

IV. RIGHT TO INFORMATION :

In exercise of powers conferred by Section 28 read with Section 2 (e) of the Right to Information Act, 2005 (22 of 2005), and while superseding the High Court of Himachal Pradesh Right to Information Rules, 2005, the Hon'ble the Chief Justice of the High Court of Himachal Pradesh hereby makes the following rules:-

1. Short title and commencement.- (1) These rules shall be called the High Court of Himachal Pradesh Right to Information Rules, 2007.

(2) They shall come into force on 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 (22 of 2005);

(b) 'form' means a form appended to these rules;

(c) 'appendix' means the appendix appended to these rules; and

(d) 'section' means section of the Act;

(2) All other words and expressions used herein but not defined and defined in the Act shall have the same meanings assigned to them in the Act.

3. Application for seeking information.-

(1) Any person seeking information under the Act shall make an application in the Form, as at Appendix 'A', to the State Public Information Officer at the High Court level, or at District level or to the State Assistant Public Information Officer at the Sub Divisional Headquarters alongwith the Treasury Challan or the Bank Draft or the Indian Postal Order, covering the application fee, prescribed under rule 4.

The State Public Information Officer or State Assistant Public Information Officer shall duly acknowledge the receipt of the application

No fee shall be charged from the applicants who are determined by the State Government as being below poverty line (BPL).

A separate application shall be made in respect of each subject and in respect of each year to which the information relates.

Provided that a person making request through e-mail for supply of information shall ensure that the requisite application fee is deposited through the treasury challan or the bank draft or the Indian Postal Order within three days of sending the request by e-mail, failing which, his application shall be treated as withdrawn.

(2) Where the application is made to the State Assistant Public Information Officer he shall forward the same to the concerned State Public Information Officer immediately.

(3) On receipt of application, the State Public Information Officer shall enter the particulars in a register maintained for the purpose in Part-1 of Annexure 'A' and when the information is ready for delivery, the particulars thereof shall be entered in Part-II of Annexure 'A'.

(4) If the sought for information falls within the purview of the State Public Information Officer but not in one or more of the categories listed in section 8 of the Act, the State Public Information Officer, on being so satisfied, shall supply the information to the applicant falling within his purview. In case, the sought for information is partly outside the purview of the State Public Information Officer or partly falls in the categories listed in section 8 of the Act, the State Public Information Officer shall supply only such information as is permissible under the Act and is within its own purview and in the

language as available in the office record and reject the remaining part giving reasons therefor.

(5) When the information sought for is ready, the State Public Information Officer shall communicate to the applicant the fact in the Form as at Appendix 'B' specifying the additional fee, if any, payable for the supply of sought for information on his address given in the application.

4. Charging of fee.-

The following fees shall be payable by the person seeking information:-

(1) (a) An application fee of Rs.10/- to be deposited as per rule 3(1) at the time of making application to the State Public Information Officer or the State Assistant Public Information Officer.

(b) The State Public Information Officer shall charge the fee for the supply of sought for information at the following rates:-

<u>Sl.No.</u>	<u>Description of information</u>	<u>Fee in rupees</u>
1	Where the information is available in the form of a priced publication	On printed price
2	For other than priced publication	(i) Rs.10/- per page upto A-4 size paper (ii) Rs.20/- per page in case of larger size paper.
3	Where information is available in electronic form and is to be supplied in electronics form e.g. floppy, CD etc	Rupees 50/- per floppy and Rupees 100/- per CD

(2) Every page of information to be supplied shall be duly authenticated and shall bear the seal of the officer supplying the information.

The name of the applicant, if belongs to below poverty line (BPL), shall also be given on every page of information to be supplied.

(3) In case any person wants to inspect any record he shall make the request in writing, with a fee of Rs.10/-, by way of cash, to be deposited through the treasury challan or the Bank Draft or the Indian Postal Order. The inspection fee of Rs.10/-, by way of cash, per 15 minutes or fraction thereof for the inspection of record shall be charged. During inspection, the applicant shall not be allowed to take any photograph of the record.

(4) The inspection register shall be maintained by the State Public Information Officer, in the format given in Annexure 'B'.

(5) The inspection fee so charged by the State Public Information Officer shall be deposited in the Government Treasury at the end of the day or on subsequent working day, under the Head of Account "0070-OAS,60-OS, 800-OR, 11- Receipt Head under Right to Information Act, 2005.

The accruals into this Head of Account may be placed in a separate fund, by way of grant-in-aid, for furthering the purposes of the Act.

(6) The particulars of Treasury Challan or the Bank Draft or Indian Postal Order vide which fee has been deposited shall be indicated at the relevant places in Annexures 'A' & 'B'.

(7) The State Public Information Officer shall issue the receipt of the fee charged for inspection of record in Form as at Appendix "C".

5. Appeal. –

(1) Any person aggrieved by an order of the State Public Information Officer at the High Court level or at the District level may prefer an appeal, within 30 days, to such Officer who is senior in rank (Appellate Authority) to the State Public Information Officer at High Court level or at District level, as the case may be namely {Registrar (Vigilance) in the High Court and concerned District & Sessions Judges, in their respective Divisions}, alongwith a copy of such order. Any person, who has not received any order from the State Public Information Officer, within 30 working days from the date of his application, may prefer an appeal to the Appellate Authority within two months from the date of completion of 30 working days from the date of his application.

(2) Every appeal shall specify –

(a) The name and address of the appellant and the particulars regarding the State Public Information Officer;

(b) The date of receipt of order, if any, of the State Public Information Officer appealed against;

(c) The grounds of appeal; and

(d) The relief which the applicant claims.

(3) (a) On receipt of appeal, the Appellate Authority shall, as soon as possible, examine and ensure that the appeal has been preferred with the prescribed time limit.

(b) The Appellate Authority shall give an opportunity of being heard to the appellant and dispose of the appeal, as far as possible, within three months from the date of its filing.

(c) Every order of the Appellate Authority shall be communicated to the appellant and also to the State Public Information Officer against whose order the appeal was preferred.

6. Maintenance of Records. - The State Public Information Officers shall maintain records of all applications received for supply of information and fee charged.

7. Repeal.- The High Court of Himachal Pradesh Right to Information Rules, 2005 stand repealed with immediate effect.

“The High Court of Himachal Pradesh Right to Information Rules, (1st Amendment) 2007”

Hon’ble the Chief Justice of the High Court of Himachal Pradesh, in exercise of the powers conferred under Article 229 of the Constitution of India and all other enabling provisions in this behalf, is pleased to make the following amendment in “The High Court of Himachal Pradesh Right to Information Rules, 2007”.

Short title: 1. These Rules shall be called “The High Court of Himachal Pradesh Right to Information Rules, (1st Amendment) 2007”.

Commencement: 2. They shall come into force with immediate effect.

Amendment: 3. Rule 5 (3)(b) of the Schedule annexed to "The High Court of Himachal Pradesh Right to Information Rules, 2007" shall be substituted as follows:-

(b) : **"The Appellate Authority shall give an opportunity of being heard to the appellant and dispose of the appeal within thirty days from the date of its receipt or within such extended period not exceeding a total of forty five days from the date of filing thereof. "**

"The High Court of Himachal Pradesh Right to Information (2nd Amendment) Rules, 2008".

Hon'ble the Chief Justice of the High Court of Himachal Pradesh, in exercise of the powers conferred under Section 28 read with Section 2(e)(iii) of the Right to Information Act, 2005 (22 of 2005), is pleased to make the following amendment in "The High Court of Himachal Pradesh Right to Information Rules, 2007".

Short title: 1. These Rules shall be called "The High Court of Himachal Pradesh Right to Information (2nd Amendment) Rules, 2008".

Commencement: 2. They shall come into force with immediate effect.

Amendment: 3. Rule 5 (1) of the "The High Court of Himachal Pradesh Right to Information Rules, 2007" shall be substituted as follows:-

5. Appeal (1): Any person aggrieved by an order of the State Public Information Officer at the High Court level or at the District level or who has not received any decision on his/her application within the time specified in sub-section (1) or clause (a) of sub-section (3) of Section 7 of the Right to Information Act may prefer an appeal within thirty days from the receipt of such decision or from the expiry of such period to such Officer who is senior in rank (Appellate Authority) to the State Public information Officer at the High Court level or at the District level as the case may be namely {Registrar (Vigilance) } in the High Court and concerned District & Sessions Judges, in their respective Divisions.

Appendix-'A'**Form 'A'**
{See rule 3 (1)}

To

The State Public Information Officer/ State Assistant
Public Information Officer
(Address)

(a) Full name of the applicant.

(b) Address of the applicant

(c) Whether Citizen of India

(d) Subject matter and brief
description of the
information required(e) The period to which
Information relates(f) whether Information Post/ in person (please tick required by:-
which is applicable)(In case by post, the actual postal
charges shall be included in the fees).(g) In case of post (ordinary,
registered or speed post)

(h) Treasury Challan/ Bank Draft/ No.....
Indian Postal Order, depositing Amount.....
application fee under rule 4 Date of deposit.....
attached.

Signature of applicant
Name _____
Address _____
Telephone Number _____

Acknowledgement

Received application dated _____ vide diary No. _____ Dated _____

Signature of
State Public Information Officer/
State Assistant Public Information Officer.

ANNEXURE – 'A'PART - 1
{See Rule 3(3)}

Sr.No	Name & Address of the applicant	Date of receipt of application	Tentative date on which the information will be ready	Mode by which the information to be sent to the applicant	Bank Draft or Treasury Challan or Indian Postal Order No., amount and date of the application fee deposited	Signature of State Public Information Officer
1.	2	3	4	5	6	7

PART – II

Sr. No.	Actual Date on which the information is ready	Amount of Additional fee payable. (including postage charges)	Signature of applicant in token of receipt if the information is delivered in person/if the information is sent by post its particulars.	Signature of State Public Information Officer.
1	2	3	4	5

Appendix -'B'

Form 'B"
{See rule 3(5)}

From

Designation and address of the
State Public Information Officer

To

Name & address of the applicant.

Sub: Application No. _____ dated _____

Sir,

Please refer to your application No. _____ dated _____.

2. The information is ready to be supplied to you. The additional fee for supplying this information to you is Rs. _____.
3. You are required to deposit the aforesaid amount of the additional fee through the Treasury Challan under Head of Account "0070-OAS,60-OS, 800-OR, 11-Receipt Head under Right to Information Act, 2005" or through the Bank Draft or through the Indian Postal Order. (If the additional fee is deposited through the Treasury Challan, the copy of the same be sent to the undersigned.)
4. The information sought would only be supplied / sent to you on receipt of the Treasury Challan or Bank Draft or Indian Postal Order.

Yours faithfully,

State Public Information Officer

ANNEXURE - 'B'{See Rule 4(4)}

Sr.No.	Name and address of the applicant	Whether citizen of India	Subject matter of information	Particulars of record to be inspected	Application Fee deposited by Bank Draft/Treasury Challan or Indian Postal Order No. dated	Time taken from...hours to...hours for inspection.	Amount of fee charged	Signature of applicant	Particulars of Challan vide which amount of fee deposited in Treasury by the State Public Information Officer	Signature of the State Public Information Officer
1	2	3	4	5	6	7	8	9	10	11

Appendix-'C'

(See rule 4 (7))

RECEIPT

Received the amount of Rs. _____ (Rupees _____
_____ only), from the applicant (Shri/Shrimati _____
_____ for the inspection of record, as per application No. _____
dated _____, for the period from _____ hours to _____ hours.

The total time consumed for the inspection is _____.

Signature of State Public Information Officer