



महाराष्ट्र शासन राजपत्र

भाग चार-क

वर्ष १, अंक १]

गुरुवार ते बुधवार, सप्टेंबर ३-९, २००९/भाद्र १२-१८, शके १९३१

[पृष्ठे ३१

किंमत : रुपये ५.००

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाव्यतिरिक्त इतर वैधानिक प्राधिकाऱ्यांनी तयार केलेले (भाग एक, एक-अ व एक-ल यांमध्ये प्रसिद्ध केलेले वैधानिक नियम व आदेश यांव्यतिरिक्त इतर) वैधानिक नियम व आदेश; यात भारत सरकार, उच्च न्यायालय, पोलीस आयुक्त, आयुक्त (राज्य उत्पादन शुल्क), जिल्हा दंडाधिकारी व निवडणूक आयोग, निवडणूक न्यायाधिकरण, निवडणूक निर्णय अधिकारी व निवडणूक आयोगाखालील इतर प्राधिकारी यांनी तयार केलेले वैधानिक नियम व आदेश यांचा समावेश होतो.

THE HIGH COURT OF JUDICATURE AT BOMBAY

NOTIFICATION

THE BOMBAY HIGH COURT RIGHT TO INFORMATION (REVISED) RULES, 2009

No. P. 0703/2009.— In exercise of the powers conferred by Section 28 of the Right to Information Act, 2005, the Chief Justice of the High Court of Judicature at Bombay being the 'Competent Authority' makes the following Rules to enforce the provisions of the said Act :—

CHAPTER-I

General

1. *Short title and commencement* .— (i) These Rules shall be called the Bombay High Court Right to Information (Revised) Rules, 2009.

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(ii) These Rules 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 the authority designated as such by the Chief Justice of the Bombay High Court.

(c) 'Authorised person' means Public Information Officers and Assistant Public Information Officers designated as such by the Chief Justice of the Bombay High Court.

(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 same meaning as assigned to them in the Act.

3. *Office Hours*.— Generally, the office hours shall be from 10-30 a.m. to 5-00 p.m. on all working days.

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CHAPTER-II

Procedure for Application and its Disposal

4. A person who desires to obtain information under the Right to Information Act, shall make a requisition in a self signed application in Form - A appended hereto to the Public Information Officer, accompanied by a fee of rupees ten by way of cash against proper receipt or by demand draft or banker's cheque or money order payable to the public authority or by affixing a court fee stamp of rupees ten and a self addressed envelope bearing postal stamps equivalent to the rate prescribed for Registered Post with Acknowledgment Due (R.P.A.D.) alongwith the application.

Procedure to be adopted after presentation of application

5. The Public Information Officer shall register the application for information in Form-D appended hereto and requisition the records regarding the information desired in the application in his office. He shall instruct the applicant to appear on the fifth day from the date of submission of application.

6. The Public Information Officer shall decide as to whether the information desired by the applicant can be provided or the inspection of record can be carried out as per rules. If he decides affirmatively then he shall inform the applicant in Form-B appended hereto about the fee prescribed for supplying of such information and approximate postal charges thereof before providing the desired information. In case the application is received by post, the Public Information Officer shall inform the applicant about the prescribed fee in Form-B through the envelope received alongwith the application. He shall supply the desired information or record for inspection only after the deposit of prescribed fee as per Rule 17 by the applicant. If the applicant desires to seek information by post, he shall submit a self addressed envelope with postal stamps equivalent to the rate prescribed for Registered Post with Acknowledgment Due (R.P.A.D.) alongwith the prescribed fee on receipt of the intimation by the Public Information Officer to that effect. If the said fee is not deposited within 15 days, the application shall stand rejected.

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7. (a) After receipt of the prescribed fee, a date not exceeding seven days shall be fixed for preparation and providing information to the applicant.

As far as possible, arrangement shall be made to provide the desired information by the said date. If, for any reason the information cannot be provided by the prescribed date, next date shall be given to the applicant.

However, the intervening period between the above two dates shall not exceed 7 days. If, even on the said next date for any reason, the information cannot be supplied to the applicant, the Public Information Officer shall fix another date, but the total extended period shall not be more than 30 days.

The information shall necessarily be provided within 30 days from the date of receipt of the prescribed fees. In the case of an application received by post, the information shall necessarily be sent within 30 days of receipt of the prescribed fee.

(b) After preparation of the desired information, the Public Information Officer shall certify it by putting his signature and Seal alongwith following details / particulars.—

1. No. and date of submission of application.
2. The date fixed for appearance of the applicant.
3. Date of appearance of applicant.
4. Date of preparation of information.
5. Date of supply of information.
6. Details of fee.
7. Signature of Officer preparing information.

(c) If, the Public Information Officer finds that the information sought by the applicant falls under the exempted category of information referred to under Section 8 or Section 9 of the Act, he shall inform the applicant about the rejection of the said application, in Form-C appended hereto.

8. If the applicant is illiterate and unable to present the application in writing, the Public Information Officer shall help him in getting the application reduced to writing.

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9. A Register shall be maintained in the office of Public Information Officer which shall be in Form-D containing the following particulars.—

1. Registration No. of application.
2. Date of Receipt of application.
3. Name and complete address of the applicant.
4. Date of Appearance of the Applicant.
5. Details of the desired Information.
6. Source of information
7. Date of dispatch of application to the concerned department.
8. Date of receipt of information.
9. Date of disposal of application.
10. Decision / Note of Public Information Officer on the application.
11. Mention of fee affixed on the application.
12. Charges paid by the applicant towards information.
13. Applicant's signature, which shall be the acknowledgment.
14. Order of First Appeal.
15. Order of Second Appeal.
16. Remarks.

10. (1) If the applicant seeks any information with respect to a Third Party he shall send/submit an application with said details, accompanied by a fee of rupees ten by way of cash against proper receipt or by demand draft or banker's cheque or money order payable to the public authority or by affixing a court fee stamp of rupees ten and a self addressed envelope bearing postal stamps equivalent to the rates prescribed for R.P.A.D. alongwith the application.

(2) On receipt of such application, Public Information Officer shall register the application in the register maintained in his office for that purpose and deal with it as provided under Section 11 of the Act.

(3) If the information, sought by the applicant, is in respect of judicial proceedings or record, he shall obtain the information as per the procedure prescribed for obtaining certified copies under the Rules and Orders for the time being in force in that behalf.

(4) In the event the Public Information Officer rejects the Application for information, he shall inform the applicant in Form-C.

Procedure for Inspection of Records

11. If after having considered the application filed by applicant, the Public Information Officer finds it appropriate that the applicant may be granted permission to inspect the records and if he grants such permission, the Public Information Officer shall requisition the record desired by applicant for perusal, from the concerned Sections / Departments and shall give the same to the applicant for inspection in his presence, during office hours, between 2.00 p.m. and 5.30 p.m. While inspecting such record, the applicant shall be allowed use of pencil and the information desired by the applicant shall be noted by him by pencil only. If the applicant brings any writing instrument/s other than a pencil, he shall deposit the same with the Public Information Officer and thereafter he shall be allowed to inspect the record.

12. During inspection, the applicant shall not have any right to put any mark on the record. During inspection of record, if the applicant wishes to make notes, he shall make them on a plain paper and after inspection he shall show the note/s to the Public Information Officer, who after being satisfied that the applicant has not tampered with the record in any way, shall return such note/s to the applicant.

13. Exemption from disclosure of information : The information specified under Section 8 of the Act shall not be disclosed and made available, and, in particular the following information shall not be disclosed:-

(a) Such information which is not in the Public domain;

(b) Information which relates to Judicial functions and duties of the Courts and matters incidental and ancillary thereto;

(c) Information which has been expressly forbidden to be published by the Court or the disclosure whereof may constitute Contempt of Court; or information which includes commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

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(d) Information which would impede the process of investigation, apprehension or prosecution of offenders; or information which relates to any public activity or interest, or which would cause unwarranted invasion of privacy of the individual unless the Central Public Information Officer or the State Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information;

(e) Any information affecting the confidentiality of any examination conducted by the Bombay High Court including for the Maharashtra Judicial Service and Maharashtra Higher Judicial Service. The question of confidentiality shall be decided by the Competent Authority whose decision shall be final;

(f) Information/Copy/ies inspection with respect to cases pending in Court, which shall be obtained from the Court, as per the Rules and Orders in force for the time being;

(g) Information which is prohibited under Section 24(4) of the Act;

(h) Information which is contained in published material available to the Public or which is available on the Web Site.

Note.— In so far as decisions which are taken administratively or quasi-judicially, information therefor, shall be available only to the affected persons.

14. Information which is to be furnished and access to records shall be subject to the restrictions and prohibition contained in rules /regulations including those in regard to the destruction of records, in force from time to time, which may have been notified or implemented by the Court.

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CHAPTER III

Appeal

15. Any person who does not receive any decision within the time prescribed under clause (a) of sub-section (3) or sub-section (1) of Section (7) of the Act, as the case may be, or who is aggrieved by the decision of Public Information Officer or Assistant Public Information Officer, as the case may be, may prefer an appeal in writing to the Registrar General, High Court of Judicature at Bombay or any other officer as nominated by the Chief Justice, for Bombay and the Senior most Registrar or any other officer as nominated by the Chief Justice, for Nagpur, Aurangabad and Goa, who is the First Appellate Authority accompanied by an appeal fee of rupees twenty by way of cash against proper receipt or by demand draft or banker's cheque or money order payable to the public authority or by affixing a court fee stamp of rupees twenty. The memo of said appeal shall contain in brief, the particulars regarding the case, the grounds of appeal and a certified copy of the order passed by Public Information Officer. The appeal shall be disposed of by the First Appellate Authority, after providing an opportunity of a hearing to the parties.

16. A Register of Appeals shall be maintained in Form E in the office of the Registrar General containing the following details.—

1. Registration No.
2. Name and particulars of applicant / appellant.
3. Name and particulars of respondent / non-applicant.
4. Details of the order of Public Information Officer against which appeal is preferred.
5. Date of order.
6. Decision.
7. Remarks.

After the disposal of appeal preferred by the appellant, the decision shall be communicated to the appellant in an appropriate manner.

17. The fee payable for the information sought shall be charged by way of cash against proper receipt or by demand draft or banker's cheque or money order payable to the public authority or by affixing a court fee stamp of rupees twenty.

Sr. No.	Particulars of documents	Fees
(1)	(2)	(3)
1	For inspection of records.	For inspection of records, no fee for the first hour ; however a fee of rupees five for each subsequent hour (or fraction thereof) thereafter.
2	When the concerned Department has already fixed the price of some documents, maps, etc.	The price so fixed plus postal charges.
3	When the information is readily available, by way of photocopying.	(i) Rupees two for each page (in A-4 or A-3 size paper) created or copied plus postal charges; or (ii) actual charge or cost price of a copy in large size paper plus postal charges.
4	For typed information	Rs. 5 per page
5	For computer printing	Rs. 5 per page.

The fees received by way of cash against proper receipt shall be credited to the Treasury under following head :—

Major Head-0070 — Sub Major Head-800-Other Receipts.

18. A Cash Register shall be maintained by the Public Information Officer with following details :—

Name and address of the applicant	Date of application	Date of deposit of amount with challan	Particulars of fees	Refund, if any	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

19. An applicant living below the poverty line shall, on production of a copy of the certificate issued by the Competent Authority alongwith the application, be provided the desired information and copies free of cost under these Rules.

20. *Removal of doubts.*— If any doubt arises as to the application and/or interpretation of any provision of these Rules, the matter shall be referred to the Hon'ble the Chief Justice whose decision thereon shall be final.

Note.— Fees, which shall be deposited in the form of Court fees shall be cancelled by the Public Information Officer with a rubber stamp or by punching holes.

CHAPTER IV

Miscellaneous

21. The applications for information shall be preserved for six months from the date of receipt. On expiry of the said period of six months, they shall be destroyed after obtaining orders from the Public Information Officer.

22. The information / Copy/ics / inspection with respect to cases pending in Court shall be obtained from the Court, as per Orders in force for the time being as applicable to the High Court.

23. The Public Information Officer shall have the right to allocate work amongst the Assistant Public Information Officers and other ministerial staff.

Bombay,

Dated the 25th August 2009.

A.I.S. CHEEMA,
Registrar General.

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FORM-A

Application for Information under Section 6 (1) of the Act

To,

The Public Information Officer

(Name of the office with address)

1. Full name of the applicant :-
2. Father's / Spouse's name :
3. Permanent address :
4. Particulars of information acquired :

5. Address to which information is to be sent and the form in which it is desired :
6. Is this information not made available by the Public Authority ?
7. Are you ready to pay the prescribed fee ?
8. Whether the applicant belongs to BPL category ? If yes, have you furnished proof of the same ?
9. Whether information is solicited by registered post ? If yes, please enclose an envelope alongwith requisite postal stamp/s.

Full Name and Signature
of the applicant.

Place :

Date :

Address :

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FORM-B

Information for Payment

From,

Name and Designation of the Public Information Officer,

To,

Name of the applicant

Address

Sir,

Please refer to your application dated _____ addressed to the undersigned requesting information on _____. I am to inform you that the following amount towards the fee for providing information may be deposited to enable the undersigned to furnish the said information.

Please make payment within a period of fifteen days from the date of receipt of this intimation failing which the application shall be rejected.

Yours faithfully,

Place:

Public Information Officer.

Date:

Seal

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FORM C

Intimation of rejection

To,

Name of applicant

Address

Sir,

The undersigned regrets to express his inability to furnish the information asked for on account of the following reasons:-

1. It comes under the exempted category covered under sections 8 and 9 of the Act.
2. The information sought by you pertains to judicial proceedings which can be obtained under existing Bombay High Court Rules.
3. Your application was not complete in all respects.
4. The information is contained in published material available to the public.
5. You did not pay the prescribed fee for providing the information within the prescribed time.
6. The information sought is prohibited as per section 24 (4) of the Act.
7. The information would cause unwarranted invasion of the privacy of any person.
8. The information as sought by you is available on our web site _____ You may download the information.
9. For any other reason (please specify) _____

However, if you feel aggrieved by the above said refusal you may file an appeal before the _____ within 30 days of the receipt of this letter.

Place:

Date:

Name & Designation of
Public Information Officer.

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FORM-D

Format for the Information Register

Registration No. of application	Date of receipt of application	Name and complete address of applicant	Date of appearance of the applicant	Details of the desired information
(1)	(2)	(3)	(4)	(5)

Source of Information	Date of dispatch of application to the concerning department	Date of receipt of information	Date of disposal of application	Decision / Note of Public Infor- mation Officer on the application
(6)	(7)	(8)	(9)	(10)

Mention of fee affixed on the application	Applicant's Signature, which shall be the acknowledgment	Order of First Appeal	Order of Second Appeal	Remarks
(11)	(12)	(13)	(14)	(15)

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FORM-E

Format of the Register for Registration of Appeal

Registration Number	Name and particulars of applicant/ appellants	Name and particulars of respondent/ non-applicant	Details of the order of Public Information Officer against which appeal is preferred	Date of Order	Decision	Remark
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Bombay,
Dated 25th August 2009.

A.I.S. CHEEMA,
Registrar General.