SIXTH

ANNUAL REPORT

ON

IMPLEMENTATION OF THE RTI ACT, 2005

{APRIL 1, 2010 TO MARCH 31, 2011}

STATE INFORMATION COMMISSION
HIMACHAL PRADESH

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Index

Statistics in Brief

(I-V)

Chapter No.	Subject	Page No.
	CHAPTERS	
1.	The Right To Information Act, 2005 And The Rules Made Under It.	1-6
2.	Role And Responsibilities Of The Himachal Pradesh State Information Commission.	7-13
3.	Implementation Of The Act (Disposal Of Applications By Public Authorities in Himachal Pradesh)	14-23
4.	Implementation Of The Act (Disposal Of Appeals And Complaints By HP State Information Commission)	24-29
5.	Implementation of the RTI Act, 2005 During Past Six Years	30-35
6.	Use of Information Technology and New Initiatives Taken by State Information Commission	36-37
7.	Observations And Recommendations	38-42
Annexure:	Status of Implementation of Recommendations Made By The State Information Commission in The Fifth Report.	

State Information Commission
Himachal Pradesh

Annual Report Statistics in Brief

(1.4.2010 to 31.3.2011)

a)	Number of public authorities which submitted Annual Return to the State Information Commission	:	125
b)	Number of applications filed with various public authorities under the RTI Act, 2005 from 1.4.2010 to 31.3.2011	:	55463
c)	Number of applications rejected by the Public Information Officers (PIOs) of these public authorities	:	701
d)	Total amount of fee and additional fee collected by the PIOs		1432417
e)	Number of first appeals filed under section 19 of the RTI Act, 2005 with the Appellate Authorities during the year	:	1220
f)	(i) Number of second appeals filed under section 19 of the RTI Act, 2005 during the year with the Commission	:	300
	(ii) Number of appeals pending as on 1.4.2010	:	17
	(iii) Total number of appeals	:	317
	(iv) Number of second appeal decided by the Commission during the year	:	277
g)	(i) Number of complaints filed under section 18 of the RTI Act, 2005 during the year with the Commission	:	503
	(ii) Number of complaints pending as on 1.4.2010	:	44
	(iii) Total number of Complaints	:	547
	(iv) Number of Complaints decided during the year	:	526
h)	(i) Number of cases in which penalty was imposed upon the PIO by the Commission.	:	3
	(ii) Number of cases in which compensation was awarded to the appellants/complainants by the Commission.	:	33

CONSOLIDATED DETAILS OF CASES IN HIMACHAL PRADESH STATE INFORMATION COMMISSION DURING THE YEAR 2010-11

	APPEALS	COMPLAINTS	TOTAL
PENDING AS ON 1.4.10	17	44	61
FILED DURING THE YEAR	300	503	803
Total	317	547	864
DECIDED	277	526	803
PENDING AS ON 31.3.11	40	21	61

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

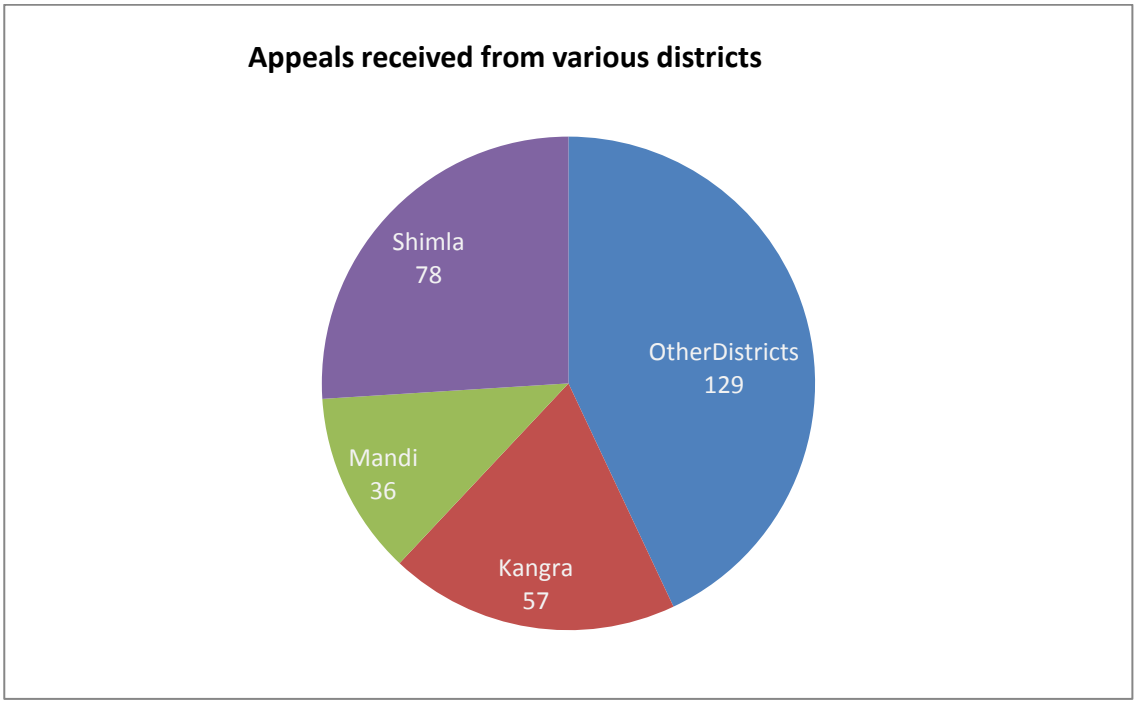
	APPEALS	COMPLAINTS	TOTAL
PENDING AS ON 1.4.10	7	23	30
FILED DURING THE YEAR	154	172	326
Total	161	195	356
DECIDED	125	179	304
PENDING AS ON 31.3.11	36	16	52

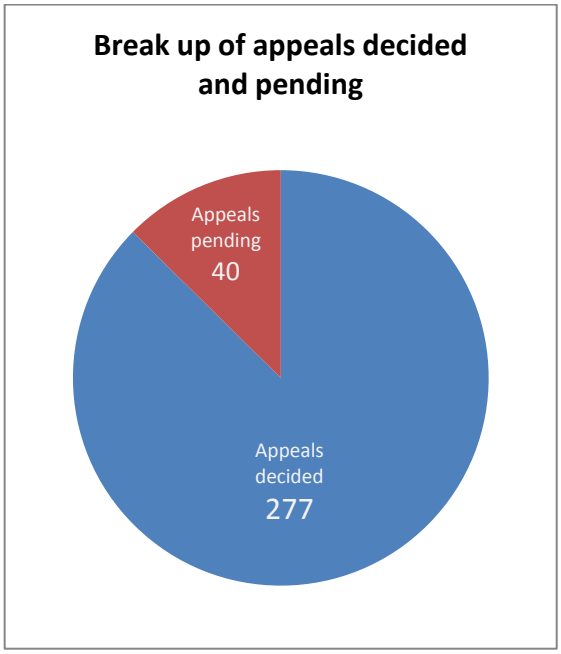
***** One appeal decided by full bench.

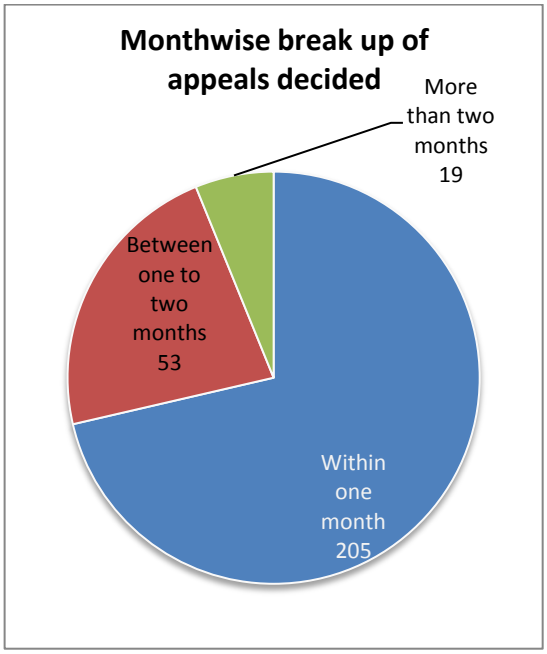
(III)

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

(1.4.2010 to 31.3.2011)



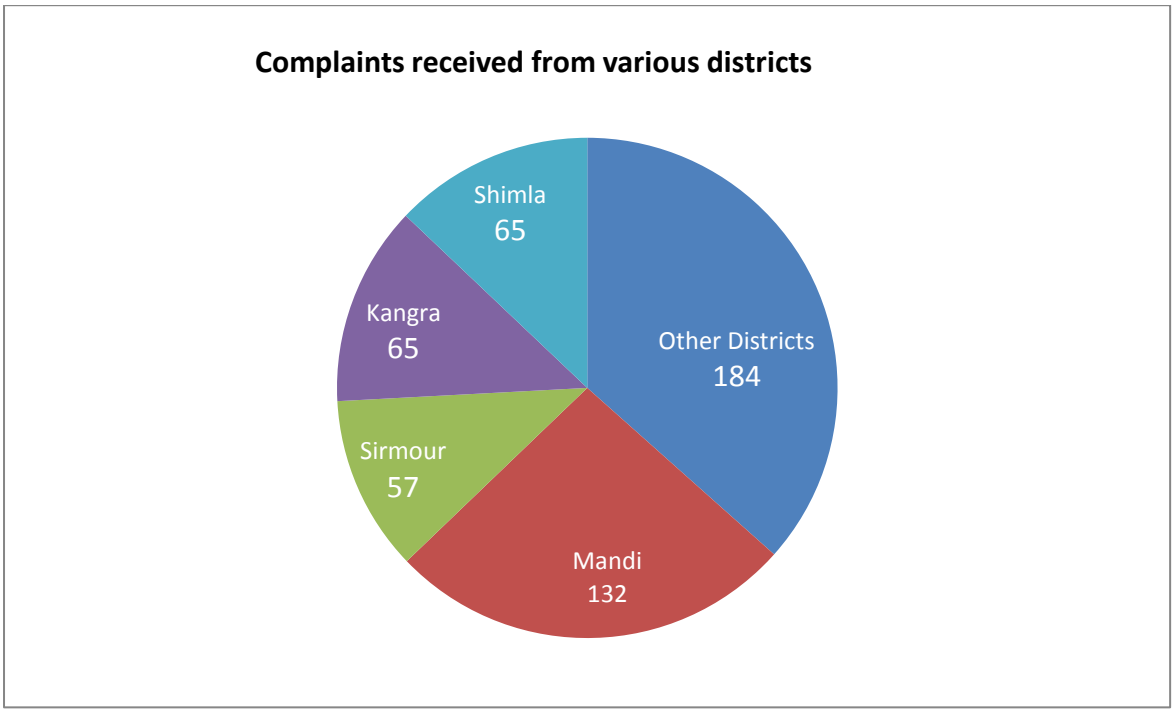


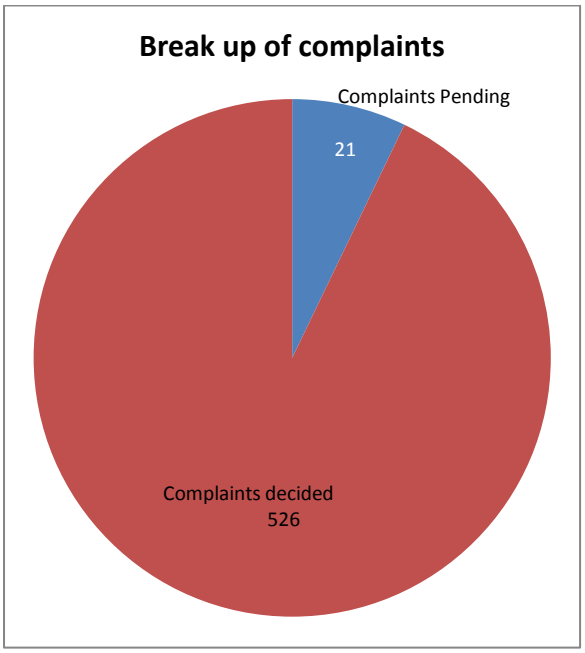


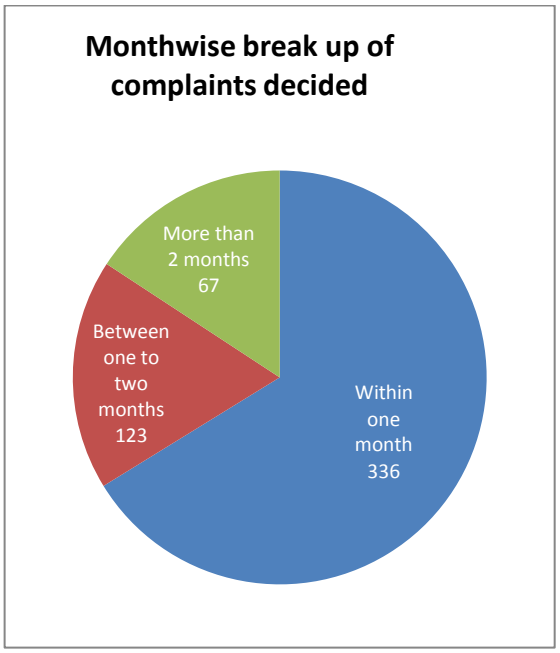
(IV)

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

(1.4.2010 to 31.3.2011)



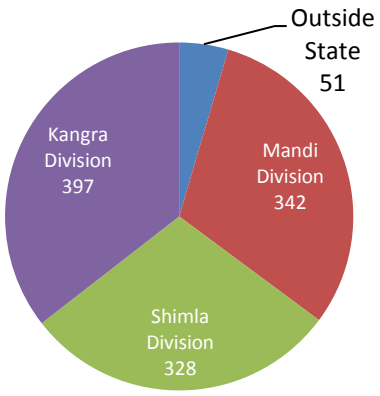




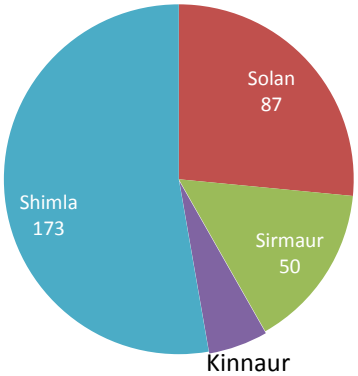
Break up of applications/representations received in the State Information Commission

(1.4.2010 to 31.3.2011)

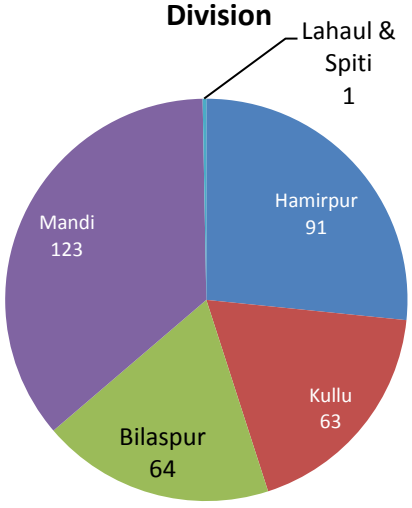
Number of applications received from the three Divisions and from outside the State



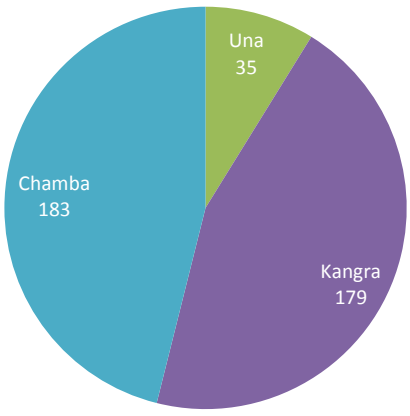
Number of applications received from four Districts of Shimla Division



Number of applications received from five Districts of Mandi Division



Number of applications received from three Districts of Kangra Division



CHAPTER–1

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

The Right to Information Act, 2005 was enacted by Indian Parliament on 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.

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 has 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 2010-11, a sum of ` 1,01,07,000/- 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	7858000	7858186
03	TRAVEL EXPENSES	60000	60154

05	OFFICE EXPENSES	964000	963620
06	MEDICAL REIMBURSEMENT	121000	120849
07	RENT, RATES & TAXES	240000	239873
10	HOSPITALITY	31000	30975
12	PROFESSIONAL & SPECIAL SERVICES	51000	51200
20	OTHER CHARGES	222000	221982
30	MOTOR VEHICLE	560000	559484
	TOTAL	**10107000**	**10106323**

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 Himachal Pradesh State Information Commission has been enquiring into the complaints against PIOs received from the applicants relating to access to information and deciding them on merit keeping in view the provisions of the Act read with the Rules framed under it. The Commission has also been dealing with and disposing off 2nd appeals filed with it against decisions of the designated Appellate Authorities. While deciding the appeals/ complaints, the Commission has been making appropriate recommendations to those public authorities which were not conforming to the letter and spirit of the provisions of the Act specifying the steps to be taken by them for promoting such conformity as envisaged under section 19(8) of the Act. It has also been recommending suitable compensation to the complainants/ appellants in deserving cases.

6. After receiving a complaint under Section 18 of the RTI Act, 2005, the State CIC and State IC have been making an inquiry or taking such other

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

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

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.

8. The RTI Act, 2005 empowers various Commissions to prepare a report on the implementation of the provisions of the Act during each year and forward the same to the appropriate Government for laying it before the Parliament/State Legislative Assemblies. In pursuance of this provision of the Act, the Himachal Pradesh State Information Commission has prepared the Sixth Report on the implementation of the Right to Information Act, 2005 in the State of Himachal Pradesh during the year 2010-11 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-3

Implementation Of The Act

(Disposal of applications by public authorities in Himachal Pradesh)

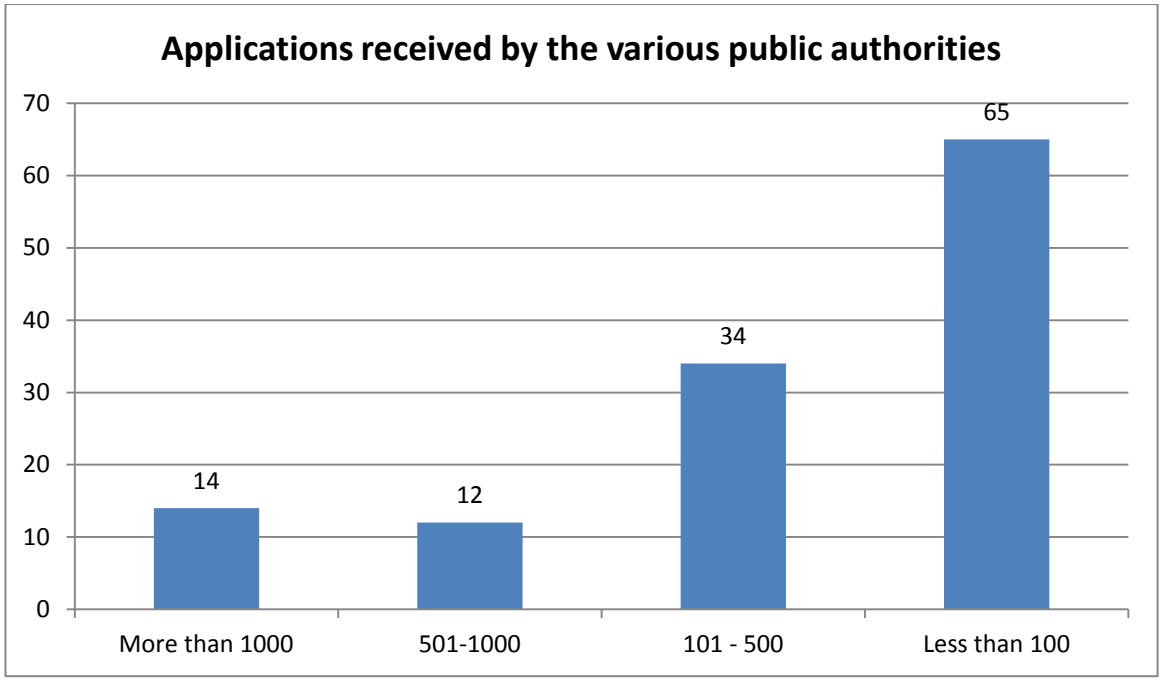
Sections 6 and 7 read with section 11 of the RTI Act, 2005, prescribe the procedure and time frame for furnishing the information held by public authorities to the information seekers through the Public Information Officers designated for the purpose. As per reports received in the Himachal Pradesh State Information Commission, 55,463 applications were filed in the offices of 125 public authorities of the State Government for seeking information under the Act during 2010-11. As against the receipt of 55,463 applications during the year under report, 43,835 applications were received by 134 public authorities during 2009-10. Thus there has been approximately 26% increase in the number of RTI applications filed during 2010-11 as compared to the applications filed during 2009-10. 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. This figure even will go up if we include the applications received by few public authorities which have not submitted the information.

2. Out of the total of 125 public authorities which received RTI applications during the year, 14 public authorities of them received more than 1000 applications, 12 of them received 501 to 1000 applications, 34 of them received 101 to 500 applications and the remaining 65 public authorities received less than 100 applications. Fourteen public authorities namely the Cooperative Department, DC Offices Hamirpur, Kangra, Mandi, Shimla, Solan, Elementary Education Department, Forest Department, Higher Education Department, IPH Department, Police Department, Public Works Department, Rural Development Department and Panchayati Raj, and HP Subordinate Services Selection Board Hamirpur received more than 1000 applications during the year. It has been observed that a total of 53,319

applications out of 55,463 applications i.e. approximately 96 percent of the total applications were received by 60 public authorities. The remaining 65 public authorities received less than 4 percent of the total applications. Further, a fee of `14,32,417/- has been collected by various public authorities during the same period.

3. The table below gives the break up of applications received by various public authorities in the state during the year 2010-11:-

Sr. No.	**Public Authorities which received**	**Number**
i	More than 1000 RTI applications	14
ii	501 to 1000 RTI applications	12
iii	101 to 500 RTI applications	34
iv	Less than 100 RTI applications	65
	Total number of public authorities which received any application	**125**



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

Sr. No.	Name of Public Authority	Number of applications received	Applications rejected by the PIOs	Appeals filed before the First Appellate Authorities	Appeals filed before the State Information Commission	Number of cases where compensation was awarded by the Commission	Amount of fee collected
1.	Chief Minister Office	142	5		1		1895
2.	H.P. High Court	553	22	22	3		47996
3.	Vidhan Sabha Sectt.	107					1813
4.	Lokayukta	12	9	1	2		120
5.	State Election Commission	190					4464
6.	State Information Commission	63					1491
7.	Public Service Commission	663		21	2		18068

8.	H.P.S.S.S. Board Hamirpur	2658	15	47	3		58000
9.	HPERC	15					351
10.	Divisional Commissioner Shimla	60	6				2194
11.	Divisional Commissioner Kangra	80		1	1		1300
12.	Divisional Commissioner Mandi	94					1588
	Himachal Pradesh Secretariat						
13.	Administrative Reforms	19					327
14.	Forest	68					1669
15.	General Administration	99	2		2		2437
16.	Health & Family Welfare	144		7			1238
17.	Fisheries	2					108
18.	Urban Development	29		2			406
19.	Animal Husbandry	39					1077
20.	Economics & Statistics	7					244
21.	Home	645	42	20	7		17645
22.	Irrigation & Public Health	66					1930
23.	Personnel	390	59	14			19416
24.	Finance	159	3	2	1		3164
25.	Transport	18					371
26.	Law	29			2	1	630
27.	Secretariat Administration	125	41	9			3722
28.	Excise & Taxation	12					846
29.	Election	126					2105
30.	Non-Conventional Energy Sources	5					1172

31.	Printing & Stationery	2					40
32.	Horticulture	32					1498
33.	Revenue	92		4	19		1566
34.	Housing	11					1730
35.	Tourism	17					566
36.	Welfare	12					370
37.	Ayurveda	18			2		625
38.	Tribal Development	8					390
39.	Industries	43	5				1184
40.	Town & Country Planning	14					231
	Administrative Departments						
41.	Agriculture	97					3551
42.	Animal Husbandry	210		2			5366
43.	Ayurveda	451	2	11			15908
44.	Police	4399	128	162	18		91161
45.	Co-operative	1052		41	8		30373
46.	Elementary Education	3690	05	127	10	1	47369
47.	Information Technology	23			1		260
48.	Excise & Taxation	500	5	14	1		7583
49.	Fisheries	34					655
50.	Food & Civil Supplies	343		3			6591
51.	Forest Farming & Conservation	1457	63	16	11		81573
52.	Health and Family Welfare	286			22	1	6544
53.	Horticulture	298		3	1		4964

54.	Industries	384		4	2		17088
55.	Science & Technology	06					506
56.	Irrigation & Public Health	1867	89	26	9		92383
57.	Energy	38	2	1	17		1210
58.	Estates	47					904
59.	Health, Safety and Regulation	60					915
60.	Economics & Statistics	38	3	3			1319
61.	Labour & Employment	352	2	8	1		5645
62.	Prosecution	23			1	1	377
63.	Consolidation of Holdings	71					1327
64.	Land Records	60					6871
65.	Printing & Stationery	46					1295
66.	Information and Public Relations	81		2	1		3726
67.	Rural Development & Panchayati Raj	6767	37	138	23	3	183998
68.	Settlement (Shimla)	363		7	1		22787
69.	Settlement (Kangra)	362		9	2		9073
70.	Electrical Inspectorate	11					121
71.	Welfare	116			2		5869
72.	Tourism	188		2			4918
73.	Public Works	5128		162	15		124330
74.	Language, Art & Culture	49					893
75.	Tribal Development	14					264
76.	Town & Country Planning	308		4	1		11296
77.	Transport	602		9			20010

78.	Urban Development	48			5	1	563
79.	Higher Education	2061		24	20		26951
80.	Planning	66		1			1430
	Deputy Commissioners						
81.	Bilaspur	782					12221
82.	Chamba	595					9159
83.	Hamirpur	1060		8	1		19606
84.	Kangra	1160		8	9		17440
85.	Kinnaur	309	25				14927
86.	Kullu	399			1		4765
87.	Mandi	1953		43	7		36263
88.	Shimla	1524			11		23426
89.	Sirmour	552		10	1		4110
90.	Solan	1072			2		14056
91.	Una	697		18	3		11905
92.	Lahaul & Spiti	2					158
	CORPORATIONS						
93.	Financial Corporation	132	14	11	6	1	4104
94.	Forest Corporation	459		19			11005
95.	General Industries Corporation	39	7	2			1396
96.	H.P.M.C.	34					763
97.	HP Small Industries& Export Corporation	5					273
98.	AIPIL	1					10
99.	Agro Industries Corporation	35	16		2		1860

100.	Kangra Central Co-operative Bank Ltd.	155	10	18			2265
101.	Jogindra Central Co-operative Bank Ltd.	24	4				324
102.	HP Seeds & Organic Produce Certification Agency	1					10
103.	HP Aqua Culture Fishing and Marketing Society, Bilaspur	1					
104.	Ex-Servicemen Corporation	34					362
105.	Tourism Development Corporation	140		7			6791
106.	HP State Civil Supplies Corporation Ltd.	252		3	1		3745
107.	Road Transport Corporation	926		31	5	1	44147
108.	Municipal Corporation, Shimla	999		34	12		43755
109.	Coop.Milk Producers Federation	14					86
110.	Himurja	70					6050
111.	Handicrafts & Handloom Corporation	7					195
112.	Small Industries Development Corporation	63	25	1	1		
113.	HP State Industrial Development Corporation Limited	9			1		332
114.	HP Minorities Finance and Development Corporation	13					142
115.	Power Corporation	138	1	10			9247
116.	Power Transmission	9					50
117.	State Vigilance & Anti-Corruption Bureau	401	33	13	1		5290
118.	Atal Bihari Vajpayee Institute of Mountaineering & Allied Sports	25					736

	BOARDS						
119.	Khadi & Village Industries Board	33			1		1043
120.	H.P. Board of School Education	643		2			12275
121.	HIMUDA	344		4	3		25241
122.	Wool Federation	5					60
	Universities						
123.	HP University, Shimla	654		39	9	1	2968
124.	Dr. Yashwant Singh Parmar University of Horticulture & Forestry, Nauni(Solan)	423	18		3		12472
125.	CSK HP Krishi Vishwa Vidyalaya Palampur	406	3	10	3	2	13430
	Total	**55463**	**701**	**1220**	**300**	**13**	**1432417**

5. The above table clearly shows that the Public Information Officers of various public authorities in the state furnished the information to the applicants except in 701 cases where the applications were rejected. Thus only one percent of the total applications were rejected by the PIOs. Last year, the rejection of applications was 1% of the total applications. Hence there has been a reduction in the percentage of rejection of applications during the year under report.

6. The public authorities have reported that most of the 701 applications were rejected under section 8(1) (j) of the RTI Act, 2005. The table in para 4 above also shows that number of first appeals is also less than 2.2% of the total applications. The Himachal Pradesh State Information Commission received 300 appeals against 1220 first appeals filed with the designated Appellate Authorities. In addition, the Commission also received 503 complaints during the year for non-receipt of or receipt of incomplete

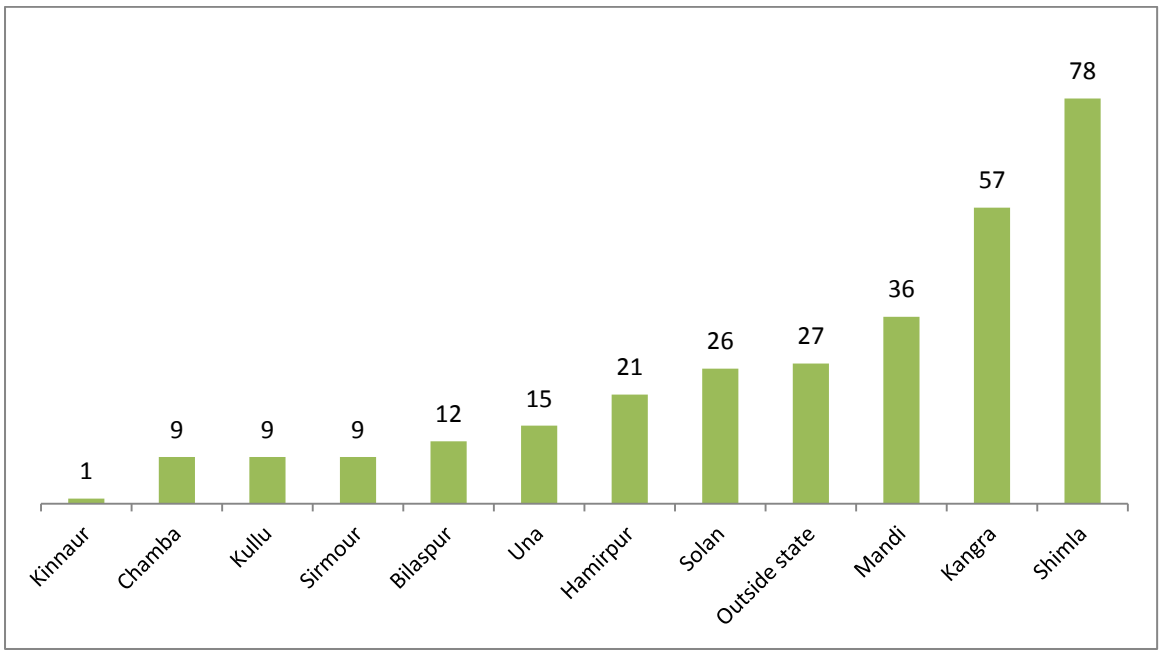
information or delayed response from the PIOs. Thus the Commission received a total of 803 appeals/complaints as against a total of 55,463 RTI applications filed with various public authorities during the year. The number of appeals/complaints received in the Commission is approximately 1.4% of the total 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 2010-11 has been quite satisfactory.

CHAPTER–4

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

The HP State Information Commission received 300 appeals from various appellants residing in 11 districts of the State and outside the State against the decisions of Public Information Officers/first Appellate Authorities during the year 2010-11. 171 of these appeals were filed by appellants residing in three districts of Shimla, Kangra and Mandi. The remaining 129 appeals were received from residents of the remaining districts and from outside the State. 17 appeals were pending as on 01.04.2010 in addition to 300 appeals received during the year 2010-11. 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



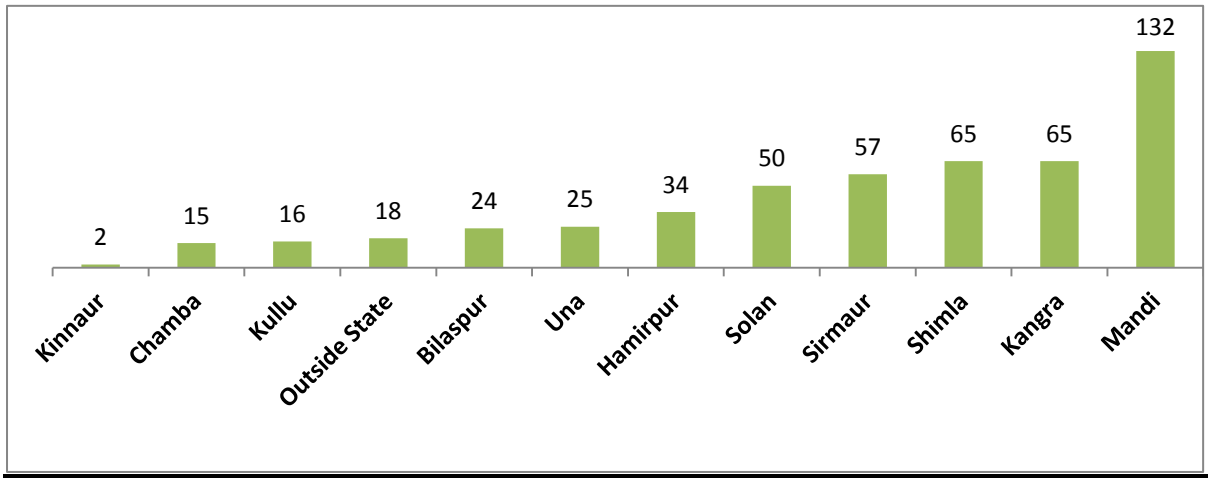
2. Out of the total of 317 appeals, 277 appeals were decided during the year leaving 40 appeals pending for decision as on 31.3.2011. Out of the 277 appeals decided by the Commission, appeals were rejected only in 48 cases

as the information stood furnished to the appellant in most of these cases. In the remaining 229 cases, the PIOs were directed to provide the desired information within specific periods in individual cases. The breakup of appeals decided/pending in the Commission is given in the table below:

(i)	Break up of appeals received and decided during the year	
	(a) Appeals pending as on 1.4.2010	17
	(b) Appeals received during the year	300
	(c) Appeals decided during the year	277
	(d) Appeals pending as on 31.3.2011	40
(ii)	Break up of appeals decided during the year	
	(a) Appeals Decided in less than one month	205
	(b) Appeals decided in more than one month but less than two months	53
	(c) Appeals decided in more than two months	19
(iii)	Break up of appeals pending as on 31.3.2011	
	(a) Appeals pending for a period less than one month	39
	(b) Appeals pending for a period from one month to two months	0
	(c) Appeals pending for more than two months	1

3. Apart from 300 appeals, the Himachal Pradesh State Information Commission received 503 complaints under Section 18 of the RTI Act, 2005 during the year 2010-11. The complainants were from all the districts of the State as well as from outside the state. However, 319 complaints (i.e. more than 63% 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 2010-11 is given in the bar chart below:

District wise breakup of complaints received in the Commission



4. In addition to 503 complaints received during the year, 44 complaints were pending as on 1.4.2010. Out of the total of 547 complaints, 526 complaints were decided by the Commission during the year and 21 complaints remained pending for disposal as on 31.3.2011. Further, out of the total of 526 complaints decided by the Commission, only 49 were rejected. The period wise breakup of the complaints received, decided and pending is given below:-

Break up of complaints received, decided and pending as on 31.3.2011

(i)	Break up of complaints received and decided during the year	
	(a) Complaints pending as on 1.4.2010	44
	(b) Complaints received during 2010-11	503
	(c) Complaints decided during the year	526
	(d) Complaints pending as on 31.3.2011	21
(ii)	Break up of complaints decided during the year	
	(a) Complaints decided in less than one month	336
	(b) Complaints decided in more than one month but less than two months	123

(c) Complaints decided in more than two months 67

(iii) Break up of complaints pending as on 31.3.2011

(a) Complaints pending for period less than one month 17

(b) Complaints pending for period from one month to two months 1

(c) Complaints pending for more than two months 3

5. The facts given in para 2 above show that more than 74% of the appeals were decided within one month of their institution in the State Information Commission and a further 19% were decided within 2 months of their institution. Thus 93% of the total appeals were decided within 2 months of their institution in the Commission. Almost all the appeals were decided within 3 months of their institution. The details of these appeals are available on the website of the Himachal Pradesh State Information Commission. The facts given in para 5 above show that approximately 64% of the complaints were decided within one month of their institution in the Himachal Pradesh State Information Commission and further 23% were decided within two months of their institution. Thus 87% of the complaints were decided within 2 months of their institution and the remaining 13% complaints were decided within 3 months of their institution.

6. 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 1.4.10	17	44	61
FILED DURING THE YEAR	300	503	803
Total	317	547	864
DECIDED	277	526	803
PENDING AS ON 31.3.11	40	21	61

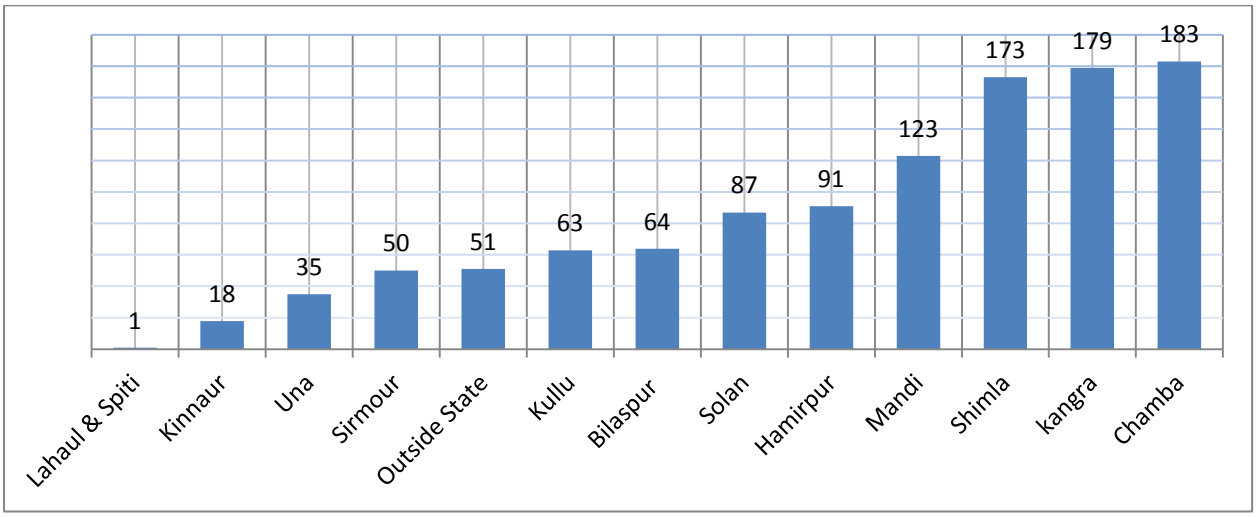
CASES DECIDED BY STATE CHIEF INFORMATION COMMISSIONER			
	APPEALS	COMPLAINTS	TOTAL
PENDING AS ON 1.4.10	10	21	31
FILED DURING THE YEAR	145	331	476
Total	155	352	507
DECIDED	151	347	498
PENDING AS ON 31.3.11	4	5	9
CASES DECIDED BY STATE INFORMATION COMMISSIONER			
	APPEALS	COMPLAINTS	TOTAL
PENDING AS 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

7. 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 ` 55,500/- by the Commission in deserving cases. A total penalty of ` 18,250/- was also imposed on three PIOs during the period under report.

8. In addition to the appeals and complaints under the RTI Act, 2005, the Commission also received 1118 letters/representations during the year 2010-11 which were forwarded to the Public Information Officers/Public Authorities concerned with suitable directions of the Commission. The progress of these letters/representations was also followed up by the Commission with the concerned authority to ensure that the applicants received appropriate reply failing which some of these letters/representations were taken up as complaints filed with the Commission under section 18 of the RTI Act, 2005. The district wise break up of these letters/representations received during 2010-11 is given in the table and bar chart below:—

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

Sr. No.	Name of District	Number of letters/representations received
1.	Bilaspur	64
2.	Chamba	183
3.	Hamirpur	91
4.	Kangra	179
5.	Kinnaur	18
6.	Kullu	63
7.	Lahaul & Spiti	1
8.	Mandi	123
9.	Shimla	173
10.	Sirmour	50
11.	Solan	87
12.	Una	35
13.	Outside State	51
	Total	**1118**



CHAPTER–5

Implementation Of The RTI Act, 2005 During Past Six 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 2010-11 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 `)
upto 31.03.2007	110	2,654	119	127	2,34,281
2007-08	118	10,105	283	267	6,00,495
2008-09	124	17,869	259	338	8,07,939
2009-10	134	43,835	442	706	10,89,504
2010-11	125	55,463	701	1220	14,32,417

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 six years increased from first year to sixth year from 2654 to 55,463, which is an increase of approximately 21 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 31.3.2011 are as under:-

Total Appeals Received and Decided from 01.03.06 to 31.03.11					
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
Total	***-----***	***937***		***897***	

*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 31.3.2011 are as under:-

Total Complaints Received and Decided from 01.04.06 to 31.03.11					
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
Total	***-----***	***1338***	***-----***	***1317***	

5. The yearwise details of the appeals and complaints received in the Commission from 1st March, 2006 to 20010-11 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
Total		***2283***		***2222***	

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 under report, 803 appeals and complaints were received as against 55,463 RTI applications which is approximately 1.4% of the total applications Thus the percentage of appeals and complaints received in the Commission has declined from 3.2% to 1.4% during these years. This shows that the performance of the PIOs has been improving year after year during the past six 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 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 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 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

(d) During the period from 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.

8. During the last six years, 2222 appeals and complaints have been decided by the Commission. However only 14 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	Pending in the High Court
6.	State of H.P. V/S Sh. Sanjay Gupta, IAS CWP-1050/2010	Pending in the High Court
7.	Ms. Kalpna Grover V/S State of H.P. CWP-4632/2010	Dismissed as withdrawn
8.	Sh. Sanjay Mandyal V/S State of H.P. CWP-5418/2010	Pending in the High Court
9.	Smt. Ram Payari V/S State of H.P. CWP-6404/2010	Pending in the High Court
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 on 28.07.2010
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

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. In order to further strengthen the RTI regime at the grass root level and to facilitate the information seekers nearest to their places of residence, the State Information Commission has taken the decision to hold periodical hearings of complaints and appeals at District and Revenue Division levels. This step has helped 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 helps better implementation of Right to Information Act.

3. The State Information Commission, Himachal Pradesh in coordination with Administrative Reforms Department, Himachal Pradesh Institute of Public Administration and districts administration organizes 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 and Mahila/Yuvak Mandals, Journalists. These workshops have really proved effective in spreading the awareness as to how to file RTI applications and to ensure expeditious disposal thereof.

4. The net result of these awareness workshops, hearings at grass root level and transparent system of registration of complaints and appeals at Commission level is that no complaint or appeal remains pending for disposal for more than 3 months and only in few cases maximum of six months.

CHAPTER – 7

Observations And Recommendations

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

2. Training and sensitization of First Appellate Authorities of the Public Authorities and Heads of Departments of the Public Authorities be carried out.

3. In the earlier reports, the Commission has been recommending 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 the 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 if facilitated.”

The action taken on this recommendation by 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 2010-11. It has been observed that out of a total of 55,463 RTI applications filed by the information seekers during the year, requests were rejected by the PIOs concerned only in 701 cases and 1220 first appeals were filed during the year. The Commission received 503 complaints and 300 second appeals during 2010-11. 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 was, however, observed by the Commission that most of the complaints and appeals pertained to delay in receiving appropriate response from the PIOs. In a number of cases, the delay could be attributed to lack of awareness on the part of PIOs about various provisions of the RTI Act, 2005 and the Rules made there under. On the other hand, the applicants also seemed to be unaware of the scope of the RTI Act, 2005. Quite a large number of applicants/appellants expected the redressal of their grievances through their RTI applications and complaints/ appeals filed in the State Information Commission.

5. It has been observed from the Action Taken Report on the recommendations made in the 5th 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, Appellate Authorities and other officers of the State Government and imparted training to 2684 officials of various

departments as per the recommendation of State Information Commission, but keeping in view the large number of PIOs and APIOs in the state, the number of training programmes organized by HIPA were still not adequate. HIPA has to substantially increase the number of training programmes for the PIOs and APIOs in view of prevailing ignorance amongst large number of PIOs/APIOs. The Department of Administrative Reforms should, therefore, take concrete steps for implementing the aforesaid provisions of the RTI Act, 2005/ HPRTI Rules, 2006 for propagation of the Act and the Rules.

6. In a number of complaints and appeals, it has been observed that information / documents sought by applicants comprised of one or two pages of A-4 size. In these cases, the PIOs requested the applicants to deposit `2 or `4, as the case may be, by sending a letter as envisaged in HPRTI Rules, 2006. If the PIO could be permitted to supply the information in such cases at the initial stage itself without insisting on payment of additional fee, it would reduce the work of PIOs of receiving and depositing the IPOs and the subsequent writing of letters to the applicants for sending photocopies of the information/documents sought. 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 should take concrete steps to ensure that the provisions of section 4 (1) (b) of the RTI Act, 2005 are implemented in letter and spirit by all the public authorities under the State Govt.

8. In the 4th Annual Report and 5th Annual Report, the Department of Administrative Reforms was requested to finalise an appropriate scheme of

periodic inspections for various offices to ensure that provisions of RTI Act, 2005 are implemented effectively. In order to implement this recommendation, the Department has issued administrative instructions to various departments. However, there is dire need to inspect the RTI registers maintained by PIOs to ensure timely disposal of applications as well as the disposal of first appeals by the designated Appellate Authorities. Such a step is likely to reduce the filing of complaints and 2nd appeals in the Commission. Consequently the Department of Administrative Reforms is again requested to finalise a scheme for periodic inspection of the work assigned to PIOs and disposal of first appeals by the Appellate Authority and circulate the same to various Departments. Such a scheme can be incorporated in the office manual which is under revision in the Department of Administrative Reforms. Hence the earlier recommendation reiterated.

9. In the Fifth 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. 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 for videography of any work under execution by a public authority of the State Govt.

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 have not designated the nodal officers due to that the requisite reports are not being submitted to the Commission well in time, which causes delay to finalize the annual report of the Commission and to submit the report to the Government under section 25 of RTI Act, 2005. Hence it is strongly recommended that instructions should be issued to the public authorities to submit their report well in time.

Annexure

DEPARTMENT OF ADMINISTRATIVE REFORMS
GOVERNMENT OF HIMACHAL PRADESH

Action Taken Report by the Government of Himachal Pradesh on the observations and recommendations of Fifth Report (April 1, 2009 to March 31, 2010) of State Information Commission (SIC), Himachal Pradesh.

Observations and Recommendations	**Action taken by the State Government.**
In the Fourth Report submitted last year under section 25(1) of the RTI Act, 2005, the Himachal Pradesh State Information Commission had made certain recommendations for smooth and effective implementation of the RTI Act, 2005 in the State of Himachal Pradesh. The State Government has taken action on these recommendations. Annexure to this report gives the details of action taken by the State Government on the observations and recommendations of the Commission made in the Fourth Report. Some of the recommendations which require further action at the level of the State Government are being included as part of the observations and recommendations being made in this report.	The action taken report on the 4th report of the State Information Commission has been sent to the SIC vide Admn Reforms Deptt letter No. Per (AR) A (8) 1/2009, dated 8/10/2009. Fifth report of the SIC was received in this deptt on 28/2/2011. In compliance of section 25(4) of the RTI Act, the report was laid before the HP State Legislative Assembly on 28th March, 2011. Govt action on the recommendations of the State Information Commission stands taken.
2. The Commission has examined the reports received from the public authorities pertaining to the receipt of RTI applications from information seekers during the year 2009-10. It has been observed that out of a total of 43,835 RTI applications filed by the information seekers during the year, requests were rejected by the PIOs concerned only in 442 cases and 706 first appeals were filed during the year. The Commission received 445 complaints and 270 second appeals during 2009-10. The small number of first appeals filed by applicants and the total number of complaints and 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	The State Govt in the various departments are conducting adequate training of PIOs under RTI Act through HIPA. Moreover, Govt has framed a time bound training Calendar/ programme for its employees on regular basis. In so far **2684** officials from the various Departments in HP have been imparted training under RTI Act as per the recommendations of the State Information Commission. Instructions issued by the Admn, Reforms Deptt in this behalf is at **Annexure-1.**

appeals, it was, however, observed by the Commission that most of the complaints and appeals pertained to delay in receiving appropriate response from the PIOs. In a number of cases, the delay could be attributed to lack of awareness on the part of PIOs about various provisions of the RTI Act, 2005 and the Rules made there under. On the other hand, the applicants also seemed to be unaware of the scope of the RTI Act, 2005. Quite a large number of applicants/appellants expected the redressal of their grievances through their RTI applications and complaints/ appeals filed in the State Information Commission.	
3. It has been observed from the Action Taken Report on the recommendations made in the 4th Annual Report submitted by the Department of Administrative Reforms that the Himachal Pradesh Institute of Public Administration Shimla and its Regional/ District Training Centers conducted 28 training programmes and workshops for the Public Information Officers, Appellate Authorities and other officers of the State Government. The Institute had conducted 14 such training programmes during 2008-09. While the number of training programmes conducted during the year were twice the number of programmes conducted during the previous year yet keeping in view the large number of PIOs and APIOs in the state, the number of training programmes organized by HIPA were still not adequate. HIPA has to substantially increase the number of training programmes for the PIOs and APIOs in view of prevailing ignorance amongst large number of PIOs/APIOs. Other training institutes should also be involved in increasing the number of training programmes for the PIOs and other officers. As per HP RTI Rules, 2006, the State Government is required to spend the fee collected under the RTI Act, 2005 on the propagation of the provisions of the Act and the Rules. As pointed out in the Action Taken Report, the Department of Administrative Reforms had taken up this matter with the Finance Department but could not get	As above.

positive response from the latter except drawing the attention of the former that Govt. have already issued instructions for incurring expenditure on training out of their sanctioned budget. The Department of Administrative Reforms should, therefore, take concrete steps for implementing the aforesaid provisions of the HP RTI Rules, 2006 for propagation of the Act and the Rules.	
4. In the previous Reports, the Commission has been recommending to the State Govt. to reduce the additional fee for inspection and for supply of information on A-5 and A-6 size papers. However, this recommendation has not been accepted but the Commission is not convinced with the reasons advanced by the Department of Administrative Reforms for rejecting this recommendation. The demand for reduction of fee for A-5 & A-6 size papers has arisen after the additional fee for papers of A-4 size and smaller sizes was reduced by the State Govt. from `10/- per page to `2/- per page. In these circumstances, the Commission would again reiterate the reduction of additional fee for furnishing of information on A-5 & A-6 size papers as well as for inspection of documents by the information seekers.	As per recommendation of State Information Commission, the matter regarding reducing the additional fee for inspection and supply of information on A-5 and A-6 size papers have been examined and considered at the Govt level afresh and it has been decided to go with as per existing provisions laid down in the RTI Act/ HP RTI Rules.
5. Some of the complainants/ appellants have also pointed out that A-5 & A-6 size papers can be photocopied on A-4 size papers. Consequently the Department of Administrative Reforms is requested to examine this suggestion of the applicants for issuing instructions to PIOs to supply photocopies of A-5 & A-6 size papers on A-4 size papers wherever feasible so that applicants can receive the desired information/documents contained in A-5 & A-6 size papers at rates fixed for A-4 size papers.	Direction has been issued to all concerned that wherever facility exists for giving photocopy of A-5 & A-6 size papers on A-4 size, may be issued at the rates fixed for A-4 size papers, vide this departments letter No. Per (AR) A (8) 1/2011, dated 14th September, 2011. **Annexure-2.**
6. In a number of complaints and appeals, it has been observed that information / documents sought by applicants comprised of one or two pages of A-4 size. In these cases, the PIOs requested the applicants to deposit Rs. 2/- or Rs. 4/-,	This recommendation of the State Information Commission was also examined at the Govt level and it was decided to continue with the present system prevailing in the RTI Act/HP RTI Rules. However, the

as the case may be, by sending a letter as envisaged in HP RTI Rules, 2006. If the PIO could be permitted to supply the information in such cases at the initial stage itself without insisting on payment of additional fee, it would reduce the work of PIOs of receiving and depositing the IPOs and the subsequent writing of letters to the applicants for sending photocopies of the information/ documents sought.	same has been uploaded on the website of the department for the information/necessary action by all the deptts/PIOs. (**Annexure 2(1)**
7. In the earlier reports, the Commission has been recommending finalisation of a time bound programme for implementing following provisions of Section 4 (1) (a) of the RTI Act, 2005:- "Every public authority shall:- • maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under the Act; • and ensure that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated."	The Government has already issued adequate instructions to all Deptts/ Boards/ Corpns. vide letter No. Per (AR) A(8)1/2009, dated 14/7/2009 (Annexure-2). Instructions issued by the Govt of India in this behalf were also circulated to all concerned vide letter No. Per (AR)A(3)1/200-II, dated 18/2/2010. (**Annexure - 3).** All departments in consultation with the Department of IT are undertaking various initiatives which would achieve this objective going forward.
8. The action taken on this recommendation by the State Govt. does not meet the requirement of the aforesaid Section of the RTI Act, 2005. It is appreciated that a number of departments have taken steps for providing e-Seva to the general public through their websites. They have also taken steps for redressal of grievances through e-Samadhan. These initiatives are very important steps towards achieving the	In so far as the recommendation No. 8 and 9 of the report of the SIC is concerned, necessary directions have been issued to all the Administrative Secretaries/all the Heads of the departments to implement the recommendations No. 8 & 9 of the SIC particularly the IT Department have been requested to draw a time bound plan to provide e-seva to the general public through

objectives of the aforesaid section. However, a time bound plan ought to be drawn by the IT Department as recommended in earlier reports. In these circumstances, the earlier recommendation in respect of implementation of Section 4(1) (a) of the RTI Act, 2005 is reiterated.	their websites. The copy of the instructions issued is at **Annexure-4.**
9. It is also observed that the Department of Administrative Reforms has issued instructions to the public authorities on several occasions for implementing the provisions of Section 4 (1) (b) of the RTI Act, 2005. The implementation of this sub-section has also been discussed in the Committee of Secretaries. However, it has been observed that the declarations under this sub-section of the Act have not been updated by a large number of public authorities. Quite a large number of such declarations do not cover all the seventeen points. This can be verified by perusing the website of various public authorities. Hence, the Department of Administrative Reforms should take concrete steps to ensure that the provisions of section 4 (1) (b) of the RTI Act, 2005 are implemented in letter and spirit by all the public authorities under the State Govt.	As stated above
10. The annual reports received from various departments show that eight public authorities have received more than 1000 applications during the year from information seekers. These departments are Elementary Education Department, Higher Education Department, IPH Department, Police Department, Public Works Department, Rural Development and Panchayati Raj Department, HP State Electricity Board Ltd. and HP Subordinate Services Selection Board Hamirpur. The number of such applications is likely to increase further in these departments. The heavy workload pertaining to the Right to Information in these departments justifies strengthening of their RTI cells to avoid delay in responding to the applications. It is, therefore, recommended that RTI cells in these eight departments may be adequately	As per the recommendation of the SIC, the matter regarding strengthening of the RTI Cell has been examined and considered at the Govt level and necessary instructions have been issued to concerned departments i.e. Secretary PWD, Education, RDD, MPP & Power and Secretary, Electricity Board, HP Subordinate Services Selection Board vide this department letter No. Per (AR)A(8)-1/2011, dated 31/3/2011. (**Annexure-5)**

strengthened so that the RTI applications are processed and information supplied to the applicants well within the period prescribed in the Act.	
11. In the 4th Annual Report, the Department of Administrative Reforms was requested to finalize an appropriate scheme of periodic inspections for various offices to ensure that provisions of RTI Act, 2005 are implemented effectively. In order to implement this recommendation, the Department has issued administrative instructions to various departments. However, there is dire need to inspect the RTI registers maintained by PIOs to ensure timely disposal of applications as well as the disposal of first appeals by the designated Appellate Authorities. Such a step is likely to reduce the filing of complaints and 2nd appeals in the Commission. Consequently the Department of Administrative Reforms is again requested to finalise a scheme for periodic inspection of the work assigned to PIOs and disposal of first appeals by the Appellate Authority and circulate the same to various Departments. Such a scheme can be incorporated in the office manual which is under revision in the Department of Administrative Reforms.	The State Government vide letter No. PER (AR)A(8)-1/2011 dated 9/9/2011 has reiterated the earlier instructions issued by the Government vide letters number Pers. (AR)B(8)-3/2009.dated 10-2-2010 and 8th March, 2010 **(copy enclosed at Annexure-6)** The Government has also made provision in third edition of the Office Manual which was released on 27/5/2011 to maintain the RTI Register by the PIOs/Appellate Authorities in their offices.
12. Elections to the Urban Local Bodies and Panchayati Raj Institutions have been held recently. The Ministry of Panchayati Raj, Govt. of India generally provides adequate funds for conducting training programmes for the newly elected members of PRIs. Similarly, the Ministry of Urban Development, Govt. of India might be providing funds for conducting training programmes for the newly elected members of Urban Local Bodies. The concerned administrative departments of the State Govt. may, therefore, be advised to include a chapter on RTI Act, 2005 and HP RTI Rules, 2006 in the training modules for these elected members of PRIs and Urban Local Bodies so that they could be informed about the procedure for seeking information under the Act from public authorities. This step is likely to	Instructions have already been issued to the Principal Secretary (RDD) & Pr. Secretary (UD) for imparting training to the newly elected representatives of PRIs & member of urban local bodies under RTI Act vide letter no. Per. (AR) A (8)-1/2011 dated 5th April, 2011. (Copy is at Annexure-7) SIRD/PRI training institute have incorporated this as a module while training all newly elected PRI representatives.

increase awareness about provisions of the RTI Act, 2005 amongst the general public through their elected representatives.	
13. Various training institutions in the state including HIPA have been conducting training programmes and workshops for creating awareness about various provisions of the RTI Act, 2005 and HP RTI Rules, 2006. In order to increase awareness about the provisions of the Act and the Rules, the students at school level can play a major role. It is, therefore, recommended that a chapter on various provisions of RTI Act, 2005 and HPRTI Rules, 2006 is included in the syllabus for students of Secondary and Senior Secondary classes. This step is likely to create a permanent structure for generating awareness about the objectives and provisions of the RTI Act 2005.	This recommendation has been examined at the Govt. level and Principal Secretary (Education) to the Govt. of H.P. has already been addressed to include various provisions of RTI Act, 2005 & R.T.I. Rules, 2006 in the syllabus for the student of Secondary & Senior Secondary classes vide letter No. PER(AR)A(8)-1/2011 dated 31st March, 2011 (copy enclosed at Annexure-8))
14. During the year, a few departments had filed Writ Petitions in the High Court of Himachal Pradesh against the decisions of the H.P State Information Commission. It was observed that in these cases, the PIOs were directed to furnish routine information as sought by the applicants. No substantial point of law was involved in these cases which required to be agitated in the High Court. Such type of unnecessary litigation ought to be avoided in the interest of effective implementation of the RTI Act, 2005. It is, therefore, recommended that decision to file any writ petition against a decision of the State Information Commission ought to be considered and decided at the highest level in the State Govt. so that frivolous Writ Petitions could be avoided.	The Govt has a Litigation Policy which has been uploaded on the website of Home Deptt. The Administration Reforms Deptt has also constituted a departmental Litigation Monitoring Committee vide Notification, Per(AR)A(8)-1/2011, dated 7/4/2011 (Copy enclosed as Annexure-9)

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