



बिहार सरकार

सूचना का अधिकार अधिनियम

नियमावली, 2006



बिहार लोक प्रशासन एवं ग्रामीण विकास संस्थान

वाल्मी परिसर, फुलवारी शरीफ, पटना-801 505

www.bipard.org

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to pay the fees within seven days from the date of application, failing which the application shall be deemed to be withdrawn.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

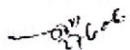
By the order of Governor of Bihar,


(Kumar Anshumali)

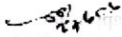
Deputy Secretary to Govt.

Memo No. 8/Su.A.-15-02/2006-Ka-6161 /Patna-15, Dated 28.6.06

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(l))

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 :

Signature of the applicant :

Date :

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 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.: PI. 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:
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 :
Date :

Name of appellant
Signature of appellant :

Full Address of correspondence:
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,
Personnel & Administrative Reforms 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 made available immediately.

Yours faithfully,

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

Schedule-I

Rates of Fees

Sl. No.	Details 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 photo copying 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.		
	(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. <i>(Amended)</i>	