

KARNATAKA RIGHT TO INFORMATION ACT, 2000

28 of 2000

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STATEMENT OF OBJECTS AND REASONS It is considered necessary to have a legislation to provide right of access to information to the citizens of the State which would promote openness, transparency and accountability in administration and ensure effective participation of people in the administration. The Karnataka Right to Information Bill, 2000 among other things provides for the following. (i) Requiring public authorities to make voluntary disclosure of certain information referred to in Clause 3; (ii) Listing exemption from giving information under certain circumstances as mentioned in Clause 4; (iii) Specifying the procedure for supply of information; (iv) Specifying the grounds for refusal to supply information in certain cases; (v) Imposing a penalty on the Competent Authority upto two thousand rupees for failure to give information without any reasonable cause; (vi) An appeal is provided against the order of the Competent Authority and A

second appeal lies to the Karnataka Appellate Tribunal. Certain incidental provisions are also made. Since the matter was urgent and the Karnataka Legislature Council was not in session the Karnataka Right to Information Ordinance, 2000 (Karnataka Ordinance 9 of 2000) was promulgated to achieve the object. Hence the Bill.

1. Short title and commencement :-

(1) This Act may be called the Karnataka Right to Information Act, 2000

(2) It shall come into force from such date, as the State Government may, by notification, appoint and different dates may be appointed for different provisions of this Act.

2. Definitions :-

In this Act, unless the context otherwise requires.

(b) "Information" means information relating to any matter in respect of the affairs of the administration or decisions of a public authority;

(f) "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. Obligation of public authorities :-

Every public authority shall.

(a) maintain all records in such manner and form as is consistent with its operational requirements duly catalogued and indexed;

(c) publish all relevant facts concerning such of the important decisions and policies that affect the public as may be prescribed while announcing such decisions and policies;

(d) before sanctioning or initiating or causing to sanction or initiate any project, scheme or activity as may be specified by the State Government, publish or communicate to the public generally or to the persons affected or likely to be affected by the project, scheme or activity in particular in such manner as may be prescribed, 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;

(e) publish such other information as may be prescribed.

4. Right to information :-

(1) Subject to the provisions of this Act every citizen shall have the right to information.

5. Procedure for supply of information :-

6. Grounds for refusal to supply information in certain cases :-

Without prejudice to the provisions of Section 4 , the Competent Authority may also reject a request for supply of information where such request.

(b) relates to information that is required by law, rules, regulations or orders to be published at a particular time; or

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

7. Appeals :-

(2) The Appellate Authority may, after giving the person affected a reasonable opportunity of being heard, pass such order as it deems fit.

(3) Any person aggrieved by the order of the Appellate Authority under sub-section (2) may prefer an appeal to the Karnataka Appellate Tribunal.

(4) Appeals referred to in sub-sections (1) and (3) shall be disposed of within thirty days from the date of receipt of such appeals.

8. Power to remove difficulties :-

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:

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

9. Penalties :-

Where any Competent Authority, without any reasonable cause fails to supply information sought for within the period specified under Section 5 or furnishes information which is false with regard to any

material particulars and which it knows or has reasonable cause to believe it to be false.

(i) the authority immediately superior to the Competent Authority may impose a penalty not exceeding two thousand rupees on such Competent Authority as it thinks appropriate after giving him a reasonable opportunity of being heard and such a penalty shall be recoverable from his salary or if no salary is drawn as arrears of land revenue; and

(ii) he shall also be liable to disciplinary action under the service rules applicable to him.

10. 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.

11. Act to have overriding effect :-

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law made by the State Legislature in respect of any matter falling under State list or Concurrent list except the provisions of any existing law or a law made by Parliament in respect of any matter falling under Concurrent list.

12. Power to make rules :-

(1) The State Government may, after previous publication by notification make rules to carry out the provisions of this Act.

(3) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of the State Legislature 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 in which it is so laid or the session immediately following, both the Houses agree in making modification in the rule or both the Houses agree that rule should not be made the rule thereafter, shall 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.

13. Repeal and savings :-

(1) The Kamataka Right to Information Ordinance, 2000 (Karnataka Ordinance No. 9 of 2000), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said ordinance shall be deemed to have been done or taken under this Act.