

Suggestions by Mr.Chitta Behera from Orissa

**to Mr.Rakesh Malhotra, Under Secretary to the Department of Personnel and Training,
Ministry of Personnel, Public Grievances and Pension, GOI in response to the
undated Notification of the Draft Rules for FOI Act 2002 on the Ministry's website**

Dear Mr. Malhotra,

In reference to the above, I submit the following suggestions point by point and hope that the same should be on record in the Ministry's subsequent minutes of business over the Draft Rules, even if the concerned body rejects the suggestions given partially or in toto.

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ON THE PROVISIONS OF THE NOTIFIED DRAFT RULES

1) Section 4 (1) of the Draft Rules contradictory to Section 6 of the FOI Act:

a) If you go through the Section 6 of the FOI Act 2002 (Request for Obtaining Information), it does not provide for any monetary deposit to be made along with the application for information; it simply says, "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:" **The Draft Rules in my view have overstepped this clear provision of no application fees, by adding the need for a deposit of Rs.50/- to be made along with the application for information.**

b) Of course, the Section 7 (Disposal of Requests) of FOI Act, which is couched in a cloudy language, mentions the expression 'fee' at two stages, first the fee to be charged by the Public Information Officer against the delivery of the information applied for, which is presumably the cost of production of the concerned documents; second, 'payment of any further fee representing the cost of providing the information' which is presumably the cost of searching for the information. If one reads the wording of the Section carefully, the first category of fee, being as it is the cost of production has to be paid by each and every requestor against the delivery of the information applied for. **But as regards the second category of fees, the said Section clearly mentions that it as an optional, additional or contingent provision, in the sense that it may or may not be required to be paid.** To substantiate this interpretation, I quote again the relevant proviso of Section 7 of the Act, '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 (*PIO- Italic Mine*) 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'.

c) To recapitulate the above contention, firstly, the Section 6 didn't prescribe any deposit fee to accompany the application for the information. It spoke only of a written application as the starting

point for the PIO to go on search for the information applied for, and that's all. Secondly, as per the Section 7, the question of payment arises only when the PIO decides to give the information, not otherwise. Thus in all normal cases the requestor pays the one-time fee and takes the information home; the matter ends there. **Again, as per another proviso of the same Section, if the information applied for is of such nature that it requires an additional expenditure on the part of the concerned office to procure and process it, then only the question of paying an additional fee by the requestor would arise, not otherwise.**

d) Again, the FOI Act 2002 in its Clauses 1 (2) b, 18(2)a and 19(2)a relating to the Rule making power of the Centre, State and Competent Authority respectively, speaks only of the 'the fee payable under sub-section (1) of section 7' (that is, the fee to be paid against the delivery of information, presumably towards its cost of production and processing/procurement), which may be prescribed by the Rule. Thus the Section 6 of the FOI Act leaves no room for any fee to be prescribed under any would-be Rule. It simply says as quoted above that a person desirous of obtaining information shall make a request in writing or through electronic means, to the concerned Public Information Officer specifying particulars of the information sought by him. This argumentation is further strengthened by the very opening words of the next Section i.e. **Section 7- 'On receipt of a request under Section 6 ... ', which means the PIO would receive simply a written request for application and start his search thereon.**

e) **Now a practical problem would arise if the initial deposit of Rs.50/-, as prescribed by the Draft Rules is made along with the Application. Suppose the PIO 'rejects the request for any of the reasons specified in Sections 8 and 9', what would happen to the amount deposited? Shall the requestor forfeit it? Shall it be refunded to him? If so how and in how many days? The Draft Rules are absolutely silent about all these questions.**

f) Thus in contrast to the clear position of the Section 6 of FOI Act for the application not to be accompanied by any deposit, the Section 4 (1) of the Draft Rules however makes it compulsory for a Demand Draft or a Cheque of Rs.50/- to accompany the initial application. **Here the Draft-Rules go against both the letter and spirit of the FOI Act itself. A Rule is supposed to prescribe only that which the Act intended it to do, not the one about which the Act was clear and adequate in itself.**

g) **So Section 4(1) of the Draft-Rule being glaringly contradictory to the FOI Act 2002 itself has no locus standi for final adoption and deserves to be scrapped altogether in order allow a smooth operationalisation of the Section 6 of the Act that mandates only a plain written request for information to be submitted to the PIO without any fee to accompany it in the form of a DD or a Cheque or whatsoever.**

2) Section 4 of Draft Rules militates against the Objects and Reasons of the FOI Act 2002

a) Besides the unwarranted initial deposit fee of Rs.50/- as already dealt with, the other rates of fees that the Section 4 of Draft Rules have suggested on different counts are too prohibitive to ensure the fulfillment of the preambular promise of the FOI Act 2002, **'to provide for freedom to every citizen to secure access to information under the control of public authorities'**. The overwhelming majority of country's people being poor and marginalised as they are, can't afford to pay Rs.5/- towards the reproduction cost per page, whereas it is only 50 to 75 paise almost

everywhere in the country. Again, he can't afford Rs.50/- towards extra fee for a floppy or a disk, when its market rate is somewhere between Rs.10/- to 15/- in every place .

Again, as is wellknown, the market rate of say, photocopying or of a floppy/disk varies from place to place in the country, even though marginally. Moreover, some public authorities like a Corporation or a Society or a Trust may decide to supply the requested information at a subsidised cost in the public interest. Thus a statutory fixation of a uniform reproduction fee like Rs.5/- per page as proposed under the Draft Rules shall stand on the way of the public getting information at a cheaper rate, even if the chances for the latter are very much there.

Alternatively, the Section 4 of the Draft Rules should be revised so as not to specify any amount against any head, but to declare only the principle of the prevalent market rates of the area to govern the act of the respective public authorities in fixing the specific rates to be charged in respect of the cost of production or reproduction of the material carrying the information.

3. Section 4 of Draft Rules is prejudicial to the Section 18 and Section 19 of the FOI Act 2002

Sections 18 (2a) and 19 (2a) of the FOI Act 2002 provide for rules to be made respectively by the State Governments and Competent Authorities in respect of fees payable under Section 7(1) of the Act. In fact long before the FOI Draft Rules 2004 were published, and beginning from 1997 quite some States such as Tamil Nadu, Goa, Karnataka, Rajasthan, Maharashtra, Delhi, Madhya Pradesh, Uttar Pradesh, Assam and J&K have legislated either Acts or Codes for Right to Information and have already prescribed therein the fee structures in specific terms, which are generally much less exorbitant than the one proposed by the Draft Rules. Again, there are States, for instance, Orissa, where the Panchayat Raj Dept in their circular dated 8 August 1997 have already prescribed a fee of Rs.2/- against each inspection that a citizen can make and Rs.2/- against each page of certified copy of the information he might seek from PRIs. **When the people are already entitled under different State laws and administrative provisions to secure access to information held by public authorities at a much cheaper rate than the one proposed by the Draft Rules, it is just and reasonable that the Central Government should either quantify, if at all need be, the cheapest possible minimum rate on all heads for the whole country or declare only the principle of the prevalent market rate to be followed by all public authorities, thereby leaving the exact fee structure to be worked out by each of them on the basis of the declared principle as warranted under the above quoted Sections 18 and 19 of FOI Act 2002.**

Moreover, there is the possibility of a legal conflict between the Centre and State due to a different fee regime proposed by the Centre vis-à-vis the pattern of fee collection already enforced in different States. For instance, all public authorities working under such Competent Authorities as Governor of a State, Speaker of State Assembly or Chief Justice of a High Court are declared as such under Section 2(b) of the central FOI Act 2002. But in our kind of federal set-up these very Competent Authorities are also for all practical purposes the Competent authorities of the States they serve. So to say, they represent the executive, legislative and judicial heads of a State. The question arises, if a State Rule decides as per Section 18 (2a) and 19 (2a) of FOI Act 2002 to enforce a particular fee regime different from the fee regime sought to be enforced by the Section 4 of Draft Rules, shall not the whole scenario be one of chaos, mess and litigation? For instance, if a BDO (who is also a public authority under the central FOI Act) charges Rs.5/- per page as per the

Draft Rules, a citizen can well go in appeal against him for charging him so much when the State RTI Act or corresponding State Rule has fixed Re.1/- per page. **Thus a double fee regime, one by the Centre and the other by the State, each legally applicable to the same categories of public authorities shall lead to expanding spate of irreconcilable litigations.**

Under the circumstances, to avoid unnecessary complications and litigations that are likely to arise from differing and double fee regimes, the Draft Rules of FOI Act 2002, as mentioned above, should declare only in a general way the broad, overall principle of a reasonable market rate to be charged against the delivery of information sought, leaving the job of fixing the exact amount to the public authorities themselves based on the principle so enunciated.

4. Section 5 of Draft Rules goes against Section 12 of the FOI Act 2002 and also flouts the very basic canon of law

The FOI Act in its Section 12-Appeals (1) provides for the aggrieved citizen, if he so desire, to go in for the first appeal against the decision of the PIO before an authority, which is **to be prescribed by the Rules**. As per the Sub-Section (2), if still displeased with the result of the first appeal, he can choose to lodge a second appeal against the decision of the first before the Central Government, State Government or Competent Authority as the case may be. Needless to say that the Secretary of a Ministry or of a Department, standing as he does at the apex of the administrative hierarchy represents the Government for all legal and other purposes. **The Act had as such declared him (the Secretary of a Department) as the second and ultimate Appellate authority.** Now strangely enough, **the Draft Rules declare the same heads as the First Appellate Authority too.** In plain terms, both the Act and Rules together compel one to appeal before the same authority whose decision he seeks to challenge. It is a classic case of legal absurdity par excellence? Such a provision of lumping two appellate authorities under one head is simply unworkable. Besides it also flouts basic canon of law that no man can be judge in his own cause. **When the Section 12 of the FOI Act 2002 had clearly mandated the constitutiing of two separate entities to act as two different appellate authorities (such as First and Second), how could the Draft Rules ignore it and propose a legally absurd and utterly unworkable provision?** Is it lack of legal education, gross oversight or deliberate subversion of Constitutional minima? The matter need be seriously enquired into. Whatever the reason, the citizen petitioner cannot hope to get an iota of justice from such a thoughtless provision of appeals.

As is well known, in course of the country-wide debate over the FOI Act 2002 a clear consensus had emerged among the RTI activists that the second and ultimate authority of appeal should be an outside independent body with adequate standing and power like the Vigilance Commission or Lokpal/Lokaykta as suggested by CHRI or a retired Judge acting as a Chief Information Commissioner as suggested by Mrs. Aruna Roy and her group. This conforms to worldwide good practice too.

Under the circumstances, in order to bring the Draft Rules into harmony with the letter and spirit of the FOI Act 2002, the proposal of Sction 5 of the Draft Rules designating the first appellate authority to be the same as the second appellate authority should be scrapped. And keeping the mandatory provision for the two-stage appeal of the Act in tact, the second and ultimate authority should be constituted outside the concerned public authority, preferably such as the existing Vigilance Commission or Lokpal/Lokayukta or a retired High court judge acting as the Chief Information Commissioner. Given that, the Draft Rules may prescribe the

Secretary or Head of the Statutory Organisation as the case may be, as the First Appellate Authority.

5. Section 3 (1) of the Draft Rules not consistent with public interest or ground reality either.

The Section 3(1) of the Draft Rules propose an interval of 2 years at which all Public Authorities shall be required to make obligatory publication of particulars of their respective organisations as required under Section 4 of the FOI Act 2002. As is wellknown, the current reality is that most public servants, especially in States, do undergo change of their posting, place of work and designation etc. at the dictate of the concerned Ministers with a greater frequency. The interval of the obligatory publications to be made about all these particulars for public consumption should keep pace with the said frequency. While the issue of checking the problem of frequent, adhoc and arbitrary transfers does not come under the purview of the FOI legislation as such, **the Draft Rules in order to conform to the ground reality should prescribe an interval of 6 months in place of 2 years, as recommended by CHRI and Mrs.Aruna Roy.**

6. Section 1 (2) of the Draft Rules ambiguous

The Section 1(3) of FOI Act 2002 had clearly prescribed that ‘it shall come into force on such date as the Central Government, may by notification in the Official Gazette, appoint’. Thus by implication the Act left the date of coming-into-force of the Act to the Draft Rules to announce. Now the Draft Rules appearing as they do after nearly 18 months of the enactment under the authorship of the Central Government, say under Section1(2), ‘They (the Draft Rule) shall come into force on the date on which the FOI Act 2002 come into force’. Thus the Draft Rules seem to avoid the announcement of a date for coming-into-force of the Act. Going by the intention of the Act, a definite dateline oriented announcement for the coming into force of the Act along with the Rules thereof should have been an integral part of the Draft Rules. Otherwise, with the given ambiguity in the wording of the Section 1(2) of the Draft Rules, neither the Act nor Rules shall ever come into force.

It is suggested that the Draft Rules should mandatorily announce a dateline, say within 3 months, by which the FOI Act 2002 along with the Rules thereof shall come into force.

ADDITIONAL PROVISIONS TO FORM RULES

7. Need for MPs/MLAs and Political Parties to be brought under the definition of public authorities as mentioned under Section 2(f) of FOI Act 2002:

There should not be any second opinion about the need for people’s right to information from the people’s representatives like MPs and MLAs, since the latter not only directly control large sums of public money labelled as LAD, but also influence more or less in a decisive manner the public policies that touch the day-to-day life of the people and development of the nation. Similar is the case of Political Parties who handle a huge amount of public money this or that way and play a critical role in policy changes influencing various aspects of people’s life.

Now let’s see, if the MPs/MLAs and Political Parties can be covered under the definition of Public Authorities as given under the FOI Act 2002 and are thereby liable to disclose information to the citizens, just like other categories of public authorities such as NGO, Cooperative, Company, Trust,

Corporation etc. The Section 2(f) of FOI Act defines 'public authority' as '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'.

Given the above definition of 'Public Authority', the political parties being registered as they are with Election Commission, a Constitutional body and as per the R.P. Act 1951, a law of the appropriate Government, they like other private bodies such as Society, Cooperative, Company, Corporation, Trust etc. should be treated as public authorities and therefore liable to disclose information to the public as per the procedure prescribed under the Act.

Since there is no explicit mention of MPs/MLAs and political parties as public authorities liable to disclose information as per FOI Act, there is still a confusing understanding persisting all over, as if all but these privileged persons are bound by the provisions of FOI Act. If that be the case, the Objects and Reasons of the Act which aim at making 'the Government more transparent and accountable to the public' shall be utterly defeated. Are the MPs/MLAs/Ministers and political parties not part of the Government? Rather they are the heads and shoulders of the Government. How can we make the Government more transparent or accountable by FOI Act 2002 in absence of its application to these categories of people?

Realising the gravity of this question, the National Commission to Review the Working of the Constitution had clearly underlined the need for the people's representatives and political parties to remain directly accountable and accessible to the people as per the latter's right to know in all matters of public interest. It suggested that the Draft Rules by using the Section 17 (2)(d) – 'Power to make rules by Central Government .. for .. any other matter which is required to be, or may be, prescribed' - incorporate the said recommendation of NCRWC.

8. Need for provision of issuing a Dak Receipt by the PIO to the Applicant for information

Neither in the Act of 2002 nor in the Draft Rules, is there any mention of the provision for issue of a Dak Receipt by the PIO of the Application seeking information to the Applicant.

The opening words of the Section 7 of FIO Act "Upon receipt of a request under Section 6" by implication suggest that there must be some definite transparent arrangement in the office of each public authority for receiving the said applications from requestors for information, and that acknowledgement receipt of the same be issued expeditiously by the concerned PIO to each applicant.

So there is the need for explicit mention of the provision for issue of a Dak Receipt by the PIO acknowledging the receipt of the application for information to start with. Then following the payment by requestor made towards the production or reproduction cost of information, against the delivery of requested information, a monetary receipt shall have to be paid by the PIO.

If a requestor is denied proper and adequate information or not answered at all by the PIO arbitrarily, then he can lodge his complaint against the concerned PIO, basing upon the receipt of application issued to him. Again, by the provision of a receipt, the public authorities too shall be saved from a lot of hassles and litigation when and if an applicant puts forth arbitrary claims before the PIO or appellate authorities as regards, say the date of submission of the request and particulars of information asked for etc. **The provision of receipt of the application for**

information issued by PIO to the applicant is so to say as valuable as an FIR issued to the complainant by a Police Station. Just as an FIR helps both the Police and Complainant in detection, investigation and adjudication of a complaint, so is the indispensable role of a dak receipt issued to the requestor for information by the PIO of the concerned public authority.

So it is suggested that the Draft Rules should provide for the issue by the PIO of receipt of the application for information to the applicant as soon as the application is received. The Draft Rules can incorporate the said provision under Section 17 (2)(d) of the FOIA 2002– ‘Power to make rules by Central Government .. for .. any other matter which is required to be, or may be, prescribed’

9) Penalty provision for the defaulting PIOs to be added

Neither the FOI Act nor the Draft Rules has made any provision for penalising the PIOs whose allegedly undue decision or failure to provide the requested information within the deadline as per the provisions of the Act has aggrieved the citizen petitioner. As a result the Act and the Rules proposed thereunder render the whole legislation a toothless one. **In absence of penalty provisions, the PIOs shall not feel impelled to deliver the requested information timely and appropriately, except where their vested interests induce them to do so.** A consensus had emerged in course of the country-wide debate around right to information that the FOI Act should specify the penalty against a PIO found guilty of violation of the provisions of Act, in the shape of monetary fine for every day's delay beyond the stipulated deadline along with disciplinary action against him at departmental level.

The intention of FOI Act behind its provision for a two-stage appeal process under its Section 12 was to see that the PIOs found guilty be penalised adequately so that the rest of the PIOs dare not to transgress its transparency provisions. By not providing for the required penalty provisions, the Draft Rules are by far deficient in carrying out the provisions of the said Act.

So it is suggested that an additional provision of penalty against the PIOs proven guilty be added to the Draft Rules specifying say, Rs.250/ - per a day's delay beyond the stipulated deadline as suggested by Mrs.Aruna Roy's alternative draft-law and disciplinary action like suspension and dismissal at the departmental level in a time-bound manner. Moreover, the additional provision should place the burden of proof on the PIOs, against whom the original complaint was lodged. Such additional provision can be incorporated into the Rules under the Section 17 (2)(d) of the FOIA 2002– ‘Power to make rules by Central Government .. for .. any other matter which is required to be, or may be, prescribed’

10) Reform of Civil Service Rules and Manual of Office Procedure:

The Objects and Reasons of FOI Act 2002 mention inter alia that a Working Group on Right to Information and Promotion of Open Governance constituted by the Government under the chairmanship of Shri H.D.Shourie had in their Report of 1997 recommended suitable amendments to the Civil Service (Conduct) Rules and the Manual of Office Procedure to bring them in harmony with the Freedom of Information legislation. Though the FOI Act 2002 has already been enacted and is going to be enforced in due course, the promised amendments have not been effected yet. **As is wellknown, these existing instruments are heavily biased in favour of maintaining official secrecy and provide a slow, prolonged and uncertain manner of proceedings against the defaulting public servants.** Though the Section 14 of FOI Act 2002 speaks of its overriding power over any other law or instrument created under any law, it is not clear what if not these very

instruments sought to be overridden by the Act, shall guide the departmental proceedings against the PIOs violating the provisions of the FIO Act 2002, in absence of the suitably amended service-related instruments. With the existing service-related instruments continuing, it is absolutely certain that no defaulting PIO shall ever be punished and that too in a time-bound manner for violating the provisions of FOI Act 2002.

It is therefore suggested that the Draft Rules should have an additional provision to provide for amendment to all laws and instruments on service matters and office procedure so as to bring them in harmony with the FIO Act 2002 and especially to ensure that the defaulting PIOs are proceeded and disciplinary action taken against them in a due and time-bound manner. This additional provision can be incorporated into the Draft Rules under Section 17 (2)(d) of the FOIA 2002– ‘Power to make rules by Central Government .. for .. any other matter which is required to be, or may be, prescribed’

11) The Exemption provisions to be qualified on the basis a public interest override

The FOI Act in its Section 8 (Exemptions from disclosure of Information) and in Section 9 (Grounds for refusal to access in certain cases) provides for a wide range of subjects and grounds, which can be stretched by way of a subjective interpretation by the concerned PIO to justify his denial of any and every information to an applicant. Again, the Section 16 of the Act (Act not to apply to certain organisations) excludes 19 nos. of Intelligence and Security Organisations listed under a Schedule from the purview of public access to information. But it is a known fact that the various agencies as would come under Sections 8 and 9 and the Scheduled Organisations as referred under Section 16 of the Act, though of critical importance to the integrity and security of the country are nevertheless not free from financial corruption and arbitrariness in policy making and implementation.

It is therefore suggested that the Draft Rules should provide that the exemption clauses as mentioned under Sections 8, 9 and 16 should be qualified with a strong public interest override, in the sense that the citizens shall have access to information about the exempted agencies, policies and personnel etc., so far the information sought relates to corruption and issues of public interest. This additional provision can be incorporated into the Draft Rules under Section 17 (2)(d) of the FOIA 2002– ‘Power to make rules by Central Government .. for .. any other matter which is required to be, or may be, prescribed’

12) Ultimate Appeal to the Court to be allowed:

The Section 15 of FOI Act 2002 (bar of jurisdiction of Courts) says that no appeal can be made to Courts against final decision of the appellate authorities as defined by the Act and Draft Rules. Such a provision seems to be unconstitutional, since the Constitution designates the High Courts as the seat of first appeal against the acts of omission or commission by any of the legislative and executive agencies of the State and then the Supreme Court as that of the last appeal for the said purpose.

So it is suggested that the Draft Rules of FOI Act should remove the bar of jurisdiction to Courts as mentioned under Section 15 of the Act and reversely provide for High Courts and Supreme Court to act as the courts of further appeal against the decisions of the appellate authorities as defined by the Act. This additional provision can be incorporated into the Draft

Rules under Section 17 (2)(d) of the FOIA 2002– ‘Power to make rules by Central Government .. for .. any other matter which is required to be, or may be, prescribed’

ON THE MANNER OF NOTIFICATION

13) Publicity to have been made through Newspapers, Radio and Television:

The very decision of the Government of India to invite, though belatedly, the suggestions of the members of public on the Draft Rules for Freedom of Information Act 2002, through the Notification made on the website of the Ministry of Personnel, Public Grievances and Pension is no doubt welcome. However, except a few enthusiasts of the Right to Information movement, no member of the public is yet aware of the said notification, because except through the medium of internet, it has not been advertised through any newspaper, radio or television. Thus due to the extremely limited publicity given to the notification, its very purpose, that is, enabling the wider public to know and respond to, has been defeated.

It is suggested therefore that the Ministry should publicise the Notification of the Draft Rules again in all national and regional dailies, radio and television channels along with Internet to enable the common people across the country to be apprised about it and submit their suggestions thereon to the Government.

14) Time-gap given for submission of public response, too short:

The concerned Ministry, which took more than 18 months to bring out the one-page notification of the said draft rules, presumably on 14th August, without letting the wider public know about it, has allowed less than 18 days preceding the deadline i.e. 31st August 2004 for the members of public to submit their views/suggestions thereon. It is not possible in view of this extremely limited time-space for various interested individuals and civil society groups to hold consultations among them on such an important matter and formulate their suggestions arising therefrom for forwarding the same to the Ministry.

So it is suggested that at least a time-gap of 3 months from the date of notification should be allowed for the feedback by the members of the public to the notification.

15) Notification of Draft Rules running opposite to the alternative Draft-law vis-a-vis the FOI Act 2002 accepted in principle by the NAC

The National Advisory Council of the UPA Government in its 2nd meeting held on 14th August 2004 chaired by Mrs.Sonial Gandhi had accepted in principle the alternative draft law entitled ‘Right to Information Act 2004’ vis-à-vis the flaws-ridden FOI Act 2002 as proposed by its two members Mrs.Aruna Roy and Mr.Jean Dreze. But strangely enough, the Ministry of Personnel on the same day published the notification of draft rules, which don’t reflect in any manner, and rather run counter to the commitment of the UPA Government as given under the Common Minimum Programme, “The Right to Information Act will be made more progressive, participatory and meaningful.” This episode not only speaks of the lack of policy-level coordination between the Ministry of Personnel and the official think-tank of the present Government i.e. NAC, but also casts serious doubt on the very intention of the Government to carry out the CMP’s mandate to bring about appropriate changes in the flawed FOI Act to make it more people-friendly.

So it is suggested that the Draft Rules be reframed in keeping with the alternative draft law entitled 'Right to Information Act 2004', as submitted by Mrs.Aruna Roy and Mr.Jean Dreze and accepted in principle by the 14 August meeting of NAC.

16) Consideration to be given to the suggestions for amendment to FOI Act and Draft Rules as proposed by organisations like NCPRI and CHRI

Civil society organisations like the National Campaign for People's Right to Information and Commonwealth Human Rights Initiative have been working on the subject over years and have submitted earlier their elaborate analyses and amendment of the Freedom of Information Act 2002 to the Government at various stages. **The concerns of these expert bodies should be given due consideration by the Government for effecting changes in the Draft Rules in particular and for amendment of FOI Act 2002 in general.**

Mr.Chitta Behera, MA, LLB dated Cuttack 31st August 2004

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