

HIGH COURT OF UTTARAKHAND

NAINITAL

NOTIFICATION

No. 157/UHC/Admin-B,

Dated: August 27, 2009

The Uttarakhand High Court Right to Information Rules, 2009.

In exercise of the powers conferred under section 28 (1) of the Right to Information Act, 2005, and all enabling provisions in that behalf, the Chief Justice of Uttarakhand High Court at Nainital makes the following Rules for carrying out the provisions of the Right to Information Act, 2005.

1. **Short title, commencement and application:**

- (i) These Rules shall be called the Uttarakhand High Court Right to information Rules, 2009.
- (ii) They shall come into force with effect from the date of publication in the official Gazette.
- (iii) These Rules shall be applicable to the High Court of Uttarakhand and all the subordinate courts under its administrative control.

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

- (a) 'Act' means the Right to Information Act, 2005.
- (b) 'Chief Justice' means the Chief Justice of the High Court of Uttarakhand.
- (c) 'State Public Information Officer' **with reference to the High Court**¹ means such Officer or Authority of the High Court as would be designated by the Chief Justice by a separate order **and with reference to Subordinate Court means such officer or authority as designated by the District Judge by a separate order**²

1. Inserted by rule 1 (a) of Notification No. 264/UHC/Admin-B dated 29/30.03.2010 published in official Gazette of the State of Uttarakhand dated 15th May, 2010.

2. Inserted by rule 1 (b) of ibid.

- (d) **State Assistant Public Information Officer with reference to Subordinate Court means the Officer appointed at Outlying Courts by the District Judge to discharge function under Section 5 (2)¹.**
- (e) 'Subordinate Courts' means and includes all Civil, Criminal and other courts in the State of Uttarakhand, which are subordinate to, or under the control and supervision of the High Court².
- (f) **Appellate Authority with reference to High Court means such officer as may be designated by the Chief Justice by a separate order and the Appellate Authority with reference to subordinate courts shall be the District Judge or any judicial officer, as designated by District Judge by a separate order³.**

3 (1)⁴. Request for furnishing information:

Any request for obtaining information shall be made in the prescribed form accompanied with a fee of Rs. 10/- **payable through cash, draft or by way of postal order or⁵** adhesive Court fee stamps and the complete address of the applicant for communication. The application for information shall be submitted to the State Public Information Officer or **to⁶** the State Assistant Public Information Officer, as the case may be in the normal office working hours.

3 (2) Where information is available in electronic form and is to be supplied or asked in electronic form e.g. floppy, CD etc. then the applicant shall be charged a sum of Rs. 50/- per floppy/CD through cash, draft or by way of postal order or adhesive court fee stamp⁷.

1. Substituted by rule 2 (a) of Notification No. 264/UHC/Admin-B dated 29/30.03.2010 published in official Gazette of the State of Uttarakhand dated 15th May, 2010.

2. Substituted by rule 3 (a) of *ibid*.

3. Added by rule 4 of *ibid*.

4. Renumbered by rule 5 (a) of *ibid*.

5. Substituted by rule 5 (b) of *ibid*.

6. Inserted by rule 5 (c) of *ibid*.

7. Added by rule 5 (d) of *ibid*.

3 (3) No fees and charges shall be payable by a person belonging to below poverty line (BPL), provided that such person encloses with the application a certified copy of the below poverty line card or a certificate issued in that behalf by the concerned District Magistrate or the Sub Divisional Officer of the concerned sub division¹:

4. Request for inspection of Record:

Application for inspection of the record shall be made in the prescribed form. The fee for inspection of documents or records shall be Rs. 20/- per document for one hour or part of an hour **payable through cash, draft or by way of postal order or² adhesive court fee stamp.**

Provided that the State Public Information Officer shall not entertain any application for inspection of any judicial record which can be inspected under the provisions of Rules of the Court, 1952 and General Rule (Civil/Criminal), as the case may be³:

5. Procedure regarding inspection of documents:-

The applicant shall not cause any hindrance to the office work and shall cooperate with the staff and complete the inspection as soon as possible.

The applicant shall abide the rules of inspection and shall not use or possess pen, ink or eraser with him.

The **State⁴** Public Information Officer concerned shall have the right to fix the time and date of the inspection according to administrative convenience and his decision shall be final.

6. Information shall be provided in the form of certified copies⁵

(1) Information shall be provided in question answer form certified to be true by the State Public Information Officer and documents or records shall be provided in the form of certified copies, certified to be true by the State Public Information Officer as per the request of the applicant⁶:

1. Added by rule 5 (d) of Notification No. 264/UHC/Admin-B dated 29/30.03.2010 published in official Gazette of the State of Uttarakhand dated 15th May, 2010.

2. Inserted by 6 (a) of ibid in place of word 'by way of'.

3. Added by 6 (b) of ibid.

4. Inserted by 7 (a) of ibid.

5. Substituted by rule 8 of ibid.

6. Substituted by rule 8 of ibid.

(2) **State Public Information Officer shall not be liable to provide any information, which can be obtained under the provision of the Rules of the Court, 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 Rules of the Court, 1952, or General Rules (Civil/Criminal), as the case may be¹.**

7. Register to be maintained:

The State Public Information Officer/State Assistant Public Information Officer shall maintain a register in the format as per the appendix and other records as would required from time to time.

8. Appeal

An Appeal under Section 19 of the Act may be preferred to the Appellate Authority².

By order of the Court

(Ravindra Maithani)

Registrar General

1. Substituted by rule 8 of Notification No. 264/UHC/Admin-B dated 29/30.03.2010 published in official Gazette of the State of Uttarakhand dated 15th May, 2010.
2. Substituted by rule 9 of *ibid*.

Application Form for Inspection of record.
Court Fee¹

To

The State Public Information Officer/State Assistant Public
Information Officer.....

Please grant me permission to inspect the documents
named in the following list, for which I tender herewith the requisite
fee² of Rs.

Full description of document of which the inspection is wanted	Name of the Office or officer/official in whose possession the documents is lying
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Dated:

Signature and Full address
of the applicant.

1. Inserted by rule 10 (a) of Notification No. 264/UHC/Admin-B dated 29/30.03.2010 published in official Gazette of the State of Uttarakhand dated 15th May, 2010 in place of words "Court Fee Stamp".

2. Substituted by rule 10 (a) of ibid.

3. last column is deleted by rule 10 (a) of ibid.

Appendix
Register of Information

1	2	3	4	5	6	7	8	9	10
Sl. No	Date of application	Name and address of the party	Purpose of request	Fee paid	Date & time of requisition of record	Date & time of information furnished or inspection made	Date and time of return of record	Signature of the applicant	Remarks

To

The State Public Information Officer
The State Assistant Information Officer
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Please furnish the following information for which the requisite fees of Rs. is being paid:

Full particular of the Department/Section to which the document is concerned regarding which the information is required.	Full particular of the document or record regarding which the information sought.
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Dated:

Signature and Full
Address of the applicant

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Brief description of information sought.	Information furnished.
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Dated:

Signature of the State Public
Information Officer

Seal

The last column of the application form is deleted by rule 10 (b) of Notification No. 264/UHC/Admin-B dated 29/30.03.2010 published in official Gazette of the State of Uttarakhand dated 15th May, 2010.