

The Jharkhand Right to Information Bill 2001

An Act

*to provide for Right of information to the
citizen about the affairs of the State and
public bodies*

*Be it enacted by the Jharkhand State
Legislature in the Fifty-Second year of
Republic of India as follows*

SHORT TITLE, EXTENT AND COMMENCEMENT :-

- 1) This Act may be called the Jharkhand Right to Information Act 2001.
- 2) It shall extend to the whole of the State of Jharkhand.
- 3) It shall come into force on such dates as the State Government may by notification in the official gazette, appoint, which shall not be later than 6 months from the date of passing of the Act.

Definitions :-

- a) "Competent Authority" – (See appendix) means any authority or officer notified by the Govt. for the purpose of the Act.
- b) "Government" means Government of Jharkhand.
- c) "Information" means any material, document or record relating to the affairs, administration or decisions of the State or Local Body or Statutory Authority or a Company, Corporation, Trust, Firm, Society or a Co-operative Society or Non Governmental Organisation (NGO). The expression company, Corporation, Trust, Firm, Society and Co-operative Society shall have the same meaning as assigned to them in the respective Act under which they are registered.
- d) "Right to Information" means the right to access to information and includes the inspection of works, taking notes and extracts, obtaining certified copies of documents or records or taking samples of material.
- e) "documents"
- f) "records" includes
 - i. any document, manuscript and file,
 - ii. any microfilm, microfiche and facsimile copy of document
 - iii. any reproduction of image embodied in such microfilm (whether enlarged or not) and
 - iv. any other material produced by a computer or by any other device.
- g) "Officer" means any person officer or employee nominated for the purpose this Act by the Government.
- h) Third party-means a person or organization other than a person making a request for access to information and a competent authority.

RIGHT TO INFORMATION

Subject to the provisions of this Act every citizen shall have right to obtain information from a competent authority.

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/she seeks informations.
Provided that where a person cannot for valid reasons, make ; a request in writing, the Competent Authority may either accept 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 order there on refusing the request as soon as practicable and in any case, within thirty 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, Hindi or in the official language.

CHARGING OF FEES

The Competent Authority shall have a right to charge fees for the supply of any document subject to the condition that such fees shall not exceed the cost of making and supplying the documents.

Provided that the fees may be waived where the disclosure of information can be said to be in the larger public interest.

EXEMPTION FROM DISCLOSURE OF INFORMATION

Information covered by any of the following categories shall be exempted from disclosure under the provisions of this Act.

- i. Information disclosure of which would prejudicially affect the sovereignty and integrity of India, security of the State, conduct of International relation, including information received in confidence from foreign Government, their agencies or international organizations.
- ii. Informations disclosure of which would prejudicially affect the conduct of Centre State relations; including informations exchanged in confidence between the Central and State Governments or any of their authorities/agencies.
- iii. Information, the disclosure of which would prejudicially affect the forcement of any law including detection, prevention, investigation of crime or contravention of any law.
- iv. Information in the nature of trade or commercial secrets or any information having a commercial value which is likely to be prejudicially affect the competitive position of a third party.
Provided that, excepting in the nature of trade or commercial secrets protected by law, disclosure may be allowed if public interest in such disclosure out weighs in importance any possible harm or injury to the interest of any such third party.
- v. 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.
- vi. Information the disclosure of which may result in the breach of Parliament or Legislative Assembly Privileges or would amount to violation of an order of a competent Court. Provided that information which cannot be denied to the State Legislative shall not be denied to any person.

OBLIGATION ON COMPETENT AUTHORITY

Each competent authority shall publish periodically, and keep updated information indicating

- a) particulars of its organization, functions and responsibilities.
- b) description of its decision making processes in terms of procedure and powers and responsibilities of its officers and employees.
- c) classes of records under its control including the rules regulations, instructions and list of manuals etc.
- d) the facilities provided for access to information and
- e) the name designation and other relevant particulars of the officer to whom requests for information may be addressed.
- f) it shall be mandatory for each custodial establishment such as a police lock-up, jail, mental asylum, remand house, womens home, beggars home, etc. to appoint a visitors committee comprising independent citizens which shall have full access to them at all hours of the day and night and to their records and inmates.

STATE COUNCIL FOR RIGHT TO INFORMATION

- 1) The Government shall by notification in the official gazette, appoint establish with effect from such day as may be specified in the notification a council to be known as State Council for Right to Information.
- 2) The State Council must consist of the following members :-
 - a) The speaker of the Legislative Assembly, who shall be its Chairman, and
 - b) such other official and non-official members drawn from different disciplines such as Law, Education, Science & Technology, Media, Social Activists and Business.
 - 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 Council, shall be to promote right to information in the State and it shall deal with all matters related to information such as :
 - a) review the operation of the Act and rules made thereunder
 - b) review 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 or 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.

APPEAL

- 1) Any person aggrieved by decision of the competent authority/officers, may, within thirty days of receipt of such decision, prefer an appeal to such authority as may be prescribed.
- 2) A second appeal against the decision under sub-section(1) shall lie within thirty days of such decision to the state council for Right to Information.
provided that such Authority/Council may entertain the appeal after the expiry of the said period of thirty day if it is satisfied that the appellant was prevented by sufficient cause from filling the appeal in time.

- 3) The appeal referred in sub-section (1) or (2) shall be disposed off within thirty days of the receipt of such appeal or within such extended period as the case may be for reasons to be recorded in writing.

PROTECTION OF ACTION TAKEN IN GOOD HEALTH

No suit, prosecution or the legal proceedings shall lie against any person for anything, which is in good faith done or intended to be done under this Act or any rule made there under.

THIRD PARTY INTERVENTION

Where the competent authority intends to disclose information which relates to, or has been supplied by a Third Party and has consistently been treated as confidential by such Third Party, a notice may be given to it of the intended disclosure inviting it to make a representation against the intended disclosure, within 14 days of such notice.

The competent authority shall take such representations, if any made, into consideration while taking decision on the request for information in question.

Provided that excepting in the cases of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interest of such third party.

THE ACT TO HAVE OVERRIDING EFFECTS

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other Law for the time being in force.