**E-CONTENT**

**MJMC,  SEM-IV, PAPER-XIV (CC-402)**

**Topic : Freedom of Information Bill -1998**

**Date : 14-02-2020, TIME : 2.00 P.M.-3.00 P.M.**

**PREPARED BY : AMIT KUMAR**

**Freedom of Information Bill -1998**

The object of the Bill was to guarantee every citizen access to information under the control of public authorities, “consistent with the public interest,” in order to promote openness, transparency, and accountability.The draft suggested that decision regarding release of an information should be taken based on need for the citizen and need of the country to keep it as a secret. It maintained that

Disclosure of information should be the rule and secrecy the exception;

The exceptions should be clearly defined; and

There should be an independent mechanism for adjudication of disputes between the citizens and the public authorities.

The Bill makes it mandatory for the PIO to either provide the information or reject the request within 30 days of the request being made except in cases where an additional fee is required for various reasons. While rejecting a request, the PIO has to give the reasons for such a rejection, the period within which the appeal shall be preferred and the particulars of the appellate authority. The Bill also provides for a second appeal. The original draft had provision for free release of information when the matter was of great importance to general public.

The Bill also bars any “suit, prosecution or other legal proceeding” against any person for anything which is done in good faith or intended to be done under this Act. In a further contrast to the Official Secrets Act, the Section 27 of the Bill provides: “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 or than by way of an appeal under this Act.”

Twelve categories of information has been classified as secret and exempted from being disclosed. The classified categories range from the obvious such as information that would affect the sovereignty, integrity or security of the state to the ambiguous: information that would “prejudicially affect the conduct of Centre-state relations.” Information in relation to state security, international relations, law and order, intelligence activities, and public and individual safety were some of the

excemptions.

Every public authority is under a duty to “maintain all its records” and to publish the “particulars of its organisation, functions and duties.” In addition, every public authority must appoint “one or more” Public Information Officers to deal with requests for information and to render reasonable assistance to requesters. Requests for information will ordinarily be in writing but, where this is not possible, the Public Information Officer, may render all reasonable assistance to the person making the request orally to reduce it in writing.

Interestingly, one of the security and intelligence organisations whose operations are not barred from public scrutiny is the Central Bureau of Investigation which does not figure in the organizations covered by the Schedule such as the intelligence Bureau, Research and Analysis Wing and Directorate of Revenue Intelligence. The government is to appoint Public Information Officers wherever it is needed.