

MANUAL OF  
STATE INFORMATION COMMISSION  
HIMACHAL PRADESH

PUBLISHED UNDER CLAUSE 4 (1) (b)  
OF  
THE RIGHT TO INFORMATION ACT, 2005  
(As on 1<sup>st</sup> January, 2023)

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# State Information Commission Himachal Pradesh

## **Section 4(1)b(i) Particulars of the Organisation, functions and duties.**

Name of Office:- State Information Commission, Himachal Pradesh

Address:- Keonthal Commercial Complex, Khalini, Shimla-2

Phone & Fax No.:- 0177-2620166, 2620188, 2629894, 2621529

State Chief Information Commissioner:- Sh. R.D. Dhiman, IAS(Retd.)

State Information Commissioner:- Dr. S.S. Guleria, IAS(Retd.)

State Information Commission Himachal Pradesh:- The State Information Commission, Himachal Pradesh acts as friend, philosopher and guide to the people of the Pradesh in the exercise of their right to Information and to the public authorities in the discharge of their duties to make information accessible to the people. The key function of the Information Commission is to enquire into the complaints of people and hear appeals under the RTI Act, 2005, guide public authorities about the implementation of the Act.

The Himachal Pradesh State Information Commission was constituted by the State Government on 4th February, 2006 in exercise of powers conferred by sub section (1) of section 15 of the Right to Information Act, 2005. The Commission started functioning with effect from 1st March, 2006 with headquarters at Shimla, on the assumption of the office of State Chief Information Commissioner, Himachal Pradesh by Shri P.S. Rana. After his retirement on 28<sup>th</sup> February, 2011, Sh. Bhim Sen assumed the office of the Chief Information Commissioner on 25<sup>th</sup> March, 2011 who retired on 24<sup>th</sup> March, 2016. Thereafter State Government appointed Shri Narinder Chauhan as State Chief Information Commissioner on 28.06.2017 who retired on 30<sup>th</sup> June, 2022. Sh. R.D. Dhiman has assumed the office of the State Chief Information Commissioner on 1<sup>st</sup> January, 2023.

## The powers and duties of its officers and employees;

I As per provisions of Section 15(4) of the RTI Act, 2005, the general superintendence, direction and management of the affairs of the State Information Commission vest in the State Chief Information Commissioner who shall be assisted by the State Information Commissioners and exercises all such powers and do all such acts and things which are to be exercised or done by the State Information Commission autonomously without being subjected to directions by any other authority under the Act.

II Section 18 of the Act spells out the powers and functions of the State Information Commission as under:

1) It shall be the duty of the State Information Commission to receive and inquire into a complaint from any person;

(a) who has been unable to submit a request to a Public Information Officer either by reason that no such officer has been appointed under this Act, or because the Assistant Public Information Officer has refused to accept his or her application for information or appeal under the Act for forwarding the same to the Public Information Officer or Appellate Authority or the State Information Commission as the case may be;

(b) who has been refused access to any information requested under the Act;

(c) who has not been given a response to a request for information or access to information within the time limit specified under the Act;

(d) who has been required to pay an amount of fee which he or she considers unreasonable;

(e) who believes that he or she has been given incomplete misleading or false information under the Act; and

(f) in respect of any other matter relating to requesting or obtaining access to records under the Act.

2) Where the State Information Commission is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof.

3) The State Information Commission shall, while inquiring into a complaint, 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 matters such as 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; requiring the discovery and inspection of documents; receiving evidence on affidavit; requisitioning any public record or copies thereof from any court or office; issuing summons for examination of witnesses or documents; and any other matter which may be prescribed.

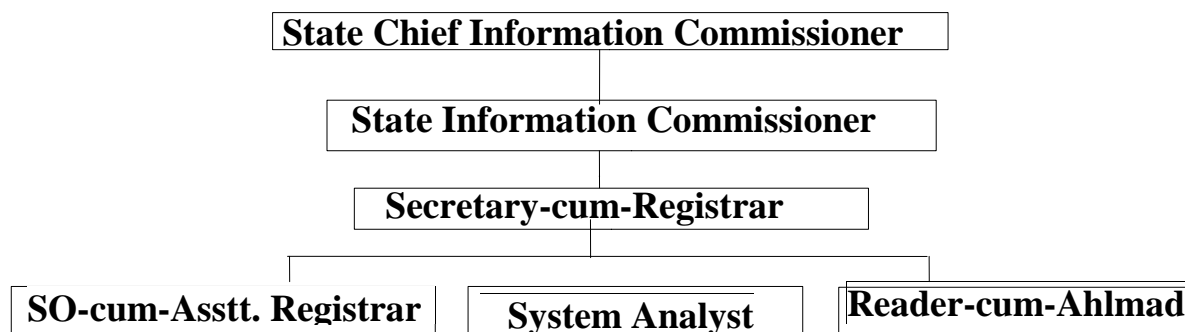
4) Notwithstanding anything inconsistent contained in any other Act of Parliament or State Legislature, as the case may be, the State Information Commission may during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the public authority, and no such record may be withheld from it on any grounds.

III State Government has sanctioned 34 Posts out of which 22 posts have been filled up. A list of posts sanctioned and filled up are as under:-

<b>Sr. No.</b>	<b>Designation of the posts</b>	<b>Pay scale of the post</b>	<b>No. of posts sanctioned</b>	<b>No. of posts filled</b>
1.	State Chief Information Commissioner	2,25,000/- plus allowances.	1	1
2.	State Information Commissioner	2,25,000/- plus allowances.	1	1
3.	Secretary (IAS/HAS) to the Commission	in their own pay scale	1	1
4.	Section Officer	15600-39100+ Rs. 5400	1	--
5.	Private Secretary	15600-39100+ Rs. 5400	2	--
6.	System Analyst	15600-39100+ Rs. 5400	1	1
7.	Reader-cum-Ahalmad	15600-39100+ Rs. 5400	2	2
8.	Senior Assistant	10300-34800+ Rs. 4400	2	2
9.	Clerk	10300-34800 +Rs.3200	2	--
10.	Clerk -cum- Data Entry Operator	10300-34800 +Rs.3200	2	2
11.	Personal Assistant	10300-34800 + Rs. 4800	4	--
12.	Junior Scale Stenographer	5910-20200 + Rs. 2800	4	4

13.	Supervisor (Staff Car)	5910-20200 + Rs. 2400	1	--
14.	Driver	5910-20200 + Rs. 2400	2	1
15.	Process Server	4900-10680 + Rs. 1650	1	1
16.	Chowkidar	4900-10680 + Rs. 1650	1	1
17.	Peons	4900-10680 + Rs. 1650	5	3
18.	Frash-cum-Mali	4900-10680 + Rs. 1650	1	--
19.	Sweeper	4900-10680 + Rs. 1650	1	1
		<b>Total</b>	<b>35</b>	<b>21</b>

#### IV Oraganisation Chart of the State Information Commission



#### Section 4(1)b(ii)

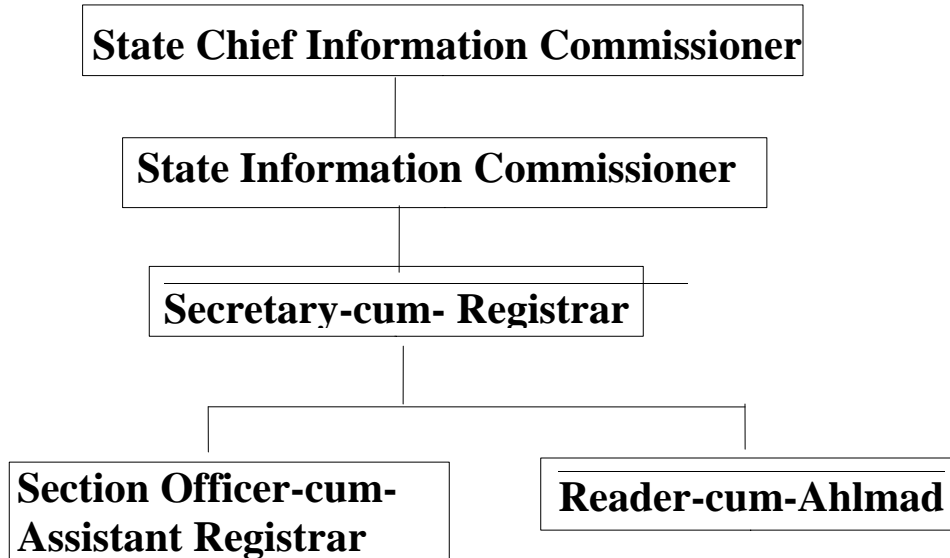
#### **Powers and duties of officers and employees.**

<u>Sr.No.</u>	<u>Designation</u>	<u>Power and duties</u>
1.	State Chief Information Commissioner	General superintendence, directions and management of affairs of the State Information Commission which receives complaints and appeals under the RTI Act, 2005. Decides appeals and complaints
2.	State Information Commissioner	Cognizance of appeals & complaints and their disposal.
3.	Secretary-cum-Registrar	Administration and financial control in the Commission and to provide assistance to the State CIC.
4.	Private Secretary to the State CIC	Secretarial assistance and any other work assigned by State CIC

5. Private Secretary to the State Information Commissioner  
Secretarial assistance and any other work assigned by State IC
6. Reader-cum-Alhmad  
Processing of appeals and complaints received in the Commission and carry out any other work assigned by the State CIC.
7. Section Officer-cum-Assistant Registrar  
To assist the Secretary for Administrative, financial matters and other matters of the Commission.
8. Personal Assistant  
To assist the Private Secretary and carry out any other work assigned by the Officer in charge of the Commission.
9. Senior Assistant  
To provide assistance to the officers and carry out any other work assigned by supervisory officers of the Commission.
10. Clerks  
Diary/ Despatch work, typing work and any other work assigned by the supervisory officers of the Commission.
11. Peon  
To carry and deliver dak, ensure cleanliness in office premises and carry out any other work assigned by the supervisory officers of the Commission.
12. Sweeper  
To sweep the office and carry out any other work assigned by supervisory officers of the Commission.

**Section 4(1)b(iii) Procedure followed in the decision-making process, including channels of supervision and accountability.**

1. The Channel of supervision in the State Information Commission is as under:-



2. Procedure followed in the appeals and complaints received in the Commission under the RTI Act, 2005.

The Commission receives the complaints under Section 18 of the RTI Act, 2005. A complaint, on receipt, is placed before the State Chief Information Commissioner (CIC) who may assign the complaint to the State Information Commissioner (IC). The CIC/IC, as the case may be, order an inquiry or such other action as he deems fit. The CIC/IC may seek comments of the public authority and/or the PIO against which complaint has been received and take a suitable decision as per the provisions of the Act.

The Commission receives appeals against the orders of SPIO under Section 19 of the RTI Act, 2005. An appeal, on receipt, is placed before the State Chief Information Commissioner who may assign the same to the State Information Commissioner (IC). The CIC/IC may dispose the same after hearing the SPIO. The applicant is generally invited to present his/her case if he/she desires. If the Commission sees merit in the SPIO's arguments in denying information sought, the appellant shall be given an opportunity to present his case in person or through any person appointed in this regard before the Commission takes a final decision.

Sr. No.	Details of Activity in the Commission	Decision making process	Authority Responsible for that activity
1	Complaints under Sec.18	<p><b>Stage 1:</b> CIC may assign a complaint to IC or Full Bench.</p> <p><b>Stage 2:</b> Comments of SPIO sought as per directions of CIC/IC.</p> <p><b>Stage 3 :</b> Further Inquiry or Hearing as per the direction of CIC/IC.</p> <p><b>Stage 4:</b> Final Order</p>	<p><b>Stage 1:</b> Secretary-cum-Registrar or the Reader may seek comments and place it before the CIC/IC for further orders.</p> <p><b>Stage 2 and 3:</b> as per the directions of SCIC.</p>
2	Appeals under section 19	<p><b>Stage 1:</b> CIC may assign a complaint to IC or Full Bench.</p> <p><b>Stage 2:</b> Hearing as per the direction of CIC/IC.</p> <p><b>Stage 3:</b> Final Decision.</p>	<p><b>Stage 1:</b> As per orders of CIC/IC, Secretary-cum-Registrar or the Reader may issue letter/notice to SPIO and appellate authority for hearing.</p> <p><b>Stage 2:</b>As per the directions of CIC/IC.</p>
3	Procuring Goods and Services for the Commission	As per General Financial Rules and Delegation of Financial Powers Rules (DFPR).	Secretary-cum-Registrar of the Commission.
4	General Administration of the Commission		As per delegation of Administrative powers.

**Section 4(1)b(iv) The norms set by it for the discharge of its functions;**

**And**

**Section 4(1)b(v) The rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions.**

1) The State Information Commission, Himachal Pradesh performs its functions as per provisions made in the RTI Act, 2005 read with the Himachal Pradesh RTI Rules, 2006/Himachal Vidhan Sabha Secretariat Right to Information (Regulation of Fee & Cost) Rules, 2006/ The High Court of Himachal Pradesh Right to Information Rules, 2005.

2) The Commission has decided in the year 2011 to mark/ categorize the dak received in the Commission as Appeal (A), Complaint (C), Response (R) & General (G) on the following basis:



1	Appeals	‘A’	The petitions being filed by citizens/appellants as per relevant HPRTI Rules/ u/s 19 of the RTI Act.*
2	Complaints	‘C’	The petitions/complaints u/s 18 as per relevant HP RTI Rules.**
3.	Responses	‘R’	The responses being received from PIO’s/other officers/citizens w.r.t. to the ongoing inquires/appeals before the Commission will be marked to Reader of Court-I/Court-II as the case may be.
4	General	‘G’	All the papers except mentioned at Sr. No. (1),(2) and (3) above will be marked as ‘G’ and further marked to General Section for disposal.

\* The petitions filed by citizens/appellants as per relevant HPRTI Rules/ u/s 19 of the RTI Act are considered as appeal.

\*\* The petitions/complaints u/s 18 are registered as such on the following grounds:-

- (i) Where no Public information Officer has been appointed by the Public Authority.
- (ii) Where it is claimed that a particular organization is not covered by the Right to Information Act, 2005.
- (iii) Where there is only issue to be considered in the imposition of penalty on account of delayed disposal of an RTI application.

All the above categorized dak/ papers computerized at office diary level and distributed among the sections concerned. This system lead to transparency and accountability of the respective sections besides ensuring effective monitoring and easy access of information to the citizens seeking information from the sections concerned of the Commission.

3) There is no time limit fixed in the Act for disposal of second appeals and complaints received by the Commission. However, the Commission has been disposing off such matters expeditiously.

4) The Commission carries out its administration, procures goods and services as per provisions of the RTI Act, 2005 and the relevant rules and regulations of the State Government as adopted by the Commission.

5) Website of State Information Commission is updated till 7<sup>th</sup> day of every month.

**Section 4(1)b(vi) A Statement of the categories of documents that are held by it or under its control:-**

- 1) The files dealing with complaints received under section 18 of RTI Act, 2005.
- 2) The files dealing with appeals received under section 19 of RTI Act,2005.
- 3) Files advising the applicants and public authorities to take action as per provisions of the Act for ensuring furnishing of the desired information expeditiously.
- 4) Personal files of staff working in the State Information Commission.
- 5) Accounts files regarding expenditure incurred out of the budget allocated to the State Information Commission.

**Section 4(1)b(vii) The particulars of any arrangement that exists for consultation with or representation by the members of the public in relation to the formulation of its policy or administration thereof;**

The main function of the State Information Commission is to implement the provisions of the RTI Act, 2005 relating to the setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities and promote transparency and accountability in the working of every public authority. All hearing of complaints and appeals are open to the public.

**Section 4 (1)b(viii)**

**Statement of the boards, councils committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public.**

No boards/councils/ committees have been set up to advise the State Information Commission.

**Section 4(1) b(ix) A directory of its officers and employees.**

Sr. No.	Name and Designation	Residence Address	Telephone Nos.	
			Office	Res.
1.	Sh. R.D. Dhiman, IAS(Retd.) State Chief Information Commissioner	House No. 3, Type-VI, Officers Colony, Kasumpti, Shimla-9	2620166	-----
2.	Dr. S.S. Guleria, IAS (Retd.) State Information Commissioner	House No. 15, Type-VI, G-Block, IAS Colony, Kasumpti, Shimla-9	2620188	2626647
3.	Dr. Sonia Thakur, HAS Secretary-cum-Registrar	-----	2629894	-----
4.	Sh. Jagdish Gupta, Reader-cum-Ahlmad	Block No A-5 Set No. 39 SDA Colony Vikas Nagar, Kasumpti, Shimla-9	2621529	2671355
5.	Sh. R.B.S. Negi, Reader-cum-Ahlmad	Hurum Bhawan, Behind JCB School, Khalini, Shimla-2	2621529	-----
6.	Sh. Rajeev Sharma, System Analyst	Verma Niwas, New Dhar Colony, Tutikandi, Shimla-5	2621529	----
7.	Smt. Sanjay Kumari Thakur, Sr. Asstt.	Chandel Bhawan Village Kelti P.O. A.G. Office, Shimla - 171003	2621529	2655440
8.	Smt. Shaida, Sr. Asstt.	Summer Lead Road, Prateeksha Cottage, Near Taksal House, Shimla-9	2621529	---
9.	Shri Rajinder Singh Thakur, Driver	C-10, Type-II, Old MLA Quarters, Tuti Kandi, Shimla - 171 005	2620166	----
10.	Shri Devinder Kumar Kashyap, Peon	Kashyap Niwas, Sector-2, New Shimla - 171 009	2620166	----
11.	Shri Yashpal, Sweeper	Victoria Palace, Nigam Vihar, Shimla-171002	2621529	----
12.	Shri Sadik Mohammad, Chowkidar	Durga Niwas, Majitha House, Shimla - 171 002	2621529	----

**Section 4(1)b(x) The monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations.**

Sr. No.	Nomenclature of post	Sanctioned pay scale
1.	State Chief Information Commissioner	2,25,000/- plus allowances
2.	State Information Commissioner	2,25,000/- plus allowances
3.	Secretary-cum-Registrar	In their own pay scale plus allowances as sanctioned to the State Govt. employees of their grade.
4.	Section Officer-cum-Assistant Registrar	15600-39100+ Rs. 5400
5.	Systems Analyst	15600-39100+ Rs. 5400
6.	Private Secretary	15600-39100 + Rs. 5400
7.	Reader-cum –Ahlmad	15600-39100+ Rs. 5400
8.	Personal Assistant	10300-34800 + Rs. 4800
9.	Sr. Assistant	10300-34800+ Rs. 4400
10.	Clerk	10300-34800 + Rs. 3200
11.	Supervisor (Staff Car)	5910-20200 + Rs. 2400
12.	Driver	5910-20200 + Rs. 2400
13.	Peon	4900-10680 + Rs. 1650
14.	Sweeper	4900-10680 + Rs. 1650
15.	Frash-cum-Mali	4900-10680 + Rs. 1650
16.	Chowkidar	4900-10680 + Rs. 1650

**Section 4(1)b(xi) The budget allocated to each of its agencies, indicating the particulars of all plans, proposes expenditures and reports on disbursement made.**

The State Govt. made the following provisions in the Head of Account 2070-Other Administrative Services-Non Plan for the current year 2022-2023:-

Salary	17027000
Travel Expenses	30000
Office Expenses	529000
Medical Reimbursement	195000
Rent, Rates & Taxes	40000

Advertisement & Publication	1000
Motor Vehicle	1213000
Professional & Special Services	70000
Maintenance	28000
Hospitality & Entertainment	45000
Furnishing	1000
Training	315000
Other Charges	460000
Motor Purchase	1000
Remuneration to Outsource Employees	1073000
Transfer Expenses	10000
<b>Grand total</b>	<b>21038000</b>

**Section 4(1)b(xii) The manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;**

The State Information Commission does not implement any subsidy programme. Consequently there is no list of beneficiary of any such programme.

**Section 4(1)b(xiii) Particulars of recipients of concessions, permits or authorization granted by it.**

The Commission does not provide any concession, permit or authorization.

**Section 4(1)b(xiv) Details in respect of the information, available to or held by it reduced in an electronic form;**

Nil. However, the RTI Act, 2005, Himachal Pradesh RTI Rules, 2006, Himachal Pradesh State Information Commission (Management) Regulations, 2008, decisions of appeals and complaints filed in the Commission, cause list of appeals & complaints are available on the website <http://hp.gov.in/sic>

**Section 4(1)b(xv) The particulars of facilities available to the citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;**

The State Information Commission has not set up any library or a reading room. However, knowledge of RTI Act, State Information Commission (Management) Regulations, manual of State Information Commission, downloads as prescribed under RTI Act, 2005, case status of Appeal/ Complaint, cause list of State Information Commission, decisions of State Information Commission, Annual Reports of State Information Commission are available on the website <http://hp.gov.in/sic>. Besides that the officers of the Commission are available on phone or in person at the office of the Commission from 10 am to 5 pm on all working days. The information about the Commission can also be obtained as per provisions of the RTI Act, 2005

**Section 4(1)b(xvi) The names, designations and other particulars of the Public Information Officers.**

The State Information Commission has designated the following officials as State Appellate Authority, State Public Information Officer and State Assistant Public Information Officer:-

<b>Sr. No.</b>	<b>Designation</b>	<b>Office Address</b>	<b>Telephone No. (Office)</b>	<b>Designated as</b>
1.	Secretary, State Information Commission, H.P.	Keonthal Commercial Complex, Khalini, Shimla -171002	0177-2629894	State Appellate Authority
2.	Section Officer, State Information Commission, Himachal Pradesh	Keonthal Commercial Complex, Khalini, Shimla -171002	0177-2621529	State Public Information Officer
3.	Reader-cum-Ahlmad to the State Chief Information Commissioner, Himachal Pradesh	Keonthal Commercial Complex, Khalini, Shimla -171002	0177-2621529	State Assistant Public Information Officer.

**Section 4(1)b(xvii) Such other information as may be prescribed .**

-Nil-