

GOVERNMENT OF HIMACHAL PRADESH
ADMINISTRATIVE REFORMS DEPARTMENT

NOTIFICATION

No. PER (AR) F (7)-2/98-Vol.I

Dated Shimla- 2 the 21st January 2006

In exercise of the powers conferred by clauses to sub-section (2) of section 27 of "The Right to Information Act, 2005" (Central Act No. 22 of 2005), the Governor of Himachal Pradesh is pleased to make the following rules for carrying out the purposes of the Act, *ibid*, namely;

1. Short title and commencement: (1) These rules may be called the "Himachal Pradesh Right to Information Rules, 2006."

(2) They shall come into force on the date 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 (Central Act No. 22 of 2005);

(b) 'Form' means a form appended to these rules;

(c) 'section' means section of the Act;

(d) "Appendix' means appendix appended to the rules.

(2) Words and expressions used but not defined in these rules, shall have the same meaning as assigned to them in the Act respectively.

3. Application for seeking information:- (1) Any person seeking information under the Act shall make an application in Form 'A' to the Public Information Officer/Assistant Public Information Officer accompanied by fee prescribed in rule 5 and the Public Information Officer/ Assistant Public Information Officer shall duly acknowledge the receipt thereof and shall enter the particulars in Part I of the Application Register maintained for the purpose in Appendix I.

(2) Except in the case of an applicant who is determined by the State Government as being below poverty line, the application shall be accepted only if it is accompanied by a challan in support of payment of the requisite application fees as specified in rule 5. A separate application shall be made in respect of each subject and in respect of each year to which the information relates.

(3) When the information sought for is ready and requires payment of additional fee, if any, the Public Information Officer/ Assistant Public Information Officer shall communicate to the applicant the fact in Form 'B' specifying the additional fee to be paid, on his address given in

the application. The particulars of information being supplied shall be entered in Part II of the Application Register.

(4) When the information is ready the Public Information Officer/ Assistant Public Information Officer will inform the applicant in Form 'C'.

(5) Any information supplied under sub rule (4) shall be in the language available in the office record.

4. Inspection of record (1) Any person who seeks to inspect the record before making an application under Section 4 shall make application in form D for the purpose indicating the record to be inspected.

(2) An Inspection Register shall be maintained with the Public Information Officer/Assistant Public Information Officer in form given in Appendix-II and details of the application and inspection shall be recorded therein.

(3) During inspection the applicant shall not take photographs etc. of the record/document.

(4) Except if inspection of the record is disallowed under section 8 and 9 of the Act, Public Information Officer/Assistant Public Information Officer shall allow the inspection on payment of the requisite fee prescribed in rule 5.

5. Charging of fee:- (1) Except in the case of persons who are below poverty line as determined by the State Government, the Public Information Officer/ Assistant Public Information Officer shall charge the fee for supply of information at the following rates, namely:-

	Description of information	Price/Fees in Rupees
1	Fee alongwith application	Rs.10 per application
2	Where the information is available in the form of a priced publication.	On printed price.
3	For other than priced publication.	Rs.10 per page of A-4 size or smaller and actual cost subject to minimum of Rs.20 per page in case of larger size.
4	Where information is available in electronic form and is to be supplied in electronics form e.g. Floppy, CD etc.	Rupees 50 per floppy and Rs.100 per CD
5	Fee for inspection of Record/document	Rs.10 per 15 minutes or fraction thereof.

(2) Every page of information to be supplied shall be duly authenticated giving the name of the Applicant (including below poverty line status if that is the case), and shall bear the dated signatures and seal of the concerned Public Information Officer/ Assistant Public Information Officer supplying the information.

(3) Fees/ Charges shall be deposited in a Government Treasury under the head of account **“0070 – OAS, 60 – OS, 800 –OR, 11 – Receipt head under Right to Information Act, 2005”**. Accruals into this head of account may be placed in a separate fund by way of grant-in-aid for furthering the purposes of the Act, including purchase of equipment and consumables, providing training to staff etc.

6. Procedure in appeals before the Appellate Authorities. (1) Contents of appeal.- The Memorandum of appeal to the Appellate Authority/Commission shall contain the following information, namely:-

- (i) name and address of the appellant;
- (ii) name and address of the Public Information Officer against the decision of whom the appeal is preferred;
- (iii) particulars of the order including number, if any, against which the appeal is preferred;
- (iv) brief facts leading to the appeal
- (v) if the appeal is preferred against deemed refusal, the particulars of the application, including number and date and name and address of the Public Information Officer to whom the application was made;
- (vi) prayer or relief sought;
- (vii) grounds for the prayer or relief;
- (viii) verification by the appellant; and
- (ix) any other information which the Commission may deem necessary for deciding the appeal.

(2) The appellant shall submit four copies of the memorandum of appeal for official purpose.

(3) Every appeal made to the Appellate Authority/Commission shall be accompanied by the following documents, namely:-

- (i) self attested copies of the Orders or documents against which the appeal is being preferred;
- (ii) challan in proof of the payment of the prescribed fee;
- (iii) copies of documents relied upon by the appellant and referred to in the appeal; and
- (iv) an index of the documents referred to in the appeal.

(4) When the Appellate Authority/ Commission may calls for the record, it shall in any case shall return the original record within 10 days after retaining an authenticated copy if required.

(5) On the date of hearing or on any other day to which hearing may be adjourned, the parties shall put their appearance before the Appellate Authority/ Commission. If the appellant fails to appear on such date, the Appellate Authority/Commission may in its discretion either dismiss the appeal or decide the matter ex-parte on merits

(6) The appellant shall not, except by leave of the Appellate Authority /Commission, urge or be heard in support of any ground of objection which has not been set forth in the memorandum, but the Appellate Authority /Commission, in deciding the appeal, need not confine itself to the grounds of objection set forth in the memorandum:

Provided that the Appellate Authority/ Commission shall not rest its decision on any ground other than those specified in memorandum, unless the party likely to be affected thereby, has been given, an opportunity of being heard by the Appellate Authority/ Commission.

(7) The Commission may frame regulations in respect of its day-to-day proceedings.