SEVENTH

ANNUAL REPORT

ON

IMPLEMENTATION OF THE RTI ACT, 2005

{APRIL 1, 2011 TO MARCH 31, 2012}

STATE INFORMATION COMMISSION
HIMACHAL PRADESH

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Statistics in Brief

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STATE INFORMATION COMMISSION HIMACHAL PRADESH

State Information Commission
Himachal Pradesh

Annual Report Statistics in Brief

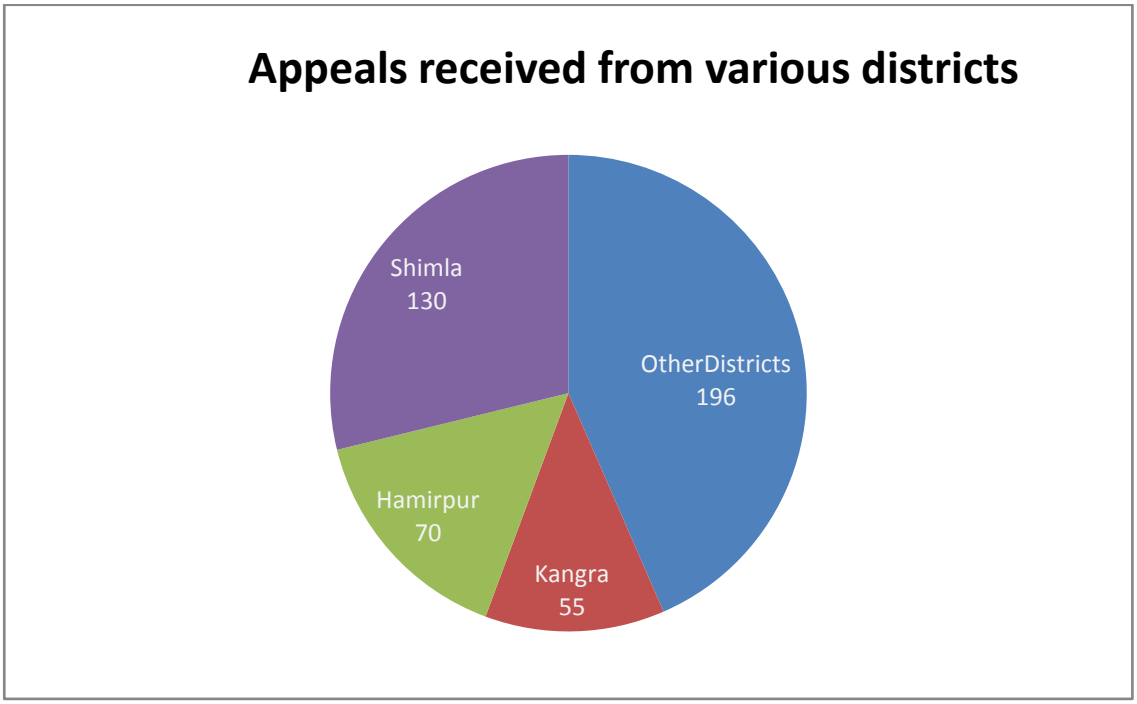
(1.4.2011 to 31.3.2012)

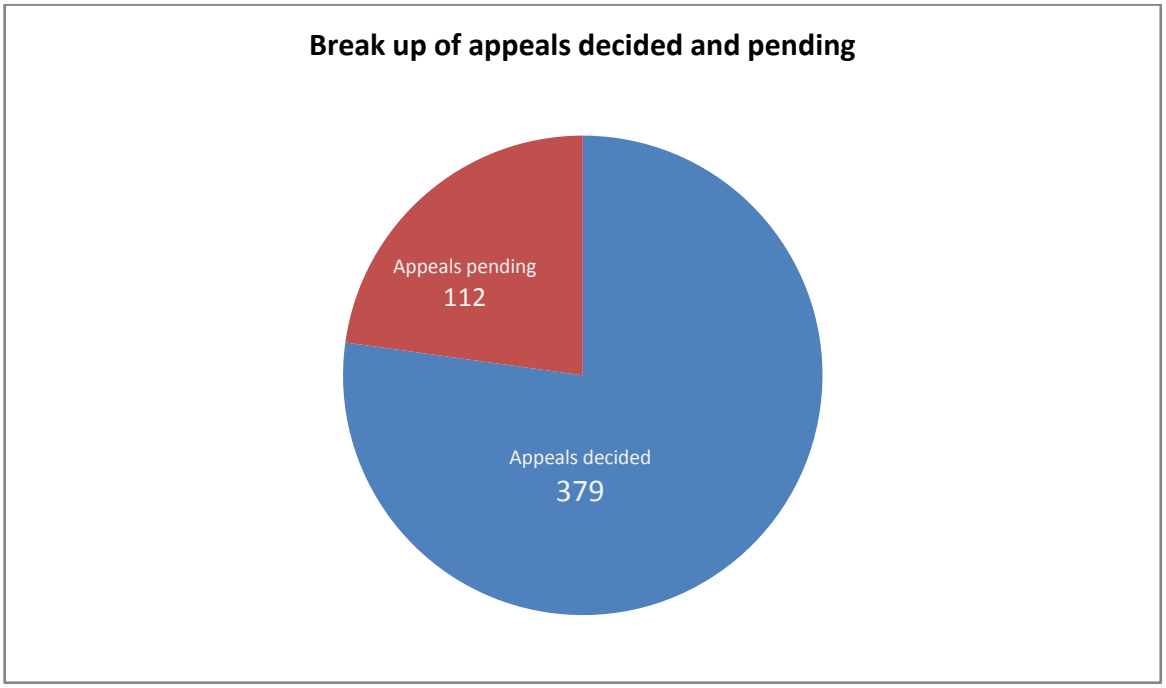
a)	Number of public authorities which submitted Annual Return to the State Information Commission	:	132
b)	Number of applications filed with various public authorities under the RTI Act, 2005 from 1.4.2011 to 31.3.2012	:	72191
c)	Number of applications rejected by the Public Information Officers (PIOs) of these public authorities	:	840
d)	Total amount of fee and additional fee collected by the PIOs		1956046
e)	Number of first appeals filed under section 19 of the RTI Act, 2005 with the Appellate Authorities during the year	:	1381
f)	(i) Number of second appeals filed under section 19 of the RTI Act, 2005 during the year with the Commission	:	451
	(ii) Number of appeals pending as on 1.4.2011	:	40
	(iii) Total number of appeals	:	491
	(iv) Number of second appeal decided by the Commission during the year	:	379
g)	(i) Number of complaints filed under section 18 of the RTI Act, 2005 during the year with the Commission	:	770
	(ii) Number of complaints pending as on 1.4.2011	:	21
	(iii) Total number of Complaints	:	791
	(iv) Number of Complaints decided during the year	:	622
h)	(i) Number of cases in which penalty was imposed upon the PIO by the Commission.	:	24
	(ii) Number of cases in which compensation was awarded to the appellants/complainants by the Commission.	:	20

CONSOLIDATED DETAILS OF CASES IN HIMACHAL PRADESH STATE INFORMATION COMMISSION DURING THE YEAR 2011-12			
	APPEALS	COMPLAINTS	TOTAL
PENDING AS ON 1.4.11	40	21	61
FILED DURING THE YEAR	451	770	1221
Total	491	791	1282
DECIDED	379	622	1001
PENDING AS ON 31.3.12	112	169	281
CASES DECIDED BY STATE CHIEF INFORMATION COMMISSIONER			
	APPEALS	COMPLAINTS	TOTAL
PENDING AS ON 1.4.11	4	5	9
FILED DURING THE YEAR	248	414	662
Total	252	419	671
DECIDED	147	310	457
PENDING AS ON 31.3.12	105	109	214
CASES DECIDED BY STATE INFORMATION COMMISSIONER			
	APPEALS	COMPLAINTS	TOTAL
PENDING AS ON 1.4.11	36	16	52
FILED DURING THE YEAR	203	356	559
Total	239	372	611
DECIDED	232	312	544
PENDING AS ON 31.3.12	7	60	67

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

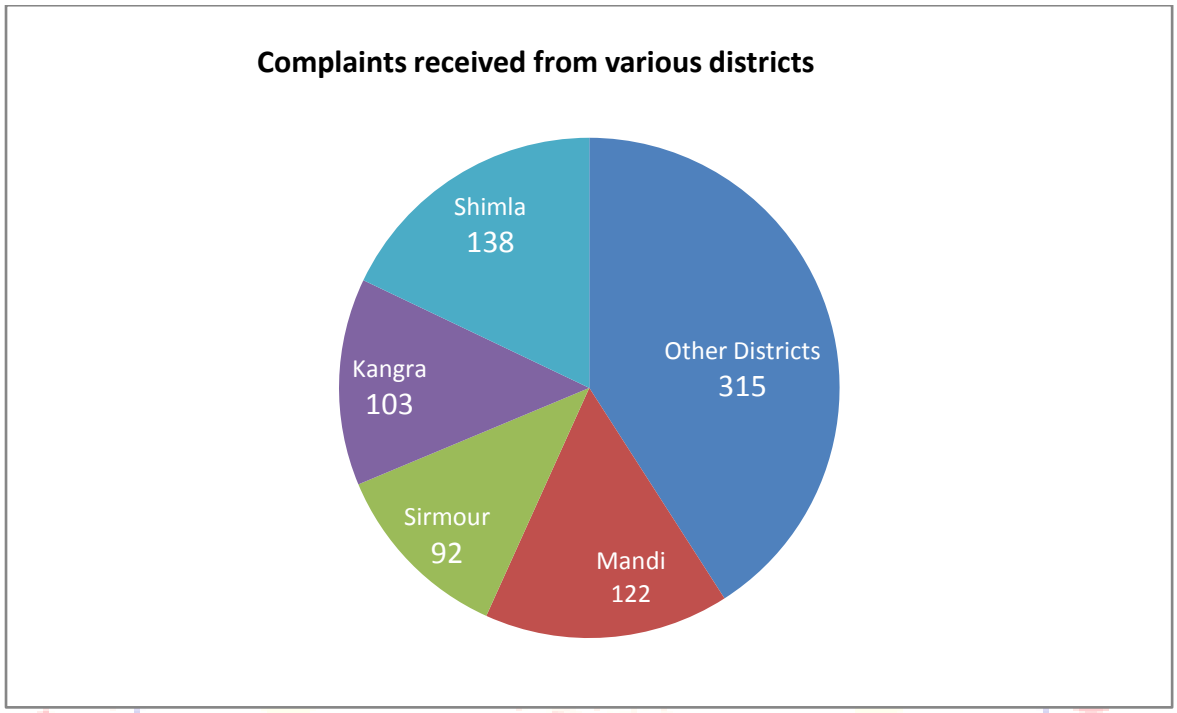
(1.4.2011 to 31.3.2012)

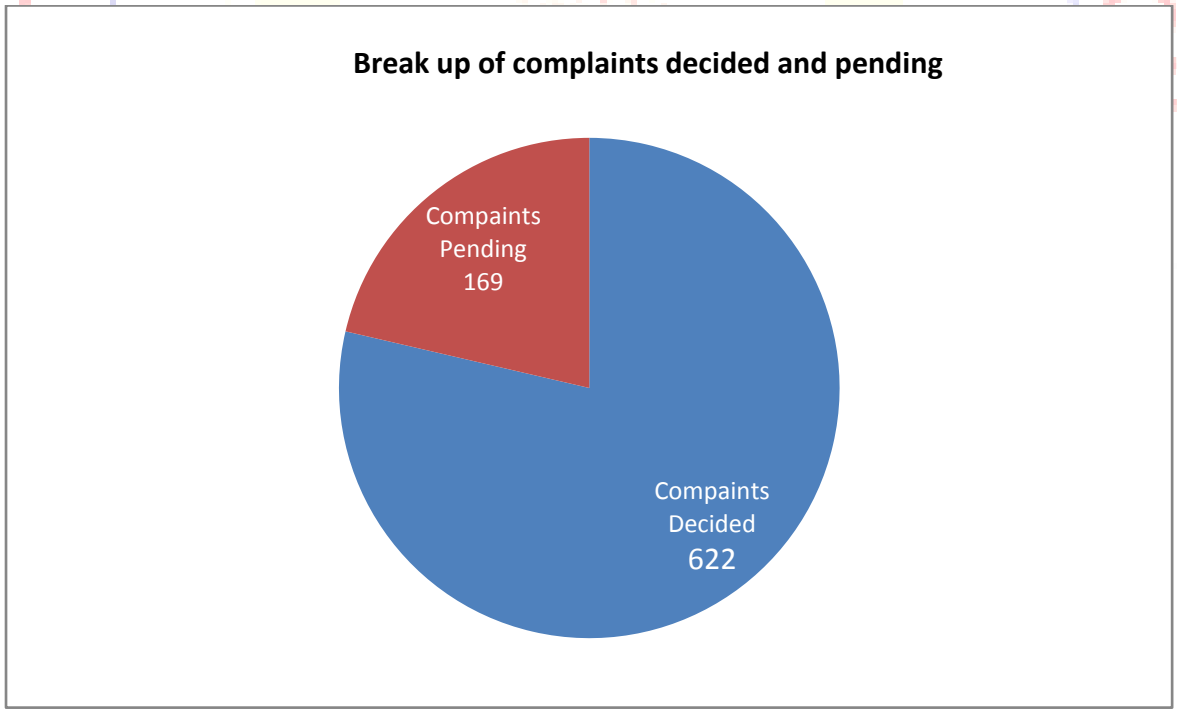




Break up of complaints received, decided and pending in the State Information Commission

(1.4.2011 to 31.3.2012)





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.

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 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;

(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 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;

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 Seventh Report on the implementation of the Right to Information Act, 2005 in the State of Himachal Pradesh during the year 2011-12 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.

STATE INFORMATION COMMISSION
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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. 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 2011-12, a sum of ₹ 1,22,97,000/- 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	8775000	8775000
03	TRAVEL EXPENSES	243000	243046

05	OFFICE EXPENSES	648000	647639
06	MEDICAL REIMBURSEMENT	121000	120747
07	RENT, RATES & TAXES	52000	51948
10	HOSPITALITY	34000	33537
11	FURNISHINGS	396000	396415
12	PROFESSIONAL & SPECIAL SERVICES	48000	48400
20	OTHER CHARGES	1103000	1102968
30	MOTOR VEHICLE	877000	876587
	TOTAL	**12297000**	**12296287**

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

Sr.No.	Designation	Power and duties
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.

STATE INFORMATION COMMISSION
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CHAPTER-3

Implementation Of The Act

(Disposal of applications by public authorities in Himachal Pradesh)

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, 72,191 applications were filed in the offices of 132 public authorities of the State Government for seeking information under the Act during 2011-12. 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.	Governor Secretariat	43	---	1	---	---	1004
2.	H.P. High Court	784	---	22	8	---	74856
3.	Vidhan Sabha Sectt.	85	---	2	---	---	3952
4.	Lokayukta	30	3	3	---	---	402
5.	Human Right Commission	7	---	---	---	---	195
6.	State Election Commission	35	---	---	---	---	470
7.	State Information Commission	67	---	---	---	---	936
8.	Advocate General	28	---	1	---	---	1138

9.	Public Service Commission	723	---	30	3	---	28503
10.	H.P.S.S.S. Board Hamirpur	1455	77	19	2	---	34556
11.	HPERC	8	---	---	---	---	170
12.	Divisional Commissioner Shimla	90	---	1	---	---	5602
13.	Divisional Commissioner Kangra	85	---	---	2	1	2078
14.	Divisional Commissioner Mandi	94	---	2	1	---	1684
	Himachal Pradesh Secretariat						
15.	Administrative Reforms	18	---	1	---	---	2022
16.	Forest	78	---	---	---	---	5828
17.	General Administration	147	---	4	2	---	7475
18.	Fisheries	1	---	---	---	---	40
19.	Urban Development	38	---	---	---	---	943
20.	Animal Husbandry	27	---	---	---	---	626
21.	Home	821	33	18	6	---	20049
22.	Vigilance	37	---	1	---	---	1801
23.	Irrigation & Public Health	82	---	---	---	---	4199
24.	Personnel	373	55	7	---	---	22547
25.	Finance	264	14	16	6	---	9060
26.	Health	195	---	12	4	---	5311
27.	Labour & Employment	10	---	---	---	---	258
28.	Information & Public Relation	6	---	---	---	---	794
29.	Transport	48	---	---	---	---	248
30.	Law	49	---	---	---	---	839
31.	Secretariat Administration	95	32	2	---	---	3365

STATE INFORMATION COMMISSION HIMACHAL PRADESH सत्यमेव जयते

32.	Excise & Taxation	13	---	---	---	---	1270
33.	Public Works	165	---	---	---	---	5178
34.	Co-operative	18	---	---	---	---	701
35.	Election	190	---	---	---	---	5581
36.	Non-Conventional Energy Sources	8	---	---	---	---	640
37.	Horticulture	15	---	---	---	---	1525
38.	Housing	7	1	---	---	---	585
39.	Tourism	32	2	5	---	---	625
40.	Tribal Development	5	---	---	---	---	790
41.	Industries	49	---	---	---	---	1702
42.	Town & Country Planning	22	---	10	---	---	1170
	Administrative Departments						
43.	Agriculture	139	---	24	3	---	5617
44.	Animal Husbandry	338	32	9	2	---	7099
45.	Ayurveda	356	---	4	---	---	5577
46.	Police	5518	88	73	10	---	128394
47.	Prison Department	42	---	1	---	---	715
48.	Co-operative	1002	---	37	36	---	26413
49.	Elementary Education	3370	---	98	40	4	58567
50.	Technical Education	274	---	4	3	---	20640
51.	Excise & Taxation	481	---	16	---	---	7406
52.	Fisheries	55	---	---	---	---	1448
53.	Food & Civil Supplies	488	6	2	1	---	15654
54.	Forest Farming & Conservation	2060	124	41	9	2	50879

55.	Health and Family Welfare	335	---	31	24	---	10617
56.	Treasuries, Accounts	47	---	3	---	---	3122
57.	Election	190	---	---	---	---	5581
58.	SV&ACB HP(Police)	501	29	14	---	---	7591
59.	Horticulture	231	---	5	---	---	5403
60.	Industries	916	---	25	4	1	33774
61.	Revenue	354	---	1	48	1	9372
62.	Science & Technology	10	---	2	---	---	554
63.	Irrigation & Public Health	2085	18	31	43	1	65134
64.	Energy	28	---	---	2	---	1520
65.	Estates	24	---	---	1	---	646
66.	Economics & Statistics	11	---	---	---	---	140
67.	Labour & Employment	447	---	14	2	---	14441
68.	Prosecution	19	---	---	---	---	406
69.	Consolidation of Holdings	42	---	---	---	---	1159
70.	Land Records	43	---	---	---	---	444
71.	Printing & Stationery	31	---	1	---	---	2994
72.	Information and Public Relations	37	---	4	---	---	1394
73.	Panchayati Raj	8200	84	49	7	---	198531
74.	Rural Development	7936	84	46	27	6	192334
75.	Settlement (Shimla)	430	---	6	5	---	18182
76.	Settlement (Kangra)	425	---	8	---	---	10252
77.	Women & Child Development	1134	---	37	3	---	31709
78.	Tourism & Civil Aviation	118	---	---	---	---	8630

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79.	Public Works	1951	51	46	14	---	120018
80.	Tribal Development	15	---	---	---	---	303
81.	Town & Country Planning	364	2	---	1	---	12784
82.	Transport	870	---	30	4	---	27429
83.	Urban Development	1429	---	23	4	---	26086
84.	Higher Education	2048	---	138	46	---	34040
85.	Planning	77	---	2	1	---	6825
86.	Sports	102	---	---	---	---	2981
87.	Fire Services	74	---	---	---	---	1531
88.	Electrical Inspectorate	16	---	---	---	---	227
89.	Legal Authorities Services	15	---	---	---	---	320
90.	Sainik Welfare	46	---	---	---	---	532
91.	Ex-Serviceman Employment Cell	140	---	---	---	---	2683
	Deputy Commissioners						
92.	Bilaspur	1852	---	---	1	---	28334
93.	Chamba	862	60	24	4	---	10800
94.	Hamirpur	1097	---	---	---	---	20034
95.	Kangra	1646	---	54	4	---	23012
96.	Kinnaur	358	---	---	---	---	13794
97.	Kullu	510	---	12	---	---	10497
98.	Mandi	2525	7	63	4	---	51929
99.	Shimla	1837	---	---	7	---	34875
100.	Sirmour	599	---	17	---	---	22379
101.	Solan	1274	---	---	3	---	30607

102.	Una	1218	---	26	1	---	17998
103.	Lahaul & Spiti	117	---	---	1	---	3241
	CORPORATIONS						
104.	Forest Corporation	461	---	---	1	---	24655
105.	H.P.M.C.	28	---	---	---	---	894
106.	HP Small Industries& Export Corporation	9	---	---	1	---	332
107.	AIPIL	5	---	1	1	---	50
108.	Agro Industries Corporation	20	---	---	---	---	250
109.	Kangra Central Co-operative Bank Ltd.	155	10	18	4	1	2265
110.	Ex-Servicemen Corporation	34	---	---	---	---	1034
111.	Tourism Development Corporation	179	20	11	---	---	5715
112.	HP State Civil Supplies Corporation Ltd.	273	---	4	---	---	21598
113.	Municipal Corporation, Shimla	1057	---	48	18	1	44600
114.	Himurja	78	---	2	---	---	6077
115.	HP Backward Classes Finance and Development Corporation	4	---	---	---	---	200
116.	HP Minorities Finance and Development Corporation	15	---	---	---	---	365
117.	Power Transmission	7	---	---	---	---	107
118.	Atal Bihari Vajpayee Institute of Mountaineering & Allied Sports	25	---	---	---	---	736
119.	HP State Electronics Development Corporation	20	---	1	---	---	327
120.	State Council for Science Technology & Environment	17	2	---	---	---	328
	BOARDS						

121.	Pollution Control Board	158	---	---	---	---	11128
122.	Khadi & Village Industries Board	32	---	1	---	---	840
123.	HPSEBL	1571	---	19	10	2	56448
124.	H.P. Board of School Education	669	---	---	---	---	11633
125.	HP Takniki Shiksha Board	54		---	---	---	1000
126.	HIMUDA	423	1	36	4	---	21728
127.	Milk Fed	22	---	---	---	---	722
128.	Wool Federation	12	---	1	---	---	564
129.	Marketing Board	134	2	3	3	---	2851
	Universities						
130.	HP University, Shimla	971	---	30	6	---	3605
131.	Dr. Yashwant Singh Parmar University of Horticulture & Forestry, Nauni(Solan)	274	3	22	2	---	8908
132.	CSK HP Krishi Vishwa Vidyalaya Palampur	378	---	6	2	---	10770
	Total	**72191**	**840**	**1381**	**451**	**20**	**1956046**

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 840 cases where the applications were rejected. Thus only 1.2% of the total applications were rejected by the PIOs.

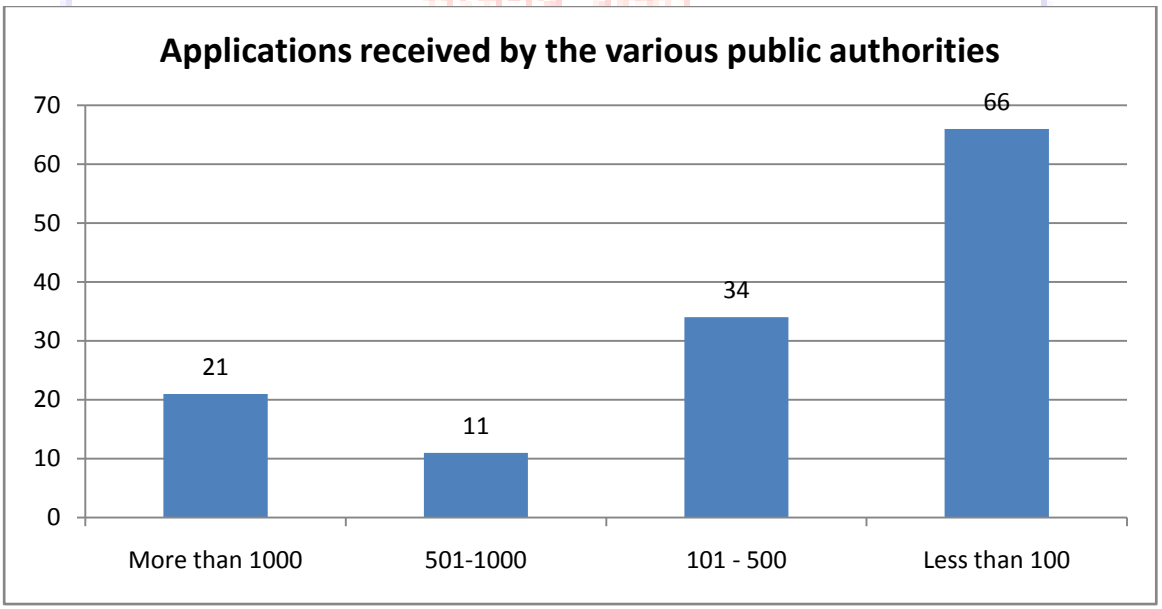
3. The public authorities have reported that most of the 840 applications were rejected under section 8 of the RTI Act, 2005. The table above also shows that number of first appeals is also less than 1.9% of the total applications. The Himachal Pradesh State Information Commission received 451 appeals as against 1381 first appeals filed with the designated Appellate Authorities. In addition, the Commission also received 770 complaints during

Number of public authorities

the year for non-receipt of or receipt of incomplete information or delayed response from the PIOs. Thus the Commission received a total of 1221 appeals/complaints as against a total of 72,191 RTI applications filed with various public authorities during the year. The number of appeals/complaints received in the Commission is approximately 1.7% 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 2011-12 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 2011-12:-

Sr. No.	Public Authorities which received	Number
i	More than 1000 RTI applications	21
ii	501 to 1000 RTI applications	11
iii	101 to 500 RTI applications	34
iv	Less than 100 RTI applications	66
	Total number of public authorities which received any application	**132**



5. Out of the total of 132 public authorities which received RTI applications during the year, 21 public authorities of them received more than 1000 applications, 11 of them received 501 to 1000 applications, 34 of them received 101 to 500 applications and the remaining 66 public authorities received less than 100 applications. Twenty one public authorities namely the Cooperative Department, DC Offices Bilaspur, Hamirpur, Kangra, Mandi, Shimla, Solan, Una, Municipal Corporation Shimla, Elementary Education Department, Forest Department, Higher Education Department, IPH Department, Police Department, Public Works Department, Rural Development Department, Panchayati Raj Department, Women and Child Development Department, Urban Development Department, HPSEBL and HP Subordinate Services Selection Board, Hamirpur received more than 1000 applications during the year. It has been observed that a total of 69,937 applications out of 72,191 applications i.e. approximately 97 percent of the total applications were received by 66 public authorities. The remaining 66 public authorities received approximately 3 percent of the total applications. Further, a fee of ₹19,56,046/- has been collected by various public authorities during the same period.

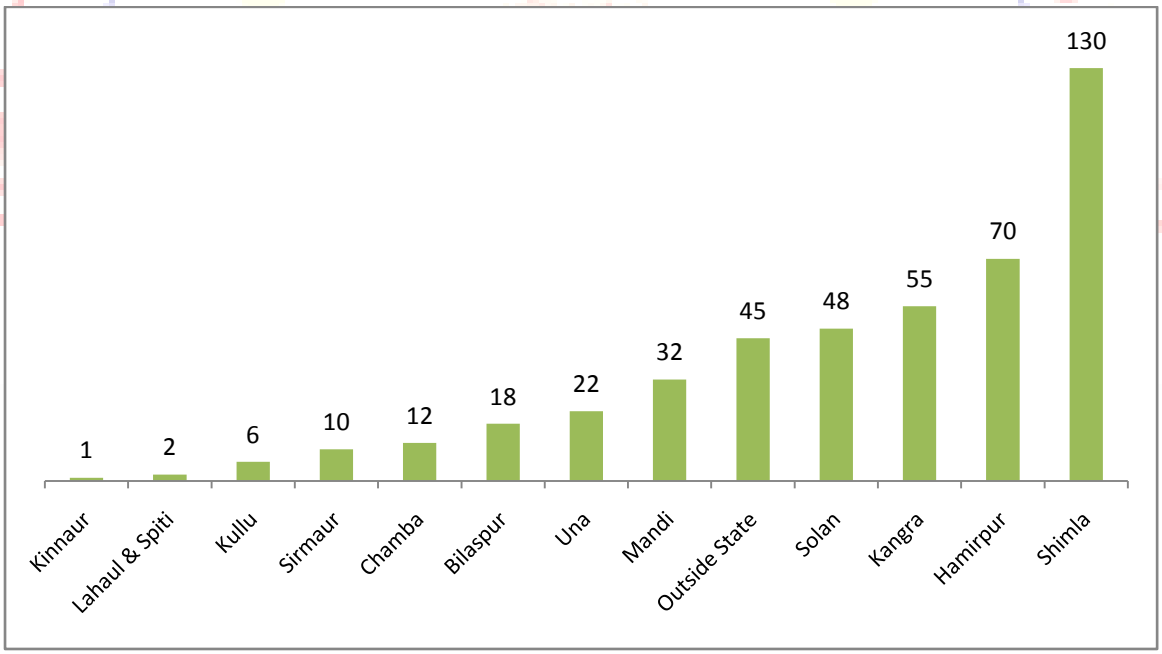
6. As against the receipt of 72,191 applications during the year under report, 55,463 applications were received by 125 public authorities during 2010-11. Thus there has been approximately 30% increase in the number of RTI applications filed during 2011-12 as compared to the applications filed during 2010-11. Such an increase in the number of applications shows that the general public of the State is becoming more aware of the provisions of the RTI Act, 2005.

CHAPTER–4

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

The HP State Information Commission received 451 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 2011-12. 255 of these appeals were filed by appellants residing in three districts of Shimla, Hamirpur and Kangra. The remaining 196 appeals were received from residents of the remaining districts and from outside the State. 40 appeals were pending as on 01.04.2011 in addition to 451 appeals received during the year 2011-12. 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

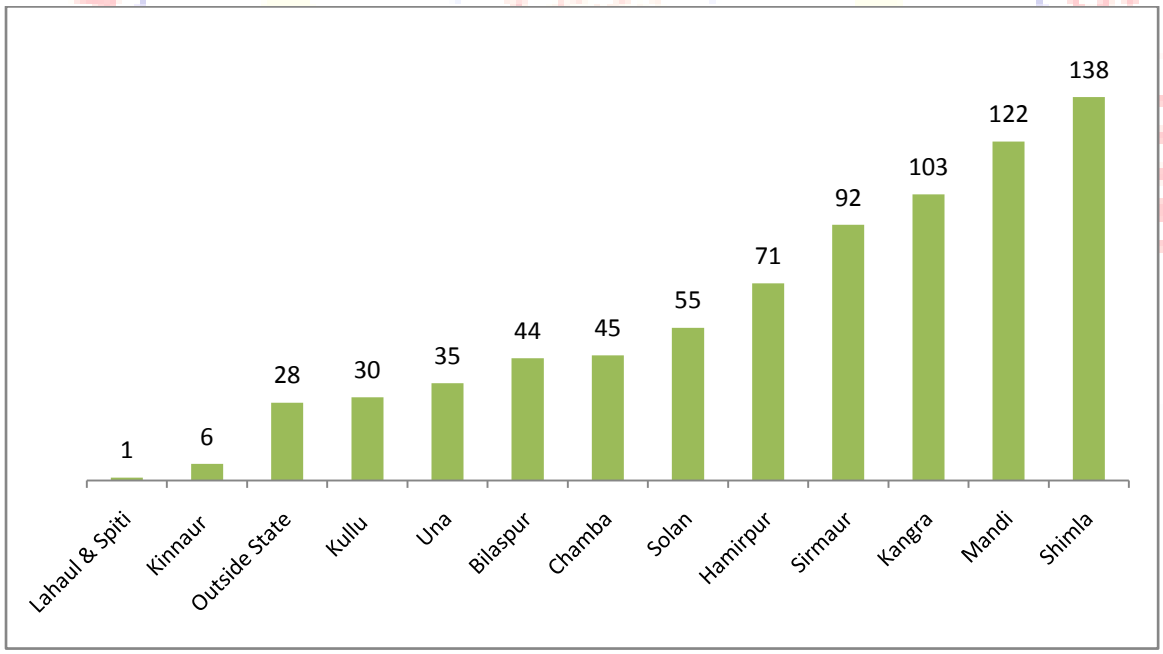


2. Out of the total of 491 appeals, 379 appeals were decided during the year leaving 112 appeals pending for decision as on 31.3.2012. The breakup of appeals decided/pending in the Commission is given in the table below:

(a) Appeals pending as on 1.4.2011	40
(b) Appeals received during the year	451
(c) Appeals decided during the year	379
(d) Appeals pending as on 31.3.2012	112

3. Apart from 451 appeals, the Himachal Pradesh State Information Commission received 770 complaints under Section 18 of the RTI Act, 2005 during the year 2011-12. The complainants were from all the districts of the State as well as from outside the state. However, 455 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, Sirmour and Mandi. 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 770 complaints received during the year, 21 complaints were pending as on 1.4.2011. Out of the total of 791 complaints, 622

complaints were decided by the Commission during the year and 169 complaints remained pending for disposal as on 31.3.2012. The breakup of the complaints received, decided and pending is given below:-

(a) Complaints pending as on 1.4.2011 21

(b) Complaints received during 2011-12 770

(c) Complaints decided during the year 622

(d) Complaints pending as on 31.3.2012 169

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 1.4.11	40	21	61
FILED DURING THE YEAR	451	770	1221
Total	491	791	1282
DECIDED	379	622	1001
PENDING AS ON 31.3.12	112	169	281

CASES DECIDED BY STATE CHIEF INFORMATION COMMISSIONER

	APPEALS	COMPLAINTS	TOTAL
PENDING AS ON 1.4.11	4	5	9
FILED DURING THE YEAR	248	414	662
Total	252	419	671
DECIDED	147	310	457
PENDING AS ON 31.3.12	105	109	214

CASES DECIDED BY STATE INFORMATION COMMISSIONER

	APPEALS	COMPLAINTS	TOTAL
PENDING AS ON 1.4.11	36	16	52

FILED DURING THE YEAR	203	356	559
Total	239	372	611
DECIDED	232	312	544
PENDING AS ON 31.3.12	7	60	67

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 ₹ 50,500/- by the Commission in deserving cases. A total penalty of ₹ 1,71,750/- was also imposed on PIOs during the period under report.

STATE INFORMATION COMMISSION
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CHAPTER–5

Implementation Of The RTI Act, 2005 During Past Seven 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 2011-12 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

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 seven years increased from first year to seventh year from 2654 to 72,191, which is an increase of approximately 27 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 1st March, 2006 upto 31.3.2012 are as under:-

Total Appeals Received and Decided from 01.03.06 to 31.03.12					
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	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
1.4.2010 to 31.3.2011	17	300	317	277	40
1.4.2011 to 31.3.2012	40	451	491	379	112
Total	**-----**	***1388***		***1276***	

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

4. The yearwise details of complaints received in the Commission from 1.3.2006 to 31.3.2012 are as under:-

Total Complaints Received and Decided from 01.04.06 to 31.03.12					
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
Total	**-----**	***2108***	**-----**	***1939***	

5. The yearwise details of the appeals and complaints received in the Commission from 1st March, 2006 to 2011-12 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
Total		***3504***		***3223***	

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 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 under report, 1221 appeals and complaints were received as against 72,191 RTI applications which is approximately 1.7% of the total applications. Thus the percentage of appeals and complaints received in the Commission has declined from 3.2% to 1.7% during these years. This shows that the performance of the PIOs has been improving year after year during the past seven 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 1.3.2006 to 31.3.2007

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

(b) During the period from 1.4.2007 to 31.3.2008

CASES DECIDED BY STATE CHIEF INFORMATION COMMISSIONER			
	APPEALS	**COMPLAINTS**	
PENDING AS ON 1.4.07	8	5	13
FILED DURING THE YEAR	81	92	173
Total	89	97	186
DECIDED	84	83	167
PENDING AS ON 31.3.08	5	14	19
CASES DECIDED BY STATE INFORMATION COMMISSIONER			
	APPEALS	**COMPLAINTS**	
PENDING AS ON 1.4.07	--	--	--
FILED DURING THE YEAR	74	42	116
Total	74	42	116
DECIDED	41	22	63

PENDING AS ON 31.3.08	33	20	53
***CASES DECIDED BY FULL BENCH:- 4**			

(c) During the period from 1.4.2008 to 31.3.2009

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

(d) During the period from 1.4.2009 to 31.3.2010

CASES DECIDED BY STATE CHIEF INFORMATION COMMISSIONER			
	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
CASES DECIDED BY STATE INFORMATION COMMISSIONER			
	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

(e) During the period from 1.4.2010 to 31.3.2011

CASES DECIDED BY STATE CHIEF INFORMATION COMMISSIONER			
	APPEALS	**COMPLAINTS**	**TOTAL**
PENDING AS ON 1.4.10	**10**	**21**	**31**
FILED DURING THE YEAR	**145**	**331**	**476**

Total	*** 155**	**352**	**507**
DECIDED	**151**	**347**	**498**
PENDING AS ON 31.3.11	**4**	**5**	**9**
CASES DECIDED BY STATE INFORMATION COMMISSIONER			
	APPEALS	**COMPLAINTS**	**TOTAL**
PENDING AS ON 1.4.10	**7**	**23**	**30**
FILED DURING THE YEAR	**154**	**172**	**326**
Total	**161**	**195**	**356**
DECIDED	**125**	**179**	**304**
PENDING AS ON 31.3.11	**36**	**16**	**52**

***** One appeal decided by full bench.

(f) During the period from 1.4.2011 to 31.3.2012

CASES DECIDED BY STATE CHIEF INFORMATION COMMISSIONER			
	APPEALS	**COMPLAINTS**	**TOTAL**
PENDING AS ON 1.4.11	**4**	**5**	**9**
FILED DURING THE YEAR	**248**	**414**	**662**
Total	**252**	**419**	**671**
DECIDED	**147**	**310**	**457**
PENDING AS ON 31.3.12	**105**	**109**	**214**
CASES DECIDED BY STATE INFORMATION COMMISSIONER			
	APPEALS	**COMPLAINTS**	**TOTAL**
PENDING AS ON 1.4.11	**36**	**16**	**52**
FILED DURING THE YEAR	**203**	**356**	**559**
Total	**239**	**372**	**611**
DECIDED	**232**	**312**	**544**
PENDING AS ON 31.3.12	7	60	67

8. During the last seven years, 3223 appeals and complaints have been decided by the Commission. However only 18 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	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	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 8794/2011 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.	Pending in the High Court
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

STATE INFORMATION COMMISSION HIMACHAL PRADESH

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 District and 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 personal. These workshops have really proved effective in bringing in awareness about the applicability of RTI Act in its real perspective.

CHAPTER – 7

Observations And Recommendations

In the Sixth 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. 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. In the Sixth Report, 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 2011-12 no such programmes were organized, hence the earlier recommendation reiterated again.

3. In the earlier 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 meet the requirement of the aforesaid Section of the RTI Act, 2005. Hence the earlier recommendation in respect of implementation of Section 4(1) (a) of the RTI Act, 2005 is reiterated.

4. The Commission has examined the reports received from the Public Authorities pertaining to the receipt of RTI applications from information seekers during the year 2011-12. It has been observed that out of a total of 72,191 RTI applications filed by the information seekers during the year, requests were rejected by the PIOs concerned only in 840 cases and 1381 first appeals were filed during the year. The Commission received 770 complaints and 451 second appeals during 2011-12. 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.

5. It has been observed from the Action Taken Report on the recommendations made in the 6th Annual Report submitted by the Department of Administrative Reforms that the Himachal Pradesh Institute of Public Administration Shimla, conducted training programmes and workshops for the Public Information Officers, other officers of the State Government and imparted training to 2009 officials of various departments as per the

recommendation of State Information Commission. But in view of large number of APIOs, PIOs and Appellate Authorities designated by the Rural Development Department, Education Department and other bigger departments in the state, more training programmes are required to be organized by HIPA. HIPA has to substantially increase the number of training programmes for the PIOs and APIOs in view of lack of adequate knowledge of applicability of RTI Act. The Department of Administrative Reforms may, therefore, take concrete steps for implementing the aforesaid provisions of the RTI Act, 2005/ HPRTI Rules, 2006 for rightful propagation of the Act and the Rules.

6. In the Sixth report, it was recommended that 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 are permitted to supply the information in such cases at the initial stage without insisting on payment of additional fee, it would certainly reduce the work of receiving and depositing the IPOs and also writing subsequent letters to the applicants for sending photocopies of the information/documents sought. Hence the earlier recommendation reiterated.

7. 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. However, it has been observed that the proactive disclosure of information under this sub-section of the Act have not been done/ updated by a large number of Public Authorities. Quite a large number of such declarations do not cover all the seventeen points. 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. Hence the earlier recommendation is reiterated.

8. In the 5th and 6th Annual Reports, 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 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. Hence the earlier recommendation reiterated.

9. In the Fifth and Sixth Report, it was 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. Again this recommendation is reiterated.

10. In the sixth report. it was recommended that as per provisions of section 2(j) of the RTI Act, 2005, the citizens have a right to inspect works and for the videography of the work 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, again recommended that a suitable provision may be

incorporated in HP RTI Rules, 2006 to enable the information seekers to inspect and videograph any work under execution by a Public Authority of the State Govt. Hence the earlier recommendation reiterated.

11. The Administrative Reform Department issued 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 provisions of RTI Act, 2005. It has been observed by the Commission that most of the Public Authorities are not submitting requisite reports to the Commission well in time, which has caused considerable delay to finalize the Annual Report of the 2011-12. Hence it is strongly recommended that instructions may be issued to the Public Authorities to submit the required report well in time.

12. The Commission has observed that the Departments are not maintaining the record/ files as per the Office Manual which mandates 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 transparent manner. Maintenance of File Index Register and Guard File are not being ensured as per Office Manual which is necessary to comply with the provisions of section 4(1)(a) and (b) of RTI Act, 2005. It is therefore recommended that each department be directed to ensure compliance of the Office Manual in this regard in a time bound manner.

13. The Commission has observed 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 them and improve their efficiency