

REPORT CARD
of
INFORMATION COMMISSIONS
2019-20



Report Card of Information Commissions in India 2019-20

Jointly published by

Satark Nagrik Sangathan (SNS)

&

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All views and opinions expressed in this report are solely those of the co-ordinators, who are also responsible for any errors or omissions.

Previous assessments of the Right to Information Act, 2005:

'Status of Information Commissions in India during Covid-19 Crisis', SNS & CES, May 2020
(<https://snsindia.org/wp-content/uploads/2020/05/IC-Covid19.pdf>)

'Report Card of Information Commissions in India, 2018-19', SNS & CES, 2019
(<https://snsindia.org/wp-content/uploads/2019/10/Report-Card-2019-FINAL.pdf>)

'Adjudicating the RTI Act: Analysis of orders of the Central Information Commission', SNS & CES, 2019
(<https://snsindia.org/wp-content/uploads/2019/10/Adjudicating-the-RTI-Act-FINAL.pdf>)

'Report Card of Information Commissions in India', SNS & CES, 2018
(<http://snsindia.org/wp-content/uploads/2018/04/Report-12.pdf>)

'Tilting the Balance of Power - Adjudicating the RTI Act', RaaG, SNS & Rajpal, 2017
(<http://snsindia.org/wp-content/uploads/2017/07/Adjudicating-the-RTI-Act-2nd-edition-2017.pdf>)

'Peoples' Monitoring of the RTI Regime in India', 2011-2013, RaaG & CES, 2014
(<http://x.co/raagces>)

'Safeguarding The Right To Information', RaaG & NCPRI, 2009
(Executive summary at <http://snsindia.org/wp-content/uploads/2018/10/RAAG-study-executive-summary.pdf>)

Satark Nagrik Sangathan (SNS) is a citizens' group working to promote transparency and accountability in government functioning and to encourage active participation of citizens in governance. It is registered under the Societies Registration Act, 1860 as Society for Citizens' Vigilance Initiative. (www.snsindia.org)

Centre for Equity Studies (CES) was founded in August 2000 as an independent organization engaged in research and advocacy on a range of social and economic justice issues in India.

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PREFACE AND ACKNOWLEDGEMENTS

This report is part of an ongoing series of assessments on various aspects of the implementation of the RTI Act in India. The first assessment studied the evolution and functioning of the transparency regime from 2005 till 2009 and was followed by a study published in 2014 titled, *“Peoples’ Monitoring of the RTI Regime in India: 2011-13”*.

“Tilting the Balance of Power: Adjudicating the RTI Act” (2017) focused on the independent adjudicators of the RTI Act- information commissions, high courts, and the Supreme Court of India. The report provided a detailed analysis of the orders of these adjudicators pertaining to the RTI Act.

“Report Card of Information Commissions in India” (2018) assessed the performance of information commissions across the country during the period January 2016 to October 2017. The findings of the report became the basis of a Public Interest Litigation (PIL) filed in the Supreme Court (SC) to ensure timely and transparent appointment of information commissioners in the country. The assessment showed a clear need for annual monitoring of functioning of commissions.

In 2019, *“Report Card of Information Commissions in India, 2018-19”* was published which assessed the functioning of commissions during the period January 2018 to March 2019. Another report titled the *“Adjudicating the RTI Act – Analysis of orders of the Central Information Commission”* was simultaneously brought out which examined a randomised sample of over one thousand orders of the Central Information Commission of 2018.

In March 2020, India went into a total lockdown to contain the spread of the COVID 19 pandemic. Report titled *‘Status of Information Commissions in India during Covid-19 Crisis’* examined the functioning of commissions during the lockdown.

This assessment, *“Report Card of Information Commissions in India, 2019-20”*, looks at the performance of all 29 information commissions in the country for 2019-20. The purpose of these reports is to improve the functioning of commissions and strengthen the implementation of the RTI law, which is being used extensively by the vulnerable and marginalized to access their basic rights and entitlements.

We have been supported in this endeavour by many people and institutions. Our first thanks goes to Shekhar Singh, who played a pivotal role in conceptualizing and undertaking some of the earlier RTI assessments, the findings of which these assessments draw upon. We are also grateful to many activists, lawyers and former information commissioners, who interacted with us at various stages of these studies and gave us their insightful comments. In particular, we are grateful to Prashant Bhushan, Harsh Mander and members of the National Campaign for Peoples’ Right to Information (NCPRI).

This report would not have been possible without the direct and indirect support of the various movements, NGOs, and activists, who form a part of the RTI community, within which our efforts are located. Finally, we owe a debt of gratitude to the Thakur Foundation and friends at the Association for India’s Development for their support.

Anjali Bhardwaj and Amrita Johri
Co-ordinators of the report

October 2020

GLOSSARY

Of terms and abbreviations

AP	Andhra Pradesh
APIO	Assistant Public Information Officer
Apr	April
ARU	Arunachal Pradesh
ASS	Assam
Aug	August
BDO	Block Development Officer
BIH	Bihar
BPL	Below Poverty Line
CES	Centre For Equity Studies
CHH	Chhattisgarh
CIC	Central Information Commission
CJI	Chief Justice of India
CMO	Chief Minister's Office
CPIO	Central Public Information Officer
Crore	Ten million
CVC	Central Vigilance Commission
Dec	December
DEL	Delhi
DoPT	Department of Personnel & Training, Government of India
DRDA	District Rural Development Agency
DRDO	Defence Research and Development Organization
FAA	First Appellate Authority
FAO	First Appeal Order
Feb	February
G.O.	Government Orders
GNCTD	Government of National Capital Territory of Delhi
GUJ	Gujarat
HAR	Haryana
HC	High Court
HP	Himachal Pradesh
HPC	High powered committee
HQ	Head-quarters
IC	Information commission
IPC	Indian Penal Code
Jan	January
JHA	Jharkhand
KAR	Karnataka
KER	Kerala
Lakh	A hundred thousand
MAH	Maharashtra
MAN	Manipur

Mar	March
MCD	Municipal Corporation of Delhi
MEG	Meghalaya
MIS	Management information system
Misc.	Miscellaneous
MIZ	Mizoram
MP	Madhya Pradesh
NA	Not available
NAG	Nagaland
NCPRI	National Campaign for Peoples' Right to Information
NGOs	Non Government organisations
Nov	November
Oct	October
ODI	Odisha
OM	Office Memorandum
Order	Directions of information commissioners
OSA	Official Secrets Act
PA	Public Authority
PIL	Public interest litigation
PIO	Public Information Officer
PMO	Prime Minister's Officer
PUN	Punjab
RaaG	Research, assessment, & analysis Group
RAJ	Rajasthan
Rs./ ₹	Rupees
RBI	Reserve Bank of India
RTI	Right to Information
SC	Supreme Court
Sep.	September
SIC	State Information Commission
SIK/SIKK	Sikkim
SNS	Satark Nagrik Sangathan
SPIO	State Public Information Officer
TN	Tamil Nadu
TRI	Tripura
UOI	Union of India
Uoi	Union of India
UP	Uttar Pradesh
UTT	Uttarakhand
WB	West Bengal
Web	Internet
W.P	Writ Petition

Chapter 1: Introduction and Methodology

1.1 Background

The Right to Information (RTI) Act, 2005 has been one of the most empowering legislations for the citizens of India. It has been used extensively by people on a range of issues – from holding the government accountable for delivery of basic rights and entitlements to questioning the highest offices of the country. The law has initiated the vital task of redistributing power in a democratic framework. Estimates suggest that every year 40 to 60 lakh¹ RTI applications are filed in India.

Under the RTI Act, information commissions (ICs) have been set up at the central level (Central Information Commission) and in the states (state information commissions). These commissions are mandated to safeguard and facilitate people's fundamental right to information. Consequently, ICs are widely seen as being critical to the RTI regime.

Information commissions have wide-ranging powers including the power to require public authorities to provide access to information, appoint Public Information Officers (PIOs), publish certain categories of information and make changes to practices of information maintenance. They have the power to order an inquiry if there are reasonable grounds for one, and also have the powers of a civil court for enforcing attendance of persons, discovery of documents, receiving evidence or affidavits, issuing summons for examination of witnesses or documents. Section 19(8)(b) of the RTI Act empowers commissions to *"require the public authority to compensate the complainant for any loss or other detriment suffered"*. Further, under section 19(8) and section 20 of the RTI Act, they are given powers to impose penalties on erring officials, while under Section 20(2), commissions are empowered to recommend disciplinary action against a PIO for "persistent" violation of one or more provisions of the Act.

Effective functioning of information commissions is crucial for proper implementation of the RTI Act. In a judgment dated February 15, 2019, the Supreme Court² held that information commissions are vital for the smooth working of the transparency law: *"24)in the entire scheme provided under the RTI Act, existence of these institutions [ICs] becomes imperative and they are vital for the smooth working of the RTI Act."*

Fifteen years after the implementation of the law, experience in India, also captured in various national assessments on the implementation of the RTI Act³, suggests that the functioning of information commissions is a major bottleneck in the effective implementation of the sunshine law. Large backlog of appeals and complaints in many commissions across the country have resulted in inordinate delays in disposal of cases, which render the legislation ineffective. One of the primary reasons for the backlogs is the failure of central and state governments to take timely action to appoint information commissions to the Central Information Commission and state information commissions, respectively.

¹ Peoples' Monitoring of the RTI Regime in India, 2011-2013 by RaaG & CES, 2014

² Anjali Bhardwaj and others v. Union of India and others (Writ Petition No. 436 of 2018) http://judicialreforms.org/wp-content/uploads/2019/02/15968_2018_Judgement_15-Feb-2019.pdf

³ 'Status of Information Commissions in India during Covid-19 Crisis', SNS & CES, May 2020; 'Report Card of Information Commissions in India', SNS & CES, 2019; 'Report Card of Information Commissions in India', SNS & CES, 2018; 'Tilting the Balance of Power - Adjudicating the RTI Act', RaaG, SNS & Rajpal, 2017; 'Peoples' Monitoring of the RTI Regime in India', 2011-2013, RaaG & CES, 2014; 'Safeguarding The Right To Information', RaaG & NCPRI, 2009

Performance of information commissions, in terms of exercising their powers to ensure proper implementation of the law, has been a cause of great concern to the RTI community. Commissions have been found to be extremely reluctant to impose penalties on erring officials for violations of the law. Unfortunately, the transparency watchdogs themselves have not had a shining track record in terms of being transparent and accountable to the people of the country.

1.2 Amendments to the RTI Act and Rules

Recent amendments to the RTI Act have taken away the protection of fixed tenure and high status guaranteed to the commissioners under the law, thereby adversely impacting the autonomy of information commissions. One of the most critical parameters for assessing the efficacy of any transparency law is the independence of the appellate mechanism it provides. Security of tenure and high status had been provided for commissioners under the RTI Act of 2005 to enable them to function autonomously and direct even the highest offices to comply with the provisions of the law. Their tenure was fixed at five years. The law pegged the salaries, allowances and other terms of service of the Chief and commissioners of the Central Information Commission and the chiefs of state commissions at the same level as that of the election commissioners (which equals that of a judge of the Supreme Court).

The RTI Amendment Act⁴ which was passed by Parliament in July 2019, and the concomitant rules⁵ promulgated by the central government, have dealt a severe blow to the independence of information commissions. The amendments empower the central government to make rules to decide the tenure and salaries of all commissioners in the country.

The RTI rules, prescribed by the central government in October 2019, reduced the tenure of all information commissioners to three years. More significantly, Rule 22 empowers the central government to relax the provisions of the rules in respect of any class or category of persons, effectively allowing the government to fix different tenures for different commissioners.

The rules do away with the high stature guaranteed to commissioners in the original law. A fixed quantum of salary has been prescribed for the commissioners - Chief of CIC at Rs. 2.50 lakh per month and all other central and state information commissioners at Rs. 2.25 lakh per month. By removing the equivalence to the post of election commissioners, the rules ensure that salaries of information commissioners can be revised only at the whim of the central government. Again, the government reserving for itself the power to relax provisions related to salaries and terms of service for different category of persons, destroys the insulation provided to commissioners in the original RTI Act.

The autonomy of commissions has been further eroded by enabling the central government to decide certain entitlements for commissioners on a case by case basis. The rules, which are silent about pension and post-retirement entitlements, state that conditions of service for which no express provision has been made shall be decided in each case by the central government. The power to vary the entitlements of different commissioners could easily be used as a means to exercise arbitrary control and influence - effectively reducing commissions to central government departments. These

⁴ <http://egazette.nic.in/writereaddata/2019/209696.pdf>

⁵ http://documents.doptcirculars.nic.in/D2/D02rti/RTI_Rules_2019r4jr6.pdf

amendments could potentially make commissioners wary of giving directions to disclose information that the central government does not wish to provide.

1.3 Objective of the report

This report is part of an effort to undertake ongoing monitoring of the performance of information commissions across the country with the objective of improving the functioning of commissions and strengthening the RTI regime.

Given the unprecedented crisis gripping the nation due to the COVID 19 pandemic, the need to scrutinize the functioning of information commissions now is perhaps greater than ever before. Relief and welfare programmes funded through public money are the sole lifeline of millions who have suddenly lost income-earning opportunities after the lockdown imposed to contain the spread of the disease. If the poor and marginalised affected by the public health emergency are to have any hope of obtaining the benefits of government schemes, they must have access to relevant information and the programmes must be run in a transparent manner. At a time when incentives for secrecy are great, and the scope for discretionary actions wide, the role of information commissions is crucial to ensure that people can obtain information on healthcare facilities, social security programs and delivery of essential goods and services meant for those in distress.

1.4 Statement of Methodology

The report is primarily based on an analysis of information accessed under the RTI Act, from 29 information commissions⁶ across India. A total of 159 RTI applications were filed with state information commissions (SIC) and the Central Information Commission (CIC). The information sought included:

- Number of commissioners serving in each commission for the period April 2019 till July 2020 and their backgrounds;
- The number of appeals and complaints registered, disposed, returned by each IC for the period April 2019 till July 2020;
- Number of appeals and complaints pending before each IC on July 31, 2020;
- Number of show cause notices served by each IC, for the period April 2019 till July 2020;
- The quantum of penalties imposed by each IC, and the amount recovered, for the period April 2019 till July 2020;
- The quantum of compensation awarded by each IC, for the period April 2019 till July 2020;
- Number of cases in which disciplinary action was recommended by each IC for the period April 2019 till July 2020;
- Number of appeals and complaints filed before ICs stating that the information sought relates to the life or liberty of a person, during the period April 2019 till July 2020;
- Period for which hearings were suspended in the commission on account of the Covid-19 pandemic and details of arrangements made, if any, regarding disposal of urgent matters;

⁶ For the purpose of the study, all 29 ICs, including the Central Information Commission which have been set up under the RTI Act, 2005 were covered. With the abrogation of the special status guaranteed under Article 370 to the state of Jammu & Kashmir and the concomitant administrative reorganisation, the state specific RTI Act of J&K stood repealed and now all appeals/complaints from J&K and Ladakh are heard by the Central Information Commission.

- Latest year for which the Annual Report of the IC has been published.

Each of the RTI applications was tracked to assess the manner in which these applications were dealt with by the ICs, as information commissions are also public authorities under the RTI Act. Information received until October 20, 2020 has been included in the report.

In addition, information has also been sourced from the websites and annual reports of information commissions. Where relevant, judgments of the Supreme Court and High Courts related to the RTI Act were accessed and analysed. The report also draws on findings and discussions of previous national assessments of the RTI regime carried out by Research, Assessment, & Analysis Group (RaaG), Satark Nagrik Sangathan (SNS) and Centre for Equity Studies (CES).

1.5 Structure of the report

The report is presented in two parts. The first (chapters 2 to 7) contains the findings of the assessment and presents a detailed analysis and discussion of the various aspects of the performance of information commissions. It also provides a recommended agenda for action for ICs, appropriate governments, Department of Personnel & Training, Government of India (DoPT) and civil society, to ensure better functioning of information commissions in India.

The second part presents individual report cards, which provide a snapshot of the performance of the Central Information Commission and the information commissions of all states in the country. These provide a statistical profile of the critical parameters related to the functioning of each commission.

Chapter 2: Composition of Information Commissions

2.1 Introduction

The functioning of information commissions is inextricably linked to their composition - both in terms of timely appointment of adequate number of commissioners and the suitability of those appointed.

Section 12(2) of the RTI Act states that,

*“(2) The Central Information Commission shall consist of—
(a) the Chief Information Commissioner; and
(b) such number of Central Information Commissioners, not exceeding ten, as may be deemed necessary.”*

Similarly, under section 15 of the RTI Act, state information commissions consist of a chief information commissioner and up to ten information commissioners.

With respect to the appointment of commissioners to the Central Information Commission, Section 12(3) of the RTI Act states that,

*“(3) The Chief Information Commissioner and Information Commissioners shall be appointed by the President on the recommendation of a committee consisting of-
(i) the Prime Minister, who shall be the Chairperson of the committee;
(ii) the Leader of Opposition in the Lok Sabha; and
(iii) a Union Cabinet Minister to be nominated by the Prime Minister.”*

Under Section 15(3) of the law, the chief and other information commissioners of the SICs are to be appointed by the Governor on the recommendation of a committee comprising the Chief Minister, leader of opposition in the Legislative Assembly and a cabinet minister to be nominated by the Chief Minister.

The RTI Act envisages a critical role for the chief information commissioner, including superintendence, management and direction of the affairs of the information commission. Section 12(4) the law states that,

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

Section 15(4) similarly spells out the role of the chief of the SIC. Further, Sections 12(5) and 15(5) of the RTI Act define the criteria for selection of information commissioners of the CIC and SIC, respectively. They clearly state that the Chief Information Commissioner and information commissioners, *“shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.”*

It is, therefore, the responsibility of the selection committee (headed by the Prime Minister at the centre and Chief Ministers in states) to recommend suitable names for the post of information commissioners to ensure that commissions function effectively.

Successive assessments of the functioning of information commissions (ICs) have shown that appointments to commissions are not made in a timely manner, resulting in a large number of vacancies. In February 2019, the Supreme Court, in its judgment⁷ on a PIL regarding non-appointment of information commissioners, ruled that the proper functioning of commissions with adequate number of commissioners is vital for effective implementation of the RTI Act. The Court held that since the law stipulates that information commissions should consist of a Chief and upto ten commissioners 'as may be deemed necessary', the number of commissioners required should be determined on the basis of the workload. In fact, the judgment emphasized that if commissions do not function with adequate number of commissioners, it would negate the very purpose of enacting the RTI law.

This report found that several ICs were non-functional, or were functioning at reduced capacity despite large backlogs, as the posts of commissioners and chief information commissioners were vacant. This is particularly concerning given the crisis situation due to the COVID 19 pandemic, which has made people, including migrant workers, even more dependent on government provision of essential goods and services like healthcare, food and social security. Without access to relevant information citizens are unable to get their rights and entitlements and corruption thrives.

2.2 Non-functional information commissions

Two information commissions were found to be defunct for varying lengths of time. In the absence of functional commissions, information seekers have no reprieve under the RTI Act if they are unable to access information as per the provisions of the law.

Jharkhand: The Chief Information Commissioner of the Jharkhand SIC, demitted office in November 2019. The lone information commissioner in the IC was made the acting Chief, although no such explicit provision exists under the RTI Act. Since the completion of the tenure of the commissioner on May 8, 2020, the information commission has been without any commissioner, rendering it completely defunct. People seeking information from public authorities under the jurisdiction of the Jharkhand SIC have had no recourse to the independent appellate mechanism prescribed under the RTI Act if their right to information is violated.

Tripura: The information commission of the state became defunct in April 2019 when the Chief Information Commissioner (who was the lone commissioner in the IC) finished his tenure. A new Chief appointed in September 2019 had a short tenure of 7 months and retired in April 2020 upon attaining the age of 65. Since then, no new appointments have been made.

2.3 Commissions functioning without a Chief Information Commissioner

The RTI Act envisages a critical role for the Chief information commissioner, including superintendence, management and direction of the affairs of the information commission. The

⁷ Anjali Bhardwaj and others v. Union of India and others (Writ Petition No. 436 of 2018), http://judicialreforms.org/wp-content/uploads/2019/02/15968_2018_Judgement_15-Feb-2019.pdf

absence of a Chief commissioner, therefore, has serious ramifications for the efficient and autonomous functioning of the commission.

Currently, 9 out of 29 information commissions (31%) are functioning without a Chief information commissioner.

Central Information Commission: The CIC has been without a Chief commissioner since August 27, 2020. This is the fifth time in 6 years that the CIC has been rendered headless due to the delay in appointing a new Chief upon the incumbent demitting office. During the time period under review for this report, the post was also vacant for nearly two months when the incumbent retired on January 11, 2020 and a new Chief was appointed on March 6, 2020. All retirements have been routine, occurring due to the commissioner either completing the stipulated tenure or attaining the age of 65 years.

Rajasthan: The Chief of the Rajasthan Commission demitted office in December 2018, more than 20 months ago. Since then, no one has been appointed to the post. As per news reports and the SIC website, a serving information commissioner has been given additional charge as chief⁸, although there is no such explicit provision under the RTI Act, 2005.

Uttar Pradesh: The SIC of UP has been functioning without a Chief for 8 months, since February 2020.

Goa: The Chief of the Goa Commission demitted office in February 2020 and the commission has been headless since then.

Manipur: The SIC of Manipur has been functioning without a Chief for 19 months, since February 2019.

Nagaland: The SIC of Nagaland has been functioning without a Chief since January 2020 i.e. a period of 7 months.

Telangana: After the bifurcation of Andhra Pradesh, and creation of the state of Telangana in 2014, the state information commission was constituted in 2017. The chief commissioner demitted office in August 2020 and since then an existing commissioner is functioning with the additional charge of the chief, though there is no such explicit provision in the law.

2.4 Commissions functioning at reduced capacity

Several information commissions were found to be functioning at reduced capacity with multiple posts of commissioners lying vacant despite large backlogs. The non-appointment of commissioners in the ICs in a timely manner leads to a large build-up of pending appeals and complaints.

Central Information Commission: As of April 2019, the CIC was functioning with 7 information commissioners. In December 2019, the Supreme Court directed the government to fill all vacancies within a period of 3 months⁹. With the retirement of the Chief in January 2020, the number of commissioners fell to 6. In March 2020, an existing commissioner was appointed as the Chief and one more information commissioner was appointed, thus taking the tally back to 7. Since then, the Chief has demitted office in August 2020 and another commissioner finished his tenure in September. As a result, currently, the CIC is functioning with only 5 commissioners. The post of the Chief and 5 posts

⁸ <https://www.patrika.com/jaipur-news/ashutosh-sharma-additional-charge-of-cic-5468250/>

⁹ Order dated December 16, 2020 in MA 1979 of 2019

of commissioners are vacant, even as the backlog of appeals/complaints has been steadily increasing and currently stands at more than 36,500 cases¹⁰.

Maharashtra: The SIC of Maharashtra has been functioning with just five information commissioners, including the Chief, since early 2019. Due to the commission functioning at reduced strength, the number of pending appeals/complaints has risen at an alarming rate. The backlog increased from 46,000 appeals and complaints on March 31, 2019 to nearly 60,000 on July 2020. The apex court, in its judgment in February 2019, had observed that given the large pendency in the SIC, it would be appropriate if the commission functioned at full strength of 11 commissioners, including the Chief.

Odisha: The Odisha SIC is functioning with 4 commissioners despite having a pendency of nearly 15,000 appeals and complaints.

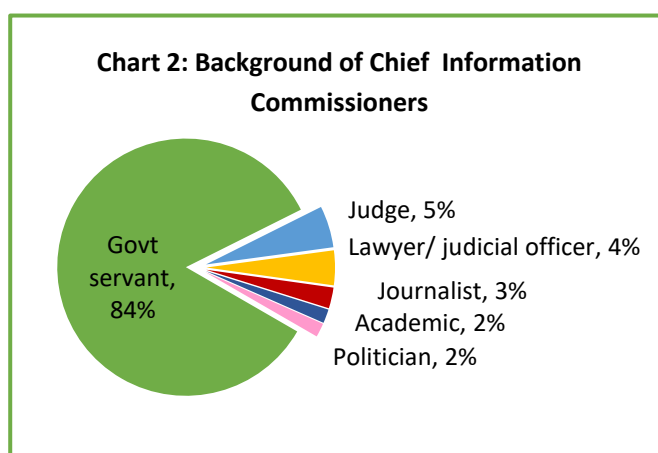
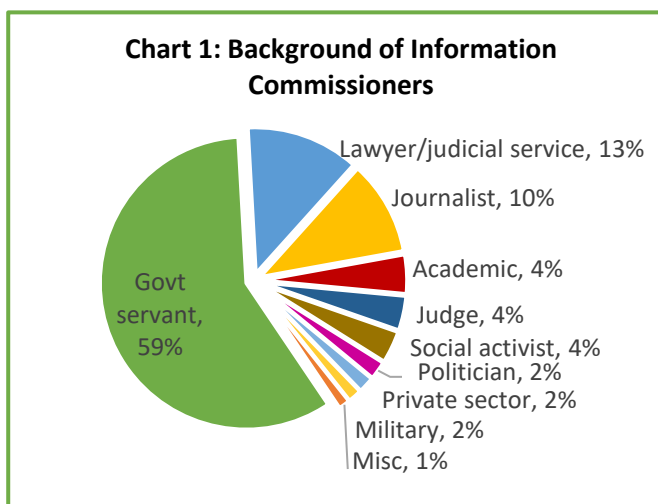
Rajasthan: The Rajasthan SIC is functioning with 3 commissioners despite a backlog of nearly 14,000 appeals and complaints as of July 2020.

2.5 Background of commissioners

Information was sought under the RTI Act from 29 ICs about the background of all commissioners, including the chief information commissioners. Despite the RTI Act providing that commissioners can be appointed from diverse backgrounds and fields, and this being reiterated by the Supreme Court in its February 2019 judgment, the assessment found that an overwhelming majority of information commissioners have been appointed from among retired government servants.

Of the nearly 400 commissioners for whom background information was available, 59% were retired government officials. 17% had a legal or judicial background (13% were advocates or from the judicial service and 4% were retired judges), 10% commissioners had a background in journalism, 4% were academics (teachers, professors) and 4% were social activists or workers (Chart 1).

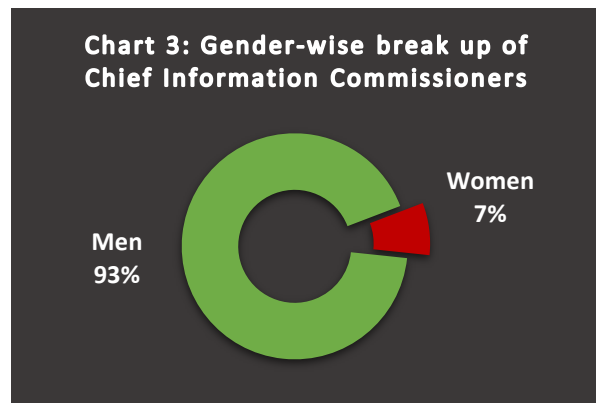
Of the 122 chief information commissioners for whom data was obtained, an overwhelming 84% were retired government servants- including 65% retired Indian Administrative Service (IAS) officers (Chart 2). 9% had a background in law (5% former judges and 4% lawyers or judicial officers).



¹⁰ As of October 11, 2020

2.6 No gender parity

The assessment found the gender composition of commissions to be extremely skewed. Since the passage of the RTI Act in 2005, merely 10% of all information commissioners across the country have been women. In terms of Chief Information Commissioners, the gender parity is even worse, with less than 7% chiefs being women (Chart 3). Currently none of the information commissions is headed by a woman.



Clearly much needs to be done to address the poor representation of women in information commissions.

2.7 Discussion

Information Commissions (ICs) set up under the Indian RTI Act are independent, have extensive powers and are the final appellate authority under the law. The health of the RTI regime depends on how effective these institutions are.

In some of the smaller states in the country, where very few appeals and complaints are filed, an eleven-member information commission might not be justified. However in other states the number of appeals/complaints filed and the backlog of cases is large, requiring all commissioners to be on board. Not appointing information commissioners in these commissions in a timely manner results in a huge backlog of appeals and complaints, and consequent long delays in disposal of cases. In the Odisha and Jharkhand SICs, for instance, the waiting time for disposal of a case is estimated to be 8 years and 9 months and 4 years and 1 month respectively (see Chapter 4). This amounts to a violation of peoples' right to information.

Vacancies in commissions are often a result of the apathy and inefficiency of appropriate governments, with the process of appointments not being initiated in time. There is a strong apprehension that information commissions are purposely deprived of commissioners by governments to scuttle the effective functioning of the RTI Act.

The Supreme Court (SC) in its February 2019 judgment¹¹, observed that the objective of the RTI Act is to ensure time-bound access to information and, therefore, commissions should dispose appeals/complaints in a timely manner. In order to achieve this, the SC held that all information commissions should have adequate number of commissioners based on the workload. It opined that where there are large backlogs of appeals/complaints, the commissions should function at full strength i.e. 1 chief and 10 information commissioners. The judgement directed central and state governments to make appointments to commissions in a timely and transparent manner. The relevant extracts of the judgment are given below:

¹¹ Anjali Bhardwaj and others v. Union of India and others (Writ Petition No. 436 of 2018),

*“21) As per the RTI Act, the Commissions consist of the Chief Information Commissioner and upto 10 Information Commissioners, appointed by the President of India at the Central level and by the Governor in the States, on the recommendation of a Committee. In respect of CIC, such a provision is contained in Section 12 which stipulates that CIC shall consist of the Chief Information Commissioner and ‘such number of Central Information Commissioners not exceeding 10 as may zbe deemed necessary’. Similar, provision for SIC is contained in Section 15(2) of the RTI Act. No doubt, there is a cap/upper limit of 10 Central Information Commissioners and State Information Commissioners in respect of each State respectively. **Such number of CICs/SICs would depend upon the workload as the expression used is ‘as may be deemed necessary’. The required number of CIC/SICs, therefore, would depend upon the workload in each of these Commissions.***

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*24) ...Of course, no specific period within which CIC or SICs are required to dispose of the appeals and complaints is fixed. However, going by the spirit of the provisions, giving outer limit of 30 days to the CPIOs/SPIOs to provide information or reject application with reasons, **it is expected that CIC or SICs shall decide the appeals/complaints within shortest time possible, which should normally be few months from the date of service of complaint or appeal to the opposite side. In order to achieve this target, it is essential to have CIC/SCIC as well as adequate number of Information Commissioners. It necessarily follows therefrom that in case CIC does not have Chief Information Commissioner or other Commissioners with required strength, it may badly affect the functioning of the Act which may even amount to negating the very purpose for which this Act came into force....***

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67(v) We would also like to impress upon the respondents to fill up vacancies, in future, without any delay. For this purpose, it would be apposite that the process for filling up of a particular vacancy is initiated 1 to 2 months before the date on which the vacancy is likely to occur so that there is not much time lag between the occurrence of vacancy and filling up of the said vacancy.” (emphasis supplied)

One way of ascertaining the number of commissioners required in an IC is that commissions agree, through a broad consensus, on the number of cases each commissioner should be expected to deal with in a month. Given an agreement on the maximum time within which appeals and complaints should ordinarily be dealt with - not more than 90 days - the required strength of commissioners in each commission can be assessed on an annual basis.

If the requisite number of commissioners are appointed, and they dispose an optimal number of cases (agreed as the norm) each year, in most ICs the pendency could be easily tackled. The CIC has set an annual norm for disposal for itself of 3200 cases per commissioner. Adopting such a norm would mean that each commission, if it was fully staffed, could dispose 35,200 cases a year. This is more than the number of cases registered annually by most commissions. Even in the states where more than 32,500 cases are registered, eleven commissioners could be adequate if the commissions adopt efficient systems of disposing cases (perhaps drawing on international experience) and are provided appropriate resources, including legal and technical experts, to assist commissioners dispose cases expeditiously.

The background of information commissioners is an issue that has been debated from the time the RTI Act became functional. Unfortunately, despite the fact that prescribed qualifications for being appointed a commissioner are very broad based and include many types of expertise and experience, of which “administration and governance” is only one, a majority of information commissioners are retired government officials. One explanation could be that these posts are sought after by retired and retiring civil servants, who often enjoy political patronage and are perhaps seen as being more pliant by the political masters.

There has been much debate on the desirability of populating information commissions primarily with retired government servants. Many argue that civil servants know best what information is available with the government, where it is to be ferreted out from, and how best to do it. Therefore, they have an advantage over others when it comes to ordering governments to be transparent. On the other hand, there has been a very strong apprehension that they are likely to have much greater sympathy and affiliation with their erstwhile colleagues than with the general public and therefore, are unlikely to act against violations of the Act.

Research has shown that the quality of orders passed by most information commissions in India is far from satisfactory¹², which indicates that the practice of populating ICs primarily with ex-bureaucrats has perhaps not been the best strategy.

The Supreme Court in its February 2019 judgment, made strong observations about the tendency of the government to only appoint former or serving government employees as information commissioners, even though the RTI Act states that commissioners should be chosen from diverse backgrounds and fields of experience. The relevant extracts are given below:

“39. ... However, a strange phenomenon which we observe is that all those persons who have been selected belong to only one category, namely, public service, i.e., they are the government employees. It is difficult to fathom that persons belonging to one category only are always be found to be more competent and more suitable than persons belonging to other categories. In fact, even the Search Committee which short-lists the persons consist of bureaucrats only. For these reasons, official bias in favour of its own class is writ large in the selection process.”

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GENERAL DIRECTIONS FOR CIC & SCICs

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*67(iv) We also expect that Information Commissioners are appointed from other streams, as mentioned in the Act and the selection is not limited only to the Government employee/ex government employee. In this behalf, the respondents shall also take into consideration and follow the below directions given by this Court in **Union of India vs. Namit Sharma**¹³*

“32. ...

¹² Assessment of orders of information commissions in ‘Tilting the Balance of Power - Adjudicating the RTI Act’, RaaG, SNS & Rajpal, 2017, had found that more than 60% orders contained deficiencies in terms of not recording critical facts like-dates, information sought, decision of PIO/ FAA and the grounds for their decision etc. Of the orders where information was denied, 50% denied information in violation of the RTI Act.

¹³Union of India vs. Namit Sharma [(2013) 10 SCC 359]

(iii) We direct that only persons of eminence in public life with wide knowledge and experience in the fields mentioned in Ss. 12(5) and 15(5) of the Act be considered for appointment as Information Commissioner and Chief Information Commissioner.

(iv) We further direct that persons of eminence in public life with wide knowledge and experience in all the fields mentioned in Ss. 12(5) and 15(5) of the Act, namely, law, science and technology, social service, management, journalism, mass media or administration and governance, be considered by the Committees under Ss. 12(3) and 15(3) of the Act for appointment as Chief Information Commissioner or Information Commissioners.

In 2013, the Supreme Court¹⁴ taking cognisance of the functioning of commissions across the country, including the poor quality of orders passed by ICs, directed that chief information commissioners must ensure that matters involving intricate questions of law are heard by commissioners who have legal expertise: “39.(vi). We also direct that wherever Chief Information Commissioner is of the opinion that intricate questions of law will have to be decided in a matter coming up before the Information Commission, he will ensure that the matter is heard by an Information Commissioner who has wide knowledge and experience in the field of law.”

Information commissions need to be better balanced bodies having greater gender parity and a mix of former civil servants, legal professionals, social activists, academics, journalists and other professionals. Even if decisions are taken by individual members, diversity would strengthen the working of commissions by providing commissioners opportunities to discuss cases with other commissioners from different backgrounds, so that the final orders are a manifestation of all the experience and expertise that a commission, with a varied membership, would be privy to.

A pre-requisite for ensuring that the right people are appointed as information commissioners is to have a transparent and robust selection process. In keeping with the spirit of the RTI Act, there has been a long standing public demand to make the process of appointing information commissioners transparent and accountable. This has partly been a result of the inexplicable selections made in many of the information commissions, where people with little merit, and sometimes with specific demerits, were appointed. In several cases, the appointments of information commissioners have been challenged for being arbitrary, illegal and unreasonable. In many states, including Gujarat¹⁵, Andhra Pradesh¹⁶ and Kerala¹⁷, the appointments of information commissioners have been set aside by courts due to lack of transparency in the process of appointment, for being in violation of the 2013 directions of the Supreme Court or because persons who did not meet the eligibility criteria were appointed as commissioners.

The Supreme Court, in its 2019 judgment¹⁸ gave comprehensive directions to ensure transparency in the appointment process. It directed that the names of the members of the search and selection committees, the agenda and minutes of committee meetings, the advertisement issued for vacancies, particulars of applicants, names of shortlisted candidates, file notings and correspondence related to appointments, be placed in the public domain. The Court in its final directions also noted, “it would

¹⁴ Union of India vs. Namit Sharma [(2013) 10 SCC 359]

¹⁵ Jagte Raho Versus The Chief Minister of Gujarat Writ Petition (P.I.L.) Nos. 143 and 278 of 2014

¹⁶ SLP(C) No(s).30756/2013 order dated 20.04.2017, Varre Venkateshwarlu & Ors Versus K. Padmanabhaiah & Ors

¹⁷ Judgment of Kerala High Court division bench dated August 30, 2017 in WA.No. 2012 of 2016 IN WP(C).18722/2016

¹⁸ Anjali Bhardwaj and others v. Union of India and others (Writ Petition No. 436 of 2018)

also be appropriate for the Search Committee to make the criteria for shortlisting the candidates, public, so that it is ensured that shortlisting is done on the basis of objective and rational criteria.”

In its 2013 judgment¹⁹, Supreme Court had laid down that the qualifications and experience of selected candidates must be made public:

"39.(v). We further direct that the Committees under Secs. 12(3) and 15 (3) of the Act while making recommendations to the President or to the Governor, as the case may be, for appointment of Chief Information Commissioner and Information Commissioners must mention against the name of each candidate recommended, the facts to indicate his eminence in public life, his knowledge in the particular field and his experience in the particular field and these facts must be accessible to the citizens as part of their right to information under the Act after the appointment is made."

2.8 Agenda for Action

1. There needs to emerge, through a broad consensus, agreement on the number of cases a commissioner should reasonably be expected to deal with in a month. Given an agreement on the maximum time within which appeals and complaints should ordinarily be dealt with – not more than 90 days- the required strength of commissioners in each commission must be assessed on an annual basis.
2. The central and state governments must ensure timely appointment of requisite number of information commissioners. Wherever a commissioner is due to demit office in the regular course of time (by way of retirement), the government must ensure that the process of appointment of new commissioners is initiated well in advance, so that there is no gap between the previous commissioner demitting office and a new one joining in. This would be in keeping with the directions of the Supreme Court in *Anjali Bhardwaj and others v. Union of India and others* (Writ Petition No. 436 of 2018).
3. The composition of information commissions needs to be balanced, drawing commissioners from diverse backgrounds - former civil servants, legal professionals, academics, social activists, journalists and other professionals. There must be gender diversity in the composition of information commissions. In keeping with the 2013 Supreme Court judgment in the *UOI vs Namit Sharma* case [(2013) 10 SCC 359], reiterated by the court in 2019, wherein the court held that the chief information commissioner must ensure that matters involving intricate questions of law be heard by commissioners who have legal expertise, persons with knowledge and experience in the field of law need to be appointed as information commissioners.
4. Due process must be followed to select candidates who meet the eligibility criteria laid out in the law. There must be transparency in the process of appointment of information commissioners as per the directions of the Supreme Court in its judgment in February 2019. The judgment²⁰ mandates that the following information regarding appointment of central and state information commissioners be proactively disclosed:
 - i. Advertisement inviting applications for the posts of Chief and other information commissioners, which should specify the terms and conditions of appointment as defined in the RTI Act

¹⁹ *Union of India vs. Namit Sharma* [(2013) 10 SCC 359]

²⁰ *Anjali Bhardwaj and others v. Union of India and others* (Writ Petition No. 436 of 2018)

- ii. Particulars of applicants
 - iii. Names of members of the Search Committee
 - iv. Criteria adopted by the search committee for shortlisting candidates
 - v. Minutes of search committee meetings
 - vi. Names of short-listed candidates
 - vii. Names of members of the selection committee
 - viii. Criteria adopted for selection of information commissioners
 - ix. Minutes of selection committee meetings
 - x. File notings and correspondence related to the appointments
5. In keeping with the Supreme Court judgement of 2013 in the Union of India vs Namit Sharma case, while making recommendations to the President/Governor for appointment of the chief and other information commissioners, the selection committees must mention against the name of each candidate recommended, the facts to indicate their eminence in public life, knowledge and experience in the particular field. These facts must be accessible to citizens under the RTI Act.
6. The procedure laid down in the Lokpal Act of setting up a search committee of independent eminent experts who recommend suitable names to the selection committee in a transparent manner should be adopted. This committee should identify and encourage eligible and deserving people, especially women, from diverse backgrounds to apply for the position of information commissioners.

Chapter 3: Appeals and Complaints Dealt with by Information Commissions

3.1 Introduction

Information commissions (ICs) adjudicate on appeals and complaints of citizens who have been denied their right to information under the law. Information seekers can file a second appeal under Section 19(3) to the commission if they are either aggrieved by the decision of the first appellate authority or have not received the decision of the first appellate authority within the stipulated time-frame. Further, Section 18(1) of the law obligates commissions to receive complaints with respect to any matter relating to accessing information under the law.

18. (1) Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or State Information Commission, as the case may be, to receive and inquire into a complaint from any person,—

(a) who has been unable to submit a request to a Central Public Information Officer or State Public Information Officer, as the case may be, either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, has refused to accept his or her application for information or appeal under this Act for forwarding the same to the Central Public Information Officer or State Public Information Officer or senior officer specified in sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be;

(b) who has been refused access to any information requested under this Act;

(c) who has not been given a response to a request for information or access to information within the time limit specified under this 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 this Act; and

(f) in respect of any other matter relating to requesting or obtaining access to records under this Act.

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19. (1) Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each public authority:

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(3) A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Central Information Commission or the State Information Commission:

Provided that the Central Information Commission or the State Information Commission, as the case may be, may admit the appeal after the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time."

The central government and some state governments have framed rules regarding the procedure for filing appeals/complaints. Some of these allow the commission to return an appeal/complaint if it is

deficient in any manner. Using these, in recent years, some ICs have been returning a large number of appeals and complaints to the sender.

3.2 Appeals and complaints registered and disposed

Close to two lakh (**1,88,508**) appeals and complaints were registered between April 1, 2019 and July 31, 2020 by 24 information commissions for whom relevant information was available. During the same time period, **2,01,166** were disposed by 25 commissions for whom information could be obtained. The commission-wise break up of appeals and complaints registered and disposed is given in Table 1.

TABLE 1: APPEALS AND COMPLAINTS REGISTERED AND DISPOSED BY COMMISSIONS BETWEEN APRIL 1, 2019 & JULY 31, 2020			
	Information Commission	Appeals & complaints registered	Appeals & complaints disposed by passing orders
1.	Uttar Pradesh	33,797	39,398
2.	CIC	27,521	22,519
3.	Maharashtra ④	31,543	20,270
4.	Karnataka	NA	15,533
5.	Tamil Nadu	NA	12,999
6.	Madhya Pradesh	8,772	11,770
7.	Gujarat	8,265	11,058
8.	Haryana	11,779	10,482
9.	Kerala	5,446	9,822
10.	Rajasthan	14,732	9,016
11.	Punjab ⑤	8,240	8,139
12.	Andhra Pradesh ①	6,354	6,472
13.	Telangana	7,435	6,372
14.	Chhattisgarh ②	4,999	5,290
15.	Uttarakhand	3,588	4,192
16.	Jharkhand	5,799	2,507
17.	Odisha	5,973	2,426
18.	Assam	1,177	1,395
19.	Goa	439	712
20.	Himachal Pradesh	633	529
21.	Manipur	222	170
22.	Tripura	65	62
23.	Meghalaya	19	19
24.	Mizoram	12	10
25.	Nagaland	10	4
26.	West Bengal ③	1,688	NA
	Total	1,88,508	2,01,166

Notes: Data pertains to ① June 2019 to July 2020 ② Jan 2019 to Dec 2019 ③ April 2019 to Feb 2020 ④ May 2019 to June 2020 and excludes appeals for 3 months, complaints for 5 months ⑤ Jan 2019 to July 2020; NA means not available. Information not available for Arunachal Pradesh, Bihar And Sikkim

The information commissions of Bihar and Sikkim did not provide requisite information under the RTI Act regarding the number of appeals and complaints dealt with. This information was also not available on the websites of these commissions. No website for the Bihar SIC could be located on the internet.

The SIC of Uttar Pradesh registered the highest number (33,797) of appeals and complaints followed by the SIC of Maharashtra (31,543) and the CIC (27,521). Mizoram and Nagaland registered the lowest number of appeals and complaints, 12 and 10, respectively. In terms of disposal, during the period under review, the SIC of Uttar Pradesh disposed the highest number of appeals and complaints (39,398), followed by the CIC (22,519) and the SIC of Maharashtra (20,270).

3.3 Average disposal per commissioner

The average disposal of appeals and complaints per commissioner, calculated using data for the period April 2019 to December 2019, shows wide variation across commissions²¹. Data for 2020 was not used as the functioning of several information commissions was severely impacted on account of the COVID 19 pandemic, with several commissions remaining shut or suspending hearings for varying lengths of time.

The analysis shows that the Maharashtra information commission had an impressive annual average disposal rate of 6,550 appeals/complaints per commissioner, followed by UP at 3,532 and Telangana 3,067. The Odisha SIC had a concerning low annual disposal rate of 1,101 cases per commissioner - each commissioner on an average effectively disposing only 4 cases a day - even though nearly 16,000 cases were pending in the SIC. Kerala, Chhattisgarh, MP and Jharkhand were the other commissions where the disposal rate was very low even though a large number of cases were pending before the commission.

While most commissions have not adopted any norm for disposal of cases, in 2011 the CIC had set an annual norm for disposal of 3,200 cases by each commissioner²². Analysis shows that, with an annual average disposal per commissioner of 2,582 cases, the commissioners of the CIC failed to meet the norm in the time period under consideration.

Despite having the best average disposal rate per commissioner, the Maharashtra SIC has the highest number of pending appeals/complaints, with a backlog of nearly 60,000 cases, as the commission has been functioning at less than half its strength since early 2019.

The commission-wise yearly average disposal of cases per commissioner is presented in table 2.

²¹ Calculated using the total number of appeals and complaints disposed by each information commission from April 1, 2019 to December 31, 2019 and the average number of commissioners working in the respective commission during that time period (since there were different number of commissioners working in each commission for varying length of time, a weighted average has been used).

²² Minutes of meeting dated 22.3.2011-

<https://cic.gov.in/sites/default/files/Circulars%20%26Noification/Minutes22032011.pdf>

TABLE 2: AVERAGE ANNUAL DISPOSAL OF APPEALS AND COMPLAINTS PER COMMISSIONER		
S. NO.	Commission	Average annual disposal per commissioner
1.	Maharashtra ③	6,550
2.	Uttar Pradesh	3,532
3.	Telangana	3,067
4.	Rajasthan	3,008
5.	CIC	2,582
6.	Tamil Nadu	1,859
7.	Gujarat	1,787
8.	Kerala	1,785
9.	Andhra Pradesh ①	1,713
10.	Uttarakhand	1,619
11.	Karnataka	1,494
12.	Chhattisgarh ②	1,476
13.	MP	1,235
14.	Jharkhand	1,193
15.	Odisha	1,101
16.	Haryana	999
17.	Punjab ②	645
18.	Assam	564
19.	Himachal Pradesh	281
20.	Goa	185
21.	Manipur	94
22.	Tripura ④	94
23.	Meghalaya	17
24.	Mizoram	3
25.	Nagaland	2

Note: calculated on the basis of data pertaining to ① June to Dec 2019 ② Jan to Dec 2019 ③ May, June, August & November 2019 ④ Number of months for which commission was functional
Data not available for Arunachal Pradesh, Bihar, Sikkim and West Bengal

3.4 Appeals and complaints returned by ICs

Though the RTI Act does not prescribe any format for filing an appeal/complaint, the central government and some state governments have, through their respective rules, prescribed formats and also a list of documents that must accompany each appeal/complaint. Further, some of these rules, like those framed by the central government²³, empower the IC to return the appeal/complaint, if found deficient. The relevant provisions of the RTI Rules, 2012 of the central government are reproduced below:

²³ <http://www.cic.gov.in/sites/default/files/RTI/RTIRules2012.pdf>

“8. Appeal to the Commission.—Any person aggrieved by an order passed by the First Appellate Authority or by non-disposal of his appeal by the First Appellate Authority, may file an appeal to the Commission in the format given in the Appendix and shall be accompanied by the following documents, duly authenticated and verified by the appellant, namely:

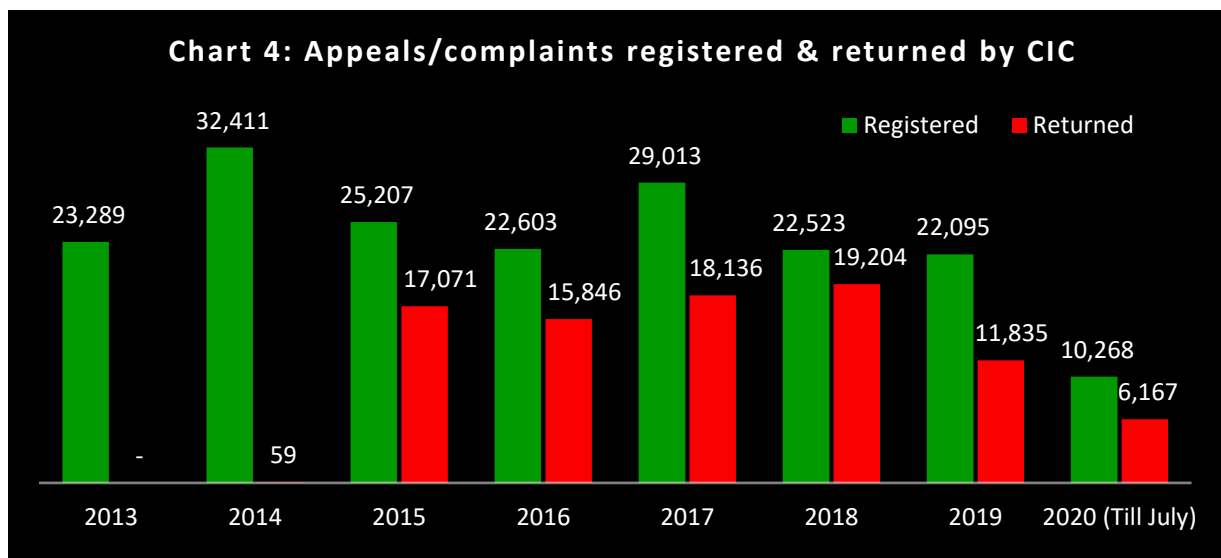
- (i) a copy of the application submitted to the Central Public Information Officer;
- (ii) a copy of the reply received, if any, from the Central Public Information Officer;
- (iii) a copy of the appeal made to the First Appellate Authority; (iv) a copy of the Order received, if any, from the First Appellate Authority;
- (v) copies of other documents relied upon by the appellant and referred to in his appeal; and
- (vi) an index of the documents referred to in the appeal.

9. Return of Appeal.—An appeal may be returned to the appellant, if it is not accompanied by the documents as specified in rule 8, for removing the deficiencies and filing the appeal complete in all respects”.

The assessment found that the CIC and the SICs of Gujarat and Jharkhand returned a large number of appeals/complaints without passing any orders during the period April 2019 to July 31, 2020 (see Table 3). The CIC returned a whopping 15,051 appeals/complaints while it registered 27,521 during the period under review. The SIC of Jharkhand returned 4,574 appeals/complaints while it registered 5,799, and the SIC of Gujarat returned 4,174 cases without passing any orders, while it registered 8,265 appeals/complaints.

Table 3: Appeals/complaints returned by ICs without passing orders between Apr 1, 2019 & Jul 31, 2020	
Information Commission	Number of appeals & complaints returned
CIC	15,051
Jharkhand	4,574
Gujarat	4,174

The trend of a large number of cases being returned by the CIC began in 2015, when there was a sudden surge in the number of cases being returned (see Chart 4). Several RTI activists wrote to the then Chief Information Commissioner of the CIC urging that the commission proactively and publicly disclose information on the number of appeals/complaints being returned and also the reasons for returning them. All deficiency memos, which record the reason for returning an appeal/complaint, were then publicly disclosed on-line. Subsequently, however, these memos, have again been made inaccessible to the public and can be accessed only if the appeal/complaint number is known.



The CIC, on its website, discloses how many appeals/complaints were re-submitted to the CIC after addressing deficiencies. The data on the website shows that nearly 35% of the appeals/complaints received were returned by the commission and over 75% of the cases which were returned were not re-submitted to the CIC.

3.4 Discussion

An estimated 40 to 60 lakh (4 to 6 million) applications were filed in 2011-12 under the RTI Act. Taking that as the annual estimate of number of RTI applications filed, the data on the number of appeals and complaints registered annually suggests that ICs are petitioned in only about 5% of the total RTI applications filed. However, this does not mean that in 95% of the cases people got access to the information they sought. The RaaG & CES 2014 assessment estimated that only about 45% of RTI applications were successful in terms of obtaining information requested²⁴. Therefore, of the remaining 55%, less than 10% actually end up filing a second appeal or complaint - perhaps because many of those who file RTI applications do not have the resources or skills needed to approach ICs and therefore, despite not receiving the information sought, are unable to approach the commissions. National assessments have shown that a large number of RTI applications emanate from the urban poor and from rural households seeking information about their basic entitlements²⁵.

In this context, the practice being followed by the CIC and some SICs, of returning a very large number of appeals and complaints without passing any orders, becomes extremely problematic. It also creates an apprehension that this is perhaps a way of frustrating information seekers in a bid to reduce backlogs in ICs since many people, especially the poor and marginalised, would feel discouraged and often give up if their appeal/complaint is returned- over 75% of the cases returned by the CIC were not re-submitted to the commission.

Unlike the courts, where people take the assistance of lawyers, most information seekers navigate the process of filing RTI applications and following up on their own. Therefore, it is important that the process of filing an appeal/complaint to the commission be people-friendly. Procedural deficiencies like the absence of an index or page numbering must not be grounds for returning appeals/complaints under the RTI Rules. Commissions must facilitate and assist people in the process of registering their appeals/complaints, rather than summarily returning them.

One of the most significant challenges faced by the RTI regime in India is the large backlog of cases in commissions, resulting in appeals and complaints languishing for long periods of time without disposal (See chapter 4). An important factor contributing to this problem is the tardy rate of disposal by information commissioners caused by inefficient practices followed in commissions and in several cases extremely low productivity of commissioners. Unless efficient systems of functioning using appropriate technology are adopted and commissioners commit themselves to disposing a reasonable number of cases every year, the problem of backlogs will continue to hound the transparency watchdogs.

²⁴ Chapter 6, 'Peoples' Monitoring of the RTI Regime in India', 2011-2013, RaaG & CES, 2014

²⁵ Chapter 5, RaaG & CES, 2014

3.5 Agenda for action

1. Appropriate governments must examine the rules made by them under the RTI Act for filing appeals and complaints with ICs and ensure that the procedures prescribed therein are in conformity with the law and are people-friendly.
2. RTI rules should not allow for returning of appeals/complaints due to minor or procedural defects. They must place an obligation on ICs to assist people in filing appeals and complaints, rather than summarily returning them due to a deficiency.
3. The websites of ICs and public authorities must prominently display information about the procedure for filing an appeal/complaint. Commissions should adopt mechanisms to assist and facilitate people in the process of registering their appeals/complaints. All ICs must provide a help-line and facilitation desk where people can seek advice and assistance. In cases where a substantive deficiency is noticed, for instance if a second appeal has been filed without exhausting the first appeal process or where an appeal/complaint which should lie with the CIC has been filed to the SIC or vice versa, the commission should, to the extent possible, facilitate remedial action by forwarding the appeal/complaint to the appropriate authority, with a copy to the appellant. Returning an appeal/complaint should be a last resort adopted by ICs. Such an approach would be in keeping with the RTI law, which explicitly recognizes that many people in the country would need assistance in exercising their right to information.
4. Further, wherever appeals and complaints are returned, the deficiency memo which enunciates the reason for the return must be made public, in addition to being communicated to the appellant/complainant. This is, in any case, a requirement under Section 4 of the RTI Act and would enable public scrutiny of the process.
5. The CIC has set an annual norm for itself of 3,200 cases per commissioner, per year. Information commissioners in all ICs must agree upon, and adopt, norms on the number of cases a commissioner must deal with every year. This is especially important in commissions which receive a large number of appeals and complaints. These norms must be made public and the number of cases disposed by each commissioner annually must also be proactively disclosed by the ICs.
6. There is a concomitant need to develop a consensus among information commissioners across the country, on norms for budgets and staffing patterns of ICs, including legal and technical experts, based on the number of cases to be dealt with by each commissioner and other relevant state specific issues.
7. There needs to be a review of the structure and processes of ICs to ensure that they function more efficiently. Perhaps learning from international experience, in order to reduce pendency and waiting time, the Indian ICs need to be infused with a trained cadre of officers to facilitate the processing of appeals and complaints.

Chapter 4: Backlog and Delays in Information Commissions

4.1 Introduction

The RTI Act prescribes statutory timelines for disposing information requests - ordinarily thirty days from the date of application. In case information is not furnished, or the applicant is aggrieved by the nature of response received, (s)he is entitled to file a first appeal with the designated First Appellate Authority, which has to be disposed within a maximum period of 45 days. No time-frame, however, is prescribed for disposal of a second appeal or complaint which lies with information commissions, an error that appears to have crept in as the law made its way through Parliament²⁶.

Large backlogs in the disposal of appeals and complaints by information commissions is one of the most serious problems being faced by the transparency regime in India. These backlogs result in applicants having to wait for many months, even years, for their cases to be heard in ICs, defeating the objective of the RTI law of ensuring time-bound access to information.

In February 2019, taking note of the inordinately long time taken by ICs to dispose cases, the Supreme Court ruled²⁷ that in keeping with the spirit of the RTI Act to ensure time-bound access to information, commissions should decide appeals/complaints within the shortest time possible. The Court clarified that this should normally be within a few months from the date of filing the complaint or appeal. The relevant extract of the judgement is reproduced below:

*“24) ...Of course, no specific period within which CIC or SICs are required to dispose of the appeals and complaints is fixed. However, going by the spirit of the provisions, giving outer limit of 30 days to the CPIOs/SPIOs to provide information or reject application with reasons, **it is expected that CIC or SICs shall decide the appeals/complaints within shortest time possible, which should normally be few months from the date of service of complaint or appeal to the opposite side.**” (emphasis supplied)*

The Calcutta High Court and the Karnataka High Court have in fact, while hearing cases of people whose appeals/complaints were not being disposed by the information commission in a timely manner, held that a second appeal must be disposed in a reasonable time-frame. They further held that as the Act prescribed a maximum time limit of 45 days for disposal of a first appeal, a similar period would also apply for second appeals.

The relevant extract from the order of the Karnataka High Court²⁸ is given below:

“It is indeed to be noticed that no time limit is prescribed to decide a second appeal. Therefore, it would have to be interpreted that when no time is prescribed, it would follow that it ought to be decided within a reasonable time. Since there is a time limit prescribed for deciding a first appeal, it would be safe to conclude that a similar period would apply insofar as deciding the second appeal, for otherwise, it would lead to a situation where the object of the Act is not achieved if the authority should indefinitely postpone the hearing and decision of a second appeal.

²⁶ For details see Chapter 25, ‘Tilting the Balance of Power - Adjudicating the RTI Act’, RaaG & SNS, 2017

²⁷ Anjali Bhardwaj and others v. Union of India and others (Writ Petition No. 436 of 2018), http://judicialreforms.org/wp-content/uploads/2019/02/15968_2018_Judgement_15-Feb-2019.pdf

²⁸ Order dated 29.10.2015 of High Court of Karnataka in Writ Petition 28310 of 2015 Jayaprakash Reddy v/s. Central Information Commission & Union of India

6. Consequently, it would be deemed that the second appeal would also have to be decided within a period of 45 days if not earlier, from the date of filing. Since the second appeal filed by the petitioner is pending before the first respondent since October, 2014, and more than a year has elapsed, it would be in the fitness of things to direct the respondent to expedite the consideration of the appeal and pass appropriate order within a period of four weeks if not earlier, from the date of receipt of a copy of this order.”

The relevant extract from the Judgment of the Calcutta High Court²⁹ is given below:

“A second appeal arises from a decision in a first appeal under s.19(1), and a first appeal arises from a decision or a failure to give a decision under s.7. The sparkle of a strong strand of speed woven through the sections of the Act is abruptly lost in the second appeal that has been allowed to run wild. This open-ended second appeal scheme is bound to make the s.6 request go totally adrift generating a multi-tier avoidable and unwanted offshoot Court proceedings such as this case.

In my opinion, keeping in mind the respective maximum periods fixed for deciding a first appeal under s.19(1) and disposal of a request for obtaining information under s.7, the second appellate authority should have decided the second appeal within 45 days from the date of filing thereof. In view of the scheme of the statute, I think this period should be considered the reasonable period for deciding a second appeal. I am of the view that this petition should be disposed of directing the authority to decide the appeal.”

The issue of backlog and delays is especially problematic for marginalized sections of the Indian population who use the RTI Act to access information about their basic entitlements like subsidized rations, old age pensions and minimum wages, in the hope of being able to hold the government accountable for delivery of these services. It is a daunting task for them to file an information request and follow it up with an appeal/complaint to the IC in case of denial of requisite information. If there are inordinate delays in the commissions, the law becomes meaningless for them.

4.2 Backlog of appeals and complaints

The number of appeals and complaints pending on July 31, 2020 in the 23 information commissions, from which data was obtained, stood at **2,33,384**.

The backlog of appeals/complaints has been steadily increasing in commissions. The 2019 assessment had found that as of March 31, 2019, a total of 2,18,347 appeals/complaints were pending in the 26 information commissions from which data was obtained. This time, even though data for fewer number of commissions was available, the cumulative total was found to be higher. The commission-wise break-up of the backlog of appeals and complaints is given in Table 4.

As of July 31, 2020, the maximum number of appeals/complaints were pending in the information commission of Maharashtra (59,312), followed by Uttar Pradesh (47,923) and CIC (35,653). Comparative data from the previous assessment for the CIC and SICs of Jharkhand, Maharashtra, Rajasthan, Odisha, Madhya Pradesh and Haryana shows significant increase in the backlog of appeals/complaints since March 2019.

²⁹ Judgement dated 7.7.2010 of High Court of Calcutta in W.P. No. 11933 (W) of 2010 Akhil Kumar Roy v/s. The West 2 Bengal Information Commission & Ors.

TABLE 4: BACKLOG OF APPEALS & COMPLAINTS IN INFORMATION COMMISSIONS			
S NO	Information Commission	March 31, 2019	July 31, 2020
1.	Maharashtra	45,796	59,312
2.	Uttar Pradesh	52,326	47,923
3.	CIC	29,995	35,653
4.	Odisha	11,595	15,951
5.	Rajasthan ④	7,372	13,662
6.	Telangana	8,829	9,795
7.	Kerala⑤	12,638	9,374
8.	Chhattisgarh ②	9,137	8,846
9.	Jharkhand	1,362	7,740
10.	Madhya Pradesh	6,069	7,545
11.	Andhra Pradesh ①	4,578	4,378
12.	Gujarat	5,689	4,244
13.	Haryana	2,689	3,986
14.	Punjab	2,370	2,583
15.	Uttarakhand	NA	1,322
16.	Assam	727	759
17.	Himachal Pradesh	285	184
18.	Goa	170	101
19.	Manipur	140	18
20.	Nagaland	5	6
21.	Mizoram	2	2
22.	Meghalaya	0	0
23.	Tripura	0	0
24.	Arunachal Pradesh	63	NA
25.	Sikkim	0	NA
26.	Tamil Nadu ③	8,756	NA
27.	West Bengal	7,754	NA
	TOTAL	2,18,347	2,33,384

NOTES: ① data as of May 31, 2019 not March 31, 2019 ② data as of January 1, 2019 and January 1, 2020 not March 31, 2019 & July 31, 2020 ③ data as of Jan 1, 2020 not March 31, 2019 ④ data as of Feb 28, 2019 not March 31, 2019 & data of Feb 2019 excludes pending complaints ⑤ data as of Feb 29, 2020 not July 31, 2020. Bihar, Karnataka did not provide relevant information. NA means not available

4.3 Estimated time required for disposal of an appeal/complaint

The large backlog of appeals and complaints in ICs results in information seekers having to wait for long periods of time for their cases to be heard. Using data on the backlog of cases in ICs and their monthly rate of disposal, the time it would take for an appeal/complaint filed with an IC on August 1, 2020 to be disposed was computed (assuming appeals and complaints are disposed in a chronological order).

The analysis presented in Table 5 shows that the **Odisha SIC would take 8 years and 9 months to dispose a matter**. An appeal/complaint filed on August 1, 2020 would be disposed in the year 2029 at the current monthly rate of disposal! In **Jharkhand SIC, it would take 4 years and 1 month, while in Maharashtra, CIC, Rajasthan, Telangana and Nagaland it would take 2 years or more**. The assessment shows that 10 commissions would take more than 1 year to dispose a matter. The reason for the long waiting time for disposal of appeals and complaints can be traced to vacancies in the posts of commissioners not being filled in a timely manner or low rate of disposal of cases by commissioners, or both. The comparative data from the 2019 assessment is also presented in the table below.

TABLE 5: ESTIMATED TIME REQUIRED FOR DISPOSAL OF AN APPEAL/COMPLAINT			
s. NO	Information Commission	Time before appeal/complaint filed on April 1, 2019 is disposed	Time before appeal/complaint filed on August 1, 2020 is disposed
1.	Odisha	4 years and 3 months	8 years and 9 months
2.	Jharkhand	7 months	4 years and 1 month
3.	Maharashtra	1 year and 1 month	2 years and 2 months
4.	CIC	1 year and 7 months	2 years and 1 month
5.	Rajasthan	7 months	2 years
6.	Telangana	1 year and 8 months	2 years
7.	Nagaland	1 month	2 years
8.	Chhattisgarh ①	1 year and 11 months	1 year and 8 months
9.	UP	1 year and 11 months	1 year and 8 months
10.	Kerala ②	2 years and 3 months	1 year and 3 months
11.	Madhya Pradesh	1 year and 3 months	10 months
12.	Andhra Pradesh	18 years	9 months
13.	Assam	4 months	9 months
14.	Himachal Pradesh	5 months	7 months
15.	Haryana	4 months	6 months
16.	Gujarat	7 months	6 months
17.	Punjab	5 months	6 months
18.	Uttarakhand	NA	5 months
19.	Mizoram	3 months	3 months
20.	Goa	4 months	2 months
21.	Manipur	6 months	2 months
22.	Meghalaya	no pendency	No pendency
23.	Tripura	no pendency	No pendency

Note: based on appeals/complaints pending as of ① January 1, 2019 & December 31, 2019 ② February 29, 2020

The estimated waiting time increased 7 fold in the Jharkhand SIC between April 1, 2019 and July 31, 2020 and doubled in Maharashtra and Odisha. For the CIC, it went up from 1 year and seven months to 2 years and one month.

The SICs of Andhra Pradesh, Kerala and Madhya Pradesh showed an improvement in their performance. The most impressive improvement was in the SIC of Andhra Pradesh where the estimated time for disposal came down from 18 years to 9 months. After the bifurcation of the state, the SIC was constituted in 2017 though it remained defunct as no commissioners were appointed. It was only on the directions of the Supreme Court that 6 commissioners have been appointed- 3 in October 2018, 1 in May 2019 and 2 recently in July 2020.

Box 1: Long wait for information

Reena, a 33 year old widow with two little children, ekes out a living working as domestic help. She lives in Delhi's Kusumpur Pahari, a slum settlement with extremely poor physical and social infrastructure. Reena applied for a ration card in the Food Department of the Delhi government in September 2018 and in January 2019 she filed an RTI application seeking information regarding the action taken on her request for a ration card. In the meantime, her widow pension was abruptly stopped by the department of Women and Child Development without any intimation. Reena filed an RTI application on 31/01/2019. Upon receiving no response despite filing a first appeal in both cases, Reena filed second appeals in the Central Information Commission on 20/06/2019 regarding both matters. She is still waiting for her second appeal hearing. Without a ration card and her widow pension, Reena and her children have been struggling to cope through the COVID 19 crisis that has hit the working poor the hardest.



4.4 Impact of COVID-19 pandemic on the functioning of information commissions

India went into a total lockdown on March 25, 2020 to contain the spread of the COVID 19 pandemic. As per the Central government guidelines, in phase 1 of the lockdown (March 25 to April 14) all government offices, autonomous bodies and commercial establishments, other than those involved in essential and emergency services, were closed. During phase 2, from April 20, 2020 onwards, among other relaxations, all government offices, autonomous bodies and public corporations were allowed to open. Officials of the rank of Deputy Secretary and above were allowed to attend office, while below that rank, attendance of upto 33% of staff was allowed. Restrictions were progressively eased subsequently. In addition to the guidelines by the central government, states also issued guidelines regarding lockdown restrictions based on the severity of the pandemic in their jurisdiction.

For the purpose of this report, information was sought under the RTI Act from each commission regarding: the period for which hearings were suspended on account of the Covid-19 pandemic and consequent lockdowns; whether any provision was made for hearing urgent appeals/complaints or those related to life or liberty during the period hearings were suspended; and copies of notifications regarding functioning of commissions during the pandemic. In addition, relevant information was also accessed from the respective websites of the commissions.

An analysis of the information obtained from 23 commissions shows that the SIC of Meghalaya suspended all hearings for the longest period of time i.e. 127 days, followed by the Rajasthan SIC which suspended hearings for 105 days. The SIC of West Bengal initially suspended hearings for 56 days (from

March 23 to May 17), following which they started online hearings. However, the SIC again suspended hearings in June, September and October on account of SIC staff being detected COVID positive. At the time of finalising of this report (October 21), hearings had again been suspended vide notification dated October 13, which stated that *“in view of further identification of COVID19 positive case within the office of West Bengal Information Commission, online hearings of appeals and complaints under the RTI ACT, 2005 have been suspended with immediate effect and will resume after the Puja vacations”*.

The CIC suspended hearings for the least amount of time i.e. 21 days during the initial lockdown. Of the 21 commissions which provided relevant information, only 35% made provision for hearing urgent matters or those related to life of liberty during the period when hearings were suspended. The commission-wise analysis is presented in table 6.

TABLE 6: IMPACT OF COVID-19 PANDEMIC ON FUNCTIONING OF INFORMATION COMMISSIONS			
S. NO	Information Commission	Number of days hearings suspended	Provision made for urgent cases
1	Meghalaya	127	NA
2	Rajasthan	105	Yes
3	West Bengal	93	Partially
4	Manipur	89	Yes
5	Maharashtra	88	No
6	Orissa	84	Partially
7	Punjab	72	Yes
8	Goa	70	NA
9	Uttar Pradesh	61	No
10	Uttarakhand	60	No
11	Gujarat	57	No
12	Karnataka	54	No
13	Jharkhand	47	No
14	Telangana	47	No
15	Chhattisgarh	42	No
16	Himachal Pradesh	42	No
17	Tamil Nadu	42	No
18	Haryana	41	Yes
19	Andhra Pradesh	40	No
20	Madhya Pradesh	39	No
21	Arunachal Pradesh	37	Yes
22	CIC	21	Yes
23	Tripura	SIC defunct	No

Note: relevant information could not be obtained for Assam, Bihar, Kerala, Mizoram, Nagaland, Sikkim. NA implies information not available.

4.5 Discussion

Access to information is meaningful only if information is provided within a reasonable timeframe. Inordinate delays by ICs in disposing appeals/complaints violate the basic objective of the RTI Act. Long delays in the commissions render the law ineffective for people, especially for those living at the margins, who are most dependent on government services (and therefore need information the most).

Taking note of the unduly long time taken by ICs to dispose cases, the Supreme Court in its judgment³⁰ in February 2019 ruled that in keeping with the spirit of the RTI Act to ensure time-bound access to information, commissions should decide appeals/complaints within the shortest time possible - normally a few months from the date of service of complaint or appeal to the public authority. The Court held that since the law states that information commissions should consist of a Chief and upto ten commissioners 'as may be deemed necessary', the number of commissioners required should be determined on the basis of the workload. The Supreme Court also gave specific directions to ensure timely appointment of information commissioners.

The High Courts of Karnataka and Calcutta have held that second appeals should be disposed in a reasonable time-frame and have gone on to interpret that the maximum time limit given for disposal of first appeals i.e. 45 days, would also apply to second appeals.

Successive national assessments have identified and flagged the issue of long delays in the disposal of appeals/complaints by ICs caused due to a huge backlog of cases in the commissions. At least five factors contribute to the problem of large backlogs.

First, as discussed in chapter 2, the failure to appoint commissioners in a timely manner results in increased pendency in the commissions. Considering most vacancies arise as a result of routine retirements, not appointing commissioners on time reflects the lack of will on part of the concerned governments to be transparent and accountable to citizens. Successive reports on the working of ICs have found many commissions lying defunct or working at reduced capacity despite large backlogs.

Second, tardy rate of disposal of cases by information commissioners of many ICs leads to cases accumulating in the commissions. As discussed in Chapter 3, most information commissions have not adopted any norms regarding the number of cases a commissioner should deal with in a month. In some cases, the average disposal rate was found to be 4 cases per commissioner per day, despite large backlogs. This is especially problematic in ICs which receive large numbers of appeals and complaints. Also, the processes adopted by ICs to handle cases are not efficient and often commissions do have not adequate resources and staff.

Third, poor implementation of section 4 of the RTI law, which obliges public authorities to proactively disclose information. Previous reports on the implementation of the RTI Act have shown that nearly 70% of the RTI applications seek information that should have been proactively made public without citizens having to file an RTI application³¹. Since central and state governments are not fulfilling their statutory obligations under section 4 of the RTI Act, lakhs of people in India are forced to spend their time and resources to get information from public authorities. This leads to an increase in the number

³⁰ Anjali Bhardwaj and others v. Union of India and others (Writ Petition No. 436 of 2018), http://judicialreforms.org/wp-content/uploads/2019/02/15968_2018_Judgement_15-Feb-2019.pdf

³¹ Chapter 4, 'Peoples' Monitoring of the RTI Regime in India', 2011-2013, RaaG & CES, 2014

of information requests, which ultimately increases the workload of ICs. Unfortunately, ICs have largely hesitated in invoking their powers to address the issue of violations of section 4.

Another factor contributing to a large number of information requests being filed in public authorities, many of which subsequently reach ICs, is the absence of effective grievance redress mechanisms in the country. An analysis of RTI applications showed that at least 16% of applications seek information aimed at getting action on a complaint, getting a response from a public authority or getting redress for a grievance³². In the absence of effective grievance redress laws, people often invoke the RTI Act in an attempt to force the government to redress their complaints by seeking information about the action taken on their complaint.

Finally, the lack of penalty imposition by ICs (see chapter 5) fosters a culture of impunity and encourages PIOs to take liberties with the RTI Act. This results in many unanswered applications and an equal number of delayed or illegitimately refused ones, leading to a large number of appeals/complaints to ICs and the consequent backlogs and delays in commissions. By not imposing penalties, information commissions increase their own work-load.

4.6 Agenda for action

1. The central and state governments must ensure timely appointment of requisite number of information commissioners in ICs (see chapter 2).
2. All ICs must set norms for number of cases a commissioner must dispose every year, especially in commissions which receive a large number of appeals and complaints. These norms and the number of cases disposed by each commissioner annually must be made public. As discussed in Chapter 3, the structure and processes of ICs need to be reviewed to ensure they function efficiently.
3. ICs must impose penalties mandated under the RTI Act for violation of the law (see chapter 5 for more details).
4. One way of reducing backlogs without illegitimately curbing the citizen's fundamental right to information would be to adopt practices in public authorities for ensuring that the number of RTI applications received by them do not become unmanageable. Poor compliance by public authorities with section 4 of the RTI Act forces information seekers to file applications for information that should be available to them proactively, consequently creating extra work for the concerned public authorities and for information commissions. The following steps must be undertaken to improve proactive disclosures:
 - i. ICs should ask, of each matter coming before them for adjudication, whether the information being sought was required to be proactively made public or communicated to the applicant, as an affected party. Where the answer is "yes", the IC should send directions, under section 19(8) of the RTI Act, to the concerned PA to start disseminating the information proactively and report compliance.
 - ii. One of the problems with ensuring implementation of section 4 of the law is that the RTI Act empowers the commission to impose penalties only on PIOs, while the responsibility of ensuring compliance with section 4 of the RTI Act is actually with the public authority rather than with a specific PIO. Also, the RTI Act does not explicitly provide for the appointment of

³² Ibid

PIOs to ensure compliance with the provisions of section 4(1) of the RTI Act. Perhaps the most effective way of dealing with this problem is to make Heads of Departments (HoDs) personally responsible for ensuring compliance with provisions of section 4. This would be in keeping with general administrative practice, considering that the ultimate responsibility for the functioning of a public authority lies with the HoD.

- iii. Where a complaint is received against non-compliance with any provision of section 4, the commission should institute an enquiry under section 18 of the RTI Act, against the HoD or any other official responsible. ICs should penalise the relevant official for any violations of the obligation for proactive disclosure, using the “implied powers” of the commission, as mandated by the Supreme Court. The SC, in *Sakiri Vasu v State of Uttar Pradesh and Ors.* [(2008)2 SCC 409] held that it is well settled that, once a statute gives a power to an authority to do something, it includes the implied power to use all reasonable means to achieve that objective. By implication, there is no legal reason why the IC cannot impose a penalty on other liable persons, say the HoD of the public authority, or whoever else is responsible, for violating the RTI Act. As the IC is empowered by the RTI Act to impose penalties explicitly on PIOs, it can also impose it on whoever else might be in violation of the RTI Act, by using its “implied powers”.
 - iv. Where an appeal or complaint comes before an IC relating to information that should rightly have been made available *suo motu* under section 4 of the RTI Act, but was not, the IC should exercise its powers under S. 19(8)(b) and award compensation to the appellant/complainant. If done in adequate number of cases, this would provide a strong incentive for public authorities to comply with section 4 (see chapter 6) .
 - v. ICs should get annual audits of section 4 compliance done for all public authorities and the findings of this audit should be placed before Parliament and the legislative assemblies, and disseminated to the public.
 - vi. Information that is proactively disclosed by public authorities must be properly categorized and organised in such a manner that it facilitates easy retrieval. Information on the website must be organised in a searchable and retrievable database to enable people access relevant records. Otherwise, the proactive disclosure of a large amount of disorganized and unsearchable information can actually contribute to opaqueness rather than transparency.
 - vii. Public authorities should conduct periodic audits (at least six monthly) and identify the type of information that is being repeatedly asked for in RTI applications being received by them. Where such information is not exempt under the RTI Act, they should effectively disseminate the information proactively, thereby obviating the need to file applications.
 - viii. The Department of Personnel and Training (DoPT) must take appropriate steps to operationalise and implement the recommendation made by the committee set up to examine proactive disclosures³³. The committee had recommended that compliance with section 4 be included as one of the performance indicators in the annual performance appraisal report (APAR) of the HoDs of all public authorities.
5. In order to ensure systemic improvement in governance, every public authority should analyse the information being sought under the RTI Act, with the purpose of identifying and acting on any lapses or weaknesses that these RTI applications might point towards, both in terms of the functioning of the concerned public servant or prevailing policy and practice in the public

³³ Report available from <https://goo.gl/wc0c0b>

authority. All PAs must analyse RTI applications with a view to address short-comings in governance and bringing about systemic change. This was also stated by the Prime Minister, while addressing the CIC convention in 2015. Considering a large number of RTI applications are filed by people to access information related to poor delivery of basic services resulting from bad governance, this would result, among other things, in reducing the work load of ICs. This step must be immediately initiated by all public authorities.

6. Often RTI applications are filed because there are unattended grievances that the public has with the public authority. The central government must immediately re-introduce the grievance redress bill, which had lapsed with the dissolution of the Lok Sabha in 2014, for enactment in Parliament.
7. Another practice that would minimize the work load of many public authorities is the putting of all RTI queries and the answers given (except where exempt under the RTI Act) in the public domain, in a searchable database. This would allow people to access information that has already been accessed by someone earlier without having to resort to filing an RTI application. Though the DoPT has already, vide its memorandum No.1/6/2011-IR dated 15th April 2013, directed that "*All Public Authorities shall proactively disclose RTI applications and appeals received and their responses, on the websites maintained by Public Authorities with search facility based on key words*", this does not seem to have had an impact even on authorities of the Government of India. Therefore, the DoPT and the state governments need to push harder for this to happen, and the ICs should also take cognizance of this and "require" the PAs to comply, using the powers provided under section 19(8)(a)(iii).
8. A major constraint faced by PIOs in providing information in a timely manner is the poor state of record management in most public authorities. This also proved to be a bottleneck during the lockdown imposed during COVID pandemic when accessing physical files was difficult. Section 4(1)(a) of the RTI Act obligates every public authority to properly manage and speedily computerize its records. However, given the tardy progress in this direction, perhaps what is needed is a national task force specifically charged with digitization and scanning all office records in a time bound manner and organizing them. ICs should exercise the vast powers provided to them under the RTI Act and use these to ensure that records are managed in a way that they facilitate access to information of the public.

Chapter 5: Penalizing Violations of the Law

5.1 Introduction

Section 20 of the RTI Act empowers information commissions to impose penalties of upto Rs. 25,000 on erring Public Information Officers (PIOs) for violations of the RTI Act. The penalty clause is one of the key provisions in terms of giving the law its teeth and acting as a deterrent for PIOs against violating the law.

“20 (1) Where the Central Information Commission or 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 two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.”

As per the RTI Act, whenever an appeal or a complaint is disposed, and one or more violations listed in section 20 are found to have occurred, the commission is obliged to either impose the prescribed penalty after following the due procedure, or provide reasons why it is not imposing a penalty from within the provisions allowed by law. The penalty is imposable whether or not asked for by the appellant or complainant, as long as it is warranted given the circumstances of the case. The Act requires the commission to give the PIO an opportunity of being heard before imposing penalty (commissions usually issue a show-cause notice asking PIOs to show cause why penalty should not be levied).

Section 20(2) empowers information commissions to recommend disciplinary action against a PIO for “persistent” violation of one or more provisions of the Act.

“(2) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause and persistently, failed 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 recommend for disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rules applicable to him.”

5.2 Penalty imposition

The assessment found that ICs imposed penalty in an extremely small fraction of the cases in which penalty was imposable. In fact, commissions appear to be reluctant to even ask the PIOs to give their justification for not complying with the law.

For the period April 1, 2019 to July 31, 2020, a total of **15,761 show cause notices** were issued to PIOs under the penalty clause of the Act, by the 15 commissions which provided relevant information. The SIC of Gujarat issued the maximum number (9,080) followed by Haryana (3,962), Andhra Pradesh (881) and CIC (858). The SICs of Himachal Pradesh, Kerala, Rajasthan, Odisha and Uttarakhand stated that they did not maintain this information. See table 7 for commission-wise details of showcause notices issued.

TABLE 7: DETAILS OF SHOWCAUSE NOTICES ISSUED BY ICs (APRIL 1, 2019 TO JULY 31, 2020)		
	Information Commission	Number of showcause notices issued
1.	Gujarat	9080
2.	Haryana	3962
3.	Andhra Pradesh	881
4.	CIC	858
5.	Punjab	672
6.	Madhya Pradesh	162
7.	Goa	44
8.	Jharkhand	43
9.	West Bengal ^①	27
10.	Meghalaya	19
11.	Manipur	9
12.	Assam	4
13.	Mizoram	0
14.	Nagaland	0
15.	Tripura	0
	Total	15,761
Notes: ^① For April To December 2019. SICs of Himachal Pradesh, Kerala, Odisha, Rajasthan And Uttarakhand stated that they do not maintain this information. SICs of Arunachal Pradesh, Bihar, Chhattisgarh, Karnataka, Maharashtra, Sikkim, Tamil Nadu, Telangana and UP did not provide the requisite information		

In terms of penalty imposition, of the 21 commissions which provided relevant information, **penalty was imposed in a total of 2,023 cases**. Penalty amounting to **Rs. 2.58 crore** was imposed during the period under review. The commission-wise details are provided in table 8.

TABLE 8: DETAILS OF PENALTY IMPOSED BY ICS (APRIL 1, 2019 TO JULY 31, 2020)

S. NO	Information Commission	No. of cases where penalty imposed	Amount of penalty imposed (in Rs.)
1.	Haryana	381	65,42,500
2.	Madhya Pradesh	200	43,33,000
3.	Uttarakhand	245	35,79,500
4.	Rajasthan	440	32,27,000
5.	Chhattisgarh ①	NA	18,24,500
6.	CIC	202	12,22,100
7.	Punjab	125	10,81,500
8.	Jharkhand	43	10,75,000
9.	Odisha	57	10,63,500
10.	Gujarat	163	10,61,750
11.	Andhra Pradesh	74	3,09,000
12.	Kerala	38	1,75,750
13.	Manipur	4	1,00,000
14.	Goa	20	56,000
15.	WB ②	11	45,000
16.	Meghalaya	14	35,550
17.	HP	6	30,000
18.	Mizoram	0	0
19.	Nagaland	0	0
20.	Tripura	0	0
21.	Assam	0	0
	Total	2,023	2,57,61,650

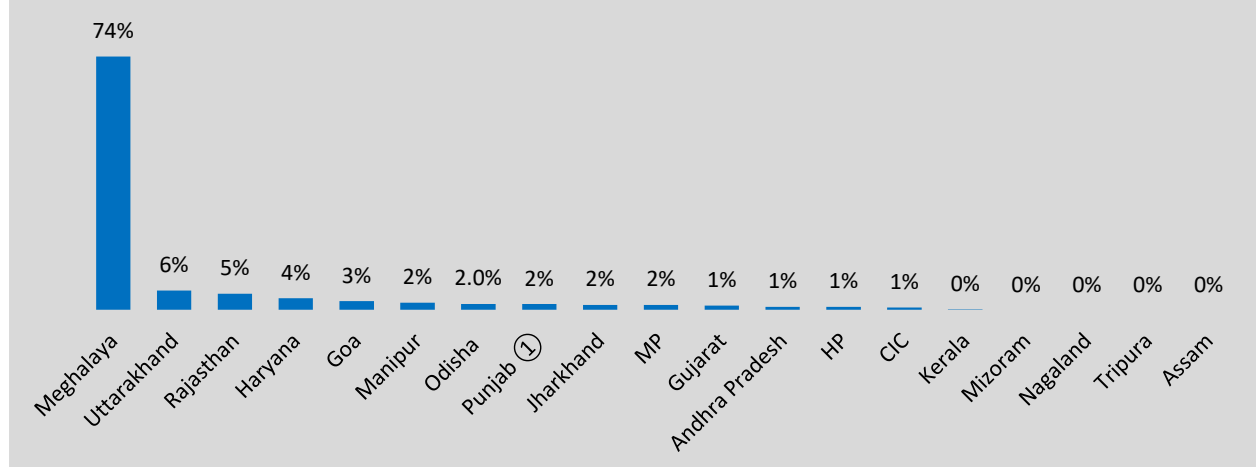
Note: ① for January to December 2019 ② for April to December 2019 relevant information for SICs of Maharashtra, Uttar Pradesh, Arunachal Pradesh, Bihar, Karnataka, Sikkim, Tamil Nadu and Telangana could not be obtained

In terms of the quantum of penalty imposed, Haryana was the leader (Rs. 65.43 lakh), followed by Madhya Pradesh (Rs. 43.33 lakh), and Uttarakhand (Rs. 35.79 lakh). CIC imposed penalty amounting to Rs. 12.22 lakh in the time frame under consideration. Interestingly, while SIC of Gujarat issued the maximum number of show cause notices (9,080), penalty was imposed in only 163 cases.

5.3 Penalty imposed as percentage of cases disposed

Analysis of the figures for 19 ICs (which provided information on both the number of cases disposed and the number of cases where penalty was imposed) shows that penalty was imposed **in just 2% of the cases disposed** by these ICs. The IC-wise figures are presented in Chart 5.

Chart 5: Penalty imposed as percentage of cases disposed between April 1, 2019 and July 31, 2020



Note: ① Pertains to Jan 2019 to July 2020

A previous assessment³⁴ of a random sample of orders of information commissions had found that on average 59% orders recorded one or more violations listed in Section 20 of the RTI Act, based on which the commission should have triggered the process of penalty imposition by issuing show cause notices. The analysis shows that ICs issued show cause notices in just 21% of the cases disposed³⁵. In terms of penalty imposition, if this estimate of 59% is used, penalty would be imposable in 59,769 cases out of the 1,01,304 cases disposed by the 19 ICs. However, actual penalties were imposed in 2,045 cases - only in 3.4% of the cases where penalties were potentially imposable! The ICs therefore did not impose penalties in more than **96%** of the cases where penalties were imposable.

Non imposition of penalties in cases of violations of the RTI Act by commissions sends a signal to public authorities that violating the law will not invite any serious consequences. This destroys the basic framework of incentives built into the RTI law and promotes a culture of impunity.

5.4 Recommending disciplinary action for persistent violations of the RTI Act

The assessment found that for the period April 1, 2019 to July 31, 2020, of the 16 commissions which provided information, only 8 had invoked their powers to recommend disciplinary action. The SIC of Chhattisgarh had recommended disciplinary action in the maximum number of cases (917). This was followed by the Haryana SIC which invoked these powers in 200 cases.

8 SICs did not recommend disciplinary action in any matter adjudicated upon by them during the time period under review. The CIC and the SICs of Kerala, Odisha and Rajasthan stated that data on the number of cases in which disciplinary action was recommended is not maintained by them. This is despite the fact the RTI Act requires commissions to include in their annual report details of disciplinary action recommended. The commission wise details of number of cases where disciplinary action was recommended between April 1, 2019 to July 31, 2020 are provided in Table 9.

³⁴ 'Tilting the Balance of Power - Adjudicating the RTI Act', RaaG, SNS & Rajpal, 2017

³⁵ Data pertains to 14 ICs which provided information on number of appeals/complaints disposed and number of show cause notices issued

Table 9: Number of cases where disciplinary action was recommended between April 1, 2019 to July 31, 2020

S. No.	Information Commission	No. of cases
1.	Chhattisgarh ①	917
2.	Haryana	200
3.	Madhya Pradesh	68
4.	Jharkhand	50
5.	Gujarat	15
6.	Uttarakhand	14
7.	Punjab	6
8.	Andhra Pradesh	4
9.	Assam	0
10.	Goa	0
11.	Himachal Pradesh	0
12.	Manipur	0
13.	Meghalaya	0
14.	Mizoram	0
15.	Nagaland	0
16.	Tripura	0
TOTAL		1,274
Note: CIC, SICs of Arunachal Pradesh, Bihar, Karnataka, Kerala, Maharashtra, Odisha, Rajasthan, Sikkim, Telangana, Tamil Nadu, Uttar Pradesh and West Bengal did not provide the requisite information Note: Data pertains to ① Jan 2019- Dec 2019		

5.5 Discussion

Successive assessments of the implementation of the RTI Act have shown that the provision to impose penalties under the law is more honoured in the breach. It is a settled legal position that the commission's orders must be speaking orders and must contain detailed reasons for decisions. Therefore, whenever an appeal or a complaint provides evidence that one or more violations that are penalizable under the law has occurred, the commission must either impose the prescribed penalty or give reasons why in its opinion the PIO has been able to establish that the relevant exception is applicable (reasonable cause, no mala fide, or not knowingly, as described above). This is especially so, because under sections 19(5) and 20(1) of the RTI Act, PIOs have the onus to prove that they did not commit a penalizable offence. Therefore, it becomes essential in all such cases for the information commissions to issue a notice to the PIO asking for a justification.

The findings of the report reveal that ICs imposed penalties only in a miniscule percentage of cases in which they were imposable. Non-imposition of penalties causes a loss to the public exchequer. But even more important than the revenue lost is the loss of deterrence value that the threat of penalty was supposed to have provided. The failure of the commissions to impose penalties in clearly deserving cases, sends a signal to the PIOs that violating the law will not invite any serious consequences. This destroys the basic framework of incentives and disincentives built into the RTI law, promotes a culture of impunity and exasperates applicants who seek information at a high cost and often against great odds.

The laxity in imposing penalties allows PIOs to take liberties with the RTI Act, at the cost of the public. It leads to many unanswered applications and an equal number of delayed or illegitimately refused ones, resulting in a large number of appeals and complaints to the commission, and the consequent long wait before appeals and complaints come up for consideration. Therefore, by not imposing even the legally indicated and mandatory penalties, information commissions are increasing their own work-load and encouraging delays and illegitimate denials for the public.

In effect, this near universal violation by information commissions is threatening the very viability of the information regime in India. If a penalty is imposed each time an RTI application is ignored or illegitimately denied, as is legally required, there would hardly be an application that would be delayed, ignored, illegitimately denied, or otherwise illegally dealt with. Therefore, the mandatory imposition of penalties, as laid down in the law, would most likely change the whole incentive base of PIOs and significantly tilt the balance in favour of the public and of transparency.

Often, commissioners cite lack of adequate powers to ensure compliance with the law. However, information accessed as part of this assessment shows that ICs are, by and large, reluctant to use even the powers explicitly given to them under the RTI Act – not just imposition of penalties but also the power to recommend disciplinary action against persistent violators. In order to invoke the powers to recommend disciplinary action, all ICs need to maintain a comprehensive database on PIOs who are found to be violating the RTI Act in terms of the grounds mentioned in section 20. This information must be available to each commissioner while hearing an appeal or complaint, in order to identify and act against persistent violators.

The persistent reluctance of commissioners to do their duty of imposing mandatory penalties (and thereby causing loss to the public ex-chequer) needs to be publicly debated.

ICs stating that they do not maintain data on the number of cases in which show cause notices were issued, penalty was imposed, quantum of penalty imposed or details of disciplinary action recommended is further evidence of the laxity with regard to these sections. Under section 25 of the RTI Act, commissions are required to include information about penalty imposition and particulars of disciplinary action recommended as part of their annual reports. This data must be duly maintained and made public.

5.6 Agenda for action

1. Information commissioners across the country must collectively resolve to start applying the penalty provision of the RTI Act more rigorously. There needs to be a serious discussion among the ICs to resolve their hesitation in imposing penalties envisaged in the law.
2. Where a complaint is received against non-compliance with any provision of section 4 of the RTI Act, ICs should penalise the guilty official/HoD, using the “implied powers” of the commission, as mandated by the Supreme Court in *Sakiri Vasu vs State of Uttar Pradesh 2007*³⁶.
3. Applicants and complainants must persistently pursue the issue of imposition of penalty where any violation of the RTI Act has taken place. They need to insist that the ICs detail in each order the reasons why penalty is not being imposed.

³⁶ *Sakiri Vasu v State of Uttar Pradesh and Ors.* [(2008)2 SCC 409]

4. The commissions should maintain a detailed database of the showcause notices issued and penalties imposed, including the name and designation of the PIO, quantum of penalty imposed and date of imposition. This would enable commissioners to identify repeat offenders, so that they can recommend the initiation of disciplinary proceedings against erring PIOs as per the provisions of section 20.
5. All ICs must put in place a mechanism to enforce and monitor the implementation of their orders in terms of imposition of penalty and recommendation of disciplinary action. In cases where PIOs or PAs refuse to comply, the ICs must initiate appropriate legal proceedings, including approaching the courts if necessary, for recovery of penalties and enforcement of their directions.
6. ICs must adopt a standardized format for their orders that contains at least basic information about the case and the rationale for the decision. Each order needs to be a speaking order and must include information on whether the actions of the PIO/officer attract a penalty under any of the grounds laid down in section 20 of the Act, the course of action adopted by the IC (including issuing a show cause notice), and legal basis and grounds relied on by a commissioner if a penalty is not imposed despite existence of any of the circumstances mentioned in section 20. A suggested format and checklist for orders of information commissions has been given in Box 2 below.

Box 2: Suggested format for orders of Information Commissions

I. Factual information

1. Whether an appeal, a complaint, or both:
2. Particulars of the appellant/complainant:
3. Particulars of the Public Authority and PIO, including name, designation and address:
4. Date of RTI Application, if any:
5. Date of response, if any:
6. Date of First Appeal, if any:
7. Date of order of First Appellate Authority, if any:
8. Date of second appeal/complaint filed with the Information Commission:
9. Date(s) and details of notice(s) issued:
10. Date(s) of hearing(s):
11. Particulars of those present in the hearing(s) (including authorised representatives, if any):
12. Date(s) of order(s) of the Information Commission:

II. Summary of case

1. Summary description of the information sought in the RTI application:
2. Summary description of response from PIO, if any, including reasons given for refusal, delay, other violations, if relevant:
3. Grounds for first appeal, if any:
4. Summary description of order of First Appellate Authority, if any, including reasons thereof:
5. Summary of issues raised in second appeal/complaint:
6. Summary of any additional material/arguments presented during hearing:

III. IC Decision

1. Decision of IC on each of the points raised in the appeal/complaint (giving legal basis and reasons for decision, including sections of RTI Act invoked):
2. Time frame within which the order/directions should be complied with and a status report filed to the Commission:
3. Whether information was provided in the form asked for (section 7(9):
4. Whether application was forwarded to other PA(s) (section 6(3)):
5. If part or whole of the information was denied, whether the exceptions to the exemptions (public interest test of 8(2), section 8(3) and proviso to section 8(1)) were examined:
6. Whether the exempt information can be severed (S. 10) and the remaining record provided:
7. Quantum of compensation awarded under section 19(8)(b), if any:
8. Whether the information sought should have been proactively disclosed under section 4:
9. Whether any of the following violations of the RTI Act have occurred as per section 20(1):
 - i. Refusal to receive an application:
 - ii. Delay in furnishing information:
 - iii. Denial of part/full information by the PIO which was subsequently overturned:
 - iv. Provision of incorrect, incomplete or misleading information:
 - v. Destruction of information which was the subject of any request:
 - vi. Obstruction in any manner to the furnishing of information:
10. Wherever the answer is "yes" or "maybe" to any one or more of the violations listed above (in 9) details of the show cause notice issued and hearings held:
11. Where penalty is imposed:
 - i. Quantum of penalty imposed:
 - ii. Name and designation of official on whom penalty is imposed:
 - iii. Reasons/legal basis for imposing penalty, including for determining quantum of penalty:
12. If penalty not imposed, reasons/legal basis for non-imposition of penalty:
13. Whether the PIO is persistently violating the RTI Act:
 - i. If yes, details of disciplinary action recommended by IC under section 20(2):

Chapter 6: Compensation

6.1 Introduction:

Section 19(8)(b) of the RTI act empowers commissions to award compensation to information seekers. Section 19(8)(b) states:

19(8) "In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to...

(b) require the public authority to compensate the complainant for any loss or other detriment suffered;"

This is an important provision, which forms an intrinsic part of the structure of incentives and disincentives envisaged under the law. Unlike the provision of penalty which can be imposed only for specific violations prescribed in the law, the power to award compensation is more wide ranging. Wherever the IC is of the opinion that the information seeker has suffered any loss or detriment due to any violation of the law, it may award compensation, which is to be paid by the public authority.

6.2 Compensation awarded

The assessment found that ICs rarely used their power to award compensation. Of the 19 commissions that provided information, only 12 awarded any compensation to information seekers during the period under review (see Table 10).

TABLE 10: AWARD OF COMPENSATION APRIL 2019 TO JULY 2020			
	Information Commission	No. of cases where compensation awarded	Amount awarded (Rs.)
1	Haryana	233	9,20,200
2	Punjab	199	6,26,000
3	Chhattisgarh ①	NA	3,24,500
4	Jharkhand	5	2,50,000
5	Madhya Pradesh	36	1,89,500
6	CIC	12	1,31,000
7	Andhra Pradesh	40	92,000
8	Odisha	2	55000
9	Uttarakhand	3	17,000
10	Rajasthan	6	14000
11	Himachal Pradesh	4	8,500
12	Manipur	1	2,000
13	Assam	0	0
14	Goa	0	0
15	Gujarat	0	0
16	Meghalaya	0	0
17	Mizoram	0	0
18	Nagaland	0	0
19	Tripura	0	0
	Total	541	26,29,700

NOTE: ① Data pertains to Jan-Dec 2019. SICs of Arunachal Pradesh, Bihar, Karnataka, Kerala, Sikkim, Tamil Nadu, West Bengal, Telangana, Maharashtra and UP did not provide the requisite information. NA means not available.

The SIC of Haryana awarded the maximum amount of compensation, Rs. 9.2 lakh followed by Punjab (Rs. 6.26 lakh). The CIC awarded Rs. 1.31 lakh as compensation which is considerably lower as compared to the 2019 assessment which found that CIC had awarded Rs. 6.92 lakh as compensation from January 2018 to March 2019. 7 SICs did not award any compensation during the time period under review.

The SICs of Arunachal Pradesh, Bihar, Karnataka, Kerala, Sikkim, Tamil Nadu, West Bengal, Telangana, Maharashtra and Uttar Pradesh did not provide the requisite information on compensation awarded and nor could the information be located on their websites.

6.3 Discussion

Inadequate use of the compensation provision in the RTI law is further evidence of the reluctance on the part of ICs to utilise the powers at their disposal. A large proportion of the appeals and complaints disposed by ICs are the result of wrongful denial or delay in providing information, and would have caused “loss or other detriment” to the information seekers – many of whom have to forego daily wages to file RTI applications and subsequent appeals/complaints, and cannot easily afford the cost involved in travelling to public authorities and ICs. In all such cases, it can be reasonably expected that commissioners should use their powers to award compensation.

Unlike a penalty, there is no upper limit prescribed for the quantum of compensation that can be granted by commissions. Also, while a penalty has to be paid personally by the PIO, compensation is paid by the public authority and would, therefore, require the approval of appropriate sanctioning authorities – which would often entail offering an explanation for the need to pay compensation. Awarding compensation, therefore, has the potential to send out a strong message to public authorities.

Awarding compensation can also be an effective tool to ensure compliance with Section 4 of the RTI Act. Where public authorities do not comply with section 4, or are not adequately responsive to the directions and “requirements” of commissions regarding section 4 obligations, ICs can use their powers under 19(8)(b) to award compensation. There is nothing to stop the commission from awarding compensation to anyone who complains that information that should have been proactively disseminated under section 4(1) (b), (c) and (d), was not so disseminated and resulted in loss or detriment, even to the extent of forcing the complainant to waste time, effort and money filing and pursuing an RTI application. Considering every year over twenty lakh³⁷ (two million) applicants try to access information that should have been proactively provided, even a nominal compensation in each case would be a strong incentive for PAs to start conforming to the provisions of section 4.

The Central Information Commission and the DoPT seem to have also recognised this possibility for default related to section 4(1)(a), which could also be applicable to violations relating to other clauses of section 4(1). In a circular³⁸ to all ministries and departments, the DoPT has stated:

³⁷ Chapter 5, ‘Peoples’ Monitoring of the RTI Regime in India’, 2011-2013, RaaG & CES, 2014

³⁸ No.12/192/2009-1R dated 20th January, 2010, on page 87 of *Compilation of OMs & Notifications on Right to Information Act, 2005*.

“The Central Information Commission in a case has highlighted that the systematic failure in maintenance of records is resulting in supply of incomplete and misleading information and that such failure is due to the fact that the public authorities do not adhere to the mandate of Section 4(l)(a) of the RTI Act, which requires every public authority to maintain all its records duly catalogued and indexed in a manner and form which would facilitate the right to information. The Commission also pointed out that such a default could qualify for payment of compensation to the complainant. Section 19(8)(b) of the Act gives power to the Commission to require the concerned public authority to compensate the complainant for any loss or other detriment suffered.”

6.4 Agenda for action

1. ICs should use their power to award compensation much more effectively. While disposing a case, the IC must examine if the information seeker has suffered any loss or other detriment due to non-disclosure of information or a violation of any provision of the RTI Act. In order to ensure that the provision to award compensation is adequately deliberated upon while hearing appeals/complaints, ICs should include it as a parameter in the standard format for their orders (see box 2 for suggested format of orders at the end of chapter 5).
2. When dealing with an appeal or complaint relating to violation of section 4 of the RTI Act, the IC should exercise its powers under section 19(8)(b) and award compensation to the appellant/complainant. The time, effort and cost involved in seeking information that should have been provided proactively by the government, besides the opportunity cost of filing an appeal/complaint and the delay involved, would reasonably qualify to be counted as “loss or other detriment suffered”, as required under the RTI Act.

Chapter 7: Transparency in the Functioning of Information Commissions

7.1 Introduction

For institutions that are vested with the responsibility of ensuring that all public authorities function transparently and adhere to the letter and spirit of the RTI Act, it would perhaps be fair to expect that information commissions lead by example.

ICs are also public authorities under the RTI Act and therefore, other than responding to applications for information under law, they are also required to proactively disclose (under section 4) information on their functioning and the details of decisions taken by them.

To ensure periodic monitoring of the implementation of the RTI Act, section 25 obligates each commission to prepare a *“report on the implementation of the provisions of this Act”* every year which is to be laid before Parliament or the state legislature.

Section 25(3) states:

“(3) Each report shall state in respect of the year to which the report relates,—

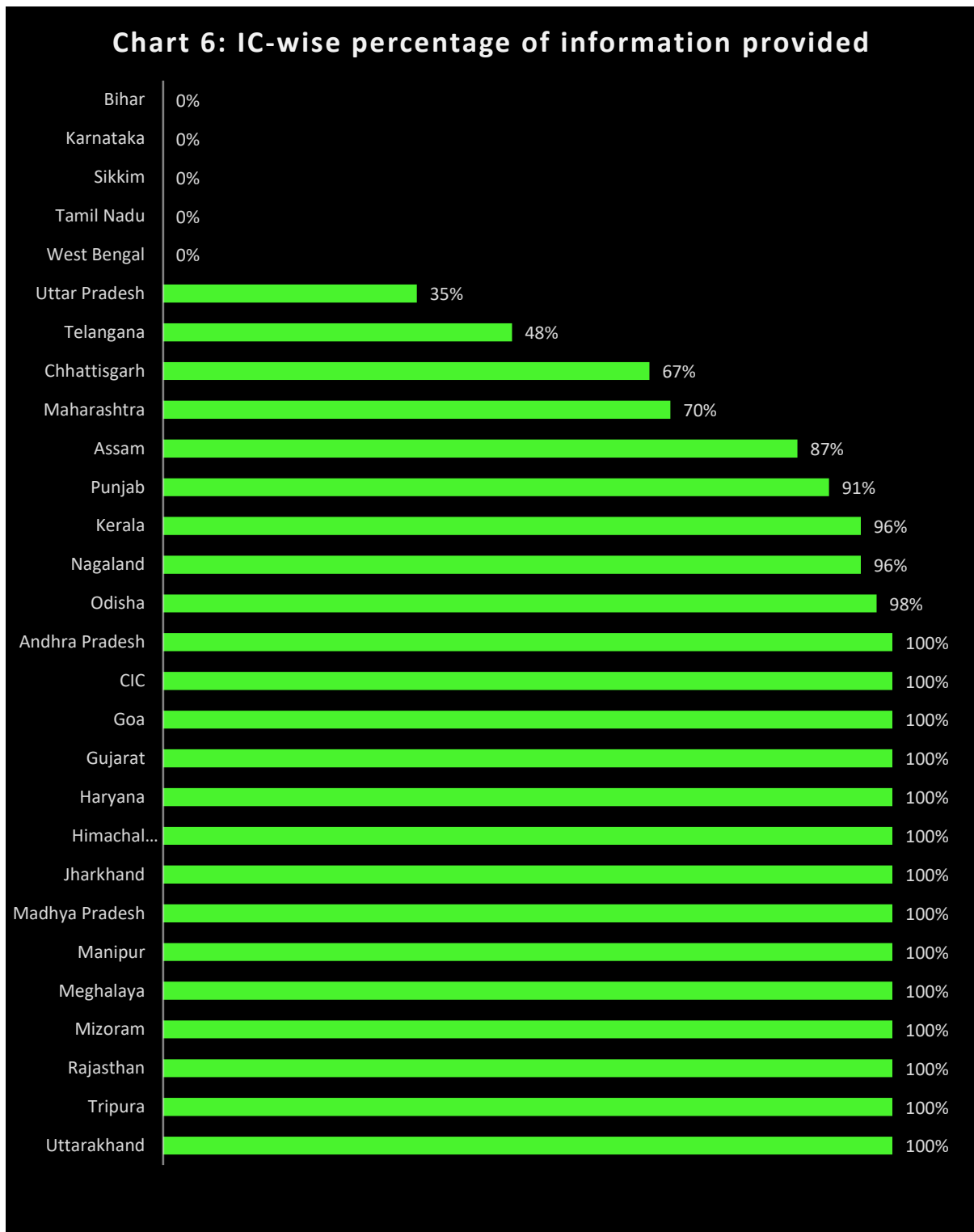
- (a) the number of requests made to each public authority;*
- (b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked;*
- (c) the number of appeals referred to the Central Information Commission or State Information Commission, as the case may be, for review, the nature of the appeals and the outcome of the appeals;*
- (d) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;*
- (e) the amount of charges collected by each public authority under this Act;*
- (f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of this Act;*
- (g) recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernisation, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the right to access information.”*

7.2 RTI tracking

As part of the assessment, in order to access information about the functioning of information commissions, RTI applications were filed with the 28 state information commissions (SIC) and the Central Information Commission (CIC). A total of 159 RTI applications were filed seeking identical information from all the 29 information commissions. The RTI applications were tracked to assess how each information commission performed as a public authority, in terms of maintaining and disclosing information.

Only 14 ICs provided full information in response to the RTI applications filed as part of this assessment. The SICs of Bihar, Karnataka, Sikkim, Tamil Nadu and West Bengal were the worst performing as they did not reply to any of the applications made under the RTI Act. By tracking the

post, it was confirmed that the applications had indeed reached each of these commissions. The commission-wise performance³⁹ in terms of responsiveness under the RTI Act is provided below in Chart 6 .



³⁹ For the purpose of this chart the SIC of Arunachal Pradesh has been excluded

7.3 Analysis of websites of ICs

Section 4 of the RTI Act states that, *“each public authority has an obligation 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.”*

To assess how much information ICs proactively disclosed, and how up-to-date and easily accessible this information was, websites of all 29 information commissions (CIC & 28 State ICs) were accessed and analysed. The aim was to ascertain if they give relevant and updated information on the functioning of the ICs in terms of providing their annual reports and uploading the orders passed by the commissions.

Websites not accessible

The website of the Bihar SIC could not be located, despite trying multiple search engines. In response to an RTI application for the 2019 assessment, the Bihar SIC had stated that the website was not working. It appears that the website has been inaccessible for 35 months as even the 2018 assessment had found the website to be non-functional!

Availability of orders/decisions of the ICs

An assessment of the websites of the ICs carried out in October 2020, revealed that only 17 ICs, out of 29, provided public access to orders given by them since January 2020. To access orders of the Uttar Pradesh SIC, the registration number of the appeal/complaint was required. The Kerala SIC had a FACTS (File, Appeal, Complaint Tracking System) feature on their website wherein orders could be searched by using the names of the commissioners. However, it appears the system has not been updated for a long time as the drop down menu for choosing the name of commissioner, did not show any of the serving commissioners. The website of the Madhya Pradesh commission only provided access to ‘important orders and penalty letters’. On the Rajasthan SIC website, while decisions on appeals registered in 2020 could be retrieved and viewed, the search facility for decisions on complaints was not working. For the Uttarakhand SIC, the orders could be retrieved only by providing the case number or the particulars of the appellant or by date. Inexplicably, orders could only be retrieved for one date at a time, as there was no option to retrieve the orders for a range of dates.

7.4 Annual Reports of ICs

Much of the information sought as part of this assessment should have been available in the annual reports of each commission. Since RTI applications seeking information about the latest annual reports were filed in August 2020, it would be reasonable to expect that annual reports upto 2019 would be available.

However, the performance of many ICs, in terms of publishing annual reports and putting them in the public domain, was found to be dismal. Table 11 provides the IC wise details of the publication of annual reports and the availability of the reports on the websites of the respective ICs. The analysis revealed that despite the statutory obligation, many of the commissions had not published their annual reports. **24 out of 29 ICs (83%) had not published their annual report for 2019.** Only the CIC and SICs of Assam, Chhattisgarh, Gujarat and Mizoram have published their annual report for 2019 and made them available on the official websites.

Punjab SIC has not published its annual report after 2012 while the Uttarakhand SIC has not published since 2014. In both cases, the SICs stated that annual reports till the year 2018 had been submitted to the government for approval and for placing them before the legislative assembly of the respective states.

The SICs of Andhra Pradesh and Telangana have not published their annual report since the constitution of the respective SICs in 2017, after the bifurcation of the state. The Telangana SIC in response to an RTI application stated that the annual report for 2017 to 2019 has been prepared and submitted to the government for taking further action.

The Uttar Pradesh SIC, in reply to an RTI application asking about the latest annual report, directed us to their website. However on the website, the link for annual reports shows that “This Page Is Under Construction” and this message has been showing for the last several months. The SIC of Bihar did not reply to the RTI application seeking details of the latest annual report. Its website could also not be located.

In terms of availability of annual reports on the website of respective ICs, **19% of ICs have not made their latest published annual report available on their website.**

Table 11: Availability of annual reports of ICs			
	Information Commission	Year of Last Publication	Available on Website
1.	Andhra Pradesh	Not published since SIC constituted in 2017	
2.	Arunachal Pradesh	2018	Yes
3.	Assam	2018-19	Yes
4.	Bihar	No website	
5.	Chhattisgarh	2019	Yes
6.	CIC	2018-19	Yes
7.	Goa	2015-18	No
8.	Gujarat	2018-19	Yes
9.	Haryana	2018	Yes
10.	HP	2016-17	Yes
11.	Jharkhand	2016	Yes
12.	Karnataka	2016-17	Yes
13.	Kerala	2015-16	No
14.	MP	2016	Yes
15.	Maharashtra	2017	Yes
16.	Manipur	2018	No
17.	Meghalaya	2017	Yes
18.	Mizoram	2018-19	Yes
19.	Nagaland	2017-18	Yes
20.	Orissa	2015-16	Yes
21.	Punjab	2012	Yes
22.	Rajasthan	2017-18	Yes
23.	Sikkim	Not known (link not working)	
24.	Tamil Nadu	2016	Yes
25.	Telangana	Not published since SIC constituted in 2017	
26.	Tripura	2014	Yes
27.	Uttar Pradesh	Not known (link not working)	
28.	Uttarakhand	2013-14	Yes
29.	West Bengal	2017	Yes

7.5 Discussion

For institutions that are vested with the responsibility of ensuring that all public authorities adhere to the RTI Act, it is alarming to note that in the sixteenth year of the implementation of the law, 50% of the ICs failed to provide complete information within the stipulated timeframe in response to information requests filed to them.

Transparency is key to promoting peoples’ trust in public institutions. By failing to disclose information on their functioning, ICs continue to evade real accountability to the people of the country whom they are supposed to serve. The legal requirement for the central and state information commissions to submit annual reports every year to Parliament and state legislatures respectively, is to make, among

other things, their activities transparent and available for public scrutiny. Very few ICs fulfil this obligation and even fewer do it in time. Answerability of ICs to the Parliament, state legislatures and citizens is compromised when annual reports are not published and proactively disclosed every year as required under the law.

Unless ICs significantly improve their responsiveness to RTI applications, provide information proactively in the public domain through regularly updated websites and publish annual reports in a timely manner, they will not enjoy the confidence of people. The guardians of transparency need to be transparent and accountable themselves.

7.6 Agenda for action

1. All information commissions must put in place necessary mechanisms to ensure prompt and timely response to information requests filed to them.
2. Each information commission must ensure that relevant information about its functioning is displayed on its website. This must include information about the receipt and disposal of appeals and complaints, number of pending cases, and orders passed by commissions. The information should be updated in real time.
3. Information commissions must ensure that, as legally required, they submit their annual report to the Parliament/state assemblies in a reasonable time. Violations should be treated as contempt of Parliament or state legislature, as appropriate. The Parliament and legislative assemblies should treat the submission of annual reports by ICs as an undertaking to the house and demand them accordingly. Annual reports published by ICs must also be made available on their respective websites.
4. Appropriate governments should put in place a mechanism for online filing of RTI applications, along the lines of the web portal set up by the central government (rtionline.gov.in). Now the state governments of Maharashtra, Uttar Pradesh and Delhi have also set up similar online portals. Further, the online portals should also provide facilities for electronic filing of first appeals and second appeals/complaints to the information commissions.

REPORT CARDS OF INFORMATION COMMISSIONS

The individual report cards in this section provide a statistical profile of each IC in terms of the following parameters:

Composition of the information commission: Under the RTI Act, information commissions consist of a chief information commissioner and up to 10 information commissioners. Each report card provides statistics on the number of commissioners currently serving in the commission and the number of posts lying vacant (as of October 2020). It also gives the gender wise break up and a snapshot of the background of all commissioners since the IC was constituted (commissioners whose background information was not provided by the ICs have been excluded).

Appeals and complaints: Data on the number of appeals and complaints registered and disposed by each commission between April 1, 2019 and July 31, 2020 is provided. In addition, for each commission, the number of pending cases is given along with the estimated time it would take the commission to dispose an appeal/complaint filed on August 1, 2020.

Penalties imposed: The RTI Act empowers ICs to impose penalties of upto Rs. 25,000 on erring PIOs for violations of the RTI Act. Report cards provide information on the total number of cases where penalty was imposed and the total amount of penalty imposed by the commission between April 1, 2019 and July 31, 2020. The percentage of disposed cases in which penalty was imposed is also presented in the report card.

Website of the IC: Each report card provides information about the commission's website – whether it is accessible; if orders of the commission of 2020 are publicly accessible and; the latest year for which the annual report of the IC is available.

Responsiveness under the RTI Act: The report cards provide a snapshot of the performance of each IC in terms of disclosing information sought from it under the RTI Act as part of the assessment.

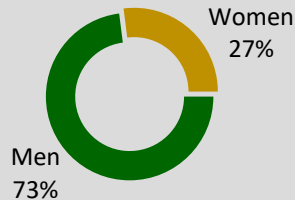
Central Information Commission

Composition of Information Commission

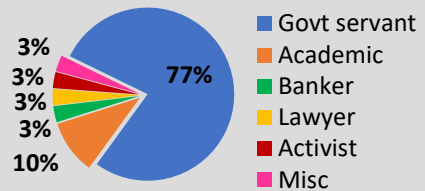
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 27,521

Pending on July 31, 2020: 35,653

Disposed*: 22,519

Estimated time for disposal**: 2 yrs & 1month

*between Apr 19 & July 20 **for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: 12,22,100

Percentage of disposed cases in which penalty imposed: 1%

*between Apr 19 & July 20

Website



Website accessible: Yes

Availability of IC orders of 2020: Yes

Latest annual report available: 2018-19

Responsiveness Under the RTI Act

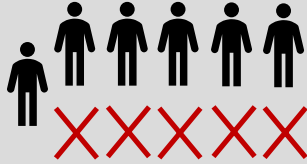


Provided 100% of information sought under the RTI Act

Andhra Pradesh

Composition of Information Commission

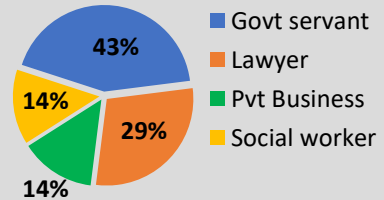
No. of commissioners



Gender*



Background*



* Since 2017 when IC was constituted

Appeals and Complaints



Registered*: 6,354

Disposed*: 6,472

Pending on July 31, 2020 : 4,378

Estimated time for disposal**: 9 months

*between June 19 & July 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: 3,09,000

Percentage of disposed cases in which penalty imposed: 1%

*between Apr 19 & July 20

Website



Website accessible: Yes

Availability of IC orders of 2020: Yes

Latest annual report available: Not published since constitution of SIC in 2017

Responsiveness Under the RTI Act



Provided 100% of information sought under the RTI Act

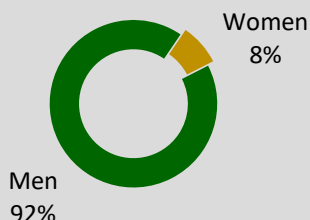
Arunachal Pradesh

Composition of Information Commission

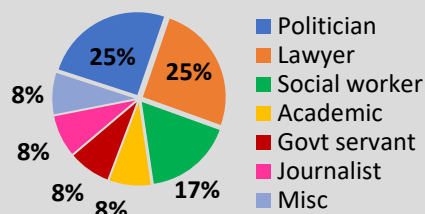
No. of commissioners



Gender*



Background*



*Since IC was constituted



Appeals and Complaints

Registered*: NA

Disposed*: NA

Pending on July 31, 2020: NA

Estimated time for disposal**: NA

*between Apr 19 & July 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: NA

Percentage of disposed cases in which penalty imposed: NA

*between Apr 19 & July 20

Website



Website accessible: Yes

Availability of IC orders of 2020: Yes

Latest annual report available: 2018

Responsiveness Under the RTI Act



Delays in postal service on account of COVID-19 resulted in RTI applications reaching 22 days after dispatch. By the time the SIC replied, seeking further fee for furnishing information, the results for this report had been compiled

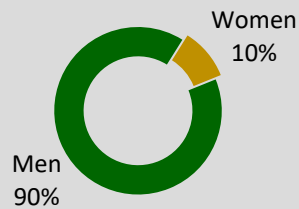
Assam

Composition of Information Commission

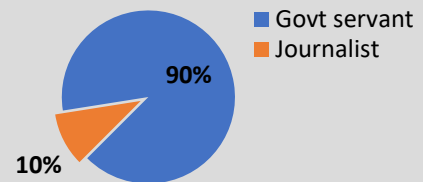
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 1,177
Disposed*: 1,395

Pending on July 31, 2020: 759
Estimated time for disposal**: 9 months

*between Apr 19 & July 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: 0

Percentage of disposed cases in which penalty imposed: 0%

*between Apr 19 & July 20

Website



Website accessible: Yes
Availability of IC orders of 2020: Yes
Latest annual report available: 2018-19

Responsiveness Under the RTI Act



Provided 87% of information sought under the RTI Act

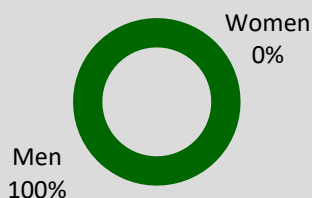
Bihar

Composition of Information Commission

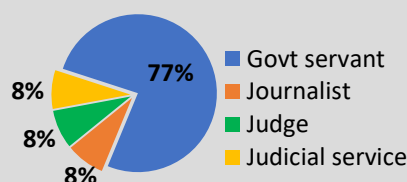
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: NA

Disposed*: NA

Pending on July 31, 2020: NA

Estimated time for disposal**: NA

*between Apr 19 & July 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: NA

Percentage of disposed cases in which penalty imposed: NA

*between Apr 19 & July 20

Website



Website accessible: No

Availability of IC orders of 2020: Website not accessible

Latest annual report available: Website not accessible

Responsiveness Under the RTI Act



Provided 0% of information sought under the RTI Act

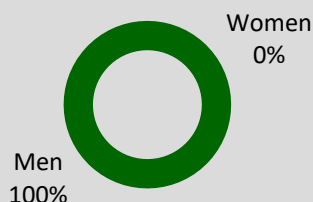
Chhattisgarh

Composition of Information Commission

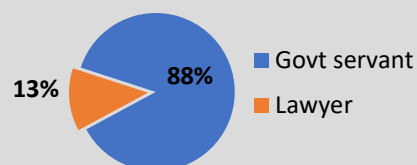
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 4,999

Pending on Jan 1, 2020: 8,846

Disposed*: 5,290

Estimated time for disposal**: 1 year & 8 months

*Data pertains to Jan 19 to Dec 19 ** for an appeal/complaint filed on 1/1/20

Penalties Imposed



Total amount of penalty imposed*: 18,24,500

Percentage of disposed cases in which penalty imposed: Not available

*between Jan 19 & Dec 19

Website



Website accessible: Yes

Availability of IC orders of 2020: Yes

Latest annual report available: 2019

Responsiveness Under the RTI Act



Provided 67% of information sought under the RTI Act

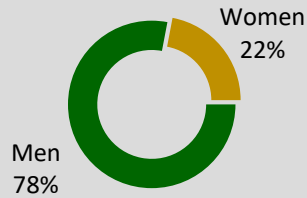
Goa

Composition of Information Commission

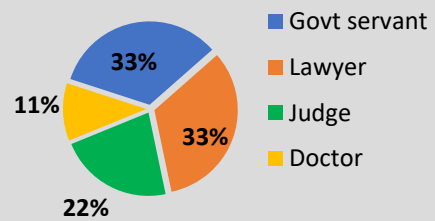
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 439

Disposed*: 712

Pending on July 31, 2020: 101

Estimated time for disposal**: 2 months

*between Apr 19 & July 20

** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: 56,000

Percentage of disposed cases in which penalty imposed: 3%

*between Apr 19 & July 20

Website



Website accessible: Yes

Availability of IC orders of 2020: Yes

Latest annual report available: 2014 (on website)

Responsiveness Under the RTI Act



Provided 100% of information sought under the RTI Act

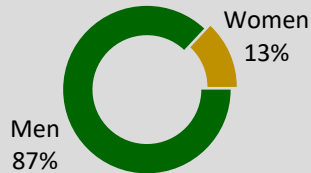
Gujarat

Composition of Information Commission

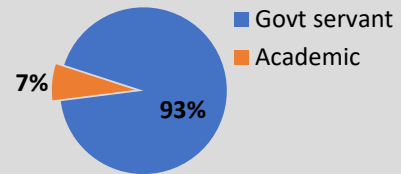
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 8,265
Disposed*: 11,058

Pending on July 31, 2020: 4,244
Estimated time for disposal**: 6 months

*between Apr 19 & July 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: 10,61,750

Percentage of disposed cases in which penalty imposed: 1%

*between Apr 19 & July 20

Website



Website accessible: Yes
Availability of IC orders of 2020: Yes
Latest annual report available: 2018-19

Responsiveness Under the RTI Act

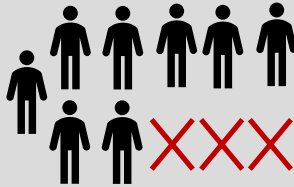


Provided 100% of information sought under the RTI Act

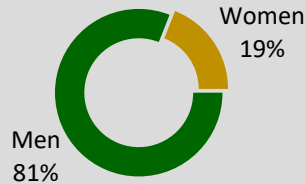
Haryana

Composition of Information Commission

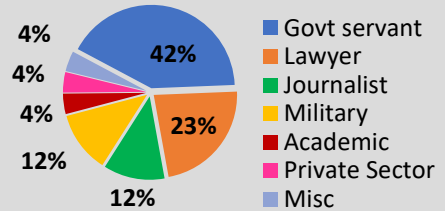
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 11,779

Disposed*: 10,482

Pending on July 31, 2020: 3,986

Estimated time for disposal**: 6 months

*between Apr 19 & July 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: 65,42,500

Percentage of disposed cases in which penalty imposed: 4%

*between Apr 19 & July 20

Website



Website accessible: Yes

Availability of IC orders of 2020: Yes

Latest annual report available: 2018

Responsiveness Under the RTI Act



Provided 100% of information sought under the RTI Act

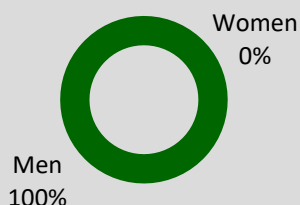
Himachal Pradesh

Composition of Information Commission

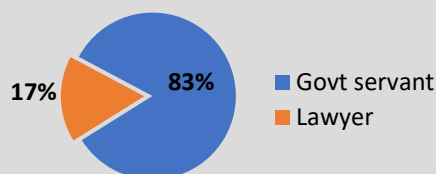
No. of commissioners



Gender*



Background*



*Since IC was constituted



Appeals and Complaints

Registered*: 633

Pending on July 31, 2020: 184

Disposed*: 529

Estimated time for disposal**: 7 months

*between Apr 19 & July 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: 30,000

Percentage of disposed cases in which penalty imposed: 1%

*between Apr 19 & July 20

Website



Website accessible: Yes

Availability of IC orders of 2020: Yes

Latest annual report available: 2016-17

Responsiveness Under the RTI Act



Provided 100% of information sought under the RTI Act

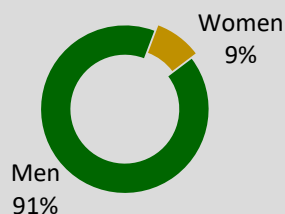
Jharkhand

Composition of Information Commission

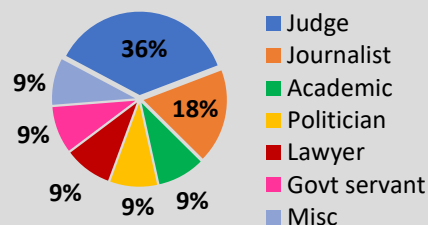
No. of commissioners



Gender*



Background*



*Since IC was constituted



Appeals and Complaints

Registered*: 5,799 Pending on July 31, 2020: 7,740
 Disposed*: 2,507 Estimated time for disposal**: 4 yrs & 1 month

*between Apr 19 & July 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: 10,75,000

Percentage of disposed cases in which penalty imposed: 2%

*between Apr 19 & July 20



Website

Website accessible: Yes
 Availability of IC orders of 2020: No
 Latest annual report available: 2016

Responsiveness Under the RTI Act

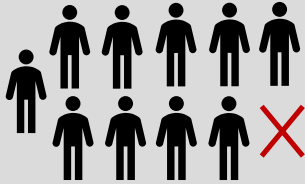


Provided 100% of information sought under the RTI Act

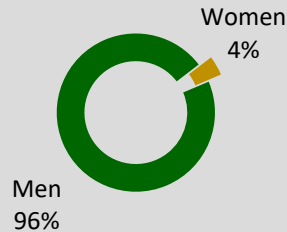
Karnataka

Composition of Information Commission

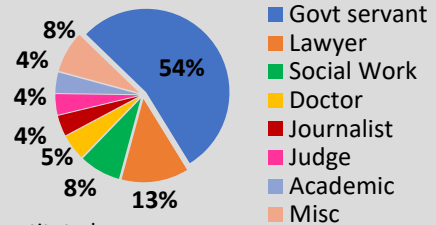
No. of commissioners



Gender*



Background*



*Since IC was constituted



Appeals and Complaints

Registered*: NA

Disposed*: 15,533

Pending on July 31, 2020: NA

Estimated time for disposal**: NA

*between Apr 19 & July 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: NA

Percentage of disposed cases in which penalty imposed: NA

*between Apr 19 & July 20

Website



Website accessible: Yes

Availability of IC orders of 2020: Yes

Latest annual report available: 2016-17

Responsiveness Under the RTI Act



Provided 0% of information sought under the RTI Act

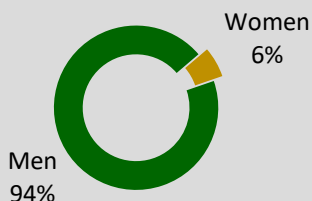
Kerala

Composition of Information Commission

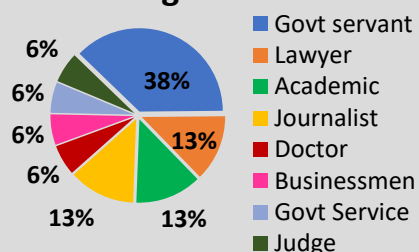
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 5,446

Pending on Feb 29, 2020: 9,374

Disposed*: 9,822

Estimated time for disposal**: 1 yr & 3 months

*between Apr 19 & July 20 ** for an appeal/complaint filed on 1/3/20

Penalties Imposed



Total amount of penalty imposed*: 1,75,750

Percentage of disposed cases in which penalty imposed: 0.4%

*between Apr 19 & July 20

Website



Website accessible: Yes

Availability of IC orders of 2020: No

Latest annual report available: 2015-16, link not working

Responsiveness Under the RTI Act

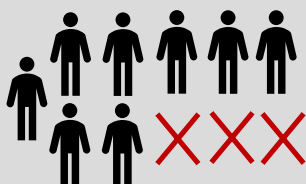


Provided 96% of information sought under the RTI Act

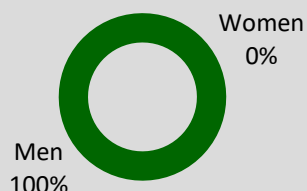
Madhya Pradesh

Composition of Information Commission

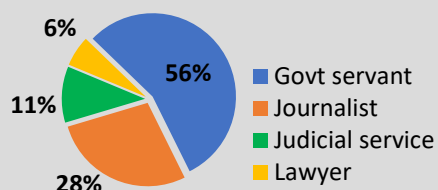
No. of commissioners



Gender*



Background*



*Since IC was constituted



Appeals and Complaints

Registered*: 8,772

Pending on July 31, 2020: 7,545

Disposed*: 11,770

Estimated time for disposal**: 10 months

*between Apr 19 & July 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: 43,33,000

Percentage of disposed cases in which penalty imposed: 2%

*between Apr 19 & July 20

Website



Website accessible: Yes

Availability of IC orders of 2020: Partially available

Latest annual report available: 2016

Responsiveness Under the RTI Act

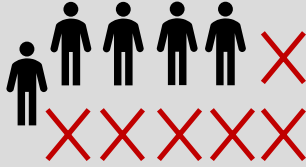


Provided 100% of information sought under the RTI Act

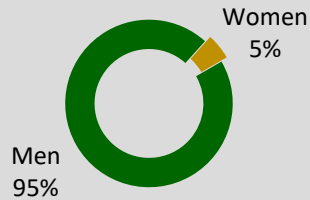
Maharashtra

Composition of Information Commission

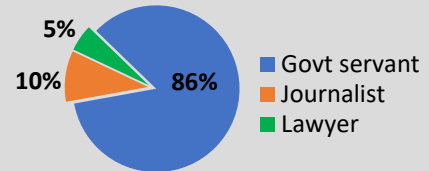
No. of commissioners



Gender*



Background*



*Since IC was constituted



Appeals and Complaints

Registered*: 31,543 Pending on July 31, 2020: 59,312
Disposed*: 20,270 Estimated time for disposal**: 2yrs & 2months

*May 2019 to June 2020 & excludes appeals for 3 months, complaints for 5 months
** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: NA

Percentage of disposed cases in which penalty imposed: NA

*between Apr 19 & July 20



Website

Website accessible: Yes
Availability of IC orders of 2020: Yes
Latest annual report available: 2017

Responsiveness Under the RTI Act



Provided 70% of information sought under the RTI Act

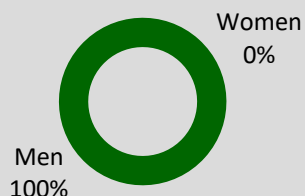
Manipur

Composition of Information Commission

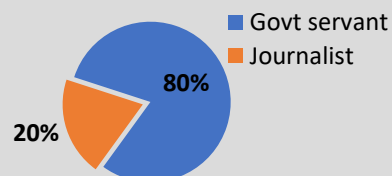
No. of commissioners



Gender*



Background*



*Since IC was constituted



Appeals and Complaints

Registered*: 222

Disposed*: 170

Pending on July 31, 2020: 18

Estimated time for disposal**: 2 months

*between Apr 19 & July 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: 1,00,000

Percentage of disposed cases in which penalty imposed: 2%

*between Apr 19 & July 20



Website

Website accessible: Yes

Availability of IC orders of 2020: No

Latest annual report available: 2015-16 (on website)

Responsiveness Under the RTI Act



Provided 100% of information sought under the RTI Act

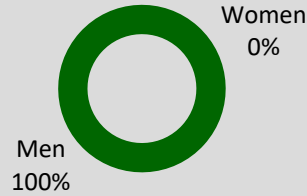
Meghalaya

Composition of Information Commission

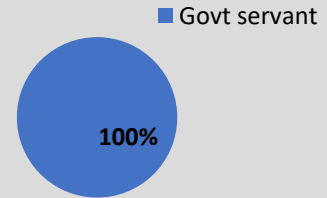
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 19

Disposed*: 19

Pending on July 31, 2020: 0

Estimated time for disposal**: No Pendency

*between Apr 19 & July 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: 35,550

Percentage of disposed cases in which penalty imposed: 74%

*between Apr 19 & July 20

Website



Website accessible: Yes

Availability of IC orders of 2020: No

Latest annual report available: 2017

Responsiveness Under the RTI Act



Provided 100% of information sought under the RTI Act

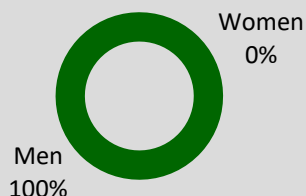
Mizoram

Composition of Information Commission

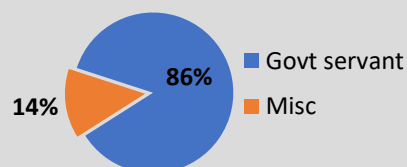
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 12

Disposed*: 10

Pending on July 31, 2020: 2

Estimated time for disposal**: 3 months

*between Apr 19 & July 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: 0

Percentage of disposed cases in which penalty imposed: 0%

*between Apr 19 & July 20

Website



Website accessible: Yes

Availability of IC orders of 2020: No

Latest annual report available: 2018-19

Responsiveness Under the RTI Act



Provided 100% of information sought under the RTI Act

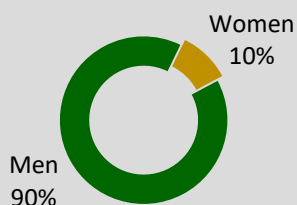
Nagaland

Composition of Information Commission

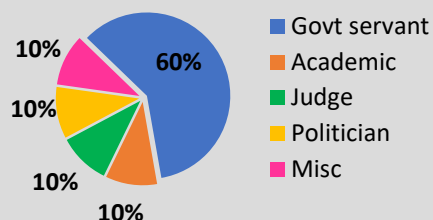
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 10

Disposed*: 4

Pending on July 31, 2020: 6

Estimated time for disposal**: 2 years

*between Apr 19 & July 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: 0

Percentage of disposed cases in which penalty imposed: 0%

*between Apr 19 & July 20

Website



Website accessible: Yes

Availability of IC orders of 2020: No

Latest annual report available: 2017-18

Responsiveness Under the RTI Act



Provided 96% of information sought under the RTI Act

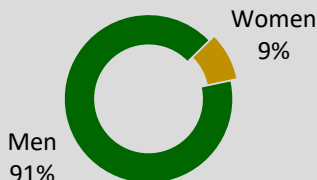
Odisha

Composition of Information Commission

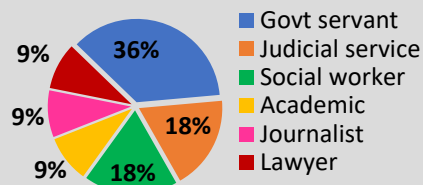
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 5,973 Pending on July 31, 2020: 15,951
 Disposed*: 2,426 Estimated time for disposal**: 8 yrs & 9 months

*between April 19 & July 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: 10,63,500

Percentage of disposed cases in which penalty imposed: 2%

*between Apr 19 & July 20

Website



Website accessible: Yes
 Availability of IC orders of 2020: Yes
 Latest annual report available: 2015-16

Responsiveness Under the RTI Act

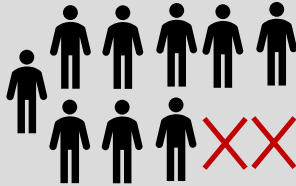


Provided 98% of information sought under the RTI Act

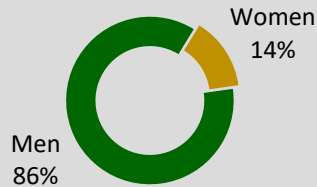
Punjab

Composition of Information Commission

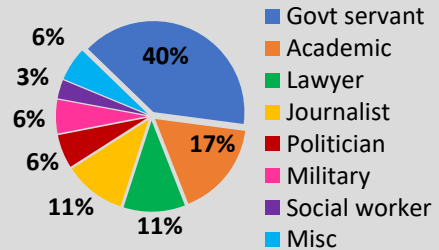
No. of commissioners



Gender*



Background*



*Since IC was constituted



Appeals and Complaints

Registered*: 8,240

Disposed*: 8,139

Pending on Mar 31, 2019: 2,583

Estimated time for disposal**: 6 months

*between Jan 19 & July 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: 10,81,500

Percentage of disposed cases in which penalty imposed**: 2%

*between Apr 19 & July 20 **pertains to Jan 2019 to July 2020

Website



Website accessible: Yes

Availability of IC orders of 2020: Yes

Latest annual report available: 2012

Responsiveness Under the RTI Act



Provided 91% of information sought under the RTI Act

Rajasthan

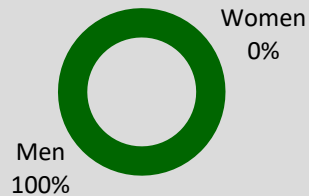
Composition of Information Commission

No. of commissioners



A serving commissioner has been given additional charge as chief, although there is no such provision under RTI Act

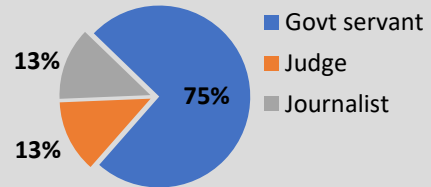
Gender*



Men
100%

Women
0%

Background*



*Since IC was constituted



Appeals and Complaints

Registered*: 14,732
Disposed*: 9,016

Pending on July 31, 2020: 13,662
Estimated time for disposal**: 2 years

*between Apr 19 & July 20 ** for an appeal filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: 32,27,000

Percentage of disposed cases in which penalty imposed: 5%

*between Apr 19 & July 20



Website

Website accessible: Yes

Availability of IC orders of 2020: Partially available

Latest annual report available: 2017-18

Responsiveness Under the RTI Act



RIGHT TO
INFORMATION

Provided 100% of information sought under the RTI Act

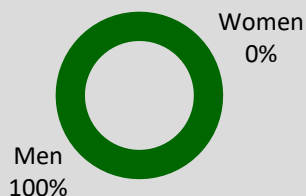
Sikkim

Composition of Information Commission

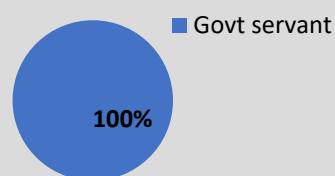
No. of commissioners



Gender*



Background*



*Since IC was constituted



Appeals and Complaints

Registered*: NA

Disposed*: NA

Pending on July 31, 2020: NA

Estimated time for disposal**: NA

*between Apr 19 & July 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: NA

Percentage of disposed cases in which penalty imposed: NA

*between Apr 19 & July 20

Website



Website accessible: Yes

Availability of IC orders of 2020: No

Latest annual report available: Not known, link not working

Responsiveness Under the RTI Act



Provided 0% of information sought under the RTI Act

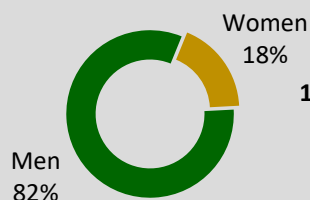
Tamil Nadu

Composition of Information Commission

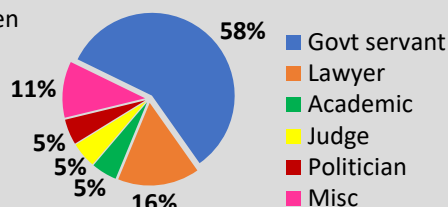
No. of commissioners



Gender*



Background*



*Since IC was constituted



Appeals and Complaints

Registered*: NA

Pending on July 31, 2020: NA

Disposed*: 12,999

Estimated time for disposal**: NA

*between Apr 19 & July 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: NA

Percentage of disposed cases in which penalty imposed: NA

*between Apr 19 & July 20

Website



Website accessible: Yes

Availability of IC orders of 2020: Yes

Latest annual report available: 2016

Responsiveness Under the RTI Act

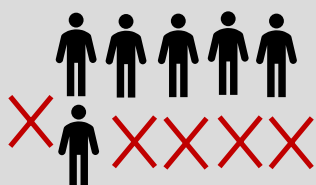


Provided 0% of information sought under the RTI Act

Telangana

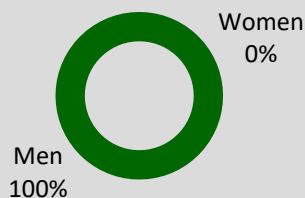
Composition of Information Commission

No. of commissioners



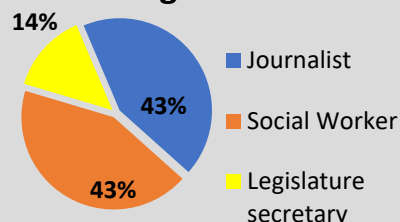
A serving commissioner has been given additional charge as chief, although there is no such provision under RTI Act

Gender*



*Since IC was constituted in 2017

Background*



Appeals and Complaints

Registered*: 7,435

Pending on July 31, 2020: 9,795

Disposed*: 6,372

Estimated time for disposal**: 2 years

*between Apr 19 & July 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: NA

Percentage of disposed cases in which penalty imposed: NA

*between Apr 19 & July 20



Website

Website accessible: Yes

Availability of IC orders of 2020: Yes

Latest annual report available: Not published since constitution of SIC in 2017

Responsiveness Under the RTI Act



Provided 48% of information sought under the RTI Act

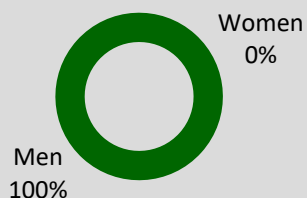
Tripura

Composition of Information Commission

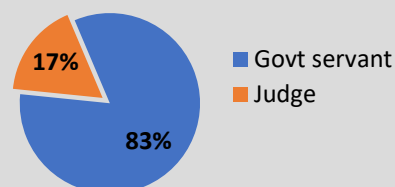
No. of commissioners



Gender*



Background*



*Since IC was constituted



Appeals and Complaints

Registered*: 65

Disposed*: 62

Pending on July 31, 2020: 0

Estimated time for disposal**: No pendency

*between Apr 19 & July 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: 0

Percentage of disposed cases in which penalty imposed: 0%

*between Apr 19 & July 20

Website



Website accessible: Yes

Availability of IC orders of 2020: No

Latest annual report available: 2014

Responsiveness Under the RTI Act

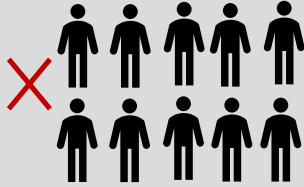


Provided 100% of information sought under the RTI Act

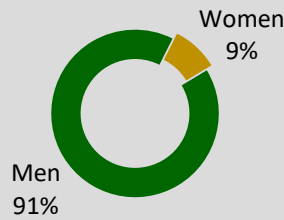
Uttar Pradesh

Composition of Information Commission

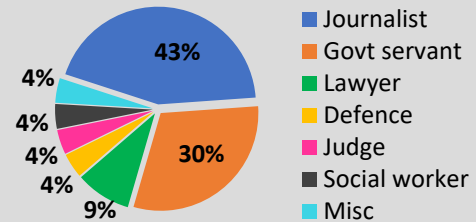
No. of commissioners



Gender*



Background*



*Since IC was constituted



Appeals and Complaints

Registered*: 33,797

Pending on July 31, 2020: 47,923

Disposed*: 39,398

Estimated time for disposal**: 1 yr & 8 months

*between Apr 19 & July 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: NA

Percentage of disposed cases in which penalty imposed: NA

*between Apr 19 & July 20

Website



Website accessible: Yes

Availability of IC orders of 2020: Not available publicly

Latest annual report available: Not known, link not working

Responsiveness Under the RTI Act



Provided 35% of information sought under the RTI Act

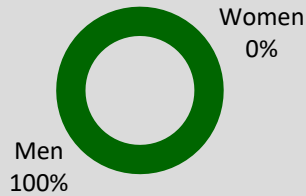
Uttarakhand

Composition of Information Commission

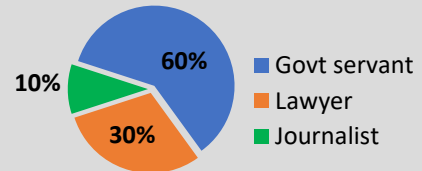
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 3,588
Disposed*: 4,192

Pending on July 31, 2020: 1,322
Estimated time for disposal**: 5 months

*between Apr 19 & July 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: 35,79,500

Percentage of disposed cases in which penalty imposed: 6%

*between Apr 19 & July 20

Website



Website accessible: Yes
Availability of IC orders of 2020: Yes
Latest annual report available: 2013-14

Responsiveness Under the RTI Act



Provided 100% of information sought under the RTI Act

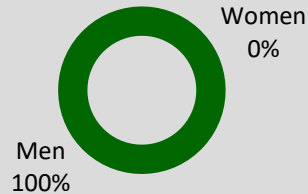
West Bengal

Composition of Information Commission

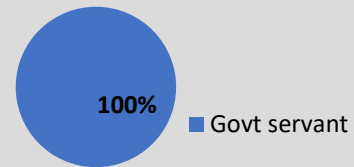
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 1,688

Pending on Mar 31, 2019: NA

Disposed*: NA

Estimated time for disposal**: NA

*between Apr 19 & Feb 20 ** for an appeal/complaint filed on 1/8/20

Penalties Imposed



Total amount of penalty imposed*: 45,000

Percentage of disposed cases in which penalty imposed: NA

*between Apr 19 & Dec 19

Website



Website accessible: Yes

Availability of IC orders of 2020: Yes

Latest annual report available: 2017

Responsiveness Under the RTI Act



Provided 0% of information sought under the RTI Act