

Important Sections under Right to Information Act 2005

Subject Material on Workshop/ Seminar organized
by South East Central Railways Headquarter,
Bilaspur(C.G.) on 23/March/2018

Object of the Right to Information Act

The basic object of the Right to Information Act is to empower the citizens, promote transparency and accountability in the working of the Government, contain corruption, and make our democracy work for the people in real sense. It goes without saying that an informed citizen is better equipped to keep necessary vigil on the instruments of governance and make the government more accountable to the governed. The Act is a big step towards making the citizens informed about the activities of the Government.

Important Section under Right to Information Act- 2005

Jurisdiction of RTI Act- 2005:-

Section-1(2): It extends to the whole of India except the State of Jammu and Kashmir.

Definition -

Section- 2 (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.

Section- 2 (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.

Section- 2 (e): "Competent Authority" means:

- (i) The Speaker in the case of the House of the People or the Legislative Assembly of a State or a Union territory having such Assembly and the Chairman in the case of the Council of States or Legislative Council of a State;
- (ii) The Chief Justice of India in the case of the Supreme Court;
- (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;
- (v) The administrator appointed under article 239 of the Constitution;

Section- 2 (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.

Section- 2 (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

It also 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.

Section- 2 (i): "Record" includes:

- (a) Any document, manuscript and file;
- (b) Any microfilm, microfiche and facsimile copy of a document;
- (c) Any reproduction of image or images embodied in such microfilm (whether enlarged or not); and

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

**Citation/ Guideline pertaining to Section Sec.2 (i)
& 4(1)(a) of the RTI Act 2005**

Hon'ble High Court of Delhi , in LPA 24/2015 & CM No.965/2015,The Registrar, SUPREME COURT OF INDIA Versus COMMODORE LOKESH K. BATRA & ORS. Clarifies that.....

Paragraph No.15.-On a combined reading of [Section 4\(1\)\(a\)](#) and [Section 2\(i\)](#), it appears to us that the requirement is only to maintain the records in a manner which facilitates the right to information under the Act. As already noticed above, "right to information" under [Section 2\(j\)](#) means only the right to information which is held by any public authority. We do not find any other provision under the Act under which a direction can be issued to the public authority to collate the information in the manner in which it is sought by the applicant.

Section- 2(j): "Right to Information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to:

(i) Inspection of work, Documents, Records;

(ii) Taking notes, Extracts or Certified copies of documents or records;

(iii) Taking certified samples of material;

(iv) Obtaining information in the form of Diskettes, Floppies, Tapes, Video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.

**Citation/ Guideline pertaining to Section Sec.2 (f) (j)
of the RTI Act 2005**

Important Judgment - Hon'ble Supreme Court of India in the matter of CIVIL APPEAL NO.6454 OF 2011 [Arising out of SLP [C] No.7526/2009], Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors. in which it was held as under:-

Paragraph 35. At this juncture, it is necessary to clear some misconceptions about the [RTI Act](#). [The RTI Act](#) provides access to all information that is available and existing. This is clear from a combined reading of [section 3](#) and the definitions of "information" and "right to information" under clauses (f) and (j) of [section 2](#) of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in [section 8](#) of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non- available information and then furnish it to an applicant. A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide "advice" or "opinion" to an applicant, nor required to obtain and furnish any "opinion" or "advice" to an applicant. The reference to "opinion" or "advice" in the definition of 'information' in [section 2\(f\)](#) of the Act,

only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the [RTI Act](#).

Section- 2(n): "Third Party" means a person other than the citizen making a request for information and includes a Public Authority.

Section 2(n) of the Right To Information Act, 2005 defines Third Party as "third party" means a person other than the citizen making a request for information and includes a public authority. Let me explain this as below:

First Party: Information Seeker or Applicant.

Second Party: Public Authority to whom RTI Application is submitted.

Third Party: Any individual, firm, another government department, NGOs, etc. other than First Party and Second Party.

Disclosure of Third Party Information

Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, is exempt from disclosure. Such information should not be disclosed unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.

In regard to a third party information which the third party has treated as confidential, the Public Information Officer should follow the procedure as given in the chapter '**For public information officers**'. The third party should be given full opportunity to put his case for non-disclosure if he desires that the information should not be disclosed.

RTI for whom

Section- 3: Subject to the provisions of this Act, all Indian citizens shall have the Right to Information.

Responsibilities of Public Authority;-

Section- 4(1) (a): Every Public Authority shall maintain all its records duly catalogued and indexed in a manner and the form which facilitates the Right to Information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to the availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated.

Section- 4 (1) (b): Public Authority shall publish the following information within 120 (One Hundred and Twenty) days from the enactment of this Act:

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

- (ii) The powers and duties of its officers and employees;
- (iii) The procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) The norms set by it for the discharge of its functions;
- (v) The rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
- (vi) A statement of the categories of documents that are held by it or under its control;
- (vii) The particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
- (viii) A statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
- (ix) A directory of its officers and employees;
- (x) The monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- (xi) The budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;

- (xii) The manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
- (xiii) Particulars of recipients of concessions, permits or authorizations granted by it;
- (xiv) Details in respect of the information, available to or held by it, reduced in an electronic form;
- (xv) The particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- (xvi) The names, designations and other particulars of the Public Information Officers;

Section- 4(1) (c): Public Authority shall publish all relevant facts while formulating important policies or announcing the decisions which affect public.

Section- 4(1) (d): Public Authority should provide reasons for its administrative or quasi-judicial decisions to affected persons.

Section- 4 (2): It shall be a constant endeavor of every Public Authority to take steps in accordance with the requirements of clause (b) of sub-section (1) of section- 4 to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

Clarification of Section 4 Of the RTI Act

The RTI Act not only requires governments to provide information upon request, it also imposes a duty on public authorities to actively disclose, disseminate and publish information, as widely as possible.

The RTI 2005 also requires all public authorities covered under the law to publish *suo motu* or proactively a wide range of information on their own, even if no one has specifically requested it. Section 4 of the Right to Information Act, 2005, requires all the public authorities to routinely publish 17 categories of information. This provision clearly specifies that all public authorities must make constant efforts to provide as much information *suo motu* to the public, at regular intervals, through various means including the Internet, so that the public have minimum need to use this Act to obtain information. In addition, self-disclosure by the public authorities should be disseminated with considerations about the local language, cost-effectiveness and the most effective means of communication, so that it reaches large sections of citizens. This ensures that citizens always have access to authentic, useful and relevant information.

This is a key provision because it recognises that some information is so useful and important to the community at large, that it should be given out regularly, without anyone specifically requesting it. Self disclosure enables promotion of transparency and accountability in governance, and also reduces the demand for information by the citizens from public authorities, as most of the important information is available in the public domain.

**Citation/ Guideline pertaining to Section 4(1)(d) of
the RTI Act 2005**

Inappropriate information sought can be rejected [Sec. 4(1)(d) of the RTI Act] Judgment: In the case of *Madan Lal Mirg v. Dinesh Singh* (F.No.CIC/AT/2006/00105, dated 30/6/06), the applicant had asked for certain information from the records of the public authority and obtained all the information so asked.

The applicant again filed an RTI application with this public authority and asked a number of questions and opinions so that he could use them to build a case which he could file in a court of law.

CIC dismissed the appeal on the grounds that the information sought by the appellant does not qualify for disclosure as per **Section 4(1)(d)** of the RTI Act, and it is not the intention of this provision to provide an applicant with opinions or suggestions, which can be used to build case in a court of law, for an applicant. The Commission held that the information sought should be clearly information within the scope of **Section 4(1)(d)** of the RTI Act, 2005.

Provisions involved:

Section 4(1)(d) - *Every public authority shall provide reasons for its administrative or quasijudicial decisions to affected persons.*

**Citation/ Guideline pertaining to Section 4(1)(d) &
Section 7(6) of the RTI Act 2005**

Pro-active disclosure information to be provided free [Sec. 4(1)(b) & Sec. 7(6) of the RTI Act] Case: In the case of *Seema Bhattacharya vs. Deputy Commissioner, Shahdara, MCD* (Appeal No.CIC/WB/A/2006/00377, dated 20/11/2006), the applicant had applied to the public authority for sanctioned

posts of engineers and other related information.

This information was in any case required to be compulsorily declared under Section 4 of RTI Act, 2005, as pro-active disclosure information.

Judgment: It was held by the Commission that the nature of information sought by the appellant was such that it was required to be furnished as *suo moto* information by a public authority, under pro-active disclosure requirements of **Section 4(1)(b)** of the Act.

The Commission ordered that such information should be provided free of any costs as mandated under **Section 7(6)** of the Act.

Provisions involved:

Section 4(1)(b) - *Every public authority shall publish within one hundred and twenty days from the enactment of the Act 17 items.*

Section 7(6) - *Notwithstanding anything contained in sub-section (5), the person making a request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in section 7(1). Section 7(1):- 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.*

**Citation/ Guideline pertaining to Section 4(1)(a)
of the RTI Act 2005**

**Record Management to be improved by all public
authorities [Sec. 4(1)(a) of the RTI Act] Case:**

In the case of *Paramveer Singh vs. Panjab University*, CIC/OK/A/2006/00016, dated 15/6/06), the applicant had applied for information regarding the merit list for selection of candidates to a particular post in the university.

However, no proper information was supplied to him due to the negligence of the university's PIO in identifying and collecting the proper information. As a result, the applicant was given misleading information.

Judgment: The Commission held that every public authority, particularly after the implementation of the Right to Information Act, must take all measures in pursuance of **Section 4(1)(a)**, to implement efficient record management systems in their offices so that the requests for information can be dealt with promptly and accurately.

In the above case, the Commission further held, that the university should streamline its university record management system in such a manner that information can be provided to the citizens without any delay.

13

Provisions involved:

Section 4(1)(a) - *Every public authority shall maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act, and ensure that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated.*

**Citation/ Guideline pertaining to Section 4(1)(b)
of the RTI Act 2005**

All public authorities to make pro-active disclosures [Sec. 4(1)(b) of the RTI Act] Judgment: In the Appeal No. 24/IC (A)/2006, dated 16 April 2006, before the Central Information Commission, it was held by the Commission that:

"Every public authority is required to make pro-active disclosures of all the information required to be given as per the provisions of **Section 4(1)(b)**, unless the same is exempt under the provisions of Section 8(1).

In fact, an information system should be created so that citizens would have easy access to information without making any formal request for it".

This judgment re-emphasised the mandatory nature of disclosure of information on 17 points by every public authority according to the RTI Act.

Provisions involved:

Section 4(1)(b) - Every public authority shall publish within one hundred and twenty days from the enactment of the Act, 17 items.

Section- 5 (1): Every Public Authority shall, within 100 (One Hundred) days of the enactment of this Act (July 15, 2005), designate as many officers as the Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices under it as may be

necessary to provide information to persons requesting for the information under this Act.

Section- 5 (2): Without prejudice to the provisions of sub-section (1) of Section-5, every Public Authority shall designate an officer, within One Hundred days of the enactment of this Act, at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, to receive the applications for information or appeals under this Act for forwarding the same forthwith to the Central Public Information Officer or the State Public Information Officer or senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be. Provided that where an application for information or appeal is given to a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, a period of 05 (Five) days shall be added in computing the period for response specified under sub-section (1) of Section 7.

Responsibilities of Public Information Officer

Section- 5 (3): Every Central Public Information Officer or State Public Information Officer, as the case may be, shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information.

Section- 5 (4): The Central Public Information Officer or State Public Information Officer, as the case may be, may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.

Section- 5 (5): Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be.

Request for obtaining information.—

Section- 6 (1): A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed specifying the particulars of the information sought by him or her to:-

(a) The Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned Public Authority;

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

specifying the particulars of the information sought by him or her :

Provided that where such request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

Cause of Information

Section- 6 (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/her.

Transfer of Application to another Public Authority

Section- 6 (3): Where an application is made to a Public Authority requesting for information:

- (i) Which is held by another public authority; or
- (ii) The subject matter of which is more closely connected with the functions of another Public Authority,

The Public Authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other Public Authority and inform the applicant immediately about such transfer.

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.

One of the guiding principles of the RTI Act is - "information which cannot be denied to Parliament or a State Legislature shall not be denied to any person."

Multiple Application on Same Subject Matter :-

**Central Information Commission- Case No. (1)
CIC/AD/C/2013/001464SA (2) CIC/AD/C/2013/001467SA
(3) CIC/AD/C/2013/001477SA, Shri Nitesh Kumar Tripathi
Versus Department of Health & Family Welfare -**

Paragraph No. 08 -The Commission again records its admonition against the appellant Mr. Nitish Kumar Tripathi for filling the repeated RTI application without any focus or specific requirement and recommends the public authority not to take into consideration the repeated RTI applications by an appellant , on the same subject .The commission also recommends the Public Authority to consolidate all the replies given to the appellant against his repeated RTI applications and upload the same in their website and display prominently in their office premises .so that any future RTI application from the appellant on the same subject , can be immediately disposed of by directing to the website.

No scope for repeating under RTI Act

CIC File No. CIC/AD/A/2013/001326SA -

**Mr. Ramesh Chand Jain Vs. DTC, GNCTD, Delhi, dated
25/06/2014.-**

The Commission , in its decision , had observed that :-

No scope for repeating under RTI Act :-

15. Though RTI Act, did not specifically provide this as a ground of refusing the information, it is implied from the various provisions of RTI Act, that any citizen has right to information only once and not repeatedly.

16. Once information is given, applicant shall not seek the same once again. If the applicant seeks information again again, the PIO, the First Appellate Authority and the Commission would be forced to spend their time on this repeated application, and in the process the authorities would lose that much time to address the other RTI applications or performing their general duties in their public office.

Repeated RTI application amounts to clogging the office of public authority and CPIO would be right in refusing the

same with intimation. Because the Repeated RTI application has an effect of clogging the public offices, it would amount to obstructing the free flow of information to deserving and genuine RTI applicants, besides preventing the officers from performing their general duties attached to their office.

Commission shall record ABUSE. admonish ABUSER

17. As there is no provision in RTI Act, 2005 to penalize the applicant for abusing his right to information or clogging public office, Commission finds itself helpless with regard to penalizing them. However the Commission believes that it can record the fact of abuse of RTI Act 2005 and notify the admonition, direct/recommend applicants not to resort to abuse anymore and direct /recommend public authorities to refuse them. If any applicant resorts to three such repeated repeated RTI applications, the Commission may even recommend blocking of such abuse and direct the public authority not to entertain the same applicant anymore, which has again to be notified.

Waste of public time and obstructing RTI

18. All the above discussion can be consolidated into two reasons: (i) even a single repetition of RTI application would

would demand the valuable time of the public authority, first appellate authority and if it also reaches second appeal, that of the Commission, which time would have been spent to hear another appeal or answer another application or perform other public duty.

(ii) Every repetition of RTI application is an obstruction of flow of information and defeats the purpose of the RTI Act

Citizen has no Right to Repeat 8

19. For the above reasons and based on objective of the RTI Act, its provisions, which should be read together, and above orders by the learned Commissioners, this Commission observes: a) The citizen do not have a right to repeat the same or similar or slightly altered information which he already got, (the combined reading of various provisions of RTI Act, along with the statement of objectives of the Act.

b) Once an RTI application is answered, the appellants shall refrain themselves from filing another RTI application against the public authority as once information is received and held by them or posted in public domain, the applicants are not supposed to seek it again under RTI applications.

Repetition shall be ground of refusal

c) Such repetition shall be considered as ground of

refusal under the RTI Act

d) An applicant or appellant repeating the RTI application

Or appeal either once or files multiple applications, in

Certain cases hundreds of queries, suppressing the fact

of earlier application and receipt of the answer, the CPIO of

public authority shall explain such facts and intimate the

the applicant, and reject it forthwith, giving such reason.

**Citation/ Guideline pertaining to Section 6(3) of
the RTI Act 2005**

**RTI application to be transferred to the appropriate public
authority [Sec. 6(3) of the RTI Act] Case:- CIC Appeal
No. (Appeal No.CIC/WB/A/2006/00365, dated 22/1/2007)**

- In the case of Shyam Singh Thakur vs. Deptt. Of Science & Technology (Appeal No.CIC/WB/A/2006/00365, dated 22/1/2007), the appellant had sought certain information on a number of issues from the Department of Science and Technology. The PIO and the Appellate Authority (AA) of the Science and Technology Department (DST), in response to the application, stated that the information sought by the applicant did not pertain to the activities of their department, and advised him to approach the concerned public authority.

Judgment: The Central Information Commission (CIC), in the appeal, held that the PIO and the AA in the DST were justified in informing the applicant that the information asked did not relate to their department. The CIC further ruled that the DST was duty bound to transfer the application to the appropriate public authority within five days of the receipt of the application, as per the provisions of Section 6(3) of the RTI Act.

Time limit for the supply of information

Section- 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 30 (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.

**Citation/ Guideline pertaining to Section 7(1) of
the RTI Act 2005**

**SUBJECT- REASONS WHERE INSTRUCTIONS ISSUED
TO PROVIDE INFORMATION WITHIN 48 HOURS -**

CENTRAL INFORMATION COMMISSION in Appeal No - CIC/SG/A/2012/000814, Mr. Pratap Kumar Jena. Versus Dr. D. Ram Public Information Officer & Professor of Psychiatry, Central institute of Psychiatry held that ...

Proviso of Section 7(1) states that where the information sought concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the *request*. This provision has to be applied only in exceptional cases and the norm is that information should be provided within thirty days from the receiving date. Whether the information sought concerns the life or liberty of a person has to be carefully scrutinized and only in a very limited number of cases this ground can be relied upon. The government machinery is not designed in a way that responses to all RTI Applications can be given within forty-eight hours. A broad interpretation of 'life or liberty' would result in a substantial diversion of manpower and resources towards replying to RTI Applications which would be unjustified. Parliament has made a very special exception for cases involving 'life or liberty' so that it would be used only when an imminent threat to life or liberty is involved.

The life or liberty provision can be applied only in cases where there is an imminent danger to the life or liberty of a person and the non-supply of the information may either lead to death or grievous injury to the concerned person. Liberty of a person is threatened if she or he is going to be incarcerated or has already been incarcerated and the disclosure of the information may change that situation. If the disclosure of the information would obviate the danger then it may be considered under the proviso of Section 7(1). The imminent danger has to be demonstrably proven. The Commission is well aware of the fact that when a citizen exercises his or her fundamental right to information, the information disclosed may assist him or her to lead a *better life*. But in all such cases, the proviso of Section 7(1) cannot be invoked unless imminent danger to life or liberty can be proven.

**Citation/ Guideline pertaining to Section 7(1) of
the RTI Act 2005**

CENTRAL INFORMATION COMMISSION given a judgment on 30/03/2017 in the case of CIC/BS/A/2016/001238, Amrika Bai VS. PIO, EPFO, Raipur and issued a following guide lines ..

Paragraph No. 16 - The Commission also requires as per Section 19(8)(a)(i, iii & iv) of RTI Act, the public authority to consider pension related information as life and liberty concerned information to provide quick access to

information, publish necessary guidelines to deliver the pension related information and circulate amongst all CPIOs, and train them to provide such information concerning pension within 48 hours and the FAAs to initiate hearing proceedings within 48 hours.

The Commission recommends the public authorities to initiate measures to address the grievances relating to pension within 48 hours and inform about redressal within one month from the date of receipt of the grievance.

**Citation/ Guideline pertaining to Section 7(1) of
the RTI Act 2005**

Central Information Commission 's Appeal No. CIC/WB/A/2006/00128, dated-24-25/2/2006, Shri - Nizamuddin Versusu Delhi Development Authority, New Delhi.

In this appeal it was observed that on the question of life and liberty, Article 21 of the Indian Constitution reads as "No person shall be deprived of his life or personal liberty except according to procedure established by law." Similarly proviso to Section 7(1) deals with information sought being described as one that concerns the life or liberty of a person. Whereas matters of an administrative nature may not necessarily be considered a threat to life or liberty, programmes for demolition of inhabited structures must surely be so construed. It is open to the CPIO to rule that since structures are no longer

inhabited, the application is of no concern for life and liberty, he or she must satisfy himself/herself of this fact before so ruling, while the applicant can do so by providing substantive evidence of this, as held by us in the above cited case. In the present case, therefore, not taking account of the application under the proviso to Section 7(1) by the PIO and the summary disposal by the Appellate Authority that "present case does not fall in the ambit of the proviso to Section 7(1) of the RTI Act" without giving reasons as to why it does not do so, cannot be construed as being in consonance with the requirements of the Act.

**Citation/ Guideline pertaining to Section 7(1) of
the RTI Act 2005**

**Central Information Commission's Appeal No.
CIC/SG/C/2009/001169/4696., Shri - N.N. Kalia v.
University of Delhi**

The Central Information Commission (CIC) passed following observation about section 7(1), which might help in understanding the provision better. This proviso has to be applied only in exceptional cases. Whether the information sought concerns the life or liberty of a person has to be carefully scrutinized and only in a very limited number of cases this ground can be relied upon. The government machinery is not designed in a way that responses to all RTI Applications can be given within forty-eight hours. A broad interpretation of 'life or liberty' would result in a substantial diversion of manpower and resources.

The life or liberty provision can be applied only in cases where there is an imminent danger to the life and liberty of a person and non-supply of information may either lead to death or grievous injury to concerned person. Liberty of a person is threatened if he or she is going to be incarcerated and disclosure of the information may change that situation. If disclosure of information would obviate the danger, then it may be considered under the proviso of section 7(1). The imminent danger has to be demonstrably proven. When a citizen exercises his or her fundamental right to information, the information disclosed may assist him or her to lead a better life. But in all such cases, proviso of section 7(1) cannot be invoked unless imminent danger to life and liberty can be proven.

Citation/ Guideline pertaining to Section 7(1) of the RTI Act 2005

Central Information Commission in Appeal No. - CIC/SG/A/2009/001781/4807, dated 15/09/2009. Mr. Satish Kumar Gupta v. PIO & AR, University of Delhi, observed as follows:

"Proviso of Section 7(1) states that 'where the information sought concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.' This provision has to be applied only in exceptional cases and the norm is that information should be provided within thirty days from the receiving date. Whether the information sought concerns the life or liberty of a person has to be carefully scrutinized and only in a very limited number of cases this ground can be relied upon. The

government machinery is not designed in a way that responses to all RTI Applications can be given within forty-eight hours. A broad interpretation of 'life or liberty' would result in a substantial diversion of manpower and resources towards replying to RTI Applications which would be unjustified. Parliament has made a very special exception for cases involving 'life or liberty' so that it would be used only when an imminent threat to life or liberty is involved. The life or liberty provision can be applied only in cases where there is an imminent danger to the life or liberty of a person and the non-supply of the information may either lead to death or grievous injury to the concerned person. Liberty of a person is threatened if she or he is going to be

incarcerated or has already been incarcerated and the disclosure of the information may change that situation. If the disclosure of the information would obviate the danger then it may be considered under the proviso of Section 7(1). The imminent danger has to be demonstrably proven. The Commission is well aware of the fact that when a citizen exercises his or her fundamental right to information, the information disclosed may assist him or her to lead a better life. But in all such cases, the proviso of Section 7(1) cannot be invoked unless imminent danger to life and liberty can be proven.

Section- 7 (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 section 7(1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall be deemed to have refused the request.

Section- 7 (3): (3) Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, the Central Public Information Officer or State Public Information Officer, as the case may be, shall send an intimation to the person making the request, giving—

(a) the details of further fees representing the cost of providing the information as determined

by him, together with the calculations made to arrive at the amount in accordance with fee prescribed under sub-section (1), requesting him to deposit that fees, and the period intervening between the dispatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to in that subsection;

(b) information concerning his or her right with respect to review the decision as to the amount of fees charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms.

Assistance to disabled persons

Section- 7 (4): Where access to the record or a part thereof is required to be provided under this Act and the person to

whom access is to be provided is sensorily disabled, the Central Public Information Officer or State Public Information Officer, as the case may be, shall provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection.

Charges for Information

Section- 7 (5): Where access to information is to be provided in the printed or in any electronic format, the applicant shall, subject to the provisions of sub-section (6), pay such fee as may be prescribed.

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.

Supply of information free of cost

Section- 7 (6): Notwithstanding anything contained in sub-section (5) of section- 5, the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in sub-section (1).

**Citation/ Guideline pertaining to Section Sec.7 (6), &
Sec.19(8)(b) & Sec. 20(1) of the RTI Act 2005**

Information to be provided free if there is delay/reimbursement to be provided in cases of delay. [Sec.7 (6); Sec. 19(8)(b) & Sec. 20(1) of the RTI Act] Case:

In the case of *Gita Dewan Verma vs. Urban Development Department, Delhi* (Appeal No.CIC/WB/C/2006/00182, dated 29/6/2006), the applicant had applied for certain information regarding slum clearance from the Urban Development Department of the Delhi Government. She was not provided any information within the maximum time limit, as the public authority could not ascertain the information which was asked by the applicant. Judgment: The CIC held that since there was a delay in replying to the information sought, the appellant should be provided information without costs as per the stipulation under Section 7(6), as there was delay in providing the information. In the above case, the appellant was held entitled to reimbursement under Section 19(8)(b) of the Act. The CIC in this case also issued a show cause notice to the State Public Information Officer (SPIO) as to why the penalties prescribed

under Section 20(1) of the Act be not imposed on him.

Third Party Interest and representation

Section- 7 (7): Before taking any decision under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall take into consideration the representation made by a third party under section 11.

Reason to rejection

Section- 7 (8): Where a request has been rejected under sub-section (1) of Section- 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall communicate to the person making the request,-

- (i) The reasons for such rejection;
- (ii) The period within which an appeal against such rejection may be preferred; and
- (iii) The particulars of the Appellate Authority.

Form of supplied information

Section 7 (9): Information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the Public Authority or would be detrimental to the safety or preservation of the record in

question.

**Citation/ Guideline pertaining to Section Sec.7 (9) of
the RTI Act 2005**

**Hon'ble High Court of Kerala in W.P. (C) No. 6532 of
2006 (C),Treesa Irish W/o Milton Lopez Vs. The Central
Public Information Officer, order dated - 30.08.2010 held
that:**

25. ...That Section does not even confer any discretion on a public authority to withhold information, let alone any exemption from disclosure. It only gives discretion to the public authority to provide the information in a form other than the form in which the information is sought for, if the form in which it is sought for would disproportionately divert the resources of the public authority. In fact there is no provision in the Act to deny information on the ground that the supply of the information would disproportionately divert the resources of the public authority.

**Citation/ Guideline pertaining to Section Sec.7 (9) of
the RTI Act 2005**

**Hon'ble High court of Madras in W.P.NO.20372 of 2009
and M.P.NO.1 OF 2009, order dated 07-01-2010 decided**

the provision of Sec 7(9) of The RTI Act 2005 Extract from judgment is ...

Paragraph No. "13. The other objections that they are maintaining a large number of documents in respect of 45 departments and they are short of human resources cannot be raised to whittle down the citizens' right to seek information. It is for them to write to the Government to provide for additional staff depending upon the volume of requests that may be forthcoming pursuant to the RTI Act. It is purely an internal matter between the petitioner archives and the State Government. The right to information having been guaranteed by the law of Parliament, the administrative difficulties in providing information cannot be raised. Such pleas will defeat the very right of citizens to have access to information. Hence the objections raised by the petitioner cannot be countenanced by this court. The writ petition lacks in merit."

Citation/ Guideline pertaining to Section Sec.7 (9) of the RTI Act 2005

Central Information Commission in its Decision dated 22.10.08 in Appeal No. CIC/WB /A/2007/00528-SM clarifies the Sec 7 (9) of the RTI Act 2005 held as below

"...It is true that the Section 7(9) provides that information sought in a particular form should be provided in that form unless it would disproportionately divert the resources of the public authority or would be detrimental to preservation of record in question. That means, the public authority concerned should provide the information sought in a different form if he thinks, on reasonable grounds, that the form in which it has been sought would disproportionately divert the resources of the public authority. This provision in Section 7 is not a license

to deny information."

Non disclosure of information

Section- 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 no 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), (c) 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.

Hon'ble Supreme Court has clarified in the case of State of Gujarat Versus Mirzapur Moti Kureshi Kasab Jamat & ors AIR 2006 Supreme Court 212] that Public interest covers public health, public security, morals, economic welfare of the community and the objects mentioned in the Directive Principles of State Policy .

Citation/ Guideline pertaining to Section Sec.8 (1) of the RTI Act 2005

Reasons for rejection of requests for information must be

clearly provided [Sec. 8(1) of the RTI Act] Case:

In the case of Dhananjay Tripathi vs. Banaras Hindu University (Decision No.CIC/OK/A/00163, dated 7/7/2006), the applicant had applied for information relating to the treatment and subsequent death of a student in the university hospital due to alleged negligence of the doctors attending him. The appellant was, however, denied the information by the PIO of the university saying that the information sought could not be provided under Section 8(1)(g) of the RTI Act, without providing any further reasons as to how the information sought could not be provided under the RTI Act. Judgment: The Commission held that quoting the provisions of Section 8(1) of the RTI Act to deny the information without giving any justification or grounds as to how these provisions are applicable is simply not acceptable, and clearly amount to malafide denial of legitimate information. The public authority must provide reasons for rejecting the particular application. The Commission further held that not providing the reasons of how the application for information was rejected according to a particular provision of the Act would attract penalties under Section 20(1) of the Act.

**Citation/ Guideline pertaining to Section Sec.8 (1) (h) of
the RTI Act 2005**

Central Information Commission (Appeal Nos. 243/ICPB/2006 and 244/ICPB/2006, dated 27/12/2006) - No disclosure in case of pending departmental enquiry [Sec. 8(1)(h) of the RTI Act] Case: In the case of Sarvesh Kaushal vs. F.C.I. and others (Appeal Nos. 243/ICPB/2006 and 244/ICPB/2006, dated 27/12/2006), the appellant had applied for documents relating to the departmental enquiry launched against him in a corruption case. Judgment: The CIC, rejecting the appeal, held that the departmental enquiry, which was in progress against him, was a pending investigation under law, and the same attracted the provisions of Section 8(1)(h). Therefore, there is no question of disclosing any information relating to his prosecution, the CIC noted.

**Citation/ Guideline pertaining to Section Sec.8 (1) (j) of
the RTI Act 2005**

Important Judgment - (I) Hon'ble Supreme Court of India in the matter of Girish R. Deshpande vs. CIC and others (SLP (C) no. 27734/2012) in which it was held as under:-

Paragraph No.12 - The petitioner herein sought for copies of all memos, show cause notices and censure/punishment

awarded to the third respondent from his employer and also details viz. movable and immovable properties and also the details of his investments, lending and borrowing from Banks and other financial institutions. Further, he has also sought for the details of gifts stated to have accepted by the third respondent, his family members and friends and relatives at the marriage of his son. The information mostly sought for finds a place in the income tax returns of the third respondent. The question that has come up for consideration is whether the above-mentioned information sought for qualifies to be "personal information" as defined in clause (j) of Section 8(1) of the RTI Act.

13. We are in agreement with the CIC and the courts below that the details called for by the petitioner i.e. copies of all memos issued to the third respondent, show cause notices and orders of ensure/Punishment etc. are qualified to be personal information as defined in clause (j) of Section 8(1) of the RTI Act. The performance of an employee/officer in an organization is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression "personal information", the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer of the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the

petitioner cannot claim those details as a matter of right.

14. The details disclosed by a person in his income tax returns are "personal information" which stand exempted from disclosure under clause (j) of Section 8(1) of the RTI Act, unless involves a larger public interest and the Central Public Information Officer or the State Public Information Officer or the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information.

15. The petitioner in the instant case has not made a bona fide public interest in seeking information, the disclosure of such information would cause unwarranted invasion of privacy of the individual under Section 8(1)(j) of the RTI Act.

**Citation/ Guideline pertaining to Section Sec.8 (1) (e) and
Sec 11(1) of the RTI Act 2005**

**Hon'ble High Court of Delhi , Case NO. W.P.(C)
7845/2013, Paras Nath Singh versus Union of India-
Judgment Dated 12.02.2018**

"Section 8 of the Act provides for exemption from disclosure of certain information and none of the provisions of Section 8 provide for blanket exemption that entitles the respondent to withhold all nothings on a file." [Section 8(1)(e)], "

.... the reasoning, that the nothings or information generated by an employee during the course of his employment is his

information and thus has to be treated as relating to a third party, is flawed." [Section 11(1)]

Citation/ Guideline pertaining to Section Sec.8 (1) (e) and Sec (8) (i) of the RTI Act 2005

Hon'ble High Court of Delhi ,Case No. - W.P.(C) 7360/2017,The CPIO, Department of Personnel and Training Vs. Central Information Commission & Anr, Order dated 25.08.2017 -

Paragraph No. 03- The petitioner has filed the present petition, inter alia, impugning an order dated 18.01.2017 (hereafter „the impugned order“) passed by the Central Information Commission (hereafter 'CIC') directing the petitioner to disclose the agenda item pertaining to respondent no.2 along with the minutes of the meeting of Civil Services Board (hereafter 'CSB'). The petitioner contends that the said information is exempt from disclosure under clause (i) of Section 8(1) of the Right to Information Act, 2005 O.M.P.(I) (COMM.) 185/2017 Page 2 of 11 (hereafter 'the Act'). It is also contended that such information is confidential in nature and is available with the petitioner in its fiduciary capacity and, thus, is also exempt from disclosure under clause (e) of

Section 8(1).

Operative Part - Paragraph No. 30. Plainly, the information sought by respondent no.2 is in relation to the deliberations of a committee. The said information has not been provided to the petitioner in any fiduciary capacity. If the expression „fiduciary“ is considered in a wide sense, as contended by the learned ASG, no information pertaining to any public authority would be outside the scope of exemption. The information regarding CSB meetings are that of the public authority and not of the persons involved in such deliberations. Such information is not held by the petitioner on behalf of any other person. 31. Before concluding, it is also necessary to address the grievance that CIC had directed disclosure of information in excess of what was sought by respondent no.2. In this regard, it is sufficient to clarify that the impugned order must be read to direct disclosure of such information as was sought by respondent no.2 in the application dated 06.07.2015, albeit by redacting any personal information pertaining to third parties.

**Citation/ Guideline pertaining to Section Sec.8 (1) (e) and
Sec (8) (i) of the RTI Act 2005**

Central	Information	Commission	Case	No.
----------------	--------------------	-------------------	-------------	------------

CIC/AD/A/2009/000857, Order Dated August 19, 2009, Ms.Taruna Pahuja vs A.I.I.M.S

Operative Part Paragraph No. 5. - The Respondent stated that patient care records & related issues are privileged communication between the hospital & the patient. The Commission noted that both the CPIO and the Appellate Authority had written to the Appellant requesting her to send any document to verify her identity including her Voter I. Card, Passport, Driving License etc. along with the OPD / Inpatient Registration No. without which it would not be possible to trace the records. The Commission upholds the decision of the Appellate Authority and denies the information to the Appellant under [Section 8\(1\)\(e\)](#) of the RTI Act as it is available only in his/her fiduciary relationship and, therefore, can only be divulged to the patient himself/herself or to the court of law and accordingly directs the Appellant to provide the required identification documents as also the required OPD/Inpatient Regn. No. to the CPIO and the CPIO to provide the information within 15 days of receipt of the information from the Appellant.

Citation/ Guideline pertaining to Section Sec.8 (1) (j) of the RTI Act 2005

Hon'ble Supreme Court of India , in the Transferred Case (Civil) No.91/2015, Arising out of Transfer Petition (Civil) No. 707 of 2012), Reserve Bank of India versus Jayantilal N. Mistry has clarified the word "Fiduciary" as below

Paragraph No. 55. - The Advanced Law Lexicon, 3rd Edition, 2005, defines fiduciary relationship as "a relationship in which one person is under a duty to act for the benefit of the other on the matters within the scope of the fiduciary relationship. Fiduciary relationship usually arise in one of the four situations (1) when one person places trust in the faithful integrity of another, who as a result gains superiority or influence over the first, (2) when one person assumes control and responsibility over another, (3) when one person has a duty to act or give advice to another on matters falling within the scope of the relationship, or (4) when there is specific relationship that has traditionally be recognized as involving fiduciary duties, as with a lawyer and a client, or a stockbroker and a customer."

56. The scope of the fiduciary relationship consists of the following rules:

"(i) No Conflict rule- A fiduciary must not place himself in a position where his own interests conflicts with that of his customer or the beneficiary. There must be "real sensible possibility of conflict.

(ii) No profit rule- a fiduciary must not profit from his position at the expense of his customer, the beneficiary;

(iii) Undivided loyalty rule- a fiduciary owes undivided loyalty to the beneficiary, not to place himself in a position where his duty towards one person conflicts with a duty that he owes to

another customer. A consequence of this duty is that a fiduciary must make available to a customer all the information that is relevant to the customer's affairs.

(iv) Duty of confidentiality- a fiduciary must only use information obtained in confidence and must not use it for his own advantage, or for the benefit of another person."

Paragraph 57.- The term fiduciary relationship has been well discussed by this Court in the case of Central Board of Secondary Education and Anr. vs. Aditya Bandopadhyay and Ors. (supra). In the said decision, their Lordships referred various authorities to ascertain the meaning of the term fiduciary relationship and observed thus:-

"20.1) Black's Law Dictionary (7th Edition, Page 640) defines 'fiduciary relationship' thus:-

"A relationship in which one person is under a duty to act for the benefit of the other on matters within the scope of the relationship. Fiduciary relationships - such as trustee-beneficiary, guardian-ward, agent- principal, and attorney-client - require the highest duty of care. Fiduciary relationships usually arise in one of four situations : (1) when one person places trust in the faithful integrity of another, who as a result gains superiority or influence over the first, (2) when one person assumes control and responsibility over another, (3) when one person has a duty to act for or give advice to another on matters falling within the scope of the relationship, or (4) when there is a specific relationship that has traditionally been recognized as involving fiduciary duties, as with a lawyer and a client or a stockbroker and a customer."

20.2) The American Restatements (Trusts and Agency) define 'fiduciary' as one whose intention is to act for the benefit of another as to matters relevant to the relation between them.

**Citation/ Guideline pertaining to Section Sec. 8 (1) (j) of
the RTI Act 2005**

**Hon'ble Supreme Court Judgment dated 31.08.2017 passed
in - CIVIL APPEAL No.22 OF 2009 , Canara Bank Rep. by
its Deputy Gen. Manager Vs. C.S. Shyam & Anr.**

Operative Paragraph No. 14) In our considered opinion, the
aforementioned principle of law applies to the facts of this
case on all force. It is for the reasons that, firstly, the
information sought by respondent No.1 of individual employees
working in the Bank was personal in nature; secondly, it was
exempted from being disclosed under [Section 8\(j\)](#) of the Act
and lastly, neither respondent No.1 disclosed any public
interest much less larger public interest involved in seeking
such information of the individual employee and nor any finding
was recorded by the Central Information Commission and the
High Court as to the involvement of any larger public interest
in supplying such information to respondent No.1.

15) It is for these reasons, we are of the considered view that
the application made by respondent No.1 under [Section 6](#) of
the Act was wholly misconceived and was, therefore, rightly
rejected by the Public Information Officer and Chief Public
Information Officer whereas wrongly allowed by the Central
Information Commission and the High Court.

**Citation/ Guideline pertaining to Section Sec.8 (1) (j) of
the RTI Act 2005**

Hon'ble High Court of Delhi. Case No. W.P.(C) 624/2017.

B.B. DASH Versus CENTRAL INFORMATION

COMMISSION & ANR. Judgment delivered on:

24.01.2017.

Paragraph No. 01 - The petitioner impugns order dated 22.11.2016, whereby, the CIC has held the petitioner - CPIO liable for not providing the information to the respondents. It has been held that the petitioner has failed to provide information without any cogent reasons. Maximum W.P.(C) No.624/2017 Page 2 of 8 penalty, as prescribed, of Rs.25,000/- has been imposed on the petitioner.

Operative Paragraph No.-09. Perusal of the impugned order shows that the CIC has not erred in returning a finding that information sought has not been provided to the respondent No.2. No cogent explanation has been rendered for non-supply of the information. Thus, the order of the CIC dated 22.11.2016 cannot be faulted.

**Citation/ Guideline pertaining to Section Sec. 8 (1) (h),
& Section 10 of the RTI Act 2005**

**Hon'ble High Court of Delhi, Writ Petition (C) 295 & 608
of 2011, Decided on : 03-06-2011, B.S. MATHUR Vs. PIO
High Court of Delhi**

**Right to Information Act, 2005 — Section — 8, 8(1)(h) — Delhi
High Court (Right to Information) Rules, 2006 — Rule — 5(b)
— Delhi Higher Judicial Service Rules, 1970 — Rule — 26B —**

Disclosure of information — In Writ Petition (Civil) 295 of 2011, the Petitioner challenges an order dated 6th September 2010, passed by the Central Information Commission dismissing his appeal against an order dated 28th April 2010 of the Appellate Authority of the High Court of Delhi under the Right to Information Act, 2005 declining to furnish the complete information sought by him in RTI Application No. 184 of 2008 — There is a marked change in the circumstances since the impugned order of the CIC. The second enquiry has, by a decision of the Chief Justice of 3rd March 2011, been kept in abeyance which was not the position when the appeals were heard by the CIC — It is difficult to appreciate how disclosure of information sought by the Petitioner could hamper the second inquiry when such second inquiry is itself kept in abeyance — The mere pendency of an investigation or inquiry is by itself not a sufficient justification for withholding information. It must be shown that the disclosure of the information sought would "impede" or even on a lesser threshold "hamper" or "interfere with" the investigation. This burden the Respondent has failed to discharge — No grounds have been made out by the Respondent under Section 8(1)(h) of the RTI Act to justify exemption from disclosure of the information sought by the Petitioner — Writ petition are allowed.

Section- 9: Without prejudice to the provisions of section 8, a Central Public Information Officer or a State Public Information Officer, as the case may be, may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.

Supply of partial information

Section- 10 (1): Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.

(2) Where access is granted to a part of the record under subsection (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall give a notice to the applicant, informing—

(a) that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;

(b) the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;

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

(d) the details of the fees calculated by him or her and the amount of fee which the applicant is required to deposit; and

(e) his or her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case

Information related to third party

Section- 11 (1): Where a Central Public Information Officer or a State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information.

Section- 11 (2): Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, under sub-section (1) of Section- 11 to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.

Section- 11 (3): Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2) of Section- 11, make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.

Citation/ Guideline pertaining to Section Sec.-11 (1) (h) of the RTI Act 2005
Central Information Commission Judgment, (CIC/AT/A/2006/00014, dated 22/5/2006), - Third Party has no absolute right to refuse information disclosure about it [Sec. 11(1) of the RTI Act] Case: In the case of K.K. Mahajan vs. Cantonment Executive Office (CIC/AT/A/2006/00014, dated 22/5/2006), the appellant, an employee of a public authority, had applied for some information relating to the prosecution

of another employee (third party), because under similar circumstances the appellant was convicted while the other employee was exonerated. The public authority refused to provide him the information he had asked for on the ground that the third party had refused the disclosure of information about it to the applicant. Judgment: The CIC held that the RTI Act does not give a third party an automatic right to order the public information officer (PIO) of a public authority, not to disclose information pertaining to it. The CIC further held that the public authority is required to evaluate the third party's case in terms of the provisions of Section 8(1)(j) and Section 11(1) of the RTI Act, 2005, and find out that the information asked is not barred from disclosure. Even if the information is barred from disclosure then the public authority is to examine if it would be in the public interest to disclose the information sought and its disclosure will outweigh harm if any to the individual third party. The public authority has to arrive at the findings by properly assessing the facts and circumstances of the case. A speaking order should thereafter be passed accordingly.

**Citation/ Guideline pertaining to Section Sec.-11 (1) of the
RTI Act 2005**

Government of India Ministry of Personnel, PG & Pensions

Department of Personnel & Training Memorandum No. -

8/2/2010-IR Dated: the 27th April, 2010

Subject - Disclosure of third party information under the RTI Act, 2005.

The Government in a number of cases makes inter departmental consultations. In the process, a public authority may send some confidential papers to another public authority. A question has arisen whether the recipient public authority can disclose such confidential papers under the RTI Act, 2005. If yes, what procedure is required to be followed for doing so..

2. Section 11 of the Act provides the procedure of disclosure of 'third party' information. According to it, if a Public Information Officer (PIO) intends to disclose an information supplied by a third party which the third party has treated as confidential, the PIO, before taking a decision to disclose the information shall invite the third party to make submission in the matter. The third party has a right to make an appeal to the Departmental Appellate Authority against the decision of the PIO and if not satisfied with the decision of the Departmental Appellate Authority, a second appeal to the concerned Information Commission. The PIO cannot disclose

such information unless the procedure prescribed in section 11 is completed.

3. As defined in clause (n) of Section 2 of the Act, 'third party' includes a public authority. Reading of the definition of the term, 'third party' and Section 11 together makes it clear that if a public authority 'X' receives some information from another public authority 'Y' which that public authority has treated as confidential, then 'X' cannot disclose the information without consulting 'Y', the third party in respect of the information and without following the procedure prescribed in Section 11 of the Act. It is a statutory requirement, non-compliance of which may make the PIO liable to action.

4. The Public Information Officers and the First Appellate Authorities should keep these provisions of the Act in view while taking decision, about disclosure of third party information in general and disclosure of the third party information, when third party is a public authority, in particular.

Citation/ Guideline pertaining to Section Sec. -11 (1) of the RTI Act 2005

**Government of India Ministry of Personnel, PG & Pensions
Department of Personnel & Training Guideline issued on the
RT I Act 2005, Dated: 05/10/2009**

Disclosure of Third Party Information

01. Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, is exempt from disclosure. Such an information shall not be disclosed unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.

02. If an applicant seeks any information which relates to or has been supplied by a third party and that third party has treated that information as confidential, the Public Information Officer shall consider whether the information should be disclosed or not. The guiding principle in such cases is that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party. However, the Public Information Officer would have to follow the following procedure before disclosing such information.

03. If the Public Information Officer intends to disclose the information, he shall within five days from the receipt of the application, give a written notice to the third party that the information has been sought by the applicant under the RTI Act and that he intends to disclose the information. He shall request the third party to make a submission in writing or orally, regarding whether the information may be disclosed. The third party shall be given a time of ten days, from the date of receipt of the notice by him, to make representation

against the proposed disclosure, if any.

04. The Public Information Officer shall make a decision regarding disclosure of the information keeping in view the submission of the third party. Such a decision should be taken within forty days from the receipt of the request for information. After taking the decision, the Public Information Officer should give a notice of his decision to the third party in writing. The notice given to the third party should include a statement that the third party is entitled to prefer an appeal under section 19 against the decision.

05. The third party can prefer an appeal to the First Appellate Authority against the decision made by the Public Information Officer within thirty days from the date of the receipt of notice. If not satisfied with the decision of the First Appellate Authority, the third party can prefer a second appeal to the Information Commission.

06. If an appeal has been filed by the third party against the decision of the Public Information Officer to disclose the third party information, the information should not be disclosed till the appeal is decided.

**Citation/ Guideline pertaining to Section Sec.-11 (1) of
the RTI Act 2005**

**CENTRAL INFORMATION COMMISSION Case No. :-
CIC/NRAIL/A/2017/145203, Madhu VS PIO and Sr.
DMM, DRM Office, Northern Railway, State Entry Road,
New Delhi Railway Station, New Delhi-55 , Date of**

hearing : 05.12.2017

- During the hearing the appellant submitted that she was living separately from her husband and she needed the copy of caste certificate of her husband for applying for a caste certificate for her daughter. The respondent APIO submitted that they had provided the requisite reply vide their letter dated 04.05.2017 and denied the information sought for, being related to third party's personal information. Based on the submission of the parties, the Commission is of the opinion that the importance of a caste certificate of father for a child cannot be ruled out. However, this is also a settled fact that copy of caste certificate of a third party is personal information of that third party. According to Sec 2(n) of the RTI Act, Operative Paragraph - The CIC directed the CPIO (Personnel) to issue notice u/s 11 of the RTI Act to the third party within five days from the receipt of the order, informing him of the Commission's order and of the fact that the respondent was directed to disclose the information subject to third party's consent and invite the third party to make a submission in writing on whether the information sought for in the above-stated RTI application should be disclosed to

the appellant in this case. [Sections 2(n), 8(1) (j), 11(1); Caste Certificate].

Role of Central/State Information Commission

Section- 18 (1): Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or State Information Commission, as the case may be, to receive and inquire into a complaint from any person,

(a). Who has been unable to submit a request to a Central Public Information Officer or State Public Information Officer, as the case may be, either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, has refused to accept his or her application for information or appeal under this Act for forwarding the same to the Central Public Information Officer or State Public Information Officer or Senior officer (First Appellate Authority) specified in subsection (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be.

(b). Who has been refused access to any information requested under this Act;

(c). Who has not been given a response to a request for information or access to

information within the time limit specified under this Act;

(d). Who has been required to pay an amount of fee which he or she considers unreasonable;

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

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

(2) Where the Central Information Commission or State Information Commission, as the case may be, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof.

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

- (a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;
- (b) requiring the discovery and inspection of documents;
- (c) receiving evidence on affidavit;

- (d) requisitioning any public record or copies thereof from any court or office;
- (e) issuing summons for examination of witnesses or documents; and
- (f) any other matter which may be prescribed.

(4) Notwithstanding anything inconsistent contained in any other Act of Parliament or State Legislature, as the case may be, the Central Information Commission or the State Information Commission, as the case may be, may, during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the public authority, and no such record may be withheld from it on any grounds.

First Appeal

Section- 19 (1): Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each Public Authority.

Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Where an appeal is preferred against an order made by a Central Public Information Officer or a State Public Information Officer, as the case may be, under section 11 to disclose third party information, the appeal by

Second Appeal

Section- 19 (3): A second appeal against the decision under sub-section (1) of Section- 19 shall lie within 90 (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 90 (Ninety) days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

Time limit for decision on First and Second Appeal

Section- 19 (6): An appeal under section 19 (1) or section 19 (2) shall be disposed of within 30 (thirty) days of the receipt of the appeal or within such extended period not exceeding a total of 45 (forty-five) days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.

Affect of CIC/SIC judgment

Section- 19 (7): The decision of the Central Information Commission or State Information Commission, as the case may be, shall be binding.

Section- 19 (8): In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to:

(a) Require the Public Authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including:

(i) By providing access to information, if so requested, in a particular form;

(ii) By appointing a Central Public Information Officer or State Public Information Officer, as the case may be;

(iii) By publishing certain information or categories of information;

(iv) By making necessary changes to its practices in relation to the maintenance, management and destruction of records;

- (v) By enhancing the provision of training on the Right to Information for its officials;
- (vi) By providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4;
- (b) Require the Public Authority to compensate the complainant for any loss or other detriment suffered;
- (c) Impose any of the penalties provided under this Act;
- (d) Reject the application.

Penalty on Public Information Officer

Section- 20 (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 Rs 250 (Two Hundred and Fifty) 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.

Section- 20 (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.

**Citation/ Guideline pertaining to Section Sec.-20 of the
RTI Act 2005**

Reasonable cause' justified for the delay in providing

information [Sec. 20 of the RTI Act] Case:

In the case of Amal Das vs. Arun Mishra, PIO, UT Admn. Daman, (Appeal No.CIC/PB/A/2006/00074, dated 28/6/2006), the appellant had filed a complaint with the CIC under Section 18 of the RTI Act, for the delay in providing information to him. Judgment: It was held by the CIC that in cases of delay in providing information, the reasonable cause as laid down in Section 20, due to which the information asked from a public authority could not be provided in time, should be considered. The CIC ruled that if the delay in providing information is due to some urgent official work, in which the employees of a public authority are engaged, e.g., preparation of the departmental budget, which could not be postponed, then in such cases, the delay can be condoned under the Act.

Non interference of court

Section- 21: No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made there under.

Section- 22: The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Section- 23: No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.

Section- 24: No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.

Non applicable to Intelligence and Security agencies:

Section- 24 (1): Nothing contained in this Act shall apply to the intelligence and security organisations specified in the Second Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government.

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in the case of information sought for 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.

Section- 24 (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 and human rights violations 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.

Annual Report

Section- 25 (1): The Central Information Commission or State Information Commission, as the case may be, shall, as soon as practicable after the end of each year, prepare a report on the implementation of the provisions of this Act during that year and forward a copy thereof to the appropriate Government.

Section- 25 (2): Each Ministry or Department shall, in relation to the Public Authorities within their jurisdiction, collect and provide such information to the Central Information Commission or State Information Commission, as the case may be, as is required to prepare the report under this section and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes of this section.

Section- 25 (3): Each report shall state in respect of the year to which the report relates,

- a) The number of requests made to each Public Authority;
- b) The number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked;
- c) The number of appeals referred to the Central Information Commission or State Information Commission, as the case may

be, for review, the nature of the appeals and the outcome of the appeals;

d) Particulars of any disciplinary action taken against any officer in respect of the administration of this Act;

e) The amount of charges collected by each Public Authority under this Act;

f) Any facts which indicate an effort by the Public Authorities to administer and implement the spirit and intention of this Act;

g) Recommendations for reform, including recommendations in respect of the particular Public Authorities, for the development, improvement, modernisation, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the right to access information.

Section- 25 (4): The Central Government or the State Government, as the case may be, may, as soon as practicable after the end of each year, cause a copy of the report of the Central Information Commission or the State Information Commission, as the case may be, referred to in sub-section (1) of Section- 25 to be laid 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.

Section- 25 (5) If it appears to the Central Information Commission or State Information Commission, as the case may be, that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with the provisions or spirit of this Act, it may give to the authority a recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity.

Section- 26. Appropriate Government to prepare programmes.—(1) The appropriate Government may, to the extent of availability of financial and other resources.—

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

(b) encourage public authorities to participate in the development and organisation of programmes referred to in clause (a) and to undertake such programmes themselves;

(c) promote timely and effective dissemination of accurate information by public authorities about their activities; and

(d) train Central Public Information Officers or State Public Information Officers, as the case may be, of public authorities and produce relevant training materials for use by the public authorities themselves.

(2) The appropriate Government shall, within eighteen months from the commencement of this Act, compile in its official

language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified in this Act.

(3) The appropriate Government shall, if necessary, update and publish the guidelines referred to in sub-section (2) at regular intervals which shall, in particular and without prejudice to the generality of sub-section (2), include—

(a) the objects of this Act;

(b) the postal and street address, the phone and fax number and, if available, electronic mail address of the Central Public Information Officer or State Public Information Officer, as the case may be, of every public authority appointed under sub-section (1) of section 5;

(c) the manner and the form in which request for access to an information shall be made to a Central Public Information Officer or State Public Information Officer, as the case may be;

(d) the assistance available from and the duties of the Central Public Information Officer or State Public Information Officer, as the case may be, of a public authority under this Act;

(e) the assistance available from the Central Information Commission or State Information Commission, as the case may be;

(f) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this

Act including the manner of filing an appeal to the Commission;

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

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

(i) any additional regulations or circulars made or issued in relation to obtaining access to an information in accordance with this Act.

(4) The appropriate Government must, if necessary, update and publish the guidelines at regular intervals.

Section- 27. Power to make rules by appropriate Government.—(1) The appropriate Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the cost of the medium or print cost price of the materials to be disseminated under sub-section (4) of section 4;

(b) the the payable under sub-section (1) of section 6;

(c) the fee payable under sub-sections (1) and (5) of section 7;

(d) the salaries and allowances payable to and the terms and conditions of service of the officers and other employees

under sub-section (6) of section 13 and sub-section (6) of section 16;

(e) the procedure to be adopted by the Central Information Commission or State Information Commission, as the case may be, in deciding the appeals under sub-section (10) of section 19; and

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

Section- 28. Power to make rules by competent authority .—

(1) The competent authority may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(i) the cost of the medium or print cost price of the materials to be disseminated under sub-section (4) of section 4;

(ii) the fee payable under sub-section (1) of section 6;

(iii) the fee payable under sub-section (1) of section 7; and

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

Section- 29. Laying of rules.—(1) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which

may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(2) Every rule made under this Act by a State Government shall be laid, as soon as may be after it is notified, before the State Legislature.

Section- 30. Power to remove difficulties.-0) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

31. Repeal.—The Freedom of Information Act, 2002 (5 of 2003) is hereby repealed.