

"SAVE ENERGY FOR THE BENEFIT OF SELF AND NATION"

**HIMACHAL PRADESH STATE ELECTRICITY BOARD LIMITED**

(A State Govt. undertaking)

*Urgent  
Time Bound*

No: HPSEBL (Sect) 410-RTI (App.)/2014- *36335-485*  
To

Dated:- *17-9-14*

The Public Information Officer-cum-

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Subject: - Implementation of Section 4(1)(a) & (b) of the RTI Act.**

Sir,

A copy of order NO. SIC-1(C) 0012.0013. 0014/2013-2014-1731 dated 28.06.2014 from Assistant Registrar, State Information Commission, Himachal Pradesh, Shimla received through Executive Director (Personnel). H.P. State Electricity Board Ltd., Vidyut Bhawan, Shimla-04 vide letter No. HPSEBL(Sect)106-1(RTI Act,2005)/2014-33747 dated 03.09.2014 is enclosed herewith for further necessary action in the matter.

It is requested to adhere to the instructions imparted under Section 4(1)(a) & (b) of the Right to Information Act-2005 as per order passed by the Hon'ble Chief Information Commissioner, Himachal Pradesh on 04.06.2014 in true letter and spirit.

DA: As above

Yours faithfully,

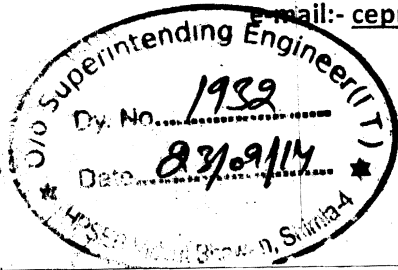
*[Signature]*  
(Er. Vijal Dogra)  
State Public Information Officer-cum-  
Chief Engineer (P&M),  
Vidyut Bhawan, HPSEBL,  
Shimla- 04.  
Telefax No. 0177-2659990  
e-mail:- [cepm@hpseb.in](mailto:cepm@hpseb.in)

Copy to the Superintending Engineer (IT), HPSEBL, Vidyut Bhawan, Shimla-04 with the request to get the above instruction uploaded on the website of HPSEB Ltd.  
DA:- As above

Superintending Engineer (IT)  
HPSEB Ltd., Vidyut Bhawan,  
Shimla-171004

*[Signature]*  
(Er. Vijal Dogra)  
State Public Information Officer-cum-  
Chief Engineer (P&M),  
Vidyut Bhawan, HPSEBL,  
Shimla- 04.  
Telefax No. 0177-2659990  
e-mail:- [cepm@hpseb.in](mailto:cepm@hpseb.in)

*19/9*  
*19/9/14*  
*Sharma*  
*Er. Jander J.E.*  
*pl. upload on website*  
*22/9*



**HIMACHAL PRADESH STATE ELECTRICITY BOARD LIMIED**  
**(A State Government Undertaking)**

No.HPSEBL(Sectt)/106-1(RTI Act,2005)/2014- 33747

Dated:- 3/9/14

To ✓

The Chief Engineer (P&M).  
Nodal Officer at State Level,  
HPSEBL, Vidyut Bhawan, Shimla-4.

Subject: Implementation of Section 4(1) (a) & (b) of the RTI Act.

Sir,

Please refer to the notification No.HPSEBL(SECTT)/R&E/106-1/RTI Act,2005/2014-27403-618 dated 6.8.2014.

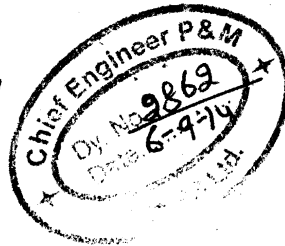
In this context, it is requested to advise all the Public Information Officers of HPSEBL for implementation the instructions of Section 4(1) (a) & (b) of the RTI Act as per order passed by the Hon'ble Chief Information Commissioner, Himachal Pradesh on 4.6.2014 (copy enclosed) in letter and spirit.

DA:- As above.

*v.urgent - G.P. xenc I / ACEE*  
*PS. 1/14*  
*C.E. (P&M)*  
*S.E. (E)*  
*S.E. (C)*  
*Supdt.*  
*v.urgent*  
*6/9/14*

Yours faithfully,

(Rohit Jamwal),  
Executive Director (Personnel),  
H.P.State Electy. Board Ltd.,  
Vidyut Bhawan, Shimla-4.



*Dr. xenc I*  
*5/9/14*  
*ACEE*  
*5/9/14*

*Supdt*  
*Pls put up*  
*5/9/14*

SIC-I (C) 0012, 0013, 0014/2013-2014 - 173)  
State Information Commission,  
Himachal Pradesh

Tele: 0177-2620166  
Tele: 0177-2629894 (Registrar)  
Tele-fax: 0177-2621529.

From:

The Registrar,  
State Information Commission,  
Majitha House, Shimla-2.

To:

- 1. The Suptd., Engineer (works)-cum-Nodal Officer,  
O/o HPPWD, Nirman Bhawan, Nigam Vihar, Shimla-2
- 2. The PIO-cum-Executive Engineer (B &R)  
HPPWD, Paonta Division, Distt. Sirmour HP
- 3. The PIO-cum-Executive Director (Personnel)  
HPSEB Ltd., Vidyut Bhawan Kumar House Shimla-4.
- 4. Sh. Subodh Abhi,  
Sylvan Height Batamandi,  
Paonta Sahib, Distt. Sirmour HP

Dated: Shimla-171002

28.6.2014

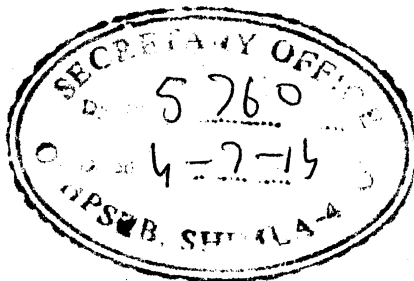
Sir,

I am directed to enclose herewith the certified copy of order passed by the Hon'ble Chief Information Commissioner, Himachal Pradesh on 04-06-2014 in Complaint Nos. 0012, 0013, & 0014/2013-14 filed by Sh. Subodh Abhi, Sylvan Height Batamandi, Paonta Sahib. Distt. Sirmour HP for information and further necessary action.

Encls: as above .

*Sanjay Sengal*

(Sanjay Sengal)  
Asstt. Registrar,  
State Information Commission,  
Himachal Pradesh.



ED(P)  
45(RPE)  
RIL  
2/7/14  
SO(RES)  
F/M  
4/2  
S-IV

SE Dairly No. 28  
5-7-14

95

**STATE INFORMATION COMMISSION  
HIMACHAL PRADESH, MAJITHA HOUSE, SHIMLA-2**



**Date of Institution: 15.06.2013**

**Date of Decision: 04.06.2014**

---

**Complaint Nos. 0012, 0013 & 0014/2013-2014**

**Complainant:**

**Sh. Subodh Abhi, Sylvan Height  
Batamandi, Paonta Sahib, Distt.  
Sirmour-173025.**

*Absent*

**Versus**

**Public Information Officer:**

**1. Sh. Ajay Garg, Nodal Officer-cum-  
SE (Works), HPPWD Nirman  
Bhawan, Shimla.**

**Respondent-I Present.**

**2. Executive Engineer (B&R), PWD  
Paonta Division, Distt. Sirmour (HP).**

**Respondent-II Present.**

**3. Executive Engineer, HPSEB Ltd.,  
Vidyut Bhawan, Kumar House,  
Shimla-4.**

**Respondent-III Present**

---

**ORDER**

The complainant filed three complaints registered in the Commission as complaint Nos. C-0012, C-0013 & C-0014. All these complaints are directed against different PIOs but are related to the same subject matter of information regarding non implementation of provisions of Section 4 of the RTI Act. Hence, all these complaints were taken up together for enquiry under

Section 18 of the RTI Act, 2005 and are being disposed through this single order.

2. The complainant filed three RTI applications in the first week of April, 2013 addressed to three different PIOs namely PIO in the office of Secretary (PWD) to the Govt. of Himachal Pradesh who transferred the application to the PIO in the office of Engineer in Chief, PWD, PIO office of the Chief Engineer (MM), HPSEB Ltd., Kumar House, Vidyut Bhawan, Shimla and the PIO-cum-Executive Engineer, PWD (B&R) Division, Paonta Sahib, Distt. Sirmour. The contents of all these applications are the same and are reproduced from one of the applications as below:-

"Please provide details of files and records which have been digitized and computerized by your department, as mandated in section 4 (1) (a) of RTI Act, which requires every public authority to maintain all its records duly catalogued and indexed in a manner and form, which facilitate proactive information under this Act.

A sum of Rs.10/- in the form of Postal order, alongwith the prescribed form, for obtaining the information under the Right to Information Act, is enclosed."

3. The respondent nos. 2 & 3 responded to these applications of the applicant by way of intimating him that no files and records have been digitized and computerized as per Section 4 of the RTI Act, 2005. The respondent no.1 however, responded by way of providing information consisting of four pages primarily related to certain Acts and departmental circulars having been uploaded on the departmental website. Being dissatisfied with the responses of the respondents, complainant approached the Commission to enquire into non implementation of the provisions of Section 4 by the respective public authorities even after the lapse of seven years since when RTI Act came

ATTESTED

Schgal

Handwritten marks/signatures at the bottom of the page.

into operation. RTI applications enclosed with the complaints were not specific in their contents as to what information was sought from the respondents in terms of the definition of expression information given in Section 2 (f) of the RTI Act, 2005. But through the additional submissions made by him during the enquiry he sought to clarify that he had sought information as to the implementation of Section 4 (1) (a) & 4 (1) (b) of the RTI Act by these public authorities.

4. As per Section 4 (1) (a) "every public authority shall have to maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under the Act. The public authorities are also mandated to ensure that all records that are appropriate to be computerized are within the reasonable time and subject to the availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated. Thus, the complainant had sought information as to:-

- (a) The details of files and records which have been catalogued and indexed in a manner and form which facilitates proactive information;
- (b) The details of files and records which have been digitized and computerized.

5. All these three respondents did not respond to these RTI applications as per the contents of these applications. All the respondents on the first date of hearing sought time to file their detailed replies as to the status of implementation of the obligations of the public authorities under Section 4 of the Act. They also argued that nodal officers of the departments

*Handwritten signature*

specifically designated to coordinate the implementation of the provisions of this Section be also called for hearing. Through subsequent hearings, the respondent no.1 alongwith the concerned nodal officer filed his reply stating that at the time of receipt of the RTI application, process of indexing of the files in all the offices of public authority was not complete because of shortage of staff. However, the same has now been done. They also placed on record the copies of instructions to all the Superintending Engineers to maintain all the records as per Section 4 (1) (a) of the RTI Act, 2005. Similar replies were filed by respondent nos. 2 & 3 alongwith the concerned nodal officers of their departments.

6. It is worthwhile to take note of schematic pattern of the operationalization of different provisions of the RTI Act. Section 1 (3) provides for that "the provisions of Sub Section 1 of Section 4 , Sub Section 1 and 2 of Sub Section 5, Sections 12, 13, 15, 16, 24, 27 & 28 shall come into force at once and the remaining provisions of this Act shall come into force on the 120<sup>th</sup> day of its enactment. Sections – 5, 12, 13, 15 & 16 provides for the appointment of **Public Information Officer** and **Central & State Information Commissions**. Sections 24, 27 & 28 provides for **exempted categories of organisations** from the ambit of this Act and to make rules by the appropriate governments and competent authorities. Section 4 (1) (a) & (b) provides for certain obligations of public authorities requiring them to maintain all their records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and to publish the same proactively in respect of different parameters laid in Section 4 (1) (b). Every public authority was directed to **designate nodal officers** to coordinate and ensure **compliance of these obligations** of public authorities. All **public authorities were mandated to be operational** within 120 days of the commencement of this Act which is by the 12<sup>th</sup> October, 2005

The office record of different public authorities was supposed to be catalogued and indexed in a manner which facilitates dissemination of information to information seekers proactively by every public authority. Similarly Section 4 (1) (a) also provides that all records that are appropriate to be computerized are within a reasonable time and subject to availability of resources computerized and connected through a net work all over the country on different systems so that access to such records is facilitated.

7. Given this status of legal provisions the nodal departments of the State Govt. for implementation of the RTI Act – Administrative Reforms and Training Department – circulated detailed guidelines to every administrative Secretary and Heads of Departments to take steps to implement the provisions of Section 4 (1) and also issued reminders from time to time to this effect. Instructions to appoint nodal officers by every public authority to coordinate the efforts of public authorities to ensure implementation of the provisions of this Section were also issued but from the perusal of responses given by all the respondents to the complainant, it is observed that compliance of the State Govt. instructions in this regard has not been done till date. It is also important to take note of the fact that the guidelines in the form of office manual laid down by the State Govt. as to the maintenance of office records even prior to the enactment of the RTI Act has not been adhered to by these public authorities. However, the respondents as PIOs having responded to the RTI applications of the complainant within the stipulated period under Section 7 of the Act and there being nothing on record to indicate that the respondents intended to deprive the complainant of the requisite information knowingly, no penal action under Section 20 of the Act is ordered against them. All the nodal officers of these public authorities assured during the hearing that all the administrative units under the control of these public authorities have been

100

*Handwritten signature*

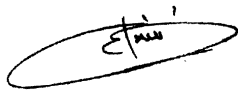
*Handwritten signature*



100

directed now to comply with the provisions of Section 4 (1). However, the respective Nodal Officers must take note of the fact that provisions of Section 4 were mandated to be implemented within a period of 120 days after the RTI Act, 2005 came into operation in the year 2005. This has not been done by these public authorities primarily for the reason that their records / files are not being maintained as per procedure laid down in office manual. From the perusal of a sample record in the office of PIO-cum-EXN (B&R) in respect of a particular link road stretch of two kilometres it was observed that three different sets of files are being maintained in three different branches. Two kilometres length of road was not complete for last more than 7 years. How this road was proposed for construction was not available in record. This sort of preparation and maintenance of record is certainly not in consonance with the spirit of RTI Act, 2005 as enshrined in the preamble of this Act. They must consider opening of subject wise files as provided for in office manual and one subject should have only one file instead of multiple files leading to confusion and non-transparency. With these observations, the complaint is hereby disposed of under intimation to all the parties.

Announced.



( K.D. Batish)

State Information Commissioner  
Himachal Pradesh, Shimla



(Bhim Sen)

State Chief Information Commissioner,  
Himachal Pradesh, Shimla.

Place. Shimla

Dated: 04.06.2014

