

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-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 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to pay the fees within seven days from the date of application, failing which the application shall be deemed to be withdrawn.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 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 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 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 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 appeals 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-6.161 /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.

