

The 3rd December, 2013.

HIGH COURT OF MEGHALAYA (RIGHT TO INFORMATION) RULES, 2013

No. HCM.II/430/2013/5609. 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, High Court of Meghalaya, is hereby pleased to frame the following Rules :

1. Short title, commencement and application. – (i) These Rules shall be called the High Court of Meghalaya (Right to Information) Rules, 2013.

(ii) It shall come into force from the date of its publication in the Official Gazette.

(iii) These Rules shall be applicable to the High Court of Meghalaya and all the subordinate Courts under the control of the High Court of Meghalaya.

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 High Court of Meghalaya.

(f) "Form" means the form appended to these Rules.

(g) "High Court" means the High Court of Meghalaya.

(h) "Registrar General" means the Registrar General of the High Court of Meghalaya.

(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 AM to 1.00 P.M. on a Court working day to the authorized person in Form A 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 alongwith 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 persons 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 persons 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 High Court of Meghalaya 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 High Court of Meghalaya Rules in case of the High Court and under 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 High Court Rules and 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 endeavour 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 ₹50/- per day for the delayed period beyond 30 days subject to maximum of ₹500/- per application 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 ₹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. Application Fee

- (i) For information not relating to Rule 4(iv) above - ₹100.00 per application
- (ii) For information other than (i) above - ₹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 - ₹5.00 per page,
₹10.00 per page, if
Urgent.

B. For Appeal - ₹50.00 per 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.

(iii) The demand draft or pay order shall be in favour pf Registrar General, High Court of Meghalaya, payable at Shillong for subordinate Courts except Family Court/Designated Court/Labour Court/Industrial Tribunal, in favour of District & Sessions Judge of the concerned district and for Family Court/Designated Court/Labour Court/Industrial Tribunal, in favour of the concerned Judge/Presiding Officer payable at the respective district head quarter/station.

10. Maintenance of Records. – (i) The authorized persons shall maintain records of all applications received for supply of information and fee charged and paid as per Appendix-II.

(ii) The appellate authority shall maintain records of all appeals filed and the fee charged and paid as per Appendix-III.

APPENDIX-I

[See Rule 2(c)(d)]

Sl. No.	Public Authority	Appellate Authority	Public Information Officer	Assistant Public Information Officer
1	High Court of Meghalaya	Registrar General	Registrar	Deputy Registrar (Judl)
2	Subordinate Courts	District and Sessions Judge of the concerned District	Assistant District and Sessions Judge/CJM, whoever is senior	Munsiff of the concerned District/Sub-Division
3	Family Court	Principal Judge	Councillor	Senior most UDA
4	Labour Court	Presiding Officer	Chief Administrative Officer	Member
5	Industrial Tribunal	Presiding Officer	Chief Administrative Officer	Senior most UDA
6	Designated Court	Judge	Chief Administrative Officer	Senior most UDA

APPENDIX – II

[See Rule 10(i)]

Sl. No	Date of Receipt of Application	Registration No.	Name & Address of the Party/ Applicant	Purpose of request	Information Required	Fee paid	Date of furnishing Information	Remark

APPENDIX – III

[See Rule 10 (ii)]

Sl. No	Date of Receipt of Appeal	Registration No.	Name & Address of the Party/ Appellant	Name & Address of the Respondent/ Non-Applicant	Detail 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

.....

ID. 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 ₹.....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 :

E-mail add. If any

Tel.No.....(office)

.....(Residence)

Note : (1) Reasonable assistant 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 Sectionof 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 AM to 1.00 PM.

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

Authorised person,

E-mail :

Web-site :

Telephone No.

FORM C

Outside the jurisdiction of the Authorised person

[Rule 4(ii)]

No.

Date.....

To,

Sir/Madam,

1. Please refer to your application I.D. No. Datedaddressed 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

Authorised 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

Authorised 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 application I.D. No.....

Datedaddressed 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

Authorised person,

E-mail :

Web-site :

Telephone No. :

*Strike out if not applicable

FORM F

Appeal under Section 19 of the Right to Information Act, 2005

[Rule 7]

I.D.No.....

Dated.....

(for official use)

To,

The Appellate Authority

Address

1. Name of the Applicant :

2. Address :

3. Particulars of the Authorised 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

(b) Aggrieved by the response received with prescribed period (copy of the reply receipt be attached)

(c) Grounds for appeal

7. Last date for filing the appeal [See Rule 8]

8. Particulars of information

(i) Information requested

(ii) Subject

(iii) Period

9. A fee of ₹50.00 for appeal has been deposited with the authority vide Receipt No..... dated

Date :

Signature of Appellant

E-mail Address if any

Telephone No.

Acknowledgement

I.D.No.

Date :

Received an application from Shri/Ms.....
Resident of
under Section 19 of the Right to Information Act, 2005.

Signature of the Receipt Clerk,

Appellate authority

Telephone No.

E-mail

Web-site

By Order,**REGISTRAR GENERAL**