

(Authoritative English Text)

**GOVERNMENT OF HIMACHAL PRADESH  
ADMINISTRATIVE REFORMS DEPARTMENT**

**NOTIFICATION**

*Shimla -2, the 21st January, 2006*

**No. PER (AR) F (7) -2/98-Vol.1.** - In exercise of the powers conferred by clauses to sub-section (2) of section 27 of “The Right to Information Act, 2005” (Central Act No. 22 of 2005), the Governor of Himachal Pradesh is pleased to make the following rules for carrying out the purposes of the Act, *ibid*, namely;

**1. Short title and commencement:** (1) (These rules may be called the “Himachal Pradesh Right to Information. Rules, 2006.”)<sup>1</sup>

(2) They shall come into force on the date of their 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 (Central Act No. 22 of 2005);
- (b) ‘Form’ means a form appended to these rules;
- (c) ‘section’ means section of the Act;
- (d) “Appendix’ means appendix appended to the rules.

(2) Words and expressions used but not defined in these rules, shall have the same meaning as assigned to them in the Act respectively.

**3. Application for seeking information:** (1) Any person seeking information under the Act shall make an application in Form ‘A’ to the Public Information Officer/Assistant Public Information Officer accompanied by fee prescribed in rule 5 and the Public Information Officer/ Assistant Public Information Officer shall duly acknowledge the receipt thereof and shall enter the particulars in Part I of the Application Register maintained for the purpose in Appendix 1.

“Provided that the information shall not be refused on the grounds that the application is not in the prescribed form if the necessary particulars have been mentioned by the applicant by a request made in writing.”<sup>2</sup>

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1. Since 21st January, 2006, these Rules have been amended four times and their mention finds at appropriate Rules and all amendments given at the end of these Rules.
  2. In Rule 3, after sub-rule (1), the proviso “Provided that the information shall not be refused on the grounds that the application is not in the prescribed form if the necessary particulars have been mentioned by the applicant by a request made in writing” has been inserted vide notification No. Per (AR) F(7) -2/98-Vol.1, dated 31-12-2007.

(2) Except in the case of an applicant who is determined by State Government as being below poverty line, the application shall be accepted only if it is accompanied by a (Demand Draft payable to the concerned Department/Public Authority or)<sup>1</sup> Challan (or Indian Postal Order)<sup>2</sup> in support of payment of the requisite application fees as specified in rule 5. A separate application shall be made in respect of each subject and in respect of each year to which the information relates.

(3) When the information sought for is ready and requires payment of additional fee, if any, the Public Information Officer (\*\*\*)<sup>3</sup> shall communicate to the applicant the fact in Form 'B' specifying the additional fee to be paid, on his address given in the application. The particulars of information being supplied shall be entered in Part II of the Application Register.

(4) When the information is ready the Public Information Officer (\*\*\*)<sup>4</sup> will inform the applicant in Form 'C'.

(5) Any information supplied under sub rule (4) shall be in the language available in the office record.

**4. Inspection of record** (1) Any person who seeks to inspect the record before making an application under Section 4 shall make application in form D for the purpose indicating the record to be inspected.

“Provided that the information shall not be refused on the grounds that the application is not in the prescribed form if the necessary particulars have been mentioned by the applicant by a request made in writing.”<sup>5</sup>

(2) An Inspection Register shall be maintained with the Public Information Officer(\*\*\*)<sup>6</sup> in form given in Appendix-II and details of the application and inspection shall be recorded therein.

(3) During inspection the applicant shall not take photographs etc. of the record/document.

(4) Except if inspection of the record is disallowed under section 8 and 9 of the Act, Public Information Officer (\*\*\*)<sup>7</sup> shall allow the inspection on payment of the requisite fee prescribed in rule 5.

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1. In rule 3(2) the words “Demand Draft payable to the concerned Department/Public Authority or” has been Inserted vide notification No. Per (AR) F(7)2/98-Vol.1, dated 24-05-2006.
  2. In rule 3(2) the words “or Indian Postal Order” has been inserted vide notification No. Per (AR)F(7) -2/98-vol.1, dated 08-01-2007.
  - 3&4 In rule 3(3) and 3(4) the words “Assistant Public Information Officer” has been omitted vide notification No. Per (AR)F(7)-2/98-vol.1, dated 22-10-2008.
  - 5 In rule 4, after sub-rule (1), the proviso “Provided that the information shall not be refused on the grounds that the application is not in the prescribed form if the necessary particulars have been mentioned by the applicant by a request made in writing “has been Inserted vide notification No. Per (AR)F(7)-2/98-vol.I, dated 31-12-2007.
  - 6&7 In rule 4(2) and 4(4) the words “Assistant Public Relation Officer”has been omitted vide notification No. Per (AR)F(7) -2/98-vol.1, dated 22-10-2008.

**5. Charging of fee :-** (1) Except in the case of persons who are below poverty line as determined by the State Government, the Public Information Officer (\*\*\*\*\*)<sup>1</sup> shall charge the fee for supply of information at the following rates, namely :-

<b>Decription of Information</b>	<b>Prices/Fees in Rupees</b>
1. Fee alongwith application	Rs. 10 per application
2. Where the information is available in the form of a priced publication.	On printed price.
3. For other than priced publication.	Rs. (2) <sup>2</sup> per page of A-4size or smaller and actual cost subject to minimum of Rs. 20 per page in case of larger size.
4. Where information is available in electronic form and is to be supplied in electronics form e.g. Floppy, CD etc.	Rupees 50 per floppy and Rs. 100 per CD.
5. Fee for inspection of Record/document	Rs. (20) <sup>3</sup> per (30) <sup>4</sup> minutes or thereof.

(2) Every page of information to be supplied shall be duly authenticated giving the name of the Applicant (including below poverty line status if that is the case), and shall bear the dated signatures and seal of the concerned Public information Officer (\*\*\*\*\*)<sup>5</sup> supplying the information.

(3) Fees/ Charges shall be deposited in a Government Treasury under the head of account **“0070 – OAS, 60 –OS, 800–OR, 11 – Receipt head under Right to Information Act, 2005”**. Accruals into this head of account may be placed in a separate fund by way of grant-in-aid for furthering the purposes of the Act, including purchase of equipment and consumables, providing training to staff etc.

**6. Procedure in appeals before the Appellate Authorities.**\_ (1) Contents of appeal.- The Memorandum of appeal to the Appellate Authority/Commission shall contain the following information, namely:-

- (i) name and address of the appellant;
- (ii) name and address of the Public Information Officer against the decision of whom the appeal is preferred;
- (iii) particulars of the order including number, if any, against which the appeal is preferred;
- (iv) brief facts leading to the appeal

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1 In rule 5(1) the words “Assistant Public Information Officer” has been omitted vide notification No. Per (AR)F(7)-2/98-Vol.1, dated 22-10-2008.

2 In rule 5 (1) in item No. 3, the figure “2” has been substituted vide notification No. Per (AR)F (7)-2/98-vol1, dated 22-10-2008.

3&4 In rule 5(1) in item No. 5, the figure “20” and “30” has been substituted vide notification No. Per (AR) F(7)-2/98-vol.1, dated 31-12-2007.

5 In rule 5(2) the words “Assistant Public Information Officer” has been omitted vide notification No. Per (AR) F (7) -2/ 98-vol.1, dated 22-10-2008.

- (v) if the appeal is preferred against deemed refusal, the particulars of the application, including number and date and name and address of the Public Information Officer to whom the application was made;
  - (vi) prayer or relief sought;
  - (vii) grounds for the prayer or relief;
  - (viii) verification by the appellant; and
  - (ix) any other information which the Commission may deem necessary for deciding the appeal.
- (2) The appellant shall submit (two) <sup>1</sup> copies of the memorandum of appeal for official purpose.
- (3) Every appeal made to the Appellate Authority/Commission shall be accompanied by the following documents,namely:-
- (i) Self attested copies of the Orders or documents against which the appeal is being preferred;
  - (ii) (\*\*\*\*\*)<sup>2</sup>
  - [(ii)]<sup>3</sup> Copies of documents relied upon by the appellant and referred to in the appeal; and
  - [(iii)]<sup>4</sup> An index of the documents referred to in the appeal.
- (4) When the Appellate Authority/ Commission may calls for the record, it shall in any case shall return the original record within 10 days after retaining an authenticated copy if required.
- (5) On the date of hearing or on any other day to which hearing may be adjourned, the parties shall put their appearance before the Appellate Authority/ Commission. If the appellant fails to appear on such date, the Appellate Authority/Commission may in its discretion either dismiss the appeal or decide the matter ex-parte on merits.
- (6) The appellant shall not, except by leave of the Appellate Authority /Commission, urge or be heard in support of any ground of objection which has not been set forth in the memorandum, but the Appellate Authority / Commission, in deciding the appeal, need not confine itself to the grounds of objection set forth in the memorandum.
- Provided that the Appellate Authority/ Commission shall not rest its decision on any ground other than thosespecified in memorandum, unless the party likely to be affected thereby, has been given, an opportunity of being heard by the Appellate Authority/ Commission.
- (7) The Commission may frame regulations in respect of its day-to-day proceedings.

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1. In rule 6(2) the word “two” has been substituted vide notification No. Per (AR) F(7)-2/98-vol.1, dated 31-12-2007.

2. In rule 6(3), clause (ii) “challan in proof of the payment of the prescribed fee” has been omitted vide notification No. Per (AR)F(7)-2/98-vol.1, dated 31-12-2007.

3&4 In rule 6(3), clause (iii) and (iv) has been re-numbered as clauses (ii) and (iii) vide notification No. Per (AR)F(7)-2/98-vol.1, dated 31-12-2007.

**Form 'A'**  
**[See rule-3 (1)]**  
**(APPLICATION FOR INFORMATION UNDER**  
**THE RIGHT TO INFORMATION ACT 2005)<sup>1</sup>**

To

The Public Information Officer/Assistant Public Information Officer  
(Name of the Department from which the information is sought )

(a) Subject matter of the information

\_\_\_\_\_

(b) Period to which the information relates.  
Month & year

\_\_\_\_\_

(c) Description of the information required

(d) File No. if available

\_\_\_\_\_

(e) Whether the applicant claims exemption  
as below poverty line family, if yes, attach proof

\_\_\_\_\_

(f) Particulars of Demand Draft or Challan (or Indian Postal Order)<sup>2</sup> No., amount and  
date.

Applicant

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

**ACKNOWLEDGEMENT**

**Received your application dated \_\_\_\_\_ alongwith**  
**Demand draft/challan (/IPO)3 No. \_\_\_\_\_ amounting to Rs. \_\_\_\_\_**  
**vide diary No. \_\_\_\_\_ dated \_\_\_\_\_ .**

(Signature )

Public Information Officer/  
Assistant Public Information Officer  
Name of Department /Public Authority

1. After rule 3(1) and 4(1) the proviso "Provided that the information shall not be refused on the grounds that the application is not in the prescribed form if the necessary particulars have been mentioned by the applicant by a request made in writing" has been inserted vide notification NO. Per (AR) F(7)-2/98-vol.I, dated 31-12-2007.
2. In clause (f) the words "or Indian Postal Order" has been added vide notification No. Per (AR)F(7)-2/98-vol.1, dated 08-01-2007.
3. In the acknowledgement the sign and words "/IPO" has been added vide notification No. Per (AR)F(7)-2/98-vol.I, dated 08-01-2007.
4. Form 'A' has been substituted vide notification No. Per (AR)F(7)-2/98-vol.I, dated 24-05-2006.

**Form 'B'**  
[See rule 3(3) ]

From

Designation of the  
Public Information Officer (\*\*\*\*\*)<sup>1</sup>  
[Department\_\_\_\_\_]

To

(Name of the applicant)  
Address of the applicant.

*Reference:* Application No\_\_\_\_\_ Dated\_\_\_\_\_

Subject:

Sir,

Please refer to your application dated\_\_\_\_\_ referred to above. The information required by you consists of \_\_\_\_\_ pages and printed publication cost Rs \_\_\_\_\_. The additional fee for supplying this information to you is Rs.\_\_\_\_\_. In case you desire the information to be sent to you by post, an additional amount of Rs.\_\_\_\_\_ will need to be deposited.

[2 You are required to pay the aforesaid amount of the additional fee by way of Demand Draft payable to the Department/Public Authority or deposit it through Challan (or Indian Postal Order)<sup>2</sup> and send a copy to the undersigned.]<sup>3</sup>

3. If you are not satisfied with the amount of additional fee levied, you have a right to prefer appeal to\_\_\_\_\_ within a period of 30 days.

Public Information Officer (\*\*\*\*\*)<sup>4</sup>

Tel No.

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1. In Form 'B' the word "Assistant Public Information Officer" has been omitted vide notification No. Per (AR)F(7)-2/98-vol.1, dated 22-10-2008.
  2. In Form 'B' the word "or Indian Postal Order" has been added vide notification No. Per (AR)F(7)-2/98-vol.1, dated 08-01-2007.
  3. In Form 'B' Para-2 "you are required to pay the aforesaid amount of the additional fee by way of Demand Draft payable to the Department/Public Authority or deposit it through Challan and send a copy to the undersigned" has been substituted vide notification No. Per (AR)F(7)-2/98-vol.1, dated 24-05-2006.
  4. In Form 'B' the word 'Assistant Public Information Officer' has been omitted vide notification No. Per (AR)F(07)-2/98-vol.1, dated 22-10-2008.

**Form 'C'**  
[See rule 3(3) & 6(i)]

From  
Designation of the  
Public Information Officer (\*\*\*\*\*)<sup>1</sup>  
[Department\_\_\_\_\_]

To  
(Name of the applicant)  
Address of the applicant.

*Reference:* Application No. \_\_\_\_\_ dated \_\_\_\_\_

*Subject:*

Sir,

Please refer to your application dated \_\_\_\_\_ referred to above.

2. The information required by you is ready. You are directed to collect the information from the office of the undersigned on any working day of the week during 12.00 to 3.30 p.m.

Public Information Officer (\*\*\*\*\*)<sup>2</sup>

Telephone No.

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1 & 2 In Form 'C' the word "Assistant Public Information Officer" has been omitted *vide* notification No. Per (AR) F(7)-2/98-vol.1, dated 22-10-2008.

**Form 'D'**  
[See rule-4 (1)]

**(APPLICATION FOR INSPECTION)<sup>1</sup>**  
**UNDER THE RIGHT TO INFORMATION ACT 2005**

To

The Public Information Officer/Assistant Public Information Officer  
(Name of the Department from which the inspection is sought )

(a) Subject matter of the information

(b) Period to which the information relates.  
Month & year

(c) Description of the information required

(d) File No. if available

(e) Whether the applicant claims exemption  
as below poverty line family, if yes, attach proof

\_\_\_\_\_  
[{{(f) Particulars of Demand Draft or Challan}2 or Indian Postal Order  
(No., amount and date)<sup>3</sup>]<sup>4</sup>

Applicant

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

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- 1 After rule 3(1) and 4(1) the proviso "Provided that the information shall not be refused on the grounds that the application is not in the prescribed form if the necessary particulars have been mentioned by the applicant by a request made in writing" has been inserted vide notification No. Per (AR)F(7)-2/98-vol.I, dated 31-12-2007.
- 2&3 In Form 'D' in clause (f) the words "Particulars of Demand Draft or Challan No. amount and date" has been substituted vide notification No. Per (AR) F(7)-2/98-vol.1, dated 24-05-2006.
- 4 In Form 'D' in clause (f) the words "Particulars of Demand Draft or Challan or Indian Postal Order No. amount and date" has been Substituted vide notification No. : Per (AR)F(7)-2/98-vol. 1, dated 08-01-2007.



## Appendix-I

### REGISTER OF APPLICATIONS FOR INFORMATION UNDER THE RIGHT TO INFORMATION ACT 2005

#### PART-I

S. No.	Name & full postal address of the applicant	Whether below poverty line (BPL)	Date of receipt of application	Tentative date on which the record would be ready	Mode by which the information is sent.	[(Demand Draft or Challan) <sup>1</sup> or Indian Postal Order (NO.,) <sup>2</sup> amount (and date) <sup>3</sup> ] <sup>4</sup>	Signature of PIO/APIO
1	2	3	4	5	6	7	8

#### PART-II

Actual date when the information is ready	Number of actual pages	Amount of additional fee	Signature of applicant with date in token of receipt if the information is delivered in person or if the information is sent by post its particulars and date	Signature of PIO/APIO
9	10	11	12	13

1,2&3 In PART-I or Appendix -I, for column 7, the words “Demand Draft or Challan No. and date” has been substituted vide notification No. Per (AR)F(7)-2/98-vol.1, dated 24-05-2006.

4 In PART-I of Appendix -I, for column 7, the words “Demand Draft or Challan or Indian Postal Order No., amount and date” has been substituted vide notification No. Per (AR) F(7)-2/98-vol.1, dated 08-01-2007.

**APPENDIX-II**  
**INPSECTION REGISTER**  
**UNDER THE RIGHT TO INFORMATION ACT, 2005**

S. No.	Name & Full postal address of the applicant	Whether below poverty line (BPL)	Subject matter of information	Particulars of record to be inspected	Time taken from to	Amount of Fee Charged	Signature of applicant	[(Particulars of demand Draft or Challan) <sup>1</sup> or IPO (deposited in the Treasury by PIO/APIO) <sup>2</sup> ] <sup>3</sup>	Signature of PIO/APIO
1	2	3	4	5	6	7	8	9	10

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1&2 In Appendix-II for column 9 the words “Particulars of Demand Draft or Challan deposited in the treasury by PIO/APIO” has been substituted vide notification No. Per (AR)F(7)-2/98-vol.I, dated 24-05-2006.

3 In Appendix-II for column 9 the words “Particulars of Demand Draft or Challan or Indian Postal Order deposited in the Treasury by PIO/APIO” has been substituted vide notification No. Per (AR)F(7)-2/98-vol.1, dated 08-01-2007.

**Authoritative English Text of this Commission notification NO.-SIC(52)-2007/2008 Dated 31-05-2008**

**State Information Commission  
Himachal Pradesh**

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**NO.-SIC(52)-2007/2008 Dated 31-05-2008**

**NOTIFICATION**

In exercise of the powers conferred by sub section (4) of Section 15 of the Right to Information Act, 2005 readwith sub-rule(7) of rule 6 of the Himachal Pradesh Right to Information Rules, 2006, the State Chief Information Commissioner, Himachal Pradesh hereby makes the following Regulations for day to day management of the affairs of the Himachal Pradesh State Information Commission, namely:-

**Short Title and Commencement: - (1) These Regulations may be called *The Himachal Pradesh State Information Commission (Management) Regulations, 2008.***

- (2) They shall come into force with effect from 1<sup>st</sup> September, 2008.
  - (3) Appeals and complaints which have already been filed before the date of commencement of these Regulations will be proceeded with as before and shall not abate for any infirmity therein but these Regulations will be applicable for any prospective action in regard to the pending appeals and complaints.
2. *Definitions:-* (1) In these Regulations unless the context otherwise requires,
- (a) "Act" means the Right to Information Act, 2005 (Central Act 22 of 2005);
  - (b) "Chief Information Commissioner" means the State Chief Information Commissioner, Himachal Pradesh;
  - (c) "Commission" means the Himachal Pradesh State Information Commission ;
  - (d) "Decision" includes an order, direction or determination of an issue;
  - (e) "form" means a form appended to these regulations;
  - (f) "First Appellate Authority" means an officer appointed or notified by a public authority under section 19 (1) of the Act and includes an officer senior in rank to the State Public Information Officer in case no such officer has been appointed or notified by the public authority;
  - (g) " Full Bench" means the Chief Information Commissioner and the Information Commissioner hearing a matter jointly;
  - (h) "Information Commissioner" means a State Information Commissioner, Himachal Pradesh;
  - (i) "Presiding Officer" means the Chief Information Commissioner or an Information Commissioner hearing an appeal or complaint under the Act;
  - (j) "Registrar" means the Registrar of the Commission and includes other officers of Commission authorized by the Commission to discharge any function of the Registrar;
  - (k) "Representative" means a person duly authorized by an appellant or complainant;

- (1) "Rules" mean the rules framed by the State Government under section 27 of the Act and includes the rules framed by the competent authorities under section 28 of the Act; and
- (2) Words and expressions used herein but not defined shall have the same meaning as assigned to them in the Act or in the rules.

3. *Meetings of the Commission:-* (1) Meetings of the Commission may be held to decide on such matters of general importance relating to the implementation of the provisions of the Act and the management of the affairs of the Commission as may be decided by the Chief Information Commissioner.

(2) Minutes of the meeting of the Commission shall be part of the permanent record of the Commission and the Minute Book shall be kept in the custody of the Registrar of the Commission.

4. *Designation of Registrar:-* An officer in the Commission shall be designated as Registrar of the Commission.

5. *Powers and functions of the Registrar:-* (i) The Registrar shall be the Chief Administrative Officer of the Commission.

- (ii) The Registrar shall exercise all such powers and discharge all such functions as are assigned to him by these Regulations or by the Chief Information Commissioner from time to time.
- (iii) The Registrar shall discharge his functions under the control and superintendence of the Chief Information Commissioner.
- (iv) Subject to any general or special order of the Chief Information Commissioner, the Official Seal of the Commission shall be affixed to any order, summons or other process under the authority of the Registrar.
- (v) The Registrar shall be responsible to communicate the decisions of the Commission to the persons concerned.
- (vi) The Registrar shall be responsible for ensuring compliance of the decisions passed by the Commission and shall take all necessary steps in this regard.
- (vii) The Registrar shall assist the Chief Information Commissioner and the Information Commissioner in discharge of their functions.
- (viii) The Registrar may, with the approval of the Chief Information Commissioner, delegate to an Officer of the Commission any function required to be performed by him under these Regulations.
- (ix) The Registrar shall be responsible for the proper management of the case records and for preparation and management of the cause lists.
- (x) The Registrar shall be responsible for the creation, management and uploading of the Website of the Commission, including publication of the decisions of the Commission on the Website, duly indexed and cross-referenced.

6. *Working hours:-* Subject to any order by the Chief Information Commissioner, the office of the Commission shall remain open on all working days from 10 AM to 5 PM with a lunch break of half an hour from 1.30 PM to 2.00 PM.

7. *Vacation:-* The Commission may have a winter vacation of 2 to 4 weeks during January-February and a summer vacation of two weeks during June-July, as notified by the Chief Information Commissioner. The office of the Commission shall, however, remain open during vacation except on

Gazetted holidays. The Chief Information Commissioner shall make appropriate arrangements to deal with matters of urgent nature during vacations.

*8. Scrutiny of appeals and complaints:-* The Registrar shall scrutinize the memorandum of appeal or complaint received in the Commission to ensure that:-

- (i) it contains copies of all documents specified in the rules;
- (ii) the appeal or the complaint is duly verified and required number of copies have been submitted;
- (iii) that all the documents annexed are duly attested by the appellant or the complainant; and
- (iv) that the copies of the documents filed and submitted are clear, distinct and legible.

*9. Registration of appeals:-* The Registrar shall submit the memorandum of appeal/complaint for orders of the Chief Information Commissioner and thereafter enter the appeal/complaint in a Register maintained for the purpose in Form A or B, as the case may be.

*10. Distribution of work:-* The Chief Information Commissioner may hear all or any classes or categories of appeals/complaints received by the Commission himself or alongwith the Information Commissioner and may assign any classes or categories of appeals/ complaints to the Information Commissioner or to the full Bench for decision. He may transfer any appeal or complaint from the Commissioner to himself or to the Full Bench at any time.

*11. Constitution of Full Bench:-* Where in the course of the hearing of an appeal or complaint or other proceedings before the Chief Information Commissioner or the Information Commissioner, the Presiding Officer thinks that the matter should be dealt with by the Full Bench. He may refer the matter to the Chief Information Commissioner who may, in case he deems fit, allow the hearing and disposal of the matter by the Full Bench: Provided that nothing in this regulation shall entitle an appellant or complainant to make any application for this purpose.

*12. Amendment or withdrawal of an appeal or complaint:-* The Presiding Officer may in his discretion allow a prayer for any amendment or for withdrawal of an appeal or complaint during the course of its hearing if such a prayer is made by the appellant or complainant in an application made in writing. However, no such prayer may be entertained by the Presiding Officer after the matter has been finally heard or a decision or order has been pronounced by him.

*13. Filing of counter statement:-* The Chief Information Commissioner or the Information Commissioner hearing an appeal or complaint may ask the Public Information Officer or the Appellate Authority or the head of the Public Authority concerned to file his counter statement, a copy of which shall be furnished to the appellant/complainant.

*14. Personal presence of the appellant or complainant:-* (i) The appellant or the complainant, as the case may be, shall be informed of the date of hearing at least seven clear days before that date.

- (ii) The appellant or the complainant, as the case may be, may at his own discretion be present in person or through his duly authorized representative at the time of hearing of the appeal or complaint or may opt not to be present.

- (iii) Where the Presiding Officer is satisfied that circumstances exist due to which the appellant or the complainant is prevented from attending the hearing, he may afford the appellant or the complainant, as the case may be, another opportunity of being heard before a final decision is taken or take any other appropriate action as he may deem fit.
- (iv) The appellant or the complainant, as the case may be, may seek the assistance of any person while presenting his case before the Presiding Officer and the person representing him need not be a legal practitioner.
- (v) If an appellant or complainant as the case may be communicates his decision in writing not to be present either personally or through his duly authorized representative during the hearing of an appeal or complaint and desires that the case may be decided on the basis of the record, in that case the Presiding Officer may pronounce the decision or order in the matter on such basis.
- (vi) If despite due notice, the appellant or complainant as the case may be is absent and does not communicate his intention in writing for the case to be decided on the basis of the record, the appeal or complaint may be dismissed; provided that the Presiding Officer may, in case the appeal or complaint is of a nature because of which a decision on merits is in the general public interest for furthering the purpose of the Act, may decide the matter ex-parte on merit.
- (vii) In case of the death of the appellant or the complainant the proceedings shall abate.

*15. Date of hearing to be notified:-* The Presiding Officer shall cause the parties to be notified of the date and place of hearing of the appeal or complaint in such manner as the Chief Information Commissioner may by general or special order direct.

*16. Adjournment of hearing:-* The appellant or the complainant or any of the respondents may, for just and sufficient reasons, make an application to the Presiding Officer for adjournment of a hearing. The Presiding Officer may consider the said application and pass such orders as he deems fit.

*17. Evidence before the Commission:-* In deciding an appeal or a complaint, subject to general orders in this behalf issued by the Chief Information Commissioner, the Presiding Officer may :-

- (i) receive oral or written evidence on oath or on affidavit from concerned person or persons;
- (ii) peruse or inspect documents, public records or copies thereof;
- (iii) inquire through an authorized officer/person further details or facts;
- (iv) examine or hear in person or receive evidence on affidavit from a Public Information Officer, Assistant Public Information Officer or First Appellate Authority or head of the Public Authority or such person or persons against whom the complaint is made, as the case may be; and
- (v) examine or hear or receive evidence on affidavit from a third party, or an intervener or any other person or persons, whose evidence is considered necessary or relevant by the Presiding Officer.

*18. Issue of summons:-* Summons to the parties or to the witnesses for appearance or for production of documents or records or things shall be issued by the Registrar under the authority of the Commission, and it shall be in such form as may be determined by the Chief Information Commissioner.

*19. Conduct of an enquiry:-* The Presiding Officer may entrust an enquiry in connection with any complaint pending before him to the Registrar or any other officer for the purpose and the enquiry officer while conducting the enquiry shall have all the necessary powers including the power to :-

- (i) summon and enforce attendance of persons;
- (ii) compel production of documents or things;
- (iii) administer oath and to take oral evidence or to receive affidavits or written evidence on solemn affirmation;
- (iv) inspect documents and require discovery of documents; and
- (v) requisition any public record or documents from any public authority.

*20. Award of costs by the Commission:* The Commission may while deciding a case, award such costs or compensation to the parties as it deems fit having regard to the facts and circumstances of the case.

*21. Communication of decisions and orders:-*

- (i) Every decision or order of the Commission shall be signed and dated by the Presiding Officer who has decided the matter, provided that where the case has been decided jointly by more than one Presiding Officer, all such Presiding Officers shall sign the order.
- (ii) Every decision/order of the Commission shall be communicated to the parties under authentication by the Registrar.
- (iii) Every decision of a Presiding Officer shall be deemed to be the decision by the Commission under the Act.

*22. Finality of Decision:-* A decision or an order once pronounced by the Commission shall be final.

*23. Seal and Emblem:-* The Official Seal and Emblem of the Commission shall be such as may be determined by the Commission.

*24. Language of the Commission:-* (i) An appeal or a complaint may be filed in English or in Hindi and all the documents or copies thereof shall also be filed in English or in Hindi. Where a document, in original, is in a language other than English or in Hindi, a certified authenticated copy of its translated version in English or in Hindi shall also be filed along with the original. This shall also apply in the case of a counter statement, rejoinder, reply or any other document or documents filed before the Commission.

- (ii) The proceedings shall be conducted in English or in Hindi as may be decided by the Presiding Officer.

*25. Power to interpret:-* If any question arises as to the interpretation or construction of any regulation, the decision of the Chief Information Commissioner in this respect shall be final.

**Register in Form-A**  
(See regulation 9)

Year	Sr. No.	Date of Registration	Name and address of appellant	Name of authority against whose order appeal filed	Date of order appealed against	Presiding Officer to whom assigned	Date of * Decision	Final* decision (in brief)

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\* To be entered after decision of appeal.

**Register in Form-B**  
(See regulation 9)

Year	Sr. No.	Date of Registration	Name and address of appellant	Name of authority against whose order appeal filed	Date of order appealed against	Presiding Officer to whom assigned	Date of * Decision	Final* decision (in brief)

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\* To be entered after decision of appeal.

BY ORDER

State Chief Information Commissioner,  
Himachal Pradesh