

HANDBOOK

(For PIOs and Appellate Authorities in Courts in the State of **Haryana** under the RTI Act 2005)

Deciding Applications/Appeals
seeking information under the
Right to Information Act 2005

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THE RIGHT TO INFORMATION ACT 2005

1. Applications seeking information

An application seeking information is made under section 6 of the RTI Act 2005 to either i) The public information officer or ii) The assistant Public Information Officer of the Public Authority concerned. Where the application is made to an Assistant Public Information Officer, he has to forward it to the Public Information Officer for decision. An Assistant Public Information Officer cannot himself allow or reject the application.

Application under section 6 of the RTI Act 2005 is to be made in writing, in English, Hindi or in the official language of the area where it is made. In case it is not in one of the languages mentioned hereinabove, it can be returned. But where an application for information under the Act cannot for some good reason be made in writing, the Public Information Officer shall render all assistance to the information seeker to reduce the request in writing from the oral accounts given by the information seeker.

The application seeking information must be accompanied by such fee as may be prescribed by the Rules framed under the RTI Act 2005. In so far as subordinate courts in the States of Punjab & Haryana are concerned the relevant Rules are:-

- i) Punjab Subordinate Courts (Right to Information) Rules 2007 and
- ii) Haryana Subordinate Courts (Right to Information) Rules 2007

The table of fees payable under the RTI Act for making the information applications and prescribing fees towards the cost of information is mentioned in Rule 7 of the aforementioned Rules.

If the application is made for information which is held by some other Public Authority, the application should be transferred by the Public Information Officer to such other

Public Authority within five days and the applicant should be intimated about the transfer forthwith.

2. Disposal of Information Requests:

The Public Information Officer must decide the information request as expeditiously as possible. The application, however cannot be kept pending for more than thirty days. And where the information sought concerns the life or liberty of a person, the same has to be provided within forty eight hours of the receipt of the request.

Where the Public Information Officer decides to provide the information to the information seeker, he shall work out the cost of providing information (as per the applicable Rules) and intimate the applicant accordingly. The applicant shall also be requested to deposit/pay the requisite amount of fee so that the information can be sent to him by the Public Information Officer. The period between the dispatch of this intimation and payment of fee shall be excluded for the purpose of calculating the period of thirty days as specified in section 7 of the RTI Act 2005 for providing the information.

While deciding the application seeking information, the Public Information Officer must carefully peruse provisions of sections 8 & 9 of the RTI Act 2005. There is no obligation upon him to provide information that is exempted under these sections. It must also be kept in mind that in cases falling under clauses (a) to (i) of Section 8 (1) of the RTI Act 2005, the PIO is debarred from providing the exempted information. The PIO must also be mindful that right to seek information under the RTI Act 2005 has been conferred upon the citizens of India. Section 6 of the Act however permits any person to apply for information under the Act. The term 'Person' is wider than the term 'Citizen'. Construing sections 3 and 6 of the RTI Act 2005 harmoniously, it can be inferred that an RTI application shall not be maintainable at the behest of an alien/citizen of a foreign country. It would however be maintainable by individuals, groups of individuals, clubs, societies or companies constituted predominantly by citizens of India.

The PIO should also not decide to provide the information relating to third parties without giving notice and an opportunity of hearing to them.

Where the PIO decides to reject the information request, he is statutorily obliged to communicate to the person making the request:-

- (i) The reasons for rejection,
- (ii) The period within which an appeal against such rejection may be preferred, and
- (iii) The particulars of the appellate authority.

3. First Appeals

Where the PIO rejects the information request or the applicant does not receive any decision from him within the specified period the aggrieved person can prefer an appeal before the Appellate Authority appointed by the Public Authority concerned. The limitation for preferring the appeal is thirty days. The Appellate Authority may however admit the appeal after the expiry of thirty days where the appellant was prevented by sufficient cause from filing the appeal within time.

The first appeal is required by the RTI Act 2005 to be disposed of within thirty days of the receipt of the appeal. This period is extendable to forty five days for reasons to be recorded in writing.

4. Penalties

In case the Public Information Officer, without any reasonable cause refuses to receive an application for information or does not furnish the information within the time specified under section 7 of the Act or deliberately denies the request for information or knowingly gives incorrect, incomplete information or destroys information which was the subject of the request, the Information Commission can penalize the PIO. The proceedings in this behalf can be initiated under section 20 of the RTI Act 2005. A penalty of Rs. 250/- each day till the application is received or information is furnished shall be imposed. This, however, would be subject to a ceiling of Rs.

25000/-. Before imposing penalty as aforementioned the Information Commission shall afford to the Public Information concerned a reasonable opportunity of being heard. The burden of proving that the PIO acted reasonably and diligently while dealing with the information request shall be upon him.

Where at the time of deciding complaint or appeal, the Information Commission is of the opinion that The PIO has without any reasonable cause and persistently failed to discharge his duty as per the statute, the Information Commission might recommend taking of disciplinary action against the PIO under the Service Rules applicable to him.

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^[1]PART G—Haryana Subordinate Courts (Right To Information) Rules, 2007

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. (i) These rules shall be called the “Haryana Subordinate Courts, (Rights to Information) Rules, 2007.”

Short title and commencement.

(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. (i) In these rules, unless the context otherwise requires:

Definitions.

- (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 out of cadre of Readers/Judgment Writers/ Stenographers as the 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;

[1] Inserted vide Correction Slip No. 140 Rules/II.D.4 dated 14.08.2007

- (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.

^[1]3. Any person seeking information under the Act, shall make an application in Form 'A' or on a plain paper or through electronic medium in English or Hindi or Punjabi, during office hours on any working day and shall deposit application fee as per Rule 7 by paying fee in cash or by adhesive court fee, or in any other form so determined by the competent authority from time to time.

No application shall be rejected on the ground that the same has not been made in Form "A".

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 in such case 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 authorized person.

Exemption from disclosure of Information.

^[2]4. 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:-

- ^[3]1. The Information which relates to judicial functions and duties of the Court and matters incidental and ancillary thereto and of confidential nature shall not be disclosed in terms of Section 8(1)(b) of the Act.

1. Amended vide Correction Slip No. 175 Rules/II.D.4 dated 31.03.2014

2. Substituted vide Correction Slip No. 159 Rules/II.D.4 dated 08.05.2012

3. Amended vide Correction Slip No. 175 Rules/II.D.4 dated 31.03.2014

Provided that the question as to which information relates to judicial functions, duties of Court and matters incidental and ancillary or of confidentiality shall be decided by the Competent Authority or his delegate, whose decision shall be final.

- ^[1](2) Any information affecting the confidentiality of any examination/selection process conducted by the District & Sessions Judge under Haryana 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 Administrative Judge of the said Sessions Division acting as a delegate of the competent authority, whose decision shall be final.

5. ^[2]Deleted.

6. ^[3](i) Where the requested information does not fall within the jurisdiction of the authorized person and (a) which is held by another public authority; or (b) the subject matter of which is more closely connected with the functions of another public authority, the authorized person, to whom such application is made, shall transfer the application alongwith fee or such part of it as may be appropriate to that other public authority in Form 'C' as soon as practicable, but, in no case, not later than five days from the date of receipt of the application.

Disposal of application by the authorized person.

(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 exemptions detailed in Rule 4 ^[4]ibid, the authorized person, on being satisfied, will issue the rejection order in Form 'D' as soon as practicable, normally within fifteen days

1. Substituted vide Correction Slip No. 162 Rules/II.D.4 dated 25.07.2012
2. Deleted vide Correction Slip No. 159 Rules/II.D.4 dated 08.05.2012.
3. Amended vide Correction Slip No. 175 Rules/II.D.4 dated 31.03.2014.
4. Amended vide Correction Slip No. 175 Rules/II.D.4 dated 31.03.2014.

and in any case not later than thirty days from the date of the receipt of application.

^[1](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 Rule 4 *ibid*, the authorized person, on being so 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 his own jurisdiction and shall transfer such part of the application as may be appropriate to that other public authority as soon as practicable, but, in no case, not later than five days from the date of receipt of the application.

(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 acknowledgement shall be obtained from the applicant in token of receipt of information.

^[2](v) Deleted.

Charging of Fee.

^[3]7. (i) The authorized person shall charge the fee for supply of information at the following rates, :-

Sr. No.	Description of information	Price/fees in rupees
(A)	Where the information is available in the form of a priced publication	On printed price.
(B)	For other than priced publication	(a) Rupees ten as application fee; (b) Rupees two per page; (c) actual charge or cost price of a copy in larger size paper; (d) actual cost or price for samples or models.
(C)	Where information is available in electronic form and is to be supplied in electronics form e.g. Floppy, CD etc	Rupees twenty five per CD.
(D)	Information relating to tenders documents /bids/quotation/Business contract	Rupees one hundred per application.

1. Amended vide Correction Slip No. 175 Rules/II.D4 dated 31.03.2014.

2. Deleted vide Correction Slip No. 159 Rules/II.D4 dated 08.05.2012.

3. Amended vide Correction Slip No. 175 Rules/II.D4 dated 31.03.2014.

^[1](ii) For inspection of documents or records, no fee for the first hour; and a fee of Rupees five for each subsequent hour (or fraction thereof).

(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.

^[2](vi) Omitted.

8. ^[3](i) Any person-

- (a) who fails to get a response from the authorized person within thirty days of submission of an application as per Rule 3; or
- (b) is aggrieved by the response received within the prescribed period;

he may prefer an appeal in Form 'F' or on a plain paper to the Appellate Authority.

(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.

1. Amended vide Correction Slip No. 175 Rules/II.D.4 dated 31.03.2014.
2. Omitted vide Correction Slip No. 175 Rules/II.D.4 dated 31.03.2014.
3. Amended vide Correction Slip No. 175 Rules/II.D.4 dated 31.03.2014.

This period shall not exceed thirty days from the date of the receipt of the order.

Penalties.

9. (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.

Suo motu
publication of
information by
public authorities.

10. (i) The public authority shall *suo motu* publish information as per sub-section (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 Authorised Person and the Appellate Authority.

Maintenance of
Records.

11. (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.
- ^[1]3. The applicant is advised to contact the undersignedon any working day during office hours.
- 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:

1. Amended vide Correction slip No. 175 Rules/II.D.4 dated 31.03.2014.

[1] **FORM C**

Transfer of application outside the Jurisdiction of the authorized person

[rule 6(i)]

I.D. No.
(For Official use)

Dated:

Ref. No.

Sub:- Request for information (under RTI Act, 2005) from Mr./Ms.
_____ Received in this Office on
_____.

Sir/Madam.

1. I am forwarding herewith an application/request for information (under RTI Act, 2005) received from Mr./Ms. _____ Son/Daughter/Wife of _____ resident of _____.
2. The subject matter of the information requested by the above applicant is related to your Department/Office/Organization/Institution _____ which pertains to or partly pertains to _____.
3. The required information and/or an appropriate reply may be supplied to the applicant, under intimation to the undersigned.

Encl: As above

Yours faithfully,
Authorised Person:
E-mail address:
Web-site:
Telephone No:

Copy to: The Applicant

Yours faithfully,
Authorised Person:
E-mail address:
Web-site:
Telephone No:

1. Substituted vide Correction Slip No. 175 Rules/II.D4 dated 31.03.2014.

FORM D
Rejection Order
[Rule 6(ii)]

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 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 _____.

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. :

*Strike out if not applicable.

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

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

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. ^[1]Omitted.

Place : _____ Signature of Appellant
 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