

**THE BAR COUNCIL OF GUJARAT**  
**RIGHT TO INFORMATION RULES, 2014**

In exercise of powers conferred by sub-section (1) of Section 28 of the Right to Information Act, 2005 the Competent Authority hereby makes following rules:-

**1. Short title and commencement:-**

- (1) These rules shall be called **“The Bar Council of Gujarat Right to Information Rules, 2014”**.
- (2) They shall come into force from the date of approval of Bar Council of India.

**2. Definitions.-**

- (1) In these rules, unless the context otherwise requires:
  - (a) ‘Act’ means the Right to Information Act, 2005 (22 of 2005).
  - (b) ‘Council’ means the Bar Council of Gujarat constituted under the Advocates Act, 1961.
  - (c) ‘Bar Council of India’ means the Bar Council constituted under Section 4 of the Advocates Act, 1961.
  - (d) ‘Appellate Authority’ means the Chairman or in his absence Vice-Chairman of the Council.
  - (e) ‘Public Information Officer’ means the Secretary of the Council.
  - (f) ‘Form’ means a form appended to these rules.
  - (g) ‘Section’ means a Section of the Act.
- (2) Words and expression used but not defined in these Rules, shall have the same meaning as assigned to them in the Act.

**3. Application for seeking information:-**

- (1) Any person seeking information under the Act shall make an application in Form ‘A’ to the Public Information Officer alongwith a receipt of Rs. 50/- or more issued by the Office of the Council, which shall be non-refundable:
- (2) The Public Information Officer shall duly acknowledge, the receipt of the application as provided in form-B and shall get it registered in register to be maintained in the format appendix-AB

- (3) The information requested for shall be so sufficiently specified in the application as to lead to its identification without any difficulty, ambiguity or doubt.

**4. Disposal of the application by the Public Information Officer.-**

- (1) If the requested information does not fall within the jurisdiction of the Public Information Officer, it shall be conveyed to the applicant in Form C within thirty 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.
- (2) If the requested information falls within the jurisdiction of the Public Information Officer and also in one or more of the categories of restrictions listed in Section 8 & 9 of the Act, or is otherwise liable to be rejected, the Public Information Officer, on being satisfied, will issue the rejection order in Form D within thirty days from the date of the receipt of the application.
- (3) If the required information is partly outside the jurisdiction of the Public Information Officer or/and partly falls in categories listed in Section 8 & 9 of the Act and Rule 9 of these Rules, the Public Information Officer shall supply only such information as is permissible under the Act and is within its own jurisdiction and reject the remaining part giving reasons thereof. He shall convey it in form 'E' to the applicant also.
- (4) The information shall be supplied within thirty days from the date of the receipt of the application. A proper 'acknowledgement' shall be obtained from the applicant in token of receipt of information in Form 'F'.
- (5) (i) Whenever information is being supplied in the shape of a Photo State Copy or True Copy of the document and the charges deposited for preparing the copy are sufficient the following procedure will be followed:-

The application shall be made-over to the copyist/typist/photo stat copier also together with the original document who will prepare the copy and shall make his initial on each page as also at the foot of the last page of

the copy, thereafter he and the comparer will compare the copy with the original and the comparer will put his date initial at the foot of the last page of the copy. Public Information Officer will make an endorsement of it being a true copy of the original.

(ii) If the fee payable for preparing the copy is insufficient a notice shall be displayed on the notice board stating quantum of deficiency within a period not later than 5<sup>th</sup> day from the date of filing of application for information. The applicant shall have to make the deficiency good within next 5 days failing which the application will be filed.

(iii) Where the photo stat copy is applied for and the photo stat copying machine is not available in the office of Public Information Officer, the procedure for the depositing charges shall be the same as is being followed for providing certified photo stat copies under General Rule (Civil) 1986 or the Rules of the Council, as the case may be.

#### **5. Third Party's Right:-**

If the Public Information Officer intends to disclose any information of record or part thereof which relates to or has been supplied by a third party and has been treated as confidential by that third party, he will give a written notice to such third party of the request within five days from the receipt of the request that he intends to disclose the information of record or part thereof, and invite the third party within ten days to make a submission in writing or orally, whether such information should be disclosed. The Public Information Officer while taking a decision about disclosure of information shall take into the consideration of submission of the third party.

#### **6. Appeal:-**

(1) Any person:-

(a) to whom response is not given in Form C, D or E nor the copy or the information is supplied within 30 days from the date of submission of Form A or,

- (b) who is aggrieved by the respondent received within the prescribed period, may prefer an appeal in Form 'G' to the Appellate Authority alongwith a receipt of fee of Rs. 50/-. Order/communication supplied to him in Form C, D, or E, against which the appeal is being preferred, shall be presented in original with the memo of appeal, whenever it is applicable.
- (2) On receipt of the appeal, it shall be acknowledged and after giving the opportunity of hearing to the applicant appellant and the departmental nominee (if any) it will be disposed of within 60 days from the date of its presentation.
- (3) If the appeal is allowed the Public Information Officer shall supply information/additional information to the applicant within such period as may be directed by the Appellate Authority which shall not exceed 30 days in any case from the date of receipt of the order.

**7. Fees:-**

- (1) The charges/fee for preparing copies/information shall be levied as prescribed by the Bar Council of India under Part VIII of the Bar Council of India Rules.

**8. Inspection:-**

- (1) If the applicant seeks inspection of record only, he shall submit application in Form 'A' along with Rs. 50/- in the shape of receipt. The Public Information Officer shall examine the application and may allow or by written order refuse to allow such inspection. In the later case the copy or refusal order will be provided free of charge to the applicant. If the application is allowed, inspection fee shall be charged for first sixty minutes Rs.50/- and thereafter Rs. 25/- for every additional 15 minutes or part thereof which shall also be paid in shape of receipt. In no case such inspection shall continue for **more than one hour** in all.

- (2) Unless contrary is provided, the General Rules (Civil) 1986 and the Rules of the Council as relates to the inspection of record **shall mutates, such mutates** shall be applicable to such inspection.

**9. Restrictions:-**

- (1) No information shall be provided to any applicant in the following matters:-
- (i) In respect of the document of records produced in a judicial proceeding.
  - (ii) The information, which is likely to affect the security of any institution or the public order.
  - (iii) The information, which has no relationship with the public activity.
  - (iv) The information, which could cause unwarranted invasion to the privacy of any person.
  - (v) If it relates to a policy matter under consideration.
  - (vi) If a copy can be issued under the provisions of Advocates Acts, 1961 and the Rules framed by the Council.
- (2) The following declaration shall have to be made by applicant in the application itself:-
- (i) the motive for obtaining such information is proper and legal.
  - (ii) that the request made is in accordance with the provisions of the Act and these Rules.
  - (iii) the request is not detrimental to the safety or preservation of the record in question.

**10. Online applications:-**

Every endeavour shall be made to facilitate the making of application through electronic media and evolution of system of depositing of the fee and supply of the copy through scientific device.

**11. Preservation of record:-**

The application for information shall be retained for one year after its disposal. The Register shall retained for 10 years.

\*\*\*\*\*

**FORM 'A'**  
**Form of application for seeking information**  
**(See Rule 3)**

I.D. No.....  
(for official use)

To,  
The Public Information Officer,  
.....

1. (a) Name of the applicant  
(b) Father's Name  
(c) Age  
(d) Occupation
2. Address
3. Particulars of information
  - (a) Concerned department/Section
  - (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 & 9 of the Act and to the best of my knowledge it pertains to your office.
5. A Receipt of Rs. 50/- has been affixed on/attached to the application.

Place:

Signature of Applicant

Date:

E-mail address, if any,

Telephone No. (Office):

(Residence):

**Note:-**

- (1) Please ensure that the Form is complete in all respect and there is no ambiguity in providing the details of information required.
- (2) Form must be accompanied with a receipt of Rs. 50/-.

**FORM 'B'**  
**Form of application for seeking information**  
**[See Rule 3(2)]**

I.D.No.....

Dated.....

1. Received an application in Form A from Shri/Ms.  
.....Resident of  
.....under section of the Right to  
Information Act, 2005.
  
2. The Information is proposed to be given within thirty days  
from the date of receipt of application. 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 shall have to submit the balance fee, if any,  
with the Public Information Officer within five days from the  
date of displaying notice of deficiency which, if necessary, will  
be displayed on the notice board within five days from today.

Signature and Stamp of the  
Public Information Officer

Place:

Date:



**FORM 'C'**

**Outside the jurisdiction of the Public Information Officer**

**[Rule 4(1)]**

No.....

Date.....

To,

Sir/Madam,

Please refer to your application I.D. No.....dated  
.....addressed to the undersigned regarding supply of  
information on .....

1. The requested information does not fall within the  
jurisdiction of this Office and therefore, your application is  
being filed.

2. You are requested to apply to the concerned Public  
Information Officer i.e.

.....

Yours faithfully,  
Public Information Officer

**FORM 'D'**  
**Rejection Order**  
**[Rule 4(2)]**

No.....

Date.....

To,

Sir/Madam,

Please refer to your application I.D. No.....Dated  
.....addressed to the undersigned regarding supply  
of information on .....

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

(i)

(ii)

2. 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,  
Public Information Officer

**FORM 'E'**  
**Form of Supply of information to the applicant**  
**[Rule 4(3)]**

No.....

Date.....

To,  
Sir/Madam,

Please refer to your application I.D. No.....Dated  
.....addressed to the undersigned regarding supply  
of information on .....

1. The information asked for is enclosed for reference

or

The following part information is being enclosed\*-

(i)

(ii)

(iii)

The remaining information about the other aspects cannot be  
supplied due to the following reasons\*:-

(i)

(ii)

(iii)

2. The requested information does not fall within the jurisdiction  
of this Office of the Public Information Officer\*-

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

Yours faithfully,  
Public Information Officer

\*Strike out if not applicable

**FORM 'F'**  
**Receipt**

Application I.D. No.....

Dated.....

The receipt of the information as applied by me is hereby  
acknowledged.

Date

Signature

Name

**FORM 'G'**  
**Appeal under Section 19 of the**  
**Right to Information Act, 2005**  
**[Rule 6(1)]**

I.D. No. ....  
(for official use)

To,

Appellate Authority

Address:

1. (a) Name of the Applicant
- (b) Father's Name
- (c) Age
- (d) Occupation
2. Address
3. Particulars of the Public Information Officer
  - (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.
  - (b) Aggrieved by the response received within prescribed period  
(copy of the reply receipt be attached)
  - (c) Grounds for appeal
7. Last date for filling the appeal
8. Particulars of information
  - (i) Information requested
  - (ii) Subject
  - (iii) Period
9. A Receipt of Rs. 50/- has been attached to the application.

Place:

Date:

Signature of Applicant  
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

**APPENDIX-AB**  
**REGISTER OF APPLICATIONS**  
**FOR INFORMATION**  
**IN THE .....COURT,.....**

<b>Sr.No. with the date of Application</b>	<b>Name of the applicant with address</b>	<b>Date of estimating the value of Court fees to be paid</b>	<b>Date of filing of deficit stamp</b>	<b>Date of delivery information</b>	<b>Signature of the applicant</b>	<b>Remarks</b>
(1)	(2)	(3)	(4)	(5)	(6)	(7)

**N.B:-**

- (1) If application is rejected, brief reasons thereof shall be entered in red ink in the remarks column.
- (2) If there is delay beyond the prescribed period in delivery of the information, the reasons for such delay be noted in the remarks column.
- (3) Register be verified by the State Public Information Officer/State Asst. Public Information Officer, once in every week.