

DELHI RIGHT TO INFORMATION ACT, 2001

No. F. 14(19)/LA-2001/

Dated the 16th May, 2001

The following Act of Legislative Assembly received the assent of the Lt. Governor of Delhi on 14.5.2001 and is hereby published for general information: -

THE DELHI RIGHT TO INFORMATION ACT, 2001

(Delhi Act No. 7 of 2001)

(As passed by the Legislative Assembly of the National Capital Territory of Delhi on 9th April, 2001).

AN ACT

to make provision for securing right to information in the National Capital Territory of Delhi and for matters relating thereto.

BE it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Fifty-second Year of the Republic of India as follows: -

1. **Short title and commencement.** - (1) This Act may be called the Delhi Right to information Act, 2001.
(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

2. **Definitions.** -

In this Act, unless there is anything repugnant in the subject or contexts, -

- (a) "competent authority" means any authority or officer notified by the Government from time to time in official gazette for the purpose of this Act;
- (b) "electronic form" with reference to information means any information generated, sent, received or stored in media, magnetic, optical, computer memory, microfilm, computer generated micro fiche or similar device ;
- (c) "Government" means the "Lt. Governor referred in article 239 AA of the Constitution ";
- (d) "information" means any material or information relating to the affairs of the National Capital Territory of Delhi except matters with respect to entries 1,2 and 18 of the State List and entries 64, 65 and 66 of that list in so far as they relate to the said entries 1,2 and 18 embodied in the Seventh Schedule of the Constitution;
- (e) "Lt. Governor" means the Lt. Governor of the National Capital Territory of Delhi appointed by the President under article 239 of the Constitution;
- (f) "prescribed" means as prescribed in rules;

- (g) "public authority" means any authority or body established or constituted -
 - (i) by or under the Constitution;
 - (ii) by any law made by the Government and includes any other body owned, controlled or substantially financed by funds provided directly or indirectly by the Government.
- (h) "Public Grievances Commission" means the Public Grievances Commission setup by the Government vide their Resolution No.4/14/94-AR dated the 25th September, 1997 as amended from time to time;
 - (i) "right to information" means the right of access to information and includes the inspection of works, documents, records, taking notes and extracts and obtaining certified copies of documents or records, or taking samples of material.

3. **Right to information.** - Subject to the provisions of this Act, every citizen shall have right to obtain information from a competent authority.

4. **Obligations on public authorities.** - Every public authority shall -

- (a) maintain all its records, in such a 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 Government -
 - (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) laws, bye-laws, rules, regulation, 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 competent authority;
- (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 maintenance of democratic principles.

5. **Procedure for supply of information.** - (1) A person desiring information shall make a request in writing or through electronic form, to the competent authority giving the particulars of the matter relating to which he seeks information:
 Provided that where a person cannot, for valid reasons, make a request in writing, the competent authority may either accept an oral request which may, subsequently, be reduced in writing or render reasonable assistance to such person in making a written request.

- (2) Upon receipt of an application requesting for an information, the competent authority shall consider, it and furnish the information required by the applicant or pass orders thereon refusing the request as soon as practicable but normally within 15 days and in any case within thirty days from the date of receipt of application.

- (3) The information shall be supplied in writing, either in English or in the official language.
- (4) Where a request is rejected under sub-section (2), the competent authority shall communicate to the person making the request, -
 - (i) the reasons for such rejection;
 - (ii) the period within which the appeal against such rejection may be preferred;
 - (iii) the particulars of the appellate authority.

6. Restrictions on right to information. - The competent authority may, for reasons to be recorded in writing, withhold -

- (a) the information the disclosure or contents of which will prejudicially affect the sovereignty and integrity of India or security of the National Capital Territory of Delhi or international relations or which leads to incitement to an offence;
- (b) the information relating to an individual or other information, the disclosure of which would constitute a clear and unwarranted invasion of personal privacy and has no relationship to any activity of the Government or which will not sub-serve any public interest;
- (c) papers containing advice, opinion, recommendations or minutes submitted to the Lt. Governor for discharge of his constitutional functions and any information, disclosure of which would prejudicially affect the conduct of the Centre-State/Union territory relations, including information exchanged in confidence between the Centre and the Government or any of their authorities or agencies;
- (d) trade and commercial secrets or any other information protected by law;
- (e) information whose release would constitute a breach of privilege of Parliament or Legislative Assembly of the National Capital Territory of Delhi: Provided that the competent authority shall, before withholding information under this clause, refer the matter to the Legislative Assembly Secretariat for determination of the issue and act according to the advice tendered by that Secretariat :Provided further that no appeal shall lie under section 7 against an order withholding supply of information under this clause;
- (f) information whose disclosure would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes or in public interest: Provided that the information which cannot be denied to the Legislative Assembly of the National Capital Territory of Delhi, shall not be denied to any person.
- (g) minutes or records of advice including legal advice, opinions or recommendations made by an officer of a public authority during the decision making process prior to the executive decision or policy formulation.
- (h) Cabinet papers including records of the deliberations of the Council of Ministers, Secretaries and other officers.

7. Appeal. - (1) Any person aggrieved by an order of the competent authority, or any person who has not received any order from the competent authority within thirty working days, may appeal to the Public Grievances Commission;

- (2) The decision of the Public Grievances Commission shall be final.
- (3) No order adversely affecting any person shall be passed, except after giving that person a reasonable opportunity of being heard.
- (4) Every appeal shall be disposed as expeditiously as possible and endeavour shall be made to dispose of the appeal within thirty days from the date on which it is presented.

8. **Obligation on competent authority.** - Every competent authority shall be under a duty to maintain all its records, as per its operational requirements, duly catalogued and indexed, and grant access to information, subject to the provisions of this Act, to any citizen requesting for such access.
9. **Penalties.** - (1) Any person responsible for providing any information under this Act shall be personally liable for furnishing the information within the period specified.
- (2) Where a person responsible to supply information fails to furnish the information asked for under this Act within the time specified or furnishes any information which is false in any material particulars, and which he knows or has reasonable cause to believe to be false or does not believe it to be true, he shall be liable, after such inquiry as may be required under the service rules pertaining to disciplinary action applicable to him, for imposition of such penalty as may be determined by the disciplinary authority under such rules or as prescribed in the Rules.
10. **State Council for Right to Information.** -
- (1) The Government shall, by notification in the official Gazette, establish with effect from such date as specified in the notification, a Council to be known as State Council for Right to Information.
- (2) The State Council shall consist of the following members, namely: -
- (a) the Chief Minister, Government of National Capital Territory of Delhi shall be its Chairman;
- (b) the Minister incharge of the Department of Administrative Reforms in the Government shall be its member;
- Provided if the Chief Minister is the Minister Incharge of Administrative Reforms Department, then the Finance Minister shall be the Member.
- (c) such number of other officials not exceeding ten of which three members shall be elected representatives of the Legislative Assembly of the NCT of Delhi and of which one shall be woman to be nominated by the Speaker of Assembly of NCT of Delhi and non-official members not exceeding ten representing such interests as may be prescribed by the Government.
- (3) The time and place of the meeting of the Council shall be as the Chairman may decide and it shall observe such procedures as may be laid down by the Council to transact its business.
- (4) The object of the State Council shall be to promote the right to information in the National Capital Territory of Delhi and it shall deal with all matters related to right to information, such as: -
- (a) review of the operation of this Act and the rules made thereunder;
- (b) review of the administrative arrangements and procedures to secure for citizens the fullest possible access to information;
- (c) research and documentation as regards management of information with a view to improve the extent and accuracy of information being made available under this Act; and
- (d) to advise the Government on all matters related to the right to information, including training, development and orientation of employees to bring in a culture of openness and transparency.
11. **Act to have over-riding effect.** - The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other enactment of the Legislative Assembly of Delhi, for the time being in force.
12. **Protection of action taken in good faith.** - No suit, prosecution or other legal proceedings shall lie against any person for anything done in good faith or intended to be done in pursuance of this Act.

13. Charging of fees. - The competent authority shall charge such fees for supply of information as may be prescribed by rules, but which shall not exceed the cost of processing and making available of the information.

14. Laying of Annual Report of State Council. - The Chairperson shall cause to be laid on the Table of the House Annual Report of the State Council.

15. Power to make rules. - (1) The Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

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

- (a) the interval at which particulars and other material and information shall be published by the public authorities;
- (b) the composition of the State Council with reference to the interest to be represented therein;
- (c) prescription of fee to be charged for supply of information;
- (d) any matter which is to be, or may be prescribed under this Act.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the House of the Legislative Assembly of the National Capital Territory of Delhi 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, the House agrees in making any modification in the rule or the House agrees 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.

16. Removal of difficulties :- (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order published in the official Gazette, make such provision not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for the purposes of removing difficulty:

Provided that no such order shall be made after the expiration of two years from 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 the Legislative Assembly of the National Capital Territory of Delhi.

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(S. R. MAHESHWARI),

Under Secretary (Law & Judicial)