THE FREEDOM OF INFORMATION ACT, 2002

An Act to provide for freedom to every citizen to secure access to information under the control of public authorities, consistent with public interest, in order to promote openness, transparency and accountability in administration and in relation to matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:

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 the 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 framework of rules with reference to the Civil Service (Conduct) Rules and Manual of Office Procedure. The said Working Group submitted its report in May, 1997 along with 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 Departmental Security instructions 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 citizens 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 proposes 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.

CHAPTER I
PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called The Freedom of Information Act, 2002.

(2) It extends to the whole of India except the State of Jammu and Kashmir.
(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in relation to a public authority established, constituted, owned, substantially financed by funds provided directly or indirectly or controlled—

(i) by the Central Government, the Central Government;

(ii) by the State Government, the State Government;

(iii) by the Union territory, the Central Government;

(b) "competent authority" means—

(i) the Speaker in the case of the House of the People or the Legislative Assembly and the Chairman in the case of the Council of States or the Legislative Council;

(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 created by or under the Constitution;

(v) the administrator appointed under article 239 of the Constitution;

(c) "freedom of information" means the right to obtain information from any public authority by means of,—

(i) inspection, taking of extracts and notes;

(ii) certified copies of any records of such public authority;

(iii) diskettes, floppies or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

(d) "information" means any material in any form relating to the administration, operations or decisions of a public authority;

(e) "prescribed" means prescribed by rules made under this Act by the appropriate Government or the competent authority, as the case may be;

(f) "public authority" means any authority or body established or constituted,—

(i) by or under the Constitution;

(ii) by any law made by the appropriate Government, and includes any other body owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government;

(g) "Public Information Officer" means the Public Information Officer appointed under sub-section (1) of section 5;

(h) "record" includes—

(i) any document, manuscript and file;

(ii) any microfilm, microfiche and facsimile copy of a document;

(iii) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and

(iv) any other material produced by a computer or by any other device;

(i) "third party" means a person other than the person making a request for information and includes a public authority.
CHAPTER II
FREEDOM OF INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES

3. Freedom of information.—Subject to the provisions of this Act, all citizens shall have freedom of information.

4. Obligations on public authorities.—Every public authority shall—
   (a) maintain all its records, in such manner and form as is consistent with its operational requirements duly catalogued and indexed;
   (b) publish at such intervals as may be prescribed by the appropriate Government or competent authority,—
      (i) the particulars of its organisation, functions and duties;
      (ii) the powers and duties of its officers and employees and the procedure followed by them in the decision making process;
      (iii) the norms set by the public authority for the discharge of its functions;
      (iv) rules, regulations, instructions, manuals and other categories of records under its control used by its employees for discharging its functions;
      (v) the details of facilities available to citizens for obtaining information;
      and
      (vi) the name, designation and other particulars of the Public Information Officer;
   (c) publish all relevant facts concerning important decisions and policies that affect the public while announcing such decisions and policies;
   (d) give reasons for its decisions, whether administrative or quasi-judicial to those affected by such decisions;
   (e) before initiating any project, publish or communicate to the public generally or to the persons affected or likely to be affected by the project in particular, the facts available to it or to which it has reasonable access which in its opinion should be known to them in the best interests of natural justice and promotion of democratic principles.

5. Appointment of Public Information Officers.—(1) Every public authority shall for the purposes of this Act, appoint one or more officers as Public Information Officers.

   (2) Every Public Information Officer shall deal with requests for information and shall render reasonable assistance to any person seeking such information.

   (3) The Public Information Officer may seek the assistance of any other officer as he considers necessary for the proper discharge of his duties.

   (4) Any officer whose assistance has been sought under sub-section (3), shall render all assistance to the Public Information Officer seeking his assistance.

6. Request for obtaining information.—A person desirous of obtaining information shall make a request in writing or through electronic means, to the concerned Public Information Officer specifying the particulars of the information sought by him:

   Provided that where such request cannot be made in writing, the Public Information Officer shall render all reasonable assistance to the person making the request orally to reduce it in writing.
7. Disposal of requests.—(1) On receipt of a request under section 6, the Public Information Officer shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information requested 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 and liberty of a person, the same should be provided within forty-eight hours of the receipt of the request:

Provided further that where it is decided to provide the information on payment of any further fee representing the cost of providing the information, he shall send an intimation to the person making the request, giving the details of the fees determined by him, requesting him to deposit the fees and the period intervening between the despatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to above.

(2) Before taking any decision under sub-section (1), the Public Information Officer shall take into consideration the representation made by a third party under section 11.

(3) Where a request is rejected under sub-section (2), the Public Information Officer shall communicate to the person making request,—

(i) the reasons for such rejection;

(ii) the period within which an appeal against such rejections may be preferred;

(iii) the particulars of the appellate authority.

(4) 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.

8. Exemption from disclosure of information.—(1) Notwithstanding anything hereinbefore contained, the following information not being information relating to any matter referred to in sub-section (2), shall be exempted from disclosure, namely:

(a) information, the disclosure of which would prejudicially affect the sovereignty and integrity of India, security of the State, strategic scientific or economic interest of India or conduct of international relations;

(b) information, the disclosure of which would prejudicially affect public safety and order, detection and investigation of an offence or which may lead to an incitement to commit an offence or prejudicially affect fair trial or adjudication of a pending case;

(c) information, the disclosure of which would prejudicially affect the conduct of Centre-State relations, including information exchanged in confidence between the Central and State Governments or any of their authorities or agencies;

(d) Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers;

(e) minutes or records of advice including legal advice, opinions or recommendations made by any officer of a public authority during the decision making process prior to the executive decision or policy formulation;
(f) trade or commercial secrets protected by law or information, the disclosure of which would prejudicially affect the legitimate economic and commercial interests or the competitive position of a public authority; or would cause unfair gain or loss to any person; and

(g) information, the disclosure of which may result in the breach of privileges of Parliament or the Legislature of a State, or contravention of a lawful order of a Court.

(2) Subject to the provisions of clause (a) of sub-section (1), any information relating to any occurrence, event or matter which has taken place or happened twenty-five 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-five years has to be computed, the decision of the Central Government shall be final.

9. Grounds for refusal to access in certain cases.—Without prejudice to the provisions of section 8, a Public Information Officer may reject a request for information also where such request—

(a) is too general in nature or is of such a nature that, having regard to the volume of information required to be retrieved or processed would involve unreasonable diversion of the resources of a public authority or would adversely interfere with the functioning of such authority:

Provided that where such request is rejected on the ground that the request is too general it would be the duty of the Public Information Officer to render help as far as possible to the person making request to reframe his request in such a manner as may facilitate compliance with it;

(b) relates to information that is required by law, rules, regulations or orders to be published at a particular time and such information is likely to be so published within thirty days of the receipt of such request;

(c) relates to information that is contained in published material available to public; or

(d) relates to information which would cause unwarranted invasion of the privacy of any person.

10. Severability.—(1) If a request for access to information is rejected on the ground that it is in relation to information which is exempted from disclosure, then notwithstanding anything contained in this Act, access may be given to that part of the record which does not obtain any information that is exempted from disclosure under this Act and which can reasonably be severed from any part that contains exempted information.

(2) Where access is granted to a part of the record in accordance with sub-section (1), the person making the request shall be informed,—

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

(b) of the provisions of the Act under which the severed part is exempted from disclosure.

11. Third party information.—(1) Where a public authority 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 Public Information Officer shall, within
twenty-five days from the receipt of a request, give written notice to such third party of the request and of the fact that the public authority intends to disclose the information or record, or part thereof:

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweights in importance any possible harm or injury to the interests of such third party.

(2) Where a notice is given by the Public Information Officer under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within twenty days from the date of issuance of notice, be given the opportunity to make representation against the proposed disclosure.

(3) Notwithstanding anything contained in section 7, the Public Information Officer shall, within sixty 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), 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.

(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal against the decision under section 12.

12. Appeals.—(1) Any person aggrieved by a decision of the Public Information Officer may, within thirty days of receipt of such decision, prefer an appeal to such authority as may be prescribed:

Provided that such authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) A second appeal against the decision under sub-section (1) shall lie within thirty days of such decision, to the Central Government or the State Government or the competent authority, as the case may be:

Provided that the Central Government or the State Government or the competent authority, as the case may be, may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) The appeals referred to in sub-sections (1) and (2) shall be disposed of within thirty days of the receipt of such appeals or within such extended period, as the case may be, for reasons to be recorded in writing.

(4) If the decision of the Public Information Officer against which the appeal is preferred under sub-section (1) or sub-section (2) also relates to information of third party, the appellate authority shall give a reasonable opportunity of being heard to that party.

CHAPTER III
MISCELLANEOUS

13. Protection of action taken in good faith.—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 thereunder.

14. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923 (19 of 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.
15. Bar of jurisdiction of Courts.—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.

16. Act not to apply to certain organisations.—(1) Nothing contained in this Act shall apply to the intelligence and security organisations, specified in the Schedule being organisations established by the Central Government or any information furnished by such organisations to that Government.

(2) The Central Government may, by notification in the Official Gazette, amend the Schedule by including therein any other intelligence or security organisation established by that Government or omitting therefrom any organisation already specified therein and on the publication of such notification, such organisation shall be deemed to be included in or, as the case may be, omitted from the Schedule.

(3) Every notification issued under sub-section (2), shall be laid before each House of Parliament.

(4) Nothing contained in this Act shall apply to such intelligence and security organisations which may be specified, by a notification in the Official Gazette, by a State Government from time to time.

(5) Every notification issued under sub-section (4), shall be laid before the State Legislature.

17. Power to make rules by Central Government.—(1) The Central 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) intervals at which matters referred to in sub-clauses (i) to (vi) of clause (b) of section 4 shall be published;

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

(c) the authority before whom an appeal may be preferred under sub-section (1) of section 12;

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


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

(b) the authority before whom an appeal may be preferred under sub-section (1) of section 12;

(c) any other matter which is required to be, or may be, prescribed:

Provided that initially the rules shall be made by the Central Government by notification in the Official Gazette.

19. Rule making power by competent authority.—(1) The competent authority may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.
(a) the fee payable under sub-section (1) of section 7;
(b) the authority before whom an appeal may be preferred under sub-section (1) of section 12;
(c) any other matter which is required to be, or may be, prescribed.

20. 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.

21. Power to remove difficulties.—(1) 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.

THE SCHEDULE
(See section 16)

INTELLIGENCE AND SECURITY ORGANISATIONS ESTABLISHED BY THE CENTRAL GOVERNMENT

1. Intelligence Bureau.
2. Research and Analysis Wing of the Cabinet Secretariat.
3. Directorate of Revenue Intelligence.
4. Central Economic Intelligence Bureau.
5. Directorate of Enforcement.
7. Aviation Research Centre.
8. Special Frontier Force.
15. Special Service Bureau.
16. Special Branch (CID), Andaman and Nicobar.
17. The Crime Branch-C.I.D.-CB, Dadra and Nagar Haveli.
18. Directorate of Vigilance including Anti-Corruption Branch, National Capital Territory of Delhi.
THE ASSAM RIGHT TO INFORMATION ACT, 2001

AN ACT

to provide for right to information to the citizens and in relation to the matters connected therewith or incidental thereto.

Preamble.

Whereas it is expedient to provide for right to information to the citizens so as to promote openness, transparency and accountability in administration;

It is hereby enacted in the Fifty-second Year of the Republic of India as follows:

1. (1) This Act may be called the Assam Right to Information Act, 2001.

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

Definitions 2. In this Act, unless the context otherwise requires,-

(a) 'Controlling Officer' means the immediate superior officer above the Incharge of the Office, who supervises and controls the works of the Incharge of the Office or such officer as may, from time to time, be specified as such by the State Government for the purposes of this Act;

(b) 'Incharge of the Office' means an officer or a functionary of the State Government or a Public Authority who is in the charge and actual control of the office of the State Government or the Public Authority, as the case may be, or such officer or functionary as may from time to time be specified as such by an order by the State Government or the Public Authority, as the case may be, for the purposes of this Act;

(c) 'information' means and includes information relating to any matter in respect of the affairs
of the administration or decisions of the State Government or a Public Authority but does not include any such information the publication of which has been prohibited by any law for the time being in force or by any notification issued by the State Government from time to time under this Act;

(d) 'prescribed' means prescribed by the rules made under this Act;

(e) 'Public authority' means and includes the offices of,-

(i) all local bodies and other authorities constituted by the State Government under any law for the time being in force; or

(ii) a Government Company or corporation incorporated under the Companies Act, 1956 in which not less than fifty one percent of the paid up share capital is held by the State Government, or other State Government undertakings, organisations or institutions financed either wholly or partly and owned or controlled by the State Government or any other company, corporation, undertaking or institution in which the State Government stands guarantor in respect of any loan or financial advance availed of by such company, corporation, institution, organisation or undertaking, as the case may be; or

(iii) a co-operative society or any other society, a trust or any other organisation or institution established under any law for the time being in force by the State Government and directly controlled or funded by it; or

(iv) any other body, authority institution or organisation receiving substantial financial assistance from the State Government as may be notified by the State Government from time to time for the purposes of this Act, but does not include,-

(i) the offices of the Central Government,
(ii) any establishment of the armed forces or central para-military forces,

(iii) any body or corporation owned or controlled by the Central Government,

(iv) the High court of Assam and other courts of Law including the Tribunals and other organisations which has the status of a Court whose proceedings are deemed to be the judicial proceedings,

(v) the Secretariat of the Governor of Assam, and

(vi) any office, body or authority as may be notified by the State government;

(f) 'right to information' means and includes the right of access to information relating to the affairs of the State Government or any Public Authority by means of,

(i) obtaining certified copy of any record, or

(ii) inspection of accessible records and taking notes and extracts, or

(iii) inspection of public works, or

(iv) taking of samples of materials from public works, or

(v) obtaining diskettes, floppies or any other electronic mode or through print-outs where such information is stored in a computer or in any other device, or

(vi) in such other manner as may be prescribed, but does not include any such information the publication of which has been prohibited by any law for the time being in force or by any notification issued by the State Government from time to time under this Act.

(g) 'record' means and includes any document, manuscript, file; diskette, floppy or other computerised record maintained by the State Government or any Public Authority, as the case may be, in transacting the day to day affairs of their business.
(h) 'State Government' means the Government of Assam;

(i) 'trade secret' means information contained in a formula, pattern, compilation, programme, device, product, method, technique or process which is not generally known and which may have economic value.

3. Every office of the State Government or Public Authority shall maintain the records in such manner and form as may be prescribed in this behalf by the State Government or the Public Authority, as the case may be, from time to time.

4. (1) Subject to the provisions of this Act and the Official Secrets Act, 1923 every citizen shall have the right to obtain information from the Incharge of the Office and such Incharge shall be liable to provide the information in accordance with the provisions of this Act.

(2) Notwithstanding anything contained in sub-section (1), no person shall be given,-

(a) (i) information, the disclosure of which may prejudicially affect the sovereignty and integrity of India, security of the State, strategic, scientific or economic interest of India or conduct of international relations,

(ii) information, the disclosure of which would prejudicially affect the conduct of Centre-State relations, including information exchanged in confidence between the Central and State Government or any of their authorities or agencies,

(b) information, the disclosure of which may prejudicially affect public safety and order or which may lead to an incitement to commit an offence or prejudicially affect fair trial or adjudication of a pending case,

(c) information relating to Cabinet papers including records of the deliberations of the Council of Ministers, Secretaries and other officers,
(d) information, the disclosure of which may harm, frankness and candour of internal discussions including inter departmental notes, correspondence and papers containing advice or opinion as also of projections and assumptions relating to internal policy analysis,

(e) information, the disclosure of which may prejudice the assessment or collection of any tax, cess, duty or fee or assist in avoidance or evasion of the tax, cess, duty or fee,

(f) information, the disclosure of which may constitute a breach of privilege of the Parliament or the State Legislature or may amount to violation of an order of a competent court,

(g) information regarding trade or commercial secrets protected by law or information, the disclosure of which may prejudicially affect the legitimate economic and commercial interest or the competitive position of the State Government or a public authority; or may cause unfair gain or loss to any person,

(h) information, the publication of which has been prohibited by the State Government by way of notification issued in exercise of any provision of this Act,

(i) information regarding any matter the disclosure of which may,

(i) help or facilitate escape from legal custody or affect prison security;

(ii) impede the process of investigation or apprehension or prosecution of offenders;

(iii) prejudicially affect the enforcement of any law including detection, prevention, investigation or suppression of crime or contravention of any law, or the apprehending of offender and the operations of any intelligence organisation including any operation against extremism, terrorism and insurgency,
(iv) endangered 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;

(v) prejudicially affect the fair trial or adjudication of a pending case or the proceedings of any Tribunal or public inquiry;

(vi) reveal the existence or identity of a confidential record or source of information; or may prejudice future supply of information relating to violation or contravention of any law;

(vii) prejudicially affect the ability of the State Government to manage the economy or the legitimate economic or commercial interest of the State Government or a Public Authority; or may cause unfair gain or loss to any individual or organisation;

(viii) cause unwarranted invasion to the privacy of an individual and which has no relationship to any public activity;

(j) information held in consequence of having been supplied in confidence by a person who -

(i) gave the information under a guarantee that its confidentiality would be protected; or

(ii) was not under any legal obligation whether actual or implied to supply and has not consented to its disclosure;

(k) the record and information referred to in section 123 and 124 of the India Evidence Act, 1872 and claimed privileged;

(l) information on the following grounds also -

(i) that the request is too general or is of such a nature that having regard to the volume of the information required to be retrieved or processed for fulfilling it, it would involve disproportionate diversion of the resources of the State Government or the Public Authority, as the case may be, or would
adversely interfere with the functioning of such Authority:

Provided, that where access is being refused on the ground that the request is too general it would be the duty of the Incharge of the Office concerned to render help, as far as possible to the person seeking information to re-frame his request in such a manner as may facilitate supply of information,

(ii) that the request relates to information that is required by law or convention to be published at a particular time; or

(iii) that the request relates to information that is contained in published material for sale.

Procedure for supply of information.

5. (1) Any person desirous of obtaining information shall make an application to the Incharge of the Office in the prescribed manner, along with such fee, in such form and with such particulars, as may be prescribed.

(2) On receipt of an application under sub-section (1), the Incharge of the Office shall consider it and if the information is such which can be provided and do not fall within the category specified under sub-section (2) of section 4, the Incharge of the Office shall provide the information within thirty days of the receipt of the application.

(3) Where the information sought by the applicant falls under any of the restricted categories specified under sub-section (2) of section 4, the Incharge of the Office shall refuse to provide the information and shall communicate his decision to the applicant within thirty days from the dates of receipt of the application.

(4) The information sought may be provided in the form it is available in the office by copying or photocopying the same which shall be certified, and signed and sealed on each page thereof by the Incharge.
(5) When it appears to the Incharge of the Office that the information sought for by the applicant is not available in the office, he shall forward the application to the office where he reasonably believe the information to have originated or be available and communicate the same to the applicant.

Appeals. 6. (1) Subject to such rules as may be prescribed, any person, (i) aggrieved by an order of the Incharge of the Office may, within thirty days from the date of receipt of such order, or (ii) who has not received any communication within a period of thirty working days from the date of the application under section 5, may within thirty days next after such period, prefer an appeal before the Controlling Officer.

(2) Every appeal shall be accompanied by such fee to be deposited or paid in such manner as may be prescribed.

(3) The Controlling Officer may, after giving the person affected a reasonable opportunity of being heard, pass such order as it deems fit:

Provided that every appeal so preferred shall be decided and disposed of by all means within thirty days from the date of presentation thereof.

(4) Any person aggrieved by the order of the controlling Officer under sub-section (1) may prefer a Second Appeal before the Assam Administrative Tribunal constituted under section 3 of the Assam Administrative Tribunal Act, 1977 within a period of thirty days from the date of receipt of such order.

(5) Every Second appeal shall be accompanied by such fee to be deposited or paid in such manner as may be prescribed.
(6) The Assam Administrative Tribunal may, after giving the person affected a reasonable opportunity of being heard, pass such order as it deems fit:

Provided that every Second Appeal so preferred shall be decided and disposed of by all means within sixty days from the date of presentation of the appeal.

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order make such provisions not inconsistent with the provisions of this Act and appear to them to be necessary or expedient for removing the difficulty.

No suit, prosecution or other legal proceeding shall lie against the State Government or any Public Authority or any officer or functionary thereof or any person for anything which is done in good faith or intended to be done in pursuance of this Act or the rules made thereunder.

Where any Incharge of the Office, without any reasonable cause fails to supply the information sought for within the period specified under section 4 or furnishes information which is false with regard to any material and which he knows or has reasonable cause to believe to be false shall be liable to disciplinary action by Disciplinary Authority under the relevant service rules governing the services of the officer concerned.

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.

(1) The State Government may make rules for carrying out the purposes of this Act.

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

(a) the fee payable under section 5.

(b) any other...
(3) All rules made by the State Government under this Act shall, as soon as may be after they are made, be laid before the State Legislature, while it is in session, for a total period of not less than fourteen days which may be comprised in one session or two or more successive sessions, and shall, unless some later date is appointed, take effect from the date of their publication in the Official Gazette subject to such modifications or annulments as the Legislature may, during the said period agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.
Freedom of Information Act

[The Freedom of Information Act in the United States was passed in 1966. There were two amendments to it, the first in 1967 and the other in 1974, both clarifying the provisions of the 1966 Act and enlarging the scope of access to official documents.

We give below in full the 1966 Act and the two amendments, 1967 and 1974.]

PUBLIC LAW 89-487—1966

AN ACT

To amend section 3 of the Administrative Procedure Act, chapter 324, of the Act of June 11, 1946 (60 Stat. 238), to clarify and protect the right of the public to information, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That section 3, chapter 324, of the Act of June 11, 1946 (60 Stat. 238), is amended to read as follows:

Sec. 3. Every agency shall make available to the public the following information:

(a) Publication in the Federal Register. Every agency shall separately state and currently publish in the Federal Register for the guidance of the public (A) descriptions of its central and field organization and the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions; (B) statements of the general course and method by which its functions are channelled and determined, including the nature and requirements of all formal and informal procedures available; (C) rules of procedure, descriptions of forms available or the place at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations; (D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and (E) every amendment, revision, or repeal of the foregoing. Except to the extent that a person has actual and timely notice of the terms thereof, no person shall in any manner be required to resort to, or be adversely affected by any matter required to be published in the Federal Register and not so published. For purpose of this sub-section, matter which is reasonably available to the class of persons affected thereby shall be deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

(b) Agency Opinion and Order. Every agency shall, in accordance with published rules, make available for public inspection and copying (A) all final opinions (including concurring and dissenting opinions) and all orders made in the adjudication of cases, (B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register, and (C) administrative staff manuals and instructions to staff that affect any member of the public, unless such materials are promptly published and copies offered for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction: Provided, That in every case the justification for the deletion must be fully explained in
writing. Every agency also shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to any matter which is issued, adopted, or promulgated after the effective date of this Act and which is required by this subsection to be made available or published. No final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects any member of the public may be relied upon, used or cited as precedent by an agency against any private party unless it has been indexed and either made available or published as provided by this subsection or unless that private party shall have actual and timely notice of the terms thereof.

(c) Agency Records. Except with respect to the records made available pursuant to subsections (a) and (b), every agency shall, upon request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute and procedure to be followed, make such records promptly available to any person. Upon complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated shall have jurisdiction to enjoin the agency from the withholding of agency records and to order the production of any agency records improperly withheld from the complainant. In such cases the court shall determine the matter de novo and the burden shall be upon the agency to sustain its action. In the event of noncompliance with the court's order, the district court may punish the responsible officers for contempt. Except as to those causes which the court deems of greater importance, proceedings before the district court as authorized by this subsection shall take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.

(d) Agency Proceedings. Every agency having more than one member shall keep a record of the final votes of each member in every agency proceeding and such record shall be available for public inspection.

(e) Exemptions. The provisions of this section shall not be applicable to matters that are (1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy; (2) related solely to the internal personnel rules and practices of any agency; (3) specifically exempted from disclosure by statute; (4) trade secrets and commercial or financial information obtained from any person and privileged or confidential; (5) inter-agency or intra-agency memorandums or letters which would not be available by law to a private party in litigation with the agency; (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; (7) investigatory files compiled for law enforcement purposes except to the extent available by law to a private party; (8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions; and (9) geological and geophysical information and data (including maps) concerning wells.

(f) Limitation of Exemptions. Nothing in this section authorizes withholding of information or limiting the availability of records to the public except as specifically stated in this section, nor shall this section be authority to withhold information from Congress.

(g) Private Party. As used in this section, 'private party' means any party other than an agency.

(h) Effective Date. This amendment shall become effective one year following the date of the enactment of this Act.

Approved July 4, 1966.

PUBLIC LAW 90-2.3—1967

AN ACT

To amend section 552 of title 5, United States Code, to codify the provisions of Public Law 89-487.

Be it enacted by the Senate and House of Representatives of the United States of America
In Congress assembled. That section 552 of title 3, United States Code, is amended to read:

552. Public Information; agency rules, opinions, orders, records, and proceedings

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public—

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channelled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

(2) Each agency, in accordance with published rules, shall make available for public inspection and copying

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and

(C) administrative staff manuals and instructions to staff that affect a member of the public;

unless the materials are promptly published and copies offered for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction. However, in each case the justification for the deletion shall be explained fully in writing. Each agency also shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied on, used, or cited as precedent by an agency against a party other than an agency only if—

(i) it has been indexed and either made available or published as provided by this paragraph; or

(ii) the party has actual and timely notice of the terms thereof.
(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, on request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, shall make the records promptly available to any person. On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo and the burden is on the agency to sustain its action. In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member. Except as to causes the court considers of greater importance, proceedings before the district court, as authorized by this paragraph, take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.

(4) Each agency having more than one member shall maintain and make available for public inspection a record of the final votes of each member in every agency proceeding.

(b) This section does not apply to matters that are—

(1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;
(2) related solely to the internal personnel rules and practices of an agency;
(3) specifically exempted from disclosure by statute;
(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
(7) investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;
(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
(9) geological and geophysical information and data, including maps, concerning wells.

(c) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress.

PUBLIC LAW 93-502—1974
AN ACT
To amend section 552 of title 5, United States Code, known as the Freedom of Information Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the fourth sentence of section 552(a) (2) of title 5, United States Code, is amended to read as follows: Each agency shall also maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and
required by this paragraph to be made available or published. Each agency shall promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of each index or supplements thereto unless it determines by order published in the Federal Register that the publication would be unnecessary and impracticable, in which case the agency shall nonetheless provide copies of such index on request at a cost not to exceed the direct cost of duplication.

(b)(1) Section 552(a)(3) of title 5, United States Code, is amended to read as follows:

(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, upon any request for records which (A) reasonably describes such records and (B) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person.

(2) Section 552(a) of title 5, United States Code, is amended by redesignating paragraph (4), and all references thereto, as paragraph (5) and by inserting immediately after paragraph (3) the following new paragraph:

(4) (A) In order to carry out the provisions of this section, each agency shall promulgate regulations, pursuant to notice and receipt of public comment, specifying a uniform schedule of fees applicable to all constituent units of such agency. Such fees shall be limited to reasonable standard charges for document search and duplication and provide for recovery of only the direct costs of such search and duplication. Documents shall be furnished without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

(B) On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo, and may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section, and the burden is on the agency to sustain its action.

(C) Notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within thirty days after service upon the defendant of the pleading in which such complaint is made, unless the court otherwise directs for good cause shown.

(D) Except as to cases the court considers of greater importance, proceedings before the district court, as authorized by this subsection and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(E) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.

(F) Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Civil Service Commission shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Commission, after investigation and consideration of the evidence submitted, shall submit its findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his
representative. The administrative authority shall take the corrective action that the Commission recommends.

(G) In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member.

(c) Section 552(a) of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

(6) (A) Each agency, upon any request for records made under paragraph (1), (2), or (3) of this subsection, shall—

(i) determine within ten days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination; and

(ii) make a determination with respect to any appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal. If on appeal the denial of the request for records is in whole or in part upheld, the agency shall notify the person making such request of the provisions for judicial review of that determination under paragraph (4) of this subsection.

(B) In unusual circumstances as specified in this subparagraph, the time limits prescribed in either clause (i) or clause (ii) of sub-paragraph (A) may be extended by written notice to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days. As used in this sub-paragraph, 'unusual circumstances' means, but only to the extent reasonably necessary to the proper processing of the particular request:

(i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(C) Any person making a request to any agency for records under paragraph (1), (2), or (3) of this subsection shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with the applicable time limit provisions of this paragraph. If the Government can show exceptional circumstances exist and that the agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records. Upon any determination by an agency to comply with a request for records, the records shall be made promptly available to such person making such request. Any notification of denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request.

Sec. 2. (a) Section 552 (b) (1) of title 5, United States Code, is amended to read as follows:

(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
(b) Section 552(b) (7) of title 5, United States Code, is amended to read as follows:

(7) investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel.

(c) Section 552 (b) of title 5, United States Code, is amended by adding at the end the following: Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection.

Sec. 3. Section 552 of title 5, United States Code, is amended by adding at the end thereof the following new subsections:

(d) On or before March 1 of each calendar year, each agency shall submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report shall include:

(1) the number of determinations made by such agency not to comply with requests for records made to such agency under subsection (a) and the reasons for each such determination;
(2) the number of appeals made by persons under subsection (a) (6), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;
(3) the names and titles or positions of each person responsible for the denial of records requested under this section, and the number of instances of participation for each;
(4) the results of each proceeding conducted pursuant to subsection (a)(4)(F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;
(5) a copy of every rule made by such agency regarding this section;
(6) a copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section; and
(7) such other information as indicates efforts to administer fully this section.

The Attorney General shall submit an annual report on or before March 1 of each calendar year which shall include for the prior calendar year a listing of the number of cases arising under this section, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed under subsections (a) (4) (E), (F), and (G). Such report shall also include a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.

(e) For purposes of this section, the term ‘agency’ as defined in section 551(1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

Sec. 4. The amendments made by this Act shall take effect on the ninetieth day beginning after the date of enactment of this Act.