

The Bihar Right to Information Rules, 2005

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, namely:-

1. Short title extent and commencement.-

- (1) These rules may be called the Bihar Right to Information Rules, 2005.
- (2) These rules extend to the whole State of Bihar. They shall come into force from the date of their publication in the official gazette.

2. Definition.-

- (1) In these rules, unless the context otherwise requires,-
 - (a) 'Act' means the Right to Information Act, 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 fees prescribed by the State Govt.
 - (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.
- (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** accompanying with the prescribed fees, or through the e-media to the Public Information Officer and 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, or 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 as prescribed by the Government.

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have to pay the fees within seven days from the date of application, failing which the application shall be treated as withdrawn.

(ii) The Public Information Officer shall inform the applicant in **Form C** regarding other fees and charges to be paid as prescribed 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 concerned authority.

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 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.

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.

(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.

Provided 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.

5. Rates of fees.-

The rates of fees and other charges for obtaining required information and documents shall be prescribed by the State Government and may be changed by the State Government from time to time.

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, 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 appointed by the 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 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 any one of the following modes,-

- (i) service by the party itself;
- (ii) by hand delivery;
- (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 off.

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

8. Miscellaneous.-

For the purpose of removing any doubt it is hereby clarified that the 'forms', as prescribed under these rules, need not be in authorized pre-printed stationery, but any format neatly typed, handwritten or in electronic form which covers essential details prescribed in the form shall be valid.

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/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, 2005 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 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
A3, A4 size | Rs. |
| (2) | Total No. of Large size pages
(except A3, A4 size) x Rs. 3 per page | Rs. |
| (3) | Photograph x Rs. 10 per photograph | Rs. |
| (4) | CD charges..... x Rs. 50 per piece | Rs. |
| (5) | Charges for inspection of record
(No fees for the first half an hour and
thereafter Rs. 20/- for each half an hour.) | Rs. |

Note: The existing rates of fees for inspection of records shall continue wherever such system or procedure exist and the aforesaid fees shall not be applicable.

- | | | |
|-----|--|-----------|
| (6) | Charges for sample/Model (amount of actual cost) | Rs. _____ |
|-----|--|-----------|

Note: Procedure stipulated by the Department for the sample or the model shall have to be followed.

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.

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)

1. 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.

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 30 days after submitting application in **Form A**.
7. Reasons for Appeal —
 - (A) No decision is received within 30 days of submission of 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 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: _____ Name of appellant
Date: _____ Signature of appellant:

e-mail address, if any:
Telephone No.(Office):
Residence:

..... cut from here

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 6 of the Bihar Right to Information Rules, 2005.

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,
General Administration Department
Government of Bihar

FORM H

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 be made available immediately.

Yours faithfully,

(_____)

Public Information Officer:

Name of the Department/Office:

Telephone No.:

e-mail:

Website:

(a) **Application fees:** Rs. 20 per application

(b) **Other fees and charges**

Sr. No.	Details of Information required	Price in Rupees
1	Any information available in the form of publication.	Actual price of publication
2	Other information/documents	
	A. Information provided in	
	(i) A4, A3 size paper	Rs. 2/- per page
	(ii) Larger size paper :	Amount of actual cost.
	B. For sample, Model or photographs.	Amount of actual cost
	<u>Note:</u> Procedure stipulated by the Department for the sample or the model shall have to be followed.	
	C. For inspection of records:	No fees for the first half an hour and thereafter Rs. 20/- for each half an hour. <u>Note:</u> The existing rates of fees for inspection of records shall continue wherever such system or procedure exist and the aforesaid fees shall not be applicable.
	D. For information to be furnished in a floppy or a disc, wherever possible:	Rs. 50/- per floppy or disc.
3	The Appellate Authority shall charge a fee of Rupees Fifty per appeal.	
4	The Government may change fee charges when necessity arises.	