

# Information Commissions and the Use of RTI Laws in India

## Rapid Study 2.0

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## Contents

### Executive Summary

- **Main findings** ... **4**
- **Recommendations** ... **15**

### Main Report

- **I Current Composition of and Vacancies in the Information Commissions** ... **21**
- **II Background of Chief Information Commissioners** ... **22**
- **III Background of Central and State Information Commissioners** ... **23**
- **IV Background of Information Commissioners appointed after September 2013** ... **24**
  - IV.1 Judicial Intervention for the appointment of Information Commissioners** ... **26**
  - IV.2 Challenges to the appointment of Information Commissioners** ... **26**
- **V Availability of local language websites of Information Commissions** ... **29**
- **VI Availability of online appeal and complaint filing facility** ... **29**
- **VII Availability of cause lists on the websites of Information Commissions** ... **30**
- **VIII Availability of the status of pending appeals and complaints on the websites of Information Commissions** ... **31**
- **IX Availability of statistics about the pendency and disposal of cases by Information Commissions** ... **32**
- **X Availability of decisions on the websites of Information Commissions** ... **34**
- **XI Availability of Annual Reports of Information Commissions** ... **36**
- **XII Highlights of the Annual Reports of the Information Commissions at the Centre and in Andhra Pradesh, Chhattisgarh, Gujarat, Karnataka, Mizoram and Odisha** ... **38**
  - a) Rise in the number of RTI applications** ... **38**

b) Quantum of penalties imposed	...	<b>40</b>
c) Quantum of compensation awarded	...	<b>40</b>
• <b>XIII</b> Availability of the budget and expenditure figures of the Information Commissions	...	<b>41</b>
• <b>XIV</b> Availability of the assets and liabilities declarations of Information Commissioners on their websites	...	<b>42</b>
<b>Abbreviations</b>	...	<b>45</b>
<b>Data Tables</b>	...	<b>46</b>
• Tables 1-13	...	<b>47</b>
<b>CHRI's role in promoting RTI in India and the Commonwealth</b>	...	<b>73</b>
<b>Annexe</b>	...	<b>74</b>

# India's Information Commissions and the Use of RTI Laws in India

## Rapid Study 2.0

### **Executive Summary**

#### *Introduction*

On 23<sup>rd</sup> June 2014, the *Right to Information Act* (RTI Act) stepped into its 10<sup>th</sup> year of implementation<sup>1</sup>. The text of this law was published in the Official Gazette on that day in 2005 and some provisions became operational. Other provisions detailing the procedures through which people can access information or file appeals and complaints against delays in and denials of access became operational a hundred and twenty days later.

In 2012 on the occasion of the seventh anniversary of Parliament's approval of the RTI Bill, we published a Rapid Study of the Status of Information Commissions – the first ever to portray a clear picture of their working using their own declared facts and figures<sup>2</sup>. Later in October 2013, we released a report of the rapid study of the use of the RTI law across the country.<sup>3</sup>

This year, we present before you, our findings about the improvement (or lack of it) in the working of Information Commissions and use of the RTI law by people across the country since the publication of our previous reports. We have included the State Information Commission of Jammu and Kashmir (J&KSIC) in this study even though it is established by a separate law passed by the J&K State Legislature.

The current study is based on the following parameters which we think are fundamental (though not exhaustive) to such an assessment exercise, following the pattern of our previous study:

- The number of vacancies in the 29 Information Commissions;

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<sup>1</sup> The text of the Central RTI Act is accessible on the RTI portal of the Government of India: <http://righttoinformation.gov.in/rti-act.pdf>, accessed on 15 June, 2014.

<sup>2</sup> Maja Daruwala (ed.), Venkatesh Nayak and Amikar Parwar (2012), *A Rapid Study of Information Commissions Established under the Right to Information Laws in India*, CHRI, New Delhi, accessible at: <http://www.humanrightsinitiative.org/publications/rti/ICs-compstudy-final-Delhi-May12-VenkatN&AmikarP.pdf>, accessed on 15 June, 2014.

<sup>3</sup> Maja Daruwala (ed.), Venkatesh Nayak, Amrita Paul and Seema Choudhary (2013), *The Use of Right to Information Laws in India: A Rapid Study*, CHRI, New Delhi, accessible at: <http://www.humanrightsinitiative.org/postoftheday/2013/CHRIrapidstudy-RTIUseinIndia-2011-2012-Oct13.pdf>, accessed on 15 June, 2014.

- the gender profile and the background of individuals appointed to the Information Commissions ( we have also looked at the selection/appointing authorities' compliance with the Hon'ble Supreme Court's directions in the matter of *Union of India vs Namit Sharma*<sup>4</sup> regarding the appointment of Information Commissioners);
- availability of local language websites of Information Commissions;
- availability of online appeal and complaints filing facility;
- availability of Annual Reports of the Information Commissions on their dedicated websites (mandatory under Section 25 of the Central RTI Act and Section 22 in the J&K RTI Act)<sup>5</sup>;
- display of decisions of Information Commissions on appeals and complaints on their dedicated websites; and
- display on the websites of cause lists of appeals and complaints scheduled for hearing at the Information Commissions.
- availability of status updates of appeals and complaints cases on the websites of Information Commissions;
- availability of statistics regarding disposal and pendency of appeals and complaints cases on the websites of Information Commissions;
- availability of information regarding the annual budget and expenditure of Information Commissions in the public domain; and
- disclosure of assets and liabilities of Information Commissioners on the respective websites.<sup>6</sup>

Our main findings are given below followed by Recommendations for increasing the use of the RTI laws and improving the working of Information Commissions:

## ***Current Composition of and Vacancies in the Information Commissions***

### **Main findings of the study: (See Table 1)**

- **In 2013 - 2014 - a total of 138 posts of Information Commissioners (including the Chief Information Commissioners) had been created across the country (including the J&KSIC). This is 20 more than the tally of 118 in 2012.** Five additional posts of Information Commissioners have been created in Andhra Pradesh, four in Haryana, two

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<sup>4</sup> AIR 2014 SC122.

<sup>5</sup> In 2012 we had an additional parameter about the availability of dedicated websites of Information Commissions. As all 29 Commissions have dedicated websites in 2014, we have dropped that parameter from the current study.

<sup>6</sup> The last four parameters are unique to this study as we had not covered them in our previous reports.

each in Gujarat, Kerala, Madhya Pradesh and Uttarakhand and one each in Maharashtra, Punjab and Uttar Pradesh.

- **At the time of writing this report, 14.6% of the posts of Information Commissioners including two posts of State Chief Information Commissioners in Nagaland and Tripura lay vacant.** In 2012, the vacancy figure stood at 30%, more than double the present figure. However, the total number of Information Commissioners serving across the country – at 118 – is the same as it was in 2012.
- **The maximum number of vacancies is in Jharkhand – 5 posts are lying vacant as on date.**
- **Uttar Pradesh State Information Commission has the full complement of 11 members as provided by the RTI Act. Punjab has 10 members and the Central Information Commission (CIC) and Andhra Pradesh State Information Commission have 9 posts each.**

## **II Background of Chief Information Commissioners**

**Main findings of the study: (See Tables 2 and 3)**

- **26 of the 29 Information Commissions are headed by male Chief Information Commissioners.<sup>7</sup> The lone instance of a woman serving currently as Chief Information Commissioner is in Goa. In 2012, none of the Information Commissions had a woman as the Chief.** The woman State Information Commissioner in Tripura continues to serve as the acting State Chief Information Commissioner (SCIC) since 2012. The CIC had a woman Chief Information Commissioner between December 2013 and May 2014.
- **The current Chief Information Commissioner at the CIC served as Director of the Intelligence Bureau – an organisation which Parliament exempted from the ordinary obligations of transparency applicable to other public authorities under the RTI Act.**
- **90% of the Information Commissions at the Central and State level continue to be headed by retired civil servants as was the case in 2012. The lone exception is that of Jharkhand which is headed by a retired High Court judge. In 2012 there were 2 Information Commissions headed by retired judges.**
- **More than 2/3rds (69%) of the Information Commissions across the country are headed by retired IAS officers. In 2012, 75% of these posts were held by retired IAS officers. If the 2 vacant SCIC posts in Nagaland and West Bengal are filled up by retired IAS officers,**

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<sup>7</sup> The Information Commissions of Nagaland and Tripura do not have formally appointed SCICs.

as has been the practice till date, the proportion of retired IAS officers at the helm of Information Commissions would rise back to 75%.

- The Information Commissions at the Centre and in Kerala are headed by former IPS Officers, that in Assam continues to be headed by a retired IFS officer, and J&KSIC continues to be headed by a retired IRS officer. The Madhya Pradesh State Information Commission is headed by a retired State Civil Services Officer.
- The field of expertise: “administration and governance” continues to remain synonymous with the term “civil services” even after nine years of implementation of the RTI Act.

### **III Background of Central and State Information Commissioners**

**Main findings of the study: (See Tables 2 and 4)**

- **Only 11.8% of the Information Commissioners (11 out of 93) serving across the country are women. This figure has declined by about 3% since 2012 when a little less than 15% of the Information Commissioners appointed were women.** Andhra Pradesh has two women Information Commissioners. The Information Commissions in Arunachal Pradesh, Gujarat, Haryana, Maharashtra, Punjab, Tripura, Tamil Nadu and Uttar Pradesh have one woman Information Commissioner each.
- **More than 50% (6 out of 11) of the women Information Commissioners are retired civil servants a majority of whom are from the IAS. Two other women Information Commissioners have a background in social work and mass media while a third is a former member of the Shiromani Akali Dal – a recognized State level Political Party.**
- **A little less than a half (49.46%) of the State Information Commissioners are retired civil servants belonging to either the All India Services or the State Civil Services. This proportion has come down from 53% in 2012. J&K State Information Commission is the only multi-member body without any retired IAS officer on it.**
- **One Central Information Commissioner served as Special Director, Intelligence Bureau during his service as an IPS Officer.**
- **21% of the Information Commissioners are either lawyers or retired judges or have taught law at a university. This proportion has reduced by a little more than 1% since 2012 although in terms of absolute numbers, this proportion has remained steady at 12.**
- **A little more than 14% of the Information Commissioners have a background in journalism and mass media. This proportion has increased from 10% in 2012.**

- **The number of Information Commissioners from the field of social service has increased from 1 to 3 since 2012. One State Information Commissioner in Maharashtra and Jammu and Kashmir, each, who were career civil servants have a background in Engineering.**
- **Three of the Information Commissioners are reported to be former members of political parties (CPI, SAD and INC).** A similar figure was reported in 2012.
- **One Information Commissioner in Arunachal Pradesh is identified only as a former President of the Arunachal Weightlifting Federation.** Given the much lighter load of second appeals and complaints filed before the SIC in Arunachal Pradesh as compared to other States, the choice of a weightlifter, disregarding the fields of knowledge and experience listed under Section 15(5) of the RTI Act is difficult to understand.
- **The State Information Commissions of Bihar, Odisha and West Bengal are filled with only retired IAS officers.**
- **6 of the 8 members of the Central Information Commission are retired civil servants.**

#### **IV Background of Information Commissioners appointed after September 2013**

In September 2012, in the matter of *Namit Sharma vs Union of India*<sup>8</sup>, the Hon'ble Supreme Court of India while disposing a Public Interest Litigation (PIL) suit, directed the Governments to ensure that retired judges of the Supreme Court and retired Chief Justices of the High Courts be appointed as Chief Information Commissioners. The Central Government and the State Government of Rajasthan sought a review of this judgement. CHRI and two other parties intervened in the matter resulting in the Hon'ble Supreme Court recalling in September 2013, its earlier judgement.<sup>9</sup> The Court issued fresh directions one of which requires Governments to make the effort to identify candidates other than retired civil servants for appointment to the Information Commissions.<sup>10</sup> The Court also directed that only such candidates be appointed who have expertise and experiences in the fields mentioned in Sections 12(5) and 15(5) of the RTI

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<sup>8</sup> (2013) 1SCC 745.

<sup>9</sup> AIR 2014 SC122.

<sup>10</sup> Ibid. See para #32: "... (iv) We further direct that persons of eminence in public life with wide knowledge and experience in all the fields mentioned in Sections 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 Sections 12(3) and 15(3) of the Act for appointment as Chief Information Commissioner or Information Commissioners."



Act.<sup>11</sup> Our findings about the background of individuals appointed as Information Commissioners since September 2013.

**Main findings of the study: (See Table 5)**

- **A majority i.e., about 46%, of the individuals appointed as Information Commissioners, (16 out of 35) post-*Namit Sharma* review are retired civil servants mostly from the All India Services, and a few from the State Civil Services.**
- **10 of the Information Commissioners appointed since September 2013 have a background in journalism.** The *Namit Sharma* review judgment appears to have increased the chances for journalists more than experts in other fields mentioned in the RTI Act.
- **While in Arunachal Pradesh one individual with a background in sports was appointed Information Commissioner, a retired College Principal with only a graduate degree in Commerce was appointed State Information Commissioner in Gujarat. Both appointments are in clear violation of the provisions of the RTI Act as interpreted by the Hon'ble Supreme Court in *Union of India vs Namit Sharma*.<sup>12</sup> Neither individual fits the criteria specified in Section 15(5) of the Central RTI Act. In Arunachal Pradesh the Chief Minister of the Indian National Congress-led Government chaired the selection committee. In Gujarat the recommendation for appointment was same made by the selection committee chaired by the then Chief Minister of the BJP-led Government.**

**IV.1 and IV.2) Judicial Interventions in the Appointment of Information Commissioners**

In Madhya Pradesh, Information Commissioners were appointed upon the directions of the Madhya Pradesh High Court thanks to a Writ Application filed by an RTI Activist. While one Division Bench of the Andhra Pradesh set aside the appointment of four State Information Commissioners in that State, another Division Bench upheld the appointment of another four Commissioners. Both matters were raised through Public Interest Litigation suits by concerned citizens and activists. The Supreme Court has since stayed the order setting aside the appointments of the Information Commissioners.

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<sup>11</sup> Ibid., “32. ... (iii) We direct that only persons of eminence in public life with wide knowledge and experience in the fields mentioned in Sections 12(5) and 15(5) of the Act be considered for appointment as Information Commissioner and Chief Information Commissioner.” [emphasis supplied]

<sup>12</sup> Ibid.

## ***V Availability of Local Language Websites of Information Commissions***

**Main findings of the study:** (See Table 6)

- **More than 3/4ths of the Information Commissions do not have a website in the local language. The CIC and the State Information Commissions of Chhattisgarh, Gujarat, Maharashtra and Uttar Pradesh have local language websites.**
- **The website of the Madhya Pradesh State Information Commission is in Hindi but displays very little information on it. The links to the local language websites of the State Information Commissions of Andhra Pradesh and Rajasthan do not open up on any browser.**

## ***VI Availability of Online Appeal and Complaints Filing Facility***

**Main findings of the study:** (See Table 6)

- **Only 17% of the Information Commissions provide online facilities for submitting appeals or complaints or both. While the CIC and the State Information Commissions of Gujarat and Tripura accept online filing of both, appeals and complaints, their counterpart in Bihar provides this facility for filing second appeals only.**

## ***VII Availability of Cause Lists on the Websites of Information Commissions***

**Main findings of the study:** (See Table 7)

- **About 58% of the Information Commissions have displayed cause lists on their websites.** In 2012 more than a half of the Information Commissions did not have this facility. Gujarat, Himachal Pradesh, Maharashtra, Nagaland, Rajasthan and Tripura have started this facility on their websites.
- **Assam, Bihar, Goa, Madhya Pradesh, Manipur, Meghalaya, Mizoram and Sikkim continue to resist the idea of displaying cause lists on their websites. In Karnataka and Uttarakhand, an appellant/complainant may access the cause list only by keying in particulars of his/her case.** Although the Tripura Information Commission has this facility on its website it does not display any data.
- **While the Information Commissions of Chhattisgarh, Tamil Nadu and Uttar Pradesh display cause lists in the local language other States display the cause list in English only.**

## VIII Availability of the Status of Pending Appeals and Complaints on the Websites of Information Commissions

Main findings of the study: (See Table 8)

- Less than half (48%) of the Information Commissions display the current status of pending appeals and complaints cases. The Central Information Commission was one of the earliest of such bodies to provide this facility. It is possible to search the status of one's case by keying in one's name and/or case number on the websites of the Information Commissions of Andhra Pradesh, Assam, Bihar, Himachal Pradesh, Jharkhand, Karnataka, Maharashtra, Odisha, Rajasthan and Tamil Nadu only.
- The case status facility on the website of the Chhattisgarh State Information Commission is available in the local language - Hindi. Bihar State Information Commission has a facility which Respondent Public Authorities can also use to find out the case status.
- The most cumbersome of case status search facilities is that of the Uttarakhand Information Commission where the list of cases is not arranged in reverse chronological order. So a party to a case has to navigate through scores of pages before reaching the case status pages for the year 2014.

## IX Availability of Statistics about the Pendency and the Disposal of Cases by Information Commissions

Main findings of the study: (See Table 9)

- The Central Information Commission and the State Information Commissions of Maharashtra and Uttarakhand are the only Commissions that have displayed figures regarding disposal of appeals and complaints cases on their websites up to May 2014. 58% of the Information Commissions, namely, those of Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Goa, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Manipur, Mizoram, Nagaland, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal do not display information about disposal of cases and pendency of appeals and complaints.
- More than **66,000 appeals and complaints** cases were pending in just six Information Commissions across the country. **Maharashtra topped the list** of Information Commissions with high levels of pendency. **The Central Information Commission comes second with a total of 21,946 appeals and complaints** up to May 2014. By analysing the data published on the website of the **Kerala State Information Commission**, we found that **7,745 cases** were pending as of March 2014. Similarly from the data available on the website of the **Punjab State Information Commission**, we deduced that **1,348 appeals and complaints cases** were pending in April 2014. The **Uttarakhand State Information**

**Commission** had a total of **1,096 cases** pending in May 2014. The **J&K State Information Commission** had a total of **140 cases** pending in February 2014.

- The staff of the Information Commissions of **Sikkim and Tripura** confirmed that they did not have any pending cases when we contacted them.
- We tried our best to collect similar statistics by calling up other state Information Commissions. The staff in the State **Information Commissions of Andhra Pradesh, Arunachal Pradesh, Manipur, Nagaland, Uttar Pradesh and West Bengal** did not pick up the phone despite several attempts to contact them over several days at different points of time each day. The staff of the **Jharkhand State Information Commission** expressed their inability to provide the information as the concerned employee was on maternity leave.
- In the Information Commissions of **Goa, Meghalaya and Mizoram** the staff advised us to send formal written requests for information about the disposal and pendency of cases. Despite sending such requests they did not supply the information requested. The staff of the **Goa State Information Commission** first suggested that we fax our request and then advised us to send another by surface mail as they had misplaced our fax. We have not received any information till date from Goa.
- The staff of the Information Commission in **Haryana** provided the pendency data within 24 hours upon receiving a formal request.

### ***X Availability of Decisions of Information Commissions on their Websites***

**Main findings of the study:** (See Table 10)

- **65% of the Information Commissions (19 of 29) have uploaded on their websites their decisions on appeals and complaints cases disposed in 2014.** In 2012 only 45% of the Information Commissions (13 of 29) provided such a facility.
- **The State Information Commissions of Arunachal Pradesh, Goa, Jharkhand, Madhya Pradesh, Manipur and Uttar Pradesh have not uploaded any of their decisions for the last 2-4 years.**
- **The decisions database of the Sikkim State Information Commission is not accessible as the web link is not operational. Uttar Pradesh State Information Commission has not uploaded any of its decisions since 2012.**
- **The website of the Central Information Commission (<http://cic.gov.in>) alone is search enabled through Google™.** Any person may type in a keyword under this link and access a list of all documents available on that website containing that keyword, including its

decisions. The 'Search' function on the website of the West Bengal State Information Commission remains inactive since we first reported it in 2012.

## ***XI Availability of Annual Reports of Information Commissions***

**Main findings of the study:** (See Table 11)

- **None of the Information Commissions have published their Annual Reports for the year 2013-14.**
- **Only the CIC and the State Information Commissions of Gujarat, Karnataka and Mizoram have published their Annual Reports for all the years up to 2012-13. The States of Andhra Pradesh, Chhattisgarh and Odisha have displayed their Annual Reports for the years 2011-12.**
- **The Annual Reports of the State Information Commissions of Arunachal Pradesh, Madhya Pradesh, Manipur, Sikkim, Tamil Nadu and Uttar Pradesh are not available for any of the nine years since 2005.**
- **The Haryana State Information Commission has not published any Annual Report on its website since 2006.**

## ***XII Highlights of the Annual Reports of the Information Commissions at the Centre and in Andhra Pradesh, Chhattisgarh, Gujarat, Karnataka, Mizoram and Odisha***

### **a) Rise in the number of RTI applications:**

- **At 46%, Gujarat witnessed the sharpest rise in the number of RTI applications received amongst the six States during 2012-13.** While public authorities received 54,570 requests in 2012 this figure shot up to 1,01,521 in 2012-13.
- **A similar increase of over 46% was recorded in Odisha during the year 2011-12.** While in 2010-11, 35,649 RTI applications were submitted across the State, in 2011-12 this figure rose to 52,305.<sup>13</sup>
- **Karnataka witnessed the second highest rise in the number of requests received at 29% during the year 2012-13.** From 3,27,295 information requests in 2011-12, the number rose to 4,62,287 in 2012-13.

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<sup>13</sup> We had not included any data from Odisha in our studies of 2012 and 2013 due to the non-availability of their Annual Reports on their websites.

- **At 26%, Chhattisgarh witnessed the third highest increase in the number of RTI applications received in 2012.** The figure reached 66,469 from 48,785 in 2011.
- **In Mizoram the number of RTI applications increased by 20% in 2012-13.** The State received 1,316 requests this year as compared to 1,045 in 2011-12.
- **Public Authorities under the Central Government received 8,11,350 RTI applications during the period 2012-13.** This is a 19% increase from the figure of the previous reporting period – **6,55,572** reported in 2011-12. It is difficult to treat this as a real rise in the number of requests because the proportion of public authorities reporting RTI data to the CIC has improved from 68% to 79% this year. So the percentage rise in the number of requests might be much smaller indicating a plateauing of the trend of submission of RTI applications.
- **In Andhra Pradesh 1,45,583 information requests were received during the year 2012.** This is an increase of only **16%** from the figure - 1,22,133 recorded in 2011.

**b) Quantum of penalties imposed:**

- **While the use of the RTI Act increased in Karnataka, the amount of penalties imposed has grown astronomically. The Karnataka State Information Commission imposed a whopping Rs. 91.20 lakhs as penalty on the Public Information Officers during 2012-13.** This figure has nearly trebled since 2011-12 (Rs. 36.56 lakhs).
- **More than 50% of the penalty amount in Karnataka** has been imposed on the officers of the **Urban Development Department (Rs. 29.87 lakhs)** and the **Rural Development Department (Rs. 22.31 lakhs)** followed by the **Revenue Department (Rs. 13.70 lakhs)**.
- The **State Information Commission of Odisha** imposed penalties totaling **Rs. 30.07 lakhs in 203 cases** in 2011-12, while its counterpart in **Andhra Pradesh** imposed penalties totaling **Rs. 18.01 lakhs in 259 cases** in 2012. The **Chhattisgarh State Information Commission** imposed penalties totaling **Rs. 14.10 lakhs** in 2012. The **Gujarat State Information Commission** imposed only **Rs. 3.06 lakhs** as penalty in **20 cases** in 2012. The **Mizoram State Information Commission did not impose any penalty** in 2012-13.
- **The CIC** has reported imposing penalties totaling **Rs. 13.29 lakhs** in 2012-13 although the Central Government received the highest number of RTI applications amongst all other governments. The penalty amount has reduced by 65% compared to **2011-12 when the CIC had imposed penalties worth Rs. 38.82 lakhs.**

**c) Quantum of compensation awarded:**

- The **Karnataka State Information Commission** awarded compensation totaling **Rs. 4.52 lakhs** in 2012-13. Its counterpart in **Chhattisgarh** awarded **Rs. 1.59 lakhs** as

compensation in 2012. The **Gujarat State Information Commission** awarded compensation totaling **Rs. 21,000** in 2012-13. The **Mizoram State Information Commission did not award any compensation in 2012-13**. There is **no data** about the award of compensation in the Annual Reports of the State Information Commissions of **Andhra Pradesh and Odisha** in 2011-12. **There is no mention of any compensation awarded in the Annual Report of the CIC.**

### ***XIII Availability of the Budget and Expenditure figures of the Information Commissions***

**Main findings of the study:** (See Table 12)

- **Only 48% of the Information Commissions (14 of 29) have displayed both budget and expenditure figures either on their websites or in their Annual Reports. The Information Commissions of Assam, Maharashtra, Manipur, Odisha, Uttarakhand and West Bengal have displayed this information on their respective websites as part of their proactive disclosure obligations under the Central RTI Act. Some of them have also published this information in their Annual Reports.**
- **The State Information Commissions of Arunachal Pradesh, Haryana, Jharkhand, Madhya Pradesh, Nagaland, Punjab, Sikkim, Tripura and Uttarakhand have not displayed their budgets and expenditure ever or in the last few years.**
- **None of the Information Commissions have displayed the budget for the year 2014 on their websites.**

### ***XIV Availability of the Assets and Liabilities Declarations of Information Commissioners on their Websites***

**Main findings of the study:** (See Table 13)

- **All Information Commissioners of the Central Information Commission and the Haryana State Information Commission have displayed their assets declarations on their respective official websites. No other Information Commission across the country has taken such a proactive step.**
- **In Kerala only four Information Commissioners including the State Chief Information Commissioner (out of six) have displayed their assets declarations on their website. The website of the Karnataka State Information Commission displays the assets declaration of only the State Chief Information Commissioner.**

- The State Information Commission of Bihar is the only instance where the assets and liabilities statements of the staff are displayed on the website. This is in compliance of the progressive and proactive step of the State Government to make such information public from the highest to the lowest level. However none of the Information Commissioners in Bihar have thought it fit to follow this example.

## **Recommendations**

- 1) While in some Information Commissions pendency levels have not come down appreciably despite the existence of 7-8 Information Commissioners, some States have appointed more Commissioners than may probably be necessary to tackle the pendency levels. In 2012, we had recommended that Governments and advocates of transparency must make a rational assessment of pendency and disposal rates in Information Commissions for scientifically determining the number of Information Commissioners required. This exercise does not seem to have been undertaken in most Information Commissions. We once again urge Governments to pay serious attention to the RTI users and advocates who are pressing for making conducting such an assessment for determining the ideal number of Information Commissioners required to decide appeals and complaints within short periods of time. Information Commissions, governments and RTI advocates must work together to develop norms for case disposal in order to ensure speedy resolution of information access disputes.**
- 2) Serious efforts must be made to identify suitable candidates who meet the qualifications criteria for appointments as Information Commissioners from the diverse fields of knowledge mentioned in the twin RTI laws. No particular field of knowledge or experience must be unduly favoured over others while making such appointments. Further, a person who does not fulfill the criteria for an Information Commissioner as provided in the two RTI laws must not be considered for shortlisting at all.**
- 3) Where serving or retired civil servants are considered for shortlisting, Governments must look for their demonstrable track record of promoting transparency and the implementation of the RTI Act in the offices where they have worked. Officers who have served in organisations notified under Section 24 of the RTI Act must not be considered for appointment unless they have a demonstrable record of promoting greater transparency and accountability in such organisations.**
- 4) In order to facilitate greater ease of access to people the Information Commissions must immediately set up a local language version of their websites.**
- 5) All Information Commissions must provide online facilities for aggrieved applicants to submit second appeals and complaints online.**



- 6) *All Information Commissions that have not done so already must upload cause lists on their websites in the interests of improving transparency and predictability in their working. Publishing cause lists in the official language of the State will make this facility more people-friendly.*
- 7) *Causelists of past cases may be archived for the purpose of researchers who may like to analyse the performance of Information Commissions.*
- 8) *All Information Commissions must install case status search facilities on their websites in the local language for the use of all parties to a case. This facility must display the latest report of the action taken on an appeal or complaint pending before the Commission. Such real time display of case status will help allay fears in the minds of appellants and complainants that the Commissions sit on their cases endlessly even to the extent of losing the case papers on occasion. MIS unit of the Information Commissions must be staffed with competent data entry operators and supervisors.*
- 9) *All Information Commissions must make the effort to upload statistics about the receipt and disposal of appeals and complaints cases indicating the pendency levels, month-wise on their websites. Management Information Systems (MIS) are available for this purpose as indicated by the regular updating of such information on the websites of the CIC and the Information Commissions of Maharashtra and Uttarakhand. Such disclosure will go a long way in building people's confidence in the intention of the Information Commissions to quickly dispose people's grievances related to access to information.*
- 10) *All the remaining Information Commissions must upload all decisions and orders on their websites. Decisions in matters decided by past State Information Commissioners may be archived.*
- 11) *All databases of decisions and orders issued in English must be linked to a robust search engine for assisting any person to search through them using key words. Such a measure would be of great assistance to appellants, respondents and researchers.*
- 12) *Where decisions are issued in languages other than English, it is useful to provide a summary of the decision in English containing details such as: information sought, grounds for second appeal/complaint and the decision/order passed by the Information Commission. The database would then become a resource not only for other Information Commissions but also for researchers who would like to study the trends and performance of the Information Commissions.*
- 13) *Publishing Annual Reports in a timely manner at least within six months of the ending of the reporting year must become a priority with all Information Commissions.*
- 14) *Information Commissions will be able to compile their Annual Reports in a timely manner only if they receive statistical data from all public authorities under their jurisdiction.*

**According to Section 25(2) of the Central RTI Act and Section 22(2) of the J&K RTI Act the duty of ensuring reporting of RTI returns from all public authorities lies squarely on the concerned Ministries. Unless they apply pressure on public authorities under their jurisdiction they will not fall in line to submit RTI returns in a timely manner. They must insist filing of RTI returns at least every quarter. The nodal department charged with ensuring the implementation of the RTI law under each appropriate Government, must send frequent reminders to the other Ministries and Department to do their mandated job.**

- 15) Even if the RTI returns are not forthcoming from the ministries/departments, Information Commissions have the statutory duty to publish a report of their own activities at least and submit it to the respective Legislatures in order to account for spending the taxpayers' money. This would provide them the opportunity to publicly name and shame the defaulting public authorities and compel compliance with the reporting requirement under the respective RTI laws.**
- 16) At the very minimum, all Annual Reports must be drafted in the official languages used by the appropriate Governments.**
- 17) Instead of leaving the responsibility of conducting awareness raising programmes on RTI with the departments that spearhead implementation efforts in all public authorities, both Central and State Governments must mainstream RTI training into all awareness and capacity building programmes. The oft voiced concern of civil servants that RTI awareness has not reached the 'real citizens who need transparency' can be addressed by synergizing in this manner. These efforts must include civil society and media organizations already engaged in promoting awareness about RTI and Information Commissions across the country.**
- 18) Information Commissions must scrupulously follow the provisions and procedures laid down in the RTI laws while conducting penalty proceedings in order to ensure that penalty is imposed on legally valid grounds.**
- 19) In order to dispel doubts in the minds of appellants and complainants as to why penalties were not imposed on errant public information officers, every Information Commission must, as a rule, record their reasons as to why penalty was not imposed on a public information officer despite issuing a show cause notice.**
- 20) Information Commissions must publish in their Annual Reports details of cases where penalties were imposed.**
- 21) All Information Commissions must regularly monitor compliance with their orders imposing penalties, awarding compensation or recommending disciplinary action even if those orders are stayed by High Courts. The relevant RTI rules may be amended in order**

*to ensure such monitoring as has been done in the latest RTI Rules notified by the Government of Uttarakhand.*

- 22)** *Information Commissions cannot and must not shy away from their own obligation of disclosing their budget and expenditure figures. As the budget is always approved along with the budget of the appropriate Government every year, there is no reason why this information cannot be uploaded on the websites of Information Commissions soon after receipt of confirmation from the Finance Department. The Chief Information Commissioners being responsible for the day-to-day functioning of the Commissions must ensure that all information about budgets and expenditure are upload on their website without fail.*
- 23)** *Information Commissioners must proactively disclose their assets and liabilities statements on their respective websites in order to improve public confidence in their personal integrity as well as the integrity of the Information Commission. This must become an annual exercise without waiting for the State Governments to enact Lokayukta laws along the lines of the Lokpal and Lokayuktas Act, 2013.*

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# India's Information Commissions and the Use of RTI Laws in India

## Rapid Study 2.0

### **Main Report**

#### *Introduction*

On 23<sup>rd</sup> June 2014, the *Right to Information Act* (RTI Act) stepped into its 10<sup>th</sup> year of implementation<sup>14</sup>. The text of this law was published in the Official Gazette on that day in 2005 and some provisions became operational. Provisions requiring the appointment of Public Information Officers (PIOs), Assistant Public Information Officers (APIOs), First Appellate Authorities (FAAs), the establishment, the constitution of Information Commissions at the Centre in the States, the obligation of all public authorities to publicise a whole range of information and the obligation to provide for detailed rules for implementing this law became operational on that date. Other provisions detailing the procedures through which people can access information or file appeals and complaints against delays in and denials of access became operational a hundred and twenty days later.

In 2012 on the occasion of the seventh anniversary of Parliament's approval of the RTI Bill, we published a Rapid Study of the Status of Information Commissions – the first ever to portray a clear picture of their working using their own declared facts and figures<sup>15</sup>. We had also listed several recommendations for improving their performance. Later in October 2013, we released a report of the rapid study of the use of the RTI law across the country.<sup>16</sup>

This year, we present before you, our findings about the improvement (or lack of it) in the working of Information Commissions and use of the RTI law by people across the country since the publication of our previous reports. We have included the State Information Commission of

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<sup>14</sup> The text of the Central RTI Act is accessible on the RTI portal of the Government of India: <http://righttoinformation.gov.in/rti-act.pdf>, accessed on 15 June, 2014.

<sup>15</sup> Maja Daruwala (ed.), Venkatesh Nayak and Amikar Parwar (2012), *A Rapid Study of Information Commissions Established under the Right to Information Laws in India*, CHRI, New Delhi, accessible at: <http://www.humanrightsinitiative.org/publications/rti/ICs-compstudy-final-Delhi-May12-VenkatN&AmikarP.pdf>, accessed on 15 June, 2014.

<sup>16</sup> Maja Daruwala (ed.), Venkatesh Nayak, Amrita Paul and Seema Choudhary (2013), *The Use of Right to Information Laws in India: A Rapid Study*, CHRI, New Delhi, accessible at: <http://www.humanrightsinitiative.org/postoftheday/2013/CHRIrapidstudy-RTIUseinIndia-2011-2012-Oct13.pdf>, accessed on 15 June, 2014.

Jammu and Kashmir (J&KSIC) in this study even though it is established by a separate law passed by the J&K State Legislature.<sup>17</sup>

The current study is based on the following parameters which we think are fundamental (though not exhaustive) to such an assessment exercise, following the pattern of our previous study:

- The number of vacancies in the 29 Information Commissions;
- the gender profile and the background of individuals appointed to the Information Commissions ( we have also looked at the selection/appointing authorities' compliance with the Hon'ble Supreme Court's directions in the matter of *Union of India vs Namit Sharma*<sup>18</sup> regarding the appointment of Information Commissioners);
- availability of Annual Reports of the Information Commissions on their dedicated websites (mandatory under Section 25 of the Central RTI Act and Section 22 in the J&K RTI Act)<sup>19</sup>;
- display of decisions of Information Commissions on appeals and complaints on their dedicated websites; and
- display on the websites of cause lists of appeals and complaints scheduled for hearing at the Information Commissions.

This year, we have added new parameters for assessment inspired by the demand for assessment of Information Commissions along the following lines from RTI users and advocates across the country:

- availability of websites of Information Commissions in the local language of the State;
- availability of online 2<sup>nd</sup> appeal and complaint filing facility on the websites of Information Commissions;
- availability of status updates of appeals and complaints cases on the websites of Information Commissions;

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<sup>17</sup> Though the J&K RTI Act is similar to the Central RTI Act in many respects, it differs in some ways. A major improvement over the Central RTI Act is the laying down of a 120-day deadline for the State Information Commission to decide second appeals. The Central RTI Act does not prescribe such a time limit for the Information Commissions elsewhere in the country. Another improvement is the requirement on the first appellate authority to make a reference to the State Information Commission, of any instance of violation of the J&K RTI Act by a public information officer (PIO). This enables the Commission to initiate penalty proceedings against the errant PIO even if the RTI applicant has not filed a second appeal or complaint before the Commission. The text of the law is accessible at the website of the J&K General Administration Department: <http://jkgad.nic.in/roi/JK-RTI-Act-2009.PDF> accessed on 15 June 2014.

<sup>18</sup> AIR 2014 SC122.

<sup>19</sup> In 2012 we had an additional parameter about the availability of dedicated websites of Information Commissions. As all 29 Commissions have dedicated websites in 2014, we have dropped that parameter from the current study.

- availability of statistics regarding disposal and pendency of appeals and complaints cases on the websites of Information Commissions;
- availability of information regarding the annual budget and expenditure of Information Commissions in the public domain; and
- disclosure of assets and liabilities of Information Commissioners on the respective websites.

Academics and experts may come up with more parameters for assessing the working of the Information Commissions. This study is focused only on some parameters – both previous and new- which permit a rapid study. The main findings of the study are given below along with specific recommendations for improving their composition and transparency in their working.

### ***Current Composition of and Vacancies in the Information Commissions***

Sections 12(2) and 15(2) of the Central RTI Act permit the establishment of Information Commissions comprising of one Chief Information Commissioner and a maximum of ten Information Commissioners at the Central and State level, respectively. The J&K RTI Act however permits the establishment of a three-member J&K State Information Commission (J&KSIC).<sup>20</sup> A total of 50 posts were created in 27 Information Commissions established during the years 2005-06. We have given below our findings about the expansion of Information Commissions over the last nine years.

#### **Main findings of the study: (See Table 1)**

- **In 2013 - 2014 - a total of 138 posts of Information Commissioners (including the Chief Information Commissioners) had been created across the country (including the J&KSIC). This is 20 more than the tally of 118 in 2012. Five additional posts of Information Commissioners have been created in Andhra Pradesh, four in Haryana, two each in Gujarat, Kerala, Madhya Pradesh and Uttarakhand and one each in Maharashtra, Punjab and Uttar Pradesh.**
- **At the time of writing this report, 14.6% of the posts of Information Commissioners including two posts of State Chief Information Commissioners in Nagaland and Tripura lay vacant.** In 2012, the vacancy figure stood at 30%, more than double the present figure. However, the total number of Information Commissioners serving across the country – at 118 – is the same as it was in 2012.
- **The maximum number of vacancies is in Jharkhand – 5 posts are lying vacant as on date.**

<sup>20</sup> Section 12(1), J&K RTI Act, 2009.

- **Uttar Pradesh State Information Commission has the full complement of 11 members as provided by the RTI Act.** Punjab has 10 members and the Central Information Commission (CIC) and Andhra Pradesh State Information Commission have 9 posts each.

## **II Background of Chief Information Commissioners**

Sections 12(5) and 15(5) of the Central RTI Act contain a list of fields of experience and expertise from which candidates – men and women – may be chosen for filling up the posts of the Chief Information Commissioners and Information Commissioners at the Central and State level, respectively. Section 12(5) of the J&K RTI Act also contains a similar list for the guidance of the J&K State Government. The fields of expertise mentioned in both laws are- law, science and technology, social service, management, journalism, mass media and administration and governance. The main findings of the current study about the background of Chief Information Commissioners are given below in comparison with our findings in 2012:

### **Main findings of the study: (See Tables 2 and 3)**

- **26 of the 29 Information Commissions are headed by male Chief Information Commissioners.<sup>21</sup> The lone instance of a woman serving currently as Chief Information Commissioner is in Goa. In 2012, none of the Information Commissions had a woman as the Chief. The woman State Information Commissioner in Tripura continues to serve as the acting State Chief Information Commissioner (SCIC) since 2012. The CIC had a woman Chief Information Commissioner between December 2013 and May 2014. The current Chief Information Commissioner at the CIC served as Director of the Intelligence Bureau – an organisation which Parliament exempted from the ordinary obligations of transparency applicable to other public authorities under the RTI Act.**
- **90% of the Information Commissions at the Central and State level continue to be headed by retired civil servants as was the case in 2012. The lone exception is that of Jharkhand which is headed by a retired High Court judge. In 2012 there were 2 Information Commissions headed by retired judges.**
- **More than 2/3rds (69%) of the Information Commissions across the country are headed by retired IAS officers. In 2012, 75% of these posts were held by retired IAS officers. If the 2 vacant SCIC posts in Nagaland and West Bengal are filled up by retired IAS officers, as has been the practice till date, the proportion of retired IAS officers at the helm of Information Commissions would rise back to 75%.**

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<sup>21</sup> The Information Commissions of Nagaland and Tripura do not have formally appointed SCICs.

- **The Information Commissions at the Centre and in Kerala are headed by former IPS Officers, that in Assam continues to be headed by a retired IFS officer, and J&KSIC continues to be headed by a retired IRS officer. The Madhya Pradesh State Information Commission is headed by a retired State Civil Services Officer.**
- **The field of expertise: “administration and governance” continues to remain synonymous with the term “civil services” even after nine years of implementation of the RTI Act.** This limitation introduced by practice was unintended by the RTI laws. It excludes academics and researchers who have expertise in administration and governance from being considered for appointment. Governments appear reluctant to entrust the affairs of the Information Commissions to persons other than retired civil servants. Perhaps this may be an explanation for the high degree of conservatism that is widely perceived by the RTI fraternity as creeping into the working of Information Commissions.

### **III Background of Central and State Information Commissioners**

It must be pointed out that the two RTI laws in India do not specify any different set of qualifications for the Information Commissioners. They are the same as those for Chief Information Commissioners. Additionally, these laws prescribe criteria for disqualification of a candidate. Candidates who are members of any political party or those who are pursuing any business or profession may not be appointed to the Information Commissions.<sup>22</sup> The main findings of the background of other members of the Information Commissioners are given below in comparison with our findings in 2012.

#### **Main findings of the study: (See Tables 2 and 4)**

- **Only 11.8% of the Information Commissioners (11 out of 93) serving across the country are women. This figure has declined by about 3% since 2012 when a little less than 15% of the Information Commissioners appointed were women.** Andhra Pradesh has two women Information Commissioners. The Information Commissions in Arunachal Pradesh, Gujarat, Haryana, Maharashtra, Punjab, Tripura, Tamil Nadu and Uttar Pradesh have one woman Information Commissioner each.
- **More than 50% (6 out of 11) of the women Information Commissioners are retired civil servants a majority of whom are from the IAS. Two other women Information Commissioners have a background in social work and mass media while a third is a former member of the Shiromani Akali Dal – a recognized State level Political Party.**

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<sup>22</sup> Sections 12(6) in the Central RTI Act and the J&K RTI Act respectively.



- **A little less than a half (49.46%) of the State Information Commissioners are retired civil servants belonging to either the All India Services or the State Civil Services. This proportion has come down from 53% in 2012. One Central Information Commissioner served as Special Director, Intelligence Bureau during his service as an IPS Officer. The Intelligence Bureau is an organisation which Parliament exempted from the ordinary obligations of transparency applicable to other public authorities under the RTI Act.**
- **21% of the Information Commissioners are either lawyers or retired judges or have taught law at a university.** This proportion has reduced by a little more than 1% since 2012 although in terms of absolute numbers, this proportion has remained steady at 12.
- **A little more than 14% of the Information Commissioners have a background in journalism and mass media. This proportion has increased from 10% in 2012.** There are 13 State Information Commissioners with a background in journalism.
- **The number of Information Commissioners from the field of social service has increased from 1 to 3 since 2012. One State Information Commissioner in Maharashtra and Jammu and Kashmir, each, who were career civil servants have a background in Engineering.**
- **Three of the Information Commissioners are reported to be former members of political parties (CPI, SAD and INC).** A similar figure was reported in 2012.
- **One Information Commissioner in Arunachal Pradesh is identified only as a former President of the Arunachal Weightlifting Federation.** Given the much lighter load of second appeals and complaints filed before the SIC in Arunachal Pradesh as compared to other States, the choice of a weightlifter, disregarding the fields of knowledge and experience listed under Section 15(5) of the RTI Act is difficult to understand. As explained below at para #IV, this appointment is in clear violation of the law as interpreted by the Hon'ble Supreme Court of India.
- **The State Information Commissions of Bihar, Odisha and West Bengal are filled with only retired IAS officers.**
- **6 of the 8 members of the Central Information Commission are retired civil servants.**
- **J&K State Information Commission is the only multi-member body without any retired IAS officer on it.**

## IV Background of Information Commissioners appointed after September 2013

In September 2012, in the matter of *Namit Sharma vs Union of India*<sup>23</sup>, the Hon'ble Supreme Court of India while disposing a Public Interest Litigation (PIL) suit, directed the Governments to ensure that retired judges of the Supreme Court and retired Chief Justices of the High Courts be appointed as Chief Information Commissioners. The Court also directed that all second appeal and complaint matters be heard by a two-member bench headed by one Commissioner with wide knowledge and experience in law. The Central Government and the State Government of Rajasthan sought a review of this judgement, immediately, as it would have turned the Information Commissions into quasi-judicial tribunals entailing complex procedures making it more difficult for the common citizen to seek redress against unjustified delays and refusals by public authorities to part with information. CHRI and two other parties intervened in the matter resulting in the Hon'ble Supreme Court recalling in September 2013, its earlier judgement.<sup>24</sup> The Court issued fresh directions one of which requires Governments to make the effort to identify candidates other than retired civil servants for appointment to the Information Commissions.<sup>25</sup> The Court also directed that only such candidates be appointed who have expertise and experiences in the fields mentioned in Sections 12(5) and 15(5) of the RTI Act.<sup>26</sup> Our findings about the background of individuals appointed as Information Commissioners since September 2013.

### Main findings of the study: (See Table 5)

- **A majority i.e., about 46%, of the individuals appointed as Information Commissioners, (16 out of 35) post-*Namit Sharma* review are retired civil servants mostly from the All India Services, and a few from the State Civil Services.**
- **10 of the Information Commissioners appointed since September 2013 have a background in journalism.** The *Namit Sharma* review judgment appears to have increased the chances for journalists more than experts in other fields mentioned in the RTI Act.
- **While in Arunachal Pradesh one individual with a background in sports was appointed Information Commissioner, a retired College Principal with only a graduate degree in**

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<sup>23</sup> (2013) 1SCC 745.

<sup>24</sup> AIR 2014 SC122.

<sup>25</sup> Ibid. See para #32: "... (iv) We further direct that persons of eminence in public life with wide knowledge and experience in all the fields mentioned in Sections 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 Sections 12(3) and 15(3) of the Act for appointment as Chief Information Commissioner or Information Commissioners."

<sup>26</sup> Ibid., "32. ... (iii) We direct that only persons of eminence in public life with wide knowledge and experience in the fields mentioned in Sections 12(5) and 15(5) of the Act be considered for appointment as Information Commissioner and Chief Information Commissioner." [emphasis supplied]

**Commerce was appointed State Information Commissioner in Gujarat. Both appointments are in clear violation of the provisions of the RTI Act as interpreted by the Hon'ble Supreme Court in *Union of India vs Namit Sharma*.<sup>27</sup> Neither individual fits the criteria specified in Section 15(5) of the Central RTI Act. In Arunachal Pradesh, the Chief Minister of the Indian National Congress-led Government chaired the selection committee. In Gujarat the recommendation for appointment was same made by the selection committee chaired by the then Chief Minister of the BJP-led Government.**

#### ***IV.1 Judicial Intervention for the appointment of Information Commissioners***

In September last year, Mr. Ajay Dubey, a renowned RTI activist, moved the High Court of Madhya Pradesh through a Writ Application demanding directions to the State Government for appointing Information Commissioners. The Chief Information Commissioner had retired in 2012 and no appeal or complaint was decided since the *Namit Sharma* ruling (original judgement which has since been recalled) in September 2012<sup>28</sup>. A Division Bench directed the State Government to appoint Information Commissioners by the end of 2013.<sup>29</sup> Consequently the State Government appointed a Chief Information Commissioner and two Information Commissioners- all men and retired bureaucrats.

#### ***IV.2 Challenges to the appointment of Information Commissioners***

In 2013 two PILs were decided by the Andhra Pradesh High Court regarding the manner of appointment of four SICs. In the matter of *K Padmanabhaiah and Ors. vs Government of Andhra Pradesh, GAD and Ors.*,<sup>30</sup> a Division Bench of the AP High Court set aside the appointments of four SICs accepting the plea of the petitioners that the appointments were politically motivated and that the SICs were well known as members of a political party prior to the appointment – a ground for disqualification from even consideration for appointment as SIC. The operation of this judgement has since been stayed by the Hon'ble Supreme Court.

However, a month later in October 2013, another Division Bench of the same High court dismissed the challenge to the appointments of four other SICs.<sup>31</sup> The petitioners had challenged

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<sup>27</sup> Ibid.

<sup>28</sup> As the Apex Court had directed that all appeals and complaints cases would be decided by a two-member Bench comprising of at least one retired judge of the Supreme Court or the High court, the Madhya Pradesh State Information Commission along with a few others across the country had halted all work. The Supreme Court recalled this judgement in September 2013 and issued fresh directions requiring Governments to appoint Information Commissioners from the diverse fields of expertise and experience mentioned in the Central RTI Act.

<sup>29</sup> *Ajay Dubey vs State of Madhya Pradesh*, WA No. 797/2013, High Court of Madhya Pradesh, Jabalpur, order dated 12/12/2013.

<sup>30</sup> 2013(5) ALT 732. (PIL Nos. 28 and 38 of 2013, judgement dated 09/09/2013).

<sup>31</sup> *C J Karira and G Bhargavi vs The Government of Andhra Pradesh etc. and Ors.*, 2013(6) ALT 746 (PIL No. 110 of 2013, judgement dated 13/10/2013).

the appointments on the grounds that the vacancies in the State Information Commission had not been advertised, the appointees did not have judicial background as directed by the Supreme Court in *Namit Sharma* (this judgement has been recalled since) and that they had strong political affiliations. The High Court dismissed the petition holding that:- the Supreme Court had not directed that vacancies be advertised; that the *Namit Sharma* review judgement no longer made it compulsory for the Government to consider only candidates with judicial training and experience for appointment and that as the appointees were no longer members of political parties they could not be disqualified from holding those posts.

### **Recommendations**

- 1) *While in some Information Commissions pendency levels have not come down appreciably despite the existence of 7-8 Information Commissioners, some States have appointed more Commissioners than may probably be necessary to tackle the pendency levels. In 2012, we had recommended that Governments and advocates of transparency must make a rational assessment of pendency and disposal rates in Information Commissions for scientifically determining the number of Information Commissioners required. This exercise does not seem to have been undertaken in most Information Commissions. We once again urge Governments to pay serious attention to the RTI users and advocates who are pressing for making conducting such an assessment for determining the ideal number of Information Commissioners required to decide appeals and complaints within short periods of time. Information Commissions, governments and RTI advocates must work together to develop norms for case disposal in order to ensure speedy resolution of information access disputes.***
- 2) *Thanks to the directions given by the Hon'ble Supreme Court in Union of India vs Namit Sharma, it is crystal clear that Governments cannot recommend appointments of Information Commissioners in order to distribute patronage. Eminence and wide experience are not limited to the civil service alone. Serious efforts must be made to identify suitable candidates who meet the qualifications criteria for appointments as Information Commissioners from the diverse fields of knowledge mentioned in the twin RTI laws. No particular field of knowledge or experience must be unduly favoured over others while making such appointments. Further, a person who does not fulfill the criteria for an Information Commissioner as provided in the two RTI laws must not be considered for shortlisting at all.***
- 3) *Where serving or retired civil servants are considered for shortlisting, Governments must look for their demonstrable track record of promoting transparency and the implementation of the RTI Act in the offices where they have worked. Officers who have served in organisations notified under Section 24 of the RTI Act must not be considered for appointment unless they have a demonstrable record of promoting greater transparency and accountability in such organisations.***

## **V Availability of Local Language Websites of Information Commissions**

In 2012 our Rapid Study included an assessment of the availability of websites of Information Commissions. In 2014 all 29 Information Commissions included in this study had launched dedicated websites. In the current study we have looked at accessibility issues from the point of language. Nothing in the RTI laws requires Information Commissions to launch websites in the local language of the respective States. However some Information Commissions have taken the step of turning their sites bilingual to facilitate ease of access to citizens.

### **Main findings of the study: (See Table 6)**

- **More than 3/4ths of the Information Commissions do not have a website in the local language. The CIC and the State Information Commissions of Chhattisgarh, Gujarat, Maharashtra and Uttar Pradesh have local language websites.**
- **The website of the Madhya Pradesh State Information Commission is in Hindi but displays very little information on it. The links to the local language websites of the State Information Commissions of Andhra Pradesh and Rajasthan do not open up on any browser.**

### **Recommendation**

- 4) ***In order to facilitate greater ease of access to people the Information Commissions must immediately set up a local language version of their websites.***

## **VI Availability of Online Appeal and Complaints Filing Facility**

Nothing in the RTI Act requires Information Commissions to establish facilities to enable people to submit second appeals and complaints through their dedicated websites. However some Information Commissions have taken the progressive step of creating such a facility for citizens. Although, Internet penetration is said to be about 12% across the country, such facilities create a high degree of convenience for people who have grievances about access to information from public authorities. Online facilities help in reducing the in the submission of appeals and complaints-related documents caused by surface mail.

### **Main findings of the study: (See Table 6)**

- **Only 17% of the Information Commissions provide online facilities for submitting appeals or complaints or both. While the CIC and the State Information Commissions of Gujarat and Tripura accept online filing of both, appeals and complaints, their counterpart in Bihar provides this facility for filing second appeals only. The links to online submission facilities in the websites of the State Information Commissions of Maharashtra and Uttarakhand do not open up on any browser.**

## **Recommendation**

- 5) All Information Commissions must provide online facilities for aggrieved applicants to submit second appeals and complaints online.**

## **VII Availability of Cause Lists on the Websites of Information Commissions**

Nothing in the RTI Act or in the Rules, notified by the Central or State Governments, requires Information Commissions to display cause lists on their websites. However, several Information Commissions have adopted this good practice over the years. Cause lists contain basic information about when a hearing has been scheduled by an Information Commission in an appeal or complaint filed before it. Cause lists are prepared by the registry or the secretariat of the Commissions. If an appellant or respondent does not get a notice of the hearing in hard copy, he/she may ascertain the date of hearing by regularly checking the Information Commission's website. This will ensure that neither party may miss a hearing date merely due to non-receipt of notice.

### **Main findings of the study: (See Table 7)**

- **About 58% of the Information Commissions have displayed cause lists on their websites.** In 2012 more than a half of the Information Commissions did not have this facility. Gujarat, Himachal Pradesh, Maharashtra, Nagaland, Rajasthan and Tripura have started this facility on their websites.
- **Assam, Bihar, Goa, Madhya Pradesh, Manipur, Meghalaya, Mizoram and Sikkim continue to resist the idea of displaying cause lists on their websites. In Karnataka and Uttarakhand, an appellant/complainant may access the cause list only by keying in particulars of his/her case.** Although the Tripura Information Commission has this facility on its website it does not display any data.
- **While the Information Commissions of Chhattisgarh, Tamil Nadu and Uttar Pradesh display cause lists in the local language other States display the cause list in English only.**

It is heartening to note that several Information Commissions have adopted the practice of displaying cause lists on their websites since the release of our first report in 2012. There is an urgent need for consistency of practice across Information Commissions about display of cause lists. Cause lists help parties know when their case is likely to come up and they enable the public to better appreciate the pace of work at the Commission. Displaying cause lists publicly helps hold the Information Commissions to a certain expected discipline in hearing and disposing appeals and complaints matters. Parties can prepare well if they know the date of hearing in their case well in advance. This improves the overall functioning of Commissions. Causelists must be standardised across Information Commissions so that there is consistency of practice. We have repeated our recommendations made in 2012 below with minor alterations.

## **Recommendations**

- 6) All Information Commissions that have not done so already must upload cause lists on their websites in the interests of improving transparency and predictability in their working. Publishing cause lists in the official language of the State will make this facility more people-friendly.**
- 7) Causelists of past cases may be archived for the purpose of researchers who may like to analyse the performance of Information Commissions.**

## **VIII Availability of the Status of Pending Appeals and Complaints on the Websites of Information Commissions**

Nothing in the RTI Act or the Rules notified by the Central or State Governments requires Information Commissions to display the current status of pending appeals and complaints for the benefit of the appellant/complainant. However, some Information Commissions have adopted this practice in order to afford appellants/complainants a convenient way of getting some information about their cases. This is a new parameter we have included in our study this year.

### **Main findings of the study: (See Table 8)**

- Less than half (48%) of the Information Commissions display the current status of pending appeals and complaints cases. The Central Information Commission was one of the earliest of such bodies to provide this facility. It is possible to search the status of one's case by keying in one's name and/or case number on the websites of the Information Commissions of Andhra Pradesh, Assam, Bihar, Himachal Pradesh, Jharkhand, Karnataka, Maharashtra, Odisha, Rajasthan and Tamil Nadu only.**
- The case status facility on the website of the Chhattisgarh State Information Commission is available in the local language - Hindi. Bihar State Information Commission has a facility which Respondent Public Authorities can also use to find out the case status.**
- The most cumbersome of case status search facilities is that of the Uttarakhand Information Commission where the list of cases is not arranged in reverse chronological order. So a party to a case has to navigate through scores of pages before reaching the case status pages for the year 2014.**

## **Recommendation**

- 8) All Information Commissions must install case status search facilities on their websites in the local language for the use of all parties to a case. This facility must display the**



*latest report of the action taken on an appeal or complaint pending before the Commission. Such real time display of case status will help allay fears in the minds of appellants and complainants that the Commissions sit on their cases endlessly even to the extent of losing the case papers on occasion. MIS unit of the Information Commissions must be staffed with competent data entry operators and supervisors.*

## **IX Availability of Statistics about the Pendency and the Disposal of Cases by Information Commissions**

Nothing in the RTI Act or the Rules notified by the Central or State Governments require the Information Commissions to display statistics about the receipt, disposal and pendency of appeals and complaints in their jurisdiction. Some Information Commissions have adopted this practice in response to the vocal demand of some serving and ex-Information Commissioners, RTI users and activists over the years. However, our experience shows that this information is difficult to find in many Information Commissions which have not yet adopted this practice.

### **Main findings of the study: (See Table 9)**

- **The Central Information Commission and the State Information Commissions of Maharashtra and Uttarakhand are the only Commissions that have displayed figures regarding disposal of appeals and complaints cases on their websites up to May 2014.** The Kerala State Information Commission has displayed case disposal and pendency related data on its website up to March 2014 only, while the J&K State Information Commission has displayed similar information up to February 2014. The State Information Commissions of Haryana, Meghalaya and Odisha display this data for 2013 only. The Karnataka State Information Commission displays Annual Returns regarding the receipt and disposal of appeals and complaints.
- **58% of the Information Commissions, namely, those of Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Goa, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Manipur, Mizoram, Nagaland, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal do not display information about disposal of cases and pendency of appeals and complaints.**
- **More than 66,000 appeals and complaints cases were pending in just six Information Commissions across the country. Maharashtra topped the list of Information Commissions with high levels of pendency- a total of 34,158 cases pending in May 2014 of which 31,116 were second appeals and 3,042 were complaints. The Central Information Commission comes second with a total of 21,946 appeals and complaints up to May 2014. By analysing the data published on the website of the Kerala State Information Commission, we found that 7,745 cases were pending as of March 2014 - 5,463 appeals and 2,282 complaints. Similarly from the data available on the website of**



the **Punjab State Information Commission**, we deduced that **1,348 appeals and complaints cases** were pending in April 2014. The **Uttarakhand State Information Commission** had a total of **1,096 cases- 1,044 second appeals and 51 complaints** pending in May 2014. The **J&K State Information Commission** had a total of **140 cases** pending in February 2014.

- The staff of the Information Commissions of **Sikkim and Tripura** confirmed that they did not have any pending cases when we contacted them.
- The staff of the **Karnataka State Information Commission** informed us that a total of 12,079 cases were pending at the end of 2013. The **Odisha State Information Commission** had **4,234 second appeal and complaints cases** pending at the end of 2013. The pendency level stood at **1,537 cases** in the Haryana State Information Commission and at **1,378 cases** in the **Assam State Information Commission** at the end of 2013. A total of **3,176 second appeal and complaint cases** were pending in the **Gujarat State Information Commission** at the end of March 2013.
- We tried our best to collect similar statistics by calling up other state Information Commissions. The staff in the State **Information Commissions of Andhra Pradesh, Arunachal Pradesh, Manipur, Nagaland, Uttar Pradesh and West Bengal** did not pick up the phone despite several attempts to contact them over several days at different points of time each day.
- The Staff of the Information Commissions in **Bihar, Gujarat and Himachal Pradesh** advised us to look up their respective websites for statistics about case disposal and pendency. Despite our best efforts we could not find current data on these websites. The staff of the **Jharkhand State Information Commission** expressed their inability to provide the information as the concerned employee was on maternity leave.
- In the Information Commissions of **Goa, Meghalaya and Mizoram** the staff advised us to send formal written requests for information about the disposal and pendency of cases. Despite sending such requests they did not supply the information requested. The staff of the **Goa State Information Commission** first suggested that we fax our request and then advised us to send another by surface mail as they had misplaced our fax. We have not received any information till date from Goa.
- The staff of the Information Commission in **Haryana** provided the pendency data within 24 hours upon receiving a formal request. Although their website shows pendency data up to July 2013, the staff supplied us information up to December 2013.

## **Recommendation**

- 9) ***All Information Commissions must make the effort to upload statistics about the receipt and disposal of appeals and complaints cases indicating the pendency levels, month-wise on their websites. Management Information Systems (MIS) are available for this purpose as indicated by the regular updating of such information on the websites of the CIC and the Information Commissions of Maharashtra and Uttarakhand. Such disclosure will go a long way in building people's confidence in the intention of the Information Commissions to quickly dispose people's grievances related to access to information.***

## **X Availability of Decisions of Information Commissions on their Websites**

Nothing in the Central RTI Act or the Rules made under it requires Information Commissions to disclose their decisions on second appeals [under Section 19(3)] and complaints [under Section 18] to persons other than the parties to the case. Many Information Commissions have voluntarily displayed decisions on their websites. In J&K the RTI Rules framed by the State Government in 2010 authorised the J&K State Information Commission to place its decisions on a website. However those Rules were replaced in 2012 with a minimalistic set of rules which do not contain such a requirement. Nevertheless the J&K State Information Commission continues to upload its decisions on its website making them accessible to strangers to those cases. Given this scenario, it must be said that the decision to upload the text of its decisions lies within the discretionary domain of the Information Commissions. While several hundred thousand decisions are available on the websites of various Information Commissions, in the absence of a mechanism for independent verification it is not possible to say whether every decision in every case has been dutifully uploaded.

### **Main findings of the study: (See Table 10)**

- **65% of the Information Commissions (19 of 29) have uploaded on their websites their decisions on appeals and complaints cases disposed in 2014.** In 2012 only 45% of the Information Commissions (13 of 29) provided such a facility. This is a marked improvement over the last two years. The **CIC and the Information Commissions of Andhra Pradesh, Bihar, Chhattisgarh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Maharashtra, Mizoram, Nagaland, Odisha, Punjab, Rajasthan, Tamil Nadu, Tripura, and Jammu and Kashmir** have uploaded decisions given in all or most of the years of their existence.
- **The State Information Commissions of Arunachal Pradesh, Goa, Jharkhand, Madhya Pradesh, Manipur and Uttar Pradesh have not uploaded any of their decisions for the last 2-4 years.** Manipur does not have any Information Commissioner yet. Madhya Pradesh did not have any Information Commissioner for more than a year. As a result these Commissions could not decide any appeal or complaint matter.

- **The decisions database on the websites of the CIC and the Information Commissions of Bihar, Kerala, Maharashtra, Meghalaya, West Bengal and Jammu and Kashmir can be accessed in chronological order or Bench-wise (i.e., in the name of the Information Commissioner). The decisions databases on the websites of the State Information Commissions of Gujarat, Haryana and Himachal Pradesh can be accessed date-wise. The search facility may be used on the websites of the Information Commissions of Karnataka, Tripura and Uttarakhand only by keying in the name of the Appellant/Complainant. This makes the database accessible only to parties to a case.**
- **The decisions database of the Sikkim State Information Commission is not accessible as the web link is not operational. Uttar Pradesh State Information Commission has not uploaded any of its decisions since 2012.**
- **The website of the Central Information Commission (<http://cic.gov.in>) alone is search enabled through Google™. Any person may type in a keyword under this link and access a list of all documents available on that website containing that keyword, including its decisions. The ‘Search’ function on the website of the West Bengal State Information Commission remains inactive since we first reported it in 2012.**

Decisions of Information Commissions, by their very nature, are matters of public interest because they set precedent and form the jurisprudence the right to access information, though applicable only to the specific Commission which issued them. They ground certainty, point to trends and directions and have the potential for reducing future litigation. They also serve as a guide for the future when the Commission is called upon to decide similar cases. Under the RTI Acts, decisions form part of the business of the Commissions and under Section 4 they are matters that must be placed in the public domain automatically. Access to decisions cannot be restricted by designing rules to allow only parties to access them or by putting decisions selectively on a website. The correct position would be to put all decisions on the website or place them in some other manner in the public domain. The practice of placing decisions in the public domain should not be left to the whim or caprice of individual Commissioners but must run across the whole Commission and all Information Commissions as mandated policy. We reiterate our recommendations from 2012 below as they continue to be relevant even after two years.

### **Recommendations**

- 10) All the remaining Information Commissions must upload all decisions and orders on their websites. Decisions in matters decided by past State Information Commissioners may be archived.**

**11) All databases of decisions and orders issued in English must be linked to a robust search engine for assisting any person to search through them using key words. Such a measure would be of great assistance to appellants, respondents and researchers.**

**12) Where decisions are issued in languages other than English, it is useful to provide a summary of the decision in English containing details such as: information sought, grounds for second appeal/complaint and the decision/order passed by the Information Commission. The database would then become a resource not only for other Information Commissions but also for researchers who would like to study the trends and performance of the Information Commissions.**

## **XI Availability of Annual Reports of Information Commissions**

Section 25 of the Central RTI Act requires the Central and State Information Commissions to submit annual reports to the concerned State Governments so that they may be tabled in Parliament or the respective State Legislatures. CHRI surveyed the availability of these reports on the websites of the respective Information Commissions in 2012. We are repeating the exercise in this report. Where an annual report is not available on the dedicated website of the Information Commission, no assumption is made about their availability in printed form. They may or may not be available in hard copy at the office of the concerned Information Commission. This study only examines the periodicity of reports and their availability on the dedicated websites from the years 2006-2014. We analysed the contents of Annual Reports of nine Information Commissions for the years 2011-12 in our Rapid Study published last year. **In the current report we are presenting some key findings contained in the Annual Reports of the Information Commissions at the Centre and in the States of Andhra Pradesh, Chhattisgarh, Gujarat, Karnataka, Mizoram and Odisha for the years 2012-13.** No other Information Commission has publicised its Annual Report for this period on its website.

Annual reports must be tabled by governments before the respective legislatures. However there is no provision in the two RTI laws requiring the legislatures to examine the state of implementation of the RTI law in their jurisdiction. In 2012, we had observed the absence of any report in the public domain about any discussion based on an Information Commission's Annual Report either in Parliament or in the State Legislatures. There is no change in this situation as of mid-2014. The entire exercise of reporting becomes a waste of time and resources if these bodies do not use the reports to assess the expansion and deepening of the regime of transparency established by the RTI Act.

### **Main findings of the study: (See Table 11)**

- **None of the Information Commissions have published their Annual Reports for the year 2013-14.**

- Only the CIC and the State Information Commissions of Gujarat, Karnataka and Mizoram have published their Annual Reports for all the years up to 2012-13. The States of Andhra Pradesh, Chhattisgarh and Odisha have displayed their Annual Reports for the years 2011-12.
- The link to the Annual Report of Nagaland State Information Commission does not download the document on any Internet browser.
- The Annual Reports of the State Information Commissions of Arunachal Pradesh, Madhya Pradesh, Manipur, Sikkim, Tamil Nadu and Uttar Pradesh are not available for any of the nine years since 2005.
- The Haryana State Information Commission has not published any Annual Report on its website since 2006.

### **Recommendations**

- 13) Publishing Annual Reports in a timely manner at least within six months of the ending of the reporting year must become a priority with all Information Commissions.**
- 14) Information Commissions will be able to compile their Annual Reports in a timely manner only if they receive statistical data from all public authorities under their jurisdiction. According to Section 25(2) of the Central RTI Act and Section 22(2) of the J&K RTI Act the duty of ensuring reporting of RTI returns from all public authorities lies squarely on the concerned Ministries. Unless they apply pressure on public authorities under their jurisdiction they will not fall in line to submit RTI returns in a timely manner. They must insist filing of RTI returns at least every quarter. The nodal department charged with ensuring the implementation of the RTI law under each appropriate Government, must send frequent reminders to the other Ministries and Department to do their mandated job.**
- 15) Even if the RTI returns are not forthcoming from the ministries/departments, Information Commissions have the statutory duty to publish a report of their own activities at least and submit it to the respective Legislatures in order to account for spending the taxpayers' money. This would provide them the opportunity to publicly name and shame the defaulting public authorities and compel compliance with the reporting requirement under the respective RTI laws.**
- 16) At the very minimum, all Annual Reports must be drafted in the official languages used by the appropriate Governments.**

## **XII Highlights of the Annual Reports of the Information Commissions at the Centre and in Andhra Pradesh, Chhattisgarh, Gujarat, Karnataka, Mizoram and Odisha**

### **a) Rise in the number of RTI applications:**

- **At 46%, Gujarat witnessed the sharpest rise in the number of RTI applications received amongst the six States during 2012-13.** While public authorities received 54,570 requests in 2012 this figure shot up to 1,01,521 in 2012-13.
- **A similar increase of over 46% was recorded in Odisha during the year 2011-12.** While in 2010-11, 35,649 RTI applications were submitted across the State, in 2011-12 this figure rose to 52,305.<sup>32</sup>
- **Karnataka witnessed the second highest rise in the number of requests received at 29% during the year 2012-13.** From 3,27,295 information requests in 2011-12, the number rose to 4,62,287 in 2012-13.
- **At 26%, Chhattisgarh witnessed the third highest increase in the number of RTI applications received in 2012.** The figure reached 66,469 from 48,785 in 2011.
- **In Mizoram the number of RTI applications increased by 20% in 2012-13.** The State received 1,316 requests this year as compared to 1,045 in 2011-12.
- **Public Authorities under the Central Government received 8,11,350 RTI applications during the period 2012-13.** This is a 19% increase from the figure of the previous reporting period – 6,55,572 reported in 2011-12. It is difficult to treat this as a real rise in the number of requests because the proportion of public authorities reporting RTI data to the CIC has improved from 68% to 79% this year. More public authorities have filed RTI returns with the CIC this year. So the percentage rise in the number of requests might be much smaller indicating a plateauing of the trend of submission of RTI applications.
- **In Andhra Pradesh 1,45,583 information requests were received during the year 2012.** This is an increase of only 16% from the figure - 1,22,133 recorded in 2011.

### **Discussion**

The rise in the number of RTI applications indicates increasing awareness levels in these five States. However unlike the CIC, none of these reports have raised the issue of non-receipt of RTI applications statistics from the public authorities under their jurisdiction. In 2011-12 the CIC had pointed out that only two thirds of the public authorities had submitted their RTI returns for

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<sup>32</sup> We had not included any data from Odisha in our studies of 2012 and 2013 due to the non-availability of their Annual Reports on their websites.

preparing its Annual Report. While other State Information Commissions may not have faced similar problems, there is an urgent need to ensure that data about the submission and disposal of RTI applications is accurately reported and recorded by all public authorities across the country. In 2013 we had conservatively estimated that the total number of RTI applications received from citizens across the country in all jurisdictions could be about 40 lakhs (4 million). The trends from 2012-13 bear out this conservative estimate<sup>33</sup> as only a few States like Maharashtra, Karnataka Andhra Pradesh and Gujarat and Bihar (which received 1.29 lakh applications in 2011-12) apart from public authorities under the Central Government receive the bulk of RTI applications across the country. It is doubtful whether the proportion of the citizenry using the RTI Act would even reach 1% in the 10<sup>th</sup> year of its implementation.

### ***Mainstreaming RTI awareness raising programmes***

There is an urgent need to mainstream awareness raising programmes into the legal literacy and awareness raising activities of various public authorities under the Central and State Governments. Under Section 26(1) of the Central RTI Act and Section 23(1) of the J&K RTI Act, the appropriate Governments have a duty to organize and conduct awareness raising programmes about RTI with specific emphasis on disadvantaged groups. This obligation has been passed on to the nodal departments for the RTI Act or the respective Information Commissions with few other Departments contributing to the effort.

In February 2014 one of the authors of this report submitted an RTI application to the Department of Personnel and Training (DoPT), Government of India asking whether any communication had been issued to the Ministries/Departments responsible for Agriculture, Rural Development, Panchayati Raj, Health and Family Welfare, Human Resource Development, Social Justice and Empowerment, Tribal Affairs, Minority Affairs, Labour and Employment and Housing and Urban Poverty Alleviation, regarding implementation of Section 26(1) of the RTI Act. A copy of the list of 'disadvantaged communities' as identified by the DoPT was also sought in that RTI application. The DoPT replied that its education programmes were for all members of the public and that no such list of 'disadvantaged communities' had been identified or any communication issued to other Ministries/Departments about mainstreaming RTI trainings. Later a copy of this RTI correspondence was sent to the Secretary, DoPT along with a letter urging him to share the burden of raising awareness about RTI with all other Ministries/Department that conduct educational programmes for their clientele<sup>34</sup>. Pooling in of the available resources to mainstream RTI training into all awareness and capacity building programmes conducted by various authorities could increase the number of requests submitted by citizens, manifold. A reply from the DoPT is awaited as on the date of writing this report.

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<sup>33</sup> CHRI's 2013 Report of the Rapid Study of the Use of RTI Laws in India.

<sup>34</sup> See the Annexe to this Report.



## Recommendation

**17) Instead of leaving the responsibility of conducting awareness raising programmes on RTI with the departments that spearhead implementation efforts in all public authorities, both Central and State Governments must mainstream RTI training into all awareness and capacity building programmes. The oft voiced concern of civil servants that RTI awareness has not reached the 'real citizens who need transparency' can be addressed by synergizing in this manner. These efforts must include civil society and media organisations already engaged in promoting awareness about RTI and Information Commissions across the country.**

### b) Quantum of penalties imposed:

- While the use of the RTI Act increased in Karnataka, the amount of penalties imposed has grown astronomically. The Karnataka State Information Commission imposed a whopping Rs. 91.20 lakhs as penalty on the Public Information Officers during 2012-13. This figure has nearly trebled since 2011-12 (Rs. 36.56 lakhs).
- More than 50% of the penalty amount in Karnataka has been imposed on the officers of the Urban Development Department (Rs. 29.87 lakhs) and the Rural Development Department (Rs. 22.31 lakhs) followed by the Revenue Department (Rs. 13.70 lakhs).
- The State Information Commission of Odisha imposed penalties totaling Rs. 30.07 lakhs in 203 cases in 2011-12, while its counterpart in Andhra Pradesh imposed penalties totaling Rs. 18.01 lakhs in 259 cases in 2012. The Chhattisgarh State Information Commission imposed penalties totaling Rs. 14.10 lakhs in 2012. The Gujarat State Information Commission imposed only Rs. 3.06 lakhs as penalty in 20 cases in 2012. The Mizoram State Information Commission did not impose any penalty in 2012-13.
- The CIC has reported imposing penalties totaling Rs. 13.29 lakhs in 2012-13 although the Central Government received the highest number of RTI applications amongst all other governments. The penalty amount has reduced by 65% compared to 2011-12 when the CIC had imposed penalties worth Rs. 38.82 lakhs.

### c) Quantum of compensation awarded:

- The Karnataka State Information Commission awarded compensation totaling Rs. 4.52 lakhs in 2012-13. Its counterpart in Chhattisgarh awarded Rs. 1.59 lakhs as compensation in 2012. The Gujarat State Information Commission awarded compensation totaling Rs. 21,000 in 2012-13. The Mizoram State Information Commission did not award any compensation in 2012-13. There is no data about the award of compensation in the Annual Reports of the State Information Commissions of Andhra Pradesh and Odisha in 2011-12. There is no mention of any compensation awarded in the Annual Report of the CIC.



The increase in the number of penalties in some of the States studied in this report is a cause for worry. The figure is in the neighbourhood of a crore Rupees (almost Rs. 10 million) in Karnataka even after nine years of implementation of the RTI Act. Similarly in Odisha, even though the total number of RTI applications is only a quarter of the figure in Karnataka, the amount of penalty imposed is almost a third of the amount imposed in Karnataka. These high proportions of penalties indicate the levels of resistance to engendering the regime of transparency that the 2 RTI laws seek to establish across the country. There is also a strong wave of opinion amongst RTI advocates that the Information Commissions are not imposing penalties adequately even in the most deserving of cases. In recent years High Courts have struck down several penalty orders on the grounds that the penalties were not deserved or that the Information Commissions had not followed proper procedure<sup>35</sup>.

### **Recommendations**

- 18) Information Commissions must scrupulously follow the provisions and procedures laid down in the RTI laws while conducting penalty proceedings in order to ensure that penalty is imposed on legally valid grounds.**
- 19) In order to dispel doubts in the minds of appellants and complainants as to why penalties were not imposed on errant public information officers, every Information Commission must, as a rule, record their reasons as to why penalty was not imposed on a public information officer despite issuing a show cause notice.**
- 20) Information Commissions must publish in their Annual Reports details of cases where penalties were imposed.**
- 21) All Information Commissions must regularly monitor compliance with their orders imposing penalties, awarding compensation or recommending disciplinary action even if those orders are stayed by High Courts. The relevant RTI rules may be amended in order to ensure such monitoring as has been done in the latest RTI Rules notified by the Government of Uttarakhand.<sup>36</sup>**

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<sup>35</sup> For example see: *Sri Mario Pires vs the Karnataka State Information Commission and Ors.*, Writ Petition No.193/2013 (GM-Res), judgement of the Karnataka High Court dated 31/10/2013; *Dr. Hedgewar Seva Samiti vs Puirushottam and Anr.*, Writ Petition No. 4590 of 2011, judgement of the Bombay High Court (Aurangabad Bench) dated 19/12/2013; *Meghna Ruby Kachap vs State of Jharkhand and Ors.*, W.P. (S) No. 7663 of 2012, judgement of the Jharkhand High Court dated 19/09/2013.

<sup>36</sup> See Rule 11 under Uttarakhand's *Right to Information Rules, 2013* available on the website of the Chief Minister of Uttarakhand at: <http://www.cm.uk.gov.in/pages/display/1185-the-uttarakhand-right-to-information-rules2013> accessed on 20 October, 2013. CHRI is happy to report that it provided technical advice to the Government of Uttarakhand to revise its RTI Rules earlier this year.

### **XIII Availability of the Budget and Expenditure figures of the Information Commissions**

Section 4(1)(b)(xi) of both RTI laws require every public authority to proactively disclose their budgets, plans, proposed expenditure and reports of disbursements made. Information Commissions are also public authorities as defined in Section 2(h) of the twin RTI laws. They have a statutory duty to disclose details of their budget and expenditure every year on their website and also in their Annual Reports. We have included this new parameter in this study to assess compliance levels at the Information Commissions.

#### **Main findings of the study: (See Table 12)**

- **Only 48% of the Information Commissions (14 of 29) have displayed both budget and expenditure figures either on their websites or in their Annual Reports. The Information Commissions of Assam, Maharashtra, Manipur, Odisha, Uttarakhand and West Bengal have displayed this information on their respective websites as part of their proactive disclosure obligations under the Central RTI Act. Some of them have also published this information in their Annual Reports.**
- **The State Information Commissions of Arunachal Pradesh, Haryana, Jharkhand, Madhya Pradesh, Nagaland, Punjab, Sikkim, Tripura and Uttarakhand have not displayed their budgets and expenditure ever or in the last few years.**
- **None of the Information Commissions have displayed the budget for the year 2014 on their websites.**

#### **Recommendation**

**22) Information Commissions are given the power to monitor compliance of public authorities under their jurisdiction with their proactive disclosure obligations under the RTI laws. Under Section 19(8)(vi) of the Central RTI Act they can also demand a special compliance report in this regard from a public authority that is a Respondent in a complaint or appeal proceeding. Similar powers have been vested with the J&K State Information Commissions under Section 16(8)(vi) of the J&K RTI Act. So, Information Commissions cannot and must not shy away from their own obligation of disclosing their budget and expenditure figures. As the budget is always approved along with the budget of the appropriate Government every year, there is no reason why this information cannot be uploaded on the websites of Information Commissions soon after receipt of confirmation from the Finance Department. The Chief Information Commissioners being responsible for the day-to-day functioning of the Commissions must ensure that all information about budgets and expenditure are upload on their website without fail.**

## **XIV Availability of the Assets and Liabilities Declarations of Information Commissioners on their Websites**

Nothing in the RTI laws requires Information Commissioners to publicly declare their assets and liabilities. However they are often called upon by requestors to adjudicate upon information access disputes where public authorities have refused citizens' requests for disclosing such information about public servants. While some have ordered the disclosure of such information in the past, the Honb'le Supreme Court's ruling in the matter of *Girish Ramchandra Deshpande vs Cen. Information Commr. and Ors.*<sup>37</sup> has frustrated all efforts to make such information public. In that case the Apex Court ruled that information about the immovable properties owned by public servants is personal information and disclosure unless supported by public interest arguments furnished by the requestor would invade the privacy of the official.

However, Sections 14(3)(c), (4) and 17(3)(c) and (4) of the Central RTI Act and Section 11(3)(c) and (4) of the J&K RTI Act make 'engagement in paid employment outside of office' a ground for removal of Information Commissioners, without making a reference to the Supreme Court to inquire into the matter. Therefore, in order to uphold personal integrity and the institutional integrity of the Information Commissions, some Information Commissioners have begun the practice of publicly declaring their assets and liabilities. We have included this new parameter in this study.

### **Main findings of the study: (See Table 13)**

- **All Information Commissioners of the Central Information Commission and the Haryana State Information Commission have displayed their assets declarations on their respective official website.** No other Information Commission across the country has taken such a proactive step.
- **In Kerala only four Information Commissioners including the State Chief Information Commissioner (out of six) have displayed their assets declarations on their website. The website of the Karnataka State Information Commission displays the assets declaration of only the State Chief Information Commissioner.**

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<sup>37</sup> (2013) 1SCC 212. It is respectfully submitted that the Apex Court did not examine the entire gamut of the law and practice while giving this ruling. Returns of assets and liabilities furnished by public servants become public documents upon submission to the concerned authorities. In the matter of *R. Rajagopal alias R. R. Gopal and Anr. vs State of Tamil Nadu and Ors.*, (1994) 6SCC 632, the Supreme Court had ruled that information contained in public documents would not attract the protection of privacy. The Court also ruled that the protection of privacy available to public servants on the very nature of their duties is of a lesser degree than that available to private citizens. However, thanks to the *Lokpal and Lokayuktas Act, 2013*, all public servants under the Central Government will have to publicly declare their assets and liabilities every year. Section 45 of this law will make such disclosures mandatory upon the enforcement of the law. States which enact Lokayukta laws under this statute will also have to make similar provision for disclosure of the assets and liabilities statements of their employees.

- The State Information Commission of Bihar is the only instance where the assets and liabilities statements of the staff are displayed on the website. This is in compliance of the progressive and proactive step of the State Government to make such information public from the highest to the lowest level. However none of the Information Commissioners in Bihar have thought it fit to follow this example.

### **Recommendation**

- 23) Information Commissioners must proactively disclose their assets and liabilities statements on their respective websites in order to improve public confidence in their personal integrity as well as the integrity of the Information Commission. This must become an annual exercise without waiting for the State Governments to enact Lokayukta laws along the lines of the Lokpal and Lokayuktas Act, 2013.**

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# Abbreviations

<b>Acad.</b>	<b>=</b>	<b>Academic</b>
<b>Admin. &amp; Gov.</b>	<b>=</b>	<b>Administration and Governance</b>
<b>CPI</b>	<b>=</b>	<b>Communist Party of India</b>
<b>IAS</b>	<b>=</b>	<b>Indian Administrative Service</b>
<b>IFS</b>	<b>=</b>	<b>Indian Foreign Service</b>
<b>ILS</b>	<b>=</b>	<b>Indian Legal Service</b>
<b>INC</b>	<b>=</b>	<b>Indian National Congress</b>
<b>IPOS</b>	<b>=</b>	<b>Indian Postal Service</b>
<b>IPS</b>	<b>=</b>	<b>Indian Police Service</b>
<b>IRS</b>	<b>=</b>	<b>Indian Revenue Service</b>
<b>Mgmt.</b>	<b>=</b>	<b>Management</b>
<b>N</b>	<b>=</b>	<b>No</b>
<b>Pub. Ad.</b>	<b>=</b>	<b>Public Administration</b>
<b>Rtd.</b>	<b>=</b>	<b>Retired</b>
<b>SAD</b>	<b>=</b>	<b>Shiromani Akali Dal</b>
<b>SCIC</b>	<b>=</b>	<b>State Chief Information Commissioner</b>
<b>Science &amp; Tech.</b>	<b>=</b>	<b>Science and Technology</b>
<b>Soc. Serv.</b>	<b>=</b>	<b>Social Service</b>
<b>State CS</b>	<b>=</b>	<b>State Civil Services</b>
<b>UN</b>	<b>=</b>	<b>United Nations</b>
<b>Y</b>	<b>=</b>	<b>Yes</b>
<b>?</b>	<b>=</b>	<b>Status cannot be ascertained</b>

# Data Tables

**Table 1: Vacancies in the Information Commissions**

Sl. No.	Information Commission	As constituted originally	As in 2012	As in 2014	Current strength (2014)	Vacancies (2014)
1.	Central Information Commission	5	9	9	8	1
2.	Andhra Pradesh	1	4	9	9	0
3.	Arunachal Pradesh	4	5	5	5	0
4.	Assam	2	2	2	1	1
5.	Bihar	3	3	3	3	0
6.	Chhattisgarh	1	3	3	3	0
7.	Goa	1	2	2	1	1
8.	Gujarat	1	3	5	5	0
9.	Haryana	1	4	8	8	0
10.	Himachal Pradesh	1	2	2	2	0
11.	Jharkhand	7	7	7	2	5
12.	Karnataka	3	6	6	5	1
13.	Kerala	1	4	6	5 <sup>38</sup>	1 <sup>39</sup>
14.	Madhya Pradesh	1	4	6	6	0
15.	Maharashtra	1	7	8	8	0
16.	Manipur	1	2	2	0	2
17.	Meghalaya	1	1	1	1	0
18.	Mizoram	1	2	2	2	0
19.	Nagaland	1	3	3	2	1 (SCIC's post)
20.	Odisha	2	3	3	2	1
21.	Punjab	1	9	10	10	0
22.	Rajasthan	1	2	2	1	1

<sup>38</sup> Does not include one SIC who is under suspension since November 2012.

<sup>39</sup> According to RTI activists in the State, another State Information Commissioner is not attending official work due to serious illness.

**Table 1 (contd.)**

<b>Sl. No.</b>	<b>Information Commission</b>	<b>As constituted originally</b>	<b>Expanded to (2012)</b>	<b>Expanded to (2013-14)</b>	<b>Current strength</b>	<b>Vacancies (2014)</b>
22.	<b>Sikkim</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>
24.	<b>Tamil Nadu</b>	<b>1</b>	<b>7</b>	<b>7</b>	<b>5</b>	<b>2</b>
25.	<b>Tripura</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>2</b> <b>(including SCIC's post)</b>
26.	<b>Uttarakhand</b>	<b>1</b>	<b>4</b>	<b>6</b>	<b>6</b>	<b>0</b>
27.	<b>Uttar Pradesh</b>	<b>1</b>	<b>10</b>	<b>11</b>	<b>11</b>	<b>0</b>
28.	<b>West Bengal</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>1</b>
29.	<b>Jammu and Kashmir</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>0</b>
		<b>50</b>	<b>118</b>	<b>137</b>	<b>118</b>	<b>20</b>



**Table 2: No. of Women ICs and their Background**

<b>Sl. No.</b>	<b>Information Commission</b>	<b>No.</b>	<b>Background</b>
1.	<b>Central Information Commission</b>	<b>1</b>	<b>Retd. IPoS Officer</b>
2.	<b>Andhra Pradesh</b>	<b>2</b>	<b>Advocate</b>
3.	<b>Arunachal Pradesh</b>	<b>1</b>	<b>Social Worker</b>
4.	<b>Goa</b>	<b>1 (SCIC)</b>	<b>Retd. IAS Officer</b>
5.	<b>Gujarat</b>	<b>1</b>	<b>Retd. State Civil Service Officer</b>
6.	<b>Haryana</b>	<b>1</b>	<b>Retd. IAS Officer</b>
7.	<b>Maharashtra</b>	<b>1</b>	<b>Retd. IAS Officer</b>
8.	<b>Punjab</b>	<b>1</b>	<b>Ex-Member SAD</b>
9.	<b>Tamil Nadu</b>	<b>1</b>	<b>Advocate</b>
10.	<b>Tripura</b>	<b>1 (acting SCIC)</b>	<b>Retd. IAS Officer</b>
11.	<b>Uttar Pradesh</b>	<b>1</b>	<b>Social Work and Mass Media</b>
<b>Total</b>		<b>12</b>	<b>-</b>

**Table 3: Background of Serving Chief Information Commissioners (Central and State)**

Sl. No.	Information Commission	Law	Science & Tech.	Soc. Serv.	Mgmt	Journo.	Mass Media	Admin. & Gov.
1.	Central Information Commission	-	-	-	-	-	-	✓ (IPS)
2.	Andhra Pradesh	-	-	-	-	-	-	✓ (IAS)
3.	Arunachal Pradesh	-	-	-	-	-	-	✓ (IAS)
4.	Assam	-	-	-	-	-	-	✓ (IFS)
5.	Bihar	-	-	-	-	-	-	✓ (IAS)
6.	Chhattisgarh	-	-	-	-	-	-	✓ (IAS)
7.	Goa	-	-	-	-	-	-	✓ (IAS)
8.	Gujarat	-	-	-	-	-	-	✓ (IAS)
9.	Haryana	-	-	-	-	-	-	✓ (IAS)
10.	Himachal Pradesh	-	-	-	-	-	-	✓ (IAS)
11.	Jharkhand	✓ (Rtd. High Court Judge)	-	-	-	-	-	-
12.	Karnataka	-	-	-	-	-	-	✓ (IAS)
13.	Kerala	-	-	-	-	-	-	✓ (IPS)
14.	Madhya Pradesh	-	-	-	-	-	-	✓ (State CS)
15.	Maharashtra	-	-	-	-	-	-	✓ (IAS)
16.	Manipur	-	-	-	-	-	-	Vacant
17.	Meghalaya	-	-	-	-	-	-	✓ (IAS)
18.	Mizoram	-	-	-	-	-	-	✓ (IAS)
19.	Nagaland	-	-	-	-	-	-	Vacant

**Table 3 (contd.)**

<b>Sl. No.</b>	<b>Information Commission</b>	<b>Law</b>	<b>Science &amp; Tech.</b>	<b>Soc. Serv.</b>	<b>Mgmt</b>	<b>Journo.</b>	<b>Mass Media</b>	<b>Admin. &amp; Gov.</b>
20.	<b>Odisha</b>	-	-	-	-	-	-	✓ (IAS)
21.	<b>Punjab</b>	-	-	-	-	-	-	✓ (IAS)
22.	<b>Rajasthan</b>	-	-	-	-	-	-	✓ (IAS)
22.	<b>Sikkim</b>	-	-	-	-	-	-	✓ (IAS)
24.	<b>Tamil Nadu</b>	-	-	-	-	-	-	✓ (IAS)
25.	<b>Tripura</b>	-	-	-	-	-	-	✓ (IAS) (acting SCIC)
26.	<b>Uttarakhand</b>	-	-	-	-	-	-	✓ (IAS)
27.	<b>Uttar Pradesh</b>	-	-	-	-	-	-	✓ (IAS)
28.	<b>West Bengal</b>	-	-	-	-	-	-	Vacant
29.	<b>Jammu and Kashmir</b>	-	-	-	-	-	-	✓ (IRS)
	<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>26</b>

**Table 4: Background of Serving Information Commissioners (Central and State)**

Sl. No.	Information Commission	Law	Science & Tech.	Soc. Serv.	Mgmt	Journo.	Mass Media	Admin. & Gov.	Others	Total
1.	Central Information Commission	1 (Law Professor)	-	-	1	-	-	5 (IAS-1; IPS-1; IPOs-1; ILS-1, IFS-1)	-	7
2.	Andhra Pradesh	2	-	1	-	1	-	3 (IAS-1; IPS-2)	1 (Acad.-Pub. Ad.)	8
3.	Arunachal Pradesh	2	-	1	-	-	-	-	1 (Sports)	4
4.	Assam	-	-	-	-	-	-	-	-	0
5.	Bihar	-	-	-	-	-	-	2 (IAS-2)	-	2
6.	Chhattisgarh	-	-	-	-	-	-	2 (IAS-2)	-	2
7.	Goa	-	-	-	-	-	-	-	-	0
8.	Gujarat	-	-	-	-	-	-	3 (IAS-2; I State CS)	1 (Acad.)	4
9.	Haryana	-	-	-	-	2	-	5 (IAS-4; State CS-1)	-	7
10.	Himachal Pradesh	1	-	-	-	-	-	-	-	1
11.	Jharkhand	1 Retd. Dist. Judge	-	-	-	-	-	-	-	1
12.	Karnataka	1 (Advocate)	1	-	-	-	-	2 (IAS-1; IPS-1)	-	4

**Table 4 (contd.)**

Sl. No.	Information Commission	Law	Science & Tech.	Soc. Serv.	Mgmt	Journo.	Mass Media	Admin. & Gov.	Others	Total
13.	Kerala	1	-	-	-	-	-	2 (IAS-1; State CS-1)	1 (ex-MemberCPI)	4 <sup>40</sup>
14.	Madhya Pradesh	1	-	-	-	2	-	2 (IAS-1; IPS-1)	-	5
15.	Maharashtra	-	-	-	-	-	-	7 (IAS-2; State CS-5 <sup>41</sup> )	-	7
16.	Manipur	No State Information Commissioner appointed to existing vacancy								
17.	Meghalaya	Post of State Information Commissioner not created yet								
18.	Mizoram	-	-	-	-	-	-	1 (IPS)	-	1
19.	Nagaland	-	-	-	-	-	-	1 (State CS)	1 (Ex-member INC)	2
20.	Odisha	-	-	1	-	-	-	1 (IAS)	-	2
21.	Punjab	2 (Advocate)	-	-	-	2	-	4 (IAS-4)	1 (ex-Member SAD)	9

<sup>40</sup> One SIC is under suspension since November 2012. He is a retired IPS Officer.

<sup>41</sup> One SIC is an Engineer by qualification.

**Table 4 (contd.)**

Sl. No.	Information Commission	Law	Science & Tech.	Soc. Serv.	Mgmt	Journo.	Mass Media	Admin. & Gov.	Others	Total
22.	<b>Rajasthan</b>	No State Information Commissioner appointed to existing vacancy								
23.	<b>Sikkim</b>	Post of State Information Commissioner not created yet								
24.	<b>Tamil Nadu</b>	<b>3</b> (Advocate-2; Retd. Dist. Judge-1)	-	-	-	-	-	<b>1</b> (IPS-1)	-	<b>4</b>
25.	<b>Tripura</b>	-	-	-	-	-	-	<b>1</b> (IAS)	-	<b>1</b>
26.	<b>Uttarakhand</b>	<b>1</b> (Advocate)	-	-	-	-	<b>2</b>	<b>1</b> (IAS)	-	<b>4</b>
27.	<b>Uttar Pradesh</b>	<b>2</b> (Advocate)	-	<b>1</b>	-	<b>6</b>	<b>1</b>	-	-	<b>10</b>
28.	<b>West Bengal</b>	-	-	-	-	-	-	<b>2</b> (IAS-2)	-	<b>2</b>
29.	<b>Jammu and Kashmir</b>	<b>1</b> (Law Professor)	-	-	-	-	-	<b>1</b> (State CS cum Engineer)	-	<b>2</b>
	<b>Total</b>	<b>19</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>13</b>	<b>3</b>	<b>46</b>	<b>6</b>	<b>93</b>

**Table 5: Background of ICs appointed after 03/09/2013**

Sl. No.	Information Commission	Law	Science & Tech.	Soc. Serv.	Mgmt	Journo.	Mass Media	Admin. & Gov.	Others	Total
1.	Central Information Commission	1 (Law Professor)	-	-	-	-	-	4 (IPS-1; IFS-1; IPoS-1; ILS-1)	-	5
2.	Arunachal Pradesh	1	-	1	-	-	-	-	2 (Ex-Minister-1; Sports-1)	4
3.	Bihar	-	-	-	-	-	-	1 (IAS)	-	1
4.	Chhattisgarh	-	-	-	-	-	-	1 (IAS)	-	1
5.	Gujarat	-	-	-	-	-	-	1 (State CS)	1 (Retd. College Professor)	2
6.	Haryana	-	-	-	-	2	-	1 (IAS)	-	3
7.	Madhya Pradesh	1	-	-	-	2	-	3 (IAS-1; IPS-1; State-CS-1)	-	6
8.	Maharashtra	-	-	-	-	-	-	4 (IAS-2; State CS-2)	-	4
9.	Uttarakhand	-	-	-	-	-	-	1 (IAS)	-	1

**Table 5 (contd.)**

<b>Sl. No.</b>	<b>Information Commission</b>	<b>Law</b>	<b>Science &amp; Tech.</b>	<b>Soc. Serv.</b>	<b>Mgmt</b>	<b>Journo.</b>	<b>Mass Media</b>	<b>Admin. &amp; Gov.</b>	<b>Others</b>	<b>Total</b>
10.	<b>Uttar Pradesh</b>	<b>1 (Advocate)</b>	-	<b>1</b>	-	<b>6</b>	-	-	-	<b>8</b>
<b>Total</b>		<b>4</b>	-	<b>2</b>	-	<b>10</b>	-	<b>16</b>	<b>3</b>	<b>35</b>



**Table 6: Availability of Local Language Websites of Information Commissions and Online Appeal and Complaint Filing Facility (Y or N)**

Sl. No.	Information Commission	Availability of Local Language Website	Availability of Online Appeal/Complaint Filing Facility
1.	<b>Central Information Commission</b>	Y (English and Hindi)	Y (both appeals & complaints in English & Hindi)
2.	<b>Andhra Pradesh</b>	N (inactive demo version)	N
3.	<b>Arunachal Pradesh</b>	N	N
4.	<b>Assam</b>	N	N
5.	<b>Bihar</b>	N	Y (second appeal only)
6.	<b>Chhattisgarh</b>	Y	N
7.	<b>Goa</b>	N	N
8.	<b>Gujarat</b>	Y	Y (both appeals & complaints in English & Gujarati)
9.	<b>Haryana</b>	N	N
10.	<b>Himachal Pradesh</b>	N	N
11.	<b>Jharkhand</b>	N	N
12.	<b>Karnataka</b>	Y	N
13.	<b>Kerala</b>	N	N
14.	<b>Madhya Pradesh</b>	Y (sparsely populated)	N
15.	<b>Maharashtra</b>	Y (English and Marathi)	N <sup>42</sup>
16.	<b>Manipur</b>	N	N
17.	<b>Meghalaya</b>	N	N
18.	<b>Mizoram</b>	N	N
19.	<b>Nagaland</b>	N	N
20.	<b>Odisha</b>	N	Y (both appeals & complaints)
21.	<b>Punjab</b>	N	N
22.	<b>Rajasthan</b>	N (weblink to Hindi site is inactive)	N

<sup>42</sup> Although a link is provided on the website, it did not open up despite several attempts to access it from several browsers.

<b>Sl. No.</b>	<b>Information Commission</b>	<b>Availability of Local Language Website</b>	<b>Availability of Online Appeal/Complaint Filing Facility</b>
23.	<b>Sikkim</b>	N	N
24.	<b>Tamil Nadu</b>	N	N
25.	<b>Tripura</b>	N	Y (both appeals & complaints)
26.	<b>Uttarakhand</b>	N	N <sup>43</sup>
27.	<b>Uttar Pradesh</b>	Y	N
28.	<b>West Bengal</b>	N	N
29.	<b>Jammu and Kashmir</b>	N	N

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<sup>43</sup> Although a link is provided on the website, it did not open up despite several attempts to access it from several browsers.

**Table 7: Cause Lists Displayed on Websites of Information Commissions (Y or N)**

Sl. No.	Information Commission	2012	2014	Comment
1.	Central Information Commission	Y	Y	-
2.	Andhra Pradesh	Y	Y	-
3.	Arunachal Pradesh	Y	N	Cause list is provided only for 2010
4.	Assam	N	N	-
5.	Bihar	N	N	-
6.	Chhattisgarh	Y	Y	-
7.	Goa	N	N	-
8.	Gujarat	N	Y	-
9.	Haryana	Y	?	Only one entry for January 2014 is shown
10.	Himachal Pradesh	N	Y	-
11.	Jharkhand	N	Y	Cause List is available only up to March 2013
12.	Karnataka	Y	Y	Cause list can be accessed by keying in the period for which data is required.
13.	Kerala	N	N	-
14.	Madhya Pradesh	N	N	-
15.	Maharashtra	N	Y	-
16.	Manipur	N	N	-
17.	Meghalaya	N	N	-
18.	Mizoram	N	N	-
19.	Nagaland	N	Y	-
20.	Odisha	Y	Y	-
21.	Punjab	Y	Y	-
22.	Rajasthan	N	Y	-
23.	Sikkim	N	N	-
24.	Tamil Nadu	Y	Y	-
25.	Tripura	N	Y	The link does not display any data
26.	Uttarakhand	Y	N	Cause list can be accessed by keying in the period for which data is required.
27.	Uttar Pradesh	Y	Y	Fonts must be downloaded to read
28.	West Bengal	Y	Y	Accessible under the link: 'Hearing date'
29.	Jammu and Kashmir	Y	Y	-

**Table 8: Availability of Case Status on Websites of Information Commissions (Y or N)**

<b>Sl. No.</b>	<b>Information Commission</b>	<b>Case Status</b>	<b>Comment</b>
1.	<b>Central Information Commission</b>	Y	Status can be searched with Appellant's Name and Case No.
2.	<b>Andhra Pradesh</b>	Y	Status can be searched with Appellant's Name and Case No.
3.	<b>Arunachal Pradesh</b>	N	-
4.	<b>Assam</b>	Y	Status can be searched with Appellant's Name.
5.	<b>Bihar</b>	Y	Case status can be searched with the name of the Appellant and the Respondent
6.	<b>Chhattisgarh</b>	Y	Case status search facility is available in Hindi
7.	<b>Goa</b>	N	-
8.	<b>Gujarat</b>	Y	Status can be searched only with Case No.
9.	<b>Haryana</b>	N	-
10.	<b>Himachal Pradesh</b>	Y	Status can be searched with Appellant's Name and Case No.
11.	<b>Jharkhand</b>	Y	Status can be searched with Appellant's Name and Case No.
12.	<b>Karnataka</b>	Y	Case status can be searched with the name of the Appellant and the Respondent
13.	<b>Kerala</b>	N	-
14.	<b>Madhya Pradesh</b>	N	Website is not fully functional
15.	<b>Maharashtra</b>	Y	Status can be searched with name of the Appellant and Order No.
16.	<b>Manipur</b>	N	-
17.	<b>Meghalaya</b>	N	-
18.	<b>Mizoram</b>	N	-
19.	<b>Nagaland</b>	N	Status of cases finalised up to 2012 only are available
20.	<b>Odisha</b>	Y	Status can be searched with Appellant's Name and Case No.
21.	<b>Punjab</b>	Y	Status can be checked with Case No. Decisions are uploaded
22.	<b>Rajasthan</b>	N	-

**Table 8 (contd.)**

<b>Sl. No.</b>	<b>Information Commission</b>	<b>Case Status</b>	<b>Comment</b>
23.	<b>Sikkim</b>	N	-
24.	<b>Tamil Nadu</b>	N	-
25.	<b>Tripura</b>	Y	State can be checked with Appellant's name and Case No.
26.	<b>Uttarakhand</b>	Y	Cumbersome search facility as the list of cases is arranged in reverse order
27.	<b>Uttar Pradesh</b>	N	-
28.	<b>West Bengal</b>	N	-
29.	<b>Jammu and Kashmir</b>	N	-

**Table 9: Availability of Case Disposal and Pendency Statistics of Information Commissions ( Y or N)**

Sl. No.	Information Commission	Case Disposal data	Pendency Status and Comments/Reactions of the IC Staff
1.	<b>Central Information Commission</b>	Y (Available up to June 2014)	Disposal and pendency data are maintained IC-wise for every day and month. <b>21,946 appeals and complaints pending as on 31<sup>st</sup> May 2014.</b>
2.	<b>Andhra Pradesh</b>	Available only up to October 2012	Despite calling up on different days SIC staff did not provide the data.
3.	<b>Arunachal Pradesh</b>	N	Despite calling several times the SIC staff did not pick up the telephone
4.	<b>Assam</b>	N	SIC staff provided the following statistics: <b>1,378 appeals and complaints pending as on December 2013</b>
5.	<b>Bihar</b>	N	After several attempts to contact them, the SIC staff advised the CHRI Team to look up the information on the website
6.	<b>Chhattisgarh</b>	N	The Secretary's staff did not pick up the telephone despite several attempts to contact them
7.	<b>Goa</b>	N	The SIC staff demanded a formal request for the information. Applications were sent by fax (February, 2014). In May the SIC staff advised that a request letter be sent by surface mail
8.	<b>Gujarat</b>	N	After several attempts the Secretary's staff picked up the call and promised to supply the information in 15 minutes. Calls were not picked up thereafter. The Secretary said that the information was available on the SIC website
9.	<b>Haryana</b>	Y (Available up to July 2013)	A request was sent by fax in February. SIC staff provided the following statistics the same day on phone: <b>45 complaints and 1,492 appeals were pending as of December 2013.</b>
10.	<b>Himachal Pradesh</b>	N	SIC staff advised the CHRI Team to look up the website. Information is not available for pending cases
11.	<b>Jharkhand</b>	N	SIC staff said that the concerned staff was on maternity leave and the information could not be provided.
12.	<b>Karnataka</b>	Y (Annual returns are available)	SIC staff provided the following statistics: <b>12,079 appeals and complaints pending as of December 2013.</b>

**Table 9 (contd.)**

<b>Sl. No.</b>	<b>Information Commission</b>	<b>Case Disposal data</b>	<b>Pendency Status and Comments/Reactions of the IC Staff</b>
13.	<b>Kerala</b>	Y (Available up to March 2014)	The following figures are derived from the data uploaded on the SIC website (by adding appeals and complaints filed and deducting cases that are disposed): <b>7,745 cases are pending 2,282 complaints and 5,463 appeals pending as of March 2014.</b>
14.	<b>Madhya Pradesh</b>	N	SIC staff did not pick up the call despite several attempts. RTI Activist Ajay Dubey estimated that <b>15,000 appeals and complaints</b> were pending in January 2014.
15.	<b>Maharashtra</b>	Y (Available up to April 2014)	According to the figures available on the SIC website- <b>34,158 cases are pending. 3,042 complaints and 31,116 appeals are pending as of May 2014.</b>
16.	<b>Manipur</b>	N	SIC staff did not pick up the phone
17.	<b>Meghalaya</b>	N (Available up to December 2013)	SIC staff advised the CHRI Team to send a request for the SCIC to make a decision to disclose
18.	<b>Mizoram</b>	N	Secretary of the SIC sought a formal request for information
19.	<b>Nagaland</b>	N	Despite calling several times the SIC staff did not pick up the telephone
20.	<b>Odisha</b>	Y (Available up to 2013)	SIC staff advised the CHRI Team to check the website
21.	<b>Punjab</b>	Y	According to figures derived from the statistics uploaded on the SIC website (by adding appeals and complaints filed and deducting cases that are disposed): <b>1,348 appeals and complaints pending as on April 2014.</b>
22.	<b>Rajasthan</b>	Y	The information uploaded on the website up o March 2013 dos not indicate the exact pendency levels
23.	<b>Sikkim</b>	N	No pendency as on February 2014
24.	<b>Tamil Nadu</b>	N	SIC staff advised the CHRI Team to check the website
25.	<b>Tripura</b>	N	No pendency as on February 2014

**Table 9 (contd.)**

<b>Sl. No.</b>	<b>Information Commission</b>	<b>Case Disposal data</b>	<b>Pendency Status and Comments/Reactions of the IC Staff</b>
26.	<b>Uttarakhand</b>	Y (Available up to May 2014)	According to figures available on the SIC's website- <b>1,044 appeals and 51 complaints are pending as on May 2014</b>
27.	<b>Uttar Pradesh</b>	N	SIC staff did not pick up the phone despite several attempts to contact them
28.	<b>West Bengal</b>	N	SIC staff did not pick up the phone despite several attempts to contact them
29.	<b>Jammu and Kashmir</b>	Y (Available up to February 2014)	140 cases pending as of February 2014



**Table 10: Availability of Decisions of Information Commissions on Websites (Y or N)**

Sl. No.	Information Commission	2006	2007	2008	2009	2010	2011	2012	2013	2014	Comment
1.	Central Information Commission	Y	Y	Y	Y	Y	Y	Y	Y	Y	Decisions are displayed chronologically and can be searched IC-wise
2.	Andhra Pradesh	Y	Y	Y	Y	Y	Y	Y	Y	Y	-
3.	Arunachal Pradesh	Y	Y	Y	Y	N	N	N	N	N	Only summary status displayed up to December 2010. Text of decisions not available
4.	Assam	-	Y	Y	Y	Y	Y	Y	Y	N	-
5.	Bihar	Y	Y	Y	Y	Y	Y	Y	Y	Y	Facility to search decisions by name of appellant and public authority provided
6.	Chhattisgarh	Y	Y	Y	Y	Y	Y	Y	Y	Y	-
7.	Goa	Y	Y	Y	Y	Y	Y	Y	N	N	Decisions available only up to June 2012
8.	Gujarat	Y	Y	Y	Y	Y	Y	Y	Y	Y	Decisions can be searched date-wise
9.	Haryana	N	Y	Y	Y	Y	Y	Y	Y	Y	Decisions can be searched date-wise
10.	Himachal Pradesh	Y	Y	Y	Y	Y	Y	N	Y	Y	Decisions can be searched date-wise
11.	Jharkhand	N	N	Y	Y	Y	Y	N	N	N	-
12.	Karnataka	Y	Y	Y	Y	Y	Y	Y	Y	Y	Decisions can be searched only if name of Appellant or Respondent is entered
13.	Kerala	N	N	N	N	Y	Y	Y	Y	N	Decisions arranged SIC-wise

**Table 10 (contd.)**

Sl. No.	Information Commission	2006	2007	2008	2009	2010	2011	2012	2013	2014	Comment
14.	Madhya Pradesh	Y	Y	Y	N	Y	N	N	N	N	Only some “important decisions” are displayed
15.	Maharashtra	Y	Y	Y	Y	Y	Y	Y	Y	Y	Decisions are arranged date-wise and Bench-wise
16.	Manipur	N	Y	N	Y	Y	Y	N	N	N	Only some “important decisions” are displayed
17.	Meghalaya	Y	Y	Y	Y	Y	Y	N	Y	Y	Decisions can be searched by appellant’s name and date
18.	Mizoram	Y	Y	Y	Y	Y	Y	Y	Y	N	-
19.	Nagaland	Y	Y	Y	Y	Y	Y	Y	Y	Y	-
20.	Odisha	Y	Y	Y	Y	Y	Y	Y	Y	Y	Decisions are arranged chronologically
21.	Punjab	Y	Y	Y	Y	Y	Y	Y	Y	Y	Decisions are compiled date-wise and Bench-wise in a single document each
22.	Rajasthan	Y	Y	Y	Y	Y	Y	Y	Y	Y	Decisions available up to January 2014 only
23.	Sikkim	?	?	?	?	?	?	?	?	?	Web link to decisions does not work
24.	Tamil Nadu	Y	Y	Y	Y	Y	Y	Y	Y	Y	-
25.	Tripura	Y	Y	Y	Y	Y	Y	Y	Y	Y	Decisions can be searched only if name of Appellant or Respondent is entered
26.	Uttarakhand	N	N	N	N	N	N	N	Y	Y	Decisions can be searched only if name of Appellant or Respondent is entered

**Table 10 (contd.)**

<b>Sl. No.</b>	<b>Information Commission</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>Comment</b>
<b>27.</b>	<b>Uttar Pradesh</b>	N	N	Y	Y	Y	Y	N	N	N	Decisions of some ICs available up to 2011 only
<b>28</b>	<b>West Bengal</b>	Y	Y	Y	Y	Y	Y	Y	Y	Y	-
<b>29</b>	<b>Jammu and Kashmir</b>	-	-	-	-	-	Y	Y	Y	Y	SIC started functioning in 2011 only

**Table 11: Availability of Annual Reports of Information Commissions on Websites (Y or N)**

Sl. No.	Information Commission	2006	2007	2008	2009	2010	2011	2012	2013	Comments
1.	Central Information Commission	Y	Y	Y	Y	Y	Y	Y	N	Latest Annual Report available is for the year 2011-12
2.	Andhra Pradesh	Y	Y	Y	Y	Y	Y	N	N	-
3.	Arunachal Pradesh	Y	Y	N	N	N	N	N	N	-
4.	Assam	N	N	Y	Y	N	N	N	N	-
5.	Bihar	Y	Y	Y	Y	Y	Y	Y	N	Latest Annual Report available is for the year 2011-12
6.	Chhattisgarh	Y	Y	Y	Y	Y	Y	Y	N	-
7.	Goa	Y	Y	Y	N	N	N	N	N	-
8.	Gujarat	Y	Y	Y	Y	Y	Y	Y	Y	Latest Annual Report available is for the year 2012-13
9.	Haryana	Y	N	N	N	N	N	N	N	-
10.	Himachal Pradesh	Y	Y	Y	Y	Y	Y	Y	N	Latest Annual Report available is for the year 2011-12
11.	Jharkhand	Y	Y	Y	Y	Y	Y	N	N	Combined report for 2006-2011 presented in 2011
12.	Karnataka	Y	Y	Y	Y	Y	Y	Y	Y	Latest Annual Report available is for the year 2012-13
13.	Kerala	Y	Y	Y	Y	Y	Y	N	N	-
14.	Madhya Pradesh	N	N	N	N	N	N	N	N	-
15.	Maharashtra	Y	Y	Y	Y	Y	Y	Y	N	-
16.	Manipur	N	N	N	N	N	N	N	N	-
17.	Meghalaya	Y	Y	Y	Y	Y	N	Y	N	Latest Annual Report available is for the year 2011-12
18.	Mizoram	Y	Y	Y	Y	Y	Y	Y	Y	Latest Annual Report available is for the year 2012-13

**Table 11 (contd.)**

Sl. No.	Information Commission	2006	2007	2008	2009	2010	2011	2012	2013	Comments
19.	Nagaland	N	N	Y	Y	Y	Y	Y	? <sup>44</sup>	Latest Annual Report available is for the year 2011-12
20.	Odisha	Y	Y	Y	Y	Y	Y	Y	N	Latest Annual Report available is for the year 2011-12
21.	Punjab	Y	Y	Y	Y	N	N	N	N	-
22.	Rajasthan	Y	Y	Y	Y	Y	Y	Y	N	Latest Annual Report available is for the year 2011-12
23.	Sikkim	N	N	N	N	N	N	N	N	-
24.	Tamil Nadu	N	N	N	N	N	N	N	N	-
25.	Tripura	N	N	N	N	N	N	N	N	-
26.	Uttarakhand	Y	Y	Y	Y	N	N	N	N	Latest Annual Report available is for the year 2008-09
27.	Uttar Pradesh	N	N	N	N	N	N	N	N	-
28.	West Bengal	Y	Y	Y	Y	N	N	N	N	Annual reports for 2006-2009 presented in 2009
29.	Jammu and Kashmir	-	-	-	Y	Y	Y	Y	N	Combined report for the years 2009-12 was published in 2012

<sup>44</sup> Link to the Annual Report is not functional on the following browsers: Internet Explorer, Mozilla Firefox and Google Chrome.

**Table 12: Availability of Budget and Expenditure of the Information Commissions (Y or N)**

<b>Sl. No.</b>	<b>Information Commission</b>	<b>Budget</b>	<b>Expenditure</b>	<b>Source and Date</b>
1.	<b>Central Information Commission</b>	Y	Y	Both figures with details are mentioned in the Annual Report for 2012-13
2.	<b>Andhra Pradesh</b>	Y	N	Allocation figures up to March 2012 given in the Annual Report for 2011-2012
3.	<b>Arunachal Pradesh</b>	N	N	-
4.	<b>Assam</b>	Y	Y	Allocation figures for 2012-13 displayed on the website. Expenditure for 2009 only is given in the Annual Report
5.	<b>Bihar</b>	Y	Y	Both figures are mentioned in the Annual Report
6.	<b>Chhattisgarh</b>	Y	Y	Both figures are mentioned in the Annual Report
7.	<b>Goa</b>	Y	N	Budget estimate for 2009 mentioned in the Annual report for the previous year.
8.	<b>Gujarat</b>	Y	N	Budget for 2012-13 mentioned in the Annual Report
9.	<b>Haryana</b>	N	N	-
10.	<b>Himachal Pradesh</b>	Y	Y	Both figures mentioned in the Annual Report for 2011-12
11.	<b>Jharkhand</b>	N	N	-
12.	<b>Karnataka</b>	Y	Y	Both figures mentioned in the Annual Report for 2012-13
13.	<b>Kerala</b>	Y	Y	Both figures mentioned in the Annual Report for 2010-11
14.	<b>Madhya Pradesh</b>	N	N	-
15.	<b>Maharashtra</b>	Y	Y	Mentioned in the proactive disclosure compilation

**Table 12 (contd.)**

<b>Sl. No.</b>	<b>Information Commission</b>	<b>Budget</b>	<b>Expenditure</b>	<b>Source and Date</b>
16.	<b>Manipur</b>	Y	N	Mentioned only up to 2011-12 in the Proactive disclosure compilation
17.	<b>Meghalaya</b>	N	Y	Mentioned in the Annual Report of 2012
18.	<b>Mizoram</b>	Y	Y	Mentioned for the period 2012-13 in the Annual Report
19.	<b>Nagaland</b>	N	N	-
20.	<b>Odisha</b>	Y	Y	Mentioned up to 2012-13 in the Proactive disclosure compilation
21.	<b>Punjab</b>	N	N	-
22.	<b>Rajasthan</b>	Y	Y	Mentioned for the period 2011-12 in the Annual Report
23.	<b>Sikkim</b>	N	N	-
24.	<b>Tamil Nadu</b>	N	N	-
25.	<b>Tripura</b>	N	N	-
26.	<b>Uttarakhand</b>	Y	Y	Mentioned up to November 2013 in the proactive disclosure compilation
27.	<b>Uttar Pradesh</b>	N	N	-
28.	<b>West Bengal</b>	Y	Y	Budget mentioned for the period 2012-13 and expenditure mentioned for the period 2011-12 in the proactive disclosure compilation
29.	<b>Jammu and Kashmir</b>	Y	Y	Budget and expenditure mentioned in the Annual Report for 2011-12

**Table 13: Whether Assets and Liabilities of ICs are Disclosed? (Y or N)**

<b>Sl. No.</b>	<b>Information Commission</b>	<b>Assets and Liabilities</b>	<b>Comments</b>
1.	<b>Central Information Commission</b>	Y	All ICs have displayed their assets and liabilities details on the CIC's website
2.	<b>Andhra Pradesh</b>	N	-
3.	<b>Arunachal Pradesh</b>	N	-
4.	<b>Assam</b>	N	-
5.	<b>Bihar</b>	Only SIC staff	ICs have not disclosed their asset and liabilities
6.	<b>Chhattisgarh</b>	N	-
7.	<b>Goa</b>	N	-
8.	<b>Gujarat</b>	N	-
9.	<b>Haryana</b>	Y	Assets disclosed only up to 2011-12
10.	<b>Himachal Pradesh</b>	N	-
11.	<b>Jharkhand</b>	N	-
12.	<b>Karnataka</b>	Y	Only SCIC's assets details given and only for 2010-11
13.	<b>Kerala</b>	Y	Only four ICs have displayed their assets and liabilities details
14.	<b>Madhya Pradesh</b>	N	-
15.	<b>Maharashtra</b>	N	-
16.	<b>Manipur</b>	N	-
17.	<b>Meghalaya</b>	N	-
18.	<b>Mizoram</b>	N	-
19.	<b>Nagaland</b>	N	-
20.	<b>Odisha</b>	N	-
21.	<b>Punjab</b>	N	-
22.	<b>Rajasthan</b>	N	-
23.	<b>Sikkim</b>	N	-
24.	<b>Tamil Nadu</b>	N	-
25.	<b>Tripura</b>	N	-
26.	<b>Uttarakhand</b>	N	-
27.	<b>Uttar Pradesh</b>	N	-
28.	<b>West Bengal</b>	N	-
29.	<b>Jammu and Kashmir</b>	N	-



## *CHRI's role in promoting RTI in India and the Commonwealth*

CHRI was closely associated with the drafting of the two RTI laws in India at various stages. Within a fortnight of Parliament approving the Central RTI Bill, CHRI organised the first ever national conference to discuss its implementation. Senior representatives of Central and State Governments, civil society, academia and the mass media discussed the ways and means of implementing the RTI Act with experts and Information Commissioners from Mexico, the United Kingdom, Canada, South Africa and Jamaica. The outcome document of the conference served as the basis for several States to strategise their implementation efforts. Later within a span of a few months CHRI resourced State-level implementation conferences in Uttarakhand, Madhya Pradesh, Gujarat, Meghalaya, Mizoram, Nagaland and Tamil Nadu. During the initial years of implementation CHRI worked with officer training institutes at the Central and State level to design and conduct training programmes for public information officers and appellate authorities designated under the Central RTI Act. CHRI has conducted or resourced several workshops all over the country to train representatives of big and small civil society organisations and networks and the mass media to use the Indian RTI laws in public interest. CHRI has worked closely with civil society actors, academia, lawmakers and the State Government of Jammu and Kashmir for the enactment, implementation and use of the J&K RTI Act.

In recent years CHRI has worked with Information Commissions and partner organisations to develop and implement proactive disclosure templates for making development-related information accessible to people through gram panchayats, particularly in the State of Gujarat. CHRI was part of the Government-appointed Task Force that drew up guidelines for implementing the proactive disclosure provisions of the Central RTI Act. The Central Government has issued these guidelines in 2013.

Internationally, CHRI works with governments and civil society for the adoption of RTI laws in Commonwealth countries. CHRI shared its technical knowledge and experience of advocacy with civil society partners in Bangladesh who successfully moved Government and Parliament to enact their own RTI law. Since then CHRI has worked with partners to build civil society capacity to spread awareness about the value and use of RTI at the community level in South Asia and Africa. CHRI has provided technical inputs for strengthening draft RTI legislation in Barbados, Bhutan, Cook Islands, Fiji, Ghana, Kenya, Malawi, Malaysia (provincial RTI Bills) the Maldives, Malta, Pakistan (national and provincial RTI Bills), Rwanda, Sierra Leone, Swaziland, Tanzania and Zambia. CHRI also facilitates learning programmes in India for visiting government and civil society representatives from South Asia and Africa to acquire first-hand knowledge about the efforts being made to embed the regime of transparency in India.

For more information about CHRI's work in India and the Commonwealth please visit: [www.humanrightsinitiative.org](http://www.humanrightsinitiative.org)

The Open Society Foundations, the Open Society Justice Initiative and the Friedrich Naumann Stiftung- Für Die Freiheit are currently supporting CHRI's Access to Information Programme.



# Commonwealth Human Rights Initiative

New Delhi, India • London, UK • Accra, Ghana

NGO in Special Consultative Status with the Economic & Social Council of the United Nations

Date: 28/02/2014

Director  
Maja Daruwala

International Advisory Commission:  
Yashpal Ghai - Chairperson

Members:  
Allison Duxbury  
Neville Linton  
Yivek Maru  
Edward Mortimer  
Sam Okudzeto  
B.G. Verghese  
Maja Daruwala

Executive Committee (India):  
B.G. Verghese - Chairperson

Members:  
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Sanjoy Hazarika  
Kamal Kumar  
Poonam Muttreja  
Ruma Pal  
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Maja Daruwala

Executive Committee (Ghana):  
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Maja Daruwala

Executive Committee (UK):  
Neville Linton - Chairperson

Members:  
Richard Bourne  
Meenakshi Dhar  
Derek Ingram  
Claire Martin  
Syed Sharfuddin  
Joe Silva  
Michael Stone  
Sally-Ann Wilson

To,  
Dr. S K Sarkar, IAS  
Secretary to Government of India  
Department of Personnel and Training  
Ministry of Personnel, Public Grievances  
and Pensions  
North Block  
New Delhi- 110 001

Dear sir,

Sub: Promoting the implementation of Section 26(1) of the *Right to Information Act, 2005*

I am writing to draw your attention to the urgent need for giving effect to Section 26(1) of the *Right to Information Act*. You are aware that under this provision, the Government of India being the appropriate government, has a statutory obligation to develop and organise educational programmes for the benefit of disadvantaged communities about their rights under this law.

During a recent visit to Kolkata where I was invited to conduct a sensitisation programme on the RTI Act for rehabilitated commercial sex workers it struck me that targeted RTI awareness raising programmes are a rarity across the country. So I filed an information request with your Department (Enclosure 1) to find out whether any communication had been sent to your sister departments that are mandated to specifically work for the welfare of disadvantaged groups such as women, children, dalits, adivasis, small and marginal farmers, people working in the unorganised sector, minority communities and persons with disabilities. The reply received from your Public Information Officer (Enclosure 2) indicates that training initiatives are being conducted across all communities. As I am familiar with your Department's promotional efforts around the RTI Act I have no complaint on that account.

Nevertheless, it must be emphasised that all departments mandated to look after the well being of disadvantaged communities some of which have been listed above, being arms of the Central Government, also have a statutory duty



to implement Section 26(1) of the RTI Act. The burden of spreading awareness across the country must be shared by them as well instead of being left to your Department alone. These Departments also receive a considerable amount of funding in their annual budget to carry out various kinds of sensitisation and promotional activities. RTI training needs to be mainstreamed into such educational programmes to increase the usage of this law from the present estimated 0.3% of the population to at least 1%. This estimate is based on our report on RTI usage across the country released on the 8<sup>th</sup> anniversary of the RTI Act last October. We had shared this report with your Department by email last year.

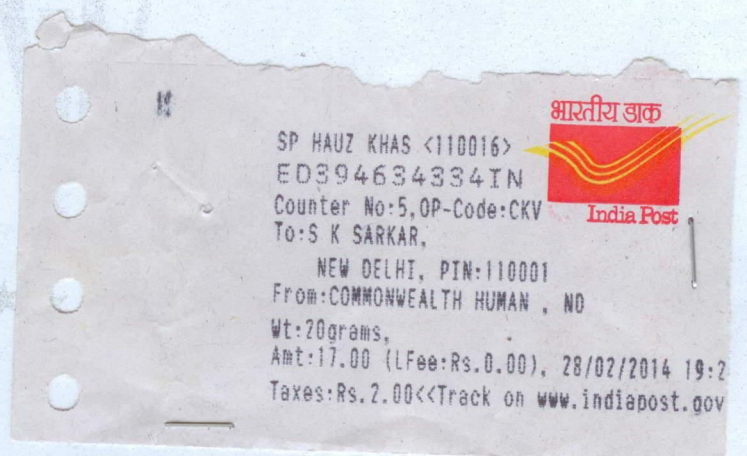
I request you to kindly issue a letter to all the Departments under the Government of India to identify disadvantaged communities under their charge and organise awareness raising programmes about their rights under the RTI Act immediately with the help of the Information Commissions, Administrative Training Institutes and CSOs which are well versed in conducting RTI trainings. I would be grateful for early action in this regard from your end and also for an intimation about action taken on this submission.

With regards,  
Yours sincerely,

*S. S. Venkatesh Nayak*

Venkatesh Nayak  
Programme Coordinator  
Access to Information Programme

- Encl: 1) Copy of RTI application dated 02/02/2014  
2) Copy of the RTI reply sent by the CPIO, DoPT dated 18/2/2014





F.No.12/73/2014-IR  
Government of India  
Ministry of Personnel, PG & Pensions  
Department of Personnel & Training

North Block, New Delhi.  
Dated the 18<sup>th</sup> February, 2014

To  
Shri Venkatesh Nayak,  
B-117, 2<sup>nd</sup> Floor,  
Sarvodaya Enclave, New Delhi-110017.

Subject:- RTI Application under RTI Act, 2005.

Sir,

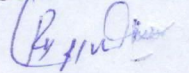
I am to refer to your RTI application dated 02.02.2014 (received in this department on 05.02.2014) and to furnish information as under:

Point No. 1: Training on RTI is imparted irrespective of community. However, no list of disadvantaged community in terms of section 26(1) of the RTI Act has been prepared by DOPT.

Point No.2: No information is available with the undersigned in view of reply to point (1) above.

2. The appeal, if any, in this matter may be preferred to the following officer:  
Shri Sandeep Jain,  
Director  
Department of Personnel & Training  
North Block, New Delhi-110 001.

Yours faithfully,



(R.K. Girdhar)  
CPIO & Under Secretary  
Tel.No. 23092759

Copy to:

Section Officer (RTIC Cell) **00663/RTIC/2014**



From,  
Venkatesh Nayak  
B-117, 2<sup>nd</sup> Floor  
Sarvodaya Enclave  
New Delhi- 110 017

To,  
The Central Public Information Officer  
Dept. of Personnel and Training  
Ministry of Personnel, Public Grievances  
and Pensions  
Government of India  
North Block  
New Delhi- 110 001

Dear sir,

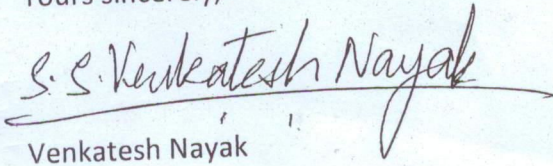
Sub: Request for information under the *Right to Information Act, 2005* (RTI Act)

I would like to obtain the following information from your public authority:

- 1) A list of disadvantaged communities identified by the Government of India for the purpose of conducting educational programmes under Section 26(1)(a) of the RTI Act;
- 2) A copy of all correspondence sent to and received till date from the following Ministries requesting appropriate action to give effect to the requirements under Section 26(1)(a) of the RTI Act:
  - a) Agriculture;
  - b) Health and Family Welfare;
  - c) Social Justice and Empowerment;
  - d) Labour and Employment;
  - e) Housing and Urban Poverty Alleviation;
  - f) Rural Development;
  - g) Panchayati Raj;
  - h) Tribal Affairs;
  - i) Minority Affairs; and
  - j) Human Resource Development

I am a citizen of India. I have enclosed an IPO (bearing #13F 872175) for Rs. 10/- towards payment of the prescribed application fee. I would like to receive the information sought at my postal address mentioned above. Kindly inform me of any additional fee payable for obtaining this information.

Thanking you,  
Yours sincerely,

  
Venkatesh Nayak

अधपत्रा COUNTERFOIL  
इसे फाड़कर प्रेषक अपने पास रख ले।  
To be detached and kept  
by the Sender.

पोस्टल आर्डर  
रुपए 10.00 Rs.  
POSTAL ORDER

कितने अना करना  
To whom payable A/o  
Dept. of Personnel & Training

किस डाकघर में  
At what Office G.P.O. N. Delhi

क्या इसे क्रॉस किया है  
Whether crossed No

भेजने की तारीख  
Date sent 2/2/14

13F 872175

Date: 02/02/2014