

Rajasthan Right To Information (High Court And Subordinbate Courts) Rules, 2006

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Rajasthan Right To Information (High Court And Subordinbate Courts) Rules, 2006

G.S.R. 66.- In exercise of powers conferred by sub-section (1) of Section 28 of the Right to Information Act, 2005 the Chief Justice of Rajasthan High Court (Competent Authority) hereby makes following rules:-

1. Short Title And Commencement :-

- (1) These rules shall be called "Rajasthan Right to Information (High Court & Subordinate Courts) Rules, 2006".
- (2) They shall come in to force from the date¹ 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) The Appellate Authority means designated as such by the Chief Justice of High Court vide SO 1 PI & 2 PI dated 6-1-2006 as may be amended from time

to time.

(c) Authorized Person means Public Information Officer and Assistant Public Information Officer designated as such by the Chief Justice vide SO 1 PI & 2 PI dated 6-1-2006 as may be amended from time to time.

(d) Chief Justice means The Chief Justice of Rajasthan High Court.

(e) Form means a form appended to these rules;

(f) 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. Dissemination Of Information About Administrative Structure :-

The Registrar General shall make every endeavour to make available as much information relating to the administration and functioning of the High Court as possible for public information, in the web site of the High Court.

4. Application For Seeking Information :-

(1) Any person seeking information under the Act shall make an application in Form A to the Authorized Person along with non-judicial stamp, of Rs. 100 duly affixed on/attached to it, which shall be nonrefundable: Provided that where the information relates to tender documents/bids/quotation/business contract, the application fee shall be Rs. 500 per application.

(2) The Authorized person 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. 1. Notification No. 1/S.R.O./2007 dated 05.10.2007, published in Raj. Gazette E.O. Part 4 (Ga) (I) dated 22.10.2007.

5. Disposal Of The Application By The Authorized Person :-

(1) if the requested information does not fall within the jurisdiction of the Authorized person, it shall be conveyed to the applicant in Form C as early as practicable, normally within fifteen days and in any case not later than 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 authorized persons jurisdiction 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 Authorized person, on being satisfied, will issue the rejection order in Form D as early as practicable, normally within fifteen days and in any case not later than thirty days from the date of the receipt of the application.

(3) If the required information is partly outside the jurisdiction of the authorized person or/ and partly falls in categories listed in Section 8 & 9 of the Act of Rule 10 of these Rules, the authorized person 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 as early as practicable, normally within fifteen days and in any case not later than 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 Stat 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 copiest/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 dated initial at the foot of the last page of the copy. Authorized person will make and 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 5th day from the date of filing of application for information. The applicant shall 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 authorized person, 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 High Court Rules 1952, as the case may be.

6. Third Party Right :-

If the authorized person 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 authorized person while taking a decision about disclosure of information shall take into the consideration submission of the third party.

7. 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 response received within the prescribed period, may prefer an appeal in Form G to the Appellate Authority by depositing fee Rs. 100/- in the shape of non-judicial adhesive stamp duly affixed on the memo of appeal. 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 30 days from the date of its presentation.

(3) If the appeal is allowed the Authorized person 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.

8. Fees :-

(1) The charges for preparing copies/information shall be levied at the following rate, namely : Sr. No. Description of Information Price/ Fee in Rupees

1. Where the information is available Price of the publication so fixed in the form of a priced publication
2. For other than priced publication Cost of the medium or print cost price
3. Where the Photo stat copy is to be Fee leviable for certified photo got prepared through the market stat copy under General Rule (Civil) 1986 or Raj.High Court Rules 1952

Provided that, of the fee chargeable does not exceed Rs. 50/- , no amount shall be recovered and in other cases amount exceeding Rs. 50/- shall be chargeable.

9. Inspection :-

(1) If the applicant seeks inspection of record only, he shall submit application in Form A along with Rs. 100/- in the shape of non-judicial adhesive stamp. The Authorized person 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, no inspection fee shall be charged for first sixty minutes but thereafter the applicant shall submit fee amounting Rs. 25/- for every additional 15 minutes or part thereof which shall also be paid in shape of non-judicial adhesive stamp. In no case such inspection shall continue for more than two hours in all.

(2) Unless contrary is provided, the General Rules (Civil) 1986 and High Court Rules, 1952 as relates to the inspection of record shall mutatis mutandis shall be applicable to such inspection.

10. 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 Rajasthan High Court Rules, 1952, General Rules (Civil), 1986 or General Rules (Criminal), 1980.

(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.

11. Online Applications :-

Every endeavor 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.

12. Preservation Of Record :-

The application for information shall be retained for one year after its disposal. The Register shall be retained for 20 year.

SCHEDULE 1

FORM 'A'

Form of application for seeking information (See Rule 4) I.D. No. (for official use)

Non : Judicial Self Attested Stamp of Photograph Rs. 100/- To, The authorized person, 1.

(a) Name of the applicant

(b) Fathers 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 non-judicial stamp of Rs. 100/- has been affixed on/ attached to the application. Place : Signature of Applicant Date : E-mail address, if any, Telephone No. (Office) : (Residence) :

Note :- Please ensure that the Form is complete in all respect and there is no ambiguity in providing the details of information required.

SCHEDULE 2

FORM B

Acknowledgment of Application	
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 normally within fifteen days and in any case 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 Authorized person 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 Authorized person	
Place :	
Date :	

SCHEDULE 3

FORM C

Outside the jurisdiction of the Authorized Person [Rule 5(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 Authorized Person and therefore, your application is being filed. 2. You are requested to apply to the concerned authorized person i.e.

(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 non-judicial stamp of Rs. 100/- has been affixed on/ attached to the application. Place :

Signature of Applicant Date : 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 REGISTERED APPLICATIONS FOR INFORMATION IN

THE COURT, Sr.No with Name of Date of Date of Date of Signature

Remarks the date of the estimating filing of delivery of the Application applicant the value of deficit

information applicant with Court fees stamp address to be paid (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.