

DIT-B015/16/2018- 56  
Department of Information Technology  
Government of Himachal Pradesh.

From

Public Information Officer-cum- Joint Director,  
Department of Information Technology  
Government of Himachal Pradesh.

To

✓ The Secretary,  
State Information Commission,  
Kenothal Complex, Khalini,  
Shimla-171002 HP


Dated: Shimla-13, the 10<sup>th</sup> June, 2021

Subject: Annual Report from 1.4.2020 to 31.03.2021 on the implementation of the provisions of the Right to Information Act 2005.

Sir,

Kindly refer to your office letter No SIC-12(A)/2008-369-71 dated 2.06.2021 on the subject cited above.

In this context I am directed to enclose herewith the information at annexure A&B for the year 1.4.2020 to 31.03.2021 for further necessary action at your end please.

  
Public Information Officer-cum- Joint Director,  
Department of Information Technology  
Government of Himachal Pradesh

## PERFORMA FOR FURNISHING OF INFORMATION TO STATE INFORMATION COMMISSION HIMACHAL PRADESH FOR THE ANNUAL REPORT FOR 2020-21

As on March 31, 2021

Sr. No.	Name of Public authority under the department	No. Of RTI Applications received	No. Of applications in which information was provided	No. Of applications where requests were rejected					Appeals filed before the Appellate Authority			Appeals filed before the State Information Commission			No. Of cases where disciplinary action was taken against any officer in respect of administration of this Act.	Amount of fee collected
				Total No. Of applications where request were rejected	Sec 8	Sec 9	Sec 11	Sec 24	No. Of appeals	Appeals Accepted	Appeals rejected	No. Of appeals	Appeals Accepted	Appeals rejected		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
1	Sh. Anil Semwal Deputy Director- cum-PIO	15	15	Nil	-	-	-	-	3	3	1	NIL	Nil	Nil	NIL	Rs. 510/-

**PROFORMA FOR FURNISHING OF INFORMATION TO STATE INFORMATION COMMISSION HIMACHAL PRADESH FOR THE ANNUAL REPORT 2020 – 2021**

(Under Section 25 of the Right to Information Act, 2005)

As on March 31, 2021

Sr. No.	Name of department and designation of Appellate Authority	Appeals filed before the Appellate Authority			No. of appeals decided	No. of Appeals not considered
		No. of appeals received	No. of appeals accepted	No. of appeals rejected		
1	2	3	4	5	6	7
1	Department of Information Technology, Ms. Niraj Kumari Chandla, Joint Director-cum-First Appellate Authority	3	3	nil	3	Nil

Note: - Detail of all the appeals alongwith the date of decision should be enclosed.

Dated 28.12.2020

**BEFORE THE 1<sup>ST</sup> APPELLATE AUTHORITY-CUM-JOINT DIRECTOR, INFORMATION TECHNOLOGY MEHLI SHIMLA-13.**Appeal No.

1/2020

Date of Institution

12/10/2020

DateDate of Decision

28/12/2020



Sh. Ram Krishan S/o Sh. Purshotam Dass, Ward no. 4, VPO Raipur, Sahram, Teh. & Distt. Una - 174315,  
Appellant.

Versus

PIO-cum-Joint Director Information Technology Mehli Shimla-13.

Respondent

Order:

28/12/2020

Present appeal under Right to Information Act, 2005 has been filed by Sh. Ram Krishan S/o Sh. Purshotam Dass, Ward no. 4, VPO Raipur, Sahram, Teh. & Distt. Una - 174315, under section 19 (1) of the Act, against the PIO-cum-Joint Director Information Technology Department Mehli Shimla-13.

Notices were issued to the concerned parties to attend the hearing on dated 10-11-2020 & 3/12/2020 but the applicant is not present and applicant send the letter to this department that he will not be able to attend the hearing as he is 85 years old, heart disease patient( reference letter 7-12-2020). So the date of hearing is fixed on dated 28-12-2020 and decision is taken ex-parte. PIO-cum-Joint Director is present along with relevant record/reply.

I have gone through the record and reply of PIO-cum-Joint Director IT reveals that the applicant sought information Mukhya Mantri Seva Sankalp complaint 118661 regarding cleanliness of 25/30 meter long crossed Pucca Nullah constructed alongside my house about 20-25 years ago by this panchayat of village Raipur Sahram (Una) which sought and supplied by PIO-cum Joint Director IT on dated 19 September, 2020 to the applicant but the applicant was not satisfied the information.

Mukhya Mantri Seva Sankalp complaint covered under section 2(f) of the Right to Information Act 2005 which says:-

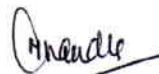
*"Information means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contract, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force".*

DK

11/1

So, keeping in view of the above facts the present appeal is hereby allowed. The PIO-cum-Joint Director is directed to supply complete information to the applicant free of cost.

If applicant is not satisfied with the decision, he has the liberty to prefer an appeal before the 2<sup>nd</sup> appellate authority i.e. State Information Commission within the period of Ninety days from the date of this order. Copy of this order be sent to all concerned and compliance.



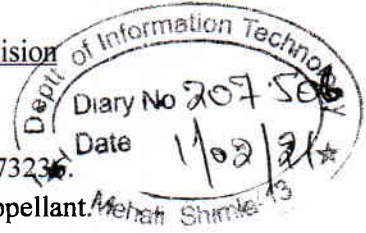
First Appellate Authority-cum-Joint Director  
Information Technology  
Shimla, Mehli-13

**BEFORE THE 1<sup>ST</sup> APPELLATE AUTHORITY-CUM-JOINT DIRECTOR,  
INFORMATION TECHNOLOGY MEHLI SHIMLA-13.**

Appeal No.  
1/2021

Date of Institution  
16/12/2020

Date of Decision  
28/01/2021



Shri Uma Dutt Vashist VPO Gharsi Via-Kuthar Distt. Solan HP 173236.

Appellant, Mehli Shimla-13

Versus

PIO-cum-Joint Director Information Technology Mehli Shimla-13.

Respondent

**Order:**

28/01/2021

Present appeal under Right to Information Act, 2005 has been filed by Shri Uma Dutt Vashist VPO Gharsi Via-Kuthar Distt. Solan HP 173236 under section 19 (1) of the Act, against the PIO-cum-Joint Director Information Technology Department Mehli Shimla-13

Notices were issued to the concerned parties to attend the hearing on dated 16-01-2021 & but the applicant is not present and applicant send the letter to this department that he will not be able to attend the hearing as he is 69 years old, ( reference letter 14<sup>th</sup> January, 2021). So, the decision is taken ex-parte. PIO-cum-Joint Director is present along with relevant record.

I have gone through the record of PIO-cum-Joint Director IT reveals that the applicant sought information regarding how many complaints registered in Mukhya Mantri Seva Sankalp by Dinesh Kumar Sharma (Contact No. 7018696844), action taken on this & provide the photocopies of all complaints. PIO-cum-Joint Director IT told that he has asked Dinesh Kumar Sharma telephonically, as to whether his personal information may be shared with complainant or not? Dinesh Kumar Sharma has denied that his personal information may not be shared with complainant. Therefore, PIO-cum Joint Director IT, denied the required information with the remarks "The information sought by the applicant under the RTI Act belongs to someone else which is personal in nature and cannot be shared with the applicant as per RTI Rules" but the applicant was not satisfied the information.

I/43714/2021

D.No - 255

Dated 23.03.2021

Regd.

**BEFORE THE 1<sup>ST</sup> APPELLATE AUTHORITY-CUM-JOINT DIRECTOR,  
INFORMATION TECHNOLOGY MEHLI SHIMLA-13.**

Appeal No.  
2/2021

Date of Institution  
25/2/2021

Date of Decision  
19/03/2021

✓ Shri Bihari Lal son of Late Sh. Dagi Ram resident of Village Upper Panjiala, PO Bhattu, Tehsil Baijnath,  
Distt-Kangra HP.

Appellant.

Versus

PIO-cum-Joint Director Information Technology Mehli Shimla-13.

Respondent

**Order:**  
19/3/2021

Present appeal under Right to Information Act, 2005 has been filed by Sh. Bihari Lal son of Late Sh. Dagi Ram resident of Village Upper Panjiala, PO Bhattu, Tehsil Baijnath, Distt-Kangra HP. under section 19 (1) of the Act, against the PIO-cum-Joint Director Information Technology Department Mehli Shimla-13

Notices were issued to the concerned parties to attend the hearing on dated 19-03-2021 but the applicant is not present and applicant send the letter to this department that he will not be able to attend the hearing, (reference letter 25<sup>th</sup> February, 2021). So, the decision is taken ex-parte. PIO-cum-Joint Director is present along with relevant record.

I have gone through the record of PIO-cum-Joint Director IT reveals that the applicant sought information regarding whether the mobile company which intends to set up a mobile tower in a rural area, requires permission from the local panchayat where the mobile tower is to be constructed? (2) Whether the NOC would be required from the residents whose houses are near to the area where the mobile tower is being installed? (3) Whether an NOC would be required from the residents whose houses are near to the area where the mobile tower is being installed? (4) How much distance should be there between the mobile tower and residential buildings, schools and colleges situated in rural area? (5) Which authority has the power to order the removal of the mobile tower if the mobile company who has installed the said tower violates the mandatory provisions? (6) Whether any guidelines with regard to the installation of mobile tower have been given by the Department of telecommunication or by any other competent central government authority? Whether if such guidelines have been adopted by the state of Himachal Pradesh or

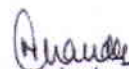


I/43711/2021

not? (7) Are there different guidelines for installation of mobile towers in rural and urban areas? (8) How many mobile towers in Himachal Pradesh are installed on government lands and buildings? Point no. 8 pertains to Town & Country Planning / Telecommunication Department/concerned Local Body/SADA. All above mentioned points except point no 8 are covered in Row Policy. PIO-cum Joint Director IT has supplied the information on dated 12-02- 2020 to the applicant but the applicant was not satisfied with the information.

I have gone through the record and reply given by the PIO-cum-Joint Director(IT) and came to the conclusion that the information sought by complainant is in questionnaire form which cannot be given under section 2(f) of Right of Information Act which says:- "*Information means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contract, 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*". However, Mobile Tower Policy notified on 21 June, 2017 has been supersede by HP Right of Way Policy, 2021 notified vide notification no: IT (F) 1-1/2020 dated 9/02/2021 and the same is available at URL: <http://himachalnit.gov.in/wp-content/uploads/2021/02/Notified-RoW-Policy-24022021.pdf>. PIO-cum-Joint Director (IT) is directed to supply the New Right of Way Policy to the applicant

So, keeping in view of the above facts the present appeal is hereby allowed. If applicant is not satisfied with the decision, he has the liberty to prefer an appeal before the 2<sup>nd</sup> appellate authority i.e. State Information Commission within the period of Ninety days from the date of this order. **Copy of this order be sent to all concerned and compliance.**

  
First Appellate Authority-cum-Joint Director  
Department of Information Technology  
Shimla, Mehli-13