

ii) The powers and duties of its officers and employees

Section 15 (4) provides that the general superintendence, direction and management of the affairs of the State Information Commission shall vest in the State Chief Information Commissioner who shall be assisted by the State Information Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the State Information Commission autonomously without being subjected to directions by any other authority under this Act.

Section 18 of the Act spells out the powers and functions of the State Information Commission.

(1) It shall be the duty of the State Information Commission to receive and inquire into a complaint from any person, ---

- (a) who has been unable to submit a request to a Public Information Officer either by reason that no such officer has been appointed under this Act, or because the Assistant Public Information Officer has refused to accept his or her application for information or appeal under the Act for forwarding the same to the Public Information Officer or appellate officer of the Information Commission as the case may be;
- (b) who has been refused access to any information requested under the Act;
- (c) who has not been given a response to a request for information or access to information within the time limit specified under the Act;
- (d) who has been required to pay an amount of fee which he or she considers unreasonable;
- (e) who believes that he or she has been given incomplete misleading or false information under the Act; and
- (f) in respect of any other matter relating to requesting or obtaining access to records under the Act.

(2) Where the State Information Commission is satisfied that there are reasonable grounds to inquire into the matter, may initiate an enquiry in respect thereof.

(3) The State Information Commission shall, while inquiring into a complaint, 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 of 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 or office;
- (e) issuing summons for examination of witnesses or documents; and
- (f) any other matter which may be prescribed.

(4) Notwithstanding anything inconsistent contained in any other Act of Parliament or State Legislature, as the case may be the State Information Commission may during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the Public Authority, and no such record may be withheld from it on any grounds.

Section 19 [(8) of the Act highlight the powers of the Commission pertaining to the decision in appeals:

- The information Commission to decide appeals in accordance with the prescribed procedure and its decision shall be binding;
- In its decision, the State Information Commission has the power to-
 - (a) require the public authority to take any such steps as may be necessary to secure compliance with the provisions of the Act, including---
 - (i) by providing access to information, if so requested, in a particular form;
 - (ii) by appointing a Public Information Officer;
 - (iii) by publishing certain information or categories of information;
 - (iv) by making necessary changes to its practices in relation to the maintenance, management and destruction of records;
 - (v) by enhancing the provision of training on the right to information for its officials;
 - (vi) by providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4;
 - (b) require the public authority to compensate the complainant for any loss or other detriment suffered;
 - (c) impose any of the penalties provided under the Act;
 - (d) reject the application.
- The State information Commission shall give notice of its decision, including any right of appeal, to the complainant and the public authority.

The Commission may also impose penalty on and/or recommend for disciplinary action against erring Public Information Officers [Section 20(1), (2)]

- Where the State Information Commission, at the time of deciding any complaint or appeal is of the opinion that the Public Information Officer, has, without, any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub section (1) of section 7 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 shall impose a penalty of Rs. 250/- each day till application is received or

- information is furnished, so however, the total amount of such penalty shall not exceed Rs. 25,000/-;
- the Public Information Officer shall be given a reasonable opportunity of being heard by the Commission before any penalty is imposed on him or her;
 - the burden of proving that a Public Information Officer acted reasonably and diligently shall be on himself/herself;
- 20 (2) where the Information Commission, at the time of deciding any complaint or appeal is of the opinion that the Public Information Officer, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Information Officer under the service rules applicable to him or her.

Delegation of Powers to the Secretary and Under Secretary to dispose of Administrative and Financial matters:

ORDER OF THE GOVERNOR OF HARYANA

In exercise of the powers conferred under note 2 below rule 15.1 read with rule 2.14 of the Punjab Civil Services Rules, Volume-I, Part-I, as applicable to the State of Haryana, the Governor of Haryana is pleased to delegate all the powers available to the Administrative Secretary to Government, to the State Chief Information Commissioner, Haryana in so far as the work relating to the State Information Commission, Haryana is concerned.

2. As a consequence of the above delegation, the State Chief Information Commissioner, Haryana before exercising of such powers shall consult the State Finance Department on all such matters which were required to be referred to the Finance Department by the Administrative Secretary.

3. The above delegation is subject to the condition that State Chief Information Commissioner shall exercise the delegated powers subject to overall authority of the State Government and expenditure as a result of exercise of the powers in no case shall exceed the sanctioned budget grant of the Commission and in accordance with the instructions issued by the State Government from time to time.

4. This issues with the concurrence of the Finance Department conveyed vide their U.O. No. 2/63/2005-5FG 1/287(06), dated 27.2.2006.

Dated Chandigarh, the
6TH February, 2006.

MEENAXI ANAND CHAUDHRY
Chief Secretary to Government Haryana.

No. 5/5/2005-1AR,

Dated Chandigarh, the 1st March, 2006.

A copy is forwarded to the following for information and necessary action:-

- i) The Accountant General (A&E), Haryana, Chandigarh.
- ii) The Accountant General (Audit), Haryana, Chandigarh.
- iii) The Treasury Officer, Haryana, Chandigarh.
- iv) The State Chief Information Commissioner, Haryana, Chandigarh with reference to his note dated 23.1.2006

Superintendent, Administrative Reforms
For Chief Secretary to Government Haryana.

C.I.C.
3/3
US 2/3/06
SIC
27/2/06
27/2/06

US
3/3/06
MSK

A copy is forwarded for information to the Financial Commissioner & Principal Secretary to Govt. Haryana, Finance Department with reference to his U.O. No. 2/63/2005-SFG 1/287 (06), dated 27th February, 2006.

2. Formal amendment for incorporating the name of State Chief Information Commissioner in the table below rule 15.1 of CSR Volume-I, Part-I, may please be issued by the Finance Department.

Sd/-
Superintendent, Administrative Reforms
For Chief Secretary to Government Haryana.

To

The Financial Commissioner & Principal Secretary to Govt.
Haryana, Finance Department.

U.O.No. 5/5/2005- 1AR,

Dated Chandigarh, the 1st March, 2006.

ORDER

In exercise of the powers vested with the undersigned I, Naresh Gulati, IAS (Retd.), State Chief Information Commissioner, Haryana delegate the powers vide Note below rule 19.4 of PFR Vol-I to the following Officers of the State Information Commission, Haryana as mentioned in Col. 3 to the extent given in Col. 4, 4(a) & 4(b) of the following table. This order will come into force with immediate effect:-

Serial No. of rule 19.6 (1)	Nature of Power (2)	Authority to which the power delegated if (3)	Extent of powers delegated to the Secretary Under Secretary	
			4(a)	4(b)
2.	To sanction recurring expenditure not otherwise provided for in this rule	Full powers	Rs. 20000/- in each case	Rs. 5000/- in each case
4.	To sanction charges for : a) Electricity & water b) Telephone / Mobile/ c) Broadband / Postage stamps	Full powers	Full Powers	a) Rs. 20000/- in each case b) Rs. 3000/- in each case c) Full powers
17.	To sanction expenditure for: purchase of books, periodicals and newspapers	Full powers	Rs. 5000/- in each case	Rs. 1000/- in each case
19.	To sanction expenditure on direct purchase of stores from the local market after exhausting all the approved sources of supply mentioned in appendix 17 of PFR, volume-II and the rate contract arrangement by the Director supplies and disposals, Haryana if available.	Rs. 100000/- in each case	Rs. 25000/- in each case	Rs. 5000/- in each case
20.	To sanction expenditure on direct purchase of stores from the local market in emergent circumstances, when it is not possible to exhaust the approved sources of supply.	Rs. 30000/- in each case	Rs. 10000/- in each case	Rs. 2000/- in each case
22.	To sanction expenditure on repair of Government vehicle(s): a) Vehicles repair b) Insurance c) POL Expenditure	Full power	a) Rs. 20000/- b) --- c) Rs. 20000/- in each case	a) Rs. 2000/- b) Full powers c) Rs. 10000/- in each case
Rule 2.107 of CSR Vol. III	Counter signature of TA bills	Full powers	In respect of class-I and II officers.	In respect of Class-III and IV employees.
Rule 4.4 of CSR Vol. I part I.	Fixation of pay of all categories of employees	Full powers	Full powers	-
Rule 4.7 of CSR Vol. I part I	Grant of normal increment of all groups	Full powers	In respect of class-I and II Officers.	In respect of class III & IV.

	employees			
Grant of LTC / HTC	Sanction of LTC/HTC and one month salary in lieu thereof	Full powers	In respect of class-I and II Officers.	In respect of class-III and IV employees.
Chapter 10 of PFR Vol - II	To sanction House building, Marriage, Education, Vehicle and Computer advances	Full powers	Full powers	-
Rule 15 & 18 of Haryana GPF rules, 2006	To sanction temporary advance or withdrawal from GPF to the subscriber of all groups of employees	Full powers	Full powers	-
Grant of education allowance	To sanction Education allowance as FD circular no. 4/5/2009-5FR dated 18.06.2009.	Full powers	Full powers	-
Grant of casual leave	Grant of casual leave Note: Casual leave to personal staff of SCIC/SICs shall be granted by respective SICs.	Full powers	Full powers other than class IV employees only Commission's, secretariat staff (except the personal staff of ICs)	Full powers in respect of class IV employees only to Commission's, secretariat staff (except the personal staff of ICs)
Medical reimbursement	Reimbursement of medical claims	Full powers	Rs. 10000/- in each case	Rs. 1000/- in each case
Secretariat Services	Reimbursement of Secretariat services cost to Ex-SCICs.	Full powers	-	Full powers

Chandigarh
Dated: 01.07.2013

Naresh Gulati
State Information Commission,
Haryana

Encls. No. 7024 /SCIC/2013/EA-I

Dated the Chandigarh 4th July, 2013.

A copy of the above is forwarded along to the following for information and necessary action:-

- i) Accountant General (A&E), Haryana, Chandigarh.
- ii) Treasury Officer, Chandigarh.
- iii) Secretary, State Information Commission, Haryana.
- iv) Under Secretary, State Information Commission, Haryana.
- v) Superintendent, State Information Commission, Haryana.
- vi) Dealing Assistant (Establishment & Accounts)


Accounts Officer,
for State Information Commission,
Haryana.