

FIFTH  
**ANNUAL REPORT**

ON

**IMPLEMENTATION OF THE RTI ACT, 2005**  
{APRIL 1, 2009 TO MARCH 31, 2010}

**STATE INFORMATION COMMISSION  
HIMACHAL PRADESH**

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## State Information Commission Himachal Pradesh

### Annual Report Statistics in Brief

(1.4.2009 to 31.3.2010)

- |    |   |   |           |
|----|---|---|-----------|
| a) | Number of public authorities which submitted Annual Return to the State Information Commission                    | : | 134       |
| b) | Number of applications filed with various public authorities under the RTI Act, 2005 from 1.4.2009 to 31.3.2010   | : | 43,835    |
| c) | Number of applications rejected by the Public Information Officers (PIOs) of these public authorities             | : | 442       |
| d) | Total amount of fee and additional fee collected by the PIOs  | : | 10,89,504 |
| e) | Number of first appeal filed under section 19 of the RTI Act, 2005 with the Appellate Authorities during the year | : | 706       |
| f) | (i) Number of second appeals filed under section 19 of the RTI Act, 2005 during the year with the Commission      | : | 270       |
|    | (ii) Number of appeals pending as on 1.4.2009   | : | 23        |
|    | (iii) Total number of appeals   | : | 293       |
|    | (iv) Number of second appeal decided by the Commission during the year  | : | 276       |
| g) | (i) Number of complaints filed under section 18 of the RTI Act, 2005 during the year with the Commission          | : | 445       |
|    | (ii) Number of complaints pending as on 1.4.2009  | : | 17        |
|    | (iii) Total number of Complaints  | : | 462       |
|    | (iv) Number of Complaints decided during the year   | : | 418       |
| h) | (i) Number of cases in which penalty was imposed upon the PIO by the Commission.                                  | : | 9         |
|    | (ii) Number of cases in which compensation was awarded to the appellants/complainants by the Commission.          | : | 42        |

(II)

**CONSOLIDATED DETAILS OF CASES IN HIMACHAL PRADESH STATE  
INFORMATION COMMISSION DURING THE YEAR 2009-10**

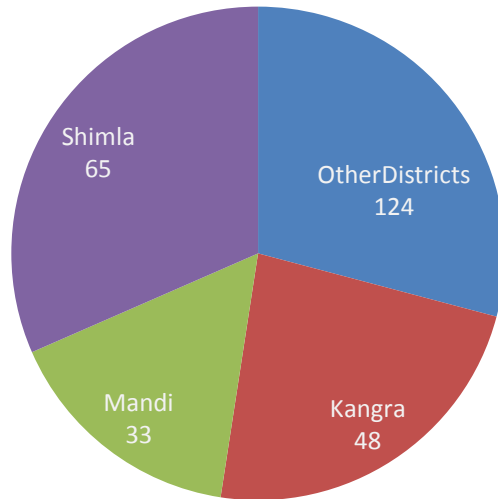
	APPEALS	COMPLAINTS	TOTAL
PENDING AS ON 1.4.09	23	17	40
FILED DURING THE YEAR	270	445	715
Total	293	462	755
DECIDED	276	418	694
PENDING AS ON 31.3.10	17	44	61
<b>CASES DECIDED BY STATE CHIEF INFORMATION COMMISSIONER</b>			
	APPEALS	COMPLAINTS	TOTAL
PENDING AS ON 1.4.09	8	13	21
FILED DURING THE YEAR	131	273	404
Total	139	286	425
DECIDED	129	265	394
PENDING AS ON 31.3.10	10	21	31
<b>CASES DECIDED BY STATE INFORMATION COMMISSIONER</b>			
	APPEALS	COMPLAINTS	TOTAL
PENDING AS ON 1.4.09	15	4	19
FILED DURING THE YEAR	139	172	311
Total	154	176	330
DECIDED	147	153	300
PENDING AS ON 31.3.10	7	23	30

(III)

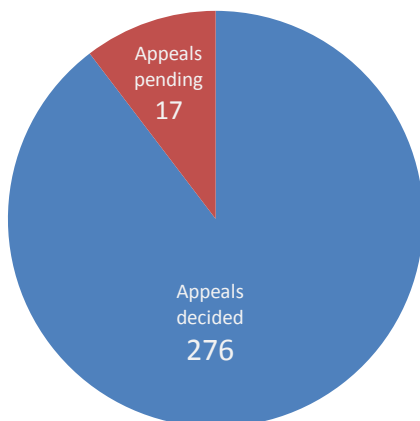
## Break up of appeals received, decided and pending in the State Information Commission

(1.4.2009 to 31.3.2010)

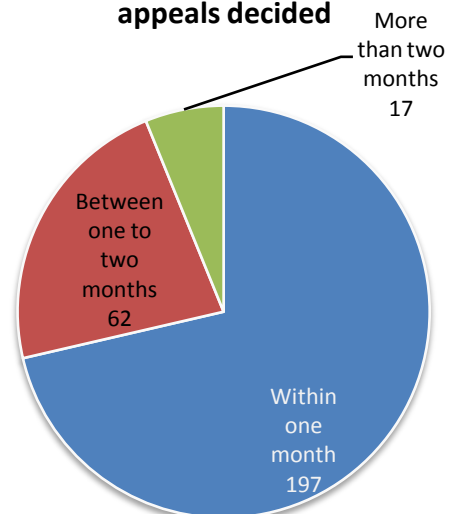
Appeals received from various districts



Break up of appeals decided and pending



Monthwise break up of appeals decided

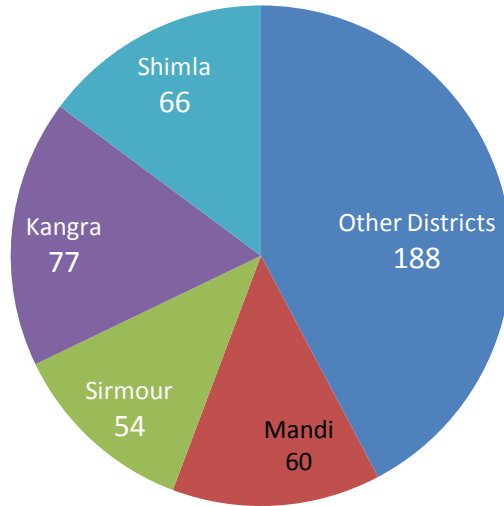


(IV)

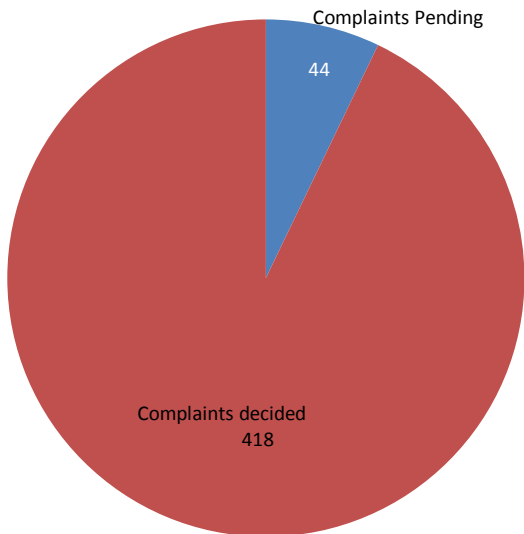
**Break up of complaints received, decided and pending in the State  
Information Commission**

(1.4.2009 to 31.3.2010)

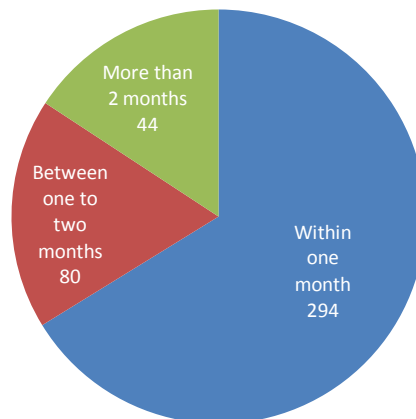
**Complaints received from various districts**



**Break up of complaints**



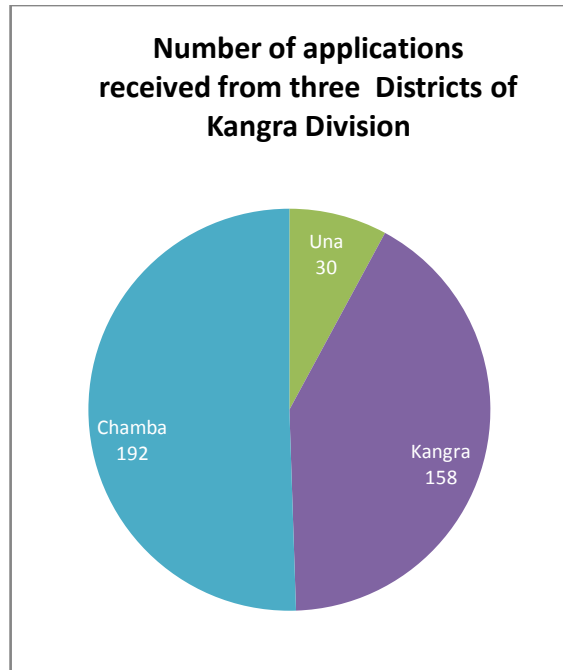
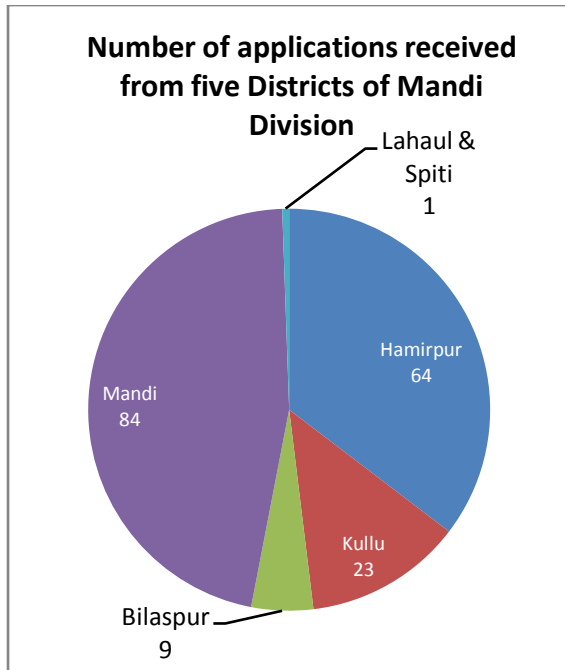
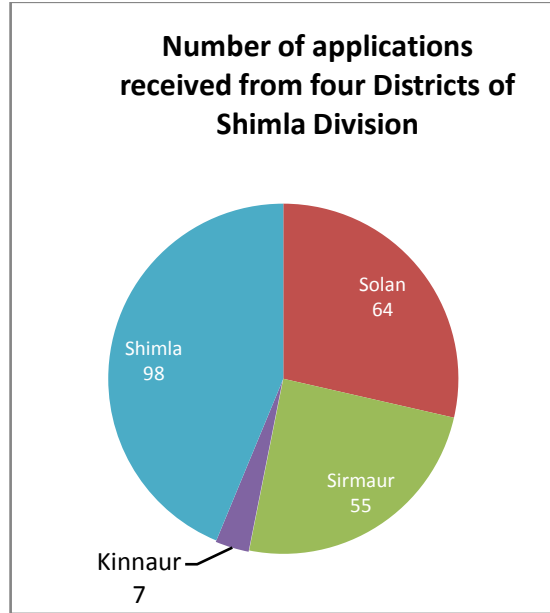
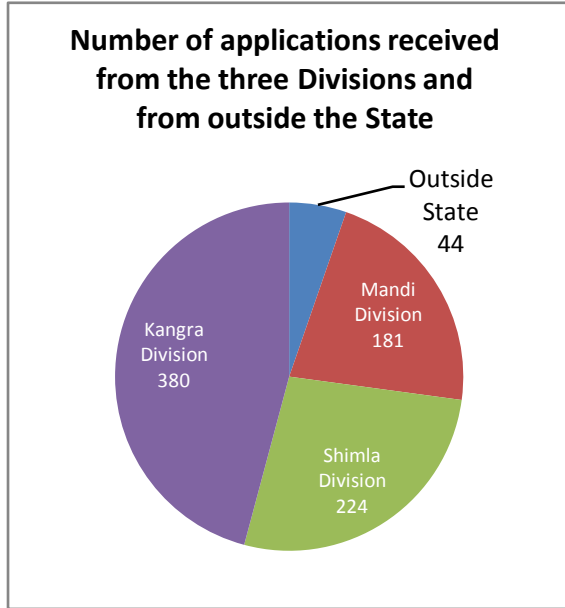
**Monthwise break up of  
complaints decided**



(V)

**Break up of applications/representations received in the State  
Information Commission**

(1.4.2009 to 31.3.2010)



## CHAPTER-1

### **The Right To Information ACT, 2005 And The Rules Made Under It**

The Right to Information Act, 2005 was enacted by Indian Parliament on 15<sup>th</sup> June, 2005. It came into force on 12<sup>th</sup> October, 2005 but some of the provisions came into force with immediate effect. These provisions included obligations of public authorities, constitution of various Information Commissions, designation of Public Information Officers/Assistant Public Information Officers and the power to make rules by various Competent Authorities. The Act has a comprehensive reach and covers a wide spectrum of bodies. All the Departments and Undertakings of various Governments, Panchayati Raj Institutions, Urban Local Bodies, other Bodies established, constituted, owned, controlled or substantially financed by governments including non-governmental organizations are covered under the Act. Access to information to all Indian citizens is the general rule under this Act with very few exemptions which are also subject to strict safeguards provided in the Act itself.

2. The salient features of the RTI Act, 2005 can be summarized as under:-
  - (i) Any Indian citizen can seek any information from any public authority without specifying any reason for seeking the same.
  - (ii) The Public Information Officers have to furnish the information sought within time limits specified in the Act which can be denied only under exemptions provided in section 8 and 9 of the Act.
  - (iii) All Government Departments, Corporations/Boards, Urban Local Bodies, Panchayati Raj Institutions and Bodies established, constituted, owned, controlled or substantially financed by government including non-governmental organizations come within the purview of the Act.
  - (iv) The Public Information Officers have to issue reasoned orders while providing information sought or rejecting requests of applicants. Similarly, the Appellate Authorities have also to pass well reasoned and speaking orders while deciding the appeals within specified period.



3. The duties and obligations of various public authorities under the State Government have been prescribed in the RTI Act, 2005 as under:-
- (i) Disclosure of information on 17 points by public authorities on various aspects of their functioning which is required to be updated each year as prescribed in section 4(1)(b) of the Act.
  - (ii) The public authorities are required to designate adequate number of Public Information Officers to provide information to the applicants and Assistant Public Information Officers at sub-divisional level to receive applications and forward them to the Public Information Officers for further processing.
  - (iii) The public authorities are required to designate adequate number of Appellate Authorities under section 19 of the Act to consider and decide the first appeals against the decisions of the PIOs.
4. The terms 'Information', 'Record', and 'Right to Information' have been defined in the RTI Act, 2005 as under:-
- (i) 'Information' means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;
  - (ii) 'Record' includes;
    - (a) any document, manuscript and file;
    - (b) any microfilm, microfiche and facsimile copy of a document;
    - (c) any reproduction of image or images embodied in such microfilm(whether enlarged or not); and
    - (d) any other material produced by a computer or any other device;
  - (iii) 'Right to Information' means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to-
    - (i) Inspection of work, documents, records;
    - (ii) Taking notes, extracts or certified copies of documents or records;
    - (iii) Taking certified sample of material;

- (iv) Obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.

5. The RTI Act, 2005 defines 'Public Authority' as under:-

'Public Authority' means any authority or body or institution of self government established or constituted-

- (a) by or under the Constitution;
- (b) by any other law made by Parliament;
- (c) by any other law made by State Legislature;
- (d) by notification issued or order made by the appropriate Government, and includes any-
  - (i) body owned, controlled or substantially financed;
  - (ii) non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government.

6. Section 22 of the RTI Act, 2005 provides that the provisions of the Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923 and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

7. Sections 8 and 9 of the RTI Act, 2005 contain various exemptions from disclosure of information to a citizen. These can be summarized as under:-

- (i) Information disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
- (ii) Information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
- (iii) Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
- (iv) Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party;

- (v) Information available to a person in his fiduciary relationship;
- (vii) Information received in confidence from foreign Government;
- (vii) Information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
- (viii) Information which would impede the process of investigation or apprehension or prosecution of offenders;
- (ix) Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers;
- (x) Information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual;

8. Sections 27 and 28 of the RTI Act, 2005 empower the State Government and other competent authorities to make rules to carry out smooth and effective implementation of the provisions of the Act. In pursuance of these provisions, the Government of Himachal Pradesh and other Competent Authorities namely The Himachal Pradesh Vidhan Sabha and The High Court of Himachal Pradesh have made the Rules under the Act. **The Himachal Pradesh Right to Information Rules, 2006** were notified by the State Government on 21<sup>st</sup> January, 2006. **“The Himachal Vidhan Sabha Secretariat Right to Information (Regulation of Fee & Cost) Rules, 2006”** were notified on 15<sup>th</sup> June, 2006 and **“The High Court of Himachal Pradesh Right to Information Rules, 2005”** were notified on 30<sup>th</sup> November, 2005.

9. The salient features of the Himachal Pradesh Right to Information Rules, 2006 are as under:-

- (i) Any person seeking information or seeking to inspect the record is required to make an application to the PIO/APIO of the public authority concerned, accompanied by the proof of payment of prescribed fee.
- (ii) Applicants belonging to Below Poverty Line (BPL) category are not required to pay any fee for seeking the desired information or for inspection of any record.

- (iii) A separate application is required to be filed for seeking information in respect of each subject and in respect of each year.
- (iv) Every page of information supplied to the applicant shall be duly authenticated giving the name of the applicant and shall bear the dated signatures and seal of the PIO.
- (v) The details of fee to be charged for furnishing the documents and for inspection of documents are given in the table below:—

Sr. No	Description of information	Price/Fee
1	Fee alongwith application.	`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.	(i) `2 per page of A-4 size or smaller. (ii) Actual cost subject to minimum of `20 per page in case of larger size paper.
4	Where information is available in electronic form and is to be supplied in electronic form e.g. Floppy, CD etc.	`50 per floppy and `100 per CD.
5	Fee for inspection of Record/document.	`20 per 30 minutes or fraction thereof.

- (vi) The prescribed fee is required to be paid through Demand Draft or Indian Postal Order payable to the PIO of the public authority concerned or can 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**”.

10. The Himachal Pradesh Right to Information Rules, 2006 also lay down the procedure for filing appeal before the designated Appellate Authority of the public authority as well as before the Himachal Pradesh State Information Commission. As per provisions of these Rules, the memorandum

of appeal should contain name and address of the appellant as well as that of the PIO against whose decision the appeal is preferred along with particulars of the order against which the appeal is preferred. The appellant is required to file two sets of appeal. It should also contain brief facts leading to the appeal. In cases of deemed refusal, the particulars of the application, including number and date, name and address of the PIO to whom the application was made is required to be indicated by the appellant in the memorandum of appeal. The appellant is also required to specify prayer or relief sought, and grounds for the prayer or relief sought in the memorandum of the appeal.

11. The Himachal Pradesh Right to Information Rules, 2006 also provide that the designated Appellate Authority or the Himachal Pradesh State Information Commission may decide an appeal ex-parte, on merit in case the appellant is not present in person on the date of hearing. It has also been provided that the appellant shall not urge nor be heard in support of any ground or objection which has not been set forth in the memorandum of appeal filed before the Appellate Authority/Commission. However, the designated Appellate Authority/ Commission need not confine itself to the grounds set forth in the memorandum while deciding the appeal.

12. Himachal Pradesh Right to Information Rules, 2006 empower the Himachal Pradesh State Information Commission to frame Regulations in respect of its day-to-day proceedings. Consequently the State Information Commission has framed the Himachal Pradesh State Information Commission (Management) Regulations, 2008 which came into force with effect from 1<sup>st</sup> September, 2008.

## CHAPTER -2

### Role And Responsibilities Of The Himachal Pradesh State Information Commission

The Himachal Pradesh State Information Commission was constituted vide a notification issued on 4<sup>th</sup> February, 2006 by the Department of Administrative Reforms of the Government of Himachal Pradesh. The Commission started functioning with effect from 1<sup>st</sup> March, 2006 with its headquarters at Shimla. The Secretariat administration of the State Government provided secretarial staff and other support to the Himachal Pradesh State Information Commission right from 1<sup>st</sup> March, 2006 and thereafter. The Commission functioned as a single member body upto 1<sup>st</sup> July, 2007 and thereafter, Sh. S.S.Parmar joined as State Information Commissioner on 2<sup>nd</sup> July, 2007. While the State Chief Information Commissioner and the State Information Commissioner have been provided official accommodation by the State Government in Armsdale Building of Himachal Pradesh Secretariat, private accommodation in the vicinity of the Secretariat has been hired for the support staff. The Commission continued to function from these premises during the financial year 2009-10.

2. During the financial year 2009-10, a sum of ` 73,01,000 was allocated under the Head 2070-00-118-01-SOON(NP) to the Commission for meeting its expenses. The break-up of the SOEs allocation is as under:-

SOE	SUB HEAD	SANCTIONED BUDGET	EXPENDITURE
01	SALARY	59,07,000	58,77,106
03	TRAVEL EXPENSES	1,30,000	1,28,556
05	OFFICE EXPENSES	3,44,000	3,43,684

06	MEDICAL REIMBURSEMENT	79,000	78,999
07	RENT, RATES & TAXES	2,33,000	2,32,368
10	HOSPITALITY	10,000	575
12	PROFESSIONAL & SPECIAL SERVICES	35,000	34,000
20	OTHER CHARGES	1,13,000	1,12,259
21	MAINTENANCE	5,000	-----
30	MOTOR VEHICLE	4,45,000	4,44,954
	<b>TOTAL</b>	<b>73,01,000</b>	<b>72,52,501</b>

3. The State Government of Himachal Pradesh has created 32 posts for smooth functioning of the Himachal Pradesh State Information Commission. The details of these posts are as under:-

Sr. No	Designation of the posts	Pay scale + Grade pay of the post as revised w.e.f. 1.1.2006	No. of the posts created
1.	Chief Information Commissioner	90,000/-	1
2.	State Information Commissioner	80,000/-	1
3.	Secretary (IAS/ HAS) to the Commission	in their own pay scale	1
4.	System Analyst	10300-34800+ ` 5400	1
5.	Reader-cum-Ahalmad	10300-34800+ ` 5000	2
6.	Section Officer	10300-34800+ ` 5000	1

7.	Senior Assistant	10300-34800+ ` 3800	2
8.	Clerk-cum-Computer Operator	5910-20200 + ` 1900	4
9.	Private Secretary	10300-34800 + ` 5000	2
10.	Personal Assistant	10300-34800 + ` 4200	4
11.	Junior Scale Steno grapher	5910-20200 + ` 2800	1
12.	Driver	5910-20200 + ` 2000	3
13.	Process Server	4900-10680 + ` 1400	1
14.	Chowkidar	4900-10680 + ` 1300	1
15.	Peons	4900-10680 + ` 1300	5
16.	Frash-cum-Mali	4900-10680 + ` 1300	1
17.	Sweeper	4900-10680 + ` 1300	1
	Total		32

4. The Powers and Functions of the State Information Commission under the RTI Act, 2005 are as under:-

I. Enquiries under Section 18 of the Act.

(i) Subject to the provisions of the Act, the State Information Commission is required to receive and inquire into a complaint from any person,--



- (a) who has been unable to submit a request to a PIO or whose request has been refused;
  - (b) who has been refused access to any information;
  - (c) who has not been given a response to a request for information or access to information within prescribed time limit;
  - (d) who has been required to pay an unreasonable amount of fee;
  - (e) who believes that he or she has been given incomplete, misleading or false information; and
  - (f) in respect of any other matter relating to requesting or obtaining access to records under this Act.
- (ii) The Commission shall, while inquiring into any matter under this Section have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:-
- (a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;
  - (b) requiring the discovery and inspection of documents;
  - (c) receiving evidence on affidavit;
  - (d) requisitioning any public record or copies thereof from any Court of Office;
  - (e) issuing summons for examination of witnesses or documents.
- (iii) The Commission, during the inquiry of any complaint may examine any record to which this Act applies which is under the control of any public authority, and no such record may be withheld from it on any grounds.

## **II. Appeals under section 19 of the Act.**

- (i) A Second Appeal against the decision of first Appellate Authority shall lie with the State Information Commission within ninety days. However, the Commission, may admit an appeal after the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.
- (ii) If the decision against which an appeal is preferred relates to information of a third party, the Commission, shall give a reasonable opportunity of being heard to that third party.

- (iii) In any appeal, the onus to prove that a denial of a request was justified shall be on the PIO, who denied the request.
- (iv) The decision of the State Information Commission, shall be binding.
- (v) In its decision, the Commission has the power to require the public authority to take such steps as may be necessary to secure compliance with the provisions of the RTI Act, 2005 including grant of compensation to the complainant/ appellant.

### III. Penalties under section 20 of the Act

- (i) Where the Commission, at the time of deciding any complaint or appeal is of the opinion that the PIO has without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified in section 7 of the RTI Act, 2005 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner furnishing of the information, it shall impose a penalty of two hundred and fifty rupees per day upon the PIO till the application is received or information is furnished.
- (ii) Where the Commission, at the time of deciding any complaint or appeal is of the opinion that the PIO has without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under the RTI Act or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it may recommend disciplinary action against the PIO.

5. The Himachal Pradesh State Information Commission has been enquiring into the complaints against PIOs received from the applicants relating to access to information and deciding them on merit keeping in view the provisions of the Act read with the Rules framed under it. The Commission has also been dealing with and disposing off 2<sup>nd</sup> appeals filed with it against decisions of the designated Appellate Authorities. While deciding the appeals/ complaints, the Commission has been making appropriate recommendations

to those public authorities which were not conforming to the letter and spirit of the provisions of the Act specifying the steps to be taken by them for promoting such conformity as envisaged under section 19(8) of the Act. It has also been recommending suitable compensation to the complainants/ appellants in deserving cases.

6. After receiving a complaint under Section 18 of the RTI Act, 2005, the State CIC and State IC have been making an inquiry or taking such other action as deemed fit. The State CIC and State IC have also been seeking comments of the public authority and/or the PIO and have been taking appropriate decision as per the provisions of the Act after giving an opportunity to the PIO concerned and the complainant. In the case of an appeal under Section 19 of the Act received in the Commission, the State CIC and State IC have been disposing them after getting comments of the PIO and hearing him on the issues raised in the appeal. The appellant has also given an opportunity to present his/her case at the hearing before the State CIC and State IC took a final decision in the case. Although no time limit has been fixed in the Act for disposal of appeals and complaints received in the Commission yet the State CIC and State IC have been disposing off such appeals and complaints expeditiously. It has been their endeavour that maximum number of cases were decided are within one month of their institution.

7. The powers and duties of officers and employees of the Himachal Pradesh State Information Commission are as under:-

<u>Sr.No.</u>	<u>Designation</u>	<u>Power and duties</u>
i	State Chief Information Commissioner	General superintendence, direction and management of affairs of the Commission. Disposal of appeals and complaints.
ii	State Information Commissioner	Disposal of appeals & complaints.

iii	Secretary-cum-Registrar	Administration and financial control in the Commission and to provide assistance to the State CIC/State IC.
iv	Private Secretary to the State CIC/State IC	Secretarial assistance and carry out work assigned by State CIC/ State IC
v	Reader-cum-Ahlmad	Processing of appeals and complaints and carry out work assigned by the State CIC and State IC.
vi	Section Officer-cum- Assistant Registrar	Assisting the Secretary-cum-Registrar in the administrative, financial and other matters of the Commission.
vii	The support staff	Providing assistance to the officers and carry out work assigned by supervisory officers of the Commission.

8. The Himachal Pradesh State Information Commission has placed the following information/documents on the web site of the Government of Himachal Pradesh ([www.himachal.nic.in](http://www.himachal.nic.in)):-

- (i) Manual of the Himachal Pradesh State Information Commission under section 4(1) (b) of the RTI Act, 2005 (updated as on 1.4.2009).
- (ii) Names of various public authorities under the State Government.
- (iii) The details of PIOs/APIOs designated by various public authorities (as amended from time to time).
- (iv) The Himachal Pradesh State Information Commission (Management) Regulations, 2008.
- (v) Decisions of appeals and complaints filed in the Commission.

9. The RTI Act, 2005 empowers various Commissions to prepare a report on the implementation of the provisions of the Act during each year and forward the same to the appropriate Government for laying it before the Parliament/State Legislative Assemblies. In pursuance of this provision of the Act, the Himachal Pradesh State Information Commission has prepared the Fifth Report on the implementation of the Right to Information Act, 2005 in the State of Himachal Pradesh during the year 2009-10 for laying it before the

State Legislative Assembly of Himachal Pradesh. The relevant statistics pertaining to the implementation of this Act in the State of Himachal Pradesh have been given at the beginning of this report.

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### **CHAPTER-3**

#### **Implementation Of The Act (Disposal of applications by public authorities in Himachal Pradesh)**

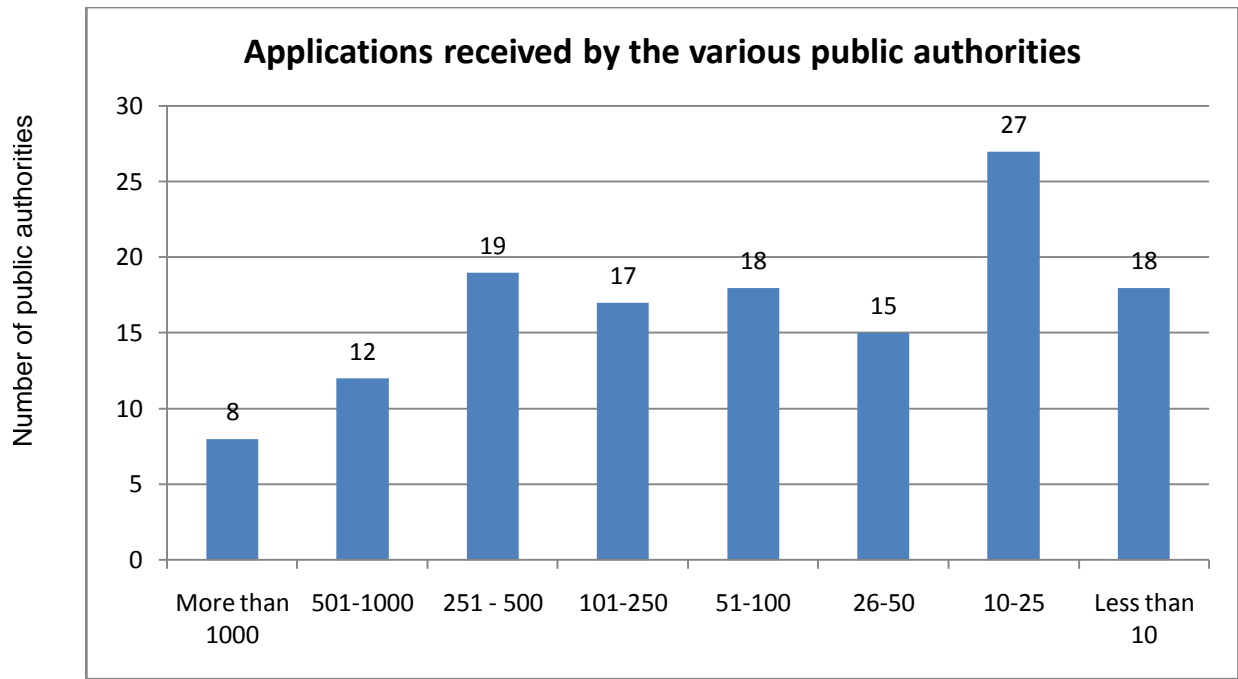
Sections 6 and 7 read with section 11 of the RTI Act, 2005, prescribe the procedure and time frame for furnishing the information held by public authorities to the information seekers through the Public Information Officers designated for the purpose. As per reports received in the Himachal Pradesh State Information Commission, 43,835 applications were filed in the offices of 134 public authorities of the State Government for seeking information under the Act during 2009-10. Other public authorities did not receive any application under the Act. As against the receipt of 43,835 applications during the year under report, 17,869 applications were received by 124 public authorities during 2008-09. Thus there has been approximately 145% increase in the number of RTI applications filed during 2009-10 as compared to the applications filed during 2008-09. Such a substantial increase in the number of applications shows that the general public of the State was becoming more aware of the provisions of the RTI Act, 2005.

2. Out of the total of 134 public authorities which received RTI applications during the year, 8 of them received more than 1000 applications, 12 of them received 501 to 1000 applications, 36 of them received 101 to 500 applications and the remaining 78 public authorities received less than 100 applications. Eight public authorities namely the Elementary Education

Department, Higher Education Department, IPH Department, Police Department, Public Works Department, Rural Development Department and Panchayati Raj, HP State Electricity Board Ltd. and HP Subordinate Services Selection Board Hamirpur received more than 1000 applications during the year. It has been observed that a total of 41,510 applications out of 43,835 applications i.e. approximately 95 percent of the total applications were received by 56 public authorities. The remaining 78 public authorities received less than 5 percent of the total applications. Further, a fee of `10,89,504/- has been collected by various public authorities during the same period.

3. The table below gives the break up of applications received by various public authorities in the State during the year 2009-10:-

S.No.	Public Authorities which received	Number
i	More than 1000 RTI applications	8
ii	501 to 1000 RTI applications	12
iii	251 to 500 RTI applications	19
iv	101 to 250 RTI applications	17
v	51 to 100 RTI applications	18
vi	26 to 50 RTI applications	15
vii	10 to 25 RTI applications	27
viii	Less than 10 RTI applications	18
	<b>Total number of public authorities which received any application</b>	<b>134</b>



4. The details of applications received, applications rejected, appeals filed, fee collected etc. by various public authorities are as under:—

Sr. No.	Name of Public Authority	Number of applications received	Applications rejected by the PIOs	Appeals filed before the First Appellate Authorities	Appeals filed before the State Information Commission	Number of cases where compensation was awarded by the Commission	Amount of fee collected
1.	H.P. High Court	258	60	13			5564
2.	Vidhan Sabha Sectt.	59		2			968
3.	Lokayukta	15	5				60
4.	State Information Commission	36					732
5.	State Commission for Women	22		1	1		315
6.	Public Service Commission	497		16	1		9009
7.	H.P.S.S.S. Board Hamirpur	1288		11	3		23786

8.	HPERC	20		1			800
9.	Divisional Commissioner Shimla	38					659
10.	Divisional Commissioner Kangra	64			1		3690
11.	Divisional Commissioner Mandi	41					1731
	<b>Himachal Pradesh Secretariat</b>						
12.	Administrative Reforms	2					20
13.	Agriculture	10					705
14.	Forest	51		1			1155
15.	Public Works	175					4981
16.	General Administration	45			1		1835
17.	Health & Family Welfare	124		3	3		1643
18.	Home	67	3	1	2		3704
19.	Irrigation & Public Health	43					774
20.	Personnel	258	5	7	2		7856
21.	Finance	100					1934
22.	Transport	19					1119
23.	Law	16		1			831
24.	Secretariat Administration	15			7		484
25.	Excise & Taxation	12					445
26.	Election	269					2363
27.	Non-Conventional Energy Sources	9					243
28.	Cooperation	16					375
29.	Printing & Stationery	3					770
30.	Information & Public Relation	4					82



31.	Horticulture	14		1			3331
32.	Revenue	224	31	5			4503
33.	Housing	9					338
34.	Language, Art & Culture	55					1669
35.	Tourism	18					310
36.	Sainik Welfare	9					300
37.	Technical Education	12	2	3			1380
38.	Ayurveda	9					140
39.	Tribal Development	6					848
40.	Industries	22					344
41.	LEP	14					350
42.	Town & Country Planning	7					131
	<b>Administrative Departments</b>						
43.	Agriculture	63		3	2		2225
44.	Animal Husbandary	162	4	4			4573
45.	Ayurveda	335		6			8277
46.	Home Guards and Civil Defence	45					1241
47.	Police	2691	65	35	11		52654
48.	Co-operative	548	7	22	2	1	22326
49.	Elementary Education	1932	2	68	11	1	44625
50.	Information Technology	11			1		346
51.	Excise & Taxation	237	1	15	4		4613
52.	Fisheries	28					641
53.	Food & Civil Supplies	188		1			3898

54.	Forest Farming & Conservation	675	6	6	11		47702
55.	Health and Family Welfare	248		14	11	1	7012
56.	Horticulture	130		3	2		3660
57.	Industries	383	14	1	1		17088
58.	Science & Technology	7			1		102
59.	Irrigation & Public Health	2789		15	5		56125
60.	Energy	13					150
61.	Estates	20					183
62.	Health, Safety and Regulation	7					146
63.	Dental Health Services	33					210
64.	Labour & Employment	213		3			5716
65.	Consolidation of Holdings	66			33	3	958
66.	Land Records	29					349
67.	Printing & Stationery	35					1727
68.	Information and Public Relations	52		5			1418
69.	Rural Development & Panchayati Raj	2336		16	19	1	54225
70.	Settlement (Shimla)	92		6	3		9753
71.	Settlement (Kangra)	323		8	1		9123
72.	Social Justice & Empowerment	974		11			15613
73.	Electrical Inspectorate	15					42
74.	Sainik Welfare	70		2			2591
75.	State Vigilance & Anti Corruption Bureau	344	24	16	1		4328
76.	Public Works	9667	105	64	17		194973
77.	Language, Art & Culture	46					1219

78.	Tribal Development	10					725
79.	Technical Education	190			2		1590
80.	Tourism & Civil Aviation	106					4430
81.	Town & Country Planning	312		4	1		13634
82.	Transport	526	4	2			21049
83.	Treasuries	47	2				5085
84.	Urban Development	55		1	2		1122
85.	Youth Services & Sports	44					2712
86.	Mountaineering & Allied Sports, Manali	10					130
87.	Higher Education	1060		41	27		16500
88.	Planning	65		1	1		1190
89.	Prosecution	17					277
	<b>Deputy Commissioners</b>						
90.	Bilaspur	336			2		6743
91.	Chamba	411		1	2		7089
92.	Hamirpur	794		9	1		10573
93.	Kangra	982		52	3	1	13267
94.	Kinnaur	288					9947
95.	Kullu	372		8			5588
96.	Mandi	791		7	4		17190
97.	Shimla	846		18	2		17196
98.	Sirmour	302		7			4904
99.	Solan	842		9	2		8150
100.	Una	391			1		5553

	<b>CORPORATIONS</b>						
101.	Financial Corporation	132	14	11	3		4104
102.	Forest Corporation	175			4		7866
103.	General Industries Corporation	39	7	2	1		1396
104.	H.P.M.C.	9					212
105.	State Industrial Development Corporation	63	25	1			3851
106.	AIPIL	3					30
107.	Agro Industries Corporation	12					336
108.	Ex-Servicemen Corporation	22					1184
109.	HP Backward Classes Finance & Development Corporation	2					20
110.	Tourism Development Corporation	119		8	4		3914
111.	Road Transport Corporation	763		10	5		50385
112.	Municipal Corporation, Shimla	835		38	14		28331
113.	Civil Supplies Corporation	112		2			3062
114.	Coop.Milk Producers Federation	15		1	1		1296
115.	Himurja	97		4	1		3456
116.	Electronic Development Corporation	18		2			175
117.	Handicrafts & Handloom Corporation	7					195
118.	Small Industries Development corporation	63	25	1			3851
119.	Power Corporation	58		2			2062
120.	H.P.Minorities Corporation	7					30
121.	KCCB	185	12	10	2		3367

	<b>BOARDS</b>						
122.	Environment Protection & Pollution Control Board	102			1		5165
123.	Khadi & Village Industries Board	46			1		1517
124.	Marketing Board	59					1117
125.	H.P.Takniki Shiksha Board	22					365
126.	H.P. Board of School Education	252			1		4859
127.	HIMUDA	297	7		2		18250
128.	HPSEB Ltd.	1659	5		5		74702
129.	Wool Federation	6					325
130.	H.P.Social Welfare Board	11					90
131.	Small Industries and Export Corporation	5					273
	<b>Universities</b>						
132.	HP University, Shimla	512		31	7		3294
133.	Dr. Yashwant Singh Parmar University of Horticulture & Forestry, Nauni(Solan)	280	7	25	5		8049
134.	CSK HP Krishi Vishwa Vidyalaya Palampur	269		8	6		5622
	<b>Total</b>	<b>43,835</b>	<b>442</b>	<b>706</b>	<b>270</b>	<b>8</b>	<b>10,89,504</b>

5. The above table clearly shows that the Public Information Officers of various public authorities in the state furnished the information to the applicants except in 442 cases where the applications were rejected. Thus only one percent of the total applications were rejected by the PIOs. Last year, the rejection of applications was 1.4% of the total applications. Hence there has been a reduction in the percentage of rejection of applications during the

year under report. However, the Commission has been receiving complaints from the applicants regarding deemed denial of information by PIOs. This fact creates suspicion about the correctness of the Annual Returns submitted by some of the public authorities about the rejection of RTI applications. In these circumstances, the Annual Returns submitted by the public authorities should be verified by the respective Head of Department to ensure that correct facts get reported to the Commission.

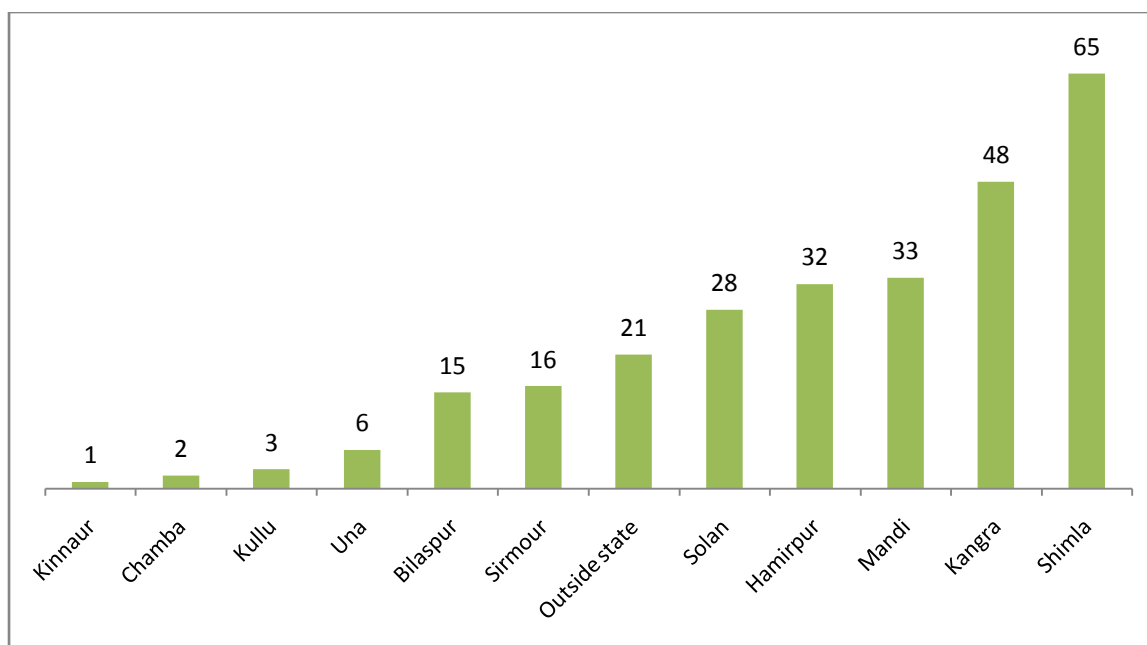
6. The public authorities have reported that most of the 442 applications were rejected under section 8(1) (j) of the RTI Act, 2005. The table in para 4 above also shows that number of first appeals is also less than 1.6% of the total applications. The Himachal Pradesh State Information Commission received 270 appeals against 706 first appeals filed with the designated Appellate Authorities. In addition, the Commission also received 445 complaints during the year for non-receipt of or receipt of incomplete information or delayed response from the PIOs. Thus the Commission received a total of 715 appeals/complaints as against a total of 43,835 RTI applications filed with various public authorities during the year. The number of appeals/complaints received in the Commission is approximately 2.1% of the total applications. These figures lead to the conclusion that response of the PIOs in Himachal Pradesh to the requests for information received from the information seekers during the year 2009-10 has been quite satisfactory.

## CHAPTER-4

### Implementation Of The Act (Disposal of appeals and complaints by the Himachal Pradesh State Information Commission)

The HP State Information Commission received 270 appeals from various appellants residing in 11 districts of the State and out side the State against the decisions of Public Information Officers/first Appellate Authorities during the year 2009-10. 146 of these appeals were filed by appellants residing in three districts of Shimla, Kangra and Mandi. The remaining 124 appeals were received from residents of the remaining districts and from out side the State. The district wise status of appeals received in the Commission is given in the bar chart below:

#### District wise breakup of appeals received in the Commission



2. 23 appeals were pending as on 01.04.2009 in addition to 270 appeals received during the year 2009-10. Out of the total of 293 appeals, 276 appeals were decided during the year leaving 17 appeals pending for decision as on 31.3.2010. Out of the 276 appeals decided by the Commission, appeals were

rejected only in 39 cases as the information stood furnished to the appellant in most of these cases. In the remaining 237 cases, the PIOs were directed to provide the desired information within specific periods in individual cases. The break up of appeals decided/pending in the Commission is given in the table below:

(i) Break up of appeals received and decided during the year	
(a) Appeals pending as on 1.4.2009	23
(b) Appeals received during the year	270
(c) Appeals decided during the year	276
(d) Appeals pending as on 31.3.2010	17
(ii) Break up of appeals decided during the year	
(a) Appeals Decided in less than one month	197
(b) Appeals decided in more than one month but less than two months	62
(c) Appeals decided in more than two months	17
(iii) Break up of appeals pending as on 31.3.2010	
(a) Appeals pending for a period less than one month	14
(b) Appeals pending for a period from one month to two months	2
(c) Appeals pending for more than two months	1

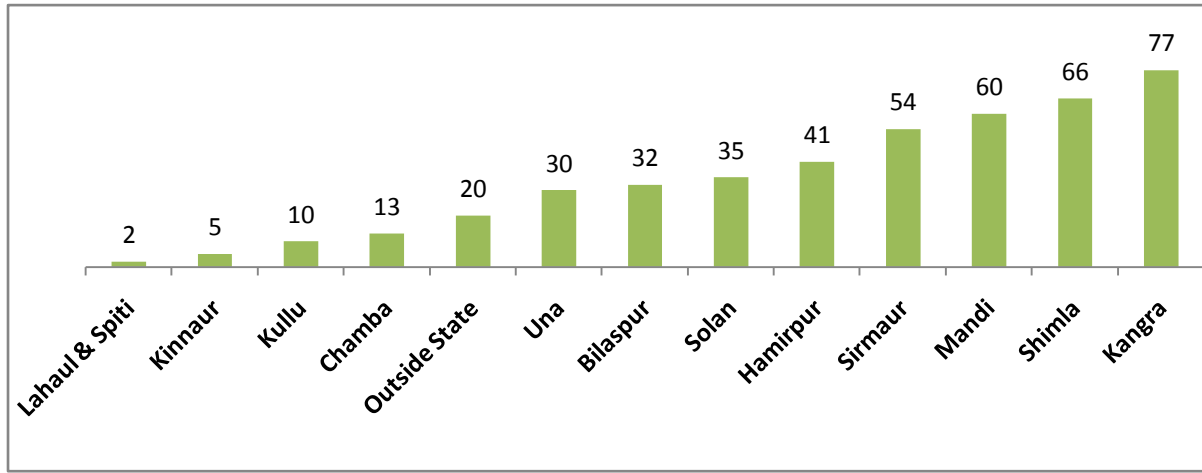
3. The facts given in para 2 above show that more than 71% of the appeals were decided within one month of their institution in the State Information Commission and a further 22% were decided within 2 months of their institution. Thus 93% of the total appeals were decided within 2 months of their institution in the Commission. Almost all the appeals were decided within 3 months of their institution. The details of these appeals are available on the website of the Himachal Pradesh State Information Commission.

4. Apart from 270 appeals, the Himachal Pradesh State Information Commission received 445 complaints under Section 18 of the RTI Act, 2005 during the year 2009-10. The complainants were from all the districts of the State as well as from out side the state. However, 257 complaints (i.e. more



than 57% of the total complaints) were received from the complainants residing in four districts of the State namely the districts of Shimla, Kangra, Sirmour and Mandi. The district wise status of complaints received during the year 2009-10 is given in the bar chart below:

**District wise breakup of complaints received in the Commission**



5. In addition to 445 complaints received during the year, 17 complaints were pending as on 1.4.2009. Out of the total of 462 complaints, 418 complaints were decided by the Commission during the year and 44 complaints remained pending for disposal as on 31.3.2010. Further, out of the total of 418 complaints decided by the Commission, only 45 were rejected. Thus the complainants were given relief in 89% of the total complaints decided during the year. The period wise breakup of the complaints received, decided and pending is given below:-

*Break up of complaints received, decided and pending as on 31.3.2010*

(i) Break up of complaints received and decided during the year	
(a) Complaints pending as on 1.4.2009	17
(b) Complaints received during 2009-10	445
(c) Complaints decided during the year	418
(d) Complaints pending as on 31.3.2010	44

(ii)	Break up of complaints decided during the year	
	(a) Complaints decided in less than one month	294
	(b) Complaints decided in more than one month but less than two months	80
	(c) Complaints decided in more than two months	44
(iii)	Break up of complaints pending as on 31.3.2010	
	(a) Complaints pending for period less than one month	34
	(b) Complaints pending for period from one month to two months	8
	(c) Complaints pending for more than two months	2

6. The facts given in para 5 above show that approximately 70% of the complaints were decided within one month of their institution in the Himachal Pradesh State Information Commission and further 19% were decided within two months of their institution. Thus 89% of the complaints were decided within 2 months of their institution and the remaining 11% complaints were decided within 3 months of their institution.

7. The consolidated details of appeals and complaints received in the Commission and decided during the year under report are as under:

	APPEALS	COMPLAINTS	TOTAL
PENDING AS ON 1.4.09	23	17	40
FILED DURING THE YEAR	270	445	715
Total	293	462	755
DECIDED	276	418	694
PENDING AS ON 31.3.10	17	44	61
<b>CASES DECIDED BY STATE CHIEF INFORMATION COMMISSIONER</b>			
	APPEALS	COMPLAINTS	TOTAL
PENDING AS ON 1.4.09	8	13	21
FILED DURING THE YEAR	131	273	404
Total	139	286	425
DECIDED	129	265	394
PENDING AS ON 31.3.10	10	21	31

<b>CASES DECIDED BY STATE INFORMATION COMMISSIONER</b>			
	APPEALS	COMPLAINTS	TOTAL
PENDING AS ON 1.4.09	15	4	19
FILED DURING THE YEAR	139	172	311
Total	154	176	330
DECIDED	147	153	300
PENDING AS ON 31.3.10	7	23	30

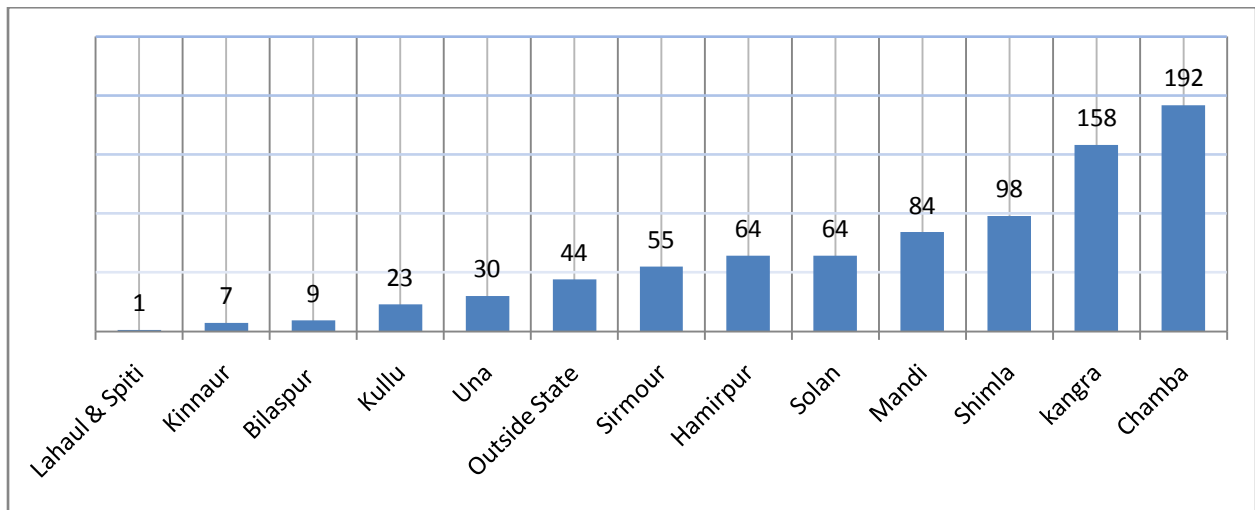
8. While deciding the appeals and complaints, the concerned public authorities were directed to compensate the appellants/complainants by way of payment of suitable compensation to the tune of ` 54,500/- by the Commission in deserving cases. A total penalty of ` 37,250/- was also imposed on nine PIOs during the period under report.

9. In addition to the appeals and complaints under the RTI Act, 2005, the Commission also received 829 letters/representations during the year 2009-10 which were forwarded to the Public Information Officers/Public Authorities concerned with suitable directions of the Commission. The progress of these letters/representations was also followed up by the Commission with the concerned authority to ensure that the applicants received appropriate reply failing which some of these letters/representations were taken up as complaints filed with the Commission under section 18 of the RTI Act, 2005. The district wise break up of these letters/representations received during 2009-10 is given in the table and bar chart below:—

**Number of letters/representations received in the Commission, which were forwarded to the PIO's/Public Authorities concerned**

Sr. No.	Name of District	Number of letters/representations received
1.	Bilaspur	9
2.	Chamba	192

3.	Hamirpur	64
4.	Kangra	158
5.	Kinnaur	7
6.	Kullu	23
7.	Lahaul & Spiti	1
8.	Mandi	84
9.	Shimla	98
10.	Sirmour	55
11.	Solan	64
12.	Una	30
13.	Outside State	44
	<b>Total</b>	<b>829</b>



**“PROMOTING RTI THROUGH E-GOVERNANCE - SUCCESS STORIES OF DISTRICT HAMIRPUR”**

During the year 2009-10, Hamirpur district took various initiatives to promote Right to Information in the district with the ultimate objective of improving the public service delivery. Under the leadership of Sh. Abhishek Jain, Deputy Commissioner Hamirpur, Information Technology and E-Governance were used to propagate RTI in various ways including Touch Screen Kiosks, Web-enabled G2C RTI services, m-enabled RTI usage through SMS gateways etc.

Hamirpur becomes the first district of the state where '**e-Soochna**' Kiosks have been set up at the sub-divisional levels. Bhoranj SDM office became the first SDM office in HP to establish a sub-divisional 'e-Soochna' kiosk. 'e-Soochna' seeks to provide various kinds of useful and important information to the citizens through a user friendly Touch Screen Kiosk.

**RTI Centers** have been set up at all levels of the district upto the village levels. Apart from District RTI Center, 4 Sub-divisional, 7 Tehsil levels, 6 Block level, 229 Panchayat level and 198 village level RTI Centers have been set up in the district. These centers are self-contained centers of information providing information to the citizens about almost every government activity, and also has RTI Act, Rules, forms, directories etc. **RTI Boards** have been put up in all the 229 Panchayat offices and 197 Patwarkhanas of the district.

**A RTI Directory of district Hamirpur** was published and launched by Hon'ble Chief Minister of HP on 12.10.2009. This was the first such directory of any district in the state. Thereafter, **e-RTI Directory** has also been placed on the district website.

**m-RTI** has also been started in the district where mobiles are being used for providing information to the applicants about the status of their applications/appeals, and readiness of information sought by applicants through SMS gateway. **Online RTI access** has been provided. E-RTI Register for Appellate Authority have been started. **e-Court and Integrated Case filing & Monitoring System** has been implemented in the district. **A compilation of RTI Act, Rules & Regulations** has been published incorporating recent amendments and made available for access by common citizens at all public offices.

Because of the above initiatives, the quality and access of information with citizens has improved, the quality of information warehousing & storage has improved, pro-active disclosures have reduced the need for filing RTI applications. Moreover, transparency and accountability levels in the government especially at cutting edge levels of administration have greatly enhanced.

## CHAPTER-5

### Implementation Of The RTI Act, 2005 During Past Five Years

The RTI Act, 2005 came into force w.e.f. 12<sup>th</sup> October, 2005. The public authorities initiated steps to implement various provisions of the Act namely the designation of PIOs/ APIOs & Appellate Authorities and declarations under section 4 (i) (b) of the Act. The PIOs and APIOs started receiving applications even before the State Information Commission started functioning w.e.f. 01.03.2006. The details of RTI Applications received, first appeal filed and fee collected by the public authorities since October 2005 to 2009-10 are as under:-

Year	No. of Public Authorities	Total Applications Received	No. of Applications Rejected by PIOs	First Appeals Received by 1 <sup>st</sup> Appellate Authorities	Amount of fee collected (in )
upto 31.03.2007	110	2,654	119	127	2,34,281
2007-08	118	10,105	283	267	6,00,495
2008-09	124	17,869	259	338	8,07,939
2009-10	134	43,835	442	706	10,89,504

2. The above table shows that the number of applications filed by the information seekers from the PIOs of various public authorities during the past five years increased from 2654 to 43,835, an increase of 17 times. It leads to the conclusion that awareness about the Act has been increasing year after year. Further the percentage of first appeals filed by applicants have been decreasing over the years. The percentage of rejection of applications by PIOs has also been going down year after year. Thus the response of the PIOs has been showing a positive trend over the years.

3. The yearwise details of appeals received in the State Information Commission from 1<sup>st</sup> March, 2006 upto 31.3.2010 are as under:-

<b>Total Appeals Received and Decided from 01.03.06 to 31.03.10</b>					
<u>Period</u>	<u>Pendency at the beginning of the year</u>	<u>Received during the year</u>	<u>Total appeals</u>	<u>Decided during the year</u>	<u>Pending at the end of the year</u>
1.3.2006 to 31.3.2007	-----	32	32	24	8
1.4.2007 to 31.3.2008	8	155	163	125	38
1.4.2008 to 31.3.2009	38	180	218	195	23
1.4.2009 to 31.3.2010	23	270	293	276	17
<b>Total</b>	-----	<b>637</b>		<b>620</b>	<b>17</b>

\*Eight cases (all appeals) were decided by the full bench.

4. The yearwise details of complaints received in the Commission from 1.3.2006 to 31.3.2010 are as under:-

<b>Total Complaints Received and Decided from 01.04.06 to 31.03.10</b>					
<u>Period</u>	<u>Pendency at the beginning of the year</u>	<u>Received during the year</u>	<u>Total complaints</u>	<u>Decided during the year</u>	<u>Pending at the end of the year</u>
1.3.2006 to 31.3.2007	-----	52	52	47	5
1.4.2007 to 31.3.2008	5	134	139	105	34
1.4.2008 to 31.3.2009	34	204	238	221	17
1.4.2009 to 31.3.2010	17	445	462	418	44
<b>Total</b>	-----	<b>835</b>	-----	<b>791</b>	<b>44</b>

5. The yearwise details of the appeals and complaints received in the Commission from 1<sup>st</sup> March, 2006 to 2009-10 are as under:-

<b>Yearwise break up of appeals and complaints received &amp; decided by the Commission</b>					
<b><u>Period</u></b>	<b><u>Pending at the beginning of the year</u></b>	<b><u>Received during the year</u></b>	<b><u>Total</u></b>	<b><u>Decided during the year</u></b>	<b><u>Pending at the end of the year</u></b>
<b>1.3.2006 to 31.3.2007</b>	-	84	84	71	13
<b>1.4.2007 to 31.3.2008</b>	13	293	306	234	72
<b>1.4.2008 to 31.3.2009</b>	72	388	460	420	40
<b>1.4.2009 to 31.3.2010</b>	40	715	755	694	61
<b>Total</b>		<b>1480</b>		<b>1419</b>	<b>61</b>

6. It is clear from the above that during the year 2006-2007, 84 appeals and complaints were received from the appellants/ complainants against 2654 RTI application received by the Public Authorities which is approximately 3.2% of the total RTI applications. During the year 2007-2008, 293 appeals and complaints were received from the appellants/ complainants against 10,105 RTI applications received by the Public Authorities which is approximately 2.8% of the total RTI applications. During the year 2008-2009, 388 appeals and complaints were received from the appellants/ complainants against 17,869 RTI applications received by the Public Authorities which is approximately 2% of the total RTI applications. During the year under report, 715 appeals and complaints were received as against 43,835 RTI applications which is approximately 1.6% of the total applications. Thus the percentage of appeals and complaints received in the Commission has declined from 3.2% to 1.6% during these years. This shows that the performance of the PIOs has been improving year after year during the past five years.



7. The yearwise details of cases decided by the State Chief Information Commissioner and the State Information Commissioner are as follows:-

(a) During the period from from 1.3.2006 to 31.3.2007

<b>CASES DECIDED BY STATE CHIEF INFORMATION COMMISSIONER</b>			
	<b>APPEALS</b>	<b>COMPLAINTS</b>	
<b>PENDING AS ON 1.3.06</b>	--	--	--
<b>FILED DURING THE YEAR</b>	32	52	84
<b>Total</b>	32	52	84
<b>DECIDED</b>	24	47	71
<b>PENDING AS ON 31.3.07</b>	8	5	13

(b) During the period from from 1.4.2007 to 31.3.2008

<b>CASES DECIDED BY STATE CHIEF INFORMATION COMMISSIONER</b>			
	<b>APPEALS</b>	<b>COMPLAINTS</b>	
<b>PENDING AS ON 1.4.07</b>	8	5	13
<b>FILED DURING THE YEAR</b>	81	92	173
<b>Total</b>	89	97	186
<b>DECIDED</b>	84	83	167
<b>PENDING AS ON 31.3.08</b>	5	14	19
<b>CASES DECIDED BY STATE INFORMATION COMMISSIONER</b>			
	<b>APPEALS</b>	<b>COMPLAINTS</b>	
<b>PENDING AS ON 1.4.07</b>	--	--	--
<b>FILED DURING THE YEAR</b>	74	42	116
<b>Total</b>	74	42	116
<b>DECIDED</b>	41	22	63
<b>PENDING AS ON 31.3.08</b>	33	20	53
<b>*CASES DECIDED BY FULL BENCH:- 4</b>			

(c) During the period from from 1.4.2008 to 31.3.2009

<b>CASES DECIDED BY STATE CHIEF INFORMATION COMMISSIONER</b>			
	<b>APPEALS</b>	<b>COMPLAINTS</b>	
<b>PENDING AS ON 1.4.08</b>	5	14	19
<b>FILED DURING THE YEAR</b>	83	131	214
<b>Total</b>	88	145	233
<b>DECIDED</b>	80	132	212
<b>PENDING AS ON 31.3.09</b>	8	13	21
<b>CASES DECIDED BY STATE INFORMATION COMMISSIONER</b>			
	<b>APPEALS</b>	<b>COMPLAINTS</b>	
<b>PENDING AS ON 1.4.08</b>	33	20	53
<b>FILED DURING THE YEAR</b>	97	73	170
<b>Total</b>	130	93	223
<b>DECIDED</b>	115	89	204
<b>PENDING AS ON 31.3.09</b>	15	4	19
<b>*CASES DECIDED BY FULL BENCH:- 4</b>			

(d) During the period from from 1.4.2009 to 31.3.2010

<b>CASES DECIDED BY STATE CHIEF INFORMATION COMMISSIONER</b>			
	<b>APPEALS</b>	<b>COMPLAINTS</b>	<b>TOTAL</b>
<b>PENDING AS ON 1.4.09</b>	8	13	21
<b>FILED DURING THE YEAR</b>	131	273	404
<b>Total</b>	139	286	425
<b>DECIDED</b>	129	265	394
<b>PENDING AS ON 31.3.10</b>	10	21	31
<b>CASES DECIDED BY STATE INFORMATION COMMISSIONER</b>			
	<b>APPEALS</b>	<b>COMPLAINTS</b>	<b>TOTAL</b>
<b>PENDING AS ON 1.4.09</b>	15	4	19
<b>FILED DURING THE YEAR</b>	139	172	311
<b>Total</b>	154	176	330
<b>DECIDED</b>	147	153	300
<b>PENDING AS ON 31.3.10</b>	7	23	30

8. During the last five years, 1419 appeals and complaints have been decided by the Commission. However only 9 Civil Writ Petitions have been filed in the High Court of Himachal Pradesh against the decisions/ orders of the State Information Commission. The details of these writ petitions are as under:-

<b>Sr. No.</b>	<b>Case Title/ Case No.</b>	<b>Status</b>
1.	H.P. Public Service Commission V/S State Information Commission CWP-96/09	Pending in the High Court
2.	State of H.P. V/S Sh. Surinder Singh Mankotia CWP-3823/2009	Pending in the High Court
3.	State of H.P. V/S Dr. P.K. Aditya CWP-2418/2010	Pending in the High Court
4.	Justice M.R.Verma (Retd.) V/S State Information Commission CWP-2070/2010	Pending in the High Court
5.	Justice M.R.Verma (Retd.) V/S State Information Commission CWP-1964/2010	Pending in the High Court
6.	State of H.P. V/S Sh. Sanjay Gupta, IAS CWP-1050/2010	Pending in the High Court
7.	Ms. Kalpna Grover V/S State of H.P. CWP-4632/2010	Dismissed as withdrawn
8.	Sh. Sanjay Mandyal V/S State of H.P. CWP-5418/2010	Pending in the High Court
9.	Smt. Ram Payari V/S State of H.P. CWP-6404/2010	Pending in the High Court

## CHAPTER – 6

### Observations And Recommendations

In the Fourth Report submitted last year under section 25(1) of the RTI Act, 2005, the Himachal Pradesh State Information Commission had made certain recommendations for smooth and effective implementation of the RTI Act, 2005 in the State of Himachal Pradesh. The State Government has taken action on these recommendations. Annexure to this report gives the details of action taken by the State Government on the observations and recommendations of the Commission made in the Fourth Report. Some of the recommendations which require further action at the level of the State Government are being included as part of the observations and recommendations being made in this report.

2. The Commission has examined the reports received from the public authorities pertaining to the receipt of RTI applications from information seekers during the year 2009-10. It has been observed that out of a total of 43,835 RTI applications filed by the information seekers during the year, requests were rejected by the PIOs concerned only in 442 cases and 706 first appeals were filed during the year. The Commission received 445 complaints and 270 second appeals during 2009-10. The small number of first appeals filed by applicants and the total number of complaints and 2<sup>nd</sup> appeals received in the Commission do indicate that the applicants were generally satisfied with the response of the PIOs in the State. While considering the complaints and appeals, it was, however, observed by the Commission that most of the complaints and appeals pertained to delay in receiving appropriate response from the PIOs. In a number of cases, the delay could be attributed to lack of awareness on the part of PIOs about various provisions of the RTI Act, 2005 and the Rules made there under. On the other hand, the applicants also seemed to be unaware of the scope of the RTI Act, 2005. Quite a large

number of applicants/appellants expected the redressal of their grievances through their RTI applications and complaints/ appeals filed in the State Information Commission.

3. It has been observed from the Action Taken Report on the recommendations made in the 4<sup>th</sup> Annual Report submitted by the Department of Administrative Reforms that the Himachal Pradesh Institute of Public Administration Shimla and its Regional/ District Training Centers conducted 28 training programmes and workshops for the Public Information Officers, Appellate Authorities and other officers of the State Government. The Institute had conducted 14 such training programmes during 2008-09. While the number of training programmes conducted during the year were twice the number of programmes conducted during the previous year yet keeping in view the large number of PIOs and APIOs in the state, the number of training programmes organized by HIPA were still not adequate. HIPA has to substantially increase the number of training programmes for the PIOs and APIOs in view of prevailing ignorance amongst large number of PIOs/APIOs. Other training institutes should also be involved in increasing the number of training programmes for the PIOs and other officers. As per HP RTI Rules, 2006, the State Government is required to spend the fee collected under the RTI Act, 2005 on the propagation of the provisions of the Act and the Rules. As pointed out in the Action Taken Report, the Department of Administrative Reforms had taken up this matter with the Finance Department but could not get positive response from the latter except drawing the attention of the former that Govt. have already issued instructions for incurring expenditure on training out of their sanctioned budget. The Department of Administrative Reforms should, therefore, take concrete steps for implementing the aforesaid provisions of the HP RTI Rules, 2006 for propagation of the Act and the Rules.

4. In the previous Reports, the Commission has been recommending to the State Govt. to reduce the additional fee for inspection and for supply of

information on A-5 and A-6 size papers. However, this recommendation has not been accepted but the Commission is not convinced with the reasons advanced by the Department of Administrative Reforms for rejecting this recommendation. The demand for reduction of fee for A-5 & A-6 size papers has arisen after the additional fee for papers of A-4 size and smaller sizes was reduced by the State Govt. from `10/- per page to `2/- per page. In these circumstances, the Commission would again reiterate the reduction of additional fee for furnishing of information on A-5 & A-6 size papers as well as for inspection of documents by the information seekers.

5. Some of the complainants/ appellants have also pointed out that A-5 & A-6 size papers can be photocopied on A-4 size papers. Consequently the Department of Administrative Reforms is requested to examine this suggestion of the applicants for issuing instructions to PIOs to supply photocopies of A-5 & A-6 size papers on A-4 size papers wherever feasible so that applicants can receive the desired information/documents contained in A-5 & A-6 size papers at rates fixed for A-4 size papers.

6. In a number of complaints and appeals, it has been observed that information / documents sought by applicants comprised of one or two pages of A-4 size. In these cases, the PIOs requested the applicants to deposit `2 or `4, as the case may be, by sending a letter as envisaged in HPRTI Rules, 2006. If the PIO could be permitted to supply the information in such cases at the initial stage itself without insisting on payment of additional fee, it would reduce the work of PIOs of receiving and depositing the IPOs and the subsequent writing of letters to the applicants for sending photocopies of the information/documents sought.

7. In the earlier reports, the Commission has been recommending finalisation of a time bound programme for implementing following provisions of Section 4 (1) (a) of the RTI Act, 2005:-

“Every public authority shall:-

- maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under the Act; and
- ensure that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated.”

8. The action taken on this recommendation by the State Govt. does not meet the requirement of the aforesaid Section of the RTI Act, 2005. It is appreciated that a number of departments have taken steps for providing e-Seva to the general public through their websites. They have also taken steps for redressal of grievances through e-Samadhan. These initiatives are very important steps towards achieving the objectives of the aforesaid section. However, a time bound plan ought to be drawn by the IT Department as recommended in earlier reports. In these circumstances, the earlier recommendation in respect of implementation of Section 4(1) (a) of the RTI Act, 2005 is reiterated.

9. It is also observed that the Department of Administrative Reforms has issued instructions to the public authorities on several occasions for implementing the provisions of Section 4 (1) (b) of the RTI Act, 2005. The implementation of this sub-section has also been discussed in the Committee of Secretaries. However, it has been observed that the declarations under this sub-section of the Act have not been updated by a large number of public authorities. Quite a large number of such declarations do not cover all the

seventeen points. This can be verified by perusing the website of various public authorities. Hence, the Department of Administrative Reforms should take concrete steps to ensure that the provisions of section 4 (1) (b) of the RTI Act, 2005 are implemented in letter and spirit by all the public authorities under the State Govt.

10. The annual reports received from various departments show that eight public authorities have received more than 1000 applications during the year from information seekers. These departments are Elementary Education Department, Higher Education Department, IPH Department, Police Department, Public Works Department, Rural Development and Panchayati Raj Department, HP State Electricity Board Ltd. and HP Subordinate Services Selection Board Hamirpur. The number of such applications is likely to increase further in these departments. The heavy workload pertaining to the Right to Information in these departments justifies strengthening of their RTI cells to avoid delay in responding to the applications. It is, therefore, recommended that RTI cells in these eight departments may be adequately strengthened so that the RTI applications are processed and information supplied to the applicants well within the period prescribed in the Act.

11. In the 4<sup>th</sup> Annual Report, the Department of Administrative Reforms was requested to finalise an appropriate scheme of periodic inspections for various offices to ensure that provisions of RTI Act, 2005 are implemented effectively. In order to implement this recommendation, the Department has issued administrative instructions to various departments. However, there is dire need to inspect the RTI registers maintained by PIOs to ensure timely disposal of applications as well as the disposal of first appeals by the designated Appellate Authorities. Such a step is likely to reduce the filing of complaints and 2nd appeals in the Commission. Consequently the Department of Administrative Reforms is again requested to finalise a scheme for periodic inspection of the work assigned to PIOs and disposal of first

appeals by the Appellate Authority and circulate the same to various Departments. Such a scheme can be incorporated in the office manual which is under revision in the Department of Administrative Reforms.

12. Elections to the Urban Local Bodies and Panchayati Raj Institutions have been held recently. The Ministry of Panchayati Raj, Govt. of India generally provides adequate funds for conducting training programmes for the newly elected members of PRIs. Similarly, the Ministry of Urban Development, Govt. of India might be providing funds for conducting training programmes for the newly elected members of Urban Local Bodies. The concerned administrative departments of the State Govt. may, therefore, be advised to include a chapter on RTI Act, 2005 and HP RTI Rules, 2006 in the training modules for these elected members of PRIs and Urban Local Bodies so that they could be informed about the procedure for seeking information under the Act from public authorities. This step is likely to increase awareness about provisions of the RTI Act, 2005 amongst the general public through their elected representatives.

13. Various training institutions in the state including HIPA have been conducting training programmes and workshops for creating awareness about various provisions of the RTI Act, 2005 and HP RTI Rules, 2006. In order to increase awareness about the provisions of the Act and the Rules, the students at school level can play a major role. It is, therefore, recommended that a chapter on various provisions of RTI Act, 2005 and HPRTI Rules, 2006 is included in the syllabus for students of Secondary and Senior Secondary classes. This step is likely to create a permanent structure for generating awareness about the objectives and provisions of the RTI Act, 2005.

14. During the year, a few departments had filed Writ Petitions in the High Court of Hiamchal Pradesh against the decisions of the HP State Information Commission. It was observed that in these cases, the PIOs were directed to



furnish routine information as sought by the applicants. No substantial point of law was involved in these cases which required to be agitated in the High Court. Such type of unnecessary litigation ought to be avoided in the interest of effective implementation of the RTI Act, 2005. It is, therefore, recommended that decision to file any writ petition against a decision of the State Information Commission ought to be considered and decided at the highest level in the State Govt. so that frivolous Writ Petitions could be avoided.

15. As per provisions of section 2(j) of the RTI Act, 2005, the citizens have a right to inspect works being executed by public authorities. But there is no provision in HP RTI Rules, 2006 regarding charging of fee for such an inspection. These rules also do not prescribe any procedure regarding inspection of work by an applicant as envisaged in the aforesaid section of the Act. It is, therefore, recommended that a suitable provision may be incorporated in HP RTI Rules, 2006 to enable the information seekers to inspect any work under execution by a public authority of the State Govt.

**DEPARTMENT OF ADMINISTRATIVE REFORMS  
GOVERNMENT OF HIMACHAL PRADESH**

**Action Taken Report by the Government of Himachal Pradesh on the observations and recommendations of Fourth Report (April 1, 2008 to March 31, 2009) of State Information Commission (SIC), Himachal Pradesh.**

<b>Observations and Recommendations</b>	<b>Action Taken by the State Government</b>
<p><b>Para-1.</b> In the Second and Third Reports submitted under Section 25(1) of the RTI Act, 2005, the Himachal Pradesh State Information Commission had made certain recommendations for smooth and effective implementation of the RTI Act, 2005 by various public authorities under the purview of the State Government. The State Government has taken action on some of these recommendations. Annexures 'B' &amp; 'C' give the details of action taken by the State Government on the observations and recommendations which require further action at the level of the State Government are being included as part of the observations and recommendations being made in this report.</p>	<p>The Action Taken Report on Third Report of the State Information Commission has been sent to the State Information Commission vide Administrative Reforms Department letter No. Per(AR)A81/2009 dated 1.12.2009</p> <p>The Fourth Report of the Commission was received on 17.12.2009. In compliance to section 25(4) of the Act the report was laid before the Himachal Pradesh State Legislative Assembly on 18.12.2009.</p> <p>Further the recommendations contained in Fourth Report of the State Information Commission were circulated to all concerned Departments/ Corporations/ Boards vide Administrative Reforms Department D.O.letter No. Per (AR) (8)-3/2009, dated 23.12.2009 and letters of even number dated 26.12.2009 followed by reminder 5.3.2010. An abstract of observation and recommendation was circulated in the Committee of Secretaries on 22.12.2009 for follow-up.</p> <p>The State Government thankfully acknowledges personal briefing given by Hon'ble State Chief Information Commission of various aspects of implementation of RTI, inter-alia, to the PIOs, APIOs and Appellate Authorities in the H.P. Secretariat in the meeting of Committee of Secretaries held on 26.3.2010.</p>
<p><b>Para-2.</b> The Commission has analysed the reports received from the public authorities of the State</p>	<p>The State Government has conducted many awareness workshop in the field through Himachal Pradesh Institute of Public Administration/</p>

Government regarding processing of RTI applications from information seekers during the year 2008-09. It has been observed that out of a total of 17,869 applications received by 124 public authorities to seek information under the Act, requests were rejected ;by the PIOs only in 259 cases. Further, 338 first appeals were filed by the applicants before the designated appellate authorities. The Commission received 204 complaints and 184 second appeals. The small number of first appeals filed with the designated appellate authorities and the complaints/2<sup>nd</sup> appeals filed with the Commission does indicate that the applicants were generally satisfied with the response of the Public Information Officers of various public authorities ;in the State. While deciding the complaints and appeals, it was observed by the Commission that most of the complaints and appeals pertained to delay in receiving appropriate response from the PIOs. In a number of cases, the delay could be attributed to the lack of awareness on the part of PIOs about various provisions of the RTI Act, 2005 and the Rules made there under. The applicants also seemed to be unaware of the scope of the RTI Act, 2005. Quite a large number of applicants/appellants expected the redressal of their grievances by the State Information Commission.

District Administration during the period from 1.4.2009 to 31.3.2010 as under:-

<u>Courses Organized.</u>	<u>Nos.</u>	<u>Participants</u>	<u>Mandays</u>
HIPA	14	326	652
Free for RTC/DTC &Others.	14	1313	1313
Total	28	1639	1965

Besides this, D.C. Hamirpur and D.C. Mandi were allotted Rs.15.00 Lacks each under the capacity building to access information. The State Information Commission also organized many courses through Himachal Pradesh Institute of Public Administration.

The State Government has issued instruction on 24.2.2009 that the H.P. Institute of Public Administration may conduct courses and workshops on RTI and train master Trainers of various Public Authorities who could further train the functionaries under the Right to Information Act through the Training Institutes run by various departments. For example Revenue Department is running Revenue Training School at Jogindernagar, Panchayati Raj Department is running training institutes at Mashobra/Baijnath, Education Department has DIET in all the Districts, the Forest Department has training school at Chail. H.P. State Electricity Board has Linemen Training Centre at Solan, the Police Department has Training Centers at Bangana and Daroh and Judiciary has Judicial Academy at Shimla where these training courses would be conducted further by the trainers trained at apex institute HIPA.

**Para-3.** Sub-Section (1) of section 26 of the RTI Act, 2005 envisages that the State Government would, to the extent of availability of financial and other resources:-

No comments as it is merely reiteration of the Provision of Section 26 of the RTI Act, 2005.

<p>a) develop and organize educational programmes to advance the understanding of the public, in particular of disadvantaged communities as to how to exercise the rights contemplated under this Act;</p> <p>b) encourage public authorities to participate in the development and organization of programmes referred to in clause (a) and to undertake such programmes themselves;</p> <p>c) promote timely and effective dissemination of accurate information by public authorities about their activities; and</p> <p>d) train Public Information Officers and produce relevant training materials for use by the public authorities themselves.</p>	
<p><b>Para-4.</b> Pursuant to the above provisions of the Act, the Himachal Pradesh Institute of Public Administration Shimla and its Regional/District Training Centers conducted 14 training programmes and workshop for the public Information Officers, appellate Authorities and other officers of the State Government. The Institute had conducted 8 such training</p>	<p>The State Government, in addition to training for Appellate Authorities, PIOs and APIOs as mentioned in Para-2 above has published “A Manual for Public Information Officers, Assistant Public Information Officers, Appellate Authorities and Public Authorities” and “ Guidelines for General Public, on Right to Information Act, 2005 and Himachal Pradesh Right to Information Rules, 2006 “</p>

<p>programmes during 2007-08. While the numbers of training programmes conducted during the year were higher than the number of programmes conducted during the previous year yet keeping in view the number of PIOs and APIOs in the state, the numbers of training programmes organized by HIPA were still on the lower side. As per HP RTI Rules, 2006, the State Government has to spend the fee collected under the RTI Act, 2005 on the propagation of the provisions of the Act and the rules. Hence the Department of Administrative Reforms should ensure that the fee collected under the Act are distributed to the Training Institutes/Public Authorities for conducting adequate training programmes for the PIOs, APIOs and Appellate Authorities in the State.</p>	<p>The Administration Reforms Department, according to observation and recommendations made in this Para has taken-up the matter with the Finance Department. The Finance Department advised into the matter as under:-</p> <p>“विभाग को सुझाव देता है कि विभिन्न प्रकार के प्रशिक्षण हेतु सभी विभागों की मांगों में अलग से नया मानक प्रशिक्षण खोला गया है तथा समुचित प्रावधान भी किया गया है। अतः विभाग प्रस्तुत मामले पर तदनुसार कार्यवाही करे “</p> <p>In view of the above, the Secretary, State Information Commission has been informed accordingly vide letter No. Per(AR)C(1)/2006-Loose dated 18.9.2010.</p> <p>The Departments of HP Government have also been advised to make provision for funding training courses.</p>
<p><b>Para-5.</b> Although appropriate instructions have been issued on several occasions by the State Government to the public authorities regarding publication of material under section 4(1) (b) of the RTI Act, 2005 yet the appellants and complaints as well as the representatives of the Civil Society have pointed out to the Commission, that 4(1) (b) declarations were not available in various offices. It has also been pointed out that inclusion of such declaration in the Annual Reports of various Departments do not serve the purpose of the Act as these declarations generally contain old ;information about the public authority. The Commission in the earlier reports had recommended that declarations u/s 4(1) (b) should also</p>	<p>The State Government has instructed on 23.12.2009 &amp; 26.12.2009; followed by reminder on 5.3.2010 for complying with the recommendations and observations of the Commission as contained in Fourth Report. In the month of June, 2009 Chief Secretary, vide D.O. letter No. PER(AR)A(8)-1/2009 dated 10<sup>th</sup> June,2010 also wrote to all Administrative Secretaries to comply with mandatory Section 4 of R.T.I. Act, 2005. The State Government has also issued directions to all the Administrative Secretaries/Head of Departments/Corporations/Boards &amp; others in Himachal Pradesh to ensure that every District Offices/Public Authorities under their control up-date the information from time to time they have already declared on their respective website or otherwise in compliance of the provisions contained under clause (b) sub-section (1) of Section 4 of the RTI Act, 2005. The availability of the information on the 17 points shall certainly reduce the number of application under the RTI Act, and, in turn, reduce the burden of work relating to disposal-off RTI</p>

<p>be made and published by the district level offices of various public authorities for ensuring transparency in their working. As per provisions of this sub-section, the declarations are required to ;be updated from time to time. Moreover, availability of updated information on the 17 points is likely to reduce the number of RTI applications. Hence, the commission again recommends that the district level offices of various public authorities should be asked to publish the declarations envisaged in this section of the Act. The Departments/Boards/Corporations should also be directed to publish these declarations at the beginning of the year apart from continuing with the existing practice of publishing the declarations in their Annual Reports.</p>	<p>applications. Consequent upon these directions all the Public Authorities have reported being up-dated the information relating to 17 points enumerated under Section 4(1)(b) of the Act <i>ibid</i>.</p>
<p><b>Para-6.</b> The HPRTI Rules 2006 have prescribed that PIOs would maintain Register of RTI applications. This provision ensures that RTI applications get processed within stipulated period. However, the Commission have observed, during the hearings of various appeals and complaints, that the PIOs have not been maintaining such registers with the result that the furnishing of information got delayed in a number of cases. A perusal of some of these Registers showed that proper entries were not being made in them. Although instructions have been issued to the PIOs by the State Government for maintaining such registers on the prescribed Performa yet compliance by PIOs has not been very satisfactory. There is thus a need to devise a system of periodic physical verification of the Registers of RTI applications especially in those</p>	<p>The State Government vide letter No. Per(AR)A(8)3/2009 dated the 10<sup>th</sup> February, 2010 which has been re-iterated vide letter of even number dated the 8<sup>th</sup> March, 2010, to all the Administrative Secretaries/Heads of Departments/Divisional Commissioners/ Deputy Commissioners/ M.Ds Corporations/ Boards/ Chancellors of Universities/Secretary Governor/Vidhan Sabha/HP.Public Service Commission to maintain and enter the particulars of RTI Applications seeking information. These Register are provided at Appendix –I and II in the Rules. The appellant authorities have been requested that periodical inspection of these register may be done by all Appellate Authorities and other higher office of the concerned department.</p>

<p>Departments which receive large number of applications. Such a system can also cover the availability of the list of PIOs, declarations under section 4 (1) (b) and the quarterly/annual Returns in various offices of public authorities. It is, therefore, recommended that the Department of Administrative Reforms should finalize an appropriate Scheme of periodic inspections of the offices of various public authority with a view to ensure proper implementation of the RTI Act, 2005.</p>	
<p><b>Para-7.</b> The Act contains a provision for filing first appeal withy the designated appellate authority of the concerned Department/Corporation etc. so that applicants can get the desired information by approaching the authorities of these Departments/Corporations etc. at district level itself. Almost all public authorities have designated district level functionaries as appellate authorities under the Act. The first appeals are required to be decided between 30 to 45 days. However, it has been observed by the Commission that in a number of cases, the appellate authorities did not decide the first appeal within the period prescribed. Detailed instructions have also been issued by the Department of Administrative Reforms to the appellate authorities for deciding the first appeals within the period prescribed in the Act. There is, however, a need to repeat these instructions to the appellate authorities so that the appellants do not have to approach the State Information Commission. There is a definite need for prescribing maintenance of a Register of 1st</p>	<p>For introduction of First Appeal register for the Appellate Authorities under Right to Information Act, 2005 instruction to all have been issued vide letter No. PER(AR)A(8)-3/2009 dated the 8<sup>th</sup> March 2010, format of the Register.(Copy enclosed)</p> <p>The State government has issued instructions to all concerned vide number Per.(AR)A(3)-1/2008 dated 11.1.2010 to dispose appeal cases under section 19 of RTI Act within the stipulated time and that the appeals are decided in one hearing for the convenience of the public.</p>

<p>appeals by the designated appellate authorities. There is also need for organizing training programmes for the guidance of appellate authorities.</p>	
<p><b>Para-8.</b> Deputy Commissioner Hamirpur has published a Directory of PIOs of different public authorities in Hamirpur District and has circulated the Directory amongst all the offices in the district. This is a commendable initiative for generating awareness about the PIOs/APIOs/Appellate Authorities among the residents of the district. Deputy Commissioner of other districts of the State may also bring out such Directories and make these available in different offices of their districts. Further the details of PIOs, APIOs and designated Appellate Authority of a public authority should be displayed in all its offices in the district as recommended in the earlier annual reports.</p>	<p>The State Government vide letter No.Per(AR) F(7)2/2/2008 dated 19.10.2009 has issued instructions to all the Deputy Commissioners for publication of detailed particulars of PIOs/APIOs and Appellate Authorities. Again vide D.O. letter No.PER(AR)F(10)-1/2006 dated 7.1.2010 brought to the notice of Deputy Commissioners the Directory of PIO, APIO and Appellate Authority brought out by Deputy Commissioner Hamirpur and to do the same by them following this, Deputy Commissioner Chamba and Una have prepared same directory.</p>
<p><b>Para-9.</b> Section 4(1)(a) of the RTI Act, 2005 stipulates that every public authority shall:-</p> <ul style="list-style-type: none"> <li>• maintain all its records duly Catalogued and indexed in a manner and the form which facilitates the right to information under the Act; and</li> <li>• ensure that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a net work all over the country on different systems so that access to such records is facilitated.</li> </ul>	<p>It is merely reiteration of the provision of Section 4 of the Act.</p>



**Para-10.** The above provision of the Act necessitates a critical review of the existing record management practices, record retention schedules for different categories of records and systems of indexing and numbering of records in various public authorities. It may also require changes in legal framework for record management, especially with regard to the creation and deletion of electronic records. Proper cataloguing and indexing of records is critically important for implementing various provisions of the RTI Act, 2005 pertaining to access to information under it. Consequently the Commission had recommended in its earlier Reports that the State Government should take necessary steps including provision of adequate funds for computerizing the records that are appropriate to be computerized and connecting them through a network all over the State in a phased manner within a specified time frame.

The Government instructions vide D.O. letter No. Per (AR) A (8) 3/2009 dated 23.12.2009 followed by reminder of even number dated 5.3.2010, 4.6.2010, 19.6.2010, 4.8.2010 and 17.8.2010 for inter-alia compliance of section 4 of the Act. Most of the Departments/Boards/Corporations have made compliance of the provisions contained under Section 4(1)(a) of R.T.I. Act, 2005.

The State Government has stipulated period inspection of up-dated compliance of the provision of the Act *ibid*.

Further, the following Soft-ware have been designed to access various information under e-Governance, particularly through Common Service Centers located in panchayats:-

Department.	Identified
Social Justice and Empowerment.	<ul style="list-style-type: none"> <li>• Application for disability cards.</li> <li>• Application for senior citizen cards</li> <li>• Availability of all forms at the Lokmitra centres.</li> </ul>
Revenue.	<ul style="list-style-type: none"> <li>• Nakal/Jamabandi</li> <li>• Certificates:- <ul style="list-style-type: none"> <li>0 Himachali Domicile</li> <li>0 Agriculturist</li> <li>0 Caste</li> <li>0 Income.</li> </ul> </li> <li>* Application for Mutation.</li> </ul>

	Election.	<ul style="list-style-type: none"> <li>• Digital Photography Location(DLP)</li> <li>• New Registration for voter id.</li> <li>• Online Modification of voter records</li> </ul>
	Labour & Emp.(EEMS)	<ul style="list-style-type: none"> <li>• Employment exchange registration.</li> <li>• Listing of vacancies.</li> </ul>
	Electricity Board.	* Payment of electricity Bills.
	Transport.	* Learner's licence.
	Public Service Commission.	*Online application for examinations.
	Education Board.	*Online application for examination by private candidates.
	Rural Dev. & Panchayati Raj.	<ul style="list-style-type: none"> <li>• Data entry for MIS of NREGA scheme at the Panchayat level.</li> <li>• Issue the receipts for work demand</li> <li>• MIS generation for Indira Awaas Yojana scheme.</li> </ul>

**Para-11.** The Department of Information Technology has reported that most of the Departments, Corporations and Boards were having their websites. In addition the State has following web based facilities:-

“Refnic, e- Sewa, e- Kosh, e- Samadhan, SMS Gateway, e-Kiosks, e-Pehchan, e- Gazette and E-Tendering etc.”

The Principal Secretary (IT) to the Government of Himachal Pradesh, inter-alia, has been advised accordingly vide D.O. letter No. IT B(15)-1/2010 dated the 8<sup>th</sup> April,2010.

The State Government is in the process of enabling the citizens to provide services through Common Service Centers. Total 3366 Lok Mitra Kendra have already been established in all the 12 Districts of the State in which services relating to Social Welfare, Revenue, Labour & Employment, Election, Service

<p>It has also been reported that all police stations in the State have been computerized. Further IT Department has also reported that it would ensure technical assistance to the Departments for any initiative regarding updation and computerization of records. These are very welcome developments during the year. ;However, the IT Department should play a pro-active ;role instead of limiting itself to provide technical assistance to any Department which seeks its help for computerizing the records. The Commission, therefore, recommends that the IT Department should finalize a time bound plan for the Departments/Corporations of the State Government for critical review of the existing record management practices, record retention schedules and system of indexing of records of different Departments of the State Government. This would enable the PIOs in the State to furnish requisite information to the information seekers within the stipulated period. It is also likely to reduce the number of RTI applications as the information seekers can themselves get the requisite information by accessing the computerized records.</p>	<p>Commission, Education Board and Electricity Board and all other departments have been proposed to be online for providing their respective services. In addition to this the State has launched e-Smadhan for public grievances and demand redressal.</p> <p style="text-align: center;">All the Department have website/e-mail facilities for complying with Section 4 and Section 6 of Right to Information Act, 2005.</p>
<p><b>Para-12.</b> In its earlier reports, the Commission has been recommending reduction of fee for inspection of records but the same has not ;yet been accepted by the State Government. The Commission is still of the view that there is justification for reconsideration of the fee structure for inspection of records and therefore reiterates its earlier recommendation in this regard. The Commission had also recommended in its last report</p>	<p>It was noted that on the recommendations of State Information Commission made in the earlier Reports, H.P. RTI Rules, 2006 were amended and fee for inspection was increased to Rs.20/= from Rs. 10/= for 30 minutes instead of 15 minutes or fraction thereof. Similarly during the financial year 2008-09, Rules were amended and fee for furnishing of documents of A-4 size or smaller has been reduced to Rs. 2/- per page from Rs. 10/- per page. Even in neighboring States of Punjab and Haryana and Central Government, pattern of fee up up-to A-4 size is different and for A-5 and A-6 sizes different fee structure is prescribed,. It is felt that</p>

for reduction of fee for A-5 and A-6 size documents. Keeping in view the prescribed fee of Rs. 2/= per page of A-4 size, the fee prescribed for A-5 and A-6 size paper is rather on very high side. Hence the Commission reiterates its recommendation in respect of A-5 and A-6 size paper/document.

there is not much justification for amending Rules time and again. In view of above, the State Government is not agreed to the recommendations of Commission for reduction in fee prescribed for inspection of documents and reduction of fee for documents of A-5 and A-6 sizes.