

An Analysis of the RTI Rules of the Supreme Court, the Delhi High Court and the Subordinate Courts



With Recommendations for Improvement



CHRI

Commonwealth Human Rights Initiative

working for the practical realisation of human rights in the countries of the Commonwealth

Commonwealth Human Rights Initiative

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI. They believed that while the Commonwealth provided member countries a shared set of values and legal principles from which to work and provided a forum within which to promote human rights, there was little focus on the issues of human rights within the Commonwealth.

The objectives of CHRI are to promote awareness of and adherence to the Commonwealth Harare Principles, the Universal Declaration of Human Rights and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights in Commonwealth member states.

Through its reports and periodic investigations, CHRI continually draws attention to progress and setbacks to human rights in Commonwealth countries. In advocating for approaches and measures to prevent human rights abuses, CHRI addresses the Commonwealth Secretariat, member governments and civil society associations. Through its public education programmes, policy dialogues, comparative research, advocacy and networking, CHRI's approach throughout is to act as a catalyst around its priority issues.

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Preface

The Commonwealth Human Rights Initiative (CHRI) is committed to the promotion and protection of access to information. Over the past 12 years, as a resource centre and a leading advocate of access to information, CHRI has acted as a hub of technical expertise in support of strong access legislation. It has also been working collaboratively with local groups to spread awareness about the right to information and build the demand for information held by public authorities. It engages in policy dialogue for greater levels of transparency in government and assists officials to implement access laws.

CHRI sees the right to information as a human right that helps in the practical realisation of all other rights. It creates much needed transparency in governance and participation by people in government. This builds confidence between state and citizen and consequently promotes harmony and peace.

In India, CHRI has advocated strongly for, and contributed to, the creation of a progressive law on access to information. Since 2005, when the Right to Information law was enacted, it has worked hard to create awareness of the law amongst officials at all levels and large civil society networks including those working with vulnerable groups, on civil liberties and social justice, and on governance issues.

Under our laws the duty to provide information extends to all arms of government – no less the judiciary. The law requires that all information held by these bodies will be available either through proactive disclosure or on request. Only a narrow band of information can be withheld if it can be shown that it is more in the public interest to withhold that information than disclose it.



However, it is fair to say that even several years after its enactment there is a general official reluctance to ensure that information is easily available. Several kinds of obstacles often come in the way of easy access including cumbersome procedural rules, fees, and even gratuitous inclusions of entirely extra-legal conditions to give information, such as asking for reasons why the information is being sought.

The present publication is the first in a series on the extant Right to Information Rules as they relate to the Supreme Court, the High Courts and the lower Courts. Our recommendations have been prompted by an examination of the Rules across jurisdictions which found major inconsistencies between the Rules of various courts and also some that may act as obstacles to access to information.

We hope that this book will help in bringing in consistency of practice across the court system, and most importantly encourage each court to review and refine procedures and adopt liberal and assisting approaches to information giving that make information access simple and easy for the public.

Maja Daruwala
Director, CHRI

**AN ANALYSIS OF
THE RTI RULES OF
THE SUPREME COURT OF INDIA**



THE SUPREME COURT OF INDIA

Absence of Rules

The Supreme Court of India has not notified any rules to operationalise the Right to Information Act, 2005 (RTI Act) within its offices despite the passage of over four years. According to a combined reading of Section 2(e) (ii) and Section 28 of the RTI Act, the Chief Justice of India is the competent authority empowered to notify rules prescribing, amongst other things, the amount of application fee and additional fee that may be collected from information requesters. The website of the Supreme Court does not display any notification issued by the Chief Justice of India under Section 28 of the RTI Act.



In September 2007, CHRI sent a formal application along with application fee to the Supreme Court requesting a copy of the RTI Rules notified by the Chief Justice. We also sought the name and designation of the officers appointed as the Central Public Information Office (CPIO) and Appellate Authority (AA) by the Court. The CPIO's reply is given below (also see Annexure 1):

1. *Supreme Court of India has not framed any separate rules under Section 28(2) of the Right to Information Act, 2005.*
2. *Sh. Ashok Kumar, Additional Registrar/CPIO, Supreme Court of India, New Delhi. (sic)*
3. *Sh. Sunil Thomas, Registrar, Supreme Court of India is the first Appellate Authority, under the Right to Information Act, 2005.*
4. *The fee is Rs. 10/- under the Right to Information Act, 2005 in the Supreme Court of India.*

More recently, in February 2010, CHRI sent another formal application along with application fee to the CPIO of the Supreme Court, seeking a copy of the Rules notified by the Chief Justice of India, under Section 28 of the RTI Act. We also requested the CPIO to indicate the web address of the Rules as we could not find them on the Court's website. We had hoped that the Court would have framed the necessary Rules by now. The CPIO's reply to our second application is given below (also see Annexure 2):

I write to say that this Registry for the present is following the provisions of Right to Information Act, 2005 (22 of 2005) which is available on the website of the Central Information Commission i.e. cic.gov.in.

Shri. M K Gupta, Registrar, Supreme Court of India is the First Appellate Authority under the Right to Information Act, 2005 and the appeal, if so advised, can be filed within 30 days from the receipt of this reply.

The replies obtained under the RTI Act from the CPIO clearly indicate once again that the Chief Justice of India has not notified any Rules to operationalise the RTI Act within the Supreme Court.¹ This is worrisome for the following reasons:

1. In the first reply we received in September 2007, the CPIO stated that Rs. 10 was charged as application fee. It is only reasonable to expect that there might be some authoritative legal instrument that forms the basis of the CPIO's decision

¹ We are grateful to Advocate Shomona Khanna for crosschecking this position in a conversation with the CPIO, Supreme Court of India on 21 May, 2010.

to collect Rs.10 as application fee from a requester. However, according to the CPIO no separate Rules have been notified by the Chief Justice of India. This admission may imply that the CPIO collects the application fee according to the rate prescribed by the Government of India for public authorities under its jurisdiction.² However these Rules do not automatically cover the Supreme Court unless the Chief Justice of India issues a notification that the Rules framed by the Government of India will apply to the Supreme Court also. Even this step does not seem to have been taken by the Supreme Court.

2. In the second reply we received in February 2010, the CPIO states that the Registry of the Supreme Court follows the provisions of the principal Act as it exists on the website of the Central Information Commission. There is no mention of the Rules framed by the Supreme Court. It is also not clear whether any notification has been issued indicating the applicability of the Rules framed by the Government of India to the Supreme Court.
3. Similarly in the absence of Rules the Appellate Authority designated by the Supreme Court has no guidance for dealing with first appeals filed under Section 19(1) of the RTI Act.³

A five-judge bench of the Supreme Court has held as far back as 1959 that subordinate legislation or the detailing of the provisions of an enactment must be notified in the Gazette for it to become effective.⁴ Later, a two-judge bench of the Supreme Court held as follows:

*Publication of an order or rule in the Gazette is the official confirmation of making of such an order or rule.... The publication of an order or rule is the official irrefutable affirmation that a particular order or rule is made, is made on a particular day (where the order or rule takes effect from the date of its publication) and is made by a particular authority; it is also the official version of the order or rule.*⁵

Given the fact that neither separate Rules have been framed nor has the public been formally notified that the Supreme Court will charge fees according to the Rules made

2 *Right to Information (Regulation of Fee and Cost) Rules, 2005.*

3 The Delhi High Court has framed Rules in some detail to guide the designated appellate authorities in the district courts and other subordinate courts for disposing first appeals. Similar Rules are required for the Supreme Court as well.

4 *Narendra Kumar and Othrs. v The Union of India (UOI) and Othrs.*, AIR 1960 SC430.

5 *ITC Bhadrachalam Paperboards and Anr. v Mandal Revenue Office, Andhra Pradesh and Othrs.* JT 1996 (8) 67.



by the Government of India, the CPIO has no formal guidance in law for charging fees. This means that the CPIO is duty-bound to give all information free of cost till fee rates are prescribed in the Rules. It is our firm belief that all acts of the CPIO, till date, collecting application fee and additional fee from requesters have no basis in law.

We recommend that the Supreme Court immediately frame Rules for implementing the RTI Act within its offices.

RECOMMENDATION

The Chief Justice of India, as the competent authority, may invoke his powers under Section 28 of the *Right to Information Act* and immediately frame Rules relating to the collection of fees and the disposal of first appeals in the Supreme Court.

**AN ANALYSIS OF
THE RTI RULES OF
THE DELHI HIGH COURT**



THE DELHI HIGH COURT

General

The Delhi High Court (DHC) notified the Delhi High Court (Right to Information) Rules, on 11 August 2006 - 10 months past the 120-day deadline stipulated in the Right to Information Act, 2005 (RTI Act/principal Act). DHC stands 9th in the chronological order of High Courts that put in place mechanisms to operationalise the RTI Act. These Rules were subsequently amended twice in 2007 (May and October) and for the third time in 2009 (January). Changes were incorporated again as recently as in May 2010. These amendments are aimed at curing some of the difficulties created by Rules that were in excess of the intent and provisions of the principal Act. The notifications relating to the RTI Rules are accessible on the DHC website.⁶

6 <http://delhihighcourt.nic.in/rti.doc>: accessed on 25th March 2010. See Annexure 3 for the complete text.



The Rules lay down procedures that citizens must observe to seek information from DHC. The Rules explain how authorised officers, namely, the public information officer (PIO), the Assistant PIO (APIO) and the Appellate Authority (AA) shall give effect to the provisions of the principal Act. The Assistant Registrar (Establishment) is designated the APIO, the Joint Registrar (Establishment) the PIO and the Registrar (Establishment) the AA.

An appreciation of the positive aspects of the RTI Rules is given below followed by an analysis of other provisions that require to be amended to put them at par with the letter and spirit of the principal Act. Practical recommendations for incorporating these changes are also given below (Annexure 4).

1. Positive Aspects

1.1 Information to be provided or request rejected within 15 days:

If the information requested is found fit for disclosure under Rule 4(v), the PIO is required to provide it to the requester as soon as practicable, and, preferably within 15 days. Similarly, the PIO is expected to issue a rejection order, where necessary, within 15 days. These are welcome improvements over the principal Act requiring the PIO to make a decision on the request within a shorter deadline.

RECOMMENDATION #1

The designated AA may be instructed to monitor compliance with Rule 4(v) to ascertain whether the requirement of expeditious disposal is diligently observed or not.

1.2 Issue of acknowledgement to the applicant:

Rule 3(b) requires the PIO to issue an acknowledgement to the applicant in Form B when the application is submitted along with the application fee. This is a welcome provision and ensures that the requester has documentary proof of submitting his/her request.

1.3 Time-bound compliance with the order of the Appellate Authority:

Rule 7(ii) requires DHC to supply the requested information within 30 days if the appellate AA orders disclosure. This is also a positive improvement as no such time limit is stipulated in the principal Act. The RTI Rules originally notified in

2006 empowered the AA to penalise any officer of DHC who refused to supply the information to the requester despite being bound to do so. This provision was rightly deleted in 2009 as the principal Act does not empower the AA to penalise anyone. In the absence of powers of sanction, a mechanism must be provided for the AA to monitor compliance with his/her orders. Rule 7(ii) may be amended to require the PIO to report time-bound compliance of orders to the AA.

RECOMMENDATION #2

In Rule 7(ii) the following words may be inserted after the words “as ordered by the Appellate Authority”:

“with intimation of compliance to the Appellate Authority”.

1.4 Maintenance of records:

Rule 11 requires the AA to maintain a record of the number of appeals received and disposed along with details of fees collected. This is a welcome provision that goes a step ahead of the principal Act. Maintenance of such a record will help in the preparation of the annual report required to be submitted to the Central Information Commission. Please see Para 2.2.4 below for an analysis regarding appeals fee.

2. Aspects Requiring Rectification Through Amendment

2.1 Application Process:

The Rules require the applicant to file an application in Form A and pay the prescribed application fee. If the requested information does not fall within the jurisdiction of the PIO then he/she is required to forward it to the concerned PIO within five days of receiving the application. If the requested information falls under the jurisdiction of the PIO but attracts any exemption specified under Section 8 or 9 of the principal Act, then a rejection order will be issued, preferably within 15 days, in Form D. If the information is fit for disclosure then the information will be provided in Form E within a maximum period of 30 days of receiving the application.



Problems with the application process

2.1.1 Compulsory use of Form A: The Rules require that all applicants use Form A to submit information requests. This insistence on using a pre printed form can create problems under certain circumstances. If pre printed application forms are not easily available, a citizen may simply not be allowed to submit an information request by the PIO. Making the use of application forms compulsory is a restriction imposed on potential information seekers and is clearly avoidable. Plain paper applications must also be allowed as long as they contain the minimum contents prescribed under Section 6 of the principal Act. The High Court of Karnataka and the Madras High Court have not prescribed any proforma for submitting information requests. This good practice may be emulated by DHC.

RECOMMENDATION #3

The existing "Explanation" clause before Rule 3(a) may be substituted with the following:

"An application made on plain paper shall also be accepted provided it contains information relevant to all the fields mentioned in Form A."

(Also see recommendation under Para 2.1.4 below)

2.1.2 Restriction on requesters on submitting applications: The DHC only accepts RTI applications for a period of four hours on working days. This puts an unreasonable restriction on the applicants. According to Rule 3(a), citizens who wish to submit applications in person are allowed to visit the office of the PIO/APIO only between 11am-1pm and 2pm-4pm. A large majority of High Courts in other states do not place such a time-related restriction on potential requesters. Rule 3(a) may

RECOMMENDATION #4

In Rule 3(a) the words "from 11 A.M. to 1 P.M and 2 P.M. to 4 P.M." may be substituted by the words:

"during all working hours".

be amended to delete this restriction. A separate counter operated by an APIO may be set up within the premises of DHC to receive RTI applications during all working hours.

- 2.1.3 Applicants are required to make a declaration:** Form A attached to the RTI Rules imposes an obligation on every requester to make the following declaration: “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”. Insisting on the applicant to make such a declaration serves little purpose. Whether the information requested attracts any of the exemptions or not, is a judgement that must be made by the PIO or the AA or any other competent authority within DHC. The citizen is not competent to make such a judgement as he/she is not the creator or the holder of the information. There is no good reason why an applicant must be forced to make such a declaration. Further, the exemptions themselves are not absolute. Section 8(2) of the principal Act provides for the disclosure of exempt information in the public interest if it outweighs the harm to any of the interests protected in Section 8(1). This declaration is in excess of the provisions of the principal Act and may be deleted.

RECOMMENDATION #5

Item no. 4 in Form A may be deleted.

- 2.1.4 Only one topic per application:** In January 2008, DHC amended the Rules to introduce an Explanation to Section 3(a) placing another restriction on potential requesters. Citizens are required to make separate applications for each topic of information sought. Multiple points may be included in an application only if they relate to or are consequential to each other. With the exception of the High Courts of Gauhati, Allahabad and Orissa no other High Court has imposed such a restriction. This amendment puts an enormous amount of discretion in the hands of the PIO to decide on the admissibility of an application. In the absence of illustrations to guide how a determination may be made if multiple points in an application are related or unrelated to each other, this provision can be misused to frustrate potential applicants. The issue is not about how many points of information may be allowed to be sought in one application. Instead consideration must be given

to assessing how much information may be reasonably provided within the stipulated time limit keeping in mind the twin caveats mentioned in Section 7(9) of the principal Act. The existing Explanation to Rule 3(a) may be substituted with the sentence recommended under Para 2.1.1 mentioned above.

RECOMMENDATION #6

The existing Explanation clause before Rule 3(a) may be substituted with the new Explanation clause mentioned above at Recommendation #3.

2.2 Fee-related provisions:

The specifics of fee payable under the Rules are summarised below:

Application Fee:	Rs. 50
Additional Fee:	
Photocopying:	Rs. 5 per page
Appeal Fee:	Rs. 50 per appeal
Mode of payment:	Cash, Indian Postal Order, Demand Draft or Pay Order

Problems with the fee-related provisions

2.2.1 Application fee is higher than the lowest benchmark set by other High Courts: Originally the Rules stipulated Rs. 500 as the application fee. This was reduced to the current level of Rs. 50 through an amendment in May 2007. Nevertheless, this figure is five times more than the Rs. 10 application fee stipulated by the High Courts of Karnataka and Kerala. GOI and a large majority of state governments have also prescribed Rs. 10 only. There is no reason why DHC should collect more fees than the lowest benchmark set by other competent

RECOMMENDATION #7

- a. In Rule 10(A)(i), the figure “50” may be substituted with the figure “10”.
- b. Rule 10(A)(ii) may be deleted.

authorities and governments. The Rules may be amended to reduce the application fee to Rs. 10. Rule 4(iv) originally notified in 2006 was deleted in January 2009. Consequently, there is no need to specify in Rule 10, the application fee rate related to this deleted Rule.

- 2.2.2 Additional fee rates are higher than the lowest bench mark set by other High Courts:** Rule 10 specifies that an additional fee of Rs 5 per page. The High Courts of Madras and Kerala have set the lowest bench mark for additional fee by charging Rs 2 per page. Similarly GOI and a large majority of State Governments also charge additional fee at the rate of Rs 2 only. There is no reason why DHC should collect more fees than the lowest benchmark set by other competent authorities and governments. The Rules may be amended to reduce the additional fee rate.

RECOMMENDATION #8

In Rule 10(B)(i), in the column named 'Price/Fee in Rupees', the figure: "5" may be substituted with the figure: "2".

- 2.2.3 Absence of adequate guidance regards mode of fee payment:** The Rules notified by DHC originally mentioned cash as the mode of fee payment only in the context of applications received electronically. There was no mention of any mode of fee payment when applications are submitted in person or by post/courier. However in May 2010 the Rules were amended to include payment via Indian Postal Order, demand draft or pay order. It made the rule applicable to applications received by post as well. While this amendment is welcome it does not state in whose name these instruments must be drawn. Further the High Courts of Andhra Pradesh, Chhattisgarh and Jharkhand allow payment of fees through court fee stamps. The High Court of Orissa recognises payments made through non-judicial stamps. The Rules notified by the DHC may be amended in order to allow for more modes of fee payment to create greater convenience for potential applicants. The Rules may also be amended to clearly indicate the identity of the officer in whose name the negotiable instruments may be drawn for making fee payment.

RECOMMENDATION #9

- a. In Rule 3(b) the words: “*Court Fee Stamps and Non-judicial Stamps*” may be inserted after the words “Indian Postal Order, Demand Drafts, Pay Order”.
- b. In Rule 3(b) the words: “*drawn in favour of the Registrar General*” may be inserted after the words: “Indian Postal Order, Demand Drafts, Pay Order, Court Fee Stamps and Non-judicial Stamps” (after amending as recommended above).

2.2.4 Fee is charged for admitting first appeal: Rule 10(B)(ii) requires every requester who is aggrieved by a decision of the PIO to pay Rs. 50 while submitting an appeal under Section 19(1) of the principal Act. There is no enabling provision in the principal Act for DHC to collect fees while admitting appeals. Unlike Section 6(1) which clearly provides for collection of application fee, and Section 7 which provides for collection of additional fee for providing the information, there is no mention of any fee payment in Section 19 which relates to appeals mechanisms.

Similarly, Section 28(2) which empowers the Chief Justice of DHC to notify Rules for implementing the principal Act also makes no reference to collection of fees at the first appeal stage. Clearly, Parliament's intention was to make provisions for fee payment only at the application and information disclosure stage and not at the appeals stage. Given this scheme of fee payment in the principal Act, the general power of rule making given in Section 28(1) of the principal Act cannot be invoked to impose a new kind of fee on the applicant. The Supreme Court ruled in 1992, saying:

*“The rules are meant only to carry out the provisions of the Act and cannot take away what is conferred by the Act or whittle down its effect.”*⁷

Requiring appellants to pay a fee while submitting first appeals has the effect of whittling down their right to have the information access dispute adjudicated free of cost. This Rule is clearly in excess of the provisions of the principal Act.

Further, it is common knowledge that in a parliamentary democracy not one paisa may be collected from the citizenry by way of tax, or

⁷ *Commissioner of Income Tax Bombay v Gwalior Rayon Silk Manufacturing Company Ltd.*, AIR 1992, SC1782

fees without Parliament's approval. The Madras High Court and the High Courts of Karnataka, Andhra Pradesh, Jharkhand, Orissa and Rajasthan do not impose appeals fee on potential appellants. GOI and a large majority of the state governments also do not charge fees for admitting first appeals. DHC may amend the Rules to delete the requirement of collecting fees for admitting appeals.

RECOMMENDATION #10

The existing Rule 10(B)(ii) may be deleted and a new Rule 10(B)(ii) may be inserted as recommended at Para 2.2.3 and Recommendation #9.

2.2.5 No guidance regarding fee payment for inspecting records: The Rules do not contain any fee-related provision for inspection. The definition of right to information in Section 2(j) of the principal Act includes the right to inspect documents, records and works. DHC is also duty-bound to allow requesters to inspect its records unless exemptions in Section 8 and Section 9 are applicable. Unless the Rules specify the rate of fee payment inspection must be allowed free of cost for every requester. If it is the policy of DHC to allow free inspection of its records for an unlimited period of time, the Rules may be amended to clearly state this position. If not, the Rules must be amended to specify the fee rates for inspection. The Madras High Court and the High Court of Karnataka have notified the lowest fee rates for inspection. The requester may inspect the records free of cost for the first hour and pay Rs. 5 for every subsequent 15-minute period. GOI charges even lower rates at Rs. 5 for every subsequent hour after the first hour.

RECOMMENDATION #11

DHC may amend the Rules indicating whether inspection of records will be allowed free of cost or if fees will be charged. If fees are likely to be charged the rates may be specified at the lowest benchmark set by GOI and other High Courts.

2.2.6 Determination of the date of submission of the application: Rule 4(v) states that the date of the application shall be deemed to be the date on which the entire fee or the balance fee or deficit amount of the fee is deposited with the authorised person. This Rule is clearly in



contradiction with the scheme of fee payment given in Section 7 of the principal Act. The 30-day clock starts ticking on the day the requester submits the application along with application fee. According to Section 7(3) the time taken between the despatch of the additional fee intimation letter to the requester and the actual deposit of the additional fee with the PIO is to be excluded from the reckoning for calculating the 30-day period. In other words the 30-day clock stops ticking as soon as the PIO despatches the additional fee intimation letter. It resumes ticking only when the additional fee is deposited by the requester. The intervening days are not taken into consideration for calculating the 30-day period. Rule 4(v) creates the impression that the 30-day period commences only when all fees due have been paid to the PIO. This Rule is clearly in violation of the scheme of the principal Act and must be amended as recommended below.

RECOMMENDATION #12

In Rule 4(v) the following words may be deleted:

“However, the date of the 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 authorized person.”

2.3 New restrictions on disclosure:

2.3.1 Rejection on the basis of non-availability of the requested information: According to Rule 4(iii), a PIO may reject a part of the information request if it falls outside his/her jurisdiction. This is clearly contradictory to Section 7(1) and Section 6(3) of the principal Act. According to Section 7(1), a PIO may reject an information request only for reasons provided in Section 8 and Section 9 of the principal Act. No other reason is valid. This supreme position is further protected in Section 22 where the principal Act is given an overriding effect in the event of any inconsistency with any provision of other laws or legal instruments. Section 8 and Section 9 do not contain any provision that enables a PIO to reject a request on the grounds that it falls outside his/her jurisdiction. Instead Section 6(3) requires the PIO to transfer that part of the request which does not fall within the jurisdiction of his/her public authority to such other public authority whose working is closely related to that subject matter. This transfer must be effected within five

days and the applicant must be informed in writing. Rule 4(iii) is clearly in violation of the letter and spirit of the principal Act. This Rule may be deleted.

Rule 4(i) as originally notified in 2006 empowered the PIO to return an application if the requested information in its entirety did not fall within his/her jurisdiction. As this provision was also against the letter and spirit of Section 6(3) of the principal Act, it was rectified through amendments in May 2007 and January 2009. The correct position given in Section 6(3) of the principal Act has been reiterated in the amended Rule. So, if an application in its entirety may be transferred to another PIO, there is no reason why parts of an information request may not be similarly transferred. Rule 4(iii) may be amended as recommended below to reflect the correct position provided in Section 6(3) of the principal Act.

RECOMMENDATION #13

- a. In Rule 4(iii) the words: ***“is partly outside the jurisdiction of the authorized person or”*** may be deleted.
- b. A new Rule 4(iv) may be inserted after Rule 4(iii) stating as follows:

“If any part of the information sought does not fall within the jurisdiction of the authorised person it shall forward such part to the concerned PIO as soon as practicable, and in any case not later than 5 days, from the date of receipt of the application and inform the applicant of such transfer in writing.”

2.3.2 Amending the proformas for transferring RTI applications: Post the twin amendments made to Rule 4(i), the changed position in the Rules with regard to transfer of information requests in their entirety, on grounds of jurisdiction, is not reflected in Form C. Form C continues to advise the requester to approach the relevant public authority if any part of the information request does not relate to the working of DHC. In view of the analysis provided at Para 2.3.1 above, Form C may be amended as recommended. Form E containing a similar reference may also be amended as recommended below.

RECOMMENDATION #14

- a. Para 2 in Form C may be substituted with the following:

“As the information requested by you is not available with our office and is more closely linked with the working of (mention name of the public authority) your application has been transferred under Section 6(3) of the RTI Act to: (mention designation of the PIO and address of the relevant public authority to which the application has been transferred) on (mention date of transfer).”

- b. Para 3 in Form C may be substituted with the following:

“You are requested to contact the PIO of the aforementioned public authority for further action on your application.”

- c. Para 3 in Form E may be deleted.

2.3.3 Dismissal of application for non-payment of application fee:

Rule 3(b) empowers the PIO to dismiss an application received in electronic form if the application fee is not deposited within seven days. This is an unreasonable provision and is contrary to the letter and the spirit of the principal Act. None of the provisions in the principal Act empower the PIO to dismiss an application merely on the grounds of non-payment of application fee. Dismissal amounts to rejection of an information request. A PIO may reject a request only if the grounds mentioned in Section 8 or Section 9 are attracted. Imposing gateway restrictions of this nature amounts to withdrawing the convenience provided to citizens for filing electronic information requests. What has been provided for in the principal Act cannot be taken away in the Rules. The PIO may always inform the applicant of the non-payment of application fee while informing him/her about the additional fee payable. If the request is fit for rejection on the grounds that one or more of the exemptions are attracted it does not make much sense to insist on the payment of application fees. This provision may be amended to prevent the PIO from rejecting the request for non-payment of application fee.

RECOMMENDATION #15

In Rule 3(b) the words: “failing which his application will be treated as dismissed” may be deleted.

2.3.4 Compulsory denial of information falling under Section 8 of the RTI

Act: Rule 5 states that information specified under Section 8 of the Act will not be disclosed at all. This Rule displays ignorance of the public interest override clause mentioned in the principal Act. According to Section 8(2) of the principal Act, information exempt under Section 8(1) may be disclosed if public interest in disclosure outweighs the harm to the protected interests. The public interest test must be applied even if an information request on the face of it appears fit for rejection. The compulsion to reject an information request without considering the public interest clause is against the letter and spirit of the principal Act.

2.3.5 Non-disclosure of information relating to judicial functions and duties of the court:

Rule 5(a) requires the PIO to reject a request if it relates to the judicial functions and duties of the court or any matter incidental or ancillary to it. This provision is vaguely worded and goes against the spirit of the principal Act. There is no dispute about the fact that judicial independence must be respected and not interfered with. However the Court's own rules regards access to its judicial records as based on the rights of parties to a case. Under the Delhi High Court Rules⁸ strangers do not have an automatic right to access documents and records related to judicial proceedings till the case is completed and the decision of the Court is announced. A stranger who is not a party to a suit must provide justification to seek copies of documents that form part of a live judicial proceeding. He/she may obtain copies only if the judge is satisfied with the reasoning. The principal Act permits non-disclosure of judicial records only if this has been expressly forbidden by the court or where disclosure may constitute contempt of court or where disclosure may impede an investigation or prosecution process. This is equally applicable to both strangers and parties to a suit. Reasons need not be provided to seek documents. It appears that these issues may not have been taken into consideration while formulating Rule 5(a). Further, The Delhi High Court Rules⁹ treat all official letters of the DHC as privileged documents and copies may not be given to strangers. If the principal Act had intended to exclude information relating to the duties of a court from its purview, it would have made a specific provision to that effect. In the absence of such a provision in the principal Act, Rule 5(a) is clearly in excess of the

8 Part 4, Chapter 17, Rule 3.

9 Part 4, Chapter 17, Rule 3(3).



rule-making powers granted to the competent authority. The rule-making power may not be used to whittle away what is given in the principal Act.

2.3.6 New exemption relating to judicial service examinations:

Rule 5(c) states that any information affecting the confidentiality of any examination conducted by DHC including Delhi Judicial Service and Delhi Higher Judicial Service will not be disclosed. The question of confidentiality has been left to the competent authority to decide. Section 8(1)(d) of the principal Act already provides a broad exemption where any information whose disclosure would harm the competitive position of a third party may be withheld from a requester. This provision appears to be adequate to take care of the confidentiality of examinations in addition to the intellectual property rights that it protects. There is no need for a separate provision to protect examination-related information. This Rule also appears to be in excess of the provisions of the principal Act.

RECOMMENDATION #16

The existing Rule 5 in its entirety may be substituted with the following:

5. Exemption from disclosure of information:

(a) There shall be no obligation on the PIO to provide a requester any information that attracts one or more exemptions mentioned in Sub-Section 1 of Section 8 or in Section 9 of the Act:

Provided that the PIO or the competent authority, may disclose exempt information as per Sub-Section 2 of Section 8 of the Act, if such disclosure outweighs the harm to the protected interests;

(b) Where a request for access to information is likely to be rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.

2.3.7 No guidance regarding severability of information: The Rules do not make any reference to the severability clause contained in Section 10 of the principal Act. This is also a major shortcoming.

2.3.8 Disclosure subject to the Rules and Regulations of DHC:

Rule 6 states that disclosure of information is subject to the rules and regulations of DHC notified and implemented periodically. While this may seem acceptable in the context of the rules and regulations regarding destruction of records, the formulation of the Rule is loose and is likely to yield itself to misinterpretation. The intention of this Rule may be to guide the PIO, for example, in the event of the legitimate destruction of a record. There will be no obligation on the PIO to recreate a record that has been legitimately destroyed under the record retention schedule of DHC. However, the current formulation of this Rule creates an impression that all disclosures under the Act will have to pass through an additional filter, namely, DHC's own rules and regulations relating to court procedure. Given the overriding nature of the provisions of the principal Act in the event of any inconsistency with any other law or instrument that has the force of law, (Section 22) Rule 6 becomes redundant. It may be deleted.

RECOMMENDATION #17

Rule 6 may be deleted.



**AN ANALYSIS OF
THE RTI RULES OF
THE SUBORDINATE COURTS OF DELHI**



DELHI LEGAL SERVICES AUTHORITY
दिल्ली न्यायिक सेवा प्राधिकरण

LAYOUT PLAN OF PATIALA HOUSE COURT

THE SUBORDINATE COURTS OF DELHI

General

The Delhi High Court (DHC) notified the *Delhi District Courts (Right to Information) Rules, 2008 (Rules)* on 6 May 2009. DHC stands 18th in the chronological order of High Courts that put in place mechanisms to operationalise the *Right to Information Act, 2005* (RTI Act/principal Act) in the subordinate judiciary. These Rules have been uploaded on the DHC website.¹⁰

¹⁰ http://delhicourts.nic.in/RTI_Notification%20no.%20162RulesDHC.pdf : accessed on 25 March 2010. See Annexure 5 for the complete text.



The issue of jurisdiction of competent authorities to notify Rules applicable to the subordinate courts for implementing the RTI Act has been debated to some extent. Strictly speaking, a combined reading of Section 28 and Section 2(e) of the principal Act, indicates that the Chief Justice of the High Court is competent to make Rules only for the High Court over which he or she presides. By implication, the President (in the case of Union Territories) and the respective Governors (in the case of the States) are empowered to make Rules for the subordinate courts. However, such an interpretation could amount to affecting the independence of the judiciary in a limited way. It is perhaps for this reason that the May 2009 notification refers to Article 235 of the Constitution of India as a source of power for the Chief Justice of DHC to notify these Rules.¹¹

These Rules are much more detailed and progressive when compared with those applicable to DHC. An appreciation of the positive aspects of the Rules is given below followed by an analysis of other provisions that require to be amended in order to put them at par with the letter and spirit of the principal Act. Practical recommendations for incorporating these changes are also given below (Annexure 6).

1. Positive Aspects

1.1 Information to be provided or request rejected in 15 days:

Like the RTI Rules applicable to DHC, the Rules applicable to subordinate courts also state that the PIO must endeavour to supply the requested information within 15 days preferably, and in any case, no later than 30 days. Form B which is the proforma of acknowledgement of receipt of the RTI application also contains a reference to this time limit. Similarly, the PIO is expected to issue a rejection order, where necessary, within 15 days. These are welcome improvements over the principal Act requiring the PIO to make a decision on the request within a shorter deadline.

RECOMMENDATION #1

The designated AAs or any other senior officer of the court may be instructed to monitor compliance with the requirement of expeditious disposal of applications by PIOs.

¹¹ Article 235 vests administrative control of subordinate courts with the respective High Courts.

1.2 Issue of acknowledgement to the applicant:

Rule 4(a) requires the PIO to issue an acknowledgement to the applicant in Form B when the application is submitted along with the application fee. This is a welcome provision and will ensure that the requester has documentary proof of submitting his/her request.

1.3 Urgent information to be provided free of cost:

According to Rule 4(h), an applicant seeking information concerning the life and liberty of any person under Section 7(1) of the principal Act need not pay any fee for obtaining such information. This is a progressive provision and goes ahead of the letter and the spirit of the principal Act. However, this Rule also requires the applicant to “state clearly the purpose of the information with brief explanation of the same.” This Rule seeks to provide the PIO with some information to make a judgement regards the urgency of the request. However, Section 6(2) of the principal Act forbids the PIO from seeking any justification from the applicant who wishes to obtain any information. No exception to this rule has been made in the urgent request clause in Section 7(1) of the principal Act. This Rule may be amended as recommended below to overcome this contradiction.

RECOMMENDATION #2

In Rule 4(h) the words: ***“He shall, however, be required to state clearly the purpose of the information with brief explanation of the same.”*** may be substituted with the following:

“If the connection between the information sought and the life and liberty of any person is not immediately apparent from the application, the PIO may seek clarifications from the applicant. However the applicant is at liberty to refuse to provide such clarifications in accordance with his or her rights under Sub-Section 2 of Section 6 of the Act.”

1.4 Guidelines for the PIO and information requesters:

Rule 8 contains valuable guidelines for the PIO to take note of while, disposing information requests. Some of these guidelines are based on interpretations made and precedents laid down by DHC and the Central Information Commission. Instructions to PIOs such as: “when in doubt, disclose” [Rule 8(ii)]; “assist the applicant to reframe a vague information request” [Rule 8(iv)]; “if the request is for voluminous information allow the applicant to inspect



and point out records of which copies are required” [Rule 8(v)]; and such other advice are very useful and rarely found in the Rules notified by other High Courts or state governments. However, some of these instructions need improvement. These have been discussed in Para 2.3, later.

Similarly, instructions for potential information requesters such as: “do not ask information in the form of opinion and advice that is not available on record” [Rule 9(vii)]; “do not expect answers to hypothetical questions” [Rule 9(vii) erroneously given the same number as the previous Rule]; “file as many applications as you want but avoid harassment to anybody” [Rule 9(x)]; “if the applicant is an employee of the court and is seeking information about one’s grievance it would be appropriate to approach the concerned authority first before using RTI” [Rule 9(xiii)]; and such other advice are also very useful and rarely found in the Rules notified by other High Courts or state governments. Some of these guidelines also need improvement. These have been discussed in Para 2.3, later.

1.5 Maintenance of records:

Rule 6 requires the PIO to maintain a separate income account to keep track of the fee received from information requesters. Similarly under Rule 12, the office of AA is required to maintain a register of appeals in Form J. Further a retention schedule prescribing the maximum lifespan of every record generated under the RTI Act is provided under Rule 16. Such Rules will promote proper management of records generated under the RTI Act and help in keeping track of the pattern of use of RTI in the courts. Such records will also help in the preparation of the annual report required to be submitted to the Central Information Commission (CIC). Few High Courts have prepared Rules in such meticulous detail.

However the lifespan of one year prescribed for the RTI applications is too short considering the fact that disposal of second appeals by the CIC may take more than a year due to the high levels of pendency. Further, a requester may approach the DHC through a writ petition if not satisfied by the decision of the CIC in which case the matter may drag on for another year or so. The lifespan of RTI applications may be revised accordingly.

2. Aspects Requiring Rectification Through Amendment

2.1 Application Process:

The Rules require the applicant to file an application in Form A. Rule 4(vi) requires the PIO to provide reasonable assistance to unlettered or sensorily disabled requesters to reduce their applications in writing and also assist them to inspect the records. The PIO is required to issue an acknowledgement to the requester on submission of the application and the application fee. It is laudable that Rule 8(iii) instructs the PIO not to reject the application merely on the ground that it does not conform to the format provided in Form A. Instead the application must be processed if the details of the information requested can be clearly understood. This Rule ensures that there is no compulsion on the requester to use pre-printed forms to submit the application.

Problems with the application process

2.1.1 Only one subject matter per application: Rules 4(m) and 9(ii) instruct requesters to seek information related to one subject matter only. Although this has been worded in a way so as to appear as a suggestion or a guideline, a look at Form A would confirm otherwise. Para 15 of Form A reiterates that information requested must pertain to only one subject matter, retrievable from one set of records. This Rule runs the risk of contradicting Rule 9(vi) which instructs potential requesters not to ask for too many "informations" (sic) in one application unless it is necessary to do so. Further, Rule 9(ii) is an unreasonable restriction on the exercise of a citizen's fundamental right to seek information from public authorities. In the absence of illustrations to guide how a determination may be made if points in an application are related to one subject or more, this provision can be misused to frustrate requesters. Likewise, putting the condition that the requested information must be retrievable from one set of records is not in line with the principal Act. Nowhere in the Act does it say that disaggregate information shall not be collected from disparate records for the purpose of obliging an information request. Such conditions restrict citizens' right to information. Rules 4(m) and 9(ii) may be deleted as Rule 9(vi) constitutes adequate instruction for the requester.



RECOMMENDATION #3

- a. Rule 4(m) may be deleted.
- b. Rule 9(ii) may be deleted.

2.1.2 Applicants required to provide stamped envelopes: Under Rule 4(j), it is compulsory for applicants to submit an envelope with adequate postage if he/she desires to receive the information by post. While several High Courts have included such a requirement in their own RTI Rules, the implementation of this Rule will run into practical difficulties. For instance, it is not clear from this Rule whether the requester is required to submit the envelope at the application stage or at the stage of paying additional fee. Further, more often than not, the applicant will not be in a position to know the actual number of pages on which the information may be provided by the public authority. In the absence of knowledge of the total number of pages, the applicant will not be able to calculate the weight of the packet and affix stamps of the required value. This will only create confusion. The applicant may either affix more stamps than required causing wastage of postal stationery (not to mention the extra financial burden on the applicant) or may end up fixing stamps of a lesser value.

Further under Rule 5(b), the applicant is expected to submit a stamped envelope to the PIO if the information sought relates to a third party and attracts the provisions of Section 11 of the principal Act. The PIO is instructed to use this envelope to send an intimation to such third party to file any objection against disclosure of the requested information. If the applicant does not supply the envelope in a timely manner the PIO is instructed to dismiss the request. This Rule is unprecedented and violates the letter and spirit of the principal Act. Rule 5(b) is clearly contradictory to Section 7(1) of the principal Act. According to Section 7(1), a PIO may reject an information request only for reasons provided in Section 8 and Section 9 of the principal Act. No other reason is valid. This supreme position is further protected in Section 22 where the principal Act is given an overriding effect in the event of any inconsistency with any provision of other laws or legal instruments. Section 8 and Section 9 do not contain any provision that enables a PIO to dismiss a request on the grounds that the requester has not

submitted a pre-stamped envelope. Clearly this is a major flaw in the Rules.

The High Court of Kerala does not pass the burden of postal charges to the requester despite stipulating the lowest rates for additional fee. Similarly the Government of India (GOI) has a policy of billing all postal charges on the exchequer instead of passing them on to the requester. Several state governments also follow this procedure. Most importantly, the DHC has not imposed such restrictions on the applicant seeking information from its own offices. There is no reason why a different yardstick must be adopted for the subordinate courts falling under its jurisdiction. Rules 4(j) and 5(b) may be amended as recommended below.

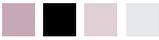
RECOMMENDATION #4

- a. Rule 4(j) may be deleted.
- b. In Rule 5(b) the words: ***“in a pre-stamped envelope furnished by applicant within two working days after being informed that the information asked for is intended to be disclosed to him”***, occurring after the words: ***“by speed post”*** may be deleted.
- c. Further, in Rule 5(b) the sentence: ***“In case, the applicant fails to furnish the pre-stamped envelope within the prescribed time unless extended by another two working days by the Public Information Officer and Asst. Public Information Officer, as the case may be, the applicant shall be deemed to be not interested in the prosecution of the application and the same shall be dismissed.”*** may be deleted.

2.1.3 Applicants required to provide extra information: A problematic area in Form A is the insistence on the applicant to provide the name and address of the third party (where the information sought for relates to a third party under Section 2 of the principal Act). It is not up to the applicant to know whether the information requested for relates to a third party or not. This can only be ascertained by the PIO on going through the records as to who or what the information involves and

RECOMMENDATION #5:

In Form A, Para 13 may be deleted.



who may be treated as third party to that information request. Insisting on the requester to furnish the name and contact details of the third party amounts to placing an unreasonable burden on him/her and will discourage many citizens from using RTI to seek information.

2.1.4 Digital signature required for electronic applications: Rule 4(f) requires applicants who submit information requests in electronic form (by email or using floppies/CDs) to affix their digital signature. This is a cumbersome process, creates enormous inconvenience to e-savvy citizens and will actually discourage potential requesters from using the email for submitting applications.

Under the Information Technology Act, 2000, digital signatures are required to authenticate certain types of electronic transactions with public authorities such as the tax collecting departments and the Registrars of Companies. While this system has its own value, its imposition on potential information requesters unnecessarily complicates the process of seeking information. According to the FAQs posted on the website of the Department of Income Tax there are only seven agencies throughout the country competent to issue digital signature certificates to citizens and juridical persons. Several supporting documents and a sizeable application fee (varying between Rs. 800 and 1,000) are required to be submitted for obtaining a digital signature. These certificates have a limited validity and must be renewed every one to two years. Documentary proof and fees need to be submitted to renew the digital signature certificates. Overall, this is a cumbersome process, out of reach of most of the e-savvy and email-using segments of the citizenry. In view of the complicated nature of obtaining digital signature certificates and keeping them valid, the Department of Income Tax does not insist on assesseees to affixing digital signatures while filing IT returns electronically. It is enough if a hard copy of the returns signed by the assessee is posted to the Department of Income Tax as proof of e-filing. Similarly, in the context of RTI, the Rules need not insist on digital signatures. The subsequent

RECOMMENDATION #6

In Rule 4(f) the words: ***“shall be digitally signed by the applicant.”*** occurring after the words: ***“The application submitted in electronic form”*** may be deleted.

payment of application fee and additional fee, if any, may be taken as proof of authenticity of the information request and the existence of the requester. Rule 4(f) may be amended as recommended below.

- 2.1.5 No instructions regarding transfer of applications:** The Rules do not contain any instructions to the PIO for disposing information requests that wholly or partially fall within the jurisdiction of other public authorities. This is a major lacuna. The Rules may be amended to include the transfer-related provisions contained in the RTI Rules applicable to DHC (subject to the changes recommended in the analysis of DHC's RTI Rules).\

RECOMMENDATION #7

- a. In Rule 8 the following new sub-rule (xvii) may be inserted after sub-rule (xvi):

“(xvii) If the requested information wholly or partially does not fall within the jurisdiction of the PIO, he or she shall transfer the entire application or such parts thereof, to the PIO of the public authority whose working is more closely related to the information sought, as soon as practicable, and in any case not later than 5 days, from the date of receipt of the application and inform the applicant of such transfer in writing;”

2.2 Fee-related provisions

The Rules stipulate application and additional fees at very reasonable levels. Multiple modes of payment have also been prescribed. These provisions are more progressive and citizen-friendly than those notified by DHC for itself. However the practice of charging fees at the first appeal stage violates the letter and spirit of the principal Act. Given below is a summary of the fee-related provisions followed by an analysis of those aspects that need improvement.

Application Fee:	Rs. 10
Additional Fee:	
Photocopying – regular:	Rs. 2 per page
Copies on larger sized paper:	Actual cost incurred
Inspection:	First hour free. Rs. 5 for every subsequent hour or fraction



Diskette or floppy:	Rs. 15 per diskette/floppy. Rs. 2 for every page scanned or stored in the floppy/diskette
Appeal Fee:	Rs. 50 per appeal
Mode of payment:	Cash or by bank draft or banker's cheque or Indian postal order drawn in favour of the District Judge

Problems with the fee-related provisions

2.2.1 Treatment of application for non-payment of application fee:

Rule 4(f) empowers the PIO to consider an application received in electronic form as if it had not been filed at all if the application fee is not deposited within seven days. This Rule is unreasonable and contrary to the spirit of the principal Act. None of the provisions in the principal Act empower the PIO to accord such treatment to an application merely on the grounds of non-payment of application fee. Such treatment amounts to "mute refusal" of the information request. A PIO may reject a request only if the grounds mentioned in Section 8 or Section 9 of the principal Act are attracted. Imposing a gateway restriction of this nature amounts to withdrawing the convenience provided to citizens to file electronic information requests.

What has been provided for in the principal Act cannot be taken away in the Rules. The PIO may always inform the applicant of the non-payment of application fee while informing him/her about the additional fee payable. If the request is fit for rejection on the grounds that one or more of the exemptions are attracted it does not make much sense to insist on the payment of application fees. This provision may be amended to prevent the PIO from rejecting the request for non-payment of application fee.

RECOMMENDATION #8

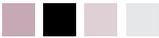
In Rule 4(f) the words: ***"In case, the applicant fails to deposit the fee within this time, it will be considered as if no such application has been filed."*** may be deleted.

2.2.2 Harsh treatment to the requester for non-payment of additional fee: A combined reading of Rule 4(l) and Rule 6 indicates that where a requester fails to deposit the additional fee, the District Judge may authorise the District Collector to recover additional fees from him/her as if it were arrears of land revenue. This Rule is draconian to say the very least. The principal Act was passed by Parliament to give effect to a fundamental right. Citizens who choose to exercise their fundamental right to seek and obtain information must not be treated as criminals at large on the basis of a mere technicality like non-payment of additional fees. Reasons for legitimate delay in the payment of additional fees, such as the requester seeking fee review before the AA, have been described in Para 2.3., later. There could be other genuine reasons such as the applicant falling ill for long or being compelled to travel out of town for personal reasons which may cause a delay in the payment of additional fees. The requester must not be penalised in such cases. Further, there is no provision in the principal Act to penalise a requester on any grounds. Invoking the general rule-making power under Section 28(1) to subject a requester to legal proceedings to recover fees is a clear case of misuse of that power.

There is a more practical way of handling situations where additional fees are not paid. The PIO may be instructed not to make copies of the records until the requester pays up. This will save valuable resources for courts. At the same time, the PIO may identify the requested information and keep the records within easy reach so that copies may be handed over to the requester soon after the additional fees have been paid or a fee review decision is made by the AA. The offending Rules may be amended as recommended below. (Also see arguments under Pare 2.3.2.)

RECOMMENDATION #9

- a. Rule 4(l) may be deleted.
- b. In Rule 6 the words: ***“the District Judge”*** may be substituted for the words: ***“the Collector through the District Judge for recovery of fees as land revenue”***.



2.2.3 Fee is charged for admitting first appeal: Rule 11(a) requires every requester who is aggrieved by a decision of the PIO to pay Rs. 50 while submitting an appeal under Section 19(1) of the principal Act. There is no enabling provision in the principal Act for DHC to collect fees while admitting appeals. Unlike Section 6(1) which clearly provides for collection of application fees, and Section 7 which provides for collection of additional fees to provide the information, there is no mention of any fee payment in Section 19 which relates to appeals mechanisms. Similarly, Section 28(2) which empowers the Chief Justice of DHC to notify Rules to implement the principal Act, also makes no reference to collection of fees at the first appeal stage. Clearly Parliament's intention was to make provisions for fee payment only at the application and information disclosure stage and not at the appeals stage. Given this scheme of fee payment in the principal Act, the general power of rule-making given in Section 28(1) of the principal Act cannot be invoked to impose a new kind of fee on the applicant. It is common knowledge, in a parliamentary democracy not one paise may be collected from the citizenry by way of tax or fees for services rendered, without parliament's approval. The Madras High Court and the High Courts of Karnataka, Andhra Pradesh, Jharkhand, Orissa and Rajasthan do not impose appeals fee on potential appellants. GOI and a large majority of the state governments also do not charge fees for admitting first appeals. Rule 11(a) may be amended to delete the requirement of collecting fees for admitting appeals.

RECOMMENDATION #10

In Rule 11(a) the words: ***“shall be accompanied by a fee of rupees fifty, except where the applicant belongs to 'below poverty line' category or the information asked for concerns life or liberty of any person, by way of cash against a proper receipt or by bank draft or bankers cheque or an Indian postal order payable to the District Judge and it”*** occurring after the words: ***“under sub-section (2) of section 19 of the Act,”*** may be deleted.

2.3 New restrictions on disclosure

2.3.1 Rejection of request for non-payment of additional fees: Rule 4(e) empowers the PIO to reject an application if the applicant does not pay additional fees within 15 days of receiving the fee intimation letter. This Rule effectively nullifies the right of the requester to seek fee review before the designated AA under Section 7(3)(b) read with Section 19(1) of the principal Act. The AA has a maximum of 45 days within which to make a decision on the application for fee review. Rule 4(e) empowers the PIO to reject the application even as the fee-related matter may be under consideration before a higher authority. This creates an absurd situation. Further, according to Section 7(1) an information request may be rejected only for the reasons mentioned in Section 8 and Section 9. Non-payment of additional fees is not a ground for rejecting the request in the principal Act. This Rule may be amended to remove this anomaly.

RECOMMENDATION #11

- a. In Rule 4(e) the words: ***“failing which the application shall be rejected.”*** may be deleted.
- b. In view of the arguments made at Paras 2.2.1 and 2.3.1 above Para 4 and 5 in Form B may be deleted.

2.3.2 Requester to apply afresh if he/she fails to collect information on time: In cases where the applicant does not wish to receive information by post, the PIO may fix a date for the information to be collected from the public authority. Failure to collect information within 15 days of the stipulated date will result in the PIO closing the matter. According to Rule 4(k), in such a case, a requester will have to submit a fresh request and deposit the requisite fees all over again, in order to get

RECOMMENDATION #12

In Rule 4(k) the following words: ***“After fifteen days the information may be sent to the applicant by registered post at the postal address mentioned in the application”*** may be substituted for the entire sentence starting with the words: ***“After fifteen days the information shall not be supplied... etc.”***



the information. This Rule creates more confusion in the information-seeking process and unnecessarily penalises the requester. A requester may fail to collect the information on time for genuine reasons such as illness or sudden travel out of town. Under such circumstances it is only reasonable for the PIO to send the information by post to the requester's address. The requester's contact details will be available with the PIO. This amounts to reasonable action taken on behalf of the public authority. Rule 4(k) compels the PIO to act in a highhanded and unreasonable manner which is against the letter and spirit of the principal Act. This Rule may be amended as recommended below.

2.3.3 New grounds listed for rejecting an information request: In addition to recognising the exemptions contained in Section 8 and Section 9 and the procedures under Section 11 and Section 24 of the principal Act, Rule 7 introduces new grounds for not providing information. This is a clear case of overreach beyond the provisions of the principal Act in a retrograde manner. DHC has said in its own judgements in RTI-related matters that the RTI Act, being in the nature of legislation that gives effect to a fundamental right, must be interpreted liberally and in a manner that furthers the twin objectives of transparency and accountability in the working of public authorities.¹² The general rule-making power given in Section 28(1) may not be used to introduce more grounds for rejecting a request in the subordinate legislation. The retrograde Rules have been analysed below:

- a) **Rule 7(ii)** states that information related to the Delhi Judicial Service, or the Delhi Higher Judicial Service will not be given if the Court has no jurisdiction to provide such information. This amounts to exempting an entire class of records never intended by the principal Act. Additionally, where a Court has no jurisdiction to provide any category of information, it is appropriate to transfer the application to the concerned authority that has jurisdiction over such matters. There is no need to introduce a new exemption in this regard. Rule 7(ii) may be deleted.
- b) **Rule 7(iii)** states that information relating to the confidentiality of

¹² *Bhagat Singh v Chief Information Commissioner and Others*. 146(2008) DLT385: "Access to information, under Section 3 of the Act, is the rule, and exemptions under Section 8, the exception. Section 8 being a restriction on this fundamental right, must therefore be strictly construed. It should not be interpreted in manner as to shadow the very right itself."

an examination or selection process conducted by the District Judge's office may not be provided. Section 8(1)(d) of the principal Act already provides a broad exemption where any information whose disclosure would harm the competitive position of a third party may be withheld from a requester. This provision appears to be adequate to take care of the confidentiality of examinations in addition to the intellectual property rights that it protects. There is no need for a separate provision for protecting examination-related information. This Rule also appears to be in excess of the provisions of the principal Act. Rule 7(iii) may be deleted.

- c) **Rule 7(iv)** states that if the requested information amounts to intrusion of judicial work of any court, it may not be provided. This is a very vague formulation and amenable to misuse. Ordinarily, no information on its own can cause any intrusion in judicial work. Rule 7(v) states that information amounting to overreaching a decision of any judicial body which was authorised to provide the information but has declined to do so may not be provided. Section 8(1)(b) and (h) of the principal Act adequately take care of matters relating to court work even in contexts where information has been refused to be disclosed by any court or tribunal. Rules 7(iv) and (v) are redundant and may be deleted.
- d) **Rule 7(vi)** states that information relating to a judicial proceeding or a judicial matter or matters ancillary to such proceedings and matters may not be given. It is true that DHC has framed separate rules much before the enactment of the RTI Act to supply copies of documents that form part of judicial proceedings. However, strangers to a judicial proceeding are required to show cause for seeking information about it. The principal Act confers a general duty on public authorities such as courts to furnish information on request without asking for reasons and if none of the exemptions in Section 8 and Section 9 are applicable. This supreme position is further protected in Section 22 where the principal Act is given an overriding effect in the event of any inconsistency with any provision of other laws or legal instruments. Section 8 and Section 9 do not contain any provision that enables a PIO to reject a request related to judicial proceedings. There is no reason why the general rule-making power in Section 28(1) must be used to introduce new restrictions on citizens' rights to obtain information. Rule 7(vi) may be deleted.



- e) **Rule 7(vii)** states that if the requested information is non-existent and needs to be created to furnish it to the requester, it may not be provided. Rule 7(viii) states that requests seeking the 'opinion' or 'advice' which is not available on record may be rejected. Rule 7(ix) states that if information is required in analysed form and is not available in the record in that form then it may not be provided. All these restrictions relate to information that is not available in material form. Section 2(f) and Section 2(j) of the principal Act clearly state that the citizen's right to information extends only to such information that is held by a public authority in material form. Anything that does not exist in material form in the records of a public authority does not amount to information and there is no obligation to provide it. These provisions in the principal are crystal clear. Rules 7(vii), (viii) and (ix) are therefore redundant and serve little purpose. They may be deleted.
- f) **Rule 7(x)** states that if information is sought by a registered company or a non-governmental organisation (NGO) except in the personal capacity of their office bearers such information need not be provided. Similarly, applications filed by aliens also may be rejected. Section 3 of the principal Act clearly states that the right of access is available to citizens only. So aliens automatically will be disqualified from using the RTI Act. As for representatives of companies and NGOs, the Central Information Commission has held in several cases that if the name and signature of the requester has been recorded on the application then it must be treated as a request filed by a citizen irrespective of his or her professional affiliation. The address of the company or NGO may be treated as the address for communication. If Rule 7(x) were to be strictly applied then officers of the courts would themselves be deprived of their rights under the RTI Act so long as they are in service. Such disenfranchisement was not what Parliament had intended while enacting this law. As long as the name and signature of the requester is mentioned on the application it must be treated as a request made by a citizen. Rule 7(x) may be deleted to restore this position.
- g) **Rule 7(xi)** states that if the request relates to vigilance enquiries, only the copy of the final result may be disclosed. This also amounts to imposing a new restriction for which there is no parallel in Section 8 and Section 9 of the principal Act. Section 8(h) is

more than adequate to protect the sanctity of the vigilance inquiry process. Rule 7(xi) is contradictory to the letter and the spirit of the principal Act and may be deleted.

- h) **Rule 7(xii)** states that "any other reason which may justify not providing information to the applicant" is also a valid ground for the PIO to reject a request. Rule 7(xii) is clearly a case of overkill. It makes the entire scheme of exemptions in the principal Act look like a waste of time and energy on the part of lawmakers. If this Rule were to stay then there is no need for any other exemption at all. Any reason may be good enough to refuse a request. Thankfully, the lawmakers have provided for such circumstances where attempts may be made to frustrate the provisions of the principal Act. Section 22 gives the principal Act an overriding effect to the extent of inconsistency with any other law or instrument that has the force of law and this includes the Rules currently being analysed as well. It is advisable to delete this draconian Rule as it violates the letter and spirit of the principal Act.

RECOMMENDATION #13

- a. Rule 7(ii) may be substituted with the new Rule recommended below under Para 2.3.4.
- b. Rule 7(iii) may be deleted.
- c. Rules 7(iv) and Rule 7(v) may be deleted.
- d. Rule 7(vi) may be deleted.
- e. Rule 7(vii), (viii) and (ix) may be deleted.
- f. Rule 7(x) may be deleted.
- g. Rule 7(xi) may be deleted.
- h. Rule 7(xiii) may be deleted.

2.3.4 No guidance regarding severability of information: The Rules do not provide any guidance regards Section 10 of the principal Act which allows exempt portions of a record to be severed and the non-exempt portions be disclosed to the requester. This is a major shortcoming in the Rules. The Rules may be amended as recommended below.

RECOMMENDATION #14

The existing Rule 7(ii) may be substituted with the following:

“Where a request for access to information is likely to be rejected on the ground that it is in relation to a record which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.”

2.3.5 Prior approval of District Judge required: The PIO is required to obtain the approval of the District Judge before disclosing information in at least three instances. Rule 8(viii) requires the PIO to take the approval of the District Judge while disclosing information relating to the confidentiality of an examination or selection process for appointment of the court’s ministerial staff. As the deletion of Rule 7(iii) has been recommended above, Rule 8(viii) becomes pointless and may be deleted.

Rule 8(x) requires the PIO to take the approval of the District Judge before disclosing information attracting the exemption provided for intellectual property rights and trade secrets under Section 8(1)(d). This Rule ignores the specific instruction contained in that provision regarding obtaining of approval of the higher authorities. Section 8(1)(d) states that information protected there under may be disclosed only on the approval of the competent authority. Section 2(e) states that the competent authorities in the context of the High Courts are the respective Chief Justices.¹³ In view of this position in the principal Act Rule 8(x) is another instance of overreach of the rule-making power granted in Section 28(1). These Rules may be amended as recommended below.

Rule 8(xii) requires the PIO to obtain the permission of the District Judge if intending to disclose exempt information under Section 8(2) of the principal Act. This can create problems at the first appeal stage. Given the fact that the AA is not the District Judge

¹³ Or if the argument about competence of delegated legislation made out at page 30 above is recognised and upheld, the competent authority in the case of the subordinate judiciary in Delhi will be the President of India.

in every court or tribunal covered by these Rules, first appeals will be decided by an officer junior in rank to the District Judge. If the District Judge disapproves the PIO's recommendation to invoke Section 8(2) to disclose the information in the public interest, he or she will be compelled to issue a rejection order. This renders the first appeal process redundant as a junior officer is highly unlikely to override the decision of the District Judge. Rules may not be made to render any provision of the principal Act ineffective. Rules 8(viii), (x) and (xii) may be amended as recommended below.

RECOMMENDATION #15

- a. Rule 8(viii) may be deleted.
- b. In Rule 8(x) the words: ***“Chief Justice of the Delhi High Court”*** may be substituted for the words: ***“District Judge”***.
- c. Rule 8(xii) may be deleted.

3. Vesting Decision Making Powers with the Assistant PIO

Rules 5(b) and (c), Rule 7, Rules 8, 8(vii), (ix), (xi), (xii), (xiii), (xiv), (xv) and (xvi), Rules 9(i), (iii), (vii), (viii) and (ix), Rule 11(b)(i) and Rules 13(a) and (b) place the Assistant PIO (APIO) at par with the PIO in the performance of various duties under the RTI Act. A combined reading of Section 5(2), Section 7(1), Section 18(1)(a) and Section 20(1) and (2) of the principal Act indicates that the APIO does not have any responsibility to make decisions related to grant of access to the requested information. The APIO is expected to function only as a one-way post office to ensure that the information requests and the appeals of the first and second stage reach the PIO, the AA and the Information Commission respectively, in a timely manner. The responsibility to make a decision on the request is vested with the PIO at the application stage. In view of this position in law, Rules 8 and 9 may be amended as recommended below.

RECOMMENDATION #16

- a. In Rules 5(b) and (c) the words: ***“Assistant Public Information Officer”*** wherever occurring, may be deleted.
- b. In Rule 7 the words: ***“Assistant Public Information Officer”*** wherever occurring, may be deleted.
- c. In Rules 8, 8(vii), (ix), (xi), (xii), (xiii), (xiv), (xv), (xvi) the words: ***“Assistant Public Information Officer”*** wherever occurring, may be deleted.
- d. In Rules 9(i), (iii), (vii), (viii) and (ix) the words: ***“Assistant Public Information Officer”*** wherever occurring, may be deleted.
- e. In Rule 11(b)(i) the words: ***“Assistant Public Information Officer”*** wherever occurring, may be deleted.
- f. In Rules 13(a) and (b) the words: ***“Assistant Public Information Officer”*** wherever occurring, may be deleted.
- g. Forms B, D, E, F, H and I may be amended to delete the reference to the ***“Assistant Public Information Officer”***

4. Revision of Formats

At the time of finalising this document for publication we have come across a new set of formats prescribed for use in the subordinate courts of Delhi for various purposes under the RTI Act. The new forms are a considerable improvement over the older formats. For example: the applicant is not required to mention one's father's or husband's name anymore. A new format has been prepared for transferring application under Section 6 (3) of the RTI Act.

However, the old formats continue to be displayed along with the new formats on the website of the district courts. In the absence of clear instructions as to which formats will prevail, the public information officers are likely to be confused. This confusion is confounded further as these changes are not accompanied with concomitant amendments to the *Delhi District Courts (Right to Information), Rules, 2008*. The Rules continue to refer to the old formats. We have identified the following problem areas arising out of the co-existence of the older and newer formats:

- The new form of application continues to insist on the applicant to provide the name and contact details of the third party if the request is for information relating to third party (see above, Para 2.1.3).

- The new set of formats do not contain any form for notifying the decision of the PIO to the third party. It is not clear whether the PIO is required to use the old Form F.
- With the exception of the format for the use of the APIO none of the new forms contain any reference to this officer. This is indeed in tune with the roles envisaged for the APIO in the RTI Act. However, as the Rules themselves have not been amended they continue to authorize the APIO to perform all the duties of the PIO. This will also create more confusion about the demarcation of the role of the PIO vis-a-vis the APIO (see above, Para 3).
- The older format for intimating additional fees to the applicant indicated that the application would be rejected if the fees is not paid within 15 days. This was in consonance with Rule 4(e). in the new format for intimating additional fee there is no mention of such a time limit. However, as the Rule 4(e) remains unchanged the PIO can reject an application for non-payment of additional fee. Merely changing a prescribed format does not take away the power of the PIO (see above, Para 2.3.1).

RECOMMENDATION #17

- a. The Rules relating to the new formats may also be amended along the lines recommended above.
- b. The older formats that have been replaced may be deleted from the website of the district courts to avoid confusion.
- c. The lacunae in the new formats pointed out may be rectified along the line recommended in the foregoing paras.



ANNEXURES

ANNEXURE 1

RTI Reply Received from the Supreme Court – 1

All Communications should be addressed to the Registrar, Supreme Court by designation, NOT by name
Telegraphic address :-
"SUPREMECO"

SUPREME COURT
INDIA
NEW DELHI

Dated : September 14, 2007.

From : Ashok Kumar,
Addl. Registrar & CPIO,
Supreme Court of India,
New Delhi.

To : Ms. Reshmi Mitra
B-117, Sarvodya Enclave,
II Floor, New Delhi - 110 017.

Sub : Application for information under Right to Information Act, 2005.

Sir,

I am to refer to your letter dated 7.9.2007, I write to inform you as under :

1. Supreme Court of India has not framed any separate rules under Section 28(2) of the Right to Information Act, 2005.
2. Sh. Ashok Kumar, Additional Registrar/CPIO, Supreme Court of India, New Delhi.
3. Sh. Sunil Thomas, Registrar, Supreme Court of India is the First Appellate Authority, under the Right to Information Act, 2005.
4. The fee is Rs.10/- under the Right to Information Act, 2005 in the Supreme Court of India.

Yours faithfully,



(Ashok Kumar)

Central Public Information Officer

ANNEXURE 2

RTI Reply Received from
the Supreme Court – 2

BY REGISTERED A.D.

All communications should be addressed to the Registrar, Supreme Court by designation, NOT by name
Telegraphic address: -
"SUPREMECO"

**SUPREME COURT
INDIA
NEW DELHI**

**Dy. No.1318/RTI/09-10/SCI
Dated: March 12, 2010**

From : Raj Pal Arora
Addl. Registrar & CPIO

To : Ms. Vrinda Choraria
B-117, Second Floor, Sarvodaya Enclave,
New Delhi – 110 017.

Sub: Application under the Right to Information Act, 2005

Madam,

With reference to your application dated 18.02.2010 received by the undersigned on 22.02.2010, I write to say that this Registry for the present is following the provisions of Right to Information Act, 2005 (22 of 2005) which is available on the website of the Central Information Commission i.e. cic.gov.in.

Shri M. K. Gupta, Registrar, Supreme Court of India is the First Appellate Authority under the Right to Information Act, 2005 and the appeal, if so advised, can be filed within 30 days from the receipt of this reply.

Yours faithfully,

(Raj Pal Arora)

ANNEXURE 3

Delhi High Court (Right to Information) Rules

UNOFFICIAL VERSION RECONCILING ALL AMENDMENTS TILL DATE

(In case of doubt, please check the authentic RTI Rules uploaded on the Delhi High Court Website: <http://delhihighcourt.nic.in/>)

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 Acting Chief Justice of the High Court of Delhi hereby makes the following Rules:-

1. Short title and commencement-(i) These Rules shall be called the Delhi High Court (Right to Information) Rules, 2006.
(ii) They shall come into force from the date of 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 (No.22 of 2005);
 - (b) 'appellate authority' means designated as such by the Chief Justice of the Delhi High Court.
 - (c) 'authorized person' means Public Information Officers and Assistant Public Information Officers designated as such by the Chief Justice of the Delhi High Court;
 - (d) 'form' means the Form appended to these rules;
 - (e) 'section' means a Section of the Act;
 - (f) words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

"Explanation:- For each information sought, separate application shall be made. However, where more than one information sought is consequential or related to one another, applicant will be permitted to seek them in one application."

(Explanation added in October 2007)

3. Application for seeking information- (a) Any person seeking information under the Act shall file an application from 11 A.M. to 1 P.M. and 2 P.M. and 4 P.M. on a Court working day to the authorized person in Form A and deposit application fee as per Rule 10 with the authorized person; *(as amended in May 2010)*

(b) The authorized person shall duly acknowledge the application as provided in Form B; Provided that a person who makes a request through electronic form shall ensure that the requisite fee is deposited in cash, Indian Postal Order, Demand Draft, Pay Order with the authorized person within 15 days of his sending the request through the electronic form and through post, failing which his application shall be treated as dismissed. *(as amended in May 2010)*

4. Disposal of application by the authorized person-(i) if the requested information does not fall within the jurisdiction of the authorized person, it shall forward the application to the concerned PIO as soon as practicable, and in any case not later than 5 days, from the date of receipt of the application.” *(as amended in May 2007 and January 2009)*

(ii) If the requested information falls within the authorized person’s jurisdiction and is also in one more of the categories listed/mentioned in the Section 8 and 9 of the Act, the authorized person, on being 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.

(iii) If the requested information falls within the authorized person’s jurisdiction, but not in one or more of the categories listed 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 outside the jurisdiction of the authorized person or partly falls in 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 its own jurisdiction and reject the remaining part giving reasons therefor.

(iv) *(Rule deleted in January 2009)*

(v) 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 the application.

However, the date of the 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 authorized person.

A proper acknowledgment shall be obtained from the applicant in token of receipt of information after production of Form B.

5. 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 relates to judicial functions and duties of the Court and matters incidental and ancillary thereto. *(amended in January 2009)*

(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 of 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 Central Public Information Officer or the State 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 conducted by Delhi High Court including Delhi Judicial Service and Delhi Higher Judicial Service. The question of confidentiality shall be decided by the Competent Authority whose decision shall be final.

6. Information which is to be furnished and access to records shall be subject to the restrictions and prohibitions contained in rules/regulations and destruction of records in force from time to time which may have been notified or implemented by this 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 of Form A, or

(b) is aggrieved by the response received within the prescribed period, appeal in Form F to the Appellate Authority and deposit fee for appeal as per Rule 10 with the Appellate Authority.

(ii) On receipt of the appeal along with required fee the Appellate Authority shall acknowledge the receipt of the appeal and after giving 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 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 ordered by the Appellate Authority. This period shall not exceed thirty days from the date of the receipt of the order.

9. Suo motu publication of information by public authorities – (i) The public authority may 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 may also be made available to the public through information counters and may also be displayed on the notice board at a conspicuous place in the office of the authorized person and the appellate authority.

10. Charging of application Fee – (i) The authorized person shall charge the fee at the following rates, namely:- *(amended in May 2007)*

(A) Application Fee-

(i)	Information not relating to Rule 4(iv) above.	50 Rupees per application.
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(ii)	Information other than (i) above.	50 Rupees per application.
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(B) Other fees-

Sl.No.	Description of information	Price/Fee in Rupees
1.	Where the information is available in the form of a priced publication.	Price so fixed.
2.	For other than priced publication.	Rs. 5.00 per page. <i>(amended in May 2010)</i>

(ii) The appellate authority shall charge a fee of 50 Rupees per appeal.”

11. Maintenance of Records-(i) The authorized persons 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 and fee charged.

FORM A

Form of application for seeking information
(See Rule 3)

D.No.
(for official use)

To
The authorized person,
.....

1. Name of the applicant
2. Address
3. Particulars of information-
 - (a) Concerned department-
 - (b) Particulars of information required
 - (i) Details of information required
 - (ii) Period for which information asked for
 - (iii) 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 vide No..... dated

Place
Date

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

Note :- (1) Reasonable assistance can be provided by authorized person in filling of the FORM-A
(2) Please ensure that the FORM-A is complete in all respect and there is not ambiguity in providing the details of information required.

FORM B

Acknowledgment of Application in Form A

I.D.No.....

Dated

1. Received an application in Form A from Shri/Ms
Resident ofunder 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 A.M. to 1 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 web-site of the department from time to time to ascertain the status of his application.

Date

Signature and Stamp of the
Authorized Person,
E-mail
Web-site
Telephone No.

FORM C

Outside the jurisdiction of the authorized person
[Rule 4(1)]

No.

Date

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 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 address
Web-site :
Telephone No.:

FORM D

Rejection Order
[Rule 4(ii)]

No.

Date

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.

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

FORM E

Form of Supply of information to the applicant
[Rule 4(iii)]

No.

Date

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 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 address :
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,

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.
 - (b) Aggrieved by the response received with prescribed period (copy of the reply receipt be attached.)
 - (c) Grounds for appeal
7. Last date for filling the appeal [See Rule 7(i)]
8. Particulars of information-
 - (i) Information requested
 - (ii) Subject
 - (iii) Period
9. A fee of Rs. 50/- for appeal has been deposited with the authority vide Receipt No. dated

Place
Date

Signature of Appellant, E-mail
Address, if any Telephone No.
(Office)
(Residence)

Acknowledgment

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

By Order of
Hon'ble the Acting Chief Justice

Sd/-
(A.K. PATHAK)
REGISTRAR GENERAL

ANNEXURE 4

Delhi High Court (Right to Information) Rules, 2006

Compilation of Recommendations for Change

Sl.	Rule	Recommendation for Change
1.	Rule 3	<p>i.) In Rule 3(a) the words “from 11 A.M. to 1 P.M. and 2 P.M. to 4 P.M.” may be substituted by the words: “during all working hours”.</p> <p>ii.) The existing "Explanation" clause before Rule 3(a) may be substituted with the following: “An application made on plain paper shall also be accepted provided it contains information relevant to all the fields mentioned in Form A.”</p> <p>iii.) In Rule 3(b) the words: “Court Fee Stamps and Non-judicial Stamps” may be inserted after the words “Indian Postal Order, Demand Drafts, Pay Order”.</p> <p>iv.) In Rule 3(b) the words: “drawn in favour of the Registrar General” may be inserted after the words: “Indian Postal Order, Demand Drafts, Pay Order, Court Fee Stamps and Non-judicial Stamps” (after amending Rule 3(b) as recommended above).</p> <p>v.) In Rule 3(b) the words: “, failing which his application will be treated as dismissed” may be deleted.</p>
2.	Rule 4	<p>i.) In Rule 4(iii) the words: “is partly outside the jurisdiction of the authorized person or” may be deleted.</p> <p>ii.) A new Rule 4(iv) may be inserted after Rule 4(iii) stating: “If any part of the information sought does not fall within the jurisdiction of the authorized person it shall forward such part to the concerned PIO as soon as practicable, and in any case not later than 5 days, from the date of receipt of the application and inform the applicant of such transfer in writing.”</p>

		<p>iii.) In Rule 4(v) the following words may be deleted:</p> <p>“However, the date of the 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 authorized person.”</p> <p>iv.) The designated AA may be instructed to monitor compliance with Rule 4(v) in order to ascertain whether the requirement of expeditious disposal is being diligently observed or not.</p>
3.	Rule 5	<p>The existing Rule 5 in its entirety may be substituted with the following:</p> <p>“5. Exemption from disclosure of information: (a) There shall be no obligation on the PIO to provide a requester any information that attracts one or more exemptions mentioned in Sub-Section 1 of Section 8 or in Section 9 of the Act:</p> <p>Provided that the PIO or the competent authority, may disclose exempt information as per Sub-Section 2 of Section 8 of the Act, if such disclosure outweighs the harm to the protected interests;</p> <p>(b) Where a request for access to information is likely to be rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.”</p>
4.	Rule 6	Rule 6 may be deleted.
5.	Rule 7	In Rule 7(ii) the following words may be inserted after the words “as ordered by the Appellate Authority”: “with intimation of compliance to the Appellate Authority”.
6.	Rule 10	<p>i.) In Rule 10(A)(i), the figure: “50” may be substituted with the figure: “10”.</p> <p>ii.) Rule 10(A)(ii) may be deleted.</p>



		<p>iii.) In Rule 10(B)(i), in the column named "Price/Fee in Rupees", the figure: "5" may be substituted with the figure: "2".</p> <p>iv.) DHC may amend the Rules indicating whether inspection of records will be allowed free of cost or if fees will be charged. If fees are likely to be charged the rates may be specified at the lowest benchmark set by GOI and other High Courts.</p>
7.	Form A	Item no. 4 in Form A may be deleted.
8.	Form C	<p>i.) Para 2 in Form C may be substituted with the following:</p> <p>"As the information requested by you is not available with our office and is more closely linked with the working of (mention name of the public authority) your application has been transferred under Section 6(3) of the RTI Act to: (mention designation of the PIO and address of the relevant public authority to which the application has been transferred) on (mention date of transfer).</p> <p>ii.) Para 3 in Form C may be substituted with the following:</p> <p>"You are requested to contact the PIO of the aforementioned public authority for further action on your application."</p>
9.	Form E	Para 3 in Form E may be deleted.

ANNEXURE 5

Delhi District Courts (Right to Information) Rules, 2008

HIGH COURT OF DELHI : New Delhi
NOTIFICATION

No.162/ Rules/DHC

Dated : 06.05.2009

In exercise of the power conferred by sub-section (1) of Section 28 of the Right to information Act, 2005, read with Article 235 of the Constitution of India and all other enabling provisions, the High Court of Delhi hereby makes, in respect of the courts subordinate to it, following Rules:

CHAPTER I
General

1. Short title and commencement— (a) These Rules may be called the Delhi District Courts (Right to Information) Rules, 2008.

(b) They shall come into force from the date of publication in the Official Gazette.

2. Definitions — In the rules, unless the context otherwise requires —

(a) 'Act' means the Right to Information Act, 2005;

(b) 'Section' means section of the Act;

(c) 'Court' means Courts subordinate to the High Court of Delhi, including Motor Accident Tribunals, Industrial Tribunals and Labour Courts;

(d) 'High Court' means High Court of Delhi;

(e) 'District Judge' means the District Judge of Delhi;

(f) 'Public Information Officer', means an officer so designated under sub-section(1) of section 5 of the Act, and includes an officer designated as 'Link Officer' under said sub-section to work in the absence of the 'Public Information Officer' by the District Judge who shall not be below the rank of a Superintendent;

(g) 'Assistant Public Information Officer' means an officer so designated under sub-section (2) of section 5 of the Act and includes an officer designated as 'Link Officer' under said sub-section to work in the absence of 'Assistant Public Information Officer' by the District Judge who shall not be below the rank of a Superintendent;

(h) 'First Appellate Authority' means an officer so designated to hear appeals under sub-section(1) and sub-section (2) of section 19 of the Act and includes an officer designated as 'Link Appellate Authority' under said sub-section to work in the absence of 'First Appellate Authority';

(i) 'Form' means Forms appended with these rules;

(j) All other words and expressions used herein but not defined and defined in the Act shall have the same meaning as assigned to them in the Act.

3. Endeavour to publish information suo motu- The District Judge shall make constant endeavour to provide as much information as possible in accordance with the requirement of sub-section (1) (b) of section 4 of the Act, to the public at regular intervals through various means at his disposal including Internet.

CHAPTER II
Filing of application, payment of fees and instructions

4. Application for seeking information - (a) A person desirous of seeking information under sub section (1) of section 6 of the Act, shall submit an application in writing or through the electronic means in English or Hindi in Form A, accompanied by an application fee of rupees ten by way of cash against a proper receipt or by bank draft or banker's cheque, or an Indian postal order payable to the District Judge. A receipt in Form B shall be given to the applicant of having submitted the application.

(b) A register in Form C shall be maintained called Information Register to register and keep the record of the applications filed under sub-section (1) of section 6 of the Act.

(c) For providing the information under sub-section (1) of section 7, the fee shall be charged by way of cash against a proper receipt or by a demand draft or bankers cheque or Indian postal order payable to the District Judge at the following rates : —

(i) rupees two for each page; and

(ii) for the inspection of records, no fee for the first hour; and a fee of rupees five for each subsequent hour or fraction thereof.

(d) For providing the information under sub-section (5) of section 7, the fee shall be charged by way of cash against a proper receipt or by demand draft or banker's cheque or Indian postal order payable to the District Judge at the following rates : —

(i) for information provided in diskette or floppy- rupees fifteen per diskette or floppy with rupees two for each page scanned and stored in the diskette or the floppy; and

(ii) for information provided in printed form - at the price fixed for such publication or rupees two per page of photocopy for extract from the publication.

(e) The information for payment to be made under sub-rule (c) and (d), if necessary, shall be sent to the applicant in Form D, asking the applicant to make the payment within fifteen days of the receipt of the intimation failing which the application shall be rejected.

(f) The application submitted in electronic form shall be digitally signed by the applicant. It shall be sent at the designated electronic mail address of the Public Information Officer. An application so sent shall not be considered till the time prescribed fee has been paid in the manner stated in sub-rule (a). The applicant shall take the steps for depositing the fee within seven days of sending the application in the electronic form. In case, the applicant fails to deposit the fee within this time, it will be considered as if no such application has been filed.

(g) No applicant who belongs to 'below poverty line' category shall be required to pay any fee for seeking any information. He shall, however, be required to file with his application some record which may suggest that he or she belongs to this category.

(h) No applicant who requires information concerning life and liberty of any person shall be required to pay fee for seeking information. He shall, however, be required to state clearly the purpose of the information with brief explanation of the same.

(i) The applicant, if he or she so desires, may be allowed to deposit fee in advance, to be deposited under sub-rule (c) and (d) subject to being adjusted at the time of delivering the

information.

(j) An applicant desirous of information being supplied by post, shall file adequately pre-stamped envelope for sending the information by registered post / speed post.

(k) Where the applicant fails to turn up for collecting the information on the appointed day, the same shall be kept pending for another fifteen days. After fifteen days the information shall not be supplied to the applicant unless he or she submits a fresh application with the requisite fees in accordance with sub-rule (a) and paying the fee as charged under sub-rule (c) and sub-rule (d), if any, in case the fee has not been deposited in advance in accordance with sub-rule (i).

(l) In the event of failure to put in a fresh application or pay the charges referred to in sub-rule (k) action shall be taken under Rule 6 to recover the balance due, if any, against the applicant.

(m) For every information sought a separate application shall be made except where the informations sought are consequential or related to one another.

5. Information relating to third party: (a) Where an applicant files an application relating to information referred to in Section 8 (j) of the Act, which may constitute unwarranted invasion of the privacy of an individual, he shall clearly state the reasons justifying the disclosure of information in the larger public interest and shall also produce such other documents or material, if any, which may justify such a disclosure.

(b) Where the Public Information Officer or the Assistant Public Information Officer intends to send a notice to the third party under sub-section (1) of section 11 of the Act, he or she, shall within five working days of the filing of the application send the same in Form E, inviting the third party to make a representation orally or in writing against the proposed disclosure of the information within ten days from the date of the receipt of the notice, by speed post in a pre-stamped envelope furnished by applicant within two working days after being informed that the information asked for is intended to be disclosed to him, accompanied by the copy of the Application and the documents or material, if any, produced in support of the application. In case, the applicant fails to furnish the pre-stamped envelope within the prescribed time unless extended by another two working days by the Public Information Officer and Asst. Public Information Officer, as the case may be, the applicant shall be deemed to be not interested in the prosecution of the application and the same shall be dismissed.

(c) Where the Public Information Officer or the Assistant Public Information Officer has made a decision under sub-section 3 of section 11 of the Act, as to whether or not to disclose the information or record or part thereof shall give in writing the notice of his or her decision to the third party, in Form F informing inter-alia that the said party has a right to prefer an appeal under sub-section (2) of section 19 of the Act against the decision.

6. Account of the fee deposited : A separate income account shall be kept by the Public Information Officer of the fee received under these rules, in the Form G. After the close of every month he shall prepare or get a statement prepared showing the applications in which the fee or part of the fee remains to be realized. The statement shall be checked and signed by the Public Information Officer and submitted to the Collector through the District Judge for recovery of fees as land revenue.

7. Exemption from disclosure of information: The Public Information Officer or the Assistant Public Information Officer may not provide the information to the applicant on the following grounds:

- (i) The information asked for is covered by sections 8, 9, 11 or 24 of the Act.
- (ii) The information asked for relates to Delhi Judicial Service or Delhi Higher Judicial Service and it has no jurisdiction to provide such an information to the applicant.
- (iii) The information relates to the confidentiality of any examination or selection process conducted by the office of the District Judge for the appointment of ministerial staff.
- (iv) The information amounts to intrusion in the judicial work of any court.
- (v) The information amounts to overreaching a decision of any judicial body which was authorized to provide the information but has declined to do so.
- (vi) The information to be sought relates to a judicial proceeding, or judicial functions or the matters incidental or ancillary thereto.
- (vii) The information is non-existent and will be necessary to create it for supplying it to the applicant.
- (viii) The information sought amounts to seeking "opinion" or "advice", which does not form part of any record.
- (ix) The information amounts to analyzing the information for the applicant which does not form part of any existing record.
- (x) The information asked for is not by a citizen but by an Alien or a Company registered under the Company Registration Act or any other body corporate including a non-government organization except where the information has been asked for by any of the office bearers of these organizations in their individual capacity as the citizens of India.
- (xi) The application of the applicant may be dismissed if the name and the address provided by the applicant are found to be not correct.
- (xii) The information asked for relates to a vigilance enquiry, except for the final result of the enquiry.
- (xiii) Any other reason which may justify not providing the information to the applicant.

8. Instruction for deciding the application filed for seeking information: The Public Information Officer or the Assistant Public Information officer should, as far as possible, follow the following instruction:

- (i) The right to information is a valuable right granted to a citizen, therefore, granting the information is the rule and its rejection an exception.
- (ii) Where ever there is a doubt as to whether the information should be supplied to the applicant or not, it should be supplied to applicant.
- (iii) The application should not be rejected merely because it does not conform to the Form prescribed if it is otherwise possible to clearly understand what information is being asked for.
- (iv) If the application is found to be vague or it is not possible to make out as to what is being asked for by the applicant, the Public Information Officer or the Assistant

Public Information Officer may extend help to the applicant, in re-framing the information asked for.

- (v) Where the information asked for relates to a voluminous record and the applicant desires to be supplied with copies of the part of the record, the applicant may be allowed to inspect the record to point out the documents the copies of which he would like to be supplied.
- (vi) Where the applicant is sensorily disabled or illiterate, the Public Information Officer or the Assistant Public Information Officer shall provide assistance to enable access to information, including the assistance to reduce the application in writing and to inspect the record.
- (vii) The Public Information Officer or the Assistant Public Information Officer, shall always keep in mind, while dealing with an application relating to courts that Section 4(1)(d) of the Act does not apply to judicial proceedings conducted by a court or a tribunal as it refers to only administrative and quasi- judicial decisions.
- (viii) Where the application is being declined for the reason stated in Rule 7(iii), the confidentiality shall be decided by the District Judge whose decision shall be final in the matter.
- (ix) Where the Public Information Officer or the Assistant Public Information Officer intends to disclose the personal information relating to a third party, he or she will not do so without following the procedure laid down in Section 11 of the Act. It will, however, not be necessary to do so in case the information is intended to be declined.
- (x) Where the Public Information Officer or the Assistant Public Information Officer intends to decline the information on the ground of it being covered by section 8(1)(d) of the Act, he or she shall do so only with the approval of the District Judge.
- (xi) Where the Public Information Officer or the Assistant Public Information Officer, intends to disclose the information covered by Section 8(1)(e) of the Act, he or she shall not do so without the permission of the High Court.
- (xii) Where the Public Information Officer or the Assistant Public Information Officer intends to disclose the information under section 8(2) of the Act, he or she shall do so only with the permission of the District Judge.
- (xiii) Where the part of the information asked for is vague or it is difficult to make out from it, what is being asked for or it cannot be provided for the reasons stated in rule 4 or part of the information is such which can be supplied, the Public Information Officer or the Assistant Public Information Officer shall supply part of the information which can be supplied.
- (xiv) Where the information asked for is readily available on the website of the Delhi District Court or in any book or in any other printed form, the Public Information Officer or the Assistant Public officer shall inform the applicant of the source where this information is available and supply him copy or copies of the same only when specifically asked for.
- (xv) The Public information Officer or the Assistant Public Information Officer shall provide information in the form in which it is sought unless it would disproportionately divert the resources of the District Court or would be detrimental to the safety or preservation of the record in question.
- (xvi) Where the information is supplied as the copies of the record, the same shall be paginated, stamped and signed by the Public Information Officer or the Assistant Public Information Officer on each page, as the case may be.



9. Instruction to the applicants: The applicants approaching the Public Information Officer or Assistant Public Information Officer, as far as possible, follow the following instructions:

- (i) The application should clearly state the information desired to be supplied by the Public Information Officer or the Assistant Public Information Officer.
- (ii) In one application information asked for should be limited to one subject matter for which it would be possible to provide the information from one set of record.
- (iii) The information asked for should, as far as possible, be precise and brief so as to enable the Public Information Officer or the Assistant Public Information Officer to process the information expeditiously.
- (iv) In the application filed, avoid using foul or defamatory language or including extraneous matter having no bearing on the information sought.
- (v) Although the applicant is not bound to inform as to the reason for which the information is being asked for but providing such an information voluntarily, may help in identifying information asked for and result in providing the information expeditiously.
- (vi) Do not ask too many informations in one application, unless it is necessary to do so.
- (vii) Do not ask for information in the shape of opinions or advises, unless they have been part of any record.
- (viii) Do not expect the Public Information officer or the Assistant Public Information Officer to provide information on the basis of hypothetical questions.
- (ix) Do not expect the Public Information Officer or the Assistant Public Information Officer will create an information and supply it.
- (x) Do not expect the Public Information Officer or the Assistant Public Information Officer to analyze facts and provide the information unless such an analysis is a part of any record.
- (xi) No information can be provided relating to any judicial proceeding under this Act.
- (xii) An individual is welcome to file as many applications as he or she may desire but care should be taken that they are not aimed at causing harassment to any one.
- (xiii) Name and address are required to be stated correctly. If it is found that the name and address given in the application are not correct, it may result in the dismissal of the application.
- (xiv) If the applicant is an employee of the office of the District and Sessions Judge office and aim of his seeking the information is linked with the redressal of any of his grievances, it would be appropriate for him to approach the concerned authority first before seeking information under the Act.

10. Communication of order on the application: The Public Information Officer or the Assistant Public Information Officer shall communicate the order of rejection of the application of providing the information or its disclosure to the applicant in Form H and I, as the case may be.

CHAPTER IV

Appeals to First Appellate Authority

11. Appeal to the First Appellate Authority: (a) An appeal preferred by any person under sub-section(1) or an appeal preferred by a third party under sub-section (2) of section 19 of the Act, shall be accompanied by a fee of rupees fifty, except where the applicant belongs to 'below poverty line' category or the information asked for concerns life or liberty of any person, by way of cash against a proper receipt or by bank draft or bankers cheque or an Indian postal order payable to the District Judge and it shall contain the following:

- (i) Name and address of the appellant;
 - (ii) particulars of the order including number, if any, against which the appeal is preferred ;
 - (iii) brief facts leading to the appeal;
 - (iv) grounds of appeal;
 - (v) relief claimed; and
 - (vi) any other information which the First Appellate Authority may require to be filed before hearing the appeal.
- (b) **Documents to accompany appeal:** Every appeal made to the First Appellate Authority shall be accompanied by following documents :
- (i) Self -attested copies of the orders or documents of the Public Information Officer or of the Assistant Public Information Officer against which the appeal is being preferred; and
 - (ii) copies of documents relied upon and referred to by the appellant in the appeal.

12. Register of Appeals: A Register of appeals shall be maintained by the office of the First Appellate Authority in Form J and following details shall be entered in it:-

- (i) Registration No.
- (ii) Name and particulars of applicant/appellant.
- (iii) Name and particulars of respondent/non-applicant.
- (iv) Details of the order of Public Information Officer/Asst. Public Information Officer against which appeal is preferred.
- (v) Date of order.
- (vi) Decision.
- (vii) Remarks.

13. Powers of First Appellate Authority: (a) Any order passed by the First Appellate Authority shall be binding on the appellant as well as on the Public Information Officer or the Assistant Public Information Officer subject to it being set aside, varied or modified in second appeal filed under sub-section (3) of section 19 of the Act.

(b) The First Appellate Authority may by its orders set aside, vary or modify the orders of the Public Information Officer or the Assistant Public Information Officer and in doing so the First Appellate Authority shall have power to :

- (i) go into not only the manner in which the decision was made also the merits of the decision;

- (ii) pass orders as to the payment of the fee and the charges to be paid for receiving the information;
- (iii) direct the information to be supplied in a particular form;
- (iv) dismiss the appeal; or
- (v) pass any other orders or directions as may be necessary and considered appropriate in the given circumstances of the case.

CHAPTER V
Miscellaneous

14. Reasons for decisions : The Public Information Officer or the Assistant Public Information Officer or the First Appellate Authority, shall give reasons for declining the request of the Applicant of providing information or taking any decision as to the fees or the charges against the Applicant.

15. Duty to supply the information: (a) Every officer or the employee of the District and Sessions Judge's office, who is called upon to supply the information, shall do so as expeditiously and accurately in accordance with the record without concealing or withholding any information.

(b) In case of his or her failing to supply the information in time or it being inaccurate or false, without any reasonable explanation, the District Judge, on being informed by the Public Information Officer or Assistant Public Information Officer, may proceed to take disciplinary action against such an officer or employee under sub-rule (1)(ii) of Rule 3 of Central Civil Services (conduct) Rules, 1964.

16. Preservation of the record: (a) All records relating to the application filed for seeking information and the appeals filed under the provisions of the Act, shall be preserved in accordance with the table given below:

TABLE

S. No.	Nature of the Record	Period for which the record is to be preserved
1	All applications under section 6 of the Act and all proceedings and papers related thereto, wherein the information has been supplied.	Six months
2	All applications under section 6 of the Act and all proceedings and papers related thereto, wherein the information has not been supplied or partially supplied.	One year
3	All appeals under section 19(1) and 19(2) of the Act, which have been allowed.	Six months
4	All appeals which have been disallowed or partially allowed.	One year
5	All Registers maintained in respect of application filed under section 6 of the Act and the appeals filed under section 19 (1) of the Act.	Three years
6	Annual Returns.	Ten years

(b) Notwithstanding anything in sub-rule (a) the record of an application filed under section 6 of the Act shall be preserved till the time any appeal preferred under section 19(1) or 19(2) of the Act has been concluded and the directions given, if any, by the Appellate Authority has been carried out.

(c) Notwithstanding anything stated in sub-rule (a) the record of an appeal filed under section 19(1) or 19(2) of the Act, shall be preserved till the appeal preferred, if any, against it under section 19(3) has been concluded and the direction given, if any, in such an appeal has been carried out.

(d) Notwithstanding anything stated in sub-rule (a), sub-rule (b) and sub-rule (c), the District Judge may in his discretion direct any record to be preserved for a period longer than stated above.

(e) The destruction of the record should be carried out under the supervision of the Public Information Officer or any other officer instructed to supervise the destruction.

(f) The waste paper should be sold in the open market along with the other waste paper generated in the office of the District and Sessions Judge. It shall not be necessary to keep a separate account of the sale of the waste paper so generated.

17. Annual Returns: (a) As soon as practicable after the end of each year, the Public Relation Officer, shall prepare a report on the implementation of the provision of the Act during that year and forward a copy thereof to the Central Information Commission in Form K.

(b) Each report shall state in respect of the year to which the report relates:

- (i) the total number of requests received during the year;
- (ii) decisions where applications for information were rejected;
- (iii) number of cases where disciplinary action was taken against any officer/employee for not supplying the information;
- (iv) number of times various provisions were invoked while rejecting request such as section (1), section 9, section 11, section 24 of the Act or for other reasons.

Explanation: An application where partial information has been supplied shall be counted as an application which has been allowed.

(v) amount of fee collected, additional fee and any other charges and amount of penalties imposed and recovered.

18. Powers of the Public Information officer to lay down instruction: The Public Information Officer shall lay down such instruction as may be necessary for observing the hours for the filing of applications, inspection of record or the manner in which the inspection is to be made or such other matters relating to the convenience of the applicants, with the prior permission of the District Judge.

19. Power of the District Judge to issue instructions and directions : The District Judge shall have the power to issue, from time to time, such instructions or directions or pass orders as may be necessary for the implementation of these rules, the provisions of the Act, the rules framed thereunder by the Central Govt, the direction or instruction given by the Govt. of National Capital Territory of Delhi, Central Govt., Central Information Commission, State Information Commission or the High Court.



20. Powers of the High Court to call for the reports and pass orders for the removal of difficulties: The High court shall have the power to call for the report on any of the subject matter covered by these rules and the provisions of the Act and to pass such orders or give such instructions as appear to be necessary or expedient for the removal of any difficulty, arising in giving effect to these rules and the provisions of the Act.

FORM A

Application for information under Section 6 (1) of the Act
[Rule 4 (a)]Application No.....
(for official use)

To

The Public Information Officer/Assistant Public Information Officer

1. Name of the applicant:
2. Father's/Husband's name:
3. Permanent address:
4. Address at which information is required to be sent :
5. Form in which the information is required :
(State if the information is required in the form of copies of documents/ information is required in diskette or floppy / copies of the extracts from any publication.)
6. How would you like the information to be sent:
(State if you will collect the information yourself or through any of your representative or would like it to be sent by Fax or E-mail, if so, give the Fax number or the e -mail address. If you want the information to be sent by registered post or speed post, file the self-addressed prepaid envelope.)
7. Do you belong to BPL category?
(If yes, give the details of the proof being submitted and also self - attested copy of the same. It may be noted, if required, the applicant can be asked to produce the original of the same at any time considered necessary.)
8. E-mail address (if any):
9. Mobile number (if any):
10. Land line number (if any):
11. If the information required concerns life and liberty of a person, give details:
12. The purpose for which the information is required :
(Although the furnishing of this information is not mandatory, the same may be furnished as it may be of use in retrieving the required information.)
13. The name and address of the third party :
(where the information sought relates to a third party)
14. Department from which the information is required:
15. Particulars of the information requested for :
(The information(s) requested for should relate to only one subject matter, retrievable from one set of records. If the space found is not adequate a separate sheet may be used. The number of sheets, if any, being attached with this form, be mentioned here.)

16. Any other information which may be useful in the expeditious disposal of the application.

Place _____ Signatures with full name and address of the applicant

Date _____

FOR OFFICE USE

DETAILS OF THE FEE REMITTED

Mode of remittance	Amount	Cash Receipt No./ Draft or Banker's Cheque No./ IPO No. *	Date of Remission
		Receipt No: Name of Bank and Branch: Number of the Bank Draft/ Banker's Cheque: Branch of the Post Office: Number of the IPO: * Strike out which ever is not applicable.	

FORM – B

Acknowledgment of the Application submitted in Form A
[See Rule 4(a)]

Application 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 to
..... PM.
4. The applicant shall have to deposit the balance fee, if any, with the Public Information
Officer/Asst. Public Information Officer before collecting the information.
5. For the attention of the applicant rules 4 (k) and 6 are being reproduced here as under:

“4(k) Where the applicant fails to turn up for collecting the information on the
appointed day, the same shall be kept pending for another fifteen days. After fifteen
days the information shall not be supplied to the applicant unless he or she submits a
fresh application with the requisite fees in accordance with sub-rule (a) and paying the
fee as charged under sub-rule (c) and sub-rule (d), if any, in case the fee has not been
deposited in advance in accordance with sub-rule (i).”

“6. Account of the fee deposited : A separate income account shall be kept by the
Public Information Officer of the fee received under these rules, in the Form G. After
the close of every month he shall prepare or get a statement prepared showing the
applications in which the fee or part of the fee remains to be realized. The statement
shall be checked and signed by the Public Information Officer and submitted to the
Collector through the District Judge for recovery of fees as land revenue.”

Place: Signature with full name and Stamp of the Public Information
Officer/Assistant Public Information Officer

Date: E-mail
Web-site
Telephone No.

FORM – CFormat for the Information Register
[See Rule 4(b)]

Registration No. of application	Date of receipt of application	Fee affixed on application	Fee to be charged under sub-section (1) of Section 7/ sub-section (5) of Section 7	Name and address of applicant	Date of first appearance of the applicant after the submission of the application
1	2	3	4	5	6

Brief description of the desired information	Date of dispatch of application to the concerned department (s)	Date of receipt of information from the concerned department	Date of disposal of application	Decision/Note of Public Information Officer/Asst. Public Information Officer on the application
7	8	9	10	11

Date of supplying/dispatch of information	Applicant or his representative's signatures where the information is supplied by hand*	Order of First Appeal, if any	Order of Second Appeal, if any	Remarks
12	13	14	15	16

*Mention the postal receipt No. when the information is sent by post.

Mention Fax No./E-mail address of the applicant as well as of the office of the District Judge, from where the Fax/E-mail has been sent along with the date, when the information is sent by Fax/E-mail.

FORM D

Information for Payment
[See Rule 4(e)]

From

(Name and Designation of the Public Information Officer)

To

(Name of the applicant &
Address)

Sir,

Please refer to your application bearing number ----- dated _____ addressed to the undersigned. I am to inform you that the following amount towards the fee for providing information may be deposited to enable the undersigned to furnish the said information.

Please make payment within a period of fifteen days from the date of receipt of this intimation.

Fee:

Number of pages :

*Number photocopies of printed material:

*Number of diskettes/floppy:

*Number of documents scanned and stored in diskettes/floppy:

Place:

Signature with full name and Stamp of the Public Information
Officer/Assistant Public Information Officer

Date:

E-mail
Web-site
Telephone No.

*Strike out which is not applicable.



FORM – E

[See Section 8(j) and 11(a) of the Act]
[See Rule 5(b)]

From

(Name and address of the Public Information Officer/Asst. Public Information Officer)

To

(Name and address of the third party)

Sir,

The applicant (name of the applicant)----- has filed an application before the undersigned seeking disclosure of information which may amount to invasion of your privacy/breach of confidentiality, if the same is supplied to the applicant. The undersigned intends to make disclosure of the said information to the applicant. You are invited to make your submissions in writing or orally on -----at ----- . In case, you fail to appear on the said date and time, it will be presumed that you have nothing to say in the matter.

Place: Signature with full name and Stamp of the Public Information Officer/Assistant Public Information Officer
Date: E-mail
Web-site
Telephone No.

Encl:

- (1) Application
- (2)
- (3)

FORM – F

(Information to the third party under sub-section (3) of Section 11 of the Act)
[See Rule 5(c)]

From

(Name and address of the Public Information Officer/Asst. Public Information Officer)

To

(Name and Address of the third party)

Sir,

On an application filed by the applicant (name of the applicant)-----
under section 6(1) of the Act, the undersigned has passed the following orders under sub-section (3) of section 11 of the Act: (Reproduce the operative part of the order).

You are entitled to prefer an appeal against the said order under section 19 of the Act within thirty days from the date of the order. Copy of the order has also been enclosed.

Place: Signature with full name and Stamp of the Public Information Officer/Assistant Public Information Officer
Date: E-mail
Web-site
Telephone No.

FORM – G**Register of the Account of the Fee Deposited
(See Rule 6)**

Application No.	Name and address of the applicant	Date and the particulars of the fee deposited at the time of filing the application	Advance charges paid, if any, for supplying photocopies of documents /diskette/photocopies of printed material
1	2	3	4

Charges due to be paid, for supplying photocopies of documents /diskette/photocopies of printed material	Charges paid for supplying photocopies of documents /diskette/photocopies of printed material	Balance Charges remaining to be paid for supplying photocopies of documents /diskette/photocopies of printed material	Refund, if any	Remarks
5	6	7	8	9

FORM – HRejection Order
[See Rule 10]

No.....

Date.....

To,

Sir/Madam,

Please refer to your application 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 First Appellate Authority within thirty days of the issue of this order.

Place:

Signature with full name and Stamp of the Public Information Officer/Assistant Public Information Officer

Date:

E-mail
Web-site
Telephone No.

FORM – I

Form of Supply of information to the applicant
[See Rule 10]

No.....

Date.....

To

Sir/Madam,

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

2. The information asked for is enclosed for reference.*

3. The information has been partly allowed. The part of the information allowed to be disclosed is enclosed for reference. The remaining part of the information is not being supplied for the following reasons:*

(i)

(ii)

(iii)

4. The requested information does not fall within the jurisdiction of this Public Information Officer/Asst. Public Information Officer.

5. As per Section 19 of the Right to Information Act, 2005, you may file an appeal to the First Appellate Authority within thirty days of the issue of this order.

Place: Signature with full name and Stamp of the Public Information Officer/Assistant Public Information Officer
Date: E-mail
Web-site
Telephone No.

* Strike out whichever is not applicable.

FORM -J

Format of the Register for Registration of Appeal
(See Rule 12)

Registration Number of the Appeal	Registration Number of the application	Fee affixed on the Appeal	Name and particulars of applicant/appellant	Name and particulars of respondent/non-applicant
1	2	3	4	5

Details of the order of Public Information Officer/Asst. Public Information Officer against which appeal is preferred	Date of Order	Decision	Remark
6	7	8	9

FORM – K
(See Rule 12)

OFFICE OF THE DISTRICT & SESSIONS JUDGE, DELHI

Proforma for Annual Return to Central Information Commission
(Under Section 25 of the Right to Information Act, 2005)

As on _____

Total no. of request received during the year	Decisions where applications for information rejected	No. of cases where disciplinary action taken against any officer

No. of times various provisions were invoked while rejecting request													
Relevant Section of RTI ACT 2005													
Section 8(1)										Other Sections			Other reasons
a	b	c	d	e	f	g	h	i	j	9	11	24	

Amount of Charges Collected (in Rs.)		
Fee amount	Additional fee & other charges	Penalties amount

By order of the Court,

Sd/-

(AJIT BHARIHOKE)
Registrar General

ANNEXURE 6

Delhi District Courts (Right to Information) Rules, 2008

Compilation of Recommendations for Change

Sl.	Rule	Recommendation for Change
1.	General	The designated AAs or any other senior officer of the court may be instructed to monitor compliance with the requirement of expeditious disposal of applications by PIOs.
2.	Rule 4	<p>a. In Rule 4(e) the words: “failing which the application shall be rejected.” may be deleted.</p> <p>b. In Rule 4(f) the words: “shall be digitally signed by the applicant. It” occurring after the words: “The application submitted in electronic form” may be deleted.</p> <p>c. Further In Rule 4(f) the words: “In case, the applicant fails to deposit the fee within this time, it will be considered as if no such application has been filed.” may be deleted.</p> <p>d. In Rule 4(h) the words: “He shall, however, be required to state clearly the purpose of the information with brief explanation of the same.” may be substituted with the following: “If the connection between the information sought and the life and liberty of any person is not immediately apparent from the application, the PIO may seek clarifications from the applicant. However the applicant is at liberty to refuse to provide such clarifications in accordance with his or her rights under Sub-Section 2 of Section 6 of the Act.”</p> <p>e. Rule 4(j) may be deleted.</p> <p>f. In Rule 4(k) the following words: “After fifteen days the information may be sent to the applicant by registered post at the postal address mentioned in the application” may be substituted for the entire sentence starting with the words: “After fifteen days the information shall not be supplied... etc.”.</p>



		<p>g. Rule 4(l) may be deleted.</p> <p>h. Rule 4(m) may be deleted.</p>
3.	Rule 5	<p>a. In Rules 5(b) and (c) the words: “Assistant Public Information Officer” wherever occurring, may be deleted.</p> <p>b. Further in Rule 5(b) the words: “in a pre-stamped envelope furnished by applicant within two working days after being informed that the information asked for is intended to be disclosed to him”, occurring after the words: “by speed post” may be deleted.</p> <p>b. Further, in Rule 5(b) the sentence: “In case, the applicant fails to furnish the pre-stamped envelope within the prescribed time unless extended by another two working days by the Public Information Officer and Asst. Public Information Officer, as the case may be, the applicant shall be deemed to be not interested in the prosecution of the application and the same shall be dismissed.” may be deleted.</p>
4.	Rule 6	<p>In Rule 6 the words: “the District Judge” may be substituted for the words: “the Collector through the District Judge for recovery of fees as land revenue”.</p>
5.	Rule 7	<p>a. In Rule 7 the words: “Assistant Public Information Officer” wherever occurring, may be deleted.</p> <p>b. Rule 7(ii) may be substituted with the new Rule as follows: “Where a request for access to information is likely to be rejected on the ground that it is in relation to a record which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.”</p> <p>b. Rule 7(iii) may be deleted.</p> <p>c. Rules 7(iv) and Rule 7(v) may be deleted.</p> <p>d. Rule 7(vi) may be deleted.</p> <p>e. Rule 7(vii), (viii) and (ix) may be deleted.</p>

		<p>f. Rule 7(x) may be deleted.</p> <p>g. Rule 7(xi) may be deleted.</p> <p>h. Rule 7(xiii) may be deleted.</p>
6.	Rule 8	<p>a. In Rules 8, 8(vii), (ix), (xi), (xii), (xiii), (xiv), (xv) and (xvi) the words: “Assistant Public Information Officer” wherever occurring, may be deleted.</p> <p>b. Rule 8(viii) may be deleted.</p> <p>c. In Rule 8(x) the words: “Chief Justice of the Delhi High Court” may be substituted for the words: “District Judge”.</p> <p>d. Rule 8(xii) may be deleted.</p> <p>e. The following new sub-rule (xvii) may be inserted after sub-rule (xvi):</p> <p>“(xvii) if the requested information wholly or partially does not fall within the jurisdiction of the PIO, he or she shall transfer the entire application or such parts thereof, to the PIO of the public authority whose working is more closely related to the information sought, as soon as practicable, and in any case not later than five days, from the date of receipt of the application and inform the applicant of such transfer in writing;”</p>
7.	Rule 9	<p>a. Rule 9(ii) may be deleted.</p> <p>b. In Rules 9(i), (iii), (vii), (viii) and (ix) the words: “Assistant Public Information Officer” wherever occurring, may be deleted.</p>
8.	Rule 11	<p>a. In Rule 11(a) the words: “shall be accompanied by a fee of rupees fifty, except where the applicant belongs to ‘below poverty line’ category or the information asked for concerns life or liberty of any person, by way of cash against a proper receipt or by bank draft or bankers cheque or an Indian postal order payable to the District Judge and it” occurring after the words: “under Sub-Section (2) of Section 19 of the Act,” may be deleted.</p> <p>b. In Rule 11(b)(i) the words: “Assistant Public Information Officer” wherever occurring, may be deleted.</p>



9.	Rule 13	In Rules 13(a) and (b) the words: “Assistant Public Information Officer” wherever occurring, may be deleted.
10.	Form A	a. In Form A para 13 may be deleted.
11.	New Formats	<p>a. The Rules relating to the new formats may also be amended along the lines recommended above.</p> <p>b. The older formats that have been replaced may be deleted from the website of the district courts to avoid confusion.</p> <p>c. The lacunae in the new formats pointed out may be rectified along the line recommended in Para 4 at pages 48-49.</p>

ANNEXURE 7

New Formats for the Subordinate Courts of Delhi

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

To

First Appellate Authority
.....
.....**A. Contact details:**

1. Name of the Applicant	
2. Address	

B. Details about RTI request:

1. Particulars of the SPIO against whose order appeal is preferred	(a) Name	
	(b) Address	
2. Date of submission of application (Please attach a copy)		
3. Brief facts leading to appeal	(a) No response received within 30 days of submission of Form I	
	(b) Aggrieved by the response received within the prescribed period (a copy of the order received be attached)	
	Grounds for appeal	
4. Prayer or relief sought		
5. Last date for filing the appeal		
6. If appeal is being filed after 30 days, the reasons which prevented from filing appeal in time	
7. Copies of documents relied upon by the applicant		

Signature of the Applicant.....

Form of application

PIO from which information is required

A. Contact Details

1. Name of the Applicant _____

2. a) Mailing Address _____

b) Tel. No _____

c) E-mail _____

3. Whether a citizen of India

Yes No

B. Details of information sought

1. Nature of information sought
(Please ✓ Mark)

(a) Life & liberty of the person *

(b) Other than (a)

2. Type of information required (a) Copy of documents
(b) Inspection of records
(c) Sample of material
(d) Other information

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

3. (a) Whether information sought relates to third party?

Yes No

(b) If yes his/her name & address

4. Specify the particulars of information required

(i) _____
(ii) _____
(iii) _____
(iv) _____
(v) _____

5. Time period for which information is required

6. Whether applicant belongs to BPL category: Yes No

Proof of BPL attached Yes No

7. Details of fee paid Rs. _____

Signature of the applicant

* Application may preferably be submitted directly to the Public Information Officer concerned to avoid delay.

Form of Notice to third party

[From] Office of _____
 [Address] _____

No. F..... Date:.....

To

Sir/Madam,

Whereas Mr /Ms _____ resident of _____
 has filed an application on _____ with the undersigned under Right to
 Information Act, 2005 to supply the following information/record pertaining to you:-

And whereas the undersigned intends to disclose the above information or record or part
 there of to the applicant.

Now, therefore, you are hereby called upon to make your submissions in writing or
 orally, as per section 11 of the Act, as to whether the information/records asked for by the
 applicant should be disclosed or not.

The submissions or representation against the proposed disclosure should be made by you
 within ten days from the receipt of this notice, failing which the undersigned will take a
 decision in the matter in accordance with the provisions of the Act, without giving any
 further notice.

As per Section 19 of the Right to Information Act, 2005 you may prefer an appeal to the
 First Appellate Authority within 30 days, whose particulars are given below:-

Name and address of the First Appellate Authority
--

Yours faithfully,

Name & Designation of the PIO
 Telephone No.:



Form of supply of information to the applicant

[From] Office of _____
[Address] _____

No.....

Date:.....

To

Sir / Madam,

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

2. The information asked for is as under:

Or

The information sought is partly given below:

(i) -----
(ii) -----

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

(i) -----
(ii) -----

3. As per Section 19 of the Right to Information Act, 2005 you may file an appeal to the First Appellate Authority within 30 days of the issue of this order, whose particulars are given below:-

Name and address of the
First Appellate Authority

Yours faithfully,

Name & Designation of the PIO
Telephone No.:

Forwarding of application/appeal

Office of _____

No. F.

Dated: -

To

The Public Information Officer or
 The First Appellate Authority or
 The Central Information Commission

RTI <hr/> Time Bound

Sub: Forwarding of RTI application/appeal: ID No. _____ dated _____.

Sir/Madam,

I am to forward herewith an application/appeal in original received on _____
 from the following applicant under Section 5(2) of the Right to Information Act, 2005, for
 further necessary action.

Name:

Address:

2. *The applicant has deposited a fee of Rs. 10/- vide cash receipt number _____ dated
 _____ in this office.*

Or

The applicant has deposited a fee of Rs. 10/- vide Banker Cheque/Demand Draft No.
 _____ dated _____ drawn on _____ Bank which is being
 sent in original for further necessary action.

3. It is requested that further necessary action in the matter may please be taken at
 your end.

Yours faithfully,

(_____)
 Assistant Public Information Officer
 Designation

Encl:

1. Application in original
2. Copy of Cash receipt/Demand Draft/Banker Cheque



INTIMATION FOR DEPOSIT OF FURTHER FEE

[From] Office of _____

No.

Dated.....

To
.....
.....
.....

Sub: Deposit of further fee.

Sir/Madam,

Please refer to your application ID No. dated for obtaining information under Right to Information Act, 2005.

2. You are requested to pay a sum of Rs..... representing the cost of providing the information, which has been computed as per details given below: -

--

3. You are requested to deposit the above amount with the authorized person and submit the receipt to the undersigned or pay the amount in the form of demand draft or bankers cheque payable to the Accounts Officer of the (name of the office).

4. It may please be noted that the intervening period between the dispatch of this information and payment of fee shall be excluded for the purpose of calculating the prescribed period as per sub section (3)(a) of Section 7 of the Act.

5. You have a right to get the decision for deposit of further fee reviewed for which you can apply to the First Appellate Authority whose address is given below: -

Name and address of the First Appellate Authority
--

Yours faithfully,

Name & Designation of the PIO
Telephone No.:

REJECTION ORDER

[From] Office of _____
[Address] _____

No..... Dated.....

To

Sir/Madam,

Please refer to your application I.D.No..... dated addressed to the undersigned regarding supply of information under Right to Information Act, 2005.

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

- i).....
- ii).....

3. As per Section 19 of Right to Information Act, 2005, you may like to file an appeal within 30 days of the issue of this order to the first Appellate Authority whose particulars are given below: -

Name and address of the
First Appellate Authority

Yours faithfully,

Name & Designation of the PIO
Telephone No.:

**TRANSFER OF APPLICATION TO OTHER STATE PUBLIC INFORMATION OFFICER
(TO BE DONE WITHIN FIVE DAYS)**

[From] Office of _____

[Address] _____

No.....

Dated.....

To

Sub: Transfer of Application I.D.NO..... received from Mr/Mrs.....
under Sub Section (3) of Section 6 of RTI Act, 2005.

Sir/Madam,

The undersigned had received the above application
on...(date)..... under R.T.I Act, 2005.

2. The requested information does not fall within my jurisdiction

or

The following parts of the requested information does not fall within my
jurisdiction:

3. The application/part of the application is, therefore being transferred to you
under sub-section (3) of Section 6 of RTI Act, 2005 for further necessary action.

4. In case it does not fall under your jurisdiction it may please be further
transferred to the Public Authority to which the subject matter is more closely
connected, directly, under intimation to the applicant.

Yours faithfully,

Name & Designation of the PIO
Telephone No.:

Encl. Application in original

Copy forwarded for information to the applicant Sh./Smt.....

.....

.....

ANNEXURE 8

Amendment to Delhi High Court (Right to Information) Rules in May 2010

रजिस्ट्री सं. डी.एल.—33002/99

भारत सरकार
GOVERNMENT OF INDIA

REGISTERED No. D.L.—33002/99

दिल्ली राजपत्र

Delhi Gazette



असाधारण

EXTRAORDINARY

प्राधिकार से प्रकाशित

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भाग—IV

PART—IV

राष्ट्रीय राजधानी राज्य क्षेत्र, दिल्ली सरकार

GOVERNMENT OF THE NATIONAL CAPITAL TERRITORY OF DELHI

दिल्ली उच्च न्यायालय : नई दिल्ली अधिसूचना

दिल्ली, 13 मई, 2010

सं. 178/नियम/डी.एच.सी.—सूचना के अधिकार अधिनियम, 2005 की धारा 28 की उप-धारा (1) संपठित धारा 2(अ)(iii) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, दिल्ली उच्च न्यायालय के माननीय मुख्य न्यायाधीश, दिल्ली उच्च न्यायालय (सूचना का अधिकार) अधिनियम, 2006 जिनको दिल्ली राजपत्र, असाधारण, भाग IV, सं. 131 (एन. सी. टी. डी. सं. 109) दिनांक 11 अगस्त, 2006 में अधिसूचना सं. 180/नियम/डी.एच. सी., दिनांक 11 अगस्त, 2006 को अधिसूचित किया गया था जो कि अधिसूचना सं. 117/नियम/डी.एच.सी. दिनांक 8-5-2007 द्वारा संशोधित किये गये तथा दिल्ली राजपत्र, असाधारण, भाग IV, सं. 80 (एन. सी. टी. डी. सं. 30), दिनांक 8-5-2007 को प्रकाशित किये गये, जिनको अधिसूचना सं. 225/नियम/डी.एच.सी., दिनांक 29-10-2007 द्वारा आगे संशोधित किया जाकर दिल्ली राजपत्र, असाधारण, भाग-IV, सं. 185 (एन. सी. टी. डी. सं. 206), दिनांक 29-10-2007 को प्रकाशित किया गया एवं शुद्धि-पत्र सं. 117/नियम/डी.एच.सी., दिनांक 31-1-2008 शुद्ध किया जाकर दिल्ली राजपत्र असाधारण, भाग IV, सं. 19 (एन. सी. टी. डी. सं. 301), दिनांक 31-1-2008 में प्रकाशित किया गया जिनको अधिसूचना सं. 46/नियम/डी.एच.सी., दिनांक 22-1-2009

द्वारा आगे संशोधित किया जाकर दिल्ली राजपत्र, असाधारण, भाग IV, सं. 12 (एन. सी. टी. डी. सं. 303), दिनांक 22-1-2009 में प्रकाशित किया गया, में एलपुद्दारा निम्नलिखित संशोधन करते हैं :

I. नियम 3(ए.) में संशोधन :—

नियम 3(ए) में शब्दावली "11 बजे पूर्वाह्न से 1 बजे अपराह्न तक आवेदन प्रस्तुत करेंगे" के परचात् शब्दावली "तथा 2 बजे अपराह्न से 4 बजे अपराह्न तक" को समाविष्ट किया जायेगा।

II. नियम 3(बी) में संशोधन :—

नियम 3(बी) में शब्दावली "अपेक्षित शुल्क नकद जमा कर दी जाती है" के परचात् शब्दावली "भारतीय पोस्टल आर्डर, डिमाण्ड ड्राफ्ट, पे आर्डर" को समाविष्ट किया जाएगा तथा शब्दावली "7 दिनों के भीतर" के स्थान पर शब्दावली "15 दिनों के भीतर" को प्रतिस्थापित किया जाएगा तथा शब्दावली "इलेक्ट्रॉनिक प्ररूप के माध्यम से प्रार्थना" के परचात् शब्दावली "तथा डाक के माध्यम से" को समाविष्ट किया जाएगा।

III. नियम 10(बी) में संशोधन :—

नियम 10(बी) शीर्षक 'मूल्य/शुल्क हपयों में' के नीचे क्रम सं. 2 से शब्दावली "अव्यावश्यक के लिये प्रभार रु. 10 प्रति पृष्ठ" को हटा दिया जाएगा।

न्यायालय के आदेशानुसार,
राकेरा कपूर, महा निबंधक

**HIGH COURT OF DELHI : NEW DELHI
NOTIFICATION**

Delhi, the 13th May, 2010

No. 178 /Rules/DHC.—In exercise of the powers 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 of the High Court of Delhi hereby makes the following amendments in Delhi High Court (Right to Information) Rules, 2006, which were notified *vide* Notification No. 180/Rules/DHC, dated 11th August, 2006, in Delhi Gazette, Extraordinary, Part IV, No. 131 (N.C.T.D. No. 109), dated 11th August, 2006, amended *vide* Notification No. 117/Rules/DHC, dated 8-5-2007 published in Delhi Gazette, Extraordinary, Part IV, No. 80 (N.C.T. D. No. 30) dated 8-5-2007, further amended *vide* Notification No. 225/Rules/DHC, dated 29-10-2007 published in Delhi Gazette, Extraordinary, Part IV, No. 185 (N.C.T. D. No. 206), dated 29-10-2007 and corrected *vide* Corrigendum No. 117/Rules/DHC, dated 31-1-2008 published in Delhi Gazette Extraordinary Part IV, No. 19 (N.C.T. D. No. 301), dated 31-1-2008, further amended Notification No. 46/Rules/DHC, dated 22-1-2009 published in Delhi Gazette, Extraordinary, Part IV, No. 12 (N.C.T.D. No. 303), dated 22-1-2009 :

I. Amendment in Rule 3(a)

In Rule 3(a) the words “and 2 P.M. to 4 P.M.” shall be inserted after the words ‘shall file an application from 11 A.M. to 1 P.M.’.

II. Amendment in Rule 3 (b)

In Rule 3(b) the words “Indian Postal Order, Demand Drafts, Pay Order” shall be inserted after the words “the requisite fees is deposited in cash” and words ‘within 7 days’ shall be substituted by the words “within 15 days” and words “and through post” shall be inserted after the words ‘the request through electronic form’.

III. Amendment in Rule 10(B)

In Rule 10(B) the words “charges for urgent Rs. 10 per page” shall be deleted from Sl. No. 2, below the heading ‘price/fee in Rupees’.

By Order of the Court,
RAKESH KAPOOR, Registrar General

CHRI Programmes

CHRI's work is based on the belief that for human rights, genuine democracy and development to become a reality in people's lives, there must be high standards and functional mechanisms for accountability and participation within the Commonwealth and its member countries. Accordingly, in addition to a broad human rights advocacy programme, CHRI advocates access to information and access to justice. It does this through research, publications, workshops, information dissemination and advocacy.

Human Rights Advocacy: CHRI makes regular submissions to official Commonwealth bodies and member governments. CHRI conducts fact finding missions periodically and since 1995, has sent missions to Nigeria, Zambia, Fiji Islands and Sierra Leone. CHRI also coordinates the Commonwealth Human Rights Network, which brings together diverse groups to build their collective power to advocate for human rights. Its Media Unit also ensures that human rights issues are in the public consciousness.

Access to Information: CHRI catalyses civil society and governments to take action, acts as a hub of technical expertise in support of strong legislation, and assists partners with implementation of good practice. CHRI works collaboratively with local groups and officials, building government and civil society capacity as well as advocating with policy makers. It is active in South Asia, most recently supporting the successful campaign for a national law in India; provides legal drafting support and inputs in Africa; and in the Pacific, works with regional and national organisations to catalyse interest in access legislation.

Access to Justice

Police Reforms: In too many countries the police are seen as oppressive instruments of state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that police act as upholders of the rule of law rather than as instruments of the current regime. In India, CHRI's programme aims at mobilising public support for police reform. In East Africa and Ghana, CHRI is examining police accountability issues and political interference.

Prison Reforms: CHRI's work is focused on increasing transparency of a traditionally closed system and exposing malpractice. A major area is focused on highlighting failures of the legal system that result in terrible overcrowding and unconscionably long pre trial detention and prison overstay, and engaging in interventions to ease this. Another area of concentration is aimed at reviving the prison oversight systems that have completely failed. We believe that attention to these areas will bring improvements to the administration of prisons as well as have a knock-on effect on the administration of justice overall.

Under India's Right to Information (RTI) Act, the judiciary is as much bound by the provisions of the RTI Act as any other arm of the government. However, the fact remains that even after five years since its enactment all kinds of obstacles often come in the way of easy access to information including cumbersome procedural rules, hefty fees, and even inclusions of entirely extra-legal conditions that applicants need to satisfy in order to get information under this Act.

The present publication is the first in a series of publications on RTI in the judicial sphere. This book analyses the difficult provisions in the RTI Rules that apply to the various offices of the judiciary in Delhi. We hope our analysis and recommendations for improvement in the Rules will encourage each court to review and refine its procedures and adopt liberal and assisting approaches to implement RTI.



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