Eighth
ANNUAL REPORT

ON

IMPLEMENTATION OF THE RTI ACT, 2005
{APRIL 1, 2012 TO MARCH 31, 2013}

STATE INFORMATION COMMISSION
HIMACHAL PRADESH

Majitha House
Shimla-171002

Telephone: 0177-2620166, 2620188, 2629894
Telefax: 0177-2621529
E-mail: scic-hp@nic.in

Index

Chapters

Chapter No.	Subject	Page No.
1.	The Right To Information Act, 2005 And The HP RTI Rules, 2006.	1-6
2.	Role And Responsibilities Of The Himachal Pradesh State Information Commission.	7-11
3.	Disposal Of Applications/ Appeals By the Public Information Officers/ First Appellate Authorities of various Public Authorities in Himachal Pradesh During the Year 2012-13	12-20
4.	Implementation Of The Act (Disposal Of Appeals And Complaints By HP State Information Commission During the Year 2012-13)	21-23
5.	Implementation of the RTI Act, 2005 During Past Eight Years	24-29
6.	Use of Information Technology and New Initiatives Taken by State Information Commission	30-31
7.	State Information Commission: Glimpse of Important Statistics	32-35
8.	Observations and Recommendations	36-42

CHAPTER–1

The Right To Information Act, 2005 And The HP RTI Rules, 2006.

The Right to Information Act, 2005 was enacted by Indian Parliament on 15th June, 2005. It came into force on 12th 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 organizations. 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 provided in the Act itself.

The Right to Information Act, 2005:

2. The salient features of the RTI Act, 2005 can be summarized as under:-

(i) Any Indian citizen can seek information from any public authority without specifying any reason for seeking the same.

(ii) The decision of Raj Narain case and consultation process in the appointment of judges case have recognized that the right of citizens to obtain information on matters relating to public acts flows from the fundamental right enshrined in Article 19 (1) (a) of the constitution.

(iii) 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.

(iv) 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.

(v) The Public Information Officers have to issue reasoned orders while rejecting requests of applicants. Similarly, the Appellate Authorities have also to pass

well reasoned and speaking orders while deciding the appeals within specified period.

(vi) Time is of essence for providing information.

(vii) It fixes up the accountability of the public authorities by way of imposition of penalty in case of default.

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;

(i) '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 foregin 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 indentify 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;

Himachal Pradesh Right to Information Rules

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 21st January, 2006. **"The Himachal Vidhan Sabha Secretariat Right to Information (Regulation of Fee & Cost) Rules, 2006"** were notified on 15th June, 2006 and "**The High Court of Himachal Pradesh Right to Information Rules, 2005"** were notified on 30th 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 1st September, 2008.

13. Section 25 (4) of the RTI Act, 2005 empowers 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 Eighth Report on the implementation of the Right to Information Act, 2005 in the State of Himachal Pradesh during the year 2012-13 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.

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 4th February, 2006 by the Department of Administrative Reforms of the Government of Himachal Pradesh. The Commission started functioning with effect from 1st March, 2006 with its headquarters at Shimla, on the assumption of the office of State Chief Information Commissioner, Himachal Pradesh by Shri P.S. Rana as the first Chief Information Commissioner, Himachal Pradesh. The Secretariat administration of the State Government provided secretarial staff and other support to the Himachal Pradesh State Information Commission right from 1st March, 2006 and thereafter. The Commission functioned as a single member body upto 1st July, 2007 and thereafter, Sh. S.S.Parmar joined as State Information Commissioner on 2nd July, 2007. After the retirement of Shri P.S. Rana on 28th February, 2011, Sh. Bhim Sen assumed the office of the Chief Information Commissioner on 25th March, 2011 and after the retirement of Shri S.S. Parmar on 5th June, 2012, Sh. K.D. Batish assumed the office of the State Information Commissioner on 8th June, 2012. State Government has provided ground floor of Majitha House, Shimla-2 to house the office of State Information Commission during the year under report.

2. During the financial year 2012-13, a sum of ₹ **1,58,70,000/-** 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	12211000	12211378
03	Travel Expenses	209000	209493
05	Office Expenses	1276000	1275687
06	Medical Reimbursement	187000	187130
07	Rent, Rates & Taxes	37000	37068
10	Hospitality & Entertainment	56000	55996

12	Professional & Special Services	234000	234300
15	Training	400000	400000
20	Other Charges	212000	211811
30	Motor Vehicle	1048000	1048221
	Grand Total	**15870000**	**15871084**

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 posts created**
1.	Chief Information Commissioner	90,000/-	1
2.	State Information Commissioner	80,000/-	1
3.	Secretary (IAS/ HAS)	in their own pay scale	1
4.	Section Officer	15600-39100+ ₹ 5400	1
5.	Private Secretary	15600-39100+ ₹ 5400	2
6.	System Analyst	10300-34800+ ₹ 5400	1
7.	Reader-cum-Ahalmad	10300-34800+ ₹ 5000	2
8.	Personal Assistant	10300-34800 + ₹ 4800	4
9.	Senior Assistant	10300-34800+ ₹ 4400	2
10.	Clerk-cum-Computer Operator	10300-34800+ ₹ 3200	4
11.	Junior Scale Stenographer	5910-20200 + ₹ 2800	1
12.	Driver	5910-20200 + ₹ 2400	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 powers and duties of officers and employees of the Himachal Pradesh State Information Commission are as under:-

Sr.No.	Designation	Power and duties
¡	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.

CHAPTER-3

Disposal of Applications/ Appeals by the Public Information Officers/ First Appellate Authorities of various Public Authorities in Himachal Pradesh During the Year 2012-13

Sections 6, 7, 11 of the RTI Act, 2005, read with HP RTI Rules, 2006 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, 61,202 applications were filed in the offices of 110 public authorities of the State Government for seeking information under the Act during 2012-13. The details of applications received, applications rejected, appeals filed, fee collected etc. by these 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	Number of cases where penalty was imposed by the Commission	Amount of fee collected
1.	Governor Secretariat	41	---	---	---	---		1364
2.	H.P. High Court	1138	679	25	2	---		111122
3.	State Election Commission	195						4960
4.	State Information Commission	59		1				676
5.	State Women Commission				1	Annual Report not submitted by the Public Authority		
6.	Public Service Commission	922		24	9			41634
7.	HP State Legal Services	8						155
8.	H.P.S.S.S. Board Hamirpur	2027	90	26	6			36400
9.	Divisional Commissioner Shimla	54						4918

10.	Divisional Commissioner Kangra	77			1			1020
11.	Divisional Commissioner Mandi	109						6294
	Himachal Pradesh Secretariat							
12.	Administrative Reforms	12						405
13.	General Administration	132			1			6164
14.	Fisheries	1						10
15.	Urban Development	54						1492
16.	Animal Husbandry	20						810
17.	Home				3	Annual Report not submitted by the Public Authority		
18.	Vigilance				1	Annual Report not submitted by the Public Authority		
19.	Irrigation & Public Health	49						1277
20.	Personnel	200			1			9367
21.	Finance	290		10	2			8008
22.	Revenue	385		3				15298
23.	Health	174						3340
24.	Labour & Employment	12						405
25.	Law	17		4				407
26.	Secretariat Administration				3	Annual Report not submitted by the Public Authority		
27.	Excise & Taxation	30		4				2897
28.	Co-operative	15						570
29.	Non-Conventional Energy Sources	6	1					530
30.	Horticulture	14						718
31.	Tourism	21						563
32.	Sainik Welfare	8						80
33.	Technical Education	30						1238

34.	Controller (Finance & Accounts)	10						1501
	Administrative Departments							
35.	Agriculture	142		10	3			2720
36.	Animal Husbandry	321		5				7283
37.	Ayurveda	107		32				15908
38.	Police	5476	31	48	11			109590
39.	Co-operative	1052	1	35	5	1	1	40450
40.	Elementary Education	3569		133	18		1	54014
41.	Information Technology	27		2	3			224
42.	Technical Education	242		2	2			14087
43.	Excise & Taxation	590	3	14	5			9649
44.	Fisheries	64						1440
45.	Food & Civil Supplies	470		2	5			17819
46.	Forest Farming & Conservation				15	1	Annual Report not submitted by the Public Authority	
47.	Health and Family Welfare	338		58	15			11526
48.	Treasuries, Lotteries & Accounts				2	Annual Report not submitted by the Public Authority		
49.	Election	195						4960
50.	SV&ACB HP(Police)				1	Annual Report not submitted by the Public Authority		
51.	Horticulture	312		5	1			9500
52.	Industries	885	1	8	3			21913
53.	Science & Technology				1	Annual Report not submitted by the Public Authority		
54.	Irrigation & Public Health	2083	18	37	19	2		63131
55.	Economics & Statistics	36						470
56.	Labour & Employment	472		9	1			17549
57.	Consolidation of Holdings	41						685

58.	Land Records	44						1001
59.	Printing & Stationery	40		1				1534
60.	Information and Public Relations	59			1			1288
61.	Rural Development & Panchayati Raj	6649	2	165	52	5	3	121232
62.	Settlement (Shimla)	445		11	9			17109
63.	Settlement (Kangra)	425		18				12863
64.	Women & Child Development	1719	80	12	1			29905
65.	Tourism & Civil Aviation	149		5	1			5065
66.	Public Works	5264	393	113	33		2	105355
67.	Tribal Development	22						600
68.	Town & Country Planning	473		3				17737
69.	Transport	1076		8	2			22947
70.	Urban Development	2645	77	112	7			38209
71.	Higher Education				50	9	1	Annual Report not submitted by the Public Authority
72.	Medical Education & Research	427		19	1			5971
73.	Planning	95						2089
74.	Fire Services	33			1			684
75.	Electrical Inspectorate	16						883
76.	Language Art, Culture	6			1		1	296
77.	Sainik Welfare	20						143
78.	State Forensic Science Lab	40		1				672
79.	Local Audit	14						4689
	Deputy Commissioners							
80.	Bilaspur	1416			7		1	19633

81.	Chamba	922		32	5			12312
82.	Hamirpur	1126		11	8			25953
83.	Kangra	1555		22	7	1	1	26308
84.	Kinnaur	241		1				5835
85.	Kullu	862		14				14626
86.	Mandi	2330		75	7			37767
87.	Shimla	1314		1	12			24250
88.	Sirmour	689		18	3			12959
89.	Solan	1282			9	1		23146
90.	Una	1343		7	2		2	20354
91.	Lahaul & Spiti	100						1137
	Corporations							
92.	Financial Corporation	57	11	7	1			1514
93.	Forest Corporation	745	1	13	7			14557
94.	General Industries Corporation	7	1					145
95.	H.P.M.C.	53		3	1			2294
96.	HP Small Industries& Export Corporation	32	1					2950
97.	Kangra Central Co-operative Bank Ltd.				1	Annual Report not submitted by the Public Authority		
98.	Tourism Development Corporation	97			3			6395
99.	HP State Civil Supplies Corporation Ltd.	200	3	6				3848
100.	Municipal Corporation, Shimla				10		1	Annual Report not submitted by the Public Authority
101.	HRTC	1030			2			29602
102.	HIMURJA				1	Annual Report not submitted by the Public Authority		

103.	Cooperative Milk Producers Federation	30						956
104.	Handicrafts & Handloom Corporation	18			1			1131
105.	HP Minorities Finance and Development Corporation	13						434
106.	Power Corporation	280		7				6117
107.	Power Transmission	24						1246
108.	HP State Cooperative Bank				1	Annual Report not submitted by the Public Authority		
109.	HP State Electronics Development Corporation	9						170
110.	HP Council for Child Welfare	10						350
111.	HP State Council for Women	20						410
112.	State Council for Science , Technology & Environment	19						635
113.	HP Seeds & Organic Produce Certification Agency	1						10
114.	Ex-Serviceman Corporation Cell	45						3575
115.	HIMFED				2	Annual Report not submitted by the Public Authority		
	Boards							
116.	Khadi & Village Industries Board	44						881
117.	HPSEBL	1719		30	9		1	47670
118.	H.P. Board of School Education	615		2				14723
119.	HP Takniki Shiksha Board	27						7024
120.	HIMUDA				7	Annual Report not submitted by the Public Authority		
121.	Wool Federation	9						790
122.	Marketing Board	256		1				2260
123.	HP State Welfare Board	19						189
124.	SJVNL				2	Annual Report not submitted by the Public Authority		

	Universities							
125.	HP University, Shimla				13	Annual Report not submitted by the Public Authority		
126.	Dr. Yashwant Singh Parmar University of Horticulture & Forestry, Nauni(Solan)	154	3	2	3			5923
127.	CSK HP Krishi Vishwa Vidyalaya Palampur	296		14	4			9062
	Total	**61202**	**1396**	**1232**	**427**	**20**	**15**	**1445954**

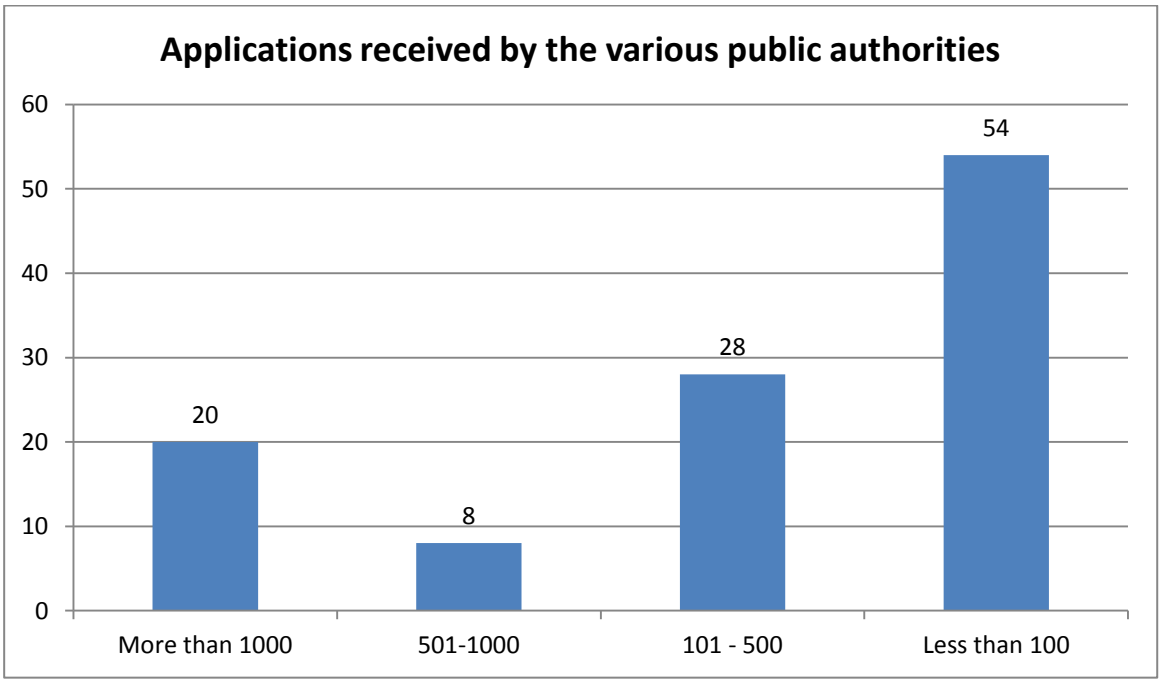
Note: Out of above mentioned 127 Public Authorities, only 110 Public Authorities furnished the annual reports.

2. The above table clearly shows that the Public Information Officers of various public authorities in the state furnished the information to all the applicants except in 1396 cases where the applications were rejected. Thus only 2.3% of the total applications were rejected by the PIOs.

3. The public authorities have reported that most of the 1396 applications were rejected under section 8 of the RTI Act, 2005. The table above also shows that number of first appeals is also less than 1.9% of the total applications. The Himachal Pradesh State Information Commission received 451 appeals as against 1232 first appeals filed with the designated Appellate Authorities. In addition, the Commission also received 693 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 1120 appeals/complaints as against a total of 61,202 RTI applications filed with various public authorities during the year. The number of appeals/complaints received in the Commission is approximately 1.8% 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 2012-13 has been quite satisfactory.

4. The table below gives the break-up of applications received by various public authorities in the state during the year 2012-13:-

Sr. No.	Public Authorities which received	Number
i	More than 1000 RTI applications	20
ii	501 to 1000 RTI applications	8
iii	101 to 500 RTI applications	28
iv	Less than 100 RTI applications	54
	Total number of public authorities which submitted the annual reports	**110**



5. Out of the total of 110 public authorities which submitted the annual reports during the year, 20 public authorities of them received more than 1000 applications, 8 of them received 501 to 1000 applications, 28 of them received 101 to 500 applications and the remaining 54 public authorities received less than 100 applications. Twenty public authorities namely the HP High Court, Cooperative Department, DC Offices Bilaspur, Hamirpur, Kangra, Mandi, Shimla, Solan, Una, Transport Department, Elementary Education Department, IPH Department, Police Department, Public Works Department, Rural Development Department & Panchayati Raj Department, Women and Child Development Department, Urban Development Department, HPSEBL,

HP Subordinate Services Selection Board, Hamirpur, and HRTC received more than 1000 applications during the year. It has been observed that a total of 59,573 applications out of 61,202 applications i.e. approximately 97 percent of the total applications were received by 56 public authorities. The remaining 54 public authorities received approximately 3 percent of the total applications. Further, a fee of ₹14,45,954/- has been collected by various public authorities during the same period.

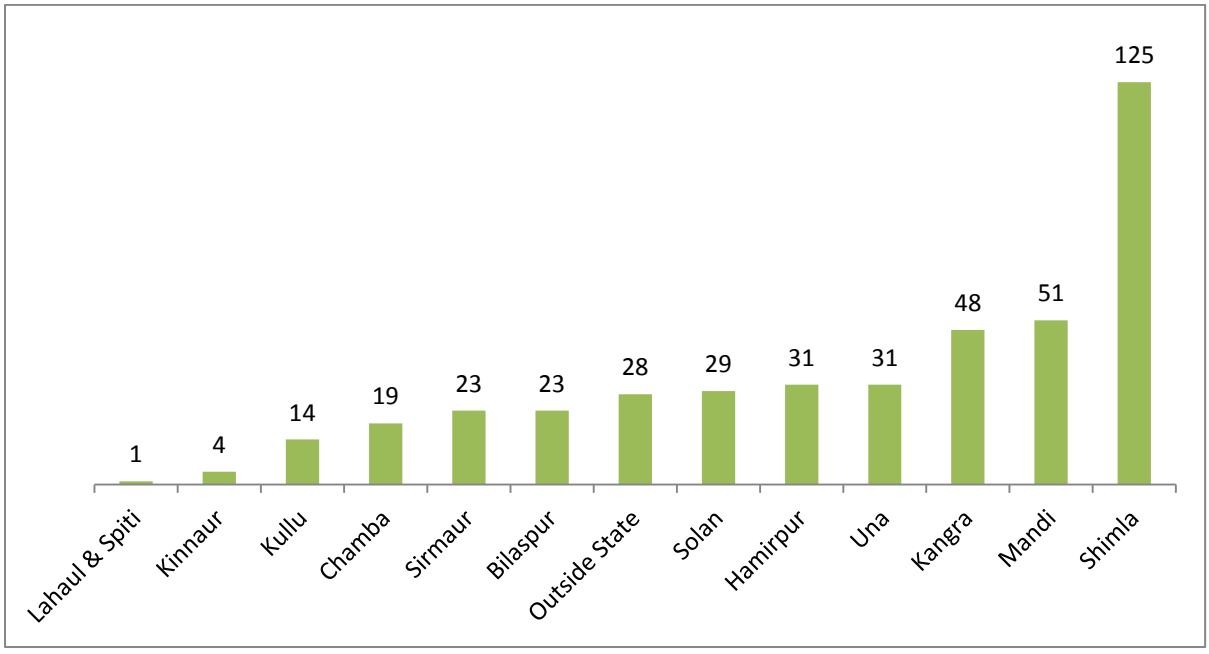
CHAPTER–4

Implementation of The Act

(Disposal of appeals and complaints by the Himachal Pradesh State Information Commission during the Year 2012-13)

The HP State Information Commission received 427 appeals from various appellants residing in 12 districts of the State and outside the State against the decisions of Public Information Officers/first Appellate Authorities during the year 2012-13. 224 of these appeals were filed by appellants residing in three districts of Shimla, Mandi and Kangra. The remaining 203 appeals were received from residents of the remaining districts and from outside the State. 112 appeals were pending as on 01.04.2012 in addition to 427 appeals received during the year 2012-13. 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



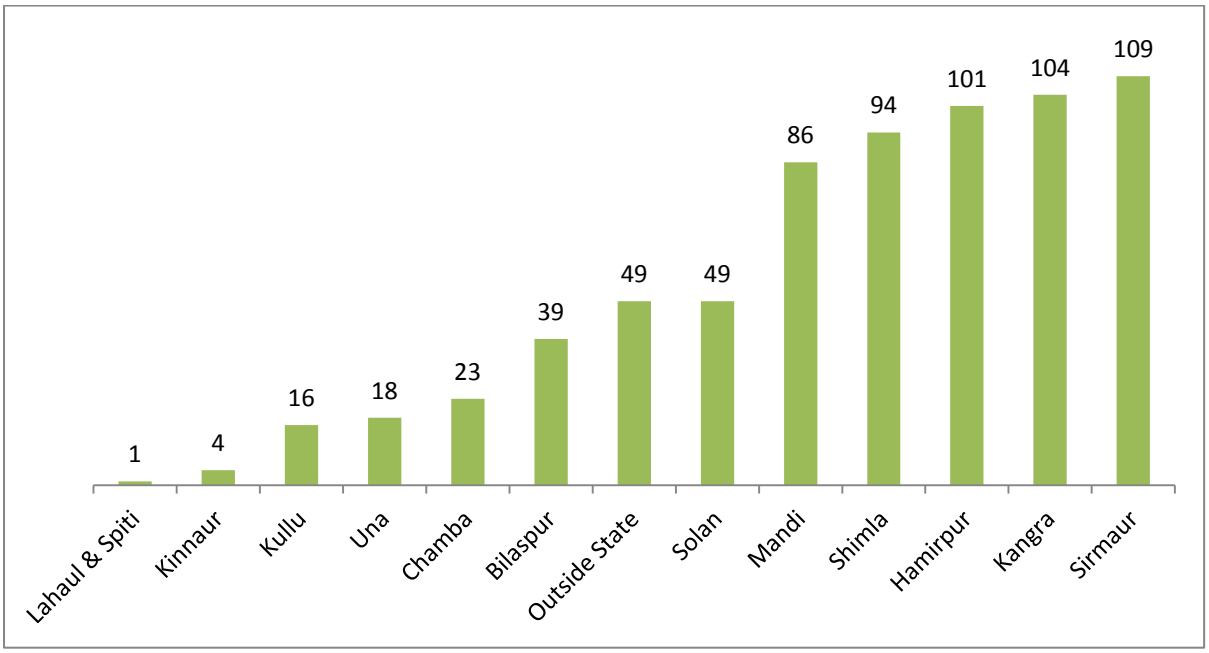
2. Out of the total of 539 appeals, 429 appeals were decided during the year leaving 110 appeals pending for decision as on 31.3.2013. The breakup of appeals decided/pending in the Commission is given in the table below:

(a) Appeals pending as on 1.4.2012	112
(b) Appeals received during the year	427
(c) Appeals decided during the year	429

(d) Appeals pending as on 31.3.2013 110

3. Apart from 427 appeals, the Himachal Pradesh State Information Commission received 693 complaints under Section 18 of the RTI Act, 2005 during the year 2012-13. The complainants were from all the districts of the State as well as from outside the state. However, 408 complaints (approx. 59% of the total complaints) were received from the complainants residing in four districts of the State namely the districts of Shimla, Kangra, Sirmaur and Hamirpur. The district wise status of complaints received during the year 2011-12 is given in the bar chart below:

District wise breakup of complaints received in the Commission



4. In addition to 693 complaints received during the year, 169 complaints were pending as on 1.4.2012. Out of the total of 862 complaints, 767 complaints were decided by the Commission during the year and 95 complaints remained pending for disposal as on 31.3.2013. The breakup of the complaints received, decided and pending is given below:-

(a) Complaints pending as on 1.4.2012 169

(b) Complaints received during 2012-13 693

(c) Complaints decided during the year 767

(d) Complaints pending as on 31.3.2013 95

5. 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 1.4.12	112	169	281
FILED DURING THE YEAR	427	693	1120
Total	539	862	1401
DECIDED	429	767	1196
PENDING AS ON 31.3.13	110	95	205
CASES DECIDED BY STATE CHIEF INFORMATION COMMISSIONER			
	APPEALS	COMPLAINTS	TOTAL
PENDING AS ON 1.4.12	105	109	214
FILED DURING THE YEAR	202	345	547
Total	307	454	761
DECIDED	259	382	641
PENDING AS ON 31.3.13	48	72	120
CASES DECIDED BY STATE INFORMATION COMMISSIONER			
	APPEALS	COMPLAINTS	TOTAL
PENDING AS ON 1.4.12	7	60	67
FILED DURING THE YEAR	225	348	573
Total	232	408	640
DECIDED	170	385	555
PENDING AS ON 31.3.13	62	23	85

6. 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 ₹ 45,250/- by the Commission in deserving cases. A total penalty of ₹ 3,09,200/- was also imposed on PIOs during the period under report.

CHAPTER–5

Implementation Of The RTI Act, 2005 During Past Eight Years

The RTI Act, 2005 came into force w.e.f. 12th 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 2012-13 are as under:-

Year	No. of Public Authorities	Total Applications Received	No. of Applications Rejected by PIOs	First Appeals Received by 1st Appellate Authorities	Amount of fee collected (in ₹)
2006-07	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
2010-11	125	55,463	701	1220	14,32,417
2011-12	132	72,191	840	1381	19,56,046
2012-13	110	61,202	1396	1232	14,45,954

2. The above table shows that the number of applications filed by the information seekers to the PIOs of various public authorities during the past eight years increased from first year to eighth year from 2654 to 61,202, which is an increase of approximately 23 times. The no. of applications could be more than this figure because some of the public authorities have not submitted the annual reports. 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 1st March, 2006 upto 31.3.2013 are as under:-

Total Appeals Received and Decided from 01.03.06 to 31.03.13					
Period	**Pendency at the beginning of the year**	**Received during the year**	**Total appeals**	**Decided during the year**	**Pending at the end of the year**
1.3.2006 to 31.3.2007	-----	32	32	24	8
1.4.2007 to 31.3.2008	8	159	167	129	38
1.4.2008 to 31.3.2009	38	184	222	199	23
1.4.2009 to 31.3.2010	23	270	293	276	17
1.4.2010 to 31.3.2011	17	300	317	277	40
1.4.2011 to 31.3.2012	40	451	491	379	112
1.4.2012 to 31.3.2013	112	427	539	429	110
Total	**-----**	***1823***	**-----**	***1713***	**-----**

4. The yearwise details of complaints received in the Commission from 1.3.2006 to 31.3.2013 are as under:-

Total Complaints Received and Decided from 01.04.06 to 31.03.13					
Period	**Pendency at the beginning of the year**	**Received during the year**	**Total complaints**	**Decided during the year**	**Pending at the end of the year**
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
1.4.2010 to 31.3.2011	44	503	547	526	21
1.4.2011 to 31.3.2012	21	770	791	622	169

1.4.2012 to 31.3.2013	169	693	862	767	95
Total	**-----**	***2801***	**-----**	***2706***	

5. The yearwise details of the appeals and complaints received in the Commission from 1st March, 2006 to 2012-13 are as under:-

Yearwise break up of appeals and complaints received & decided by the Commission					
Period	**Pending at the beginning of the year**	**Received during the year**	**Total**	**Decided during the year**	**Pending at the end of the year**
1.3.2006 to 31.3.2007	-	84	84	71	13
1.4.2007 to 31.3.2008	13	293	306	234	72
1.4.2008 to 31.3.2009	72	388	460	420	40
1.4.2009 to 31.3.2010	40	715	755	694	61
1.4.2010 to 31.3.2011	61	803	863	803	61
1.4.2011 to 31.3.2012	61	1221	1282	1001	281
1.4.2012 to 31.3.2013	281	1120	1401	1196	205
Total	**-----**	***4624***	**-----**	***4419***	**-----**

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 applications received by the Public Authorities during this year 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 2009-10, 715 appeals and complaints were received as against 43,835 RTI applications which is approximately 1.6% of the total

applications. During the year 2010-11, 803 appeals and complaints were received as against 55,463 RTI applications which is approximately 1.4% of the total applications. During the year 2011-12, 1221 appeals and complaints were received as against 72,191 RTI applications which is approximately 1.7% of the total applications. During the year under report, 1120 appeals and complaints were received as against 61,202 RTI applications. Some of public authorities have not furnished the annual reports. Thus the exact percentage of appeals and complaints received in the Commission can not be calculated. But the above calculated percentage shows that the performance of the PIOs has been improving year after year during the past eight years.

7. The details of cases decided by the State Chief Information Commissioner and the State Information Commissioner during the period from 1.4.2012 to 31.3.2013 are as follows:-

CASES DECIDED BY STATE CHIEF INFORMATION COMMISSIONER			
	APPEALS	COMPLAINTS	TOTAL
PENDING AS ON 1.4.12	105	109	214
FILED DURING THE YEAR	202	345	547
Total	307	454	761
DECIDED	259	382	641
PENDING AS ON 31.3.13	48	72	120
CASES DECIDED BY STATE INFORMATION COMMISSIONER			
	APPEALS	COMPLAINTS	TOTAL
PENDING AS ON 1.4.12	7	60	67
FILED DURING THE YEAR	225	348	573
Total	232	408	640
DECIDED	170	385	555
PENDING AS ON 31.3.13	62	23	85

8. During the last eight years, 4419 appeals and complaints have been decided by the Commission. However only 25 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:-

Sr. No.	Case Title/ Case No.	Status
1.	H.P. Public Service Commission V/S State Information Commission CWP-96/09	Stayed
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	Decided
6.	State of H.P. V/S Sh. Sanjay Gupta CWP-1050/2010	Decided
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	Decided
9.	Smt. Ram Payari V/S State of H.P. CWP-6404/2010	Decided
10.	Sh.Ram Ashra V/S State of HP CWP 7462/2010	Pending in the High Court
11.	State of HP V/S Sh. Archit Sant and others CWP-7767/2010	Pending in the High Court
12.	Sh. Dharam Pal V/S State of HP and others CWP-2446/2010	Decided
13.	The Secretary Lokayukta V/S Sh.Hari Krishan and others CWP 533/2011	Pending in the High Court
14.	Miss Ritwik Chauhan V/S State of HP CWP-1910/2011	Pending in the High Court
15.	CWP 8394/2011 Shri Ved Parkash Vs. State Information Commission & others	Decided
16.	CWP No. 11220 of 2011 M/s Kanchanjanga Power Co. Pvt. Ltd., V/s State Information Commission,H.P.	Decided
17.	CWP No. 1240/2010 Shri Swapan Kumar Thakur, Vs SIC & another	Decided
18.	CWP No. 640/2012 Shri Sanjay Hindwan Vs State Inforamtion Commission, DFO, Solan and E.O. MC, Solan	Decided
19.	CWP No. 2435/2012 The Didwin Co-operative Society vs State of HP	Pending in the High Court
20.	CWP No. 6072/2012 BDO Paonta Sahib vs. State of HP	Pending in the High Court
21.	CWP No. 9166/2012 Prakash Chand Negi Vs. State Information Commission	Pending in the High Court
22.	CWP No.9210 /2012	Pending in the High Court

	Prakash Chand Negi Vs. State Information Commission	
23.	CWP No. 8196/2012 Baghal Land Looser Transport Co-operative Society Ltd. Vs. State of HP	Pending in the High Court
24.	CWP No. 9109/2012 The Ambuja Darla Kashlog Mangu Transport Co-operative Society Ltd. Vs. State of HP	Pending in the High Court
25.	CWP No. 5975/2012 P.C.Manhas Vs. State of HP	Pending in the High Court

CHAPTER – 6

Use of Information Technology and New Initiatives Taken by State Information Commission

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):-

(i) Manual of the Himachal Pradesh State Information Commission under section 4(1) (b) of the RTI Act, 2005.
(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.
(vi) Cause list of appeals & complaints

2. The State Information Commission, H.P. has innovated a computerized system of registration of complaints/appeals and responses from PIO's, Public Authorities and general public which enables the Commission and other stake holders to have all the information readily available about the appeals/complaints received, in process and disposed off on daily basis. Through this software application, office of the Commission diarises every letter received from the applicant, complainant, appellant and others after scrutiny and categorization of the same as Complaint (C), Appeal (A), 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.

This software application has helped to track, compile and monitor the disposal of each and every paper received in the Commission in a transparent and expeditious manner.

3. In order to further strengthen the RTI regime at the grass root level and to facilitate the information seekers at their door step, the State Information Commission has taken a decision to hold periodical hearings of complaints and appeals at Revenue Division levels. This initiative has facilitated the RTI applicants to participate in the hearings without incurring additional cost of travel to the State Capital headquarters where the office of State Information Commission is situated. Active participation of RTI applicants is encouraging better implementation of Right to Information Act.

4. The State Information Commission, Himachal Pradesh in coordination with Administrative Reforms Department, Himachal Pradesh Institute of Public Administration and Districts Administration is organizing workshops in all 12 district of Himachal Pradesh on a periodical basis for the First Appellate Authorities, PIOs, APIOs, and other stakeholders like elected representatives of Panchayats, Urban Local bodies, Mahila/Yuvak Mandals and media personnel. These workshops have really proved effective in bringing in awareness about the applicability of RTI Act in its real perspective.

CHAPTER – 7

State Information Commission: Glimpse of Important Statistics

a)	Number of public authorities which submitted Annual Return to the State Information Commission	:	110
b)	Number of applications filed with various public authorities under the RTI Act, 2005 from 1.4.2012 to 31.3.2013	:	61202
c)	Number of applications rejected by the Public Information Officers (PIOs) of these public authorities	:	1396
d)	Total amount of fee and additional fee collected by the PIOs		1445954
e)	Number of first appeals filed under section 19 of the RTI Act, 2005 with the Appellate Authorities during the year	:	1232
f)	(i) Number of second appeals filed under section 19 of the RTI Act, 2005 during the year with the Commission	:	427
	(ii) Number of appeals pending as on 1.4.2012	:	112
	(iii) Total number of appeals	:	539
	(iv) Number of second appeal decided by the Commission during the year	:	429
g)	(i) Number of complaints filed under section 18 of the RTI Act, 2005 during the year with the Commission	:	693
	(ii) Number of complaints pending as on 1.4.2012	:	169
	(iii) Total number of Complaints	:	862
	(iv) Number of Complaints decided during the year	:	767
h)	(ii) Number of appeals/complaints in which penalty was imposed upon the PIO by the Commission.	:	47
	(iii) Number of appeals/complaints in which compensation was awarded to the appellants/complainants by the Commission.	:	31

CONSOLIDATED DETAILS OF CASES IN HIMACHAL PRADESH STATE INFORMATION COMMISSION DURING THE YEAR 2012-13

	APPEALS	COMPLAINTS	TOTAL
PENDING AS ON 1.4.12	112	169	281
FILED DURING THE YEAR	427	693	1120
Total	539	862	1401
DECIDED	429	767	1196
PENDING AS ON 31.3.13	110	95	205

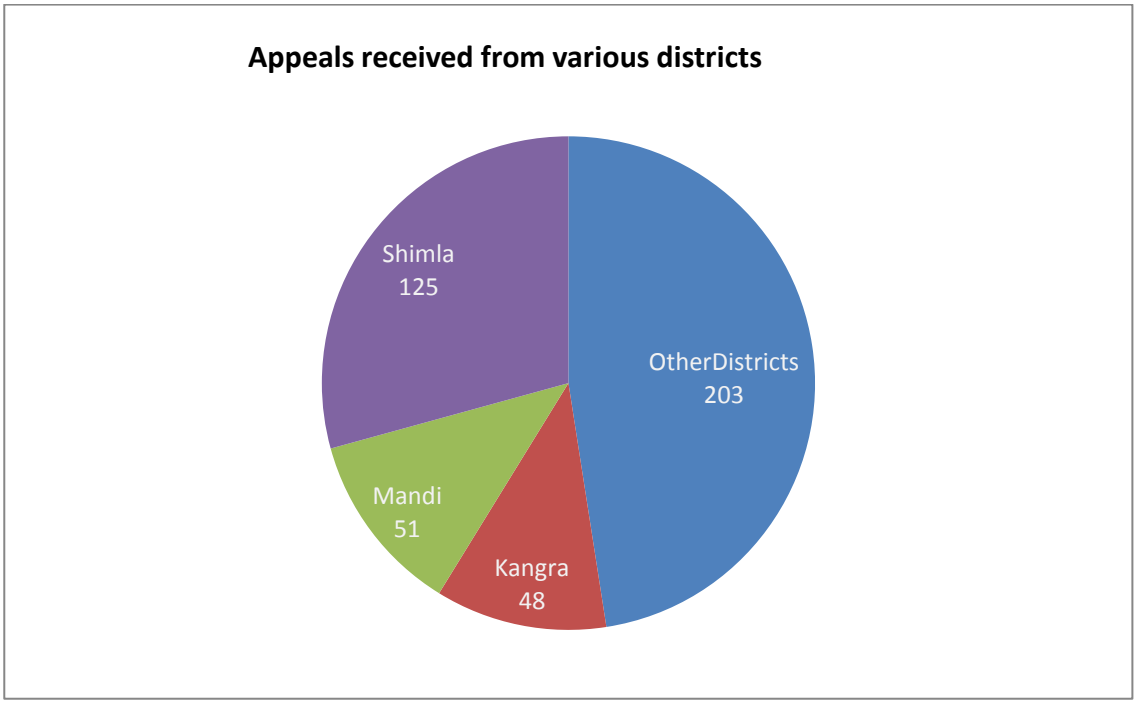
CASES DECIDED BY STATE CHIEF INFORMATION COMMISSIONER

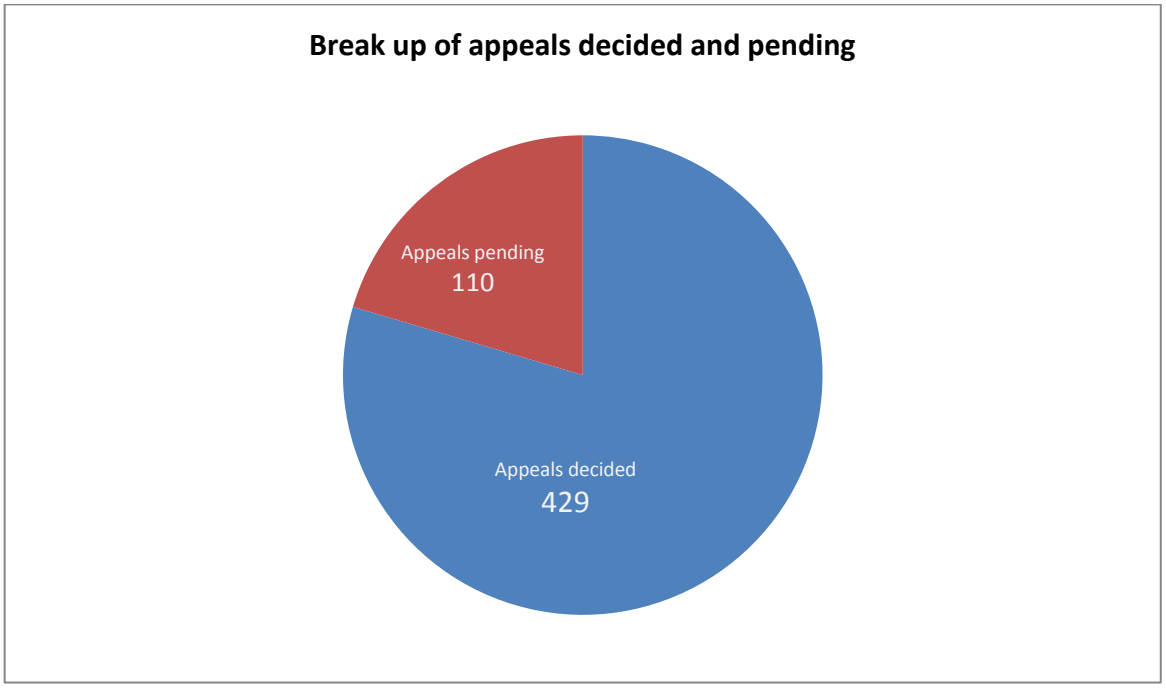
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PENDING AS ON 31.3.13	48	72	120

CASES DECIDED BY STATE INFORMATION COMMISSIONER

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PENDING AS ON 31.3.13	62	23	85

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

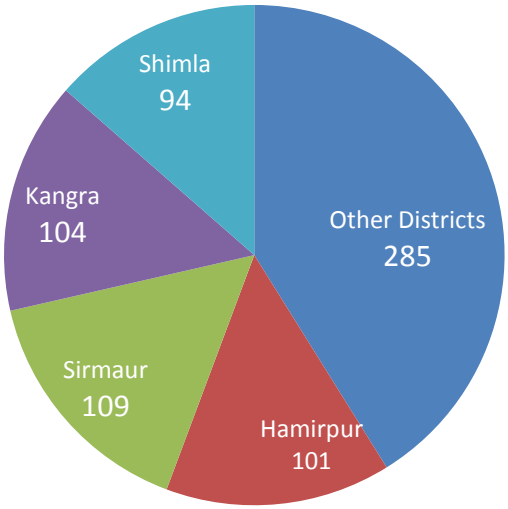




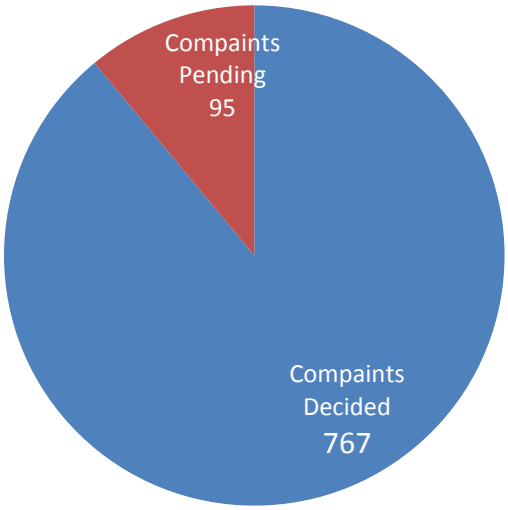
Break up of complaints received, decided and pending in the State Information Commission

(1.4.2012 to 31.3.2013)

Complaints received from various districts



Break up of complaints decided and pending



CHAPTER – 8

Observations And Recommendations

In the earlier 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 in the State of Himachal Pradesh. The State Government has taken action on these recommendations. However, the attention of the Government is drawn on some of the recommendations which require further action at the level of the State Government. These are being included as part of the observations and recommendations being made in this report in tabular form:

Sr.No.	Observations and Recommendations	Status of Action Taken
1.	In the earlier first to seventh reports, the Commission had recommended finalization 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."	On this recommendation the State Govt. does not seem to meet the requirement of the aforesaid Section of the RTI Act, 2005. Time frame is required to meet this recommendation in the public interest.
2.	In earlier first to seventh reports Commission had recommended the implementation the provisions of Section 4 (1) (b) of the RTI Act,	The Administrative Reforms Department has issued

	2005. But the information under this Act has not been done/ updated by the large number of public authorities. Hence, the Department of Administrative Reforms may 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.	administrative instructions to various departments but these instructions have not been implemented by most of the departments. Vigorous follow up is the necessity to make this recommendation operational.
3.	From the 1st to 7th Annual Reports it was recommended that the Department of Administrative Reforms may take concrete steps for implementing the provisions of the RTI Act, 2005/ HPRTI Rules, 2006 for rightful propagation of the Act and the Rules by imparting trainings to APIOs, PIOs and Appellate Authorities. In view of large number of APIOs, PIOs and Appellate Authorities designated by the Rural Development Department, Education Department and other huge departments in the state, more training programmes are required to be organized by HIPA.	The Himachal Pradesh Institute of Public Administration Shimla, conducted training programmes and workshops for the PIOs, other officers of the State Government and imparted training to 2049 officials of various departments. HIPA has to substantially increase the number of training programmes for the PIOs and APIOs in view of lack of adequate knowledge of RTI Act and its effective implementation.
4.	In the 4th to 7th Annual Reports, the Department of Administrative Reforms was requested to finalise an appropriate scheme of	The Administrative Reforms Department has issued

	periodic inspections in various offices to ensure that provisions of RTI Act, 2005 are implemented effectively. 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 may issue instructions to all the departments that the provisions of RTI Act and Regulations may also be included as one of the components in the department's regular inspection schedules and it be a part of the general inspection of the field offices.	administrative instructions to various departments but these instructions have not been implemented by most of the departments. Therefore managing record is essential to provide timely information to information seekers. A concrete action programme may help ease the situation.
5.	In the Fifth to Seventh Report, it was recommended that a chapter on various provisions of RTI Act, 2005 and HPRTI Rules, 2006 be 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.	The Administrative Reforms Department has issued letter to the concerned department but the recommendation has not been implemented. Action taken report is still awaited.
6.	. In the sixth and seventh report, it was recommended that as per provisions of section 2(i) 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	Recommendation has not been implemented.

	an applicant as envisaged in the aforesaid section of the Act. It is, therefore, again 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. on the basis of prescribed payment of fee.	
7.	In the Seventh Report, it was recommended that the Administrative Reform Department issue instructions to all public authorities to designate the nodal officer at Directorate level to have liaison between the Government/ State Information Commission and Public Information Officers of the Public Authorities to submit the reports as per the section 25 of RTI Act, 2005. It has been observed by the Commission that most of the Public Authorities are not submitting requisite annual reports to the Commission within time limits, which has caused considerable delay in finalizing the Annual Report of this Commission for the year 2012-13. Hence it is strongly recommended that instructions may be issued to the Public Authorities to submit the required report well in time in accordance with the RTI Act, 2005.	Recommendation has not been implemented.
8.	In the Seventh Report, it was recommended that the Departments are not maintaining the record/ files as per the Office Manual wherein it is mandated to open subject-wise files, having noting and correspondence part separately on the file. Even records are not being classified as permanent and of periodical duration in a	Recommendation has not been implemented.

	transparent manner. Maintenance of File Index Register and Guard File are not being ensured as per Office Manual which leads delay in providing the information to the information seeker and also necessary to comply with the provisions of section 4(1)(a) and (b) of RTI Act, 2005.The departments be directed to ensure compliance of the Office Manual in this regard in a time bound manner.	
9.	In the Seventh Report, it was recommended that some very important orders of the Commission which are passed from time to time are not in the knowledge of PIOs and First Appellate Authorities. If such orders are periodically or yearly printed and circulated amongst PIOs, it will help in educating and implementing various provisions of RTI Act and improve their efficiency.	Recommendation has not been implemented.
10.	In the earlier reports, the Commission had recommended the Training and Sensitization Programmes for the First Appellate Authorities of the Public Authorities and Heads of Departments of the Public Authorities. But during the year 2012-13 no such programmes were organized.	Recommendation has not been implemented.

Hence, above recommendations from sr. no. 1 to 10 are again reiterated. The other recommendations and observations are as under:

11. The Commission has examined the reports received from the Public Authorities pertaining to the receipt of RTI applications from information seekers during the year 2012-13. It has been observed that

out of a total of 61,202 RTI applications filed by the information seekers during the year, requests were rejected by the PIOs concerned only in 1396 cases and 1232 first appeals were filed during the year. The Commission received 693 complaints and 427 second appeals during 2012-13. The small number of first appeals filed by applicants and the total number of complaints and 2nd 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 has, however been 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. It was also observed in some cases that, the applicants appeared 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 before the State Information Commission. Whereas empowering citizens from the existing information/ record maintained by public authority is the essence of this act.

12. During the course of various hearings at Commission level it has been observed that various Public Authorities have designated the PIO's who are not in the rank of officer level. For instance Panchayati Raj Deptt. have designated Panchayat Secretaries as PIO's are class-III employees in official hierarchy and most of them are on Contract basis. Such designations of PIO's are in violation of Section 5 (1) of RTI Act, 2005 which requires that PIO should belong to an officer category. The relevant clause of the Act is reproduced as under:

Section – 5(1):- "Every Public Authority shall, within one hundred days of the enactment of this Act, designate as many **officers as the CPIO or SPIO**, as the case may be, in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act."

The Commission therefore recommends that the State Govt. should direct all Public Authorities to designate PIOs who are at least class-II level officers and permanent employees of the Government so that they are able to access information from concerned quarters and who can also be held responsible for any omissions/commissions in dealing with RTI Act, 2005.

13. The Commission observed that the Public Information Officers and First Appellate Authorities are sending the letters/ notices through post office as ordinary posts and in the maximum cases applicant/ appellant refuses to have been received the ordinary post and they have no proof of receiving of letters/ notices by the applicant/ appellant. Hence Commission recommends that the suitable provision may be incorporated in the HP RTI Rules, 2006 to serve the letters/ notices to the applicant/ appellant through registered post or through process server.

14. The Commission's office is housed in the ground floor of old Majitha House, Shimla-2. The first floor is allotted to the G.M. District Industries Centre, Industries Department. The office space is not adequate. The officials of the Commission are made to sit in the court rooms because of the inadequacy of office space for them. Regarding this, many request letters have been sent to the Administrative Reforms Department to allot the complete Majitha House (ground floor and first floor) to house the office of the State Information Commission. But action is still awaited from the State Government. The Commission recommends an early decision for providing adequate space as per entitlement already approved and provided for in the office manual of the State Govt. for its own functionaries.