

THE FREEDOM OF INFORMATION ACT, 2002

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Statement of Objects and Reasons:-

The need to enact a law on right to information was recognized unanimously by the Chief Ministers Conference on “ Effective and Responsive Government” held on 24th May, 1997 at New Delhi. In its 38th Report relating to Demands for Grants of Ministry of Personnel, Public Grievances and Pension, the Parliamentary Standing Committee on Home Affairs recommended that the Government should take measures for enactment of such a legislation.

2. In order to make the Government more transparent, and accountable to the public, the Government of India appointed a Working Group on Right to Information and Promotion of Open and Transparent Government under the chairmanship of Shri H.D. Shourie. The Working Group was asked to examine the feasibility and need for either full-fledged Right to Information Act or its introduction in a phased manner to meet the needs of open and responsive Governance and also to examine the frame work or rules with reference to the Civil Service (Conduct) Rules and Manual of Office Procedure. The said Working Group submitted its report in May, 1997 alongwith a draft Freedom of Information Bill to the Government. The Working Group also recommended suitable amendments to the Civil Service (Conduct) Rules and the Manual of Department Security instruction with a view to bring them in harmony with the proposed Bill.

3. The draft Bill submitted by the Working Group was subsequently deliberated by the Group of ministers constituted by the Central Government to ensure that free flow of information was available to the public, while, inter alia, protecting the national interest, sovereignty and integrity of India, and friendly relations with foreign States.

4. The proposed Bill is in accord with both article 19 of the Constitution as well as article 19 of the Universal Declaration of Human Rights.

5. In our present democratic framework, free flow of information for the citizen and non-Government institutions suffers from several bottlenecks including the existing legal framework, lack of infrastructure at the grass root levels and an attitude of secrecy within the Civil Service as a result of the old framework of rules. The Government propose to deal with all these aspects in a phased manner so that the Freedom of Information Act became a reality consistent with the objective of having a stable, honest, transparent and efficient Government.

6. The proposed Bill will enable the citizens to have an access to information on a statutory basis. With a view to further this objective, clause 3 of the proposed Bill specifies that subject to the provisions of this Act, every citizen shall have right to freedom of information. Obligation is cast upon every public authority under clause 4 to provide information and to maintain all records consistent with its operational requirements duly catalogued, indexed and published at such intervals as may be prescribed by the appropriate Government or the competent authority.

7. The Bill seeks to achieve the above objects.