RIGHT TO INFORMATION RULES 2006

NOTIFICATION
Government of Bihar
Personnel & Administrative Reforms Department

NOTIFICATION

Patna-15, dated 28.6.06

No.8/Su.A.15-02/2006-Ka-6161 In exercise of the powers conferred by section 27 of the Right to Information Act, 2005 (Central Act.22 of 2005) the Government of Bihar hereby makes the following Rules, for implementation of the provisions of the said Act, namely:-

1. Short title extent and commencement:- (1) These Rules may be called the Bihar Right to Information Rules, 2006.
   (2) These Rules extends to the whole State of Bihar.
   (3) It shall come into force with immediate effect.

2. Definition:- (1) In these Rules, unless the context otherwise requires,-
   (a) 'Act' means the Right to Information Act, 2005 (Central Act. No. 22 of 2005);
   (b) 'Commission' means the State Information Commission constituted under section 15 of the Act;
   (c) 'Form' means form appended to these Rules;
   (d) 'Fees' means rates determined under Schedule-I of these Rules, which may be redetermined by the State Government by a separate notification from time to time;
   (e) "Public Information Officer" means State Public Information Officer as designated under sub-section (1) of section (5) of the Act and includes State Assistant Public Information Officer as designated under sub-section (2) of section (5) of the Act;
   (f) "State Government" means the Government of Bihar.

(2) The words and expressions used but not defined in these Rules shall have the meaning assigned to them in the Act.

3. Application for obtaining Information:- (1) A person who desires to obtain information shall make an application in Form 'A' accompanied with the prescribed fees, or through the e-medium to the Public Information Officer. The receipt of the application shall be given to the
applicant in Form 'B'. The fees may be paid in cash wherever facility for cash receipt is available. Otherwise by Demand Draft or by Pay order or in the form of non-judicial stamp.

(2) (i) The applicant shall be required to pay the application fees and charges as determined by the State Government:

Provided that a person applying through the e-medium shall have to pay the fees within seven days from the date of application, failing which the application shall be deemed to be withdrawn.

(ii) The Public Information Officer shall inform the applicant in Form 'C' regarding other fees and charges to be paid as determined by the Government:

Provided that no fees and charges shall be payable by a person belonging to the Below Poverty Line families provided that such person encloses with the application, a certified copy of the Below Poverty Line Card or a certificate issued in that behalf by the District Magistrate of the concerned district or sub-divisional officer of the concerned subdivision.

(iii) The amount received as charges and fees shall be deposited in the receipt Head prescribed by the Finance Department.

4. Disposal of the application.- (1) The Public Information Officer shall be required to provide the information sought for, to the applicant within thirty days of the receipt of the request in Form 'D' or inform the applicant about rejection of application in Form 'F' taking into consideration the provisions of sections 8 and 9 of the Act:

Provided that the applicant shall be given reasons for not giving the information which is exempted from disclosure under section 8 or under section 9 of the Act.

Provided further that where the information sought for concerns the life or liberty of a person, the Public Information Officer shall be required to provide such information within forty-eight hours of the receipt of such request or application.

(2) In case where the information sought for, does not fall within the jurisdiction of the Public Information Officer to whom the application is made, he shall transfer such application in Form 'E' to the concerned Public Authority/Public Information Officer within five days of the receipt of the application and inform the applicant immediately about such transfer.
5. **Rates of fees.** - The rates of fees and other charges for obtaining required information and documents shall be such as determined under Schedule-1. The State Government may from time to time redetermine the fees and charges by amendment in Schedule-1 through a notification published in the office Gazette.

6. **Appeal.** - (1) Any person aggrieved by a decision of the Public Information Officer in **Form D** or in **Form F**, or does not receive any decision, as the case may be, may prefer an appeal in **Form G** within thirty days from the date of receipt or non-receipt of such decision, to the appellate authority appointed by the State Government in this behalf.

(2) The applicant aggrieved by an order of the appellate authority under sub-rule (1) may prefer the second appeal to the Commission within ninety days from the date of the receipt of the order of the appellate authority giving following details:

(i) Name and address of the applicant;

(ii) Name and office address of the Public Information Officer;

(iii) Number, date and details of the order against which the Second Appeal is filed;

(iv) Brief facts leading to Second Appeal;

(v) Grounds for Appeal;

(vi) Verification by the appellant;

(vii) Any information which commission may deem necessary for deciding the appeal.

(3) Every appeal made to the Commission shall be accompanied by the following documents:

(i) Certified copy of the Order against which second appeal is preferred.

(ii) Copies of documents referred to and relied upon by the appellant along with a list thereof.

(4) While deciding appeal the Commission may.-

(i) take oral or written evidence on oath or on affidavit;

(ii) evaluate the record;

(iii) inquire through the authorized officer further details or truthfulness:

(iv) summon the Public Information Officer or the appellate authority who has heard the first appeal;

(v) hear the third party; and
(vi) obtain necessary evidence from the Public Information Officer or the appellate authority who has heard the first appeal.

(5) The Commission shall serve the notice in anyone of the following modes,-
(i) service by the party itself;
(ii) by hand delivery after taking receipt;
(iii) by registered post with acknowledgement due; or
(iv) through the Head of the Department or its subordinate office.

(6) The Commission shall after hearing the parties to the appeal, pronounce in open proceedings its decision and issue a written order which shall be authenticated by the registrar or such officer as may be authorized by the Commission in this behalf.

7. Maintenance of records.- (1) The Public Information Officer shall maintain the records in respect of the applications received for information and the fees collected for giving the information.
(2) The Departmental Appellate Authority will maintain the records in respect of all appeals received and disposed of.
(3) The Commission shall maintain the records regarding all appeal received and disposed of.

8. Miscellaneous.- The 'forms', as prescribed under these Rules, need not be in authorized pre-printed stationery, but in any format neatly typed, handwritten or in electronic form, containing essential details prescribed in the form.

By the order of Governor of Bihar,

(Kumar Anshumali)
Deputy Secretary to Govt.

Copy forwarded to- The Superintendent, Government Press, Gulzarbagh, Patna for publication in Extra ordinary issue of Bihar Gazette and send its 1000 (One thousand) printed copies in this Department.

Deputy Secretary to Govt.

Copy forwarded to- Secretary to Chief Minister, Bihar, Patna/ Private Secretary to Dy. Chief Minister, Bihar, Patna / Chief Secretary, Bihar, Patna, Secretary, Bihar Legislative Assembly/Legislative Council, Patna/ All Departments / All Heads of the Departments/All Divisional Commissioners / All District Magistrates for information & necessary action.

Deputy Secretary to Govt.
FORM A
(See rule 3(1))
Application form for obtaining Information
I.D. No.
(For office use)

To
The Public Information Officer
(Department/Office)

1. Name of the applicant
2. Full Address
3. Particulars of Information required (in brief):

4. I, hereby, state that the information sought is not covered under the categories which are exempted from disclosure of information under section 8 or under section 9 of the Right to Information Act, 2005 and to the best of my knowledge, it is pertaining to your Department/office.

5. *(1) I have paid the fees Rs. ----------------- in words rupees
on dt.----------------------------
vide receipt no.------------------ in the Department/office of
----------------------------------

*(2) I enclose herewith Demand draft/Pay order No.------------------ Dt.----------------
drawn in favour of------------------ Officer,
issued by------------------ Bank towards the fees payable.

*(3) Non-judicial stamp of Rs.------------------ is affixed on this application.

*(4) I belong to B.P.L. family. Xerox copy of my card/required Certificate is enclosed herewith.

Place :
Date :

Signature of the applicant :
e-mail address, if any :
Telephone No. (Office) :
(Residence) :
Full address of correspondence :

N.B. Person belonging to B.P.L. family need not pay any type of fees.

* Strike out whichever is not applicable.
FORM B
(See rule 3(1))
Receipt of any application

From:
The Public Information Officer
(Department/office)

I.D. No.-----------------Date:--------------

1. Received the application dated----------------- in Form A prescribed under sub-rule (1) of rule 3 of the Right to Information Rules, 2006 from Shri/Smt./Kum.----------------- , resident of------------------

2. The information shall be provided within thirty days. In any case, if it is found that it is not possible to give the required information, a letter showing reasons thereof or rejecting the request shall be issued.

3. The applicant may contact the undersigned during 11.00 a.m. to 1.00 p.m. on dt.----------------- (here mention the date not later than thirty days from the date of the receipt of an application).

4. In case of failure to remain present on the stipulated date by the applicant, the Public Information Officer shall not be held responsible for delay in providing information.

5. The applicant shall be required to deposit the outstanding amount of fees or charges, if any, prior to collection of the information or the documents

Public Information Officer :
Name of the Department/Office :
Telephone No. :
e-mail :
Website :
FORM C
(See rule 3(2))
Intimation to applicant to deposit fee and charges for required information and/or documents

To
Shri/Smt./Kum.__________________________
Address: ________________________________

Sir,

With reference to your request/application dt.___________(I.D. No._________dtd. ____________). I am to state that you are required to deposit Rs.__________________
(in words Rupees____________________ only) for required information and documents sought for. It is requested to obtain the copies of the required information/documents after depositing the amount in this Department/office.

(1) Total No. of pages__________x Rs. 2 per page Rs.
A3, A4 size
(2) Total No. of Large size pages______________________ Rs.
(except A3, A4 size) x Rs. 3 per page
(3) Photo______________________x Rs. 10 per photo Rs.
(4) Floppy/CD charges______________________x Rs 50 per piece Rs.
(5) Charges for inspection of record Rs.
(6) Charges for sample/Model Rs.

Total Rs.

________________________
Yours faithfully,

(_____________________
Public Information Officer :
Name of the Department/Office :
Telephone No. :
e-mail :
Website :
FORM D
(See rule 4(1))
Supply of information to the applicant

From:
The Public Information Officer
(Department/Office)
No: ___________________________ Date : ___________________________
To: ___________________________
Shri/Smt./Kum. ___________________________
Address: ___________________________

Sir,
This is with reference to your application dated: ___________________________ (I.D. No. ___________________________ date ___________________________) requesting for supply of information.

2. Details of required information is enclosed herewith.
3. Out of the required information sought for/ the partial information is supplied as under:

1. ___________________________
2. ___________________________
3. ___________________________
4. ___________________________

(4). With reference to your request for supplying information, the following information/documents cannot be supplied for the following reasons:

1. ___________________________
2. ___________________________
3. ___________________________
4. ___________________________

5. If you are aggrieved by the above decision, you may prefer an appeal to ___________________________ within thirty days from the date of receipt of the decision.

6. The information has been given to you on the basis of your belonging to the BPL family and you cannot use this facts anywhere in proving yourself of BPL family and this cannot be used in other objectives.

Yours faithfully,

N.B.: Pl. specify, Name/Address of the appellate Authority

(__________________________________________)
Public Information Officer:
Name of the Department / Office:
Telephone No.:
e-mail :
Website:

Strike out whichever is not applicable.
FORM E
(See rule 4(2))

Transfer of application pertaining to other authority

From:
Public Information Officer
____________Department/Office
Address:

No: ___________________ Dt. ___________________

To
Shri/Smt.
(Public Information Officer)
____________Department/Office
Address:

Sir,

Please find enclosed herewith an application from Shri____________________ dt. ___________________ (I.D. No.______________), for the reasons stated below:

Required information does not fall within the jurisdiction of this Department office. As it falls within the jurisdiction of your Department/office, the same is transferred herewith to you for further necessary action.

It is certified that the applicant has paid Rs.________________________ (Rupees ______________ only) on account of fees/charges for obtaining required information, which has been credited in the Government treasury/account.

Yours faithfully,

(________________________
Public Information Officer:
Name of the Department/Office:
Telephone No.:
e-mail:
Website:

Copy to:
To
Shri/Smt./Kum._____________________
(Applicant)

As your application pertaining to required information doesn't fall within the jurisdiction of this Department/office, it has been transferred to the Public Information Officer having jurisdiction. You are requested to contact the Public Information Officer mentioned above.

Public Information Officer
FORM F
(See rule 4(1))
Order of rejection of Information

From:
Public Information Officer
_____________Department/Office

Address:

No.:________________________Dt.:________________________

To
Shri/Smt./Kum.________________________
Address:

Sir,

With reference to your application dated:_____________I.D. No._____________
requesting for supplying information I am to state that________________________

1. The information requested cannot be provided for the following reasons:

The information requested falls within the exempted categories under sub-
rule (.....................) of section 8 or under section 9 of the Act.

2. If you are aggrieved by the above decision, you may prefer an appeal to *——
——within thirty days from the date of receipt of the decision.

N.B.: Pl. specify,
Name/Address of the
Appellate Authority

Yours faithfully,

(________________________)
Public Information Officer:
Name of the Department Office;
Telephone No.:
e-mail:
Website:
FORM G
(See rule 6(1))
Form of First Appeal

I.D. No.
Date:
(For office use)

To
The Appellate Authority
(Department/office)———

Sir,

As I have not received any decision/ As I am aggrieved by the decision of the Public Information Officer———, I, hereby file this appeal. The particulars of my application is as under:

1. Name of the Appellant:
2. Address of Appellant:
3. (A) Name of the Public Information Officer:
   Address of Public Information Officer:
   (B) Department/office and address:
   (C) Particulars of the decision against which the appeal is preferred including the No. & Date of such decision.
4. Date of application submitted in the Form A:
5. Details of Information:
   (1) Information asked for
   (2) Period for which information is sought
6. Date as on completion of thirty days after submitting application in Form A.
7. Reasons for Appeal———
   (A) No decision is received within thirty days of submission of application in Form A.
   (B) Aggrieved by the decision of Public Information Officer Dated:
9. Last date for filing the appeal:
10. Prayer/reliefs sought for:
    I hereby state that the information and particulars given above are true to the best of my knowledge and belief.

Place: 
Date:

Name of appellant
Signature of appellant:

12
Full Address of correspondence:
e-mail address, if any:
Telephone No.(Office):
Residence:

Acknowledgement

From:
Public Information Officer
__________________________Department/Office
Address:

I.D. No. Date:

1. Received an appeal application of Shri___________________________a resident
of___________________________in Form G prescribed under sub-rule (1) of rule

Signature of the receipt Clerk
Office of the Appellate Authority:
Telephone No.:
e-mail:
Website:

By order and in the name of the Governor of Bihar

(__________________________)
Deputy Secretary,
Personnel & Administrative Reforms Department
Government of Bihar
FORM II

Format for Information to be obtained from any section of the same Public Authority

From:
Public Information Officer
____________________________________Department/Office
Address:____________________________________________

Letter No. _______________________________________ Date: ______________________

To
Shri/Smt./Kum.____________________________________
Section Officer/Under Secretary: ______________________
Section:___________________________________________

Sir,

The application of Shri/Smt./Kum.______________________I.D. No.__________________________
____________________________________is hereby attached.

The desired Information relates to this department, but it is available in your section.

Hence, desired information may kindly made available immediately.

Yours faithfully,

(________________________________________)
Public Information Officer:
Name of the Department/Office:
Telephone No.:
e-mail:
Website:
## Schedule-I

### Rates of Fees

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Details of the Information sought</th>
<th>Amount of Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Application fee for Providing information</td>
<td>Rs. 10/- (Ten) per Application</td>
</tr>
<tr>
<td>2.</td>
<td>Other Information/Records: (a) Information on (i) A4, A3 size paper (ii) Bigger size paper (b) Sample, Model, Photograph</td>
<td>Rs. 2/- (Two per page Actual cost incurred on photo copying on such bigger paper Actual cost incurred)</td>
</tr>
</tbody>
</table>

**Note:** The procedure as prescribed by the concerned department to prepare the sample or model shall be followed.

| (c) | Perusal of Records | No fee for the first hour; Rs. 5/- (five) per hour and its part there after. |

**Note:** Wherever such system or procedure already exists, the current rate of fee for the perusal of records shall continue, and the rate above mentioned shall not apply.

| (d) | Information in Floppy/CD wherever Possible | Rs. 50/- (Fifty) per Floppy or C.D. |
| 3. | The Appellate Authority shall charge Rs. 50/- (Fifty) for each appeal application. | *(Amended)* |