

Bill No. 4 of 2023

THE RIGHT TO INFORMATION (AMENDMENT) BILL, 2023

By

SHRI JAGDAMBIKA PAL, M.P.

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BILL

further to amend the Right to Information Act, 2005.

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

1. (1) This Act may be called the Right to Information (Amendment) Act, 2023.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

22 of 2005.

2. In section 2 of the Right to Information Act, 2005 (hereinafter referred to as the principal Act), in clause (f), for the words "papers", the words "papers, photos" shall be substituted.

Amendment of
section 2.

Amendment of
section 6.

3. In section 6 of the principal Act, for sub-section (2) , the following sub-section shall be substituted, namely:—

“(2) An applicant making request for obtaining information shall give reason for requesting the information including those details that may be necessary for contacting him.”.

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Amendment of
section 7.

4. In section 7 of the principal Act, in sub-section (2), the following proviso shall be inserted, namely:

"Provided that if the Central Public Information Officers or State Public Information Officers, as the case may be, provide the information after the period of thirty days of the receipt of the request, the Central Public Information Officers or State Public Information Officers, as the case may be, shall furnish the reasons in writing for such delay."

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STATEMENT OF OBJECTS AND REASONS

The Right to Information Act, 2005 was enacted to provide transparency in the functioning of public authority. One of the major objective of the act was also ensuring accountability of the people working in those public institutions. The act seeks to provide access to information, contain corruption and strengthen ethos of democracy. To achieve all these objectives, a regular upgradation of the rules and regulations become necessary. There has been instances where information seekers have harassed people and enjoyed advantage through undue influence. Hon'ble Justice S.H. Kapadia, Former Chief Justice of India has also pointed once that "The Right to Information Act is a good law, but it is being abused". Hence, it becomes important to ensure that whether the applicants who are seeking information are using for rightful purpose or not.

The Principal Act provides for the time period to give information. But it does not have any provision in case of non-compliance by the public information commission. As per the data, a total of 3.14 lakh complaints or appeals are pending with 26 information commission across India in October 2022. This can be solved by compelling the information commission to dispose those complaints. To make commission more accountable, it is important to put some burden on them. Thus, to fill this gap in the principal act, the present amendment is being proposed.

With the advancement of new technology, photos have become one of the major sources of information. A lot of information can be gathered through photo itself. Therefore, it becomes important to include photos in the meaning of "information". To fulfil all these objectives, it has become important to bring amendment in the Right to Information Act, 2005.

Hence this Bill.

NEW DELHI;
November 22, 2022.

JAGDAMBIKA PAL

ANNEXURE

EXTRACT FROM THE RIGHT TO INFORMATION ACT, 2005
(ACT No. 22 OF 2005)

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Definitions.	2. In this Act, unless the context otherwise requires,—			
	*	*	*	*
	(f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;			
	*	*	*	*
Request for obtaining information.	6. (1) *			
	(2) An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.			
	*	*	*	*
Disposal of request.	7. (1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be, on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9:			
	Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.			
	(2) If the Central Public Information Officer or State Public Information Officer, as the case may be, fails to give decision on the request for information within the period specified under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall be deemed to have refused the request.			
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(Shri Jagdambika Pal, M.P.)