

HARYANA RIGHT TO INFORMATION RULES, 2009

1006 HAR A GOVT.. GAZ., (EXTRA.) DEC. 21, 2009 (AGHN. 30, 1931 SAKA) [Authorised English Translation] HARYANA GOVERNMENT ADMINISTRATIVE REFORMS DEPARTMENT NOTIFICATION The 21 st December. 2009 No.S.O.99/C.A. 22/2005/S. 27/2009.- In exercise of the powers conferred by sub-section (1) read with sub-section (2) of section 27 of the Right to Information Act, 2005 (Act 22 of 2005), the Governor of Haryana hereby makes the following rules providing for information under the said Act, namely:- Short title and Commencement. Definition Application for 1. 2. (1) These rules may be called the Haryana Right to Information Rules, 2009 commencement. (2) They shall come into force from 1st January, 2010. In these rules, unless the context otherwise requires, (a) "Act" means the Right to Information Act, 2005 (Act 22 of 2005); (b) "Commission" means the Haryana Information Commission, constituted under section 15 of the Act; (c) "Model Form" means a model form appended to these rules; (d) "section" means the section of the Act. (2) The words and expressions used in these rules, but not defined, shall have the same meanings as respectively assigned to them in the Act. obtaining information section 2(m), 6 3. (1) A person who desires to obtain any information admissible under section 27. Deposit of fee. Section 6 the Act, shall make an application, preferably in Model Form 'A' to the State Public Information Officer and in his absence to State Assistant Public Information Officer along- with fee as specified in sub-rule (1) of rule 5 of these rules. (2) On the receipt of an application, made under sub-rule(1), the State Public Information Officer or State Assistant Public Information Officer as the case may be, shall give a receipt in token thereof to the applicant. 4. (1) The fee shall be deposited with the State Public Information Officer either in Cash against proper receipt, by Bank Draft, by Indian Postal Order or by Treasury Challan in the following Heads of Account:- Major Head Sub Major Head Minor Head Sub Head 0070 -Other Administrative Services 60-Other Services 800-Other Receipts 86-Fee under the Right to Information Act, 2005. Detailed Head "0070—Other Administrative Services—800—Other Receipts—86—Fee under the Right to Information Act, 2005". HARYANA GOVT.. GM., (EXTRA.) DEC. 21, 2009 (AGHN. 30, 1931 SAKA) 1007 (2) The amount of fee shall be credited to the account as referred in sub-rule (1): Provided that the Boards, Corporations and other autonomous bodies of the State may get the amount of requisite fee deposited in their own accounts maintained by them. (3) On receipt of an application, submitted under sub-rule (1) of rule 3, the State Public Information Officer shall scrutinize the application and shall assess how much fee is required to be paid by the applicant for obtaining the information. (4) The fee assessed under sub-rule (3), shall be intimated to the applicant by the State Public Information Officer, expeditiously, in Model Form 'B' to ensure the delivery of information within time specified under sub-section(1) of section 7 of the Act. (5) In case the applicant fails to deposit the requisite fee within a period Quantum of fee. of fifteen days after the issuance of the intimation given to him under sub-rule (4), Section and 7 it shall be constructed that the applicant is no longer interested in obtaining the information sought for and his application shall be deemed to have been filled. 5. (1) An application for obtaining any information under sub-section (1) of the section 6 shall be accompanied with a fee of ten rupees and shall ordinarily not contain more than five hundred words excluding annexure, address of the State Public Information Officer and that of the applicant: Provided that no application shall be rejected only on the ground that it contains more than five hundred words. (2) For Providing information under sub-section (1) of the section 7, the fee shall be charged from the applicant at the following rates, namely:- (a) two rupees for each page in A-4 or A-3 size paper, created or copied; and (b) if information is to be provided on a large size of paper then that of specified in clause (a), the actual cost price of such a paper shall be charged. (3) for providing information under sub-section (5) of the section 7, the fee shall be charged from the applicant at the following rates, namely:- (a) fifty rupees for providing information in a floppy; (b) fifty rupees for providing information in diskette; and (c) if information sought is of such a nature, which is contained in a printed document of which a price has been fixed, then that information shall be provided after charging the price, fixed for that printed document. However, if only an extract or page of such a printed document is asked for, then a fee of two rupees per page shall be charged. (4) No fee for inspection of record shall be charged, if such an inspection is made for one hour only. However, if inspection is made for a period of more than one hour, then a fee of five rupees shall be charged for every subsequent hour or fraction thereof. 1008 Procedure for filing appeals.

Sections 19(1) and (3) Procedure for deciding appeal. Section 19(10) 6. (1) The information, namely:- (a) (b) (c) (d) (e) (f) (g) (h) (i) (2) The appellant shall submit three copies of the memorandum of appeal for official purpose. (3) Every appeal made to the Commission shall be accompanied by the following documents, namely:- (a) self attested copies of the Orders or document against which the appeal is being preferred; (b) copies of document relied upon by the appellant and referred to in the appeal; and (c) an index of the document referred to in the appeal: Provided that in case complete documents are not furnished, the appeal shall not be rejected but the appellant shall be asked to complete the above formalities

7. Before deciding an appeal, the Commission shall,- HARYANA GOVT.. GM., (EXTRA.) DEC. 21, 2009 (AGHN. 30, 1931 SAKA) memorandum of appeal shall contain the following name and address of the appellant, including the details of contact telephone/mobile Numbers/e-mail address, if any; official designation and address of the State Public Information Officer or State Assistant Public Information Officer, as the case may be; official designation and address of the Officer against the decision of whom the appeal is preferred; particulars of the order including number, if any, against which the appeal is preferred; brief facts leading to the appeal prayer of relief sought; grounds of the prayer of relief verification by the appellant; and any other information which the Commission may deem necessary for deciding the appeal. (a) (b) (c) (d) (e) (f) serve notice to the concerned persons; entertain any evidence in support of appeal, which may be oral or in writing from the concerned persons; examine on oath or an affidavits from the persons concerned; examine the documents or any records or copies thereof; inquire through the authorized office the facts of the appeal or may require facts in detail, if he so deems appropriate, hear the State Public Information Officer or any other senior officer who had decided the first appeal, as the case may be; and receive evidence on affidavits from the State Public Information Officer or any senior officer who had decided the appeal or from any other person from whom the evidence may be deemed necessary. HARYANA GOVT.. GAZ., (EXTRA.) DEC. 21, 2009 (AGHN. 30, 1931 SAKA) 1009 8. The Commission may serve notice to the persons concerned in any of the following modes, namely:- (a) by hand delivery (dasti) through process server; (b) by Registered Post, Speed Post, Under Postal Certificate, Courier or such other means; (c) by electronic mail, if e-mail address is provided; or (d) by publication in the newspaper

9. The appellant or the complainant, as the case may be, shall in every case be informed of the date of hearing at least 15 clear days before that date. If the complainant/appellant fails to appear on the date of hearing, the Commission will decide the matter on merits: Provided that where the Commission is satisfied that the circumstances exist due to which the complainant or appellant is being prevented from attending the hearing, then, he may afford the complainant or appellant another opportunity of being heard before taking a final decision. 10. (1) The Commission shall make order in writing and pronounce the same in the presence of the concerned parties. Mode of serving notice. Section 19(10) Appearance of Appellant/ Complainant. Section 19 Order by Commission. Section 19(10) (2) (3) (4) (5) The Commission may, at the time of deciding any complaint/appeal, impose penalty on a State Public Information Officer in accordance with the provisions of section 20 of the Act. A copy of the order of the Commission imposing penalty on a State Public Information Officer shall be forwarded to the Registrar. After receipt of such order, the Registrar shall enter the details thereof in a register maintained for the purpose in Form 'C'. The penalty order shall be conveyed by the Registrar vide a letter in Form 'D' to the controlling authority concerned for recovery of the penalty amount from the salary of the State Public Information Officer and for the deposit of this amount in the following head of account, by the date fixed namely:- Major Head 0070-Other Administrative services Sub Major 60-Other Services Head Minor Head 118-Receipts under Right to Information Act, 2005 (Central Act 22 of 2005 Sub Head 98-Penalties imposed under Right to Information Act, 2005 Central Act 22 of 2005 Detailed 51-NA Head OWest Head 00-No Standard 0b' ect Head The Government shall make necessary arrangements to ensure recovery of the penalty amount from the State Public HARYANA GOVT.. GAZ., (EXTRA.) DEC. 21, 2009 (6) (7) (AGHN. 30, 1931 SAKA) Information Officer concerned in compliance of the order of the Commission. The Registrar shall be responsible for following up each such matter in which the Commission has imposed penalty on any State Public Information Officer, till compliance report is received. The party concerned may obtain the copy of the order from the Commission. Repeal and Saving 11. The Haryana Right to Information Rules, 2005 are hereby repealed: Provided that any order made or action taken under the rules so repealed shall be deemed

to have been made or taken under the corresponding provisions of these rules. 1010 To (1) (2) (3) Place: Date: ** HARYANA GOVT.. GM., (EXTRA.) DEC. 21, 2009 (AGHN. 30, 1931 SAKA) MODEL FORM 'A' [See rule 3(1)] State Public Information Officer/ State Assistant Public Information Officer, (Name of the Office with address) Full Name of the applicant: Address alongwith following ID: (Aadhar Card, Passport, Voter Card, Pan Card, PPP ID, Government issued Identity Card) Particulars of information required--- (i) (ii) (iii) (iv) (v) Subject matter of information * The period to which the information relates* * Description of the information required* ** Whether information is required by post or in person (the actual postal charges shall be include in additional fee) In case by post (Ordinary, Registered or Speed Post) Signature of the applicant. Broad category of the subject to be indicated (such as grant/Government land/Service matters/Licenses etc.) Relevant period for which information is required to be indicated. Specific details of the information are required to be indicated. ACKNOWLEDGMENT Received your application dated... ..vide diary No... .. dated . Signatures of State Public Information Officer/ State Assistant Public Information Officer (Name of the Department/Office)... HARYANA GOVT.. GM., (EXTRA.) DEC. 21, 2009 (AGHN. 30, 1931 SAKA) MODEL FORM 'B' [See Rule 4 (01 From Designation of the State Public Information Officer. To Name of the applicant Address of the applicant. Sir, Please refer to your application dated.. 1011 addressed to the undersigned requesting for information under Right to Information Act, 2005. 1

2. The additional fee for supplying this information is Rs... You are requested to pay the fee through any of the mode of payment i.e. either in Cash against proper receipt, by Bank Draft, by Indian Postal Order or by Treasury Challan as mentioned in rule 4(1) of the Haryana Right to Information Rules, 2009 and send a copy of proof thereof to this office so that the requisite information can be supplied to you. In case you are dissatisfied with the above estimate, you are requested to 3. submit an appeal before the Appellate Authority... .. (Name of the Department). State Public Information Officer. Form 'C' [See rule 10 Register of penalties imposed under section 20 of the Right to Information Act, 2005. Serial Registration Name Number number of of the complaint/ bench Date of order 4 Amount of penalty imposed with details of Installments, if any. 5 Name and Name (if Date on address of available), which complainant/ designation compliance 1 appeal 2 which passed the penalty order 3 appellant 6 and address of penalty of State order Public reported Information Officer against whom penalty im used 7 8 marks 9 Form 'D' [See rule 10 (3)] State Information Commission, Haryana Complaint/Appeal Registration No... .. Sh/Smt..... ..Complainant/Appellant Opposite Party From : To: . vs Registrar State Information Commission, Haryana Chandigarh. (Name, designation and address of officer who will recover the penalty imposed) Whereas a complaint/second appeal was presented by Sh./Smt... .. Resident of(address) and was registered in this Commission as above; And whereas the aforesaid complaint/appeal has been decided by the bench of Sh./Smt. Who in exercise of powers vested under section 20 of the Right to Information Act, 2005 has ordered imposition of penalty on the State Public Information Officer concerned as follows: (a) Name (if available), designation and address.... .. of the State Public Information Officer on whom penalty imposed (b) Amount of penalty imposed with details of Installments fixed, if any. A copy of the aforesaid order is annexed. Now therefore, you are requested to ensure compliance of the aforesaid order by deduction of the amount of the penalty as aforesaid from the salary of the State Public Information Officer concerned and deposit the amount so recovered in the following head of account: Ma•or Head 0070-Other Administrative services Sub Ma•or Head 60-Other Services Minor Head Sub Head Detailed Head Off ect Head 118-Recei ts under Ri ht to Information Act, 2005 Central Act 22 of 2005 98-Penalties imposed under Right to Information Act, 2005 (Central Act 22 of 2005 51-NA 00-No Standard Off ect Head You are further requested to send a report on action taken in compliance of aforesaid order of the Commission within three months of the date of this letter. Date: Registrar State Information Commission, Haryana