

Patna High Court (Right to Information) Rules, 2005

BIHAR

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Rule

PATNA-HIGH-COURT-RIGHT-TO-INFORMATION-RULES-2005 of 2005

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Patna High Court (Right to Information) Rules, 2005Published vide Notification by the High Court of Judicature at Patna (For insertion in the Bihar Government Gazette, Part-IV-C) No. 452 (Rule)/2005, dated 19.10.2005Last Updated 26th December, 2019Notification by the High Court of Judicature At Patna (For insertion in the Bihar Government Gazette, Part-IV-C) No. 452 (Rule)/2005. - In exercise of the power conferred by subjection (1) of Section 28 read with Section 2(e)(iii) of the Right to Information Act, 2005,- the Chief Justice of the Patna High Court hereby makes the following Rules: -

1. Short title and commencement.

(1)These Rules shall be called the Patna High Court (Right to Information) Rules, 2005.(2)They shall come into force from the date of their publication in the Official Gazette.

2. Definitions.

(1)In these Rules unless, the context otherwise requires: -(a)'Act' means the Right to Information Act, 2005 (No. 22 of 2005);(b)'appellate authority' means designated as such by the Chief Justice of the High Court of Judicature at Patna;(c)'authorised person' means Public Information Officers and Assistant Public Information Officer designated as such by the Chief Justice of the High Court of Judicature at Patna;(d)'form' means the Form appended to these Rules;(e)'section' means a Section of the Act;(f)'Words and expressions' used but not defined in these Rules shall have the some meaning as assigned to them in the Act.

3. Application for seeking information.

(a) Any person seeking information under the Act shall file an application in between 11 A.M. to 1 P.M. in a Court working day to the authorised person in Form A and deposit application fee as per Appendix A of the Rules with the authorised person; (b) The authorised person shall duly acknowledge the application as provided in Form B: Provided that a person who make a request through electronic form shall ensure that the requisite fee is deposited in cash with the authorised person within 7 days of his sending the request through electronic form, failing which his application shall be treated as dismissed.

4. Disposal of application by the authorised person.

(1) If the requested information does not fall within the jurisdiction of the authorised person, it shall order return of the application to the applicant in Form C as soon as practicable, preferably within 15 days and in any case not later than 30 days from the date of receipt of the application, advising the applicant, wherever possible, about the authority concerned to whom the application should be made. The application fee deposited in such cases shall not be refunded. (2) If the requested information falls within the authorised person's jurisdiction and also in one more of the categories listed/mentioned in the Sections 8 and 9 of the Act, the authorised person, on being satisfied, will issue the rejection order in Form D as soon as practicable, preferably within 15 days and in any case not later than 30 days from the date of receipt of the application. (3) If the requested information falls within the authorised person's jurisdiction, but not in one or more of the categories listed in Sections 8 and 9 of the Act, the authorised person, on being so satisfied, shall supply the information to the applicant in Form E, falling within its jurisdiction. In case the information sought is partly outside the jurisdiction of the authorised person or partly falls in the categories listed in Sections 8 and 9 of the Act, the authorised person shall supply only such information as, is permissible under the Act and is within its own jurisdiction and reject the remaining part giving reasons therefor. (4) The information shall be supplied as soon as practicable preferably within 15 days and in any case not later than 30 days from the date of receipt of the application and/or However, the date of the application shall be deemed to be deposit of the entire fee or the balance fee or deficit amount of the fee to the authorised person. A proper acknowledgement shall be obtained from the applicant in token of receipt of information after production of Form B.

5. Appeal.

(1) Any person - (a) who fails to get a response in Form C or Form D from the authorised person within 30 days of submission of Form A, or (b) is aggrieved by the response received within the prescribed period, appeal in Form F to the Appellate Authority and deposit fee for appeal as per Appendix A of the Rules with the Appellate Authority. (2) On receipt of the appeal along with required fee the Appellate Authority shall acknowledge the receipt of the appeal and after giving the appellant an opportunity of being heard, shall endeavour to dispose it of within 30 days from the date on which it is presented and send a copy of the decision to the authorised person concerned. (3) In case the appeal is allowed, the information shall be supplied to the applicant by the authorised person within such period as ordered by the Appellate Authority. This period shall not

exceed 30 days from the date of the receipt of the order.

6. Penalties.

(1)Whoever being bound to supplying information fails to furnish the information asked for under the Act within the time specified or fails to communicate the rejection order by notification shall be liable to pay penalties upto 50 Rupees per day for the delayed period beyond 30 days subject to a maximum of 500 Rupees per application filed under Rule 3 as may be determined by the Appellate Authority.(2)Where the information supplied is found to be false in any material particular and which the person is bound to supply it knows and has reason to believe it to be false or does not believe it to be true, the person supplying the information shall be liable to pay a penalty of one thousand rupees, to be imposed by the Appellate Authority.

7. Suo motu publication of information by public authorities.

(1)The public authority shall suo motu publish information as per sub-section (1) of Section 4 of the Act by publishing booklets and/or folders and/or pamphlets and up date these publications every year as required by sub-section (1) of Section 4 of the Act.(2)Such Information shall also be made available to the public through information counters, medium of internet and display on notice board at conspicuous place in the office of the authorised person and the appellate Authority.

8. Charging of application fee.

(1)The authorised person shall charge the fee at the following rates, namely: -

(A) Application Fee -

(i)Information relating to tenders documents/bids/quotation/business contract:	[10] [Substituted, by the Patna High Court (Right to Information) Rules, 2005 (1st Amendment) Rules, 2008, dated 18.2.2009.]Rupees per application
(ii)Information other than (i) above	[10] [Substituted, by the Patna High Court (Right to Information) Rules, 2005 (1st Amendment) Rules, 2008, dated 18.2.2009.]Rupees per application.

(B) Other Fees -

SI. No.	Description of information	Price/Fee in Rupees.
	Where the information is	
1.	available in the form of a priced publication.	Price so fixed.
2.	For other than priced publication rupees.	[10] [Substituted, by the Patna High Court (Right to Information) Rules, 2005 (1st Amendment) Rules, 2008, dated 18.2.2009.]Rs. per page.

(2)The appellate authority shall charge a fee of [10] [Substituted, by the Patna High Court (Right to

Information) Rules, 2005 (1st Amendment) Rules, 2008, dated 18.2.2009.] Rupees per appeal.

9. Maintenance of Records.

(1)The authorised person shall maintain records of all applications received for supply of information and fee charged.(2)The Appellate Authority shall maintain records of all appeals filed before and fee charged.(3)Form AForm of application for seeking information(See Rule 3)D. No(for official use)ToThe authorised person,.....

1. Name of the applicant.....

2. Address.....

3. Particulars of information -

(a)Concerned department -(b)Particulars of information required(i)Details of information required(ii)Period for which information asked for(iii)Other details

4. I state that the information sought does not fall within the restrictions contained in Section 8 of the Act and to the best of my knowledge it pertains to your office.

5. A fee of Rs.....has been deposited in the office of the authorised person vide No....., dated.....

Place, Signature of Applicant, Date, E-mail address, if any, Telephone No. (Office):(Residence):Note.
- (1) Reasonable assistance can be provided by authorised person in filling of the Form-A.(2)Please ensure that the Form-A is complete in all respects and there is not ambiguity in providing the details of information required.Form B Acknowledgement of Application in Form A

I.D. No. Dated

1. Received an application in Form A from Shri/M/s.....resident of.....under section.....of the Right to Information Act, 2005.

2. The information is proposed to be given normally within fifteen days and in any case within thirty days from the date of receipt of application and in case it is found that the information asked for cannot be supplied the rejection letter shall be issued stating reason thereof.

3. The applicant is advised to contact the undersigned on.....between 11 A.M. to 1 P.M.

4. In case the applicant fails to turn up on the scheduled date(s), the authorised person shall not be responsible for delay, if any.

5. The applicant shall have to deposit the balance fee, if any, with the authorised person before collection of information.

6. The applicant may also consult web-site of the department from time to time to ascertain the status of his application.

Date Signature and Stamp of the Authorized Person:

E-mail:

Web-site:

Telephone No:

Form C Outside the jurisdiction of the authorised person [Rule 4(1)]

Form No. F Dated.....

To, Sir/Madam, Please refer to your application I.D. No..... dated addressed to the undersigned regarding supply of information on.....

2. The requested information does not fall within the jurisdiction of this authorised person and, therefore, your application is being returned herewith.

3. You are requested to apply to the concerned authorised person.

Yours faithfully,

Authorised person:

E-mail address:

Web-site:

Telephone No.:

Form D Rejection Order [Rule 4(2)(1)]

Form No. F Dated.....

To, Sir/Madam, Please refer to your application I.D. No..... dated..... addressed to the undersigned regarding supply of information on

2. The information asked for cannot be supplied due to following reasons: -

(i)(ii)3. As per Section 19 of the Right to Information Act, 2005, you may file an appeal to the Appellate Authority within thirty days of the issue of this order.

Yours faithfully,

Authorised person:

E-mail address:

Web-site:

Telephone No.:

Form EForm of supply of information to the applicant[Rule 4(3)]

Form No. F Dated.....

To,Sir/Madam,Please refer to your application I.D. No.....dated.....addressed to the undersigned regarding supply of information on.....

2. The information asked for is enclosed for reference. The following partly information is being enclosed: -

(i)(ii)The remaining information about the other aspects cannot be supplied due to following reasons: -(i)(ii)(iii)3. The requested information does not fall within the jurisdiction of this authorised person.

4. As per Section 19 of the Right to Information Act, 2005, you may file an appeal to the Appellate Authority within thirty days of the issue of this order.*

Yours faithfully,

Authorised person:

E-mail address:

Web-site:

Telephone No.:

*Strike out if not applicable.Form-FAppeal under Section 19 of the Right to Information Act, 2005[Rule 5(1)]I.D. No.(for official use)ToAppellate AuthorityAddress:

1. Name of the Applicant

2. Address

3. Particulars of the authorised person

(a)Name(b)Address

4. Date of submission of application in Form A

5. Date on which 30 days from submission of Form A is over

6. Reasons for appeal

(a) No response received in Form B, or C within thirty days of submission of Form-A
(5)(1)(a), (b) Aggrieved by the response received within prescribed period [(5) (1) (b)] (Copy of the reply receipt be attached). (c) Grounds for appeal

7. Last date for filing the appeal. [See Rule 5(3)]

8. Particulars of Information -

(i) Information requested (ii) Subject (iii) Period

9. A fee of Rs. [10] [Substituted, by the Patna High Court (Right to Information) Rules, 2005 (1st Amendment) Rules, 2008, dated 18.2.2009.] for appeal has been deposited with the authority vide Receipt No..... dated.....

Place Signature of Appellant,

Date E-mail Address, if any -

Telephone No.:

(Office):

(Residence):

Acknowledgement

I.D. No. Dated.. Received an Appeal application from Shri/ Ms..... resident of under Section 19 of the Right to Information Act, 2005.

Signature of Receipt Clerk

Appellate, Authority Telephone No.

E-mail Address Web-site

High Court of Judicature at

Patna-800001.

Registrar General

Date : October.....2005 (Infrastructure and I.T.)

No./05 Copy forwarded with compliments to: -

- 1. The Secretary to the Government of Bihar, Law (Judicial) Department, Old Secretariat, Patna.**
- 2. The Advocate General, High Court of Judicature at Patna.**
- 3. Government Pleader, High Court of Judicature at Patna.**
- 4. The President, Bar Association.**
- 5. The President, Advocates Association.**
- 6. The President, Lawyers Association.**
- 7. The Secretary, Bihar State Bar Council, Patna.**
- 8. All the District & Sessions Judge, Bihar.**
- 9. Principal Judge, Family Courts.**
- 10. Labour Court.**

High Court of Judicature at Patna-800001.

Sd/- Illegible,

Registrar General

(Infrastructure and I.T.)

Date: October.....2005.No...../2005NotificationIn exercise of the powers conferred under Section 5(1) and (2) of the Right to Information Act, 2005, the Hon'ble the Chief Justice has been pleased to designate the following officials as the Public Information Officers, Assistant Public Information Officers and Appellate Authorities, as required under Section 19 of the Right to Information Act, 2005: -

Public Authority	Appellate Authority	Public Information Officer	Assistant Public Information Officer.
High Court of Judicature at Patna	Registrar (Administration)	Joint Registrar(J)	Assistant Registrar(J)
District Court (Civil)	District Judge	Sub-Judge I	Judge In-charge
District Court (Criminal)	Sessions Judge	C.J.M.	Judge In-charge
Family Court	P.O., Family Court	Registrar, Civil Court	Bench Clerk

Juvenile Court	District Judge, Appellate Court	Principal Member, Juvenile Court	Bench Clerk
Labour Court	President, Industrial Court	Senior Judge, Labour Court/Judge, Labour Court	Registrar/Clerk
Industrial Courts	President, Industrial Court	Member, Industrial Court	Registrar, Civil Court

High Court of Judicature at Patna-800001Date: October... 2005.Madhusudan SinghRegistrar
GeneralNo...../2005Cop for information to: -

- 1. The Secretary to the Government of Bihar, Law (Judicial) Department, Old Secretariat, Patna.**
- 2. The Registrar (Administration)/Joint Registrar (J)/Deputy Registrar (J)/Assistant Registrar (J), Patna High Court, Patna.**
- 3. The Principal Judge, Family Court.**
- 4. All the District & Sessions Judge, Bihar.**
- 5. The President, Industrial Court.**
- 6. Labour Court.**
- 7.**

High Court of Judicature at Patna-800001.Date: October.....2005