

HARYANA SUBORDINATE COURTS RULES
(RIGHT TO INFORMATION RULES), 2007

No. 140 Rules/II.D. 4, dated 14th August, 2007.-

The following Rules shall be added as Part G after Part F of Chapter 5 of Rules and Orders of Punjab High Court, Volume-4:--

In exercise of powers conferred by sub-section (1) of Section 28 read with Section 2(e) of the Right to Information Act, 2005 (22 of 2005), Hon'ble the Chief Justice and Judges of the High Court of Punjab and Haryana are pleased to make the following rules, namely:-

1. Short title and commencement:-

- (i) These rules shall be called the "Haryana Subordinate Courts, (Rights to Information) Rules, 2007."*
- (ii) These rules shall come into force from the date of their publication in the Official Gazette.*
- (iii) These rules shall be applicable to all the Subordinate Courts in the State of Haryana.*

2. Definitions:-

- (I) 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) 'Authorized Person' means Public Information Officer and Assistant Public Information Officer designated as such by the Hon'ble Chief Justice and Judges of the High Court;*
 - (d) 'Appellate Authority' means designated as such by the Hon'ble Chief Justice and Judges of the High Court;*

- (e) *'Administrative Officer' means the Chief Administrative Officer/ Superintendent of the office of District & Sessions Judge;*
- (f) *'Chief Ministerial Officer' means (the Senior most official of cadre of Readers/Judgment Writers/Stenographers as case may be) of the Court presided over by the senior most Judicial Officer at the station having more than one Court other than the District Headquarters and the Chief Ministerial Officer of the Court where there is only one Court at a station;*
- (g) *'Competent Authority' means the Hon'ble Administrative Judge of the concerned Sessions Division as a delegatory of the competent authority as defined in the Act;*
- (h) *'Form' means a form appended to these rules;*
- (i) *'High Court' means the High Court of Punjab and Haryana;*
- (j) *'Section' means the section of the Act.*
- (ii) *Words and expressions used but not defined in these rules, shall have the same meanings assigned to them in the Act.*

3. Application for seeking information:-

Any person seeking information under the Act shall make an application in Form 'A' to the authorized person, between 11.00 a.m. to 1.00 p.m., on a Court working day and shall deposit application fee as per Rule 7 by paying adhesive court fee, or in any other form so determined by the competent authority from time to time:

Provided that a person, who makes a request through electronic form, shall ensure that the requisite fee is deposited with the authorized person, in the manner mentioned above, within seven days of his sending the request through electronic form, failing which, the application shall be treated as dismissed:

Provided further that the date of application shall be deemed to be the date of deposit of the entire fee or the balance fee or deficit amount of the fee to the authorised person.

4. 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:-

- (a) Such information which is not in the public domain or does not relate to judicial functions and duties of the Court and matters incidental and ancillary thereto.*
- (b) 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; or information which would impede the process of investigation or apprehension or prosecution of offenders; or information which relates to any public activity or interest; or which would cause unwarranted invasion of the privacy of the individual unless the Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information.*

- (c) *Any information affecting the confidentiality of any examination / selection process:*
- (i) *Conducted by the District & Sessions Judge under Punjab Subordinate Courts Establishment (Recruitment and General Conditions of Service) Rules, 1997 as amended from time to time.*

The question of confidentiality shall be decided by the Competent Authority, and in case of the information relating to a Sessions Division by the Administration Judge of the said Sessions Division acting as a delegate of the competent authority, whose decision shall be final.

5 Restrictions to supply of information:-

Information which is to be furnished and access to records shall be subject to the restrictions and prohibitions contained in rules regulations administrative decisions and destructions of records In force from time to time, which may have been notified or implemented by the High Court of Punjab and Haryana.

6. Disposal of application by the authorized person:-

- (i) *If the requested information does not fall within the jurisdiction of the authorised person, he shall order return of the application to the applicant in Form 'C' as expeditiously as possible in any case within 30 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. The application fee deposited in such cases shall not be refunded.

- (ii) If the requested information falls within the authorized person's jurisdiction and also in one or more of the categories of restrictions listed in Sections 8 and 9 of the Act and Rule 5 above and exemptions detailed in Rule 4 above, the authorized person, on being satisfied, will issue the rejection order in Form 'D' as soon as practicable, normally within fifteen days and in any case not later than thirty days from the date of the receipt of the application.*
- (iii) If the requested information falls within the authorized person's jurisdiction, but not in one or more of the categories listed in Sections 8 and 9 of the Act and Rules 4 and 5 above, the authorized person, on being satisfied, shall supply the information to the applicant in Form 'E', falling within its jurisdiction. In case the information sought is partly outside the jurisdiction of the authorized person or partly falls in The categories listed in Sections 8 and 9 of the Act, 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.*
- (iv) The information shall be supplied as soon as practicable, normally within fifteen days and in any case not later than thirty days from the date of the receipt of the application on deposit of the balance amount, if any, to the authorized person, before collection of the*

information. A proper acknowledgment shall be obtained from the applicant in token of receipt of information.

- (v) In so far as decisions which are taken administratively or quasijudicially information thereof, shall be available only to the affected persons.*

7. Charging of Fee:-

- (i) The authorized person shall charge the fee for supply of information at the following rates:-*

Sr. No.	Description of information	Price/fee is rupees
<i>(A)</i>	<i>Where the information is available in the form of a priced publication</i>	<i>On printed price</i>
<i>(B)</i>	<i>For other than priced publication</i>	<i>Rupees ten per page and rupees twenty in case the information is required under section 7 of the Act with minimum of Rs. Fifty per application.</i>
<i>(C)</i>	<i>Where information is available in electronic form and is to be supplied Rupees in electronics form Floppy, CD etc.</i>	<i>Rs. one hundred per floppy and Rs. Two hundred per CD.</i>
<i>(D)</i>	<i>Information relating to tenders documents / bids / quotation business contract.</i>	<i>Rupees five hundred per application.</i>

- (ii) The fee for inspection of documents or record shall be Rs. 10/- per fifteen minutes or a fraction thereof and Rs. 20 per 15 minutes in*

case the information is required under section 7 of the Act, for the inspection of record / document.

- (iii) The fees given above may be varied/ enhanced by the competent authority from time to time.*
- (iv) Every page of information to be supplied shall be duly authenticated and shall bear the seal of the officer concerned supplying the information.*
- (v) During inspection the applicant shall not be allowed to take the photograph of the record / document. The applicant shall not cause any hindrance to the Office work and shall cooperate with the staff and complete the inspection as soon as possible. The Public Information Officer concerned shall have the right to fix the time and date of the inspection according to administrative convenience and his / her decision shall be final.*
- (vi) A Court fee of Rupees One hundred per appeal shall be affixed on the application for appeal in Form F.*

8. Appeal:-

(i) Any person

- (a) who fails to get a response in Form C or Form D from the authorized person within thirty days of submission of Form A, or*
- (b) is aggrieved by the response received within the prescribed period, appeal in Form 'F' to the Appellate Authority and affix fee for appeal as per rule 7.*

- (ii) *On receipt of the appeal, the Appellate Authority shall acknowledge the receipt of appeal and after giving the applicant an opportunity of being heard, shall endeavour to dispose it of within thirty days from the date, on which it is presented and send a copy of the decision to the authorized person concerned.*
- (iii) *In case the appeal is allowed, the Information shall be supplied to the applicant by the authorized person within such period as may be ordered by the Appellate Authority. This period shall not exceed thirty days from the date of the receipt of the order.*

9. Penalties:-

- (i) *Whoever being bound to supply information fails to furnish the information asked for, under the Act, within the time specified or fails to communicate the rejection order, shall be liable to pay a penalty up to fifty rupees per day for the delayed period beyond thirty days subject to a maximum of five hundred rupees per application, filed under rule 3 as may be determined by the appellate authority.*
- (ii) *Where the information supplied is found to be false in any material particular and which the person is bound to supply it knows and has reason to believe it to be false or does not believe it to be true, the person supplying the information shall be liable to pay a penalty of one thousand rupees, to be imposed by the appellate authority.*

10. Suo motu publication of Information by public authorities.-

- (i) *The public authority shall suo motu publish information as per subsection (1) of Section 4 of the Act by publishing booklets and/or*

folders and/or pamphlets and up date these publications every year as required by sub-section (1) of Section 4 of the Act.

- (ii) Such information shall also be made available to the public through information counters, medium of internet and display on notice board, at conspicuous places in the office of the Authorized Person and the Appellate Authority.*

11. Maintenance of Records:-

- (i) The authorized person shall maintain records of all applications received for supply of information and fee charged.*
- (ii) The appellate authority shall maintain records of all appeals filed before it and fee charged.*

FORM A

Form of application for seeking Information

(See rule 3)

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

To
The authorized person,
.....
.....

- 1. Name of the Applicant
- 2. Address
- 3. Particulars of information sought—

- (a) Concerned department District Courts-Sub Divisional Courts
- (b) Period for which information is sought
- (c) Other details, if any

4. A Court fee of Rs..... has been affixed on the application.

Place	Signature of Applicant
Date	E-mail address, if any, Telephone No.(Office)... (Residence).....

Note:

- (i) Please ensure that the Form A is complete in all respect and there is no ambiguity in providing the details of information required.

FORM B

Acknowledgement of Application in Form A

I.D. No.....

Dated

- 1. Received an application in Form A from Mr. / 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 case within thirty days from the date of receipt of application and 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 is advised to contact the undersigned on between 11 A.M. to 1.00 P.M.*
- 4. In case the applicant fails to turn up on the scheduled date(s), the undersigned shall not be responsible for delay, if any.*
- 5. The applicant shall have to deposit the balance fee, if any, before collection of information.*
- 6. The applicant may also consult Web-site of the, department from time to time to ascertain the status of his application.*

Signature & Stamp of the Authorised Person

E-mail

Web-site

Telephone No.

Dated

FORM C

Outside the Jurisdiction of the authorized person

[rule 6(i)]

No.....

Dated.....

From

.....

.....

To

.....

.....

Sir/Madam,

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

2. The requested information does not fall within the jurisdiction of the undersigned and, therefore, your application is being returned herewith.

3. You are requested to apply to the concerned authorized person.

Yours faithfully,

Authorised Person
E-mail address
Web-site
Telephone No.

FORM D

Rejection order

[rule 6(ii)]

No.....

Dated.....

From

.....
.....

To

.....
.....

Sir / Madam,

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

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

(i)

(ii)

3. 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,

Authorised Person

E-mail address

Web-site

Telephone No.

FORM E***Form of Supply of information to the applicant****[rule 6(iii)]**No.....**Dated.....**From**.....**.....**To**.....**.....**Sir / Madam,*

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

or

2.The information asked for is enclosed for reference.

The following partly information is being enclosed.

*(i)**(ii)*

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

*(i)**(ii)**(iii)*

*3. The requested information does not fall within the jurisdiction of the
undersigned*

*4.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,
Authorised Person
E-mail address
Web-site
Telephone No.*

FORM F**Appeal under Section 19 of the Right to Information Act, 2005**
[rule 8(i)]

ID. No.....
(For official use)

To

Appellate Authority
Address:

1. *Name of the Applicant*
2. *Address*
3. *Particulars of the authorized person*
 - (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 [8(i)(a)].*
 - (b) *Aggrieved by the response received within prescribed period [8(i)(b)] [copy of the reply received be attached].*
 - (c) *Grounds for appeal.*
7. *Last date of filing the Appeal [See Rule 8(iii)]*
8. *Particulars of information:-*
 - (i) *Information requested*
 - (ii) *Subject*
 - (iii) *Period*
9. *A court fee of Rs. 100/- for appeal has been affixed.*

Place

Date

Signature of Appellant
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*

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