

उत्तर प्रदेश शासन

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नं० -3530/Seven - Nyay-1-2006
लखनऊ, Dated 20- September, 2006

NOTIFICATION

Allahabad High Court (Right to Information) Rules, 2006

In exercise of the powers conferred by Section 28 of the Right to Information Act, 2005 (22 of 2005) the Chief Justice, High Court of Judicature at Allahabad hereby makes the following rules to carry out the provisions of the Act.

1. **Short title and commencement-**
 - (a). These rules may be called the Allahabad High Court (Right to Information) Rules, 2006;
 - (b) They shall come into force on the date of their 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) 'Central Public Information Officer' means the Central Public Information Officer and the Central Assistant Public Information Officer appointed by the Chief Justice under Section 5 of the Act for Allahabad High Court and its Bench at Lucknow and for subordinate courts.
 - (d) All other word and expressions used herein but not defined and defined in the Act shall have the same meanings assigned to them in the Act.
 - (e) 'Applicant' means the person making request for any information or inspection under the Act.
3. Every application shall be made for one particular item of information only.
4. Each application shall be accompanied by cash or draft or pay order of Rs. 500/- drawn in favour of the Registrar General, High Court, Allahabad, or the District Judge of the concerned District Court as the case might be.

5. If the application is permitted, the applicant shall be entitled to the information only after he makes payment in cash at the rate of Rs. 15/- per page of information to be supplied to him.
6. The information requested for shall be so sufficiently specified in the application as to lead to its identification without any difficulty, ambiguity or doubt.
7. A person, who desires to obtain any information under this Act, may make a request to the Central Public Information Officer in writing in English or in Hindi.
8. If any additional fee representing the cost of providing information will be required, the Central Public Information Officer will send an intimation to the applicant regarding the details of additional fees, together with the calculations with a request to deposit the additional fees and the period intervening between the dispatch of the said intimation and payment of fee shall be excluded for the purpose of calculating the period of thirty days.
9. Central Public Information Officer shall be responsible to receive the applications for intimation or appeals under the Act and to provide information within the prescribed period of 30 days.
10. Central Public Information Officer shall deal with request from persons seeking information and render reasonable assistance to such persons.
11. Central Public Information Officer may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.
12. If the information sought by an applicant is in possession of another public authority or the subject matter of which is more closely connected with the functions of another public authority, such application or such part of it will be transferred to that public authority, and applicant will be informed about the transfer of his application to that public authority. Such transfer of application shall be made within five days from the date of receipt of the application.
13. Central Public Information Officer, on receipt of request, either provide the information to the applicant on payment of prescribed fees, or reject the request within thirty days from the receipt of the request.
14. If the information requested is rejected on the ground that it is exempted from disclosure under Section 8, access may be provided to that part of the record, which does not contain any information, so exempted from disclosure under Sec. 8 of the Act and is severable under Section 10 of the Act.

15. Central Public Information Officer may reject a request for information if such a request involves infringement of copyright subsisting in a person, unless the copy right of the requested information subsists in the State.
16. If the information sought for by an applicant concerns life or liberty of a person, Central Public Information Officer will provide the required information within 48 hours of the receipt of the request.
17. If the Central Public Information Officer fails to give decision on the request of information within the prescribed period of thirty days, he shall be deemed to have refused the request.
18. The Central Public Information Officer will provide assistance to any sensorily disabled person who is unable to access to the record or a part thereof and such assistance will include any assistance, which may be appropriate for the inspection of the record.
19. The Central Public Information Officer, prior to taking any decision on any application made under sub section (1) to provide the desired information, shall take into consideration the representation made by the third party, if any.
20. Notwithstanding anything contained anywhere else in these Rules, the applicant will be furnished with the information requested for, if and only if (a) the furnishing of such information is
 - (i) requested for with a positive assertion that the motive for obtaining such information is proper and legal;
 - (ii) in accordance with the provisions of the said Act;
 - (iii) not likely disproportionately to divert the resource of the High Court or the Subordinate Court, as the case might be;
 - (iv) not likely to be detrimental to the safety or preservation of the record in question and
 - (v) not otherwise against any law or practice prevailing in the material regard;and (b) after the processing of the application therefor, permission has been obtained in that behalf from Hon'ble the Chief Justice, or any of the other Hon'ble Judges of the High Court of Judicature at Allahabad, or its Lucknow Bench, who might in that regard be, or have been, nominated by Hon'ble the Chief Justice.
21. If access is granted to a part of the record only, the Central Public Information Officer shall give a notice to the applicant, informing him:

- (a) that only part of the record requested, after severance of the record containing information which is exempt from disclosure is being provided;
 - (b) the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;
 - (c) the name and designation of the person giving the decision;
 - (d) the details of the fees calculated by him or her and the amount of fee which the application is required to deposit; and
 - (e) his or her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the senior officer specified under sub-section (1) of section 19 or the Central Public Information Officer as the case may be, time limit, process and any other form of access.
22. If the Central Public Information Officer intends to disclose any information or record, or part thereof which relates to or has been supplied by a third party and has been treated as confidential by that third party, he will give a written notice to such third party of the request within five days from the receipt of the request that he intends to disclose the information of record or part thereof, and invite the third party within ten days to make a submission in writing or orally, whether such information should be disclosed. The Central Public Information Officer while taking a decision about disclosure of information shall take into the consideration submission of the third party.
23. If the third party has been given an opportunity to make representation in respect of disclosure of any information, the Central Public Information Officer shall make decision as to whether or not to disclose the information of record or part thereof within forty days after the receipt of the request and give in writing the notice of his decision to the third party. The notice of the decision relating to disclosure of the information to the third party state that such person is entitled to prefer an appeal against the decision.
24. If any person does not receive the desired information or decision for rejecting the request within the time specified in the Act, he/she may prefer an appeal to the appellate authority notified under rules of the Act within thirty days from expiry of the period stipulated in the Act or within thirty days from the receipt of decision of rejection of his request by the Central Public Information Officer.

25. Central Public Information Officer shall not be liable to provide any information, which can be obtained under the provision of the Allahabad High Court Rules, 1952 in case of High Court and under General Rule (Civil/Criminal) in case of subordinate Courts. Such information may be obtained by adhering to the prescribed procedure and payment of fees prescribed in the Allahabad High Court Rules, 1952, or General Rules (Civil/Criminal), as the case may be.
26. Central Public Information Officer will not entertain any application from any citizen for providing any information relating to matters, which are pending adjudication before the High Court or Courts subordinate thereto. The information relating to judicial matters may be obtained as per the procedure prescribed in the Allahabad High Court Rules 1952 and General Rules (Civil/Criminal) respectively.
27. Central Public Information Officer will not entertain any application from any citizen for inspection of any record which can be inspected under the Allahabad High Court Rules 1952 and General Rules (Civil/Criminal) as the case may be.
