in each year as may be prescribed", *substitute* "every year"; (19)

Page 4, *omit* lines 5 to 9 (20)

Page 4, line 12, *for* "communications", *substitute* "communications, including internet," (21)

Page 4, line 15, *omit* "and comprehensible" (22)

Page 4, line 19, *for* "Public Information Officer", *substitute* "Central Public Information Officer or State Public Information Officer, as the case may be," (23)

(Shri Suresh Pachauri)

MR. SPEAKER : The question is:

"That clause 4, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 4, as amended, was added to the Bill.*

## Clause 5

## Designation of Public Information Officers

### *Amendments made:*

Page 4, line 26, *for* "Public Information Officers", *substitute* "Central Public Information Officers or State Public Information Officers, as the case may be," (24)

Page 4, line 31, *for* "an Assistant Public Information Officer", *substitute* "a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be," (25)

Page 4, line 33, *for* "it or to the Government", *substitute* "the Central Public Information Officer or the State Public Information Officer or senior officer specified under sub-section (1) of section 16 or the Central Information Commission or the State Information Commission, as the case may be:" (26)

Page 4, lines 34 to 35, *for* "an Assistant Public Information Officer", *substitute* "a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be,". (27)

Page 4, line 37, *for* "Public Information Officer", *substitute* "Central Public Information Officer or State Public Information Officer, as the case may be," (28)

Page 4, line 39, *for* "Public Information Officer", *substitute* "Central Public Information Officer or State Public Information Officer, as the case may be," (29)

Page 4, line 42, *for* "Public Information Officer", *substitute* "Central Public Information Officer or State Public Information Officer, as the case may be," (30)

Page 4, line 44, *for* "Public Information Officer", *substitute* "Central Public Information Officer or State Public Information Officer, as the case may be," (31)

(Shri Suresh Pachauri)

MR. SPEAKER : The question is:

"That clause 5, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 5, as amended, was added to the Bill.*

**Clause 6**

Request for obtaining  
information

*Amendments made:*

Page 4, line 46, *for "English", substitute "English or Hindi"* (32)

Page 4, line 49, *for "Public Information Officer", substitute "Central Public Information Officer or State Public Information Officer, as the case may be,"* (33)

Page 5, line, 1 *for "Assistant Public Information Officers", substitute "Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be,"* (34)

Page 5, lines 3 and 4, *for "Public Information Officer", substitute "Central Public Information Officer or State Public Information Officer, as the case may be,"* (35)

(Shri Suresh Pachauri)

MR. SPEAKER : The question is:

"That clause 6, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 6, as amended, was added to the Bill.*

**Clause 7**

Disposal of Request

SHRI KINJARAPU YERRANNAIDU (SRIKAKULAM): Sir, on this I have given one suggestion to the hon. Minister on the constitution of the Committee.

MR. SPEAKER : He has replied to that.

SHRI KINJARAPU YERRANNAIDU: Sir, he has not given reply.

MR. SPEAKER : It is still open for you to go on persuading him, but not always inside the House. It can be outside also. You have raised a very pertinent point.

*Amendments made:*

Page 5, line 20, *for* "Public Information Officer", *substitute* "Central Public Information Officer or State Public Information Officer, as the case may be," (36)

Page 5, line 26, *for* "Public Information Officer", *substitute* "Central Public Information Officer or State Public Information Officer, as the case may be," (37)

Page 5, line 27, *for* "Public Information Officer", *substitute* "Central Public Information Officer or State Public Information Officer, as the case may be," (38)

Page 5, line 30, *for* "Public Information Officer", *substitute* "Central Public Information Officer or State Public Information Officer, as the case may be," (39)

Page 5, lines 42 and 43, *for* "Public authority", *substitute* "Central Public Information Officer or State Public Information Officer, as the case may be," (40)

Page 5, *after* lines 46, *insert-*

"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." (41)

Page 6, line 1, *for* "Public Information Officer", *substitute* "Central Public Information Officer or State Public Information Officer, as the case may be," (42)

Page 6, lines 3 and 4, *for* "deemed to be rejected under sub-section (2), the Public Information Officer", *substitute* "rejected under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be," (43)

(Shri Suresh Pachauri)

MR. SPEAKER : The question is:

"That clause 7, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 7, as amended, was added to the Bill.*

## Clause 8

Exemption from  
disclosure of

Information

SHRI SURESH PACHAURI : Sir, I beg to move :

44. Page 6, for lines 12 to 48, substitute-

"8. (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 not 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 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) 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";



MR. SPEAKER : Shri Pawan Kumar Bansal, do you move your amendment?

SHRI PAWAN KUMAR BANSAL (CHANDIGARH): Sir, I am grateful to the hon. Prime Minister as also the hon. Minister for referring to the parliamentary privileges. It is precisely in this context only that this amendment has been moved which is necessary to reflect the sentiments of both the hon. Prime Minister and also the hon. Minister. So, I would request the hon. Minister to accept this amendment and adopt it.

I beg to move :

"That in the amendment proposed by Shri Suresh Pachauri and printed as Sl. No. 44 in List No. 1 of Amendments,-

*for* "(3) Subject to the provisions of clauses (a) and (i) of sub-section (1),"

*substitute-* "(3) Subject to the provisions of clauses (a), (c) and (i) of sub-section (1)," (150)

SHRI SURESH PACHAURI : Sir, I accept the amendment moved by Shri Pawan Kumar Bansal for which Shri Sachin Pilot also strongly advocated.

MR. SPEAKER : He has got greater credit; I think both equally.

SHRI PAWAN KUMAR BANSAL : Thank you very much.

MR. SPEAKER: The question is:

"That in the amendment proposed by Shri Suresh Pachauri and printed as Sl. No. 44 in List no. 1 of Amendments,--

*for* "(3) Subject to the provisions of clauses (a) and (i) of sub-section (1),"

*substitute-* "(3) Subject to the provisions of clauses (a), (c) and (i) of sub-section (1)," " (150)

*The motion was adopted.*

MR. SPEAKER : Now, I shall put amendment No. 44 moved by Shri Suresh Pachauri to clause 8, to the vote of the House.

The question is :

44. Page 6, *for* lines 12 to 48, *substitute-*

"8. (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 not 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 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) 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";

The motion was adopted.

MR. SPEAKER: Shri Pawan Kumar Bansal, the hon. Minister has given you the credit. Otherwise, generally once it is accepted, it becomes a Government amendment. I appreciate the gesture of the Minister.

. (*Interruptions*)

MR. SPEAKER: At least, not to the Speaker.

The Minister may now move amendment No. 45.

*Amendment made:*

Page 7, *omit* lines 1 to 14; (45)

(Shri Suresh Pachauri)

MR. SPEAKER : The question is :

"That clause 8, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 8, as amended, was added to the Bill.*

### **Clause 9**

Grounds for rejection to  
access in certain

cases

*Amendment made:*

Page 7, line 15, *for* "Public Information Officer", *substitute* "Central Public Information Officer or State Public Information Officer, as the case may be," (46)

(Shri Suresh Pachauri)

MR. SPEAKER: The question is:

"That clause 9, as amended, stand part of the Bill.

*The motion was adopted.*

*Clause 9, as amended, was added to the Bill.*

### **Clause 10**

Severability

*Amendments made:*

Page 7, lines 23 and 24, *for* "Public Information Officer", *substitute* "Central Public Information Officer or State Public Information Officer, as the case may be," (47)

Page 7, line 30, *for* "determined", *substitute* "calculated" (48)

Page 7, in lines 34 and 35, *for* "appellate authority, time limit, process and any other forms", *substitute* "senior officer specified under sub-section (1) of section 16 or the Central Information Commission or the State Information Commission, as the case may be, time limit, process and any other form of access." (49)

(Shri Suresh Pachauri)

MR. SPEAKER: The question is :

"That clause 10, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 10, as amended, was added to the Bill.*

**Clause 11**

Third Party information

*Amendments made:*

Page 7, line 36, *for* "public authority", *substitute* "Central Public Information Officer or the State Public Information Officer, as the case may be." (50)

Page 7, line 38, *for* "Public Information Officer", *substitute* "Central Public Information Officer or State Public Information Officer, as the case may be," (51)

Page 7, line 40, *for* "Public Authority", *substitute* "Central Public Information Officer or State Public Information Officer, as the case may be," (52)

Page 7, line 47, *for* "Public Information Officer", *substitute* "Central Public Information Officer or State Public Information Officer, as the case may be," (53)

Page 8, line 1, *for* "Public Information Officer", *substitute* "Central Public Information Officer or State Public Information Officer, as the case may be," (54)

(Shri Suresh Pachauri)

MR. SPEAKER: The question is:

"That clause 11, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 11, as amended, was added to the Bill.*

**Clause 12**

Constitution of Central Information Commission

*Amendments made:*

Page 8, line 14, *for* "Commission", *substitute* "Central Information Commission" (55)

Page 8, line 15, *for* "Information Commissioner", *substitute* "Chief Information Commissioner" (56)

Page 8, line 16, *for* "Deputy Information Commissioners", *substitute* "Central Information Commissioners" (57)

Page 8, line 18, *for* "Information Commissioner and the Deputy Information Commissioners", *substitute* "Chief Information Commissioner and Information Commissioners" (58)

Page 8, *for* line 22, *substitute* "(iii) a Union Cabinet Minister to be nominated by the Prime Minister" (59)

Page 8, *for* lines 28 to 30, *substitute* "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" (60)

Page 8, *for* lines 32 to 35, *substitute* "(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" (61)

Page 8, line 39, *for* "Commission shall be at Delhi and the Commission", *substitute* "Central Information Commission shall be at Delhi and the Central Information Commission" (62)

Page 8, *omit* lines 42 and 43 (63)

(Shri Suresh Pachauri)

MR. SPEAKER: The question is:

"That clause 12, as amended, stand part of the Bill.

*The motion was adopted.*

*Clause 12, as amended, was added to the Bill.*

### **Clause 13**

Term of office and  
conditions of service

*Amendments made:*

Page 8 line 44, *for* "Information Commissioner", *substitute* "Chief Information Commissioner"; (64)

Page 8 *omit* lines 46 and 47 (65)

Page 8 line 48, *for* "Provided further that no Information Commissioner", *substitute* "Provided that no Chief Information Commissioner" (66)

Page 9 *for* lines 1 to 9, *substitute* "(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:

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." (67)

Page 9, line 10,--for "Information Commissioner or a Deputy Information Commissioner", *substitute* "Chief Information Commissioner or an Information Commissioner". (68)

Page 9, line 14,--for "Information Commissioner or a Deputy Information Commissioner", *substitute* "Chief Information Commissioner or an Information Commissioner". (69)

Page 9, line 16,--for "Information Commissioner or a Deputy Information Commissioner", *substitute* "Chief Information Commissioner or an Information Commissioner". (70)

Page 9, *omit* lines 18 to 24; (71)

Page 9, line 25, *for* "(6)", *substitute* "(5)" (72)

Page 9, lines 27 to 30, *substitute*

"(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," (73)

Page 9, line 31,-for "Information Commissioner or a Deputy Information Commissioner" *substitute* "Chief Information Commissioner or an Information Commissioner" (74)

Page 9, lines 34 and 35,-for "Information Commissioner or a Deputy Information Commissioner" *substitute* "Chief Information Commissioner or an Information Commissioner" (75)

Page 9, lines 38 and 39,-for "Information Commissioner or a Deputy Information Commissioner" *substitute* "Chief Information Commissioner or an Information Commissioner" (76)

Page 9, lines 42 and 43,-for "Information Commissioner or a Deputy Information Commissioner" *substitute* "Chief Information Commissioner or an Information Commissioner" (77)

Page 9, line 46,-for "Information Commissioner and the Deputy Information Commissioners" *substitute* "Chief Information Commissioner and the Information Commissioners" (78)



Page 9, line 48, *for "(7)", substitute "(6)."* (79)

Page 9, lines 48 and 49, *for "Information Commissioner and the Deputy Information Commissioners", substitute "Chief Information Commissioner and the Information Commissioners"* (80)

(Shri Suresh Pachauri)

MR. SPEAKER: The question is:

"That clause 13, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 13, as amended, was added to the Bill.*

**Clause 14**

Removal of Information  
Commissioner or Deputy  
Information

Commissioner

*Amendments made:*

Page 10, lines 4 and 5, *-for "Information Commissioner or any Deputy Information Commissioner" substitute "Chief Information Commissioner or any Information Commissioner"* (81)

Page 10, lines 7 and 8, *-for "Information Commissioner or any Deputy Information Commissioner" substitute "Chief Information Commissioner or any Information Commissioner"* (82)

Page 10, lines 11 and 12, *-for "Information Commissioner or Deputy Information Commissioner" substitute "Chief Information Commissioner or Information Commissioner"* (83)

Page 10, lines 16 and 17, *-for "Information Commissioner or any Deputy Information Commissioner" substitute "Chief Information Commissioner or any Information Commissioner"* (84)

Page 10, line 27, *-for "Information Commissioner or a Deputy Information Commissioner" substitute "Chief Information Commissioner or a Information Commissioner"* (85)

Page 10, line 28, *-for "Information Commissioner or any Deputy Information Commissioner" substitute "Chief Information Commissioner or any Information Commissioner"* (86)

(Shri Suresh Pachauri)

MR. SPEAKER: The question is:

"That clause 14, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 14, as amended, was added to the Bill.*

**Motion Re: Suspension of rule 80(i)**

SHRI SURESH PACHAURI: I beg to move :

"That this House do suspend clause (i) of Rule 80 of Rules of Procedure and Conduct of Business in the Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 87 to the Right to Information Bill, 2004 and that this amendment may be allowed to be moved. "

MR. SPEAKER : The question is:

"That this House do suspend clause (i) of Rule 80 of Rules of Procedure and Conduct of Business in the Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 87 to the Right to Information Bill, 2004 and that this amendment may be allowed to be moved. "

*The motion was adopted.*

**New Clause 14A**

Constitution of State  
Information Commission

*Amendment made :*

Page 10,-after line 33, insert-

"CHAPTER IV

THE STATE INFORMATION COMMISSION

14A. (1) Every State Government shall, by notification in the Official Gazette, constitute a body to be known as the ..... (name of the State) Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(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 the 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.

MR. SPEAKER : The question is:

"That new clause 14A be added to the Bill."

*The motion was adopted.*

*New clause 14A was added to the Bill.*

**Motion Re : Suspension of rule 80(i)**

SHRI SURESH PACHAURI: I beg to move :

"That this House do suspend clause (i) of Rule 80 of Rules of Procedure and Conduct of Business in the Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 88 to the Right to Information Bill, 2004 and that this amendment may be allowed to be moved.

MR. SPEAKER : The question is:

"That this House do suspend clause (i) of Rule 80 of Rules of Procedure and Conduct of Business in the Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 88 to the Right to Information Bill, 2004 and that this amendment may be allowed to be moved. "

*The motion was adopted.*

**New Clause 14B**

Term of office  
and conditions of service

*Amendment made :*

88. Page 10, *after line 33, insert-*

14B. (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 14A:

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 14C.

(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.

(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.





MR. SPEAKER : The question is:

"That new clause 14B be added to the Bill."

*The motion was adopted.*

*New clause 14B was added to the Bill.*

**Motion Re : Suspension of rule 80(i)**

SHRI SURESH PACHAURI: I beg to move :

"That this House do suspend clause (i) of Rule 80 of Rules of Procedure and Conduct of Business in the Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 89 to the Right to Information Bill, 2004 and that this amendment may be allowed to be moved. "

MR. SPEAKER : The question is:

"That this House do suspend clause (i) of Rule 80 of Rules of Procedure and Conduct of Business in the Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 89 to the Right to Information Bill, 2004 and that this amendment may be allowed to be moved. "

*The motion was adopted.*

**New Clause 14C**

Removal of State Chief  
Information Commissioner or State  
Information Commissioner

*Amendment made :*

Page 10, *after* line 33, *insert-*

14C. (1) Subject to the provisions of sub-section (3), the State Chief Information Commissioner or any 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 any 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 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 any State Information Commissioner if the 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 any 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"

(89)

(Shri Suresh Pachauri)

MR. SPEAKER : The question is:

"That new clause 14C be added to the Bill."

*The motion was adopted.*

*New clause 14C was added to the Bill.*

**Clause 15**

Powers and  
Functions of Commissioner

*Amendments made :*

Page 10, line 34, --

*for "Commission", substitute "Central Information Commission or State Information Commission, as the case may be,"; (90)*

Page 10, line 36, *for "Public Information Officer", substitute "Central Public Information Officer or State Public Information Officer, as the case may be,"; (91)*

Page 10, line 38, *for "Assistant Public Information Officer", substitute "Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be,"; (92)*

Page 10, *for line 39, substitute, "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 subsection (1) of section 16 or the Central Information Commission or the State Information Commission, as the case may be,"; (93)*

Page 11, line 1, *for "Commission", substitute, "Central Information Commission or State Information Commission, as the case may be,"; (94)*

Page 11, line 3, *for "Commission", substitute, "Central Information Commission or State Information Commission, as the case may be,"; (95)*

Page 11, line 13, *for "Act of Parliament", substitute "Act of Parliament or State Legislature, as the case may be,"; (96)*

Page 11, line 14, for "Commission", substitute "Central Information Commission or the State Information Commission, as the case may be,"; (97)

(Shri Suresh Pachauri)

MR. SPEAKER: The question is :

"That clause 15, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 15, as amended, was added to the Bill.*

### **Clause 16**

### **Appeal**

*Amendments made :*

Page 11, line 19, for "Public Information Officer", substitute "Central Public Information Officer or State Public Information Officer, as the case may be,"; (98)

Page 11, lines 20 and 21,- for "Public Information Officer", substitute "Central Public Information Officer or State Public Information Officer, as the case may be,"; (99)

Page 11, for lines 25-33, substitute "(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."; (100)

Page 11, line 34, *for* "Public Information Officer", *substitute* "Central Public Information Officer or State Public Information Officer, as the case may be,"; (101)

Page 11, line 35, *for* "Commission", *substitute* "Central Information Commission or State Information Commission, as the case may be,"; (102)

Page 11, line 38, *for* "public authority which", *substitute* "Central Public Information Officer or State Public Information Officer, as the case may be, who"; (103)

Page 11, line 43, - *for* "Commission", *substitute* "Central Information Commission or State Information Commission, as the case may be,"; (104)

Page 11, line 44, - *for* "Commission", *substitute* "Central Information Commission or State Information Commission, as the case may be,"; (105)

Page 12, line 1, *for* "Public Information Officer", *substitute* "Central Public Information Officer or State Public Information Officer, as the case may be,"; (106)

Page 12, line 13, - *for* "Commission", *substitute* "Central Information Commission or State Information Commission, as the case may be,"; (107)

Page 12, line 15, - *for* "Commission", *substitute* "Central Information Commission or State Information Commission, as the case may be,"; (108)

Page 12, *omit* lines 17-18; (109)

(Shri Suresh Pachauri)

MR. SPEAKER: The question is :

"That clause 16, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 16, as amended, was added to the Bill.*

*Amendment made :*

110. Page 12, *for lines 19 to 27, substitute-*

"17. (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.

MR. SPEAKER: The question is :

"That clause 17, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 17, as amended, was added to the Bill.*

*Clauses 18 to 20 were added to the Bill.*

**Clause 21**

Act not to apply to  
certain organisation

*Amendments made :*

Page 12, line 42, *for "corruption", substitute "corruption and human rights violations"* (111)

Page 12, *after line 43, insert --*

"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"; (112)

Page 13, *after line 4, insert --*

"(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 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"; (113)

(Shri Suresh Pachauri)

MR. SPEAKER: The question is :

"That clause 21, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 21, as amended, was added to the Bill.*

**Clause 22**

**Monitoring and  
Reporting**

*Amendments made:*

Page 13, line 5, --  
for "Commission", *substitute* "Central Information Commission or  
State Information Commission, as the case may be,"; (114)

Page 13, in line 7 for "Central Government", *substitute* "appropriate  
Government"; (115)

Page 13, line 9, - for "Commission" *substitute* "Central Information  
Commission or State Information Commission, as the case may  
be,";  
(116)

Page 13, line 17, - for "Commission" *substitute* "Central Information  
Commission or State Information Commission, as the case may  
be,";  
(117)

Page 13, line 28, for "the Central Government", *substitute* "the Central  
Government or the State Government, as the case may be,";  
(118)

Page 13, for lines 29-30, *substitute* "cause a copy of the report of the  
Central Information Commission or the State Information  
Commission, as the case may be, 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."; (119)

Page 13, line 31, for "Commission", *substitute* "Central Information  
Commission or State Information Commission, as the case may  
be,";  
(120)

(Shri Suresh Pachauri)

MR. SPEAKER: The question is:

"That clause 22, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 22, as amended, was added to the Bill.*

**Clause 23**      Central Government to  
prepare programme

*Amendments made:*

Page 13, line 35,--  
for "Central government", *substitute* "appropriate Government";  
(121)

Page 13, line 45, for "Information Officers", *substitute* "Central Public  
Information Officers or State Public Information Officers, as the  
case may be,"; (122)

Page 13, line 47, for "Government", *substitute* "appropriate Government";  
(123)

Page 14, line 3, for "Government", *substitute* "appropriate Government";  
(124)

Page 14, line 8, for "Public Information Officer", *substitute* "Central Public  
Information Officer or State Public Information Officer, as the case  
may be,"; (125)

Page 14, line 11, for "Public authority", *substitute* "Central Public  
Information Officer or the State Public Information Officer, as the  
case may be,"; (126)

Page 14, line 12, for "Public Information Officers", *substitute* "Central  
Public Information Officer or State Public Information Officer, as  
the case may be,"; (127)

Page 14, line 14, for "Commission", *substitute* "Central Information  
Commission or State Information Commission, as the case may  
be,";  
(128)

Page 14, line 24, for "Government", *substitute* "appropriate Government";  
(129)

(Shri Suresh Pachauri)

MR. SPEAKER: The question is:

"That clause 23, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 23, as amended, was added to the Bill.*

**Clause 24**

Power to make rules  
by Central Government

*Amendments made:*

Page 14, line 26,--

*for "Central Government", substitute "appropriate government";*

(130)

Page 14, *Omit* lines 30-31; (131)

Page 14, line 32, *for* "(b)", *substitute* "(a)" (132)

Page 14, line 34, *for* "(c)", *substitute* "(b)" (133)

Page 14, line 35, *for* "(d)", *substitute* "(c)" (134)

Page 14, line 36, *for* "(e)", *substitute* "(d)" (135)

Page 14, line 37, *after* "13", *insert* "and sub-section (6) of section 143";

(136)

Page 14, line 38,--

(i) *for* "(f)", *substitute* "(e)";

(ii) *for* "Commission", *substitute* "Central Information  
Commission or State Information Commission, as the case  
may be,"; (137)

Page 14, line 40, *for* "(g)", *substitute* "(f)";

(138)

(Shri Suresh Pachauri)

MR. SPEAKER: The question is:

"That clause 24, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 24, as amended, was added to the Bill.*

**Clause 25**Power to make rules  
by Competent Authority*Amendments made:*Page 14, *omit* lines 45-46; (139)Page 14, line 47, *for* "(ii)", *substitute* "(i)"; (140)Page 14, line 49, *for* "(iii)", *substitute* "(ii)"; (141)Page 15, line 1, *for* "(iv)", *substitute* "(iii)"; (142)Page 15, line 2, *for* "(v)", *substitute* "(iv)"; (143)

(Shri Suresh Pachauri)

MR. SPEAKER: The question is:

"That clause 25, as amended, stand part of the Bill."

*The motion was adopted.**Clause 25, as amended, was added to the Bill.***Clause 26**

Laying of Rules

*Amendment made:*Page 15, *after* line 11, *insert-*

"(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."; (144)

(Shri Suresh Pachauri)

MR. SPEAKER: The question is:

"That clause 26, as amended, stand part of the Bill."

*The motion was adopted.**Clause 26, as amended, was added to the Bill.**Clauses 27 and 28 were added to the Bill.*

## First Schedule

*Amendments made:*

Page 16, lines 3 and 4, for "Information Commissioner or the Deputy Information Commissioner", substitute "Chief Information Commissioner, the Information Commissioner, the State Chief Information Commissioner or the State Information Commissioner"; (145)

Page 16, lines 5 and 6, for "Information Commissioner/Deputy Information Commissioner", substitute "Chief Information Commissioner/Information Commissioner/State Chief Information Commissioner/State Information Commissioner"; (146)

(Shri Suresh Pachauri)

MR. SPEAKER: The question is:

"That The First Schedule, as amended, stand part of the Bill."

*The motion was adopted.*

*The First Schedule, as amended, was added to the Bill.*

*The Second Schedule was added to the Bill.*

### Clause 1

Short title, extent  
and commencement

*Amendments made:*

Page 1, line 5, for "2004", substitute "2005" (3)

Page 1, for line 7, substitute "(3) The provisions of sub-section (1) of section 4, sub-sections (1) and (2) of section 5, sections 12, 13, 14A,

14B, 21, 24 and 25 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."; (4)

(Shri Suresh Pachauri)

MR. SPEAKER: The question is:

"That clause 1, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 1, as amended, was added to the Bill.*

### Enacting Formula

*Amendment made:*

Page 1, line 1, for "Fifty-fifth", substitute "Fifty-sixth" (2)

(Shri Suresh Pachauri)

MR. SPEAKER: The question is:

That the Enacting Formula, as amended, stand part of the Bill."

*The motion was adopted.*

*The Enacting Formula, as amended, was added to the Bill.*

### **Title**

*Amendment made:*

Page 1, For long title, substitute-

"A

BILL

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;" (1)*

(Shri Suresh Pachauri)

MR. SPEAKER: The question is:



"That the Title, as amended, stand part of the Bill."

*The motion was adopted.*

*The Title, as amended, was added to the Bill.*

MR. SPEAKER: Now, the Minister may move that the Bill, as amended, be passed.

SHRI KINJARAPU YERRANNAIDU (SRIKAKULAM): Sir, I would like to make an observation.

MR. SPEAKER: Shri Yerrannaidu, you are a very senior Member. Let the Minister move his motion first.

SHRI SURESH PACHAURI: Sir, I beg to move:

"That the Bill, as amended, be passed."

MR. SPEAKER: Motion moved:

"That the Bill, as amended, be passed."

Shri Yerrannaidu, do you want to say anything? This is without any notice.

SHRI KINJARAPU YERRANNAIDU : Sir, I would like to make a suggestion to the Government. The Standing Committee proposed these amendments and the Government accepted all the amendments. It shows the poor quality of drafting of the Bill. That is why, the Government should take care of this in future. .

*(Interruptions)*

SHRI PAWAN KUMAR BANSAL : No, no. . *(Interruptions)*

SHRI KINJARAPU YERRANNAIDU : What is the meaning of making about 150 amendments? I never saw such a thing. I was a Member in the State Legislative Assembly and I am a Member of Parliament also. . (*Interruptions*)

SHRI PAWAN KUMAR BANSAL : Sir, he should rather be appreciative of it. . (*Interruptions*)

MR. SPEAKER: This is not a third reading matter.

SHRI KINJARAPU YERRANNAIDU : This is just my suggestion.. (*Interruptions*)

MR. SPEAKER: Hon. Minister, do you wish to respond to that?

Everybody should draft Bills accordingly. That is the purpose for which Standing Committees are there.

The question is:

"That the Bill, as amended, be passed."

*The motion was adopted.*

MR. SPEAKER: Not a good word about the Speaker!

SHRI VARKALA RADHAKRISHNAN : This is a historic day!

MR. SPEAKER: The House stands adjourned to meet again at 2.45 p.m.

**13.53 hrs.**

*The Lok Sabha then adjourned for Lunch till forty-five minutes past Fourteen of the Clock.*

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