The High Court of Himachal Pradesh Right to Information, Rules, 2013

HIGH COURT OF HIMACHAL PRADESH,SHIMLA–171001

No. HHC/Rules/RTI/2013-22039-55 Dated 12.08.2013

NOTIFICATION

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), the Hon'ble the Chief Justice of the High Court of Himachal Pradesh, is pleased to make the following Rules:-

Short Title	1	These Rules shall be called "**The High Court of Himachal Pradesh Right to Information, Rules, 2013".**
Commencement	2	They shall come into force on date of their publication in official gazette/e-gazette.
Definitions	3	1) In these rules, unless the context otherwise requires:- (a) 'Act' means the Right to Information Act, 2005 (22 of 2005); (b) 'Appendix' means the appendix appended to these rules; (c) 'Form' means a form appended to these rules; (d) 'Section' means section of the Act; 2) All other words and expression used herein but not defined and defined in the Act shall have the same meanings assigned to them in the Act.
Application for seeking information	4	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 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 5. 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Postal Order within three days of sending the request by e-mail, failing which, his application shall be treated as withdrawn. 2) Where the application is made to the State Assistant Public Information Officer he shall forward the same to the concerned State Public Information Officer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 -1of the **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 below (in Section 8 of the Act), the State Public Information Officer shall

<table>
<tr><td></td><td></td><td colspan="2">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 records and reject the remaining part giving reasons thereof. Per Section 8(j) of the Act, before personal information is supplied, petitioner will have to show that larger public interest is justified in disclosure of such information.
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.</td></tr>
<tr><td rowspan="4">Charging of fee</td><td rowspan="4">5</td><td colspan="2">1) [The following fees shall be payable by the person seeking information:-
(a) An application fee of Rs. 10/- to be deposited as per rule 4(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:-</td></tr>
<tr><td>(i) Where the information is available in the form of a priced publication.</td><td>On printed price.</td></tr>
<tr><td>(ii) For other than priced publication.</td><td>(a) Rs. 2/- per page.
(b) Actual charge or cost price of a copy in larger size paper.
(c) Actual cost or price for sample or models.</td></tr>
<tr><td>(iii) Where information is available in electronic</td><td>Rs. 25/- per CD.</td></tr>
</table>

		form and is available in electronic form and is to be supplied in electronic form e.g. floppy, CD etc.	
		(iv) Information relating to tenders documents/ bids/quotations/ business contract.][1]	**Rs. 100/- per application.**
		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	

[1] Substituted vide The High Court of Himachal Pradesh Right to information (1st Amendment, 2015) Rules, 2013 dated 8.7.2015

		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 Annexure **'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'**.
Appeal	6	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 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.
		[.....][2]
		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

[2] Deleted vide The High Court of Himachal Pradesh Right to information (1st Amendment, 2015) Rules, 2013 dated 8.7.2015

		(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 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 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.][3]
Maintenance of Records	7	The State Public Information Officer shall maintain record of all applications received for supply of information and fee charged.
Repeal	8	The High Court of Himachal Pradesh Right to Information Rules, 2007 stands repealed with immediate effect.
		BY ORDER REGISTRAR GENERAL

[3] Renumbered vide The High Court of Himachal Pradesh Right to information (1st Amendment, 2015) Rules, 2013 dated 8.7.2015

Appendix 'A'

FORM 'A'
{See Rule 4(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 is required by:	☐ Post/ ☐ In person (please tick which is applicable) (In case by post, the actual postal charges shall be included in the fees)
(g)	In case of post (Whether ordinary, registered or speed post?)	.....
(h)	Treasury Challan/Bank Draft/Indian Postal Order, depositing application fee under Rule 4 attached	No. ..... Amount ..... Date of deposit .....

Signature of applicant
Name .....
Address .....
.....
Telephone No. .....
Mobile No. .....
E-mail ID: .....

ACKNOWLEDGEMENT

Received application dated _____ vide diary No. _____ dated_____

Signatures of
State Pubic Information Officer/
State Assistant Public Information Officer

Appendix 'B'

FORM 'B'
{see rule 3(5)}

From

Designation and address of the
State Public Information Officer.

To

Name and address of the applicant.

Sub: Application No._____ dated _____

Sir,

1. Please refer to your application No ._____ dated _____

2. This 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 the receipt of the Treasury Challan or Bank Draft or Indian Postal Order.

Yours faithfully,

State Public Information Officer

Appendix 'C'

FORM "C"

{See Rule 5(7)}

RECEIPT

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

The total time consumed for the inspection.

State Public Information Officer

ANNEXURE 'A'

PART-I

See Rule 4(3)

Sr. No.	Name & Address of the applicant	Date of receipt of application	Tentative date on which the information will ready	Mode by which the information to be sent to the applicant	Bank Draft or Treasury Challan or Indian Postal Order No. amount and the 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**

ANNEXURE 'B'

{See Rule 5(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 charges	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**