



The Karnataka Right to Information Act, 2000

Act 28 of 2000

Keyword(s):

Competent Authority, Information, Public Authority, Right to Information, Record, Trade Secret

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THE KARNATAKA RIGHT TO INFORMATION ACT, 2000

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STATEMENT OF OBJECTS AND REASONS

Act 28 of 2000.- 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 Legislative Council was not in session, the Karnataka Right to Information Ordinance 2000. (Karnataka Ordinance No.9 of 2000) was promulgated to achieve the object.

Hence the Bill.

(Obtained from L.A. Bill No. 2 of 2000)

KARNATAKA ACT NO. 28 OF 2000

*(First Published in the Karnataka Gazette Extraordinary on the thirteenth day of
December, 2000)*

THE KARNATAKA RIGHT TO INFORMATION ACT, 2000

(Received the assent of the Governor on the tenth day of December, 2000)

An Act to provide for right of access to information to the citizens of the State and in relation to the matters connected therewith or incidental thereto.

WHEREAS, right to Government held information is accepted by the Supreme Court as a part of right to speech and expression guaranteed to citizens in the Constitution;

AND WHEREAS providing right of access to information to the citizens of the State promotes openness, transparency and accountability in administration and ensures effective participation of people in the administration and thus makes democracy meaningful;

AND WHEREAS it is expedient to provide for right of access to information to the citizens of the State and in relation to the matters connected therewith or incidental thereto and for the purposes hereinafter appearing;

BE it enacted by the Karnataka State Legislature in the fiftyfirst year of the Republic of India as follows:-

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 ¹[date]¹, as the State Government may, by notification, appoint and different dates may be appointed for different provisions of this Act.

Sections 1 and 12 brought into force w.e.f. 12.10.2001 by notification No. ITY 244 ITC 2000 dt. 12.10.2001 and sections 2 to 11 and section 13 [except section 3(c) and 3(d)]brought into force w.e.f. 18.7.2002 by notification No. DPAR 56 YOMASA 2002(1) dt. 18.7.2002

2. Definitions.- In this Act, unless the context otherwise requires,-

(a) "Competent authority" means head of the office or any officer or person as may be notified by the State Government for the purpose of this Act:

Provided that where the Competent Authority transfers application to any officer or person under the proviso to sub-section (2) of section 5, such officer or person shall be deemed to be the Competent Authority".

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

(c) 'Public authority' means,-

(i) all offices of the State Government including the Karnataka Public Service Commission;

(ii) all local authorities, all authorities constituted by or under any Act of the State Legislature for the time being in force, a company, Corporation, trust, society, any statutory or other authority, Co-operative society or any organisation or body funded, owned or controlled by the State Government. but does not include.-

(i) offices of the Central Government;

- (ii) any establishment of the armed forces or Central Para Military forces;
 - (iii) any body or corporation owned or controlled by the Central Government;
- (d) 'Right to Information' means right of access to information from any public authority,-
- (i) by obtaining certified copies of any records;
 - (ii) by obtaining diskettes, floppies or any other electronic mode or through print-outs where such information is stored in a computer or in any other device;
 - (iii) in such other manner as may be prescribed.
- (e) 'record' includes,-
- (i) any document, manuscript and file;
 - (ii) any microfilm, microfiche and facsimile copy of a document;
 - (iii) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and
 - (iv) any other material produced by a computer or by any other device.
- (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;
- (b) publish at such intervals as may be prescribed,-
 - (i) the particulars of its organisation, functions and duties;
 - (ii) the powers and duties of officers and employees and the procedure followed by them in the decision making process;
 - (iii) the norms setup by the public authority for the discharge of its functions;
 - (iv) the details of facilities available to citizens for obtaining information;
- (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.

(2) Notwithstanding anything contained in sub-section (1), no person shall be given,-

- (a) information, the disclosure of which would prejudicially affect the sovereignty and integrity of India, security of the State, strategic scientific or economic interest of India or conduct of international relations;
- (b) information, the disclosure of which would prejudicially affect public safety and order or which may lead to an incitement to commit an offence or prejudicially affect fair trial or adjudication of a pending case;
- (c) information relating to Cabinet papers including records of the deliberations of the Council of ministers, Secretaries and other Officers:

Provided that information regarding the decisions of the Cabinet alongwith the reasons leading to the decision shall be made available and every Government Order issued on the basis of the Cabinet decision shall be accompanied by a statement explaining the reasons for and the circumstandances under which the decision is taken.

- (d) information the disclosure of which would harm, frankness and candour of internal discussions including inter departmental or intra departmental notes, correspondence and papers containing advice or opinion as also of projections and assumptions relating to internal policy analysis:

Provided that information regarding minutes or records, advice including legal advice, opinion or recommendation made or given in respect of the executive decisions or policy formulations shall be made available after an executive decision is taken or policy formulation is done.

- (e) information the disclosure of which would prejudice the assessment or collection of any tax, cess, duty or fee or assist in avoidance or evasion of the tax, cess, duty or fee.
- (f) information the disclosure of which would constitute a breach of privilege of the Parliament or the State Legislature:

Provided that the Competent Authority shall before withholding information under this clause refer the matter to the Karnataka Legislative Assembly Secretariat or the Karnataka Legislative Council Secretariat, as the case may be for determination of the issues and act according to the advice tendered by the Secretariat:

Provided further that in computing the period of fifteen working days under sub-section (2) of section 5 for the purpose of this clause, the time required for determination of issues under the first proviso shall be excluded.

- (g) information regarding trade or commercial secrets protected by law or information, the disclosure of which would prejudicially affect the legitimate economic and commercial interest or the competitive position of a public authority; or would cause unfair gain or loss to any person;
- (h) information regarding any matter which is likely to,-
 - (i) help or facilitate escape from legal custody or affect prison

security; or

(ii)impede the process of investigation or apprehension or prosecution of offenders.

5. Procedure for supply of information.- (1) A person desirous to obtain information shall make an application to the competent authority in the prescribed manner, along with such fee, in such form and with such particulars, as may be prescribed:

Provided that the fee payable shall not exceed the actual cost of supplying information.

(2) On the receipt of an application requesting for information, the competent authority shall consider it and except for justifiable reasons, pass orders thereon either granting or refusing it, as soon as practicable and in any case within fifteen working days from the date of receipt of the application:

Provided that where the competent authority doesnot have the information, he shall within fifteen days from the date of receipt of application transfer the application to the officer or person with whom such information is available and inform the applicant accordingly and thereafter such officer or person to whom such application is transferred shall furnish information within fifteen working days from the date of receipt of the application from the competent authority.

(3) Where a request is rejected under sub-section (2), the competent authority shall communicate in writing 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. 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,-

(a) is too general in nature and the information sought is of such nature that, it is not required to be ordinarily collected by the public authority:

Provided that where such request is rejected on the aforesaid ground, it shall be the duty of the Competent Authority to render help as far as possible to the person seeking information to reframe the request in such a manner as may facilitate the supply of information;

(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;

(d) relates to 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 except where larger public interest is served by disclosure:

Provided that the information relating to returns of assets and liabilities filed by any Government servant shall be made available to the public.

7. Appeals.- (1) Subject to such rules as may be prescribed, any person,-

(i) aggrieved by an order of the competent authority may, within thirty days from the date of receipt of such order; or

(ii) who has not received any communication within a period of fifteen working days from the date of making application under section 5, may within thirty days next after such period;

appeal to such authority as may be prescribed:

Provided that no appeal shall lie against an order of withholding of information under clause (f) of sub-section (2) of section 4.

(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.

(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 fee payable under section 5;

(b) any other matter which is required to be, or may be, prescribed.

(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 Karnataka 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.

(The above translation of the ಕರ್ನಾಟಕ ಮಾಹಿತಿ ಪಡೆಯಲು ಹಕ್ಕು ಅಧಿನಿಯಮ, ೨೦೦೦ (೨೦೦೦ದ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ. ೨೮) was published in the official Gazette (Extraordinary) dated 7.2.2001 as No. 303 (Note: DPAL 47 Shasana 2000 dated 7.2.2001) under clause (3) of Article 348 of the Constitution of India.)

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ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ವಾಪ್ರಯು 244 ವಾಪ್ರಸಿ 2000, ಬೆಂಗಳೂರು-1

ದಿನಾಂಕ 12ನೇ ಅಕ್ಟೋಬರ್ 2001

ಕರ್ನಾಟಕ ಮಾಹಿತಿ ಪಡೆಯಲು ಹಕ್ಕು ಅಧಿನಿಯಮ 2000ದ (2000ದ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 28)ರ 1ನೇ ಪ್ರಕರಣದ (2) ನೇ ಉಪಪ್ರಕರಣದ ಮೂಲಕ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸಿ, ಕರ್ನಾಟಕ ಸರ್ಕಾರವು 2001ನೇ ಅಕ್ಟೋಬರ್ ಹನ್ನೆರಡನೇ ದಿನವನ್ನು ಸದರಿ ಅಧಿನಿಯಮದ 1 ಮತ್ತು 12ನೇ ಪ್ರಕರಣದ ಉಪಬಂಧಗಳು ಜಾರಿಗೆ ಬರತಕ್ಕ ದಿನಾಂಕವೆಂಬುದಾಗಿ ಈ ಮೂಲಕ ಗೊತ್ತುಪಡಿಸುತ್ತದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆಜ್ಞಾನುಸಾರ ಮತ್ತು ಅವರ
ಹೆಸರಿನಲ್ಲಿ,

ಕೆ. ವಿ. ಪ್ರಸಾದ್,

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ-೧,

ವಾರ್ತಾ, ಪ್ರವಾಸೋದ್ಯಮ ಹಾಗೂ ಯುವಜನಸೇವಾ ಇಲಾಖೆ.

* * *

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಿಆಸುಇ: ಜಿ: ಯೋಮಸ: ೨೦೦೨(೧), ಬೆಂಗಳೂರು,

ದಿನಾಂಕ ೧೮ನೇ ಜುಲೈ ೨೦೦೨

ಕರ್ನಾಟಕ ಮಾಹಿತಿ ಪಡೆಯಲು ಹಕ್ಕು ಅಧಿನಿಯಮ ೨೦೦೦ದ (೨೦೦೦ದ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ೨೮)ರ ೧ನೇ ಪ್ರಕರಣದ(೨)ನೇ ಉಪಪ್ರಕರಣದ ಮೂಲಕ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸಿ, ಕರ್ನಾಟಕ ಸರ್ಕಾರವು ಸದರಿ ಅಧಿನಿಯಮದ ಪ್ರಕರಣ ೩ರ ಖಂಡ (ಸಿ) ಮತ್ತು (ಡಿ)ಯ ಉಪಬಂಧಗಳನ್ನು ಹೊರತುಪಡಿಸಿ ಪ್ರಕರಣ ೨ ರಿಂದ ೧೧ ಮತ್ತು

೧೩ನೇ ಪ್ರಕರಣದ ಉಪಬಂಧಗಳು ಸದರಿ ಅಧಿಸೂಚನೆಯನ್ನು ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಪ್ರಕಟಿಸಿದ ದಿನಾಂಕದಿಂದ ಜಾರಿಗೆ ಬರತಕ್ಕದ್ದೆಂದು ಈ ಮೂಲಕ ಗೊತ್ತುಪಡಿಸುತ್ತದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆಜ್ಞಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಎಂ.ಸಿ. ಪೂಣಚ್ಚ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಿಬ್ಬಂದಿ ಮತ್ತು ಆಡಳಿತ ಸುಧಾರಣಾ ಇಲಾಖೆ

(ಸಾರ್ವಜನಿಕ ಕುಂದುಕೊರತೆಗಳ ನಿವಾರಣಾ ಸಂಸ್ಥೆ)