

The Bihar Right to Information Rules, 2006

NO. 8/Su.A. 15-02/2006-Ka-6161/Patna-15, dated 28.6.06.- In exercise of the powers conferred by Section 27 of the Right to information Act, 2005 (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 extend 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;

(b) "Commission" means from the State Information Commission constituted under Section 15 of the Act;

(c) "From" means from appended to these rules;

(d) 'Fee' means rates determined under Schedule-1 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 as designated under sub-section (2) of Section 5 of the Act.

(f) 'State Government' means the Government of Bihar.

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 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 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to pay the fees within seven days from the date of application, failing which the application shall be deemed to be withdrawn.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 sub-division.

(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 application about rejection of application in Form 'F' taking into consideration the provisions of Section 8 and 9 of the Act:

Provided that the applicant shall be given reason 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 the application and inform the application and inform the applicant immediately about such transfer.

5. Rate of fees.-The rates of fees and other charges for obtain 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 official Gazette.

6. Appeal.-(1) Any person aggrieved by a decision of the Public Information Officer in Form 'D' or does not received any decision, as the case may be, he 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 appointment 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 State Information Commission within ninety days from the date of the receipt 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) Which 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 detail or truthfulness;
- (iv) summon the Public Information Officer or the appellate authority who has heard the first appeal;
- (v) hear the third party; and

(5) The Commission shall serve the notice in any one 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 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 Department/Appellate Authority will maintain the records in respect of all appeals received and disposed-of.

(3) The State Information Commission shall maintain the records regarding all appeals received and disposed off.

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

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. Particular 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 word rupees..... On dt.....vide receipt no. in the Depatment/Office of
- * (2) I enclose herewith Demand Draft/Pay Order No.Dt.....drawn in favour ofOfficer, 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:

Signature of the applicant

Date:

E-mail address, if any:

Telephone No. (Office):

(Residence):

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 30 days. In any case, if it is found that it is not possible to give the required information, a letter showing reason thereof or rejecting the request shall be issued.
3. The application 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 Department/Office:
Telephone No.:
E-mail:
Website:

FORM C
[See rule 3(2)]

Intimation to application 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. dt, I am to state that you are required to deposit Rs. (in word 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 A3, A4 size Rs.
 - (2) Total No. of Large size pages.....(except A3, A4 size) x Rs. 3 per page Rs.
 - (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.

Your 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. Detail 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)

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 fact anywhere in providing your self of BPL family and this cannot be use in other objectives.

Your 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 not applicable.*

FORM E

[See rule 4(2)]

Transfer of application pertaining to other authority

From:

The Public Information Officer,
.....(Department/Office)
Address:
No.Dt.

To,

Shri./Smt.
(The Public Information Officer)
.....(Department/Office)
Address:

Sir,

Please find enclosed herewith an application from Shri dt. (I.D. No.), for the reason 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.

Your 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 mention above.

()
Public Information Officer

FORM F
[See rule 4(1)]
Order of rejection of Information

From:

The 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 falls within the exempted categories under sub-section 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 of which information is sought

6. Date as on completion of 30 days after submitting application in Form A

7. Reason for Appeal-

(A) No decision is received within 30 days after submitting application in Form A

(B) Aggrieved by the decision of Public Information Officer Dated:

8. Ground for appeal. Brief facts of the case.

9. Last date for filling 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:

Name of appellant:

Date:

Signature of appellant:

Full Address of Correspondence:

E-mail address, if any:

Telephone No. (Office):

Residence:

..... cut from here

Acknowledgement

From:

The Public Information Officer,
..... (Department/Office)

Address:

I.D.: Date

I, received an appeal application of Shri a resident of
..... in Form G prescribed under sub-rule (1) of Rule 6 of the Bihar
Right to Information Rules, 2006.

Signature of the receipt Clerk

Office of the Appellate Authority:

Telephone No.:

E-mail:

Website:

**SCHEDULE-1
Rate of Fees**

Sl. No.	Detail of the Information sought	Amount of Fees
1.	Application fee for providing information	Rs. 10/- (Ten) per Application
2.	Other Information/Records: (a) Information on (i) A4, A3 size paper (ii) Bigger size paper (b) Sample, Model, Photograph	Rs. 2/- (Two) per page Actual cost incurred on photocopying on such bigger paper Actual cost incurred.
Note:- The procedure as prescribed by the concerned department to prepare the sample or model shall be followed.		
	(b) 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.	

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 thereafter.
------------------------	---

Note:— Wherever such system or procedure already exists, the current rate of fee for the perusal of records shall continue, and the rate abovementioned 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.