

Goa Right To Information Act, 1997

28 of 1997

[29 October 1997]

CONTENTS

1. Short Title And Commencement
2. Definitions
3. Right To Information
4. Procedure For Supply Of Information
5. Restrictions On Right To Information
6. Appeal
7. Obligation On Competent Authority
8. Penalties
9. Omitted
10. Omitted
11. State Council For Right To Information
12. Act To Have Over-Riding Effect
13. Protection Of Action Taken In Good Faith
14. Charging Of Fees

Goa Right To Information Act, 1997

28 of 1997

[29 October 1997]

An Act to make provision for securing Right to Information in the State of Goa and for matters relating thereto. Whereas it is necessary that every Governmental action should be transparent to the public; And Whereas to achieve this object, every citizen should be able to get information from the Government; Be it enacted by the Legislative Assembly of Goa in the Fourtyeighth Year of the Republic of India as follows:-

1. Short Title And Commencement :-

(1) The Act may be called the Goa Right to Information Act, 1997.

2. Definitions :-

(a) "Competent authority" (see appendix) means any authority or

officer notified by the Government for the purpose of the Act.

(b) "Government" means Government of Goa.

(c) "Information" means any material or information relating to affairs of the State or any local or other authorities constituted under any enactment passed by the Legislative Assembly of Goa for the time being in force or a Statutory Authority or a Company, Corporation, Trust, Firm, Society or a Co-operative Society, or any Organisation funded or controlled by the Government or executing any public work or service on behalf of or as authorised by the Government;

(d) "Right to Information" means the Right to 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. Procedure For Supply Of Information :-

(1) A person desiring information shall make an application 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 and in any case, within thirty working days from the date of receipt of application:

Provided that where such information relates to the life or liberty of an individual, the Competent Authority shall either furnish information or pass order refusing the request within 48 hours on receipt of the application.

(3) The information shall be supplied in writing either in English or in the Official Language.

5. Restrictions On Right To Information :-

The Competent Authority may, for reasons recorded in writing, withhold -

(a) Information, the disclosure or contents of which will prejudicially affect the sovereignty and integrity of India or security of the State or International relations or Public Order or administration of justice or Investigation of an offence or which leads to incitement to an offence;

(b) Information relating to an individual or other information, the disclosure of which has no relationship to any activity of the Government or which will not subserve any public interest and would constitute a clear and unwarranted invasion of personal privacy;

[(bb) papers containing advice, opinion, recommendations or minutes submitted to the Governor for discharge of his constitutional functions and any information, disclosure of which, would prejudicially affect the conduct of the Centre-State relations, including

information exchanged in confidence between the Centre and the Government or any of their authorities or agencies.] [Inserted by Amendment Act, 1997 (Goa Act No. 1 of 1998)]

(c) Trade and commercial secrets or any other information protected by Law;

(d) Information whose release would constitute a breach of Parliament or Legislative Assembly Privilege;

[Provided that the competent authority shall, before withholding information under this clause, refer the matter to the Legislature 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 6 against an order withholding supply of information under this clause;]
[Inserted by Amendment Act, 1997 (Goa Act No. 1 of 1998)]

(e) 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 information which cannot be denied to the State Legislature shall not be denied to any person.

6. 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 Administrative Tribunal constituted under the Goa Administrative Tribunal Act, 1965 (6 of 1965).

(2) The decision of the Administrative Tribunal 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 the endeavour shall be made to dispose of the appeal within 30 days from the date on which it is presented.

7. 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.

8. 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,] [Inserted by Amendment Act, 1997 (Goa Act No. 1 of 1998)] he shall be liable, after such inquiry as may be necessary under the service rules applicable to him, for imposition of such penalties as may be determined by the disciplinary authority under such rules. In addition the disciplinary authority may order him to pay a fine of Rs. 100 for every day of delay after the day by which the information is required to be supplied.

9. Omitted :-

[Omitted by Amendment Act, 1997 (Goa Act No. 1 of 1998)]

10. Omitted :-

[Omitted by Amendment Act, 1997 (Goa Act No. 1 of 1998)]

11. State Council For Right To Information :-

(1) The Government shall, by Notification in the Official Gazette, establish with effect from such day as specified in the Notification, a Council to be known as State Council for Right to Information.

(2) The State Council may consist of the following members-

(a) the Minister-in-Charge of the Department of Administrative Reforms in the Government who shall be its Chairman; and

(b) (i) such other official Members not exceeding four;

(ii) two MLAs to be nominated by the Speaker;

(iii) non-official Members not exceeding four representing journalists, Editors of

Newspapers, News agencies, Non-Government Organisations;

[(iv) non-official members not exceeding two other than those falling under item (iii) above. [Inserted by Amendment Act, 1997 (Goa Act No. 1 of 1998)]

(c) the time and place of the meeting of the Council shall be as the Chairman may decide and it shall observe such procedure as may be laid down by the council to transact its business.

(3) The object of the State Council shall be to promote right to information in the State and it shall deal with all matters related to right to information such as-

(a) review the operation of the Act and 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 the Act, and

(d) to advise the Government on all matters related to right to information, including

training, development and orientation of employees to bring in a culture of openness

and transparency.

12. 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 Goa, for the time being in force.

13. 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.

14. Charging Of Fees :-

The Competent Authority shall charge fees for supply of information which shall not exceed the cost of processing and making available of information.