

**HIGH COURT OF TRIPURA
AGARTALA**

NOTIFICATION

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 (Act No. 22 of 2005), the Hon'ble the Chief Justice of the High Court of Tripura hereby makes the following rules.

By Order,

Sd/-
(S. Dasgupta)
Registrar (Judicial)

Vide., Notification bearing No. F.3 (35)-HC/2013/13,444, dated 09.09.2013
published in the *Tripura Gazette, Extraordinary* No. 264, Part I, dated 11.09.2013

The High Court of Tripura
(Right to Information) Rules, 2013

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**THE HIGH COURT OF TRIPURA
(RIGHT TO INFORMATION) RULES, 2013**

1. Short title, commencement and application.–

- (i) These rules shall be called the High Court of Tripura (Right to Information) Rules, 2013.
- (ii) They shall come into force on the date of their publication in the Official Gazette.
- (iii) These rules shall be applicable to the High Court of Tripura and all the subordinate Courts under the control of the High Court of Tripura.

2. Definitions.–

- (i) In these rules, unless the context otherwise requires–
 - (a) ‘Act’ means the Right to Information Act, 2005 (Act No. 22 of 2005);
 - (b) ‘Appellate Authority’ means the authority designated as such by the Chief Justice of the High Court as enumerated in Appendix– A;
 - (c) ‘Appendix’ means the appendix appended to these rules;
 - (d) ‘applicant’ means the person making request for any information under the Act and the instant rules.
 - (e) ‘authorized person’ means the State Public Information Officer (SPIO) and the State Assistant Public Information Officer (SAPIO) designated as such by the Chief Justice of the High Court as enumerated in Appendix– A.

- (f) 'Chief Justice' means the Chief Justice of the High Court of Tripura.
 - (g) 'Form' means a form appended to these rules.
 - (h) 'Government' means the Government of Tripura.
 - (i) 'High Court' means the High Court of Tripura.
 - (j) 'Registrar General' means the Registrar General of the High Court of Tripura.
 - (k) 'section' means a section of the Act.
- (ii) All other words and expressions used herein but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. Application for seeking information and mode of payment of fee.—

- (i) Any person seeking information under the Act shall make an application from 11-00 a.m. to 3-00 p.m. on a Court working day to the State Public Information Officer at High Court level or at District level or to the State Assistant Public Information Officer at the Sub-Divisional Headquarters
- (ii) Application fee which shall accompany the request for obtaining information under sub-section (1) of section 6 of the Act and further fees required to be paid under sub-sections (1) & (5) of section 7 of the Act shall be paid by way of either in cash or through the Treasury Challan or the Bank Draft or the Indian Postal Order.
- (iii) The authorized person shall duly acknowledge the receipt of the application.
- (iv) No fee shall be charged from the applicants who are determined by the State Government as being below poverty line (BPL).

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- (v) A separate application shall be made in respect of each subject and in respect of each year to which the information relates.
- (vi) In the application the information requested for shall be clearly specified in such a manner so that it is easy to identify without any difficulty, ambiguity or doubt.
- (vii) If the applicant is illiterate and is unable to present the application in writing, the authorized person shall help him to that extent and shall get the application produced in writing:

Provided that a person making request through the electronic form for supply of information shall ensure that the requisite application fee is paid by way of either in cash or through the Treasury Challan or the Bank Draft or the Indian Postal Order within seven days of sending the request through the electronic form, failing which his/her application shall be treated as withdrawn.

4. Disposal of application by the authorized person.-

- (i) On receipt of application along with requisite application fee, the authorized person shall enter the particulars in a register maintained as per rule 10.
- (ii) If the requested information does not fall within the jurisdiction of the authorized person, he/she shall transfer the application, as soon as practicable, to the authority concerned to whom the application should have been made. The application fee deposited in such cases shall not be refunded.
- (iii) If the requested information falls within the authorized person's jurisdiction but pertains to any one or more of the categories enumerated in sections 8 & 9 of the Act, the authorized person, on being so satisfied, will issue the rejection order as soon as practicable. The application fee deposited shall not be refunded.

- (iv) If the requested information falls within the authorized person's jurisdiction but not in one or more of the categories enumerated in sections 8 & 9 of the Act, the authorized person, on being so satisfied, shall supply the information to the applicant, falling within its jurisdiction.
- (v) In case the information sought is partly beyond the jurisdiction of the authorized person or partly relates to the categories listed in sections 8 & 9 of the Act, the authorized person, shall supply only such information as is permissible under the Act and is within his/her own jurisdiction and reject the remaining part citing reasons therefor.
- (vi) In so far as decision(s), which are taken administratively or quasi judicially, information thereof shall be available only to the affected persons.
- (vii) Subject to the provisions hereinafter appearing no information relating to sensitive matters such as Matrimonial Matters, Juvenile Justice Act, Official Secrets Act, matters relating to Intelligence Agencies, matters relating to Domestic Violence and sexual offences against women & children etc., shall be supplied to the applicant except status and information regarding pendency etc.
- (viii) The information shall be supplied, as soon as practicable and in any case not later than thirty days from the date of receipt of application. However, the date of the application/request shall be deemed to be the date of deposit of the entire fee or the balance fee or deficit amount of the fee to the authorized person, as the case may be:

Provided that where the information sought for, concerns the life or liberty of a person, the decision/information, as the case may be, as contemplated in clause (i) to (iv) would be communicated/provided within forty-eight hours of the receipt of the request.

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- (ix) A proper acknowledgement shall be obtained by the authorized person from the applicant in token of receipt of information.

5. Exemption from disclosure of information.–

Any information specified under section 8 of the Act shall not be disclosed and made available and in particular the following information shall not be disclosed:

- (i) Which is not in the public domain or does not relate to juridical functions and duties of the Court and matters incidental and ancillary thereto.
- (ii) Which has been expressly forbidden to be published by the Court or the disclosure whereof may constitute Contempt of Court; or any information which involves commercial confidence, trade secrets or intellectual property, the disclosure whereof, would harm the competitive position of a third party, unless the Chief Justice is satisfied that larger public interest warrants the disclosure or such information;
- (iii) Which would impede the process of investigation or apprehension or prosecution of offenders; or information which relates to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the State Public Information Officer or the State Assistant Public Information Officer or the Appellate Authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information.
- (iv) Which would affect the confidentiality of any examination conducted by the High Court of Tripura or administration of the affairs thereof. The question of confidentiality shall be decided by the Registrar General whose decision shall be final.

- (v) Which can be obtained under the provisions of the High Court of Tripura Rules, 2013 in case of the High Court and under the High Court of Tripura (Civil/Criminal) Rules, for the subordinate Courts. Such information may be obtained by adhering to the prescribed procedure and payment of fees prescribed in the High Court of Tripura Rules, 2013 and the High Court of Tripura (Civil/Criminal) Rules, as the case may be.

6. Information to be furnished and access to records shall be subject to rules/regulations regarding preservation and destruction of records.–

Information which is to be furnished and access to records shall be subject to the restrictions and prohibitions contained in the rules/regulations in force, *inter alia* regarding preservation and destruction of records from time to time which may have been framed, notified or implemented by the High Court.

7. Appeal.– (1) Any person–

- (i) who fails to get a response from the authorized person within thirty days of submission/receipt of application; or
- (ii) is aggrieved by the response received within the prescribed period, may prefer an appeal to the Appellate Authority with a fee as per rule 9 within thirty days from the date of the response or the date of expiry of the prescribed period for response, as the case may be.

(2) Every appeal shall specify–

- (i) the name and address of the appellant and the particulars regarding the State Public Information Officer;
- (ii) the date of receipt of order, if any, of the State Public Information Officer appealed against; and
- (iii) the relief which the applicant claims.

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(3) On receipt of appeal, the Appellate Authority shall acknowledge the receipt thereof, and, as soon as possible, examine and ensure that the appeal has been preferred within the prescribed time limit. The Appellate Authority shall give an opportunity of being heard to the appellant and dispose of the appeal within thirty days from the date of its receipt or within such extended period not exceeding a total of forty-five days from the date of filing thereof. In case the appeal is allowed, the information as determined shall be transmitted to the applicant by the authorized person within such period as ordered by the Appellate Authority. This period shall not exceed thirty days from the date of disposal of the appeal.

8. Penalties.-

- (i) Whoever being bound to supply information fails to furnish the same, if asked for under the Act within the time specified or fails to communicate the rejection order within the period prescribed, shall be liable to pay a penalty up to Rs. 50/- per day for the delayed period beyond thirty days subject to maximum of Rs. 500/- per application filed under rule 3 or as may be determined by the Appellate Authority.
- (ii) Where the information supplied is found to be false in any material particular and the person bound to supply it knows or has reason to believe it to be false, or if he does not believe it to be true, he shall be liable to pay a penalty upto Rs.1000/- which may be imposed by the Appellate Authority.

9. Rates of fee.-

- (i) The authorized person shall charge the fee at the following rates:

APPLICATION/MEMO OF APPEAL FEE		
01.	For information	Rs. 10/- per application
02.	Where the information is available in the form of a priced publication	On printed price
03.	For other than priced publication	Rs. 5/- per page in case of A4 size paper
		Rs. 10/- per page in case of legal size paper
04.	Where information is available in electronic form and is to be supplied in electronic form	Rs. 100/- per CD
05.	For Appeal	Rs. 100/- per appeal

- (ii) The fee so charged shall be payable by way of either in cash or through the Treasury Challan or the Bank Draft or the Indian Postal Order and received by the authorized person and shall deposit in the bank at the end of the day or on subsequent working day.
- (iii) The Treasury Challan or the Bank Draft or the Indian Postal shall be in favour of the Registrar General, High Court of Tripura payable at Agartala, for subordinate Courts except Family Courts, in favour of the District & Sessions Judge of the concerned district payable at their respective station and for Family Courts in favour of the concerned Judge payable at the respective district headquarter/station.

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10. Maintenance of records.–

- (i) The authorized person 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 and the fee charged.

11. Supersession of the existing rules.–

The Gauhati High Court (Right to Information) Rules, 2008 in relation to matters covered by these rules are hereby superseded; but any action taken by or in pursuance of the said existing rules shall be deemed to have been taken under these rules.

APPENDIX

A. Appellate Authority:

Sl. No.	Public Authority	Appellate Authority	State Public Information Officer (SPIO)	State Assistant Public Information Officer (SAPIO)
1.	High Court of Tripura	Registrar (Vigilance & Rules)	Deputy Registrar (Judicial)	Senior-most Assistant Registrar
2.	Subordinate Court	District Judge of the concerned district	Senior-most Civil Judge (Jr. Div) of the concerned sub-division	Sheristadar of the concerned sub-division
3.	Family Court	Judge	Principal Counselor	Sheristadar of the concerned sub-division

B. Register for application for information:

Sl. No.	Date of receipt of application	Regn. No.	Name & address of the applicant	Information required	Fee paid	Date of furnishing information

C. Register of appeal:

Sl. No.	Date of receipt of appeal	Regn. No.	Name & address of the appellant	Name & address of respondent / non-applicant	Details of order against which appeal is preferred	Fee paid	Date of order with decision

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D. Money Receipt

Date:

Receipt No.

*Received from Mr/ Ms.....,
S/D/W of.....of
village/town, PO.,
PS., Dist. the sum of
Rs...../- (Rupees)
only in
cash/through Treasury Challan/Bank Draft/Indian Postal Order
vide., No., dated on
account of application/memo of appeal/further fee for providing
information/inspection fee.*

(Signature of SAPIO)

◆ **Strike out the words not applicable.**

FORMS

A: Form of application for seeking information

To
The State Public Information Officer (SPIO),
O/o. Dy. Registrar (Judl)/Principal Counsellor/Civil Judge (Jr. Div),

.....
[Through the State Assistant Public Information Officer (SAPIO)]

Sub: Request for obtaining information under RTI Act, 2005.

01.	Name and full postal address of the applicant with Cell No/e-mail id, if any	
02.	Whether citizen of India	
03.	Particulars of the information sought	
	(a) Subject-matter of information	
	(b) Period to which the information relates	
	(c) Description of the information sought	
04.	Whether the information is required by post or in person (In case by post, actual postal charges to be included as further fees)	
05.	In case by post, whether Ordinary, Registered or Speed Post	
06.	Whether the applicant is below the poverty line. If yes, then the photocopy of the proof thereof.	

A fee of Rs. 10/- has been deposited in the office of the authorized person in cash/through Treasury Challan or the Bank Draft or the Indian Postal Order vide., No....., dated

Place.....

Date.....

Signature of the applicant

Acknowledgment

Received the application dated on by hand/post/ fax/e-mail and entered in the Register vide., Sl. No....., dated

(Signature of SAPIO)

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B: Appeal under section 19 of the Right to Information Act, 2005

To
The Appellate Authority,
O/o. Registrar (Vigilance & Rules)/District Judge/Judge, Family Court,

[Through the State Assistant Public Information Officer (SAPIO)]

Sub: Memorandum of First Appeal under RTI Act, 2005.

01.	Name and full postal address of the appellant with Cell No/e-mail id, if any	
02.	Full particulars of the SPIO against whose decision the appeal is filed	
03.	Date of submission of the application	
04.	Date on which 30 days from submission of the request for obtaining information is over	
05.	Reasons for appeal (<i>Please tick whichever is applicable</i>)	(i) No response received within 30 days of submission of the request for obtaining information; or (ii) Aggrieved by the response received.
06.	Last date for filing the appeal	
07.	Particulars of the information sought	
	(i) Subject-matter of information	
	(ii) Period to which the information relates	
	(iii) Description of the information sought	

A fee of Rs. 100/- for appeal has been deposited in the office of the authorized person in cash/through Treasury Challan or the Bank Draft or the Indian Postal Order vide., No....., dated

Place.....

Date.....

Signature of the applicant

Acknowledgment

Received the Memo. of First Appeal dated on by hand/post/fax/e-mail and entered in the Register vide., Sl. No....., dated

(Signature of SAPIO)

RTI RULES, 2013

C: Intimation of acceptance

No. _____

Date _____

To
Mr/Ms.
S/D/W of
Of vill
PO., PS.
PIN:

Ref: Your application No., dated

Sir/Madam,

With reference to your above-cited application, I would inform you as follows:

- a) Information sought for is now available for supply
- b) You are requested to deposit a further fee of Rs...../-
(Rupees) only within a period of seven days of receipt of this letter.
- c) The further fee has been calculated in the following manner:
.....
.....
- d) If you have any grievance about the above-mentioned amount of fee, you have a right to file an appeal against the amount charged within a period of thirty days of receipt of this letter.
- e) The full particulars of the Appellate Authority to whom you can prefer an appeal is given below:
.....
.....
- f) For taking delivery of the information you are asked to appear in the Office of the undersigned on atam/pm.
- g) For inspection of the information/work you may personally appear in the Office of the undersigned on atam/pm.

Yours faithfully,

Place.....
Date.....

(Signature of SAPIO)

◆ Strike out the item not applicable

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D: Notice to third party

No. _____

Date _____

To

Mr/Ms.,

S/D/W of

Of vill

PO., PS.,

PIN:

Ref: Request for information entered in the Register under Sl. No....., dated

Sir/Madam,

WHEREAS Mr/Ms.....
S/D/W of.....of village/town
....., PO., PS., Dist.
..... submitted a request under section 6 of the Right to Information Act,
2005 for disclosure of information, namely _____;

AND WHEREAS it appears that your personal interest may relate to disclosure
of the said information;

You are, therefore, requested to submit your representation, if any, against
such disclosure of information in writing within a period of ten days of receipt of this
notice to the undersigned.

Takenote that in default of your response within the time, the request for
information will be disposed of in your absence.

Yours faithfully,

Place.....

Date.....

(Signature of SAPIO)

RTI RULES, 2013

E: Intimation about part supply of information or rejection of application

No. _____

Date _____

To
Mr/Ms.
S/D/W of
Of vill
PO., PS.
PIN:

Ref: Your application No., dated

Sir/Madam,

With reference to your above-cited application, I would inform you as follows:

- a) Your above-mentioned application for information has been rejected/ accepted for part supply on the following grounds:
 - (i)
 - (ii)
- b) For part information you are to deposit a further fee of Rs..... (Rupess) only within seven days from the date of receipt of this letter;
- c) The amount of the above-mentioned further fee has been calculated in the following manner:
 - (i)
 - (ii)
- d) If you have any grievance about the above-mentioned amount of fee/ rejection of application/part supply of information, you have the right to file an appeal against the decision within a period of thirty days from the date of receipt of this letter;
- e) The full particulars of the Appellate Authority to whom you can prefer an appeal is given below:
.....
.....

Yours faithfully,

Place.....

Date.....

(Signature of SAPIO)

◆ Strike out the item not applicable.

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F: Transfer of request for information

No. _____

Date _____

To

(Name and address of the Public Authority)

.....

.....

Sub: Transfer of request for information.

Sir/Madam,

A request of Mr/Ms. for information dated is transferred herewith for disposal from your end in accordance with the provisions of section 6 (3) of the Right to Information Act, 2005.

The requestor paid application fee of Rs..... (Rupees) only in cash/through Treasury Challan/Bank Draft/Indian Postal Order vide., No....., dated to the Office of the undersigned.

The following part information as sought for by the requestor are being supplied from the Office of the undersigned.

.....

.....

The remaining information as sought for may please be supplied from your end directly to the requestor under intimation to the Office of the undersigned.

Yours faithfully,

Enclosed: As stated above.

..... sheets of paper

(Signature of SAPIO)

◆ **Copy for information to the requestor:**

No. F. 3 (35)-HC/2013/ 13,445-67,

September 9, 2013

Copy to: –

1. The Registrar General, High Court of Tripura, Agartala;
2. The LR & Secretary, Law, Govt. of Tripura, Agartala;
3. The District & Sessions Judge, West Tripura, Agartala/South Tripura, Udaipur/North Tripura, Kailashahar;
4. The Judge, Family Court, Agartala, West Tripura/Udaipur, South Tripura/Kailashahar, North Tripura;
5. The Joint Registrar, High Court of Tripura, Agartala;
6. All the Deputy Registrars, High Court of Tripura, Agartala;
7. The Manager, Govt. Press, Agartala, West Tripura along with a copy of the Notification. He is requested to publish the Notification in the next Extraordinary Issue of the Tripura Gazette and to send at least 5 (five) copies thereof to the undersigned immediately after the publication;
8. All the Assistant Registrars, High Court of Tripura, Agartala;
9. The Assistant Registrar-cum-Secretary to the Hon'ble the Chief Justice, High Court of Tripura, Agartala;
10. The Librarian-cum-RO, High Court of Tripura, Agartala;
11. The Private Secretaries to the Hon'ble Judges, High Court of Tripura, Agartala;
- ✓ 12. The Programmer, Computer Section, High Court of Tripura, Agartala. He is directed to upload this order in the website of the High Court of Tripura;
13. All the Superintendents, High Court of Tripura, Agartala; and
14. Order File.


(S. Dasgupta)
Registrar (Judicial)