

STATE INFORMATION COMMISSION, HARYANA,
SCO NO. 114-115, SECTOR 8-C, CHANDIGARH-160009.
TELEPHONE NO. 0172-2772114, FAX No. 0172-2720114.
Email : ussichry@yahoo.co.in, Website : www.cicharyana.gov.in

Haryana State Warehou
09 FEB 2021
Recd 18024

No. 2879 /SIC/2021/5-IA

To

1. The Chief Secretary to Government of Haryana,
Chandigarh. Email: cs@hry.nic.in
2. The Chairman, Haryana State Warehousing Corporation,
Bays No. 15-18, Sector 2, Panchkula. Email: mlhwc@hry.nic.in
hwc@hry.nic.in, msthwc@hry.nic.in
3. Sh. Rajesh Kumar, State Public Information Officer
-cum-Asstt. Manager (Quality Control)
O/o Haryana State Warehousing Corporation,
Bays No. 15-18, Sector 2, Panchkula. Email: mlhwc@hry.nic.in
hwc@hry.nic.in, msthwc@hry.nic.in
4. Sh. Vijay Dahiya, State Public Information Officer
-cum-Asstt. Manager (Quality Control)
O/o Haryana State Warehousing Corporation,
Bays No. 15-18, Sector 2, Panchkula. Email: mlhwc@hry.nic.in
hwc@hry.nic.in
5. Sh. S.K. Sharma, State Public Information Officer
-cum-Asstt. Manager (Quality Control)
O/o Haryana State Warehousing Corporation,
Bays No. 15-18, Sector 2, Panchkula. Email: mlhwc@hry.nic.in
hwc@hry.nic.in

Email.

6. Sh. Himanshu Raj,
102, Sector 10-A,
Chandigarh-160011.
(M). 99882-00001, 86220-00001
Email: lawofficeofhimashuraj@gmail.com
lawofficesofhimanshuraj@gmail.com

Dated, Chandigarh the 13/2/2021

Subject:

Case No. 269 of 2020 - complaint under Section 18(2) of
the RTI Act, 2005.

In Continuation of the Commission's letter no. 26020/SIC/2020/5-
IA dated 14.12.2020 on the subject noted above.

I am directed to forward herewith a copy of the orders dated
8.1.2021 passed by this Commission in the above noted case for information of the
appellant and for immediate compliance at the level of respondent under intimation to
the Commission. The next date is fixed for hearing on 24.2.2021 at 11:00 A.M.

Assistant Registrar,
for State Information Commission,
Haryana

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SPD
@ 12
08.02.2021
ASPID (Tech)



RIGHT TO
INFORMATION

STATE INFORMATION COMMISSION, HARYANA
SCO 114-115, SECTOR 8-C, CHANDIGARH.
COMPLAINT CASE NO. 269 OF 2020
RIGHT TO INFORMATION ACT – UNDER SECTION – 18

Relevant Facts emerging from the case:

Name of the complainant	:	Sh. Himanshu Raj, House No. 102, Sector-10-A, Chandigarh
Name of the Respondent	:	<ol style="list-style-type: none">1. Sh. Rajesh Kumar, former SPIO-cum-Manager O/o Haryana State Warehousing Corporation, Bays No. 15-18, Sector-2, Panchkula, Haryana.2. Sh. Vijay Dahiya, the former SPIO-cum-Assistant Manager (Quality Control) O/o Haryana State Warehousing Corporation, Bays No. 15-18, Sector-2, Panchkula, Haryana.3. Sh. S.K. Sharma, the present SPIO-cum-Assistant Manager (Quality Control) O/o Haryana State Warehousing Corporation, Bays No. 15-18, Sector-2, Panchkula, Haryana.
RTI application filed on	:	25.2.2020
SPIO replied on	:	No response
Date of complaint	:	30.4.2020
Date of Hearing	:	8.1.2021 at 11.00 AM
State Information Commissioner	:	Shri Bhupender Dharmani

The brief facts of this case are that the complainant filed his 15 point RTI application dated 25.2.2020 before the SPIO O/o Haryana State Warehousing Corporation, Bays No. 15-18, Sector-2, Panchkula, Haryana. He sought compliance by the public authorities of the mandatory provisions of section 4 of the RTI Act, 2005.

Finding no response from the SPIO, the complainant filed his complaint dated 30.4.2020 before the Commission.

Taking cognizance of the matter, notice under section 18(2) was issued to the concerned parties to appear before the Commission on 19.6.2020 at 11.00 A.M.

On 19.6.2020, the respondent-SPIO was directed to provide screen shot of the information already uploaded as per Section-4 of the RTI Act, 2005 on the website of the department to the Complainant by 30.6.2020 under intimation to the Commission. The respondent-SPIO was further directed to file written reply along with an affidavit stating therein that the remaining information would be uploaded on the website of the department by 16.8.2020. This affidavit was to be submitted

by 10.7.2020 to the Commission with a copy to the Complainant. The Commission adjourned the hearing first until 16.9.2020 and thereafter until 24.9.2020.

On 24.9.2020, the Public Authority O/o HSWC, Panchkula was directed to update the official website of his department by indexing files and the activities of the department under process or completed. In view of the Section 4 of the RTI Act, the thrust on digitalization given by the present Govt. at State and Centre level and the compulsion under the pandemic to maximize paperless work, the Commission strongly directed compliance of the aforesaid section. For compliance two-month time was given to the Public Authority concerned. Sh. Vijay Dahiya, the present SPIO-cum-Assistant Manager (Quality Control) O/o HSWC, Panchkula was directed to communicate this order to his public authority concerned in writing by 30.9.2020 under intimation to the Commission. Sh. Vijay Dahiya, the present SPIO-cum-Assistant Manager (Quality Control) O/o HSWC, Panchkula was also directed to submit Progress Report, as mentioned above, to the Commission by 20.10.2020 under intimation to the complainant. The Registrar of the Commission was directed to communicate this order to all the concerned including the Chief Secretary. The Commission adjourned the hearing first until 23.10.2020 and thereafter until 8.1.2021.

- Complainant:** Sh. Himanshu Raj, the complainant not attended the meeting despite efforts to take him on line through Audio Conferencing. The Commission tried to contact the complainant thrice to connect for Audio Conferencing but the call was not answered by him.
- Respondent:** Sh. Rajesh Kumar, former SPIO-cum-Manager and Sh. Vijay Dahiya, the former SPIO-cum-Assistant Manager (Quality Control) (at present posted as District Manager O/o HSWC, Ambala) and Sh. S.K. Sharma, the present SPIO-cum-Assistant Manager (Quality Control) O/o Haryana State Warehousing Corporation (HSWC), Panchkula attended the hearing through Audio Conferencing on their mobile phones.

Sh. S.K. Sharma, the present SPIO says that in compliance of the Commission's orders dated 19.6.2020 and 24.9.2020, the official website of his department has been updated by indexing files and the activities of the department under process or completed. He presents a letter dated 8.1.2021 with enclosures and the same is placed on the record file. He also informs that an undertaking on oath has been given to the Commission vide letter dated 30.6.2020 by Sh. Rajesh Kumar, the former SPIO.

After hearing the arguments of the respondents, the Commission has noted that the respondent-SPIO has claimed that the department has updated its official website as per section 4 of the RTI Act, 2005 and an undertaking on oath vide letter dated 30.6.2020 has been received in this.



regard. The Commission observes that guidelines regarding implementation of pro-active disclosure under section 4 of the RTI Act, 2005 have already been issued by the Government vide letter dated 4.2.2019. A letter dated 28.10.2020 received from Under Secretary, Administrative Reforms Department, Haryana is placed on the record file. The Commission decides to compare the documents provided by the respondent-SPIO and observes that the Commission's orders dated 19.6.2020 & 24.9.2020 is still pending to be complied as the undertaking given by the respondent-SPIO is not satisfactory.

In view of the above, the Commission passes the following orders:-

- (i) Sh. S.K. Sharma, the present SPIO O/o HSWC, Panchkula is directed to communicate this order to his public authority concerned in writing by 15.1.2021 under intimation to the Commission.
- (ii) The Public Authority i.e. HSWC, Panchkula is directed to file an undertaking on oath affirming therein that the information is being uploaded on the website of the department as per the section 4 of the RTI Act, 2005. This affidavit is to be submitted by 15.2.2021 to the Commission with a copy to the Complainant.
- (iii) No further opportunity will be given in this case.
- (iv) The Registrar of the Commission is directed to communicate this order to all the concerned including the Chief Secretary.
- (v) The next hearing is fixed for **24.2.2021 at 11.00 AM in Commission's Office at Chandigarh. All concerned be informed accordingly.**

Heard. Announced. To be communicated with the following advisory.

ADVISORY

1. In view of the Pandemic and the lockdown, a keener sense of responsibility and conscientiousness is expected of each citizen.
2. For National and personal welfare it is mandatory to follow the directions of the Government on social distancing, wearing masks and taking other necessary precautions with full seriousness.
3. The respondents are advised to convert this adversity into an opportunity for maintaining transparency, not to withhold information and provide it in time in strict compliance of the Right to Information Act.
4. Ensure the compliance of Section 4 of the RTI Act so that the appellants do not have to roam about for getting information.
5. Appellants and Complainants are also advised against filing repetitive applications and misusing the Act to settle personal scores.
6. This case was heard and orders were announced before NATION WIDE LOCKDOWN due to COVID-19 PANDEMIC.
7. In view of uncertainty due to lockdown dates given in the orders may be suitably modified.

Place : Chandigarh
Dated: 8.1.2021


(Bhupender Dharmani)
State Information Commissioner,
Haryana

To

**PUBLIC INFORMATION OFFICER
HARYANA STATE WAREHOUSING CORPORATION,
#13, BAYS 15-18, SECTOR 2,
PANCHKULA, HARYANA 134115**



1. Full name of the applicant:- **Law Office of Himanshu Raj.**
2. Address : # 102, Sector – 10A, Chandigarh, 160011
E-mail : **LawOfficeOfHimanshuRaj@Gmail.Com**
Mobile No : **99882-00001**
3. Particulars of information required:-

(i) Subject matter of information:-

**“COMPLIANCE OF THE OBLIGATIONS OF THE PUBLIC
AUTHORITIES AS STATED UNDER SECTION 4 OF THE RTI
ACT, 2005”.**

As per the Mandate of Central Law i.e. THE RTI, ACT 2005, the obligations of the public authorities are stated under section 4 of the Act, 2005. The section mentioned above is reproduced below for ready reference:

4. (1) *Every public authority shall—*

a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this 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;

b) publish within one hundred and twenty days from the enactment of this Act,—

(i) the particulars of its organization, 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 supervision 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 or used by its employees for discharging its functions;

(vi) a statement of the categories of 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 implementation thereof;

(viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part 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;

(ix) a directory of its officers and employees;

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

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

(xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;

(xiii) particulars of recipients of concessions, permits or authorisations granted by it;

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

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

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

(xvii) such other information as may be prescribed; and thereafter update these publications every year;

c) publish all relevant facts while formulating important policies or announcing the decisions which affect public;

d) provide reasons for its administrative or quasi-judicial decisions to affected persons. (2) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motu to the public at regular intervals through various means of communications,

including internet, so that the public have minimum resort to the use of this Act to obtain information.

(3) For the purposes of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public.

(4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Central Public Information Officer or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.

Explanation.—For the purposes of sub-sections (3) and (4), "disseminated" means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority.

Point No.1:- Please provide the index of the records as stated u/s 4(1) (a), Act, 2005 as the same is the mandate of the law and the Public authority is under the solemn duty, so as to keep such records

Point No.2:-Please provide the details/copies of the date of issuance of computerization as well as connection of all the records through a network all over the country as the same is the mandate under section 4(1) (a), Act, 2005.

Point No 3:- Please provide the publication of the particulars of the organization, functions and duties of the Public Authorities as mentioned under Section 4(b) (i), Act, 2005.

Point No.4:-Please provide the details/copies of the Norms set to discharge the functions of the Public Authority as stated u/s 4(b) (iv), Act, 2005.

Point No.5:-Please provide the details/copies of the categories of the documents held by or under the control of the Public Authority as stated under section 4(b) (vi), Act, 2005.

Point No.6:-Please provide the details/copies of the consultations or the representations made by the Public Authorities in relation to the formulation or implementation of the Policies as stated under section 4(b) (vii), Act, 2005.

Point No.7:-Please provide the details of the directories of the officers /employees maintained as per section 4(b) (ix), Act, 2005.

Point No.8:-Please provide the details of the monthly remuneration including compensation received by the officers/employees of the department or organization as stated under section 4(b) (x), Act, 2005.

Point No.9:- Please provide the allocated budget of the organization/department along with reports of the proposed Expenditures and disbursements made as stated under section 4(b) (xi), Act, 2005.

Point No.10:-Please provide the details of the manner in which the Subsidy programmes are executed, including the report of the amount allocated and the beneficiaries of the Programme as stated under section 4(b) (xii), Act, 2005.

Point No.11:-Please provide the details/copies of the information available, held by, or reduced in an Electronic Form, by the Public Authority as stated under section 4(b) (xiv), Act, 2005.

Point No.12:-Please provide the detail of the constant endeavour and the steps taken by the public Authority under Section 4(1) (b) to provide the information suo motu to the public at regular intervals through various means of communications, including internet as stated under section 4(2), Act, 2005.

Point No.13:-Please provide the details of the form and the manner by which the public authority disseminate every information so that the information is easily accessible to the Public as stated under section 4(3), Act, 2005.

Point No.14:- Please provide the details of the materials disseminated taking into consideration cost effectiveness, local language, effective method of communication, accessibility of information as stated under section 4(4), Act, 2005.

Point No.15:-Please provide the copies of the documents which substantiates the actions taken as per Section 4(3) and 4(4), Act, 2005.

(ii) The period to which the information relates:-
information is provided.

Till the

(iii) Description of the information required: -

As above stated

(iv) Whether information is required by post or in person: -

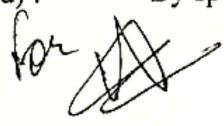
By registered post

(v) In case by post (Ordinary, Registered or Speed) :-

By speed Post

Place: Chandigarh

Date: 25.02.2020


Signature of the Applicant.

Enclosed: I.P.O. Bearing No. 51F 191107 amounting Rs. 10/- is enclosed herewith.