

Specific Suggestions on the Draft Amendment to RTI Act

By Dr Jayaprakash Narayan
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1. In the proposed new Section 4(f). The following information may be added:

Such information should be in easily accessible form in print and where possible, in electronic format, which is available for sale with the Public Information Officer at a reasonable price.

2. The proposed Section 8(i) reads as follows:

(i) cabinet papers including records of deliberation of the Council of Ministers, Secretaries and other officers, provided that these papers shall be made available to any applicant after the decision has been taken or deemed to have been taken in such case and the matter is complete or over;

However this does not seem to reflect the consensus that emerged at the NAC. I propose that Section 8(i) be reworded as follows:

- (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 therefor, 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;

not rec. Provided further that those matters which come under the exemptions listed in Section 8 shall not be disclosed.

3. The next sub section has been wrongly listed as Section 8(i) instead of Section 8(j).

4. Section 8 (2) may read as follows:

✓ Subject to the provisions of clause (a) of sub section I, any information relating to any occurrence, event or matter which has taken place, occurred or happened ten years before the date on which any request is made under section 6 shall be provided to any person making a request under that section.

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

✓

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

5. In the NAC two broad conclusions have emerged: (a) There shall be a Chief Information Commissioner for the Union as well as to the states separately; (b) The appointment and removal shall be by a collegium at the appropriate level. However, these are not reflected in the revised draft circulated. Therefore, I propose the following amendments in the proposed new Section 12(1):

Section 12(1):

(i)(a) The President shall appoint or designate a Chief Information Commissioner for all matters pertaining to the Union. Such appointment shall be made on the basis of a recommendation made by an Appointing Committee presided by the Prime Minister, with the Leader of Opposition in the Lok Sabha and the Chief Justice of India as members.

(i)(b) The Governor shall appoint or designate a State Information Commissioner for all matters pertaining to the State. Such appointment shall be made on the basis of recommendation made by an Appointing Committee presided by the Chief Minister, with the Leader of Opposition in the Legislative Assembly and the Chief Justice of the High Court as members.

(ii) Information Commissioners may be appointed by the President or the Governor, as the case may be, in consultation with the appropriate Appointing Committee and the Chief Information Commissioner or State Information Commissioners, as the case may be.

(iii)(a) Every Chief Information Commissioner, State Information Commissioners and the commissioners shall be persons with wide knowledge and experience of administration and governance.

(iii)(b) Every Chief Information Commissioner and State Information Commissioners shall be persons of integrity and good repute.

Sub-sections (iv) to (vii) will be retained as it is. Wherever there is Chief Information Commissioner, it will be read as Chief Information Commissioner and State Information Commissioners.

(viii) The Chief Information Commissioner, State Information Commissioner and commissioners may be removed for misconduct by the President or by the Governor, as the case may be, on the recommendation of the appropriate Appointing Committee.

6. In Section 12B, wherever the Chief Information Commissioner appears, it may be read as Chief Information Commissioner and the State Information Commissioners.

7. The following proviso may be added to the proposed new Section 12C(5):

✓ Provided that in cases where the officer is proved guilty of deliberate denial of information or misinformation, the punishment imposed shall be a major penalty, i.e., dismissal or removal or reduction in rank.

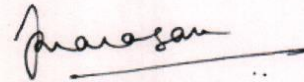
8. The following proviso may be added to 16(4)

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

9. In the proposed new section 16A wherever the Chief Information Commissioner appears, it may be read as Chief Information Commissioner and the State Information Commissioners.

10. Wherever 'Central Government' appears it may be read as 'Union Government'.

Warm regards,



Jayaprakash Narayan