



State Information Commission,
Himachal Pradesh,
Shimla-171 002

Bhim Sen

Chief Information Commissioner

D.O. NO/2015-16-4680

Dt. 08.01.2016

Dear Sh. Dinkar Buraheki,

Through a Government circular No. PER(AR)F(7)-2/98-Vol.1 (loose) dated the 9th September, 2015 all the Heads of Departments, Principal Secretaries, Secretaries to the Govt. of Himachal Pradesh were requested to take urgent steps to prepare 17 manuals as per the provisions of Section 4 of the RTI Act within 120 days and it was impressed upon these authorities to assign this important task to a task committee to be constituted by them (a photocopy of this circular is enclosed herewith). This circular has been followed up by Department of Administrative Reforms over a period of time as also by the State Information Commission but the experience of the State Information Commission gathered through a number of hearings before it under Section 18 & 19 of the Act shows that no action on this circular has been taken effectively.

In the context of these observations I have to suggest to take the following steps immediately in respect of the field offices under your control and supervision:-

1. Each office must identify the subjects they are dealing with in terms of delivery of services to the common citizens. Each subject so identified must have a separate file strictly as per the guidelines of the Office Manual. Branch-wise distribution of subjects must be transparently by way of a specific office order.
2. Each branch of a particular office must have one index file in which listing of subject-wise files is recorded.
3. Section 4 (1) (d) of the RTI Act requires that every public authority shall provide reasons for its administrative or quasi-judicial decisions to affected persons but it is common experience that field offices under your control are not following the system of recording reasons for taking a particular decision. It is also not mentioned that under what law, rule, guidelines and instructions a particular decisions is being taken. These offices are not following the system of notings / drafting as per the procedure laid down in Office Manual. There is no clarity as to which system for taking decisions they are following and under whose authority. It be noted that every Govt. department is required to conduct the official business only as per the procedure given in the Office Manual unless there are specific alternate instructions issued by the competent authority. In this context it is required that a **Guard File** containing subject-wise rules, laws, circulars, bye-laws, guidelines should be kept in each branch of every office and no administrative decision should be taken without recording the reasons and the

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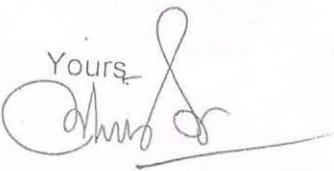
Returns to RTI Cell

particular rules, instructions being mentioned as the basis of the decisions. The must be clarity by way of specific direction as to how the papers under consideration will be disposed off.

4. The subject-wise files so opened must be categorized in a permanent and temporary type of record. The permanent files / records must be kept in a room in such a manner that the same are easily accessible to the needy citizen. The temporary files / records should be weeded out and destroyed as per the standing prescribed procedure and its record should also be available to ensure transparency.
5. There is a system of constant monitoring to review the progress of implementation of each subject by way of periodical reports and returns. These reports & returns should be kept in a separate file in a chronological and progressive order. This will help each public authority to provide the information to the needy citizen under the RTI Act without going through the different files in which the information remains in a scattered form. But it must be ensured that the information as contained in these reports and returns is based on data available in the specific subject-wise files.
6. Macro level information in the context of these issues be proactively disclosed on the government departments website and micro level details should be available in the RTI Cell and publicity in this regard needs to be made through the department website, notice board and periodical press reports.

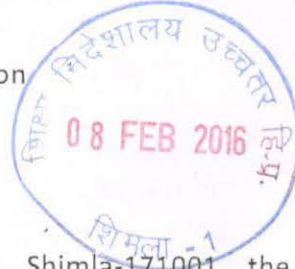
The exercise to take the above mentioned steps should have been taken by every public authority - the administrative departments - in pursuance to the Govt. directions given to them through above mentioned letter in the year 2005 and over a period of last ten years. It is, therefore, expected that above mentioned minimum steps are put in place and compliance is reported to the Commission within a period of one month.

With good wishes,

Yours,

(BHIM SEN)

Sh. Dinkar Burathoki,
Director,
Directorate of Higher Education,
Lalpani, Shimla.

Directorate of Higher Education
Himachal Pradesh



RTI CELL

Endst. No. EDN-HE (16)B(15)RTI-01/2015 Even dated Shimla-171001 the 8th Feb, 2016
Copy for information & further direction to:-

1. The State Chief Information commissioner to the Govt. of HP w.r.t his letter No. 2015-16-4680 dated 08.01.2016 for information please.
2. The Addl. Chief Secretary^(Edu) to the Govt. of HP for information please.
3. The Deputy Secretary (AR) to the Govt. of Himachal Pradesh for information.
4. All the Principal of Govt. Degree Colleges/ Sanskrit colleges for information & compliance
5. All the Deputy Director of Higher Education Himachal Pradesh to implement the instruction /guideline in the schools.
6. All Branch officer/Superintendent (internal) Dte. Of Higher Education (HP) for information & compliance.
7. The Incharge Computer Cell, Dte. of Higher Education ,(HP) with the remarks to upload the said orders on the deptt. Website.
8. Guard file.


Director of Higher Education
Himachal Pradesh

No. PER (AR) F (7)-2/98-Vol.I (loose)
 Government of Himachal Pradesh
 Administrative Reforms Organization

From

The Principal Secretary (AR) to the
 Government of Himachal Pradesh

To

1. The Additional Chief Secretary (Finance)
2. Principal Secretaries and Secretaries to the
 Government of Himachal Pradesh
3. All Head of Departments in Himachal Pradesh

Dated Shimla-171 002, the 9th September 2005.

Subject:

The Right to Information Act, 2005.

Sir/Madam

This is to invite your attention to the Right to Information Act, 2005 which has received the assent of the President of India on 15th June 2005 and published in the Gazette of India on 21st June 2005. (The Act can be downloaded from Government of India's website <http://www.persmin.nic.in>). Since a time bound action has to be taken within 120 days period, which has commenced, from 15th June 2005, it is requested that urgent steps may please be taken in this regard. Section 4(i) of the Act ibid lays down certain obligations of the Public Authorities regarding maintenance of record, publication of information about various aspects, within 120 days from the date of its commencement. It calls for preparation of the following 17 manuals:-

- (i) the particulars of its organizations, functions and duties;
- (ii) the powers and duties of its officers and employees;
- (iii) the procedure followed in the decision making process, including channels of supervisions and accountability;
- (iv) the norms set by it for the discharge of its functions;
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control;
- (vi) a statement of the categories of the documents that are held by it or under its control;
- (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or administration thereof;
- (viii) a statement of the board, councils, committees and other bodies consisting of two or more persons constituted as its

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part of or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;

a directory of its officers and employees;

the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;

the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;

the manner of execution of subsidy programmes, including the amount allocated and the details of beneficiaries of such programmes;

particulars of recipients of concessions, permits or authorizations granted by it;

details in respect of the information available to or held by it, reduced in an electronic form;

the particulars of facilities available to citizens for obtaining information, including the working of a library or reading room, if maintained, for public use;

the names, designations and other particulars of the Public Information Officers;

such other information as may be prescribed;

and thereafter update these publications every year.

2. All the addressees are therefore requested to assign this important aspect to a Task Committee to be constituted by them, which should do the needful in a time bound manner, so that there is no delay in the implementation of the Act.

3. A copy of the constitution of the Task Force set up by the Department may please be endorsed to this department and the material prepared by the Committee should also be sent to this department. It is suggested that the above activities be got completed within twenty days.

Yours faithfully,

S. K. Dash
(S.K. Dash)

Principal Secretary (AR) to the
Government of Himachal Pradesh.