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### THE GAUHATI HIGH COURT [THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA, MIZORAM AND ARUNACHAL PRADESH]

#### NOTIFICATION

Dated Guwahati, 23.05.2008

NO.HC.XI-05/2008/ 233 /RC ## In exercise of the power conferred by sub-section (1) of Section 28 read with Section 2 (e) (iii) of the Right to Information Act, 2005, Hon'ble the Chief Justice, Gauhati High Court, is hereby pleased to frame the following Rules: -

1. Short title, commencement and application:

- (i) These Rules shall be called the Gauhati High Court (Right to Information) Rules, 2008.
- (ii) It shall come into force from the date of its publication in the Official Gazette.
- (iii) These Rules shall be applicable to the Gauhati High Court, its all Permanent Benches and all the subordinate Courts under the control of the Gauhati High Court and the Permanent Benches.

2. Definitions: In these Rules, unless the context otherwise requires -

- (a) 'Act' means the Right to Information Act, 2005 (No. 22 of 2005).
- (b) 'Applicant' means the person making request for any information under the Act and the instant Rule.
- (c) 'Appellate authority' means the authority designated as such by the Chief Justice of the High Court.
- (d) 'Authorised person' means Public Information Officer(s) and Assistant Public Information Officer(s) designated as such by the Chief Justice of the High Court as enumerated in Appendix - I.
- (e) 'Chief Justice' means the Chief Justice of the Gauhati High Court.
- (f) 'Form' means the form appended to these Rules.
- (g) 'High Court' means the Gauhati High Court (*The High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh*).

- (h) 'Registrar General' means the Registrar General of the Gauhati High Court.
- (i) 'Section' means a section of the Act.
- (j) Words and expressions used but not defined in these Rules shall have the same meaning as assigned to them in the Act.

3. Application for seeking information:

- (a) Any person seeking information under the Act shall file an application from 11.00 A.M. to 1.00 P.M. on a Court working day to the authorized person in Form A and deposit application fee as per Rule 9 with the authorized person.
- (b) Every application shall be made for one particular item of information only.
- (c) The authorized person shall duly acknowledge the receipt of the application as provided in Form B.
- (d) The information requested for shall be sufficiently specified in the application as to lead to its identification without any difficulty, ambiguity or doubt.
- (e) If the applicant is illiterate and is unable to present the application in writing in Form A, the authorized person shall help him to that extent and shall get the application produced in writing.

Provided that a person who makes a request through *electronic form* shall ensure that the requisite fee is deposited in the manner provided in Rule 9 with the authorized person within 7 (seven) days of his sending the request through the *electronic form*, failing which his application shall be treated as rejected.

4. Disposal of application by the authorized person :

- (i) On receipt of application along with requisite fee, the authorized person shall enter the particulars in a register maintained as per Rule 10(i).
- (ii) If the requested information does not fall within the jurisdiction of the authorized person, he/she shall order return of the application to the applicant in Form C as soon as practicable, preferably within 15 (fifteen) days, and in any case not later than 30 (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. The application fee deposited in such cases shall not be refunded.
- (iii) If the requested information falls within the authorized person's jurisdiction but pertains to any one or more of the categories enumerated in **Section 8 and 9 of the Act**, the authorized person, on being so satisfied, will issue the rejection order in Form D as soon as practicable, preferably within 15 days and in any case not later than 30 days from the date of receipt of the application. The application fee deposited shall not be refunded.
- (iv) If the requested information falls within the authorized person's jurisdiction but not in one or more of the categories enumerated in **Section 8 and 9 of the Act**, 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 beyond the jurisdiction of the authorized person or partly relates to the categories listed in Section 8 and 9 of the Act, the authorized person, shall supply only such

information as is permissible under the Act and is within his/her own jurisdiction and reject the remaining part citing reasons therefore.

- (v) In so far as decision(s), which are taken administratively or quasi judicially, information therefore, shall be available only to the affected persons.
- (vi) The information shall be supplied as soon as practicable, preferably within 15 days and in any case not later than 30 days from the date of receipt of application. However, the date of the application/request 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 as the case may be. Provided where the information sought for, concerns the life or liberty of a person, the decision / information, as the case may be, as contemplated in clause (i) to (iv) would be communicated / provided within forty-eight hours of the receipt of the request.
- (vii) A proper acknowledgement shall be obtained by the authorized person from the applicant in token of receipt of information.

5. Exemption from disclosure of information : Any 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) That, which is not in the public domain or does not relate to juridical functions and duties of the Court and matters incidental and ancillary thereto.
- (b) That, which has been expressly forbidden to be published by the Court or the disclosure whereof may constitute Contempt of Court; or any information which involves commercial confidence, trade secrets or intellectual property, the disclosure whereof, would harm the competitive position of a third party, unless the Chief Justice is satisfied that larger public interest warrants the disclosure of such information;
- (c) That, 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 Assistant 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.
- (d) That, affecting the confidentiality of any examination conducted by the Gauhati High Court or administration of the affairs thereof. The question of confidentiality shall be decided by the Chief Justice whose decision shall be final.
- (e) That can be obtained under the provisions of the Gauhati High Court Rules 2007 in case of the High Court and its Permanent Benches and under Gauhati High Court Civil/Criminal Rules for the subordinate Courts. Such information may be obtained by adhering to the prescribed procedure and payment of fees prescribed in the Gauhati High Court Rules, 2007 and Gauhati High Court Civil/Criminal Rules as the case may be.

6. Information which is to be furnished and access to records shall be subject to the restrictions and prohibitions contained in the rules/regulations in force, interalia regarding preservation and destruction of records from time to time which may have been framed, notified or implemented by the High Court.

7. Appeal - (i) Any person
- (a) who fails to get a response in Form C or Form D from the authorized person within 30 days of submission/receipt of Form A, as above or
  - (b) is aggrieved by the response received within the prescribed period, may prefer appeal in Form F to the Appellate Authority with a fee as per Rule 9 with the Appellate Authority within thirty days from the date of the response or the date of expiry of the prescribed period for response as the case may be.
  - (ii) On submission of the appeal along with required fee, the Appellate Authority shall acknowledge the receipt thereof, and after according the appellant an opportunity of being heard, shall endeavor to dispose it of within thirty days from the date on which it is presented and transmit a copy of the decision to the authorized person concerned.
  - (iii) In case the appeal is allowed, the information as determined shall be transmitted to the applicant by the authorized person within such period as ordered by the Appellate Authority. This period shall not exceed thirty days from the date of disposal of the appeal.
8. Penalties :
- (i) Whoever being bound to supply information fails to furnish the same, if asked for under the Act within the time specified or fails to communicate the rejection order within the period prescribed, shall be liable to pay a penalty up to Rs. 50/- per day for the delayed period beyond 30 days subject to maximum of Rs. 500/- per application filed under Rule 3 or as may be determined by the Appellate Authority.
  - (ii) Where the information supplied is found to be false in any material particular and the person bound to supply it knows or has reason to believe it to be false, or if he does not believe it to be true, he shall be liable to pay a penalty up to Rs. 1000/- which may be imposed by the Appellate Authority.
9. Rates of fee:
- (i) The authorized person shall charge the fee at the following rates, namely : -
 

A. <u>Application Fee -</u>	
(i) For information not relating to Rule 4(iv) above	Rs. 100.00 per application.
(ii) For information other than (i) above	Rs. 10.00 per application
(iii) Where the information is available in the form of a priced publication	Price so fixed
(iv) For other than priced publication	Rs. 5.00 per page, Rs. 10.00 per page, if urgent.
B. For Appeal	
(ii) The fee so charged shall be payable by cash / demand draft / pay order and received by the authorized person and shall deposit in the bank at the end of the day or on subsequent working day.	Rs. 50.00 per appeal.



APPENDIX - III  
[See Rule 10 (ii)]

Sl. No.	Date of receipt of appeal	Registration No.	Name & Add. of the Appellant	Name & Address of respondent / non applicant	Details of order against which appeal is preferred	Fee paid	Date of Order with decision	Remark

FORM 'A'

Form of application for seeking information  
(See Rule 3 )

To

The authorized person

D. No.

.....

.....

(for official use)

.....

1. Name of the Applicant : -
2. Address : -
3. Particulars of information -
  - (a) Name of the concerned department: -
  - (b) Details of information required: -
  - (c) Period for which information asked for:-
  - (d) Other details :-
4. I state that the information sought does not fall within the restrictions contained in Section 8 of the Act and to the best of my knowledge it pertains to your office.
5. A fee of Rs. .... has been deposited in the office of the authorized person through cash/ demand draft/pay order vide No. .... dated .....

Place

Signature of applicant with

Date :

mail add. if any

Tel. No. (Office)

(Residence)

- Note :- (1) Reasonable assistance can be provided by authorized person in filling up of Form A  
(2) 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  
[Rule 3 (c)]

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 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 ..... from 11.00 A.M. to 1.00 P.M.
4. In case the applicant fails to turn up on the scheduled date(s), the authorized person shall not be responsible for delay, if any.
5. The applicant shall have to deposit the balance fee, if any, with the authorized person before collection of information.
6. The applicant may also consult the web-site of the department from time to time to ascertain the status of his application.

Date:  
Signature and Stamp of  
Authorized person,

E-mail:  
Web-site:  
Telephone No.

FORM 'C'  
Outside the jurisdiction of the Authorized person  
[Rule 4(ii)]

No. ....

Date.....

To,  
Sir / Madam

1. 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 this authorized person and therefore, your application is being returned herewith.
3. You are requested to apply to the concerned authorized person.

Yours faithfully -

Authorized person,  
E-mail:  
Web-site:  
Telephone No.

FORM 'D'  
Rejection Order  
[Rule 4(iii)]

No. ....  
Date.....

To,

Sir / Madam,

1. 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 -

Authorized person  
E-mail .....  
Web-site .....  
Telephone No. ....

FORM 'E'  
Form of supply of information to the applicant  
[Rule 4(iv)]

No. ....  
Date.....

To,

Sir / Madam

1. Please refer to your 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)
  - (iii)
 The remaining information about the other aspects cannot be supplied due to the following reasons -
  - (i)
  - (ii)
  - (iii)
3. The requested information does not fall within the jurisdiction of this authorized person.
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-

Authorized person  
E-mail  
Web-site  
Telephone No.

\* Strike out if not applicable.



