

RAJASTHAN RIGHT TO INFORMATION ACT, 2000

13 of 2000

[11th May, 2000]

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An Act to provide for Right to Information to the citizens about the affairs of the State and public bodies. BE it enacted by the Rajasthan State Legislature in the Fifty-first Year of the Republic of India as follows:—

1. Short title, extent and commencement :-

(1) This Act may be called the Rajasthan Right to Information Act, 2000. (2) It shall extend to the whole of the State of Rajasthan. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires— (i) "Controlling Officer" means the immediate superior officer above the incharge of office, who supervises and controls the work of incharge of office or

such officer as may, from time to time, be specified as such by the State Government for the purposes of this Act; (ii) "District Level Officer" means an officer of functionary of the State Government or a public body having jurisdiction over a District in the State or as may, from time to time, be specified as such by the State Government for the purposes of this Act; (iii) "Incharge of the Office" means an office/ functionary of the department of the State Government or a public body, who is in actual control of any office of the State Government or public body, as the case may be, or such officer/functionary as may from time to time be specified as such by the State Government for the purposes of this Act; (iv) "Incharge" means any material or information relating to the affairs of the State or a public body; (v) "Public Body" shall include— (a) offices of all local bodies and other authorities constituted under any enactment of the Rajasthan State Legislature for the time being in force; or (b) any other statutory authority constituted by the State Government under any law for the time being in force; or (c) a Government Company/corporation incorporated under the Companies Act 1956 (Central Act No. 1 of 1956) in which not less than fifty one percent of the paid up share capital is held by the State Government or a trust established by the State Government under any law for the time being in force and controlled by it; or (d) a Society or a Co-operative Society or any other organisation established under any law for the time-being in force, by the State Government and directly controlled or funded by it or (e) any other body, which may be receiving substantial financial assistance from the State Government, as may be specified by notification in the Official Gazette for the purposes of this Act; (vi) "Right to Information" means the right to access to information relating to the affairs of the State or public bodies by means of— (a) obtaining certified copies of documents or records, or (b) inspection of accessible records and taking notes and extracts, or (c) inspection of public works, or (d) taking of samples of material from public works; and (vii) "Vigilance Committee" means District Public Grievances-cum-Vigilance Committee constituted by the State Government vide Order No. F. 33 (32)/AR/Gr. 1/77, dated 17 December 1977 or as may be reconstituted or constituted by the State Government from time to time.

3. Right to Information :-

Subject to the provisions of this Act, every citizen shall have right to obtain information from the incharge of office and such incharge

shall be liable to provide information under and in accordance with the provisions of this Act.

4. Procedure for supply of Information :-

(1) Any person seeking information shall make an application to the Incharge of the office giving particulars of the matter relating to which information is sought. (2) Upon receipt of an application under sub-section (1), the Incharge of the office shall consider it and if the information is such which can be provided and do not fall within the categories specified under section 5, the Incharge of office shall provide the information within thirty days of the receipt of application under sub-section (1). (3) Where the information sought by the applicant falls under the restricted categories specified under section 5, the Incharge of the office shall refuse to provide information and shall communicate his decision to the applicant within thirty days from the date of receipt of application under sub-section (1). (4) The information sought may be made available in the form it is available by copying or photocopying the same. (5) The information may be sought from and may be furnished by the Incharge of the office where from the information has originated or where any record is normally maintained or deposited.

5. Restrictions on Right to Information :-

The Incharge of the office may, for reasons to be recorded in writing, withhold— (i) information, the disclosure or contents of which will prejudicially affect the sovereignty and integrity of India, security of the State, conduct of international relations, including information received in confidence from foreign Government, their agencies or international organisations; (ii) information, the disclosure of which would prejudicially affect the conduct of Centre-State relations, including information exchanged in confidence between the Central and State Government or any of their authorities/agencies; (iii) information whose disclosure would harm the frankness and condour of internal discussions, including Cabinet papers, inter-departmental/inter-departmental notes, correspondence and papers containing advice, opinions etc as also of projections and assumptions relating to internal policy analysis; (iv) information, the disclosure of which— (a) would prejudicially affect the enforcement of any law including detection, prevention, investigation or suppression of crime or contravention of any law or the apprehending of offenders and the operations of any intelligence organisations; (b) 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; (c) would prejudicially affect fair trial or adjudication of a pending case or the proceedings of any tribunal, public inquiry; (d) would reveal the existence or identity of a confidential record or source of information; or would prejudice future supply of information relating to violation or contravention of any law; (e) may help or facilitate escape of any person from legal custody or affect his present security; (v) information the disclosure of which would prejudicially affect the Government's ability to manage the economy or the legitimate economic and commercial interests of a public authority; or would cause unfair gain or loss to any individual or organisation; (vi) personal information, the disclosure of which has no relationship to any public activity or which would cause unwarranted invasion of the privacy of an individual; (vii) information held in consequence of having been supplied in confidence by a person who— (a) gave the information under a guarantee that its confidentiality would be protected; or (b) was not under any legal obligation, whether actual or implied, to supply, and has not consented to its disclosure; (viii) information whose release would constitute a breach or privilege of Parliament/State Legislative Assembly, or would amount to violation of an order of a Competent Court; (ix) the record and information referred to in section 123 and 124 of the Indian Evidence Act, 1872 and claimed privileged; (x) information on the following grounds also— (a) that the request is too general or is of such a nature that, having regard to the volume of information required to be retrieved or processed for fulfilling it, it would involve disproportionate diversion of the resources of a public authority or would adversely interfere with the functioning of such authority: Provided that, where access is being refused on the ground that the request is too general, it would be duty of the incharge of office concerned to render help, as far as possible, to the persons seeking information to re-frames his request in such a manner as may facilitate supply of information; (b) that the request related to information that is required by law or convention to be published at a particular time, or (c) that the request relates to information that is contained in published material for sale.

6. First appeal :-

(1) Any person aggrieved by the order of the Incharge of the Office or any person, who has not received required information within

the time stipulated under section 4, may appeal to the Controlling Officer. Provided that no order adversely affecting the person making appeal shall be passed unless an opportunity of being heard is afforded to him. (2) Every appeal shall be heard and decided expeditiously and by all means be disposed of within thirty days from the date of presentation of appeal. (3) The appeal shall be accompanied with the proof of fee deposited or tendered in the manner provided in accordance with section 8.

7. Second appeal :-

(1) Any person aggrieved by the order of— (i) the Controlling Officer who is not above the rank of a District Level Officer, may appeal to the Vigilance Committee of the concerned District; (ii) the Controlling Officer other than those specified in clause (i) may appeal to the Rajasthan Civil Services Appellate Tribunal constituted under section 3 of the Rajasthan Civil Services (Service Matters Appellate Tribunals) Act, 1976 (Act No.34 of 1976): Provided that no order adversely affecting the person making the appeal shall be passed unless an opportunity of being heard is afforded to him. (2) Every appeal shall be heard and decided expeditiously and by all means disposed of within thirty days from the date of presentation of the appeal. (3) The appeal shall be accompanied with the proof of fee deposited or tendered in the manner provided in accordance with section 8.

8. Fee :-

(1) The request for seeking information under this Act shall be accompanied by a proof of payment of such fee as may be prescribed for furnishing of information. (2) If requisite fee as prescribed under sub-section (1) is not paid for the required information, the information as sought under section 4 may not be made available. (3) The appeal shall be accompanied with such fee, and be deposited and tendered in such manner, as may be prescribed.

9. Obligation of the Incharge of Office :-

(1) Every Incharge of the office shall have a duty to maintain all records in accordance with the procedure laid down under relevant law or Departmental manuals. (2) While maintaining the records proper indexing, listing, numbering and paging of records shall be done and the same may be kept ready for access to information, subject to the provisions of this Act, to any citizen requesting for such access. (3) Any person responsible for providing any

information under this Act shall be personally liable for furnishing information within the period specified under this Act.

10. Penalties :-

Where any person responsible for making available information under this Act, fails without any reasonable cause to furnish information sought by any citizen under the provisions of this Act within the time specified or furnishes any information which is false with regard to any material particulars and which he knows and has reasonable cause to believe it 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.

11. Bar to the legal proceedings :-

No legal proceedings shall be instituted for enforcing the right to information without first exhausting the remedies provided under this Act.

12. Protection of action taken in good faith :-

No suit, prosecution or legal proceedings shall lie against any person for any thing done or intended to be done in good faith in pursuance to the provisions of this Act or rules made there under.

12A. Suo-motto exhibition/exposure of information :-

The State Government and public bodies may suo-motto exhibit or expose such information, from time to time, as it may consider appropriate in public interest, in the manner as may be prescribed.

13. Power to make rules :-

(1) The State Government may make rules for carrying out the purposes of this Act. (2) All rules made under this Act shall be laid, as soon as may be after they are made, before the House of the State Legislature while it is in session, for a period of not less than fourteen days, which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any such rules, or resolves that any such rule should not be made, such rules 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 thereunder.

