

①

SERIES I No. 25

OFFICIAL GAZETTE — GOVT. OF GOA

17TH SEPTEMBER, 2009

(h) Amendment of section 90A.— in section 90A, for the words "digital signature" at both the places where they occur, the words "electronic signature" shall be substituted;

Law (Establishment) Division

Notification by the High Court of
Judicature at Bombay

(For insertion in the Goa Government
Gazette)

P 0703/2009

THE GOA, DAMAN & DIU AND DADRA & NAGAR HAVELI DISTRICT COURTS, RIGHT TO INFORMATION RULES, 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 provision of the said Act.

CHAPTER I

General

1. Short title and commencement.— (i) These Rules shall be called the Goa, Daman & Diu and Dadra and Nagar Haveli District Courts, Right to Information Rules, 2009.

(ii) These Rules shall also apply, *mutatis mutandis*, to the Industrial and Labour Courts, Administrative Tribunal and all other Subordinate Courts and Tribunals in the State of Goa and Union Territories of Daman & Diu and Dadra & Nagar Haveli 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. 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.

CHAPTER II

Procedure for application and its disposal

4. A person who desires to obtain information under the Right to Information Act, 2005, 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.) along with the application.

OFFICIAL GAZETTE — GOVT. OF GOA

SERIES I No. 25

17TH SEPTEMBER, 2009

Procedure to be adopted after presentation of application

5. The Public Information Officer shall register the Application for Information in the Register 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 therefor 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 15 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 intimation by the Public Information Officer to that effect. If the said fee is not deposited within 15 days, the application shall stand rejected.

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.

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

1. Registration No. of application.
2. Date of receipt of application.

3

OFFICIAL GAZETTE — GOVT. OF GOA

SERIES I No. 25

17TH SEPTEMBER, 2009

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 despatch 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. 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 the 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 Section/Departments and shall give the same to the applicant for inspection in his presence, during office hours, between 2.00 p.m. and 5.00 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 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:—

4

OFFICIAL GAZETTE — GOVT. OF GOA

SERIES I No. 25

17TH SEPTEMBER, 2009

CHAPTER III

Appeal

(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;

(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 Goa Judicial Service and Goa 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. 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 Principal District Judge of the District or any other officer not below the rank of the District Judge (Entry Level) as nominated by the Chief Justice, 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.

15. A Register of Appeals shall be maintained in Form E in the office of the District Judge containing the following details:

1. Registration
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.

16. 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.

(5)

OFFICIAL GAZETTE — GOVT OF GOA

SERIES I No. 25

17TH SEPTEMBER, 2009

Sr. No.	Particulars of documents	Fees
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 — Other Administrative Services

60 — Other Services

800 — Other Receipts

11 — Right to Information Act, 2005 (Central Act)

17: 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)

18. 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.

19. *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.

6

SERIES I No. 25

OFFICIAL GAZETTE — GOVT. OF GOA

17TH SEPTEMBER, 2009

CHAPTER IV

Miscellaneous

20. 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.

21. The information/copy/ies/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 District Courts or as provided for in the Civil or Criminal Manuals, as the case may be.

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

High Court of Judicature at Bombay

Dated: 25th August, 2009.

A. I. S. CHEEMA
Registrar General

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 the 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.

Place:

Full Name and Signature of the applicant

Date:

Address:

7

SERIES I No. 25

OFFICIAL GAZETTE — GOVT. OF GOA

17TH SEPTEMBER, 2009

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.

- 1. Fee towards the information Rs.
2. Approximate postal charges (R.P.A.D.) Rs.

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

Yours faithfully,

Public Information Officer

Seal

Place:

Date:

FORM 'C'

Intimation of Rejection

To,

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:

Name & Designation of Public Information Officer

Date:

8

SERIES I No. 25

OFFICIAL GAZETTE — GOVT. OF GOA

17TH SEPTEMBER, 2009

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 the 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)

9

SERIES I No. 25

OFFICIAL GAZETTE — GOVT OF GOA

17TH SEPTEMBER, 2009

FORM 'E'

Format of the Register for Registration of Appeal

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