MAHARASHTRA RIGHT TO INFORMATION ACT – 2000

Maharashtra Act No. XXXVIII of 2000

(First published after having received the assent of the Governor in the “Maharashtra Government Gazette” on the 11th August, 2000)

An act to make provision for effectively securing and enforcing the right to information in the state of Maharashtra and for matters connected therewith or incidental thereto; it is hereby enacted in the fifty-one year of the Republic of India as follows:

1) Short title extent and commencement:

This act may be called the Maharashtra Right to Information Act, 2000.

It shall be demand to have come into force after the declaration in Government Gazette.

2) Definitions:

1) “Competent Authority” means the administrative heads of the public authorities in the state, not below the rank of Deputy Collector.

2) “Government” means the Government of Maharashtra.

3) “Information” means information relating to the matter in respect of the local affairs and of the public authority such as
company, registered societies and includes a copy of any record in the form of document.

3) **Right to Information:**

1) Subject to the provisions of this act, every citizen shall have the right to get information.

2) Exemption from disclosure of information - Notwithstanding anything contained in this act, no person shall be given the
   a) Information which would prejudicially affect the security of nation.
   b) Information, disclosure of which would prejudicially affect the sovereignty and integrity of India; the security or interests of the state.
   c) Information, disclosure of which would affect the relation and transaction with foreign state.
   d) Information received in confidence from foreign government foreign courts or International organization.
   e) Information, disclosure of which would affect clarity in internal discussions includes -
      a) provisions of central executive authority
      b) ideal model of internal plans, additional plans or neglected plans.
      c) Secret discussions between representatives.
      d) Information received in confidence from ministers and governors.
g) Information, which has been expressly forbidden to be published by any courts of law or the disclosure of which may constitute contempt of court.

h) Information which would impede the process of investigation, apprehension or prosecution of offenders.

i) Information the disclosure of which would endanger the life or physical safety of any person or identity the source of information or assistance given in confidence for law enforcement or security purposes.

j) Information the disclosure of which would endanger the person working at rare places, environment and space.

k) Information which would help in avoiding tax and payments.

l) Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party.

m) Documents under sections 123 & 123 of Indian Evidence Act.

n) Information the disclosure of which would cause a breach of privilege of Parliament or Legislature.

o) Information restricted according to the view of disclosure by law, rules or international agreement.

p) Information 1) which helps the accused in his offence 2) which helps in release of offender from custody 3) which will injurious from inquiry of an offender/accused.

4) Procedure of getting information:-

1) A person desirous of obtaining information shall make an application to the competent authority.
2) On receipt of an application requesting for information under sub-section (1), the competent authority send on application to that department and inform to the applicant about this and as expeditiously as possible and in any case, not later than thirty working days from the date of receipt of the application.

3) An application mentioned under sub-section (2) and department and competent authority means that department and Head of that department.

4) On receipt of application, competent authority follows the provision mentioned below:

   1) an information demanded by applicant if available must inform to the applicant within thirty working days.
   2) Provided that the request if rejected under sub-section
   3) Must inform with reason for rejection
   4) Provided that where it is decided to provide the information on payment of any additional fees if competent authority not in a position to supply information due to other work send written apology to the applicant and supply information which is available.

5) Appeals - 1) Any party

       a) give written complaint if any competent authority fails to inform within 30 working days after application under sub-section (1) of section4.
6) **Imposition of fee:** The competent authority may impose prescribed fee which will not exceed the actual cost of supplying the information.

7) **Protection of action taken in good faith:** No suit, prosecution or other legal proceeding shall lie against the competent authority for anything done or purported to have been done in good faith in pursuance of the provisions of this act or the rules made there under.

8) **Power to remove difficulties:** If any difficulty arises in giving effect to the provisions of this act, the Government may, as occasion arises by an order published in the official Gazette do anything, nor inconsistent with the provisions of this act, which appears to it to be necessary or expedient for removing the difficulty.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this act.

9) **Power to make rules:** 1) The State Government may, by notification in the official Gazette, made rules to carry out the purpose of this act. 2) Every rule made under this act shall be laid as soon as may be, after it made, before each House which may be comprised in one session or in two or more successive sessions, within thirty days.
and if before the expiry of session in which it is so laid or the session immediately following, both Houses agree in making any modification in rule or both Houses agree that the rule should not be made and notify their decision to the effect in the official Gazette, that such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.