

BY THE HIGH COURT OF JUDICATURE AT BOMBAY

NOTIFICATION

No. P. 07002/2006.—THE MAHARASHTRA DISTRICT COURTS RIGHT TO INFORMATION RULES, 2006.—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 Maharashtra District Courts, Right to Information Rules, 2006.

(ii) These Rules shall also apply, *mutatis mutandis*, to the City Civil Court, Family Courts, Industrial and Labour Courts, Courts of Small Causes and Metropolitan Magistrates, Motor Accident Claims Tribunals, Co-operative Courts and Tribunals, University and School Tribunals and all other subordinate Courts and Tribunals in the state of Maharashtra and falling under the superintendence and control of the High Court of Judicature at Bombay except the Tribunals established by the Central Government under an Act of Parliament.

(iii) These Rules shall come into force from the date of their publication in the *Official Gazette*.

2. Office Hours.—

Generally, the office hours shall be from 11.00 a.m. to 5.30 p.m. on all working days.

CHAPTER II

Procedure For Application And Its Disposal

3. To get information under the Right to Information Act, a self signed application in Form - A shall be produced before the Public Information Officer, affixing court fee of Rs. 12/- (Rupees Twelve only) on the said application. If the applicant desires to get the information by post, he shall send 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

4. The application submitted before the Public Information Officer shall be registered in the register available in the office, the records regarding the information, desired in the application shall be requisitioned in his office and the applicant shall be instructed to appear on the 5th day from the date of submission of application. After receipt of record from the concerned Section and after having confirmed that the desired information can/cannot be given to the applicant, the Public Information Officer shall accordingly inform the applicant.

5. If the information desired by the applicant can be provided or the inspection of record can be carried out as per rules, the Public Information Officer shall inform the applicant in Form-B about the fee prescribed for supplying of such information 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 and the desired information or record shall be supplied for inspection only after the deposit of prescribed fee as per Rule 14. To get the information by post, applicant shall submit 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. But, if the said fee is not deposited within 15 days, the application shall stand rejected.

6. 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 and 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. With respect to application received by post, the information shall necessarily be sent within 30 days of receipt of the prescribed fee.

If, in respect of furnishing information, the Public Information Officer finds that it is not possible to give information under Section 8 or 9 of the Act, he shall inform the applicant about rejection of said application, in Form-C.

However, if the information is to be sent by post, the applicant shall bear the postal expenses.

7. 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:

8. In this regard a Register shall be maintained in the office of Public Information Officer which shall be in Form-D containing 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 concerning 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. Applicant's signature, which shall be the acknowledgment.
13. Order of First Appeal.
14. Order of Second Appeal.
15. Remarks.

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.

9. If the applicant seeks any information with respect to a Third party (other person) he shall send / submit an application with said details, bearing court fee stamp of Rs. 12/- (Rs. Twelve only) alongwith a registered envelope bearing necessary postal stamps, name and complete address of the said other person to the Public Information Officer. On receipt of such application, Public Information Officer shall register the application in the register maintained in his office for that purpose. The Public Information Officer shall then send a copy of said application to that other person and on receipt of his reply, shall dispose of the application after providing an opportunity of hearing to both the parties. If the information desired by the applicant can be provided, the Public Information Officer shall inform the applicant about necessary fee for the desired information and on receipt of necessary fee alongwith the registered envelope bearing address of the applicant, the information shall necessarily be sent to applicant within 30 days if not present in person. If it is not possible to supply the information desired by the applicant, the applicant shall be intimated in Form-C, for which the applicant has to give a self-addressed envelope :

Provided that, 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 by the Rules and Orders for the time being in force in that behalf.

Procedure For Inspection Of Records

10. 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 3.30 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 Public Information Officer and thereafter he shall be allowed to inspect the record. The applicant shall not make any markings on the record by the pencil he is allowed to use during inspection.

11. During inspection, the applicant shall not have any right to make any note or 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.

CHAPTER III

APPEAL

12. Any person who does not get any decision within the time prescribed in 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 District Judge of the District, who is the First Appellate Authority. The memo of said appeal shall contain in brief, the particulars regarding the case and the grounds of appeal. With the appeal filed in such manner, certified copy of order passed by Public Information Officer shall be annexed, which shall be disposed of by the District Judge, after providing an opportunity of hearing to the parties.

13. A Register of Appeals (Form-E) shall be maintained in the office of the District Judge and the following details shall be entered in it :—

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 applicant / appellant, the decision shall be communicated to the appellant in an appropriate manner.

14. The applicant shall affix court fee stamp of Rs. 12 on the application submitted to the Public Information Officer for obtaining information under Right to Information Act. The fee payable for the information sought shall be as per the following scale :—

Sr. No.	Particulars of documents	Fees
1	In the memorandum of First Appeal.	Rs. 40 in the form of Court fee stamp/s.
2	For inspection of records.	Rs. 10 per Hour in the form of Court fee stamp/s.
3	For providing information by way of photocopies.	Rs. 10 per page.
4	For typed information.	Rs. 10 per page.
5	For computer printing.	Rs. 15 per page.

The fee mentioned against item Nos. 3 to 5 shall be received in cash and shall be credited to Treasury under following head:—

“Major Head-0070-Sub Major Head-800-Other Receipts”

15. 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 or amount with challan	Particulars of fees	Refund if any	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

16. 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.

17. **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

18. The applications for information shall be preserved for 6 months from the date of receipt. On expiry of the said period of six months, they shall be destroyed by burning after obtaining orders from the Public Information Officer.

19. The information / Copies / inspection with respect to the cases pending in Court shall be obtained from the Court, as per Bombay High Court Rules and Orders in force for the time being as applicable to the District Courts or as provided for in the Civil or Criminal Manuals, as the case may be.

20. The Public Information Officer shall have the right to make work distribution amongst the Assistant Public Information Officers and other ministerial staff.

HIGH COURT OF JUDICATURE AT BOMBAY,
dated the 3rd November 2006.

M. N. GILANI,
Registrar General.

FORM - A

Application for Information under Section 6 (I) 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 solicited :

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 belongs to BPL category ? If yes, have you furnished the proof of the same ?
9. Whether information is solicited by registered post ? If yes, please enclose an envelope alongwith requisite postal stamp/s.

Place :

Full Name and Signature
of the applicant.

Date :

Address

१२९

महाराष्ट्र शासन राजपत्र, असा., डिसेंबर ९, २००६/अग्रहायण १८, शके १९२८ [भाग चार-क

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.

Fee

Yours faithfully,

Place :

Public Information Officer,

Date :

Seal

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. Your application was not complete in all respects.
3. The information is contained in published material available to public.
4. You did not pay the prescribed fee for providing the information within the prescribed time.
5. The information sought is prohibited as per section 24 (d) of the Act.
6. The information would cause unwarranted invasion of the privacy of any person.
7. The information as sought by you is available on our web site _____ You may download the information.
8. 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.

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 Information Officer on the application
(6)	(7)	(8)	(9)	(10)
Mention of fee affixed on the application	Applicant's Signature, which shall be the acknowledgement	Order of First Appeal	Order of Second Appeal	Remarks
(11)	(12)	(13)	(14)	(15)

FORM-E.

Format of the Register for Registration of Appeal

Registration Number	Name and particulars of applicant/ appellatant	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)

HIGH COURT OF JUDICATURE AT BOMBAY,
Dated the 3rd November 2006.

M. N. GILANI,
Registrar General.