


REPORT CARD of **INFORMATION COMMISSIONS** **2022-23**

Satark Nagrik Sangathan



“The failure... to fill up vacancies in the posts of Information Commissioners defeats the very basis of the Right to Information Act 2005. Effectively... ensuring that [it]... becomes a dead letter.”

*-Supreme Court
October 2023*

Report Card of Information Commissions in India

2022-23

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Previous assessments of the Right to Information Act, 2005:

'Report Card of Information Commissions in India, 2021-22', SNS, December 2022 (<https://www.snsindia.org/wp-content/uploads/2022/12/Report-Card-2022.pdf>)

'Report Card of Information Commissions in India, 2020-21', SNS, April 2022 (<https://snsindia.org/wp-content/uploads/2022/04/Report-Card-Final.pdf>)

'Report Card of Information Commissions in India, 2019-20', SNS & CES, October 2020 (<https://snsindia.org/wp-content/uploads/2020/11/Report-Card-2020.pdf>)

'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 (<https://www.snsindia.org/wp-content/uploads/2024/01/Report-RaaG-2014.pdf>)

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

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PREFACE AND ACKNOWLEDGEMENTS

This report is part of an ongoing effort to undertake 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 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 periodic monitoring of functioning of commissions.

In 2019, “Report Card of Information Commissions in India, 2018-19” was published. 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.

In March 2020, India went into a total lockdown to contain the spread of the COVID 19 virus. Report titled “Status of Information Commissions in India during Covid-19 Crisis” examined the functioning of commissions during the lockdown. This was followed by the “Report Card of Information Commissions in India, 2019-20” published in October 2020. Subsequently, the “Report Card of Information Commissions in India, 2020-21” and the “Report Card of Information Commissions in India, 2021-22” were published.

This assessment, “Report Card of Information Commissions in India, 2022-23”, looks at the performance of all 29 information commissions in the country for the period July 2022 till June 2023.

At a time when there is increasing concern about the autonomy and effective functioning of institutions of oversight in the country, the report cards provide a mechanism of monitoring the working of information commissions set up under the RTI Act to protect peoples’ democratic right to information. 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 are grateful to the activists, lawyers and former information commissioners, who interacted with us at various stages of these assessments. In particular, we are grateful to Late Shri Shanti Bhushan and members of the National Campaign for Peoples’ Right to Information (NCPRI). This report would not have been possible without the support of the various movements, civil society groups, concerned citizens and activists, who form a part of the RTI community, within which our efforts are located.

Anjali Bhardwaj and Amrita Johri
October, 2023

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
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
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
UP	Uttar Pradesh
UTT	Uttarakhand
WB	West Bengal
W.P	Writ Petition

Chapter 1: Introduction and Methodology

1.1 Background

The Supreme Court of India has held that the right to information is a fundamental right flowing from Article 19(1)(a) (freedom of speech and expression) and Article 21 (right to life and liberty) of the Constitution. The courts of the country have declared in a plethora of cases that transparency is key for the functioning of a healthy democracy. In the matter of State of UP v. Raj Narain (1975), a constitution bench of the Supreme Court (SC) held that: *“In a government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can be but few secrets.... To cover with veil of secrecy, the common routine business is not in the interest of public.”* In the case of S.P. Gupta v. President of India and Ors (1982), a seven judge bench of the apex court observed that, *“...disclosure of information in regard to the functioning of Government must be the rule and secrecy an exception justified only where the strictest requirement of public interest so demands.”*

The Right to Information (RTI) Act, 2005 provides a practical regime for people to exercise their fundamental right to information by accessing information from public authorities. The preamble of the RTI Act states: *“...democracy requires an informed citizenry and transparency of information, which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed”.*

The RTI law has empowered people in India to meaningfully participate in democracy and hold their governments accountable. Estimates suggest that every year 4 to 6 million¹ RTI applications are filed across the country. The law has been used extensively in the last 18 years to hold governments and functionaries accountable for corruption and lapses in the delivery of essential services and secure access to basic rights. It has also been used to question the highest authorities of the country on their performance, their decisions and their conduct.

Under the RTI law, Information Commissions (ICs) are the final appellate authority and are mandated to safeguard and facilitate people’s fundamental right to information. ICs have been set up at the central level (Central Information Commission) and in the states (state information commissions). 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. ICs 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 information 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, information commissions 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.

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

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.”

Eighteen years after the RTI Act was implemented, experience in India suggests that the functioning of information commissions is a major bottleneck in the effective implementation of the RTI 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 law 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. 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

Two regressive amendments to the RTI Act in the last five years have severely diluted the transparency law. Amendments made in 2019 compromised the autonomy of information commissions, while the 2023 amendments significantly expanded the scope of information exempt from disclosure under the RTI Act.

2019 amendments:

Security of tenure and high status had been provided for information 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 equalled that of a judge of the Supreme Court). Amendments made in 2019 to the RTI Act took away the protection of fixed tenure and high status guaranteed to the commissioners under the law, thereby adversely impacting the autonomy of information commissions. The RTI Amendment Act³, passed by Parliament in July 2019, and the concomitant rules⁴ promulgated by the central government, empowered 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 empowered 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.

² Anjali Bhardwaj and others v. Union of India and others (Writ Petition No. 436 of 2018)
<https://snsindia.org/wpcontent/uploads/2022/04/Judgment.pdf>

³ <http://egazette.nic.in/writereaddata/2019/209696.pdf>

⁴ http://documents.doptcirculars.nic.in/D2/D02rti/RTI_Rules_2019r4jr6.pdf

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 being empowered to relax provisions related to salaries and terms of service for different categories 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. These amendments could potentially make commissioners wary of giving directions to disclose information that the central government does not wish to provide.

2023 amendments

In August 2023, the Digital Personal Data Protection Act⁵ (DPDP Act) was passed which included an explicit provision to amend the RTI Act.

The RTI Act of 2005 provided for protection of the privacy of individuals through section 8(1)(j). In order to invoke this section to deny personal information, atleast one of the following grounds had to be proven: information sought has no relationship to any public activity; or has no relationship to any public interest; or information sought is such that it would cause unwarranted invasion of privacy and the PIO is satisfied that there is no larger public interest that justifies disclosure. The proposed DPDP Act amended section 8(1)(j) to expand its purview and exempt all personal information from the ambit of the RTI Act!

Further, under the RTI Act, exemptions are not absolute. A key provision for limiting the exemptions was the proviso to Section 8(1), which stated that *“information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person”*. This important provision, which gave citizens a right to information at par with Members of Parliament and Members of State Legislatures, was deleted.

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. The amendments to the RTI Act have further underlined the need to scrutinize the functioning of information commissions to ensure that the commissions perform their mandated role of safeguarding people’s right to information.

⁵ <https://www.meity.gov.in/writereaddata/files/Digital%20Personal%20Data%20Protection%20Act%202023.pdf>

1.4 Statement of Methodology

The report is primarily based on an analysis of information accessed under the RTI Act, from 29 information commissions across India. A total of 174 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 July 1, 2022 till June 30, 2023 and their backgrounds;
- The number of appeals and complaints registered, disposed, returned by each IC for the period July 1, 2022 till June 30, 2023;
- Number of appeals and complaints pending before each IC on June 30, 2023;
- Number of show cause notices served by each IC, for the period July 2022 till June 2023;
- The quantum of penalties imposed by each IC, and the amount recovered, for the period July 1, 2022 till June 30, 2023;
- The quantum of compensation awarded by each IC, for the period July 1, 2022 till June 30, 2023;
- Number of cases in which disciplinary action was recommended by each IC;
- 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 July 2022 till June 2023;
- Details of any norms adopted by ICs on the number of appeals/complaints each commissioner/ bench must dispose in one year;
- Whether hearings held by ICs are open for members of public to attend and if the ICs are livestreaming their hearings;
- Details of assessments/ audits undertaken by ICs of section 4 proactive disclosures by public authorities under their respective jurisdictions;
- 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 2023 has been included in the report.

In addition, information has 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.

1.5 Structure of the report

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

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.

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.”

In February 2019, the Supreme Court, in its judgment⁶ 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.

2.2 Non-functional information commissions

Four information commissions were found to be non-functional for varying lengths of time during the period under review, with all posts of commissioners being vacant. **As of October 12, 2023, three commissions were completely defunct.** In the absence of functioning 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. Subsequently the lone information commissioner was also made the acting Chief, although no such explicit provision exists under the RTI Act. However, upon the completion of the tenure of the commissioner on May 8, 2020, the information commission has been without any commissioner, rendering it completely **defunct**. For **more than 3 years**, 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 for violation of their right to information.

Tripura: The information commission of Tripura became **defunct on July 13, 2021** when the sole commissioner, who was the Chief, completed his tenure. The SIC has been defunct for the last **27 months**. Since April 2019, this is the third time the commission has become defunct. It was defunct from April 2019 to September 2019, then from April 2020 to July 2020 and now again since July 13, 2021.

Telangana: The information commission of Telangana became **defunct on February 24, 2023** when all five information commissioners finished their tenure. It has been defunct for the last **7 months**. The post of the Chief has been vacant since August 24, 2020. After the creation of the state in 2014 through bifurcation of Andhra Pradesh, the state of Telangana did not constitute an Information Commission till 2017. It was only on the direction of the High Court that the SIC was constituted.

Mizoram: The information commission of Mizoram became **defunct on June 20, 2023**. It was completely non-functional for more than 3 months and it was only on October 5, 2023 that a new chief and one information commissioner joined the commission.

⁶ Anjali Bhardwaj and others v. Union of India and others (Writ Petition No. 436 of 2018), <https://drive.google.com/file/d/1-uAXhMBkEJCBS7HnonAtvzXKaIRZ-bH9/view?usp=sharing>

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

As of October 12, 2023, **nine commissions were without a chief information commissioner** including, the 3 commissions in which all posts of information commissioners were vacant (Jharkhand, Tripura and Telangana).

Central Information Commission: The Chief of the Central Information Commission demitted office on October 3, 2023 upon attaining the age of retirement (65 years). This is the **sixth time in 10 years that the CIC has been rendered headless**. Despite these vacancies arising in a routine manner, either upon the expiry of the Chief's tenure or upon attaining the age of 65 years, wherein the date of demitting office is known in advance, the government has failed to appoint a new chief.

Manipur: The SIC of Manipur has been functioning without a Chief for **56 months**, since February 2019. While one of the commissioners has been given charge as the acting Chief commissioner, no such legal provision exists in the law.

Chhattisgarh: The SIC of Chhattisgarh has been functioning without a Chief since December 2022 when the Chief demitted office upon completion of his tenure.

Maharashtra: The Maharashtra SIC has been functioning without a Chief since April 2023. The Maharashtra commission has the highest number of pending appeals & complaints in the country.

Bihar: The Bihar SIC has been functioning without a Chief since May 2023.

Punjab: The Punjab SIC has been without a Chief since September 2023.

Three other SICs were found to be functioning without the Chief information commissioner for varying lengths of time during the period under review in this report.

West Bengal: The SIC of West Bengal was without a chief for a period of more than **10 months** from June 2022 till April 2023.

Tamil Nadu: The SIC of Tamil Nadu functioned without a Chief for about **7 months** from November 2022 till June 2023.

Andhra Pradesh: The SIC of Andhra Pradesh functioned without a Chief for **4 months** from July 2022 till November 2022.

2.4 Commissions functioning without adequate number of information commissioners

Under the RTI Act, information commissions consist of a chief information commissioner and up to 10 information commissioners. The Supreme Court has held that the number of commissioners required should be determined on the basis of the workload- *"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. “

Despite the ruling of the apex court, several information commissions have been functioning with an extremely inadequate number of commissioners. The non-appointment of commissioners in the ICs in a timely manner is leading to a large build-up of pending appeals and complaints (chapter 4).

Maharashtra: The SIC of Maharashtra has been functioning with just four information commissioners for several months. Due to the commission functioning at a severely reduced strength, the backlog of appeals/complaints has risen at an alarming rate. As of March 31, 2018, close to 40,000 appeals and complaints were pending. The backlog as of May 2021 increased to nearly 75,000 and reached an alarming level of **1,21,741** by June 2023 - more than 200% increase in the backlog in five years! Due to the large backlog and inadequate strength, the assessment shows that it would take the SIC an estimated 3 years and 7 months to dispose a fresh appeal/complaint. The apex court, in its February 2019 judgment, had observed that given the large pendency in the Maharashtra SIC, it would be appropriate if the commission functioned at full strength.

Central Information Commission: The CIC was found to be working with only 4 commissioners as 7 posts, including that of the Chief, were vacant. Even these 4 commissioners are set to demit office in November 2023, either on account of completion of tenure or due to attaining the retirement age of 65 years. In December 2019, when there were 4 vacancies in the CIC, the Supreme Court had directed the central government to fill all vacancies within a period of 3 months⁷ given the backlog in the commission. However, the government did not comply with the directions. The backlog of appeals/complaints currently stands at more than 20,000 cases (as of October 2023).

Karnataka: The Karnataka Information Commission has been functioning with only 5 commissioners, including the Chief, as 6 posts remain vacant. 5 commissioners demitted office between February and June 2023 and till date no new appointments have been made to fill these posts. In its February 2019 judgment, the Supreme court taking cognizance of the fact that the commission had a backlog of 33,000 appeals/complaints, directed the Karnataka government to ensure that the Commission functions at full strength of 11 commissioners. As of June 2023, the backlog has increased to more than 41,000 pending appeals and complaints.

Chhattisgarh: The SIC of Chhattisgarh has been functioning with only 2 commissioners since December 2022. Due to the reduced strength of the Commission, the number of cases pending before the commission have increased significantly- from 10,301 in June 2022 to more than 17,500 in June 2023.

West Bengal: The West Bengal SIC has been functioning with just 3 commissioners despite a backlog of nearly 12,000 appeals and complaints. From June 2022 to April 2023, the work of the commission, in terms of hearing appeals/complaints, was suspended as the then Chief demitted office upon attaining the age of 65 years and no new Chief was appointed. One month before the retirement of the Chief, the Secretary of the Commission wrote⁸ to the government highlighting that the Calcutta High Court had held that the provisions of the RTI Act require the Commission to be a multi-member body consisting of the Chief Information Commission and atleast one information commissioner. The

⁷ Order dated December 16, 2020 in MA 1979 of 2019

⁸ Letter of Secretary, WB SIC <http://wbic.gov.in/files/NewAndEvents/79.pdf>

letter urged the government to take suitable action to ensure that the commission can function after the Chief demits office. However, the government failed to appoint a Chief and the SIC suspended its work with effect from June 2022. The government appointed two new commissioners in September 2022, however, a Chief was not appointed and the hearings remained suspended. It was only on April 20, 2023 upon the appointment of a Chief, that the Commission resumed hearings of appeals and complaints. The report estimates the West Bengal SIC will have the longest waiting time for disposal of a fresh appeal/complaint.

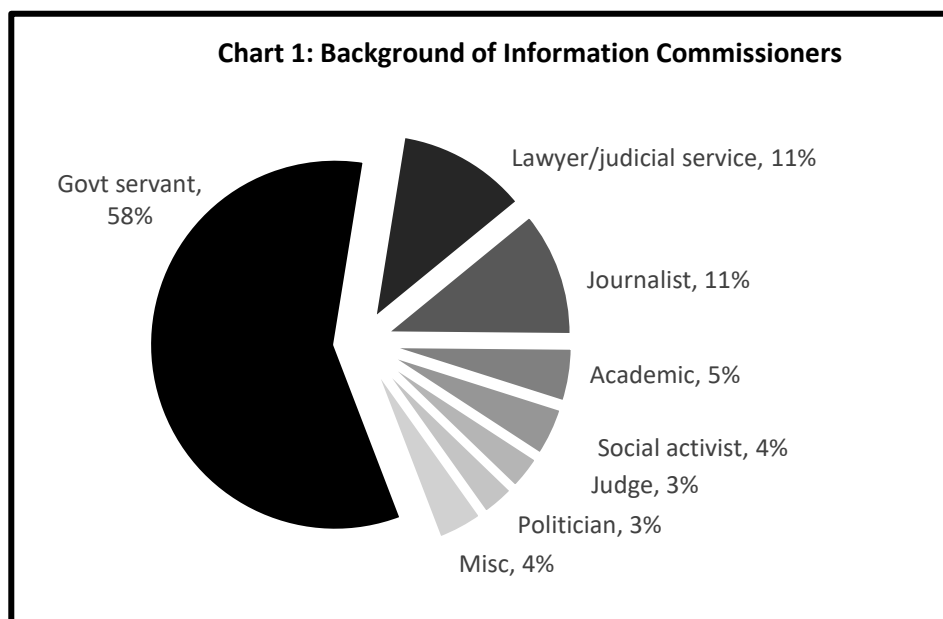
Bihar: The Bihar SIC has been functioning with just 2 commissioners for the last several months even though it has a backlog of more than 28,000 appeals and complaints.

Odisha: The Odisha SIC has been functioning with 3 commissioners despite having a large pendency of nearly 17,000 appeals and complaints. The assessment shows that the estimated waiting time for an appeal/complaint to be disposed is 2 years and 7 months (see table 5).

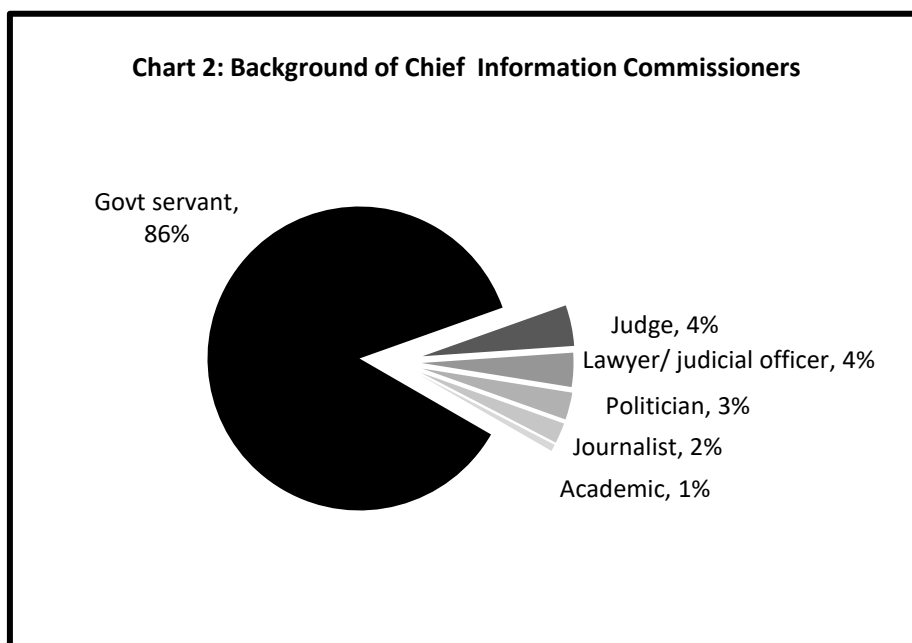
2.5 Background of commissioners

Information was sought under the RTI Act from the 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 a majority of information commissioners have been appointed from among retired government servants.

Of the approximately 465 commissioners for whom background information was available, 58% were retired government officials. 14% were lawyers or former judges (11% were advocates or from the judicial service and 3% were retired judges), 11% commissioners had a background in journalism, 5% were academics (teachers, professors) and 4% were social activists or workers (Chart 1).



Of the 138 chief information commissioners for whom data was obtained, an overwhelming 86% were retired government servants- of which more than 71% were retired Indian Administrative Service (IAS) officers. 8% had a background in law (4% former judges and 4% lawyers or judicial officers).

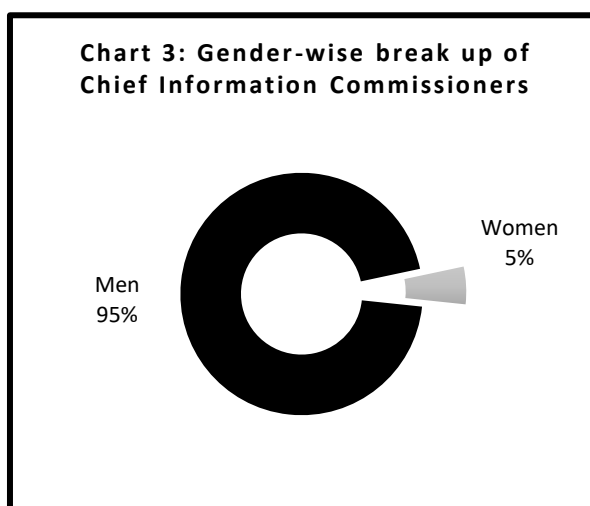


2.6 No gender parity

The assessment found the gender composition of commissions to be extremely skewed. Since the passage of the RTI Act in 2005, **merely 9%** of all information commissioners across the country have been women. 12 ICs (41%) have never ever had a woman commissioner since they were constituted- Andhra Pradesh, Bihar, Chhattisgarh, Himachal Pradesh, Madhya Pradesh, Manipur, Meghalaya, Mizoram, Sikkim, Telangana, Uttarakhand and West Bengal.

In terms of Chief Information Commissioners, the gender parity is even worse, with **only 5% chiefs ever being women** (Chart 3). As of October 12, 2023, none of the information commissions was 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 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 West Bengal SIC, for instance, the waiting time for disposal of a case is estimated to be more than 24 years (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 the apathy is deliberate with the intention of ensuring that information commissions are deprived of commissioners to scuttle the effective functioning of the RTI Act.

The Supreme Court (SC) in its February 2019 judgment⁹ 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, "*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, 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:

*"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 be 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***

⁹ Anjali Bhardwaj and others v. Union of India and others (Writ Petition No. 436 of 2018)

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 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 a norm for disposal of 3200 cases per commissioner per year. 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 35,200 cases are registered, eleven commissioners could be adequate if the commissions adopt efficient systems of disposing cases (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 satisfactory¹⁰, which indicates that the practice of populating ICs primarily with ex-bureaucrats has perhaps not been the best strategy.

¹⁰ 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-

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**¹¹*

"32. ...(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 Court¹² 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

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.

¹¹Union of India vs. Namit Sharma [(2013) 10 SCC 359]

¹² Union of India vs. Namit Sharma [(2013) 10 SCC 359]

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 Gujarat¹³, Andhra Pradesh¹⁴ and Kerala¹⁵, 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 judgment¹⁶ 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 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 judgment¹⁷, the 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 the backlog and 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

¹³ Jagte Raho Versus The Chief Minister of Gujarat Writ Petition (P.I.L.) Nos. 143 and 278 of 2014

¹⁴ SLP(C) No(s).30756/2013 order dated 20.04.2017, Varre Venkateshwarlu & Ors Versus K. Padmanabhaiah & Ors

¹⁵ Judgment of Kerala High Court division bench dated August 30, 2017 in WA.No. 2012 of 2016 IN WP(C).18722/2016

¹⁶ Anjali Bhardwaj and others v. Union of India and others (Writ Petition No. 436 of 2018)

¹⁷ Union of India vs. Namit Sharma [(2013) 10 SCC 359]

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 judgment¹⁸ 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
 - 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.

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

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, several ICs have been returning a large number of appeals and complaints to the sender.

3.2 Appeals and complaints registered and disposed

2,47,215 appeals and complaints were registered between July 1, 2022 and June 30, 2023 by 28 information commissions for which relevant information was available. During the same time period, **2,33,971** cases were disposed by 29 commissions. 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 Information Commissions July 1, 2022 to June 30, 2023			
	Information Commission	Total registered	Total Disposed
1	Uttar Pradesh	29,637	48,607
2	Maharashtra	57,312	33,570
3	CIC	20,083	27,452
4	Karnataka	30,207	21,516
5	Rajasthan	15,860	18,040
6	Bihar	12,063	11,887
7	Tamil Nadu	no info	9,281
8	Punjab	8,166	8,768
9	Andhra Pradesh	9,247	7,843
10	Gujarat	10,025	6,676
11	Haryana	7,548	6,526
12	Telangana	7,895	6,481
13	Odisha	5,697	6,379
14	Kerala	2,879	5,180
15	Madhya Pradesh	8,650	4,704
16	Chhattisgarh	11,594	4,083
17	Uttarakhand	4,197	3,725
18	Assam	1,509	1,243
19	Himachal Pradesh	837	511
20	West Bengal	1,922	493
21	Goa	426	408
22	Arunachal Pradesh	1,054	268
23	Manipur	228	208
24	Nagaland	61	50
25	Sikkim	32	30
26	Mizoram	42	24
27	Meghalaya	44	18
28	Jharkhand	DEFUNCT	DEFUNCT
29	Tripura	DEFUNCT	DEFUNCT
	ALL INDIA	2,47,215	2,33,971

The SICs of **Jharkhand** and **Tripura** were defunct throughout the period under consideration, and therefore no appeals/complaints were registered or disposed by these ICs. The SIC of **Tamil Nadu** did **not provide requisite information** under the RTI Act regarding the number of appeals and complaints registered.

The **UP** SIC disposed the highest number of cases (**48,607**) followed by **Maharashtra (33,570)**, the **CIC (27,452)** and **Karnataka (21,516)**. SIC of **Maharashtra** registered the highest number of appeals and complaints (**57,312**). The **SIC of Karnataka** registered **30,207** appeals and complaints while **Uttar Pradesh** registered **29,637**. The **CIC** registered **20,083** appeals/complaints.

3.3 Commissioner-wise disposal of appeals/complaints

To assess whether commissions have adopted any norms regarding the number of appeals/complaints to be disposed by each commissioner, information was sought under the RTI Act from all 29 commissions. Of the 28 ICs that provided a response, **only the CIC had adopted such a norm**. The minutes of a meeting¹⁹ of the CIC held on 22.3.2011 state that:

“Taking note of the increasing pendency of appeals/complaints in the Commission over the last few years and realizing the need for their expeditious disposal, the Commission hereby resolves that each single bench of the Commission shall take urgent steps to maximize its disposal without comprising the quality thereof, as a general rule, each single bench will endeavor to finally decide about 3200 appeals/complaints per year.”

The SIC of Tamil Nadu did not furnish the requisite information in response to the RTI application.

Information was also sought regarding the number of appeals/complaints disposed by each commissioner in all ICs. Information obtained shows wide variations in the number of appeals/complaints disposed by commissioners, even within the same information commission. For instance, in the SIC of Madhya Pradesh, one of the commissioners disposed **2,104** cases, while another disposed only **229** during the period under review. Only 36 cases were disposed by a commissioner of the Andhra Pradesh SIC between November 17, 2022 and June 30, 2023.

3.4 Average disposal per commissioner

The average disposal of appeals and complaints per commissioner, calculated using data for the period July 2022 to June 2023, shows wide variation across commissions²⁰. The commission-wise yearly average disposal of cases per commissioner is presented in table 2.

¹⁹ Minutes of meeting dated 22.3.2011

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

²⁰ Calculated using the total number of appeals and complaints disposed by each information commission from July 1, 2022 to June 30, 2023 and the average number of commissioners working in the respective commissions during that time period (since there were different number of commissioners working in each commission for varying lengths of time, a weighted average has been used for each commission).

Table 2: Average Annual Disposal of Appeals and Complaints per Commissioner

	Information Commission	Average disposal by each commissioner in 12 months
1	Maharashtra	7,899
2	Uttar Pradesh	5,401
3	Rajasthan	3,798
4	CIC	3,660
5	Bihar	3,396
6	Karnataka	2,582
7	Tamil Nadu	2,062
8	Telangana	1,809
9	Chhattisgarh	1,441
10	Gujarat	1,335
11	Punjab	1,268
12	Kerala	1,219
13	Odisha	1,196
14	Madhya Pradesh	1,176
15	Andhra Pradesh	1,162
16	Haryana	1,017
17	Uttarakhand	828
18	Assam	514
19	Himachal Pradesh	341
20	Manipur	208
21	Goa	204
22	West Bengal	197
23	Arunachal Pradesh	55
24	Nagaland	23
25	Meghalaya	18
26	Sikkim	16
27	Mizoram	10
28	Jharkhand	DEFUNCT
29	Tripura	DEFUNCT

The analysis shows that the Maharashtra information commission had the highest annual average disposal rate of 7,899 appeals/complaints per commissioner followed by the Uttar Pradesh SIC at 5,401, the Rajasthan SIC at 3,798 and the Central Information Commission at 3,660.

Several commissions had a concerning low annual disposal rate per commissioner despite having a large number of pending appeals/complaints. The SIC of West Bengal had an annual average disposal rate of **197 cases** per commissioner - each commissioner on an average effectively disposing **less than one case** a day - even though more than 11,000 cases were pending. As a result, the assessment found that the SIC of West Bengal had the longest waiting time across the country for the disposal of cases

(see section 4.3). Madhya Pradesh, Odisha and Chhattisgarh were the other commissions where the annual disposal rate was very low even though a large number of cases were pending before the commission. Madhya Pradesh had an annual average disposal rate of 1,176 cases per commissioner even though more than 9,000 appeals/complaints were pending while Odisha had an annual average disposal rate of 1,196 cases per commissioner with nearly 17,000 appeals/complaints pending. Chhattisgarh SIC had an annual average disposal rate of 1,441 cases per commissioner even though more than 17,500 cases were pending.

3.5 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 a list of documents that must accompany each appeal/complaint. Further, some of these rules, like those framed by the central government²¹, empower the commission to return the appeal/complaint, if found deficient. The relevant provisions of the RTI Rules, 2012 of the central government are reproduced below:

“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”.

Of the 20 ICs which provided relevant information, the assessment found that eight commissions had returned appeals/complaints without passing any orders. The CIC and the SICs of UP, Bihar, Rajasthan and Kerala returned a large number of appeals/complaints without passing any orders during the period July 2022 to June 30, 2023 (see Table 3). The SICs of Arunachal Pradesh, Assam, Goa, Haryana, Himachal Pradesh, Manipur, Mizoram, Nagaland, Odisha, Sikkim, Telangana and Uttarakhand did not return any appeals/complaints. The SICs of Karnataka, Madhya Pradesh and Punjab stated that this information was not maintained by them while the SICs of Chhattisgarh, Maharashtra, Tamil Nadu and West Bengal did not provide the requisite information under the RTI Act. The SICs of Jharkhand and Tripura were non-functional during the period under review.

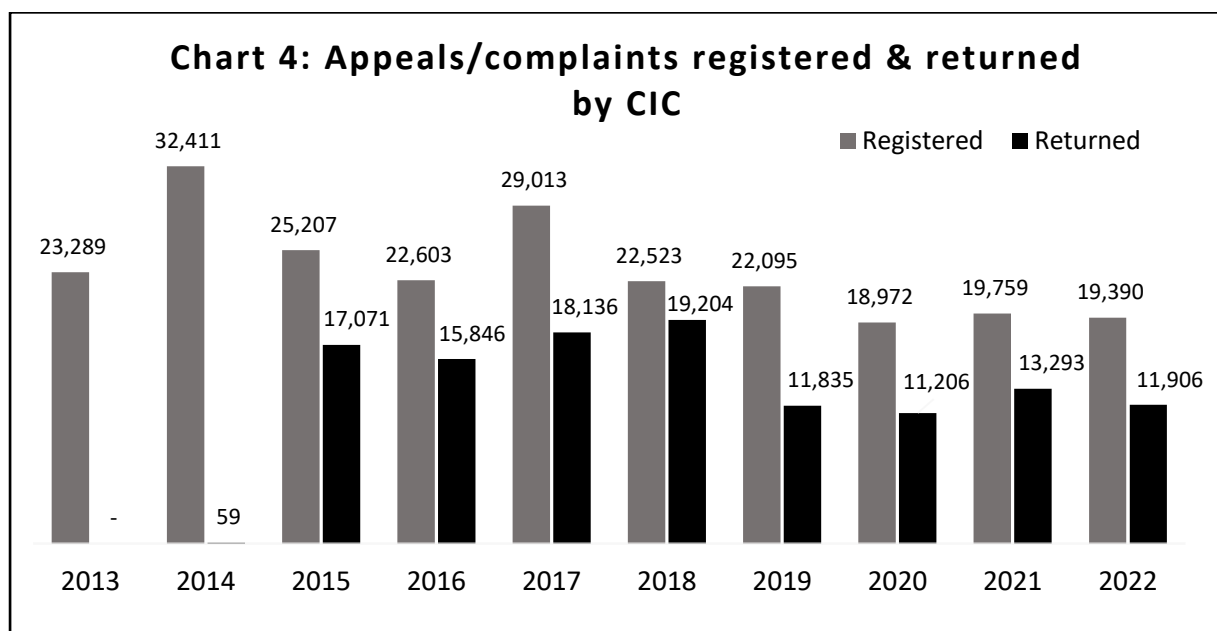
The SIC of **Uttar Pradesh returned more than 15,500** appeals/complaints while it registered about 30,000 during the period under review. The SIC of **Bihar returned 14,304** appeals/complaints which is more than what it registered during the same period – 12,063. The **CIC returned more than 12,700** appeals/complaints while it registered 20,083 during the period under review. The SIC of Rajasthan

²¹ <http://www.cic.gov.in/sites/default/files/RTI/RTIRules2012.pdf>

returned 7,267 appeals/complaints while it registered 15,860; the SIC of Kerala returned 2,355 appeals/complaints while it registered 2,879 appeals/complaints and Gujarat SIC returned 1,544 appeals/complaints while it registered 10,025.

Table 3: Appeals/complaints Returned by Commissions Without Passing Orders between July 1, 2022 & June 30, 2023		
	Information Commission	Number of appeals & complaints returned
1	Uttar Pradesh	15,538
2	Bihar	14,304
3	CIC	12,744
4	Rajasthan	7,267
5	Kerala	2,335
6	Gujarat	1,544
7	Andhra Pradesh	1,535
8	Meghalaya	1

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 were again made inaccessible to the public and can be retrieved 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. For the calendar year 2022, the data on the website shows **38%** of the appeals/complaints received were **returned** by the commission (this excludes appeals/complaints which were time barred/ duplicates or pertained to SICs). **Nearly 85%** of the cases which were returned were **not re-submitted** to the CIC.

3.6 Discussion

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.

In several commissions, shortage of staff appears to be hindering the functioning of the commission. Minutes of a meeting of the Maharashtra SIC held on October 6, 2023 highlight the dire situation noting that nearly 70% of staff positions are lying vacant and it has become difficult to run the day-to-day operations of the SIC. The discussion underlines the possibility that the commission may stop functioning unless the situation is addressed. An affidavit²² filed by the Karnataka Chief Information Commissioner in the Supreme Court in September 2021 also brought to light concerns regarding understaffing and the problem of insufficiently trained and qualified persons being hired through outsourcing /contracting frustrating the functioning of the commission.

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 get access to the information they sought. The 2014 assessment estimated that only about 45% of RTI applications were successful in terms of obtaining information requested²³. 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 entitlements²⁴.

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 80% 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 and procedural deficiencies like the absence of an index or page numbering not be made grounds for returning

²² Status Report filed by the Karnataka State Chief Information Commissioner in September 2021 in MA 1979/2019 (Anjali Bhardwaj & Ors Vs Union of India & Ors)-

<https://drive.google.com/file/d/1qGhIVcTw5WWk4YOKZqAFAXYmUilwGTDJ/view?usp=sharing>

²³ Chapter 6, 'Peoples' Monitoring of the RTI Regime in India', 2011-2013, RaaG & CES, 2014

²⁴ Chapter 5, RaaG & CES, 2014

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.

3.7 Agenda for action

1. The CIC has adopted a norm of disposing 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.
2. 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. The Union and state governments must ensure timely appointment of adequate number of duly qualified staff for information commissions.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

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 Parliament²⁵.

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 ruled²⁶ 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 Court²⁷ 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.

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

²⁶ Anjali Bhardwaj and others v. Union of India and others (Writ Petition No. 436 of 2018), <https://drive.google.com/file/d/1-uAXhMBkEJCbs7HnonAtvzXKaIRZ-bH9/view?usp=sharing>

²⁷ 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 Court²⁸ 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.

During the COVID 19 pandemic, the importance of timely access to information about availability of essential drugs, oxygen, hospital beds, ventilators and government schemes to provide food and social security became more apparent than ever before. Efficiently functioning information commissions are key to making sure that people are not denied their rights and entitlements during a crisis.

4.2 Backlog of appeals and complaints

The number of appeals and complaints **pending on June 30, 2023 in the 28 information commissions**, from which data was obtained, stood at **3,88,886**. The backlog of appeals/complaints is 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 climbed to 2,86,325 as of June 30, 2021 and crossed 3 lakh as of June 30, 2022.

Maharashtra SIC with an alarming backlog of **1,21,741** had the highest number of appeals/complaints pending, constituting 31% of the total pendency in the country. This was followed by the **Tamil Nadu SIC at 41,241** and the **Karnataka SIC at more than 41,000**. **Bihar SIC** had **28,076** matters pending while

²⁸ 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.

Uttar Pradesh has 27,163 and the **CIC 20,078**. The commission-wise break-up of the backlog of appeals and complaints is given in Table 4.

Table 4: Backlog of Appeals & Complaints in Commissions			
	Information Commission	Pending as of June 30, 2022	Pending as of June 30, 2023
1	Maharashtra	99,722	1,21,741
2	Tamil Nadu ^①	Info denied	41,241
3	Karnataka	30,358	41,047
4	Bihar ^①	21,346	28,076
5	Uttar Pradesh	44,482	27,163
6	CIC	26,724	20,078
7	Chhattisgarh	10,301	17,567
8	Odisha	19,832	16,703
9	West Bengal	10,339	11,871
10	Rajasthan	13,188	10,988
11	Telangana	8,902	10,030
12	Madhya Pradesh	5,929	9,078
13	Jharkhand ^②	7,768	7,768
14	Kerala	6,360	5,228
15	Haryana	3,661	4,783
16	Gujarat	2,858	4,632
17	Punjab	4,671	4,069
18	Andhra Pradesh ^③	2,814	3,245
19	Uttarakhand	1,941	1,713
20	Arunachal Pradesh	337	786
21	Himachal Pradesh	162	503
22	Assam	271	279
23	Goa	41	184
24	Manipur	61	75
25	Meghalaya	2	17
26	Nagaland	12	13
27	Mizoram	0	6
28	Sikkim	9	2
29	Tripura	DEFUNCT	defunct
	Total	3,14,323	3,88,886
Note- ^① Pending as of October 31, 2023 ^② Pending as of May 2020 when the SIC became defunct ^③ Pending as of May 2023			

Comparative data from the previous assessment for the SICs of Maharashtra, Karnataka, Bihar Chhattisgarh and Madhya Pradesh shows significant increase in the backlog of appeals/complaints since June 2022.

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 July 1, 2023 to be disposed was computed (assuming appeals and complaints are disposed in a chronological order). The commission-wise analysis and comparative data from the 2022 assessment is presented in Table 5 below.

Table 5: Estimated time required for disposal of appeal/complaint			
	Information Commission	For appeal/complaint filed on July 1, 2022	For appeal/complaint filed on July 1, 2023
1	West Bengal	24 years & 3 months	24 years & 1 month
2	Tamil Nadu ^①	no info on pendency	4 years and 5 months
3	Chhattisgarh	1 year & 6 months	4 years and 4 months
4	Maharashtra	5 years & 3 months	3 years and 7 months
5	Arunachal Pradesh	1 year & 2 months	2 years and 11 months
6	Odisha	5 years & 4 months	2 years and 7 months
7	Bihar ^①	2 years & 2 months	2 years and 4 months
8	Madhya Pradesh	8 months	1 year and 11 months
9	Karnataka	1 year & 2 months	1 year and 11 months
10	Telangana	1 year	1 year and 7 months
11	Kerala	1 year & 3 months	1 year
12	Himachal Pradesh	3 months	1 year
13	Meghalaya	no waiting	11 months
14	Haryana	5 months	9 months
15	CIC	11 months	9 months
16	Gujarat	4 months	8 months
17	Rajasthan	9 months	7 months
18	Uttar Pradesh	1 year & 2 months	7 months
19	Punjab	8 months	6 months
20	Uttarakhand	1 year & 2 months	5 months
21	Goa	2 months	5 months
22	Andhra Pradesh ^②	4 months	5 months
23	Manipur	7 months	4 months
24	Nagaland	1 year	3 months
25	Mizoram	no waiting	3 months
26	Assam	3 months	3 months
27	Sikkim	3 months	less than a month
28	Jharkhand	SIC Defunct	Defunct
29	Tripura	SIC Defunct	Defunct

Note: Based on backlog as of ^① October 2023 ^② May 2023

The analysis presented above shows that **the West Bengal SIC would take 24 years & 1 month to dispose a matter**. A matter filed on July 1, 2023 would be disposed in the **year 2047** at the current monthly rate of disposal! For SICs of **Tamil Nadu and Chhattisgarh the estimated time for disposal would be more than 4 years while for Maharashtra it would be 3 years and 7 months** and in **Arunachal Pradesh, Odisha and Bihar** more than **2 years**.

The assessment shows that **12 commissions** would take 1 year or more to dispose a matter. The estimated time required for disposal of an appeal/complaint in the **CIC would be 9 months**.

4.4 Discussion

Access to information is meaningful if it is provided within a reasonable timeframe. Inordinate delays by ICs in disposing appeals/complaints violates the basic objective of the RTI Act. It renders the law ineffective for people, especially for those living at the margins, who are most dependent on government services.

Taking note of the unduly long time taken by ICs to dispose cases, the Supreme Court in its judgment²⁹ 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. Atleast 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, 27 out of 28 information commissions that provided information under the RTI Act 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 less than one case per commissioner per day, despite large backlogs. This is especially problematic in ICs which receive large numbers of appeals and complaints. Also, the processes

²⁹ Anjali Bhardwaj and others v. Union of India and others (Writ Petition No. 436 of 2018), <https://drive.google.com/file/d/1-uAXhMBkEJCBS7HnonAtvzXKaIRZ-bH9/view?usp=sharing>

adopted by ICs to handle cases are not efficient and often commissions do not have 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 application³⁰. 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 in getting information from public authorities. This leads to an increase in the number of information requests, which ultimately increases the workload of ICs. The Department of Personnel and Training (DoPT) has prescribed guidelines and issued Office Memorandums³¹ from time to time to ensure effective implementation of section 4. Unfortunately, ICs have largely hesitated in invoking their powers to address the issue of violations of section 4. Recently, in a judgment³² dated August 17, 2023, the Supreme Court directed information commissions to monitor implementation of section 4 and use their powers under Section 25 to recommend appropriate steps to public authorities. The relevant extract of the judgment is given below:

“25. Having examined the Right to Information established by the statute under Section 3 in the context of the obligations of public authorities under Section 4, we are of the opinion that the purpose and object of the statute will be accomplished only if the principle of accountability governs the relationship between ‘right holders’ and ‘duty bearers’. The Central and State Information Commissions have a prominent place, having a statutory recognition under Chapters III and IV of the Act and their powers and functions all enumerated in detail in Section 18 of the Act. We have also noted the special power of ‘Monitoring and Reporting’ conferred on the Central and State Information Commissioners which must be exercised keeping in mind the purpose and object of the Act, i.e., ‘to promote transparency and accountability in working of every public authority’.

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

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 in previous studies 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 grievance³³. In the absence of effective grievance redress laws, people often

³⁰ Chapter 4, ‘Peoples’ Monitoring of the RTI Regime in India’, 2011-2013, RaaG & CES, 2014

³¹ Relevant guidelines and OM accessible at

<https://documents.doptcirculares.nic.in/D2/D02rti/Guidelines%20regarding%20Suo%20MotuUc29y.pdf>

³² Writ Petition (Civil) No. 990 Of 2021 - Kishan Chand Jain Vs UOI

³³ Chapter 4, ‘Peoples’ Monitoring of the RTI Regime in India’, 2011-2013, RaaG & CES, 2014

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.

4.5 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. ICs must put in place effective mechanisms to dispose appeals/complaints dealing with issues related to life or liberty. During crisis like the COVID pandemic, commissions must make provisions to adopt appropriate systems to hear appeals and complaints online and telephonically.
5. 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 must immediately take steps to comply with the judgment of the Supreme Court dated August 17, 2023, vide which the court directed information commissions to monitor implementation of section 4 and use their powers under Section 25 to recommend appropriate steps to public authorities (WPC 990/2021 – Kishan Chand Jain Vs UOI).
 - ii. 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 direct the concerned PA, under section 19(8) of the RTI Act, to start disseminating the information proactively and report compliance.
 - iii. 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 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.

- iv. 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 and summon them if required. 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”.
 - v. 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).
 - 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 disclosures³⁴ and the guidelines and various Office Memorandums issued by it. 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.
6. 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 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

³⁴ Report available from <https://goo.gl/wc0c0b>

governance, this would result, among other things, in reducing the work load of ICs. This step must be immediately initiated by all public authorities.

7. 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.
8. 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).
9. 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 reluctant to even ask the PIOs to give their justification for not complying with the law.

For the period July 1, 2022 to June 30, 2023, a total of **5,131 show cause notices** were issued to PIOs under the penalty clause of the Act by the 17 commissions which provided relevant information. The SIC of Haryana issued the maximum number (1,545) followed by Punjab (861) and Telangana (857). The SIC of Gujarat stated that it had not issued any notices under section 20, even though it imposed penalty in multiple cases. The SICs of Bihar, Himachal Pradesh, Karnataka, Odisha, Rajasthan, Uttar Pradesh and Uttarakhand stated that they did not maintain this information. The SICs of Chhattisgarh and Tamil Nadu did not provide any reply while the SIC of Maharashtra denied the information stating it was available in the annual report even though the annual report for the period under review for this assessment has not yet been prepared by the SIC! The SICs of Jharkhand and Tripura were non-functional during the period under review. ICs claiming that they do not maintain data on the number of cases in which show cause notices were issued is very problematic, as without this basic information, appropriate follow-up on the penalty proceedings seems unlikely. See table 6 for commission-wise details of show cause notices issued.

Table 6: Details of Show Cause Notices Issued by Commissions (July 2022- June 2023)		
	Information Commission	No. of cases in which show cause was issued
1	Haryana	1,545
2	Punjab	861
3	Telangana	857
4	Madhya Pradesh	618
5	Kerala	495
6	CIC ^①	380
7	Andhra Pradesh	125
8	Arunachal Pradesh	92
9	Goa	62
10	Assam	56
11	Meghalaya	25
12	West Bengal	5
13	Manipur	4
14	Sikkim	4
15	Mizoram	1
16	Nagaland	1
17	Gujarat	0
	Total	5,131
Note- ^① Info pertains only to cases disposed by 5 commissioners		

In terms of penalty imposition, of the 24 commissions which provided relevant information, **penalty was imposed in a total of 8,094 cases**. Penalty amounting to **Rs. 15.39 crore** was imposed by 24 commissions during the period under review. The commission-wise details are provided in table 7.

Table 7: Details of penalty imposed by ICs (July 2022- June 2023)			
S. No.	Information Commission	No. of cases where penalty was imposed	Amount of penalty imposed (in Rs.)
1	Uttar Pradesh	4,197	10,39,04,250
2	Karnataka	1,119	1,89,37,000
3	Chhattisgarh	479	91,73,038
4	Odisha	419	52,01,000
5	Rajasthan	697	25,70,000
6	Haryana	101	24,39,500
7	Madhya Pradesh	118	23,80,500
8	Punjab	165	16,23,500
9	Bihar	91	14,44,000
10	Uttarakhand	163	13,77,756
11	Gujarat	150	12,75,500
12	Telangana	171	12,47,100
13	Kerala	129	10,84,250
14	Arunachal Pradesh	22	5,50,000
15	Andhra Pradesh	20	2,41,500
16	Nagaland	16	2,36,250
17	Goa	19	1,56,000
18	Himachal Pradesh	14	1,00,000
19	Meghalaya	4	11,000
20	Assam	0	0
21	Manipur	0	0
22	Mizoram	0	0
23	Sikkim	0	0
24	West Bengal	0	0
25	Tamil Nadu	no reply	no reply
26	CIC	information denied	information denied
27	Maharashtra	information denied	information denied
28	Jharkhand	SIC defunct	SIC defunct
29	Tripura	SIC defunct	SIC defunct
	TOTAL	8,094	15,39,52,144

The SIC of **Uttar Pradesh imposed the highest amount of penalty (Rs. 10.39 crore)**, followed by **Karnataka (Rs. 1.89 crore)**, **Chhattisgarh (Rs. 91.73 lakh)** and **Odisha (Rs. 52.01 lakh)**. The Central Information Commission and the SIC of Maharashtra did not provide the requisite information stating that it could be located in their annual reports even though neither commission has published its annual report for the time frame for which information was sought i.e. July 2022 to June 2023. Even

the appeal against this refusal to disclose information has been rejected by the CIC. The SIC of Tamil Nadu did not furnish any reply to the application filed under the RTI Act. The SICs of Jharkhand and Tripura were defunct for the period under review and therefore did not dispose any cases.

5.3 Penalty imposed as percentage of cases disposed

Analysis of the figures for 24 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 **5% of the cases disposed** by the ICs. The IC-wise figures are presented in Chart 5.



A previous assessment³⁵ 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**. If this estimate of 59% is used, penalty would be potentially imposable in **96,564** cases out of the **1,63,668** cases disposed by the 24 ICs. Penalties were therefore imposed only in **8%** of the cases where penalties were potentially imposable. The ICs **did not impose penalties in 92% of the cases where penalties were imposable**.

Non imposition of penalties in deserving cases 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 July 2022 to June 2023, of the 21 commissions which provided information, **only 9** had invoked their powers to recommend disciplinary action. The remaining 12 SICs did not recommend disciplinary action in any matter adjudicated upon by them during the time period under review.

³⁵ 'Tilting the Balance of Power - Adjudicating the RTI Act', RaaG, SNS & Rajpal, 2017

The SIC of Odisha recommended disciplinary action in the maximum number of cases (518). This was followed by the Madhya Pradesh SIC which invoked these powers in 75 cases. The SICs of Bihar and Rajasthan stated that data on the number of cases in which disciplinary action was recommended is not maintained by them. The SICs of Chhattisgarh, Karnataka, Tamil Nadu and Maharashtra either denied the information or did not provide the relevant information. This is despite the fact the RTI Act requires commissions to include in their annual reports, the details of disciplinary action recommended. The CIC provided information pertaining to cases disposed by 5 commissioners only and shockingly one of the replies by the CPIO states that this information is as per what the “CPIO remembers”- reducing the RTI Act into a memory game!

The SICs of Tripura and Jharkhand were defunct during the period under review. The commission wise details of number of cases where disciplinary action was recommended are provided in Table 8.

Table 8: number of cases in which disciplinary action was recommended (July 2022 to June 2023)		
	Information Commission	Number of cases
1	Odisha	518
2	Madhya Pradesh	75
3	Goa	47
4	Haryana	42
5	Andhra Pradesh	9
6	Punjab	7
7	Uttarakhand	3
8	Assam	2
9	Kerala	1
10	Arunachal Pradesh	0
11	CIC①	0
12	Gujarat	0
13	Himachal Pradesh	0
14	Manipur	0
15	Meghalaya	0
16	Mizoram	0
17	Nagaland	0
18	Sikkim	0
19	Telangana	0
20	Uttar Pradesh	0
21	West Bengal	0
	Total	704
Note- ①Info pertains only to cases disposed by 5 commissioners Info not maintained by SICs of Bihar & Rajasthan SICs of Chhattisgarh, Karnataka, Tamil Nadu & Maharashtra denied the info or did not reply. Jharkhand & Tripura defunct		

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 penalizable under the law have 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 the statutory 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.

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 is important to 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. ICs must adopt a standardized format for their orders that contains 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 1 below.
3. Where a complaint is received against non-compliance with any provision of section 4 of the RTI Act, ICs should penalise the concerned 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.
4. 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.
5. 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.
6. 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.

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

Box 1: 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 provision 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 25 commissions that provided information, only 17 awarded any compensation (see Table 9).

Table 9: Award of Compensation (July 2022 to June 2023)			
	Information Commission	No. of cases in which compensation awarded	Amount awarded (in Rs.)
1	Punjab	138	9,15,000
2	Odisha	38	6,75,000
3	Karnataka	62	4,77,750
4	Andhra Pradesh	136	3,61,300
5	Madhya Pradesh	7	2,96,000
6	Telangana	2	2,86,000
7	Haryana	30	1,31,500
8	Rajasthan	9	89,500
9	Arunachal Pradesh	9	70,000
10	Kerala	1	50,000
11	Chhattisgarh	58	32,300
12	Uttarakhand	11	24,500
13	Manipur	7	23,500
14	Himachal Pradesh	5	17,000
15	Nagaland	1	15,000
16	Goa	2	13,540
17	Assam	2	2,200
18	Bihar	0	0
19	CIC	0	0
20	Gujarat	0	0
21	Meghalaya	0	0
22	Mizoram	0	0
23	Sikkim	0	0
24	Uttar Pradesh	0	0
25	West Bengal	0	0
	Total	518	34,80,090

Note: SICs of Tamil Nadu & Maharashtra did not provide info. Jharkhand & Tripura SICs defunct

The SIC of Punjab awarded the maximum amount of compensation, Rs. 9.15 lakh followed by Odisha (Rs. 6.75 lakh) and Karnataka (Rs. 4.78 lakh). 8 SICs did not award any compensation during the time period under review.

The SICs of Tamil Nadu & Maharashtra did not provide the relevant information under the RTI Act. The SICs of Jharkhand and Tripura were defunct during the period under review.

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 in filing and pursuing an RTI application. Considering every year lakhs of 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 circular³⁷ to all ministries and departments, the DoPT has stated:

“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(1)(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

³⁷ No.12/192/2009-1R dated 20th January, 2010, on page 87 of Compilation of OMs & Notifications on Right to Information Act, 2005.

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 1 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. Commissions play a crucial role in the implementation of the RTI Act. While deciding appeals/complaints, they have to: make a determination of whether the exemptions laid down in the law have been correctly applied in cases of denial of information and whether the overriding provisions have been properly examined; decide quantum of penalty imposed and compensation to be awarded, where relevant etc. In a judgment³⁸ dated September 2013, the Supreme Court held that “*Information Commissions are required to act in a fair and just manner following the procedure laid down in Sections 18, 19 and 20 of the Act.*” Consequently, transparency in the process of deciding appeals/complaints is critical.

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.”

³⁸ In Union Of India vs Namit Sharma

7.2 Transparency in proceedings of information commissions

In order to assess transparency in the proceedings of information commissions to decide appeals/complaints, information was sought from all 29 ICs on whether their hearings are open for members of the public and if the proceedings are live-streamed.

Only **8 ICs** stated that their hearings are open for members of the public to attend. These are the SICs of Arunachal Pradesh, Gujarat, Haryana, Madhya Pradesh, Maharashtra, Manipur, Odisha and Telangana.

6 ICs stated that they do not allow anyone other than the appellant/ complainant and respondent (or their representatives) to attend the proceedings of the commission- CIC and the SICs of Chhattisgarh, Meghalaya, Nagaland, Punjab and Sikkim. For the CIC, registries of 4 commissioners, including the Chief Information Commissioner, stated that members of public are not allowed to attend hearings, even though as per order September 23, 2016 issued by the then Registrar, it is noted that ordinarily *“hearings of the cases before the Commission are open to general public”*. The Punjab SIC stated that other than the appellant/complainant and respondent or their representatives, the benches allow interns to attend proceedings held in the Commission.

Of the remaining, 14 commissions do not have guidelines in place regarding open hearings while Tamil Nadu SIC did not provide the requisite information.

Out of 29 ICs, **only three ICs live-stream** their hearings- Andhra Pradesh, Karnataka and Manipur (though only for hearings held via video conferencing). Office Order dated 8-6-2023 issued by the Andhra Pradesh State Chief Information Commissioner states:

“2. The office of the Superintendent (APIC) and Senior Assistant (I.T. In-charge of APIC) shall endeavour to establish and develop necessary infrastructure to ensure the live streaming of the following adjudication process by duly placing relevant live streaming links of the official website of APIC:

*d) **Complaints** adjudicated by the SCIC and SIC’s of APIC*

*e) **Second Appeals** adjudicated by the SCIC and SIC’s of APIC*

*f) **First Appeals** adjudicated by the first appellant authority of the APIC”*

Some of the live-streamed links of hearings held by the State Chief Information Commissioner are available on the YouTube channel of the AP SIC at <https://www.youtube.com/@APIC-Mangalagiri>

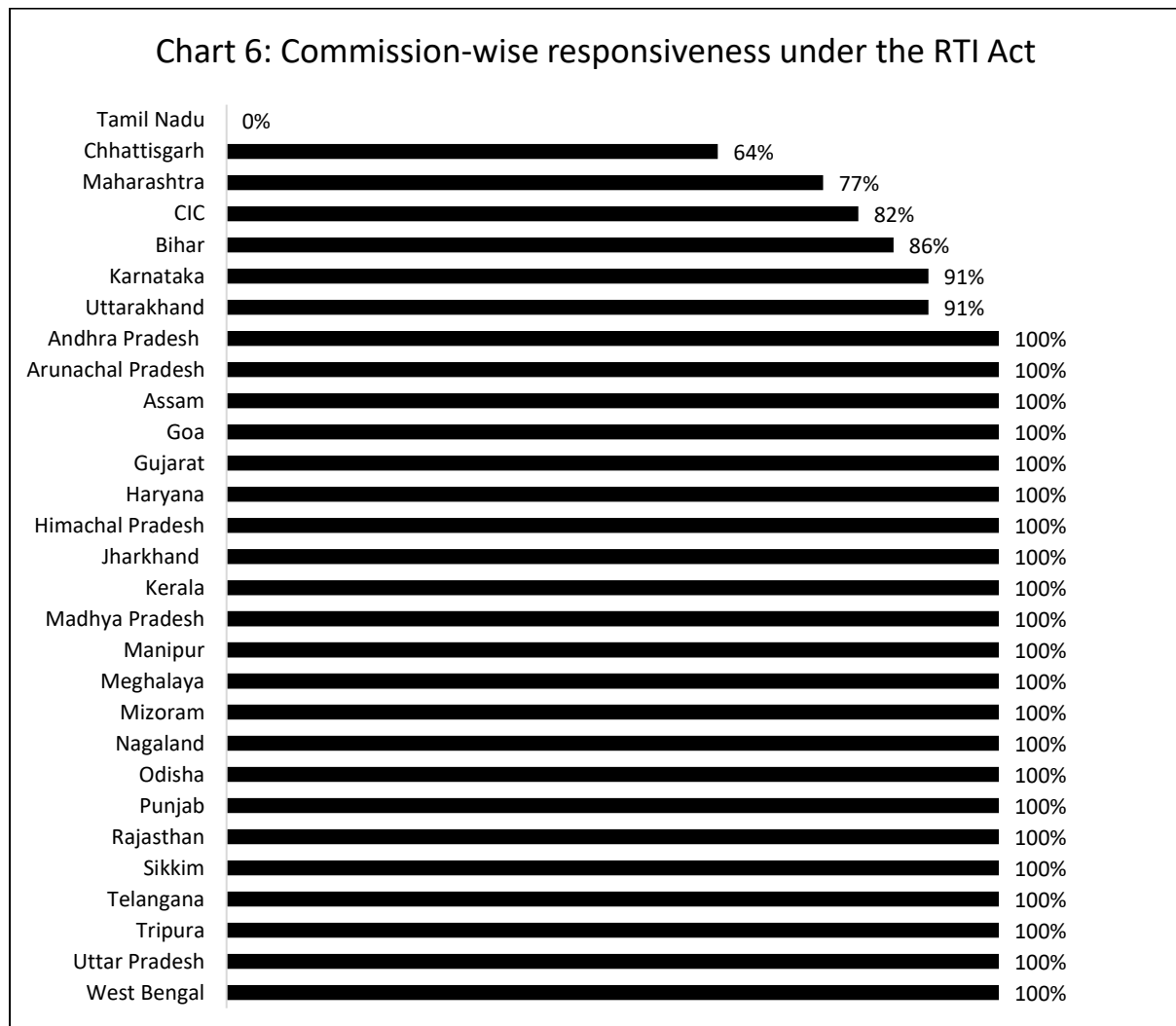
7.3 Performance of Information Commissions as Public Authorities

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 174 RTI applications were filed seeking identical information from all the 29 commissions. The RTI applications were tracked to assess how each information commission performed as a public authority, in terms of maintaining and disclosing information. For 12 ICs we were able to file RTI applications online using the RTI portals set up by the respective governments. These were the CIC and SICs of Bihar, Haryana, Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Mizoram, Odisha, Punjab, Rajasthan and Uttar Pradesh.

22 ICs provided full information sought under the RTI Act though in several cases the information was furnished after first appeals were filed. A total of 24 first appeals were filed.

The SIC of Tamil Nadu was the worst performing commission in terms of disclosure of information, as it failed to furnish any of the information sought. Upon not receiving any information within the stipulated time-frame, appeals were filed for each of the applications under the RTI Act. The TN SIC disposed 3 of those appeals claiming that information had been furnished after filing of the appeal even though no response has been received till date. In the remaining appeals, despite repeated follow-up over email and phone, there has been no response from the commission. The SIC of TN has persistently had a poor track record in responding to RTI applications. In the 2022 assessment it provided only 14% of the information sought, in the 2021 assessment it furnished 13% of the information sought while in the 2020 assessment it failed to furnish any of the information sought (0% response).

The commission-wise comparison is provided below in Chart 6.



7.4 Availability of decisions of the ICs on their websites-

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.

An assessment of the websites of the ICs carried out in October 2023, revealed that 23 out of 29 commissions provided public access to orders given by them since January 2023. The SICs of Bihar, Manipur, Rajasthan and Uttar Pradesh do not upload their orders or do not allow public access to the orders on their website. To access orders of the Uttar Pradesh SIC, the registration number of the appeal/complaint was required. While the SIC of Rajasthan has links created for the decisions on appeals and complaints, they don't appear to be functional. The SICs of Jharkhand and Tripura were defunct.

7.5 Annual Reports of ICs

Much of the information sought as part of this assessment should have been available in the annual report of each commission. Section 25 of the RTI Act 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. Since RTI applications seeking information about the latest annual reports were filed in July 2023, it would be reasonable to expect that annual reports upto calendar year 2022 or financial year 2022-23 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. The analysis revealed that despite the statutory obligation, many of the commissions have not published their annual reports. **19 out of 29 ICs (66%) have not published their annual report for 2021-22. Only the CIC and SICs of Chhattisgarh, Gujarat, Kerala, Manipur, Mizoram, Nagaland and Sikkim have published their annual report for 2022** (either calendar year 2022 or financial year 2021-22) **and made them available on the official websites.**

The SICs of Andhra Pradesh and Telangana have not published their annual report since the constitution of the respective SICs in 2017 following the bifurcation of the erstwhile state of Andhra Pradesh.

The SIC of Karnataka has not published its annual report since 2016-17.

Some ICs stated that though they had published their annual report, it was yet to be tabled before the respective legislative assemblies and the reports would be uploaded only after that. The Odisha SIC stated that the reports for the years 2018 to 2021 have been prepared and forwarded but are yet to be laid before the assembly. Similarly, the SIC of Uttarakhand stated that the reports for 2020-21 till 2022-23 have been sent to the Assembly but are yet to be formally laid before it. In both cases, the latest annual report which can be located on the website was for the year 2017-18 (i.e. more than 6 years ago).

In terms of availability of annual reports on the website of respective ICs, **26% of ICs have not made their latest annual report available on their website.**

Table 10 provides the IC wise details of the publication of annual reports and the availability of the reports on the websites of the respective ICs.

Table 10: Availability of Annual Reports of ICs			
S. No.	Information Commission	Year of last publication	Available on website
1	Andhra Pradesh	Not published since SIC constituted in 2017	
2	Arunachal Pradesh	2020-21	Yes
3	Assam	2020-21	Yes
4	Bihar	2017-18	Yes
5	Chhattisgarh	2022	Yes
6	CIC	2021-22	Yes
7	Goa	2021	No
8	Gujarat	2021-22	Yes
9	Haryana	2020	Yes
10	Himachal Pradesh	2020-21	No
11	Jharkhand	2018	Yes
12	Karnataka	2016-17	Yes
13	Kerala	2021-22	Yes
14	Madhya Pradesh	2022	No
15	Maharashtra	2020	Yes
16	Manipur	2021-22	Yes
17	Meghalaya	2020	Yes
18	Mizoram	2021-22	Yes
19	Nagaland	2021-22	Yes
20	Odisha	2020-21	No
21	Punjab	2020	Yes
22	Rajasthan	2021	No
23	Sikkim	2021-22	Yes
24	Tamil Nadu	2019	Yes
25	Telangana	Not published since SIC constituted in 2017	
26	Tripura	2020-21	No
27	Uttar Pradesh	2020-21	Yes
28	Uttarakhand	2022-23	No
29	West Bengal	2021	Yes

7.6 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 most 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 the 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.

It is imperative that commissions conduct their hearings/proceedings in a transparent manner which are open to general public and progressively move towards livestreaming of the hearings. The assessment found that there are no standard procedures/guidelines regarding the hearings of commissions being open to public. Only 8 ICs allow members of public to attend their hearings. This is a gross violation of the principles of transparency and openness in the process of deciding appeals/complaints of people who have been denied access to information under the RTI Act.

Ensuring public access to hearings and live-streaming will greatly enhance peoples' trust in the information commissions and provide them an opportunity to engage with, and learn more about, the RTI Act. Practice of livestreaming proceedings is now prevalent in various institutions, including the judiciary, and have proved to be very important in ensuring openness and transparency. In a landmark judgment³⁹ in 2018, the Supreme Court of India approved live-streaming of its own proceedings observing that it would bring about greater transparency in the judiciary and would also serve public interest. Hearings of the Constitution benches of the apex court are now live streamed providing everyone an opportunity to observe the proceedings. Several high courts have initiated the process, with their proceedings being made available via YouTube.

Given that most information commissions are equipped to hear cases via video conferencing, and therefore have the necessary audio-visual infrastructure, it would not require any significant additional resources to enable live streaming of proceedings. In exceptional cases, in which the commission is of the opinion that the hearing involves sensitive matters and it would not be appropriate for the hearing to be open to the public, it may, of course, make an exception and hold an in-camera hearing.

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

³⁹ Judgment dated September 6, 2018 in Swapnil Tripathi vs Supreme Court Of India and connected matters

7.7 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, Karnataka, Delhi, Himachal Pradesh, Rajasthan, Haryana and Mizoram 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 respective information commissions.
5. Information commissions must ensure their hearings are ordinarily open to members of the general public. In cases where the commission agrees to a request for a hearing to be conducted "in camera", the reasons for the same should be recorded by the commission in its order/decision.
6. Information commissions should move towards adopting systems to start livestreaming of their hearings.

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 12, 2023). 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 available have been excluded).

Appeals and complaints: Data on the number of appeals and complaints registered and disposed by each commission between July 1, 2022 and June 30, 2023 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 July 1, 2023.

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 amount of penalty imposed by each commission between July 1, 2022 and June 30, 2023. The percentage of disposed cases in which penalty was imposed is also presented in the report card.

Transparency: Each report card provides information about the latest year of publication of the annual report of the IC, whether orders of the commission of 2023 are publicly accessible and the performance of each IC in terms of disclosing information sought from it under the RTI Act as part of the assessment.

Hearings of the Commission: The report cards provide information on whether the hearings held by commissions can be attended by the general public and whether the commissions live-stream their hearings.

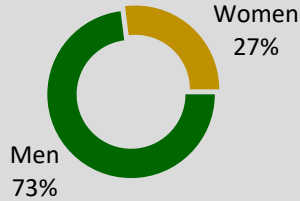
Central Information Commission

Composition of Information Commission

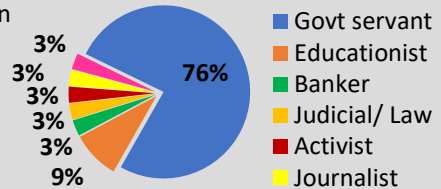
No. of commissioners



Gender*



Background*



*Since IC was constituted



Appeals and Complaints

Registered*: 20,083
Disposed*: 27,452

Pending on June 30, 2023: 20,078
Estimated time for disposal**: 9 months

*between July 2022 & June 2023 **for an appeal/complaint filed on 1/7/23

Penalties Imposed



Total amount of penalty imposed*: info denied

Percentage of disposed cases in which penalty imposed: info denied

*between July 2022 & June 2023

Transparency



Latest annual report published: 2021-22

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 82%

Hearings of the Information Commission



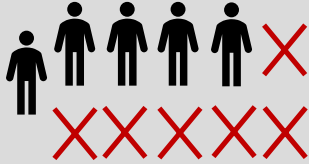
Are hearings open for members of the public: No

Are hearings livestreamed: No

Andhra Pradesh

Composition of Information Commission

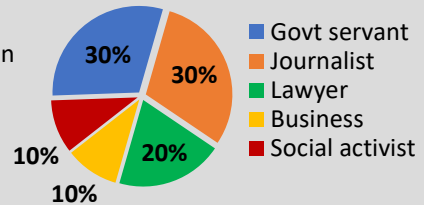
No. of commissioners



Gender*



Background*



* Since 2017 when IC was constituted

Appeals and Complaints



Registered*: 9,247
Disposed*: 7,843

Pending in May 2023: 3,245
Estimated time for disposal**: 5 months

*between July 2022 & June 2023

** for an appeal/complaint filed in May 2023

Penalties Imposed



Total amount of penalty imposed*: ₹ 2,41,500

Percentage of disposed cases in which penalty imposed: 0.26%

*between July 2022 & June 2023

Transparency



Latest annual report published: Not published since SIC constituted in 2017

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 100%

Hearings of the Information Commission



Are hearings open for members of the public: No guidelines exist

Are hearings livestreamed: Yes

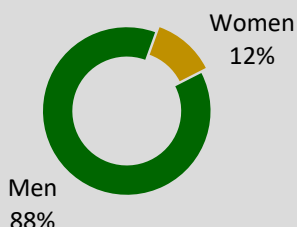
Arunachal Pradesh

Composition of Information Commission

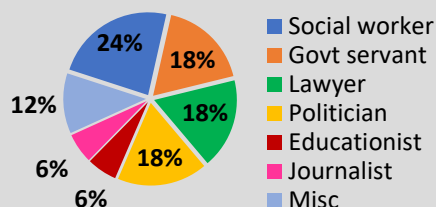
No. of commissioners



Gender*



Background*



*Since IC was constituted



Appeals and Complaints

Registered*: 1,054 Pending on June 30, 2023: 786
Disposed*: 268 Estimated time for disposal**: 2 yrs & 11 months

*between July 2022 & June 2023

** for an appeal/complaint filed on 1/7/23

Penalties Imposed



Total amount of penalty imposed*: ₹ 5,50,000

Percentage of disposed cases in which penalty imposed: 8%

*between July 2022 & June 2023

Transparency



Latest annual report published: 2020-21

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 100%

Hearings of the Information Commission



Are hearings open for members of the public: Yes

Are hearings livestreamed: No

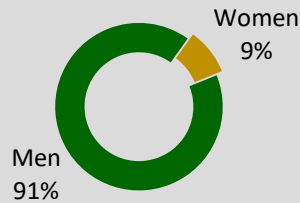
Assam

Composition of Information Commission

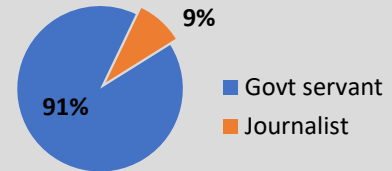
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 1,509
Disposed*: 1,243

Pending on June 30, 2023: 279
Estimated time for disposal**: 3 months

*between July 2022 & June 2023

** for an appeal/complaint filed on 1/7/23

Penalties Imposed



Total amount of penalty imposed*: ₹0

Percentage of disposed cases in which penalty imposed: 0%

*between July 2022 & June 2023

Transparency



Latest annual report published: 2020-21

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 100%

Hearings of the Information Commission



Are hearings open for members of the public: No guidelines exist

Are hearings livestreamed: No

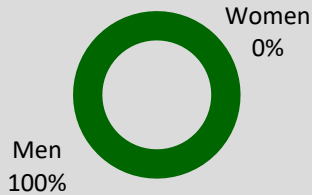
Bihar

Composition of Information Commission

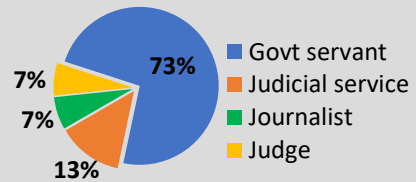
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 12,063

Pending on October 31, 2023: 28,076

Disposed*: 11,887

Estimated time for disposal**: 2 yrs & 4 months

*between July 2022 & June 2023

** for an appeal/complaint filed on 1/11/23

Penalties Imposed



Total amount of penalty imposed*: ₹ 14,44,000

Percentage of disposed cases in which penalty imposed: 1%

*between July 2022 & June 2023

Transparency



Latest annual report published: 2017-18

Are IC orders of 2023 available on website: No

Success rate of RTI applications filed to IC: 86%

Hearings of the Information Commission



Are hearings open for members of the public: No guidelines exist

Are hearings livestreamed: No

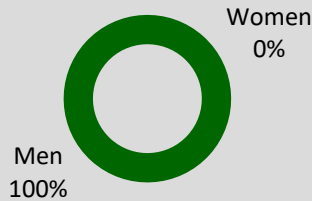
Chhattisgarh

Composition of Information Commission

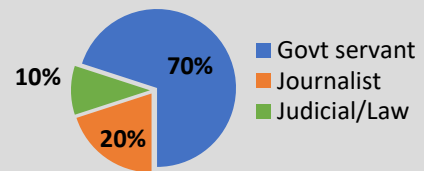
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 11,594

Pending on June 30, 2023: 17,567

Disposed*: 4,083

Estimated time for disposal**: 4 yrs & 4 months

* between July 2022 & June 2023

** for an appeal/complaint filed on 1/7/23

Penalties Imposed



Total amount of penalty imposed*: ₹ 91,73,038

Percentage of disposed cases in which penalty imposed: 12%

*between July 2022 & June 2023

Transparency



Latest annual report published: 2022

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 64%

Hearings of the Information Commission



Are hearings open for members of the public: No

Are hearings livestreamed: No

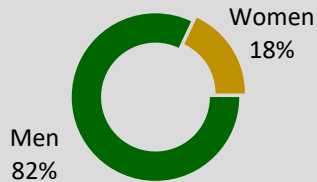
Goa

Composition of Information Commission

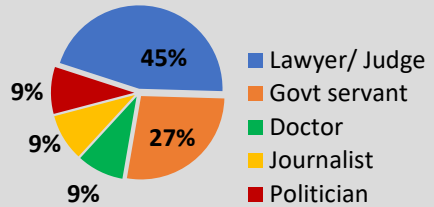
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 426

Disposed*: 408

Pending on June 30, 2023: 184

Estimated time for disposal**: 5 months

*between July 2022 & June 2023

** for an appeal/complaint filed on 1/7/23

Penalties Imposed



Total amount of penalty imposed*: ₹ 1,56,000

Percentage of disposed cases in which penalty imposed: 5%

*between July 2022 & June 2023

Transparency



Latest annual report published: 2021

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 100%

Hearings of the Information Commission



Are hearings open for members of the public: No guidelines exist

Are hearings livestreamed: No

Gujarat

Composition of Information Commission

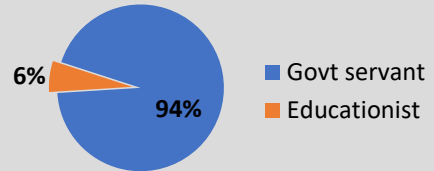
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 10,025
Disposed*: 6,676

Pending on June 30, 2023: 4,632
Estimated time for disposal**: 8 months

*between July 2022 & June 2023

** for an appeal/complaint filed on 1/7/23

Penalties Imposed



Total amount of penalty imposed*: ₹ 12,75,500

Percentage of disposed cases in which penalty imposed: 2%

*between July 2022 & June 2023

Transparency



Latest annual report published: 2021-22

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 100%

Hearings of the Information Commission



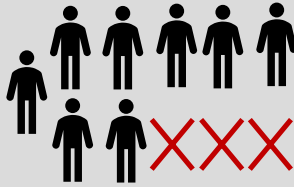
Are hearings open for members of the public: Yes

Are hearings livestreamed: No

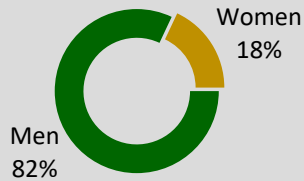
Haryana

Composition of Information Commission

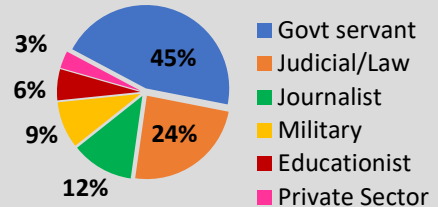
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 7,548

Disposed*: 6,526

Pending on June 30, 2023: 4,783

Estimated time for disposal**: 9 months

*between July 2022 & June 2023

** for an appeal/complaint filed on 1/7/23

Penalties Imposed



Total amount of penalty imposed*: ₹ 24,39,500

Percentage of disposed cases in which penalty imposed: 2%

*between July 2022 & June 2023

Transparency



Latest annual report published: 2020

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 100%

Hearings of the Information Commission



Are hearings open for members of the public: Yes

Are hearings livestreamed: No

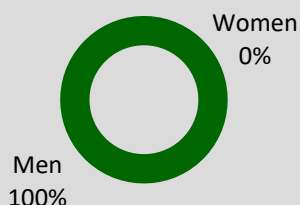
Himachal Pradesh

Composition of Information Commission

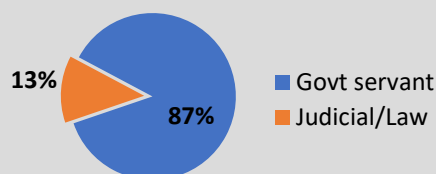
No. of commissioners



Gender*



Background*



*Since IC was constituted



Appeals and Complaints

Registered*: 837

Disposed*: 511

Pending on June 30, 2023: 503

Estimated time for disposal**: 1 year

* between July 2022 & June 2023

** for an appeal/complaint filed on 1/7/23

Penalties Imposed



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

Percentage of disposed cases in which penalty imposed: 3%

*between July 2022 & June 2023

Transparency



Latest annual report published: 2020-21

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 100%

Hearings of the Information Commission



Are hearings open for members of the public: No guidelines exist

Are hearings livestreamed: No

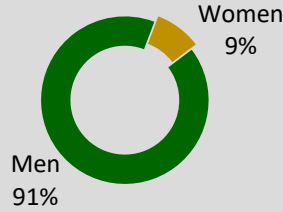
Jharkhand

Composition of Information Commission

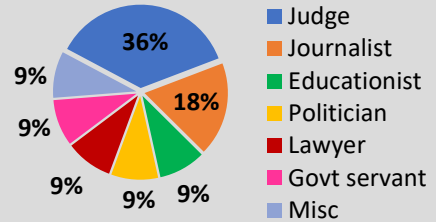
No. of commissioners



Gender*



Background*



*Since IC was constituted



Appeals and Complaints

Registered*: SIC defunct
Disposed*: SIC defunct

Pending on May 2020**: 7,768
Estimated time for disposal: SIC defunct

*Not available as SIC defunct ** Pending as of May 2020 when the SIC became defunct

Penalties Imposed



Total amount of penalty imposed*: SIC defunct

Percentage of disposed cases in which penalty imposed: SIC defunct

*between July 2022 & June 2023

Transparency



Latest annual report published: 2018

Are IC orders of 2023 available on website: SIC defunct

Success rate of RTI applications filed to IC: 100%

Hearings of the Information Commission



Are hearings open for members of the public: No guidelines exist

Are hearings livestreamed: SIC defunct

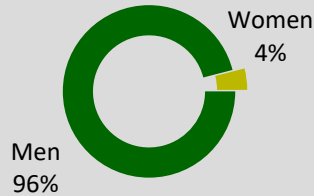
Karnataka

Composition of Information Commission

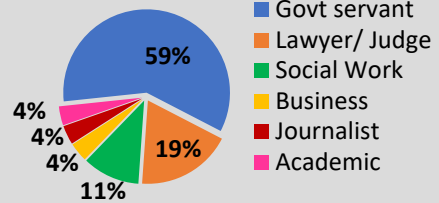
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 30,207

Pending on June 30, 2023: 41,047

Disposed*: 21,516

Estimated time for disposal**: 1 yr & 11 months

*between July 2022 & June 2023

** for an appeal/complaint filed on 1/7/23

Penalties Imposed



Total amount of penalty imposed*: ₹ 1,89,37,000

Percentage of disposed cases in which penalty imposed: 5%

*between July 2022 & June 2023

Transparency



Latest annual report published: 2016-17

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 91%

Hearings of the Information Commission



Are hearings open for members of the public: No guidelines exist

Are hearings livestreamed: Yes

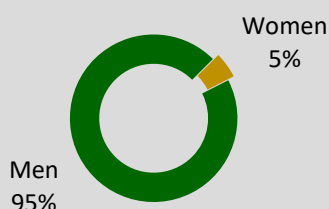
Kerala

Composition of Information Commission

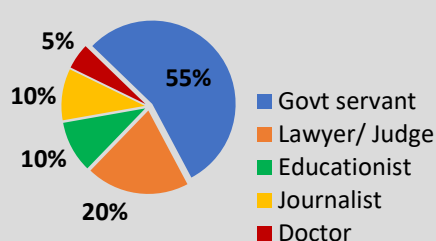
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 2,879

Disposed*: 5,180

Pending on June 30, 2023: 5,228

Estimated time for disposal**: 1 year

* between July 2022 & June 2023

** for an appeal/complaint filed on 1/7/23

Penalties Imposed



Total amount of penalty imposed*: ₹ 10,84,250

Percentage of disposed cases in which penalty imposed: 2%

*between July 2022 & June 2023

Transparency



Latest annual report published: 2021-22

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 100%

Hearings of the Information Commission



Are hearings open for members of the public: No guidelines exist

Are hearings livestreamed: No

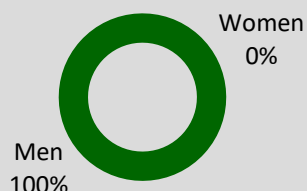
Madhya Pradesh

Composition of Information Commission

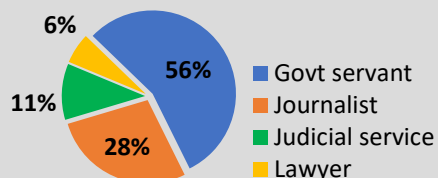
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 8,650

Disposed*: 4,704

Pending on June 30, 2023: 9,078

Estimated time for disposal**: 1 yr & 11 months

*between July 2022 & June 2023

** for an appeal/complaint filed on 1/7/23

Penalties Imposed



Total amount of penalty imposed*: ₹ 23,80,500

Percentage of disposed cases in which penalty imposed: 3%

*between July 2022 & June 2023

Transparency



Latest annual report published: 2022

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 100%

Hearings of the Information Commission



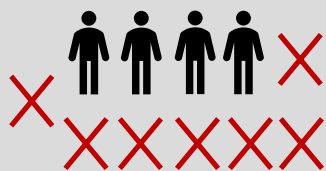
Are hearings open for members of the public: Yes

Are hearings livestreamed: No

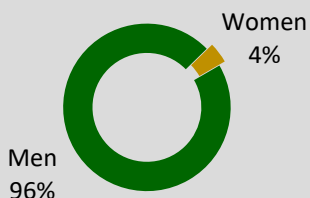
Maharashtra

Composition of Information Commission

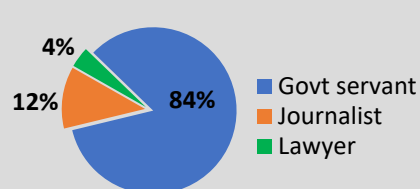
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 57,312

Disposed*: 33,570

Pending on June 30, 2023: 1,21,741

Estimated time for disposal**: 3 yrs & 7 months

*between July 2022 & June 2023

** for an appeal/complaint filed on 1/71/23

Penalties Imposed



Total amount of penalty imposed*: Info denied

Percentage of disposed cases in which penalty imposed: Info denied

*between July 2022 & June 2023

Transparency



Latest annual report published: 2020

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 77%

Hearings of the Information Commission



Are hearings open for members of the public: Yes

Are hearings livestreamed: No

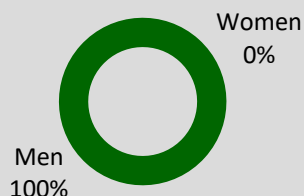
Manipur

Composition of Information Commission

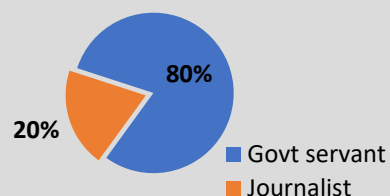
No. of commissioners



Gender*



Background*



*Since IC was constituted



Appeals and Complaints

Registered*: 228

Disposed*: 208

Pending on June 30, 2023: 75

Estimated time for disposal**: 4 months

*between July 2022 & June 2023

** for an appeal/complaint filed on 1/7/23

Penalties Imposed



Total amount of penalty imposed*: ₹ 0

Percentage of disposed cases in which penalty imposed: 0%

*between July 2022 & June 2023

Transparency



Latest annual report published: 2021-22

Are IC orders of 2023 available on website: No

Success rate of RTI applications filed to IC: 100%

Hearings of the Information Commission



Are hearings open for members of the public: Yes

Are hearings livestreamed: Yes, for hearings held through video conferencing

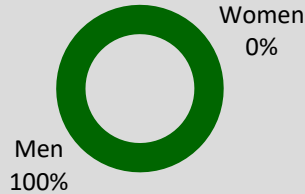
Meghalaya

Composition of Information Commission

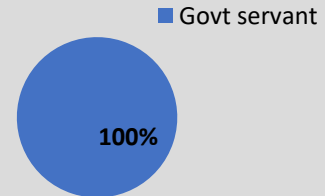
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 44

Disposed*: 18

Pending on June 30, 2023: 17

Estimated time for disposal**: 11 months

*between July 2022 & June 2023

** for an appeal/complaint filed on 1/7/23

Penalties Imposed



Total amount of penalty imposed*: ₹ 11,000

Percentage of disposed cases in which penalty imposed: 22%

*between July 2022 & June 2023

Transparency



Latest annual report published: 2020

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 100%

Hearings of the Information Commission



Are hearings open for members of the public: No

Are hearings livestreamed: No

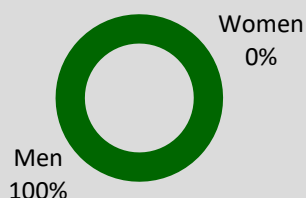
Mizoram

Composition of Information Commission

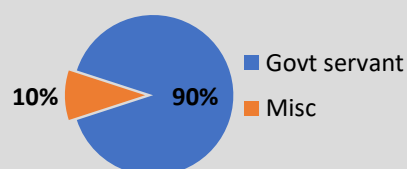
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 42

Disposed*: 24

Pending on June 30, 2023: 6

Estimated time for disposal**: 3 months

*between July 2022 & June 2023

** for an appeal/complaint filed on 1/7/23

Penalties Imposed



Total amount of penalty imposed*: ₹ 0

Percentage of disposed cases in which penalty imposed: 0%

*between July 2022 & June 2023

Transparency



Latest annual report published: 2021-22

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 100%

Hearings of the Information Commission



Are hearings open for members of the public: No guidelines exist

Are hearings livestreamed: No

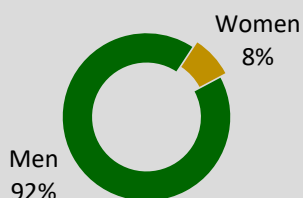
Nagaland

Composition of Information Commission

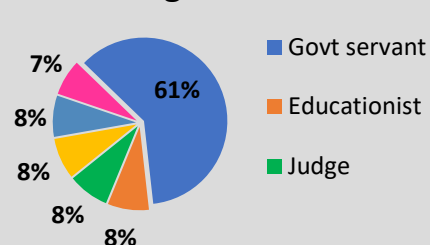
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 61

Disposed*: 50

Pending on June 30, 2023: 13

Estimated time for disposal**: 3 months

*between July 2022 & June 2023

** for an appeal/complaint filed on 1/7/23

Penalties Imposed



Total amount of penalty imposed*: ₹ 2,36,250

Percentage of disposed cases in which penalty imposed: 32%

*between July 2022 & June 2023

Transparency



Latest annual report published: 2021-22

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 100%

Hearings of the Information Commission



Are hearings open for members of the public: No

Are hearings livestreamed: No

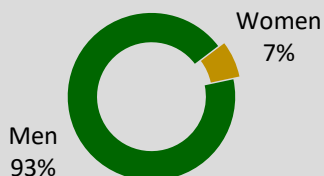
Odisha

Composition of Information Commission

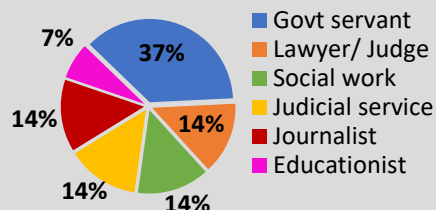
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 5,697

Disposed*: 6,379

Pending on June 30, 2023: 16,703

Estimated time for disposal**: 2 yrs & 7 months

*between July 2022 & June 2023

** for an appeal/complaint filed on 1/7/23

Penalties Imposed



Total amount of penalty imposed*: ₹ 52,01,000

Percentage of disposed cases in which penalty imposed: 7%

*between July 2022 & June 2023

Transparency



Latest annual report published: 2020-21

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 100%

Hearings of the Information Commission



Are hearings open for members of the public: Yes

Are hearings livestreamed: No

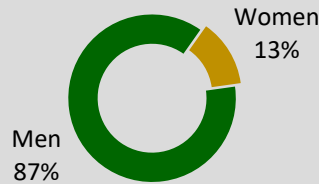
Punjab

Composition of Information Commission

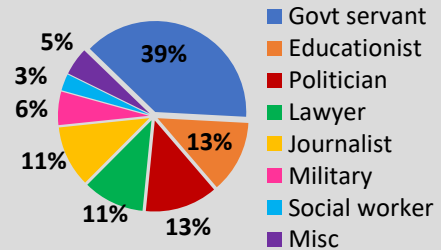
No. of commissioners



Gender*



Background*



*Since IC was constituted



Appeals and Complaints

Registered*: 8,166

Disposed*: 8,768

Pending on June 30, 2023: 4,069

Estimated time for disposal**: 6 months

*between July 2022 & June 2023

** for an appeal/complaint filed on 1/7/23

Penalties Imposed



Total amount of penalty imposed*: ₹ 16,23,500

Percentage of disposed cases in which penalty imposed: 2%

*between July 2022 & June 2023

Transparency



Latest annual report published: 2020

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 100%

Hearings of the Information Commission



Are hearings open for members of the public: No

Are hearings livestreamed: No

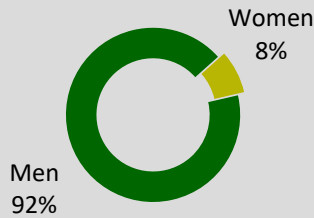
Rajasthan

Composition of Information Commission

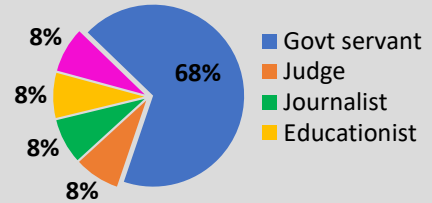
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 15,860
Disposed*: 18,040

Pending on June 30, 2023: 10,988
Estimated time for disposal**: 7 months

*between July 2022 & June 2023

** for an appeal filed on 1/7/23

Penalties Imposed



Total amount of penalty imposed*: ₹ 25,70,000

Percentage of disposed cases in which penalty imposed: 4%

*between July 2022 & June 2023

Transparency



Latest annual report published: 2021

Are IC orders of 2023 available on website: No

Success rate of RTI applications filed to IC: 100%

Hearings of the Information Commission



Are hearings open for members of the public: No guidelines exist

Are hearings livestreamed: No

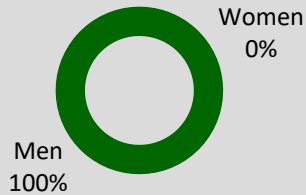
Sikkim

Composition of Information Commission

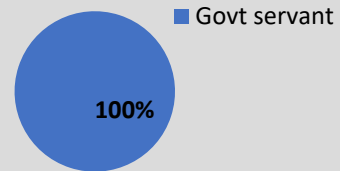
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 32

Disposed*: 30

Pending on June 30, 2023: 2

Estimated time for disposal**: no waiting

*between July 2022 & June 2023

** for an appeal/complaint filed on 1/7/23

Penalties Imposed



Total amount of penalty imposed*: ₹ 0

Percentage of disposed cases in which penalty imposed: 0%

*between July 2022 & June 2023

Transparency



Latest annual report published: 2021-22

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 100%

Hearings of the Information Commission



Are hearings open for members of the public: No

Are hearings livestreamed: No

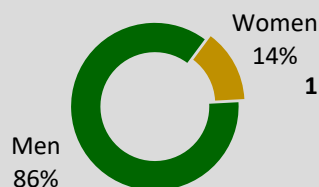
Tamil Nadu

Composition of Information Commission

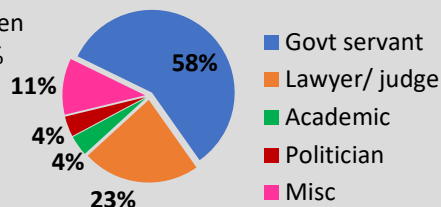
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: No reply
Disposed*: 9,281

Pending on June 30, 2023: No reply
Estimated time for disposal: No reply

*between July 2022 & June 2023

Penalties Imposed



Total amount of penalty imposed*: Info denied

Percentage of disposed cases in which penalty imposed: Info denied

*between July 2022 & June 2023

Transparency



Latest annual report published: 2019

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 0%

Hearings of the Information Commission



Are hearings open for members of the public: No reply

Are hearings livestreamed: No reply

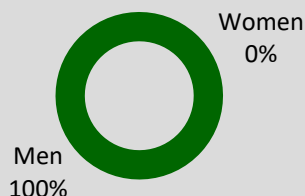
Telangana

Composition of Information Commission

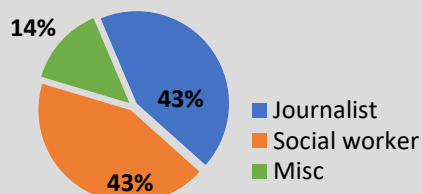
No. of commissioners



Gender*



Background*



*Since IC was constituted in 2017

Appeals and Complaints



Registered*: 7,895

Pending on June 30, 2023: 10,030

Disposed*: 6,481

Estimated time for disposal**: 1 year & 7 months

*between July 2022 & June 2023

** for an appeal/complaint filed on 1/7/23

Penalties Imposed



Total amount of penalty imposed*: ₹ 12,47,100

Percentage of disposed cases in which penalty imposed: 3%

*between July 2022 & June 2023

Transparency



Latest annual report published: Not published since SIC constituted in 2017

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 100%

Hearings of the Information Commission



Are hearings open for members of the public: Yes

Are hearings livestreamed: No

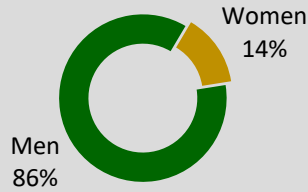
Tripura

Composition of Information Commission

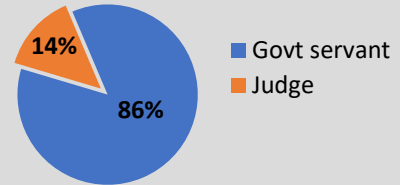
No. of commissioners



Gender*



Background*



*Since IC was constituted



Appeals and Complaints

Registered*: SIC defunct

Disposed*: SIC defunct

Pending on June 30, 2023: SIC defunct

Estimated time for disposal: SIC defunct

*between July 2022 & June 2023

Penalties Imposed



Total amount of penalty

imposed*: SIC defunct

Percentage of disposed cases in

which penalty imposed: SIC defunct

*between July 2022 & June 2023

Transparency



Latest annual report published: 2020-21

Are IC orders of 2023 available on website: SIC Defunct

Success rate of RTI applications filed to IC: 100%

Hearings of the Information Commission



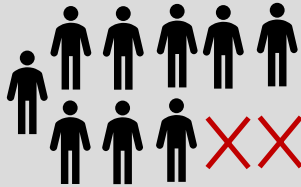
Are hearings open for members of the public: No guidelines exist

Are hearings livestreamed: SIC Defunct

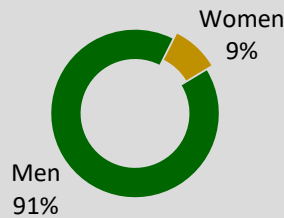
Uttar Pradesh

Composition of Information Commission

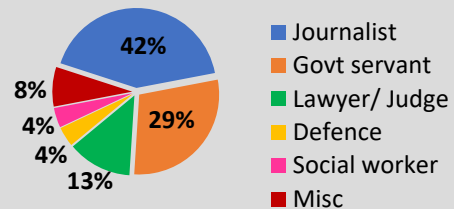
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 29,637

Disposed*: 48,607

Pending on June 30, 2023: 27,163

Estimated time for disposal**: 7 months

*between July 2022 & June 2023

** for an appeal/complaint filed on 1/7/23

Penalties Imposed



Total amount of penalty imposed*: ₹ 10,39,04,250

Percentage of disposed cases in which penalty imposed: 9%

*between July 2022 & June 2023

Transparency



Latest annual report published: 2020-21

Are IC orders of 2023 available on website: No

Success rate of RTI applications filed to IC: 91%

Hearings of the Information Commission



Are hearings open for members of the public: No guidelines exist

Are hearings livestreamed: No

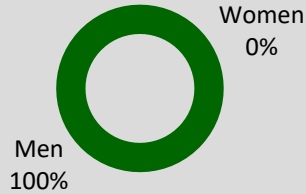
Uttarakhand

Composition of Information Commission

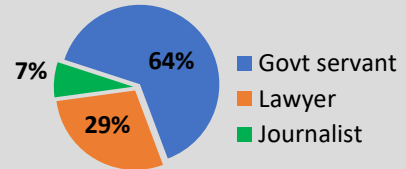
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 4,197

Pending on July 31, 2023: 1,713

Disposed*: 3,725

Estimated time for disposal**: 5 months

*between July 2022 & June 2023

** for an appeal/complaint filed on 1/7/23

Penalties Imposed



Total amount of penalty imposed*: ₹ 13,77,756

Percentage of disposed cases in which penalty imposed: 4%

*between July 2022 & June 2023

Transparency



Latest annual report published: 2022-23

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 100%

Hearings of the Information Commission



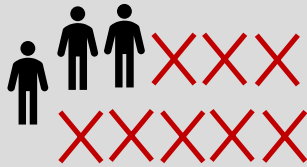
Are hearings open for members of the public: No guidelines exist

Are hearings livestreamed: No

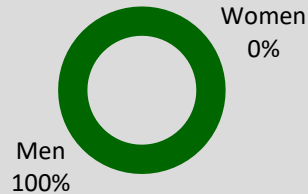
West Bengal

Composition of Information Commission

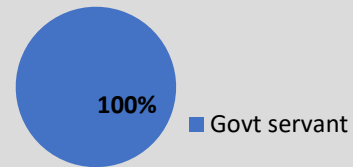
No. of commissioners



Gender*



Background*



*Since IC was constituted

Appeals and Complaints



Registered*: 1,922

Pending on June 30, 2023: 11,871

Disposed*: 493

Estimated time for disposal**: 24 yrs & 1 month

*between July 2022 & June 2023

** for an appeal/complaint filed on 1/7/23

Penalties Imposed



Total amount of penalty imposed*: ₹ 0

Percentage of disposed cases in which penalty imposed: 0%

*between July 2022 & June 2023

Transparency



Latest annual report published: 2021

Are IC orders of 2023 available on website: Yes

Success rate of RTI applications filed to IC: 100%

Hearings of the Information Commission



Are hearings open for members of the public: No guidelines exist

Are hearings livestreamed: No