

Receipt No. 2466
Dated 02.09.2026
To Registrar, LUVAS, Haryana

Dated Chandigarh the 27 August, 2026

To

1. All the Administrative Secretaries to Governments of Haryana.
2. All the Heads of Department in the State of Haryana.
3. All the Managing Directors/ Chief Administrators of Boards/Corporations in the State of Haryana.
4. The Registrar Punjab and Haryana High Court.
5. All the Registrar of Universities of Haryana.
6. All the Divisional Commissioners in the State of Haryana.

Subject: - Instructions regarding complaint case No. 603 of 2024 U/s 18(2) in case of the RTI Act, 2005 :- Sh. Kshitij Dutta, B-33, Mahesh Nagar, Ambala Cantt, Haryana-133001.

I have been directed to invite your attention to the State Information Commission's order dated 22.06.2026 (copy enclosed) passed in the subject cited matter and to request that all the Administrative Secretaries and Heads of Departments may ensure that every Public Authority under their administrative control shall strictly comply with the provisions of Section 4 of the Right to Information Act, 2005. In particular, all information required to be disclosed suo motu under Section 4 of the Act, as detailed in paragraphs 4 to 8 of the enclosed order of the State Information Commission, Haryana, shall be uploaded on the respective official websites of the Public Authorities and made readily accessible to the general public.

2. It shall also be ensured that the information so disclosed is periodically reviewed, updated and maintained in a timely manner so as to ensure continuous compliance with the provisions of the Right to Information Act, 2005 and the guidelines/instructions issued by the competent authorities from time to time.

2. The above instructions may be brought to the notice of all concerned under your kind control for strict compliance

Rajesh Kumar
Superintendent (AR)
for Chief Secretary to Govt., Haryana.

No. 07/25/2026-2AR

Dated Chandigarh, the

27th August, 2026

A copy is forwarded to the Law Officer, State Information Commission, Haryana Netaji Subhas Chandra Bose Suchana Bhawan, Plot No. IP-8, Sector-3, Panchkula w.r.t. his letter No. 21314/SIC/2026/R-6 dated 17.07.2026 for information.

Rajesh Kumar
Superintendent (AR)
for Chief Secretary to Govt., Haryana.

Continued from No. 84/27
23/7/26

STATE INFORMATION COMMISSION, HARYANA,
Netaji Subhas Chandra Bose Suchana Bhawan,
Plot No. IP-8, Sector-3, Panchkula, Haryana
E-mail: ussichry@yahoo.co.in
Telephone No. 0172-2720114 & 2720115



To

No. 21314 /SIC/2026/R-6

1. The Chief Secretary, Haryana Civil Secretariat, Sector-1, Chandigarh - 160001.
2. SPIO-cum- SPIO O/O Excise & Taxation Commissioner , Haryana, Panchkula. E mail- hospio2019@gmail.com
3. Sh. Kshitij Dutta, B 33 Mahesh Nagar, Ambala Cantt, Haryana - 133001. Email id. kshitijdutta1987@yahoo.co.in

CS (Busy)

(Secy/CS)

21/07

CBS GAD (Busy)

Dated Panchkula the 17/7, 2026.

Subject: - Complaint Case No. 603 of 2024 U/s 18(2) in case of the RTI Act, 2005.

In continuation of this Commission's Notice No. 7848/SIC/2026/4-IA dated 09.03.2026, on the subject cited as above.

Secy/C&S, HRD

23/7/25

The above case came up for hearing on 22.06.2026 before the Commission. Now the Commission has passed the interim order (copy enclosed) to adjourn the case for hearing on 11.08.2026 at 11:00 AM before the bench of Sh. Ajay Kumar Sura, State Information Commissioner, Haryana at Plot No. IP-8, Sector-3, Panchkula, Haryana.

Accordingly, Both the parties are directed to remain present through Audio Conferencing or Video Conferencing.

A copy of the order dated 06.07.2026, is sent herewith to the

to the concerned parties.

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Reader to SIC(AKS)
State Information Commission
Haryana



RIGHT TO
INFORMATION

STATE INFORMATION COMMISSION, HARYANA
NETAJI SUBHAS CHANDRA BOSE SUCHNA BHAWAN
PLOT NO. 1P-8, SECTOR-3, PANCHKULA

COMPLAINT CASE NO. 603 OF 2024

RIGHT TO INFORMATION ACT, 2005 -UNDER SECTION 18

Relevant facts emerging from the Complaint:-

Name of the Complainant	Sh. Kshitij Dutta, Complainant
Name of the Respondent	SPIO O/o Excise & Taxation Commissioner, Haryana, Panchkula.
RTI application filed on	05.06.2024
SPIO replied on	09.06.2026
Complaint filed on	04.09.2024
Date of Hearing	22.06.2026 at 11.00 AM
State Information Commissioner Present	Dr. Ajay Kumar Sura
	1. Shri Kshitij Dutta, Complainant heard through video conferencing. 2. Sh. Satbir Singh, SPIO-cum-AETO (Establishment) O/o Excise & Taxation Department, Haryana present.

INTERIM ORDER

The Commission has heard the submissions made by both the parties and perused the record available on file. The complainant requests the Commission that the present complaint be treated as a second appeal as his primary grievance is non-supply of information sought under the RTI Act, 2005.

2. A perusal of the RTI Application dated 13.05.2024 reveals that the complainant has primarily sought information relating to suo motu disclosures mandated under Section 4(1)(b)(i) to (xvii) of the RTI Act, 2005. Section 4 of the RTI Act casts a statutory obligation upon every public authority to maintain transparency in its functioning and to proactively disseminate prescribed categories of information so that citizens need not resort to filing individual RTI applications for obtaining such information. The legislative intent behind Section 4 is to promote maximum disclosure and minimum resort to the formal mechanism of seeking information.



3. The Commission also observes that the RTI Application was addressed to the SPIO, Office of ETC & Secretary, Excise and Taxation Department, Haryana, Panchkula. During the hearing, the respondent SPIO submits that the information sought pertains to multiple branches/wings of the department, namely GST/VAT, Excise, Enforcement, Legal, Computer/IT, Accounts and Administration, and that information relating to his branch was furnished vide letter dated 09.06.2026. However, no material has been placed on record to establish that the RTI Application was transferred to the concerned deemed SPIOs/branches within the period prescribed under the RTI Act, 2005. The Commission is of the considered view that the designated SPIO cannot evade his statutory responsibility merely on the ground that the information pertains to different branches. It is incumbent upon the SPIO to obtain the information from the concerned custodians/deemed SPIOs and furnish a consolidated response to the information seeker.

4. During the course of hearing, the commission notices that the appellant has raised a very important issue with regard to implementation of various obligations enlisted under Section 4 of the RTI Act, 2005 which provides:-

"4. Obligations of public authorities-

(I) 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 computerised are, within a reasonable time and subject to availability of resources, computerised 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 organisation, 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.

5. A bare reading of the above said provisions clarifies that the statutory obligations of public authorities under Section 4(1) relate to: (a) maintenance of all public records, duly catalogued and indexed for easy accessibility of the information; (b) publishing particulars of the



organisational structure, functions and duties of officers, procedures that are followed for decision-making, salary structure, budget allocation, publication of facts relating to policies and announcements which includes providing reasons for quasi-judicial decisions. Sub-section (2) mandates the public authority to take steps for providing information under clause (b) of sub-section (1) suo motu and further to disseminate the said information for easy accessibility to the public.

6. In the case titled **Institute of Chartered Accountants of India v. Shaunak H. Satya and others (2011) 8 SCC 781**, the apex court made following observations:

"23. The information to which the RTI Act applies falls into two categories, namely, (i) information which promotes transparency and accountability in the working of every public authority, disclosure of which helps in containing or discouraging corruption, enumerated in clauses (b) and (c) of Section 4(1) of the RTI Act; and (ii) other information held by public authorities not falling under Sections 4(1)(b) and (c) of the RTI Act. In regard to information falling under the first category, the public authorities owe a duty to disseminate the information widely suo motu to the public so as to make it easily accessible to the public. In regard to information enumerated or required to be enumerated under Sections 4(1)(b) and (c) of the RTI Act, necessarily and naturally, the competent authorities under the RTI Act will have to act in a proactive manner so as to ensure accountability and ensure that the fight against corruption goes on relentlessly. But in regard to other information which do not fall under Sections 4(1)(b) and (c) of the Act, there is a need to proceed with circumspection as it is necessary to find out whether they are exempted from disclosure."

7. The appellant in this case also mentioned that in order to implement these provisions of the Act, the Department of Personnel and Training (DOPT) issued Office Memorandum (OM) No. 1/34/2013-IR (Pt.) dated 07.11.2019 providing that each Ministry/Public Authority should get its proactive disclosure audited by third party every year. The audit should examine whether there are any other types of information which could be proactively disclosed. Such audit should be done annually and should be

communicated to the Central Information Commission annually through publication on their own websites.

8. The Supreme Court in Krishan Chand Jain versus Union of India, Writ Petition (Civil) 990 of 2021 passed on 17.08.2023 held:

"26. We direct that the Central Information Commission and the State Information Commissions shall continuously monitor the implementation of the mandate of Section 4 of the Act as also prescribed by the Department of Personnel and Training in its Guidelines and Memorandums issued from time to time. The directions will also include instructions under O.M. dated 07.11.2019 issued by the Department. For this purpose, the Commissioners will also be entitled to issue recommendations under sub- Section (5) of Section 25 to public authorities for taking necessary steps for complying with the provisions of the Act."

"27. The Writ Petition (C) No. 990 of 2021 is disposed of with the direction to the Central Information Commission and the State Information Commissions to ensure proper implementation of the mandate of Section 4 of the Act, by following the directions as indicated above."

9. In view of the discussions made in the foregoing paragraphs and upon a bare perusal of the aforesaid directions and guidelines, this Commission is of the considered and firm view that all Departments of the State of Haryana are duty-bound to implement the mandate of Section 4 of the Right to Information Act, 2005, in letter and spirit, in compliance with the directions of the Hon'ble Supreme Court as well as the Office Memorandum issued by the Department of Personnel and Training (DoPT).

10. In view of above narrated facts, the Commission decides to adjourn the case for **11.08.2026 at 11.00 A.M.** with the following directions:-

- (i) The Commission Secretariat directed to convert the present complaint into a second appeal case and assign an appropriate appeal number.
- (ii) The respondent SPIO is directed to collect the requisite information from all concerned branches/wings/deemed SPIOs and furnish a consolidated point-wise reply to the appellant



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within one month of receipt of this order under intimation to the Commission. The respondent SPIO shall also submit a report indicating the status of compliance of the public authority with the provisions of Section 4(1)(b) of the RTI Act, 2005.

- (iii) The case is adjourned for **11.08.2026 at 11.00 A.M.** Both the parties are directed to remain personally present along with their written submissions.
- (iv) The Commission Secretariat is directed to forward a copy of this order to the Office of the Chief Secretary, Haryana, for dissemination to all Administrative Secretaries and Heads of Departments for necessary action. The concerned public authorities shall ensure that all information required to be disclosed suo motu under Section 4 of the Right to Information Act, 2005, as discussed in paragraphs 4 to 8 above, is uploaded on their respective official websites and made easily accessible to the public. They shall further ensure that such disclosures are periodically reviewed, updated, and maintained in accordance with the provisions of the RTI Act, 2005.

Announced. To be communicated.

**Place: Panchkula
Dated: 22.06.2026**


**(Dr. Ajay Kumar Sura)
State Information Commissioner,
Haryana.**