

Findings: CHRI's Rapid survey on working status of Information Commissions during Unlock 1.0 and Unlock 2.0.

State Information Commissions which were not conducting hearings during both Unlock 1.0 and Unlock 2.0 phase:

- **Assam**

During Unlock 1.0:

Nobody picked up the phone when we called up the SIC's office. We sent an email on 2nd July 2020 to their official ID asking about their working status. We have not received any response till date. We learnt from a senior RTI activist based in Assam that the SIC is not conducting hearings since March 2020. It had opened during the period of May 5th to June 28th, but as the state capital was placed under lockdown once again, the SIC was shut down. The Commission's working during this brief period was evidenced by decisions issued up to 12 June 2020 on its website. The SIC does not display cause lists on its website.

During Unlock 2.0:

No latest information was available on Assam SIC website about the status of hearings. When we called up the SIC's office, we got a recorded message that all services to the dialled numbers have been temporarily withdrawn. Then we spoke to the senior RTI activist who informed us that the SIC is working with 30 percent staff as per unlock guidelines and no hearings have been conducted since the end of March except for a brief period during Unlock 1.0.

- **Goa**

During Unlock 1.0:

According to a notice dated 20th April 2020 displayed on the SIC's website, due to lockdown the hearings of all RTI cases were put on hold until further orders.

During Unlock 2.0:

No updated information on website about the status of hearings in July. Goa SIC does not display Cause lists on its website. We spoke to a senior RTI activist in the State who informed us that SIC is not working and hearings are not being held due to the COVID-19 epidemic.

- **Jharkhand**

During Unlock 1.0:

According to a notice displayed on the SIC's website, they have adjourned hearings in all cases until further orders as the SCIC has retired and other Information Commissioner's positions are also vacant. Therefore, all hearings of appeals and complaints through Video conferencing are adjourned till the appointment of new SCIC and State Information Commissioners.

During Unlock 2.0:

The situation had not changed during Unlock 2.0 either as no new appointment appears to have been made. Therefore, all hearings continued to remain adjourned.

- **Meghalaya**

During Unlock 1.0:

A senior RTI activist informed us that the Meghalaya SIC was in bad shape even before the COVID lockdown was imposed. It was not functional during the entire lockdown phase. The SIC's performance is evidenced from their website also where Cause Lists have not been updated since 2014.

During Unlock 2.0:

No updated information was available on its website about the status of hearings. It appears that their SIC has not resumed hearings yet.

- **Nagaland**

During Unlock 1.0:

Nobody picked up our phone when we called up the SIC's office during working hours. Cause lists have not been updated since November 2018 and decisions have not been updated since 2019 on its website. We sent an email on 3rd July 2020 to their official ID enquiring about their working status, but we have not received any response till date. It appears that the SIC has not resumed hearings during Unlock 1.0.

During Unlock 2.0:

No updated information was available on its website about status of hearings. It appears that the SIC has not resumed hearings yet.

- **Tripura**

During Unlock 1.0:

There is no latest information on its website about the SIC's working. When we called up the SIC's office during working hours, we got a recorded message saying, the number is not valid anymore. No records are uploaded on Cause Lists and Decisions section of the SIC's website. We had sent an email on 26th June 2020 to their official ID enquiring about their working status, but have not received any response till date. During CHRI's first Rapid survey we had found that the SCIC's post was vacant and no fresh appointment has been made.

During Unlock 2.0:

No updated information was available on the SIC's website about the status of hearings and Cause Lists are also not updated. It seems that the SIC has not resumed hearings yet.

State Information Commissions which were conducting hearings:

- **Central Information Commission**

During Unlock 1.0:

The CIC has resumed hearings from 15th April 2020 for urgent matters through video or audio calls. In person participation in hearings was prohibited and all case-related

submissions were facilitated through the link: <http://dsscic.nic.in/online-link-paper-compliance/add> provided on the CIC's website. For urgent hearing, contact numbers of Deputy Registrars are provided on Commission's website. The uploading of Daily Cause Lists and decisions in completed cases on the CIC's website evidenced the resumption of their working.

During Unlock 2.0:

The CIC continues to conduct hearings and decide cases as evident by the Cause Lists and decisions in completed cases uploaded on their websites. Some Central Information Commissioners who are based in Delhi have started in-person hearings also. One of CHRI's senior staffers attended a hearing at the CIC in person during Unlock 2.0.

- **Andhra Pradesh**

During Unlock 1.0:

The SIC of Andhra Pradesh had resumed work since 4th May 2020 and was disposing appeals and passed orders on the existing case-related papers available with the Commission, without insisting on the physical presence of any of the parties at the Commission. The respondent officers (PIO/FAA) were directed to submit compliance report to the Commission in person within 15 days from the date of disposal of cases.

During Unlock 2.0:

At least one State Information Commissioner was conducting hearings through video conference mode 1st July 2020 onwards and also resumed physical hearings, as needed. Cause list of cases heard by this SIC are available on their website whereas Cause Lists of cases attended to by the remaining three ICs were not accessible on this website. However according to information provided by a senior RTI activist based in AP, the SIC was closed for 2 days on 29th and 30th July 2020 for thorough disinfection. According to the RTI activist the Commission has resumed work since then.

- **Arunachal Pradesh**

During Unlock 1.0:

The SIC of Arunachal Pradesh was conducting hearing of all cases of appeals and complaints via video conference using Lifesize Video App. The Commission's working was evidenced by regular updating of Cause Lists and uploading of decisions on its website.

During Unlock 2.0:

A notice dated 19 July 2020 on the SIC website mentions that due to extension of lockdown from 20 July to 3 August 2020, all hearings shall be suspended till further notice.

- **Bihar**

During Unlock 1.0:

Phone calls could not be made to SIC office as their telephone numbers were not available in the public domain. Their website is not accessible through any Internet browser. However, we managed to speak to one State Information Commissioner, over his mobile number. He informed us that all ICs have resumed hearings from 24th June 2020 following social distancing guidelines of the government. He informed us that appellants who are unable to visit the SIC in person, due to lockdown restrictions orders will be passed based on the written submissions and letters exchanged with the parties. Both the parties will be given extra opportunity to raise objections through letters and SIC will not pass any adverse orders due to their absence in the hearing keeping in mind the present crisis situation. He also mentioned that the Commission does not have an SCIC which creates problem for them as they cannot take any administrative decisions on behalf of the Commission.

During Unlock 2.0:

We spoke to with the same SIC again, who informed that hearings have been adjourned till 31 July 2020 due to extended lockdown in the State. He mentioned that hearings may start from 3rd August, but the spread of COVID-19 virus and the floods situation is really bad in the State. So he was of the opinion that nobody would attend the hearings anyway.

- **Chhattisgarh**

- **During Unlock 1.0:**

- According to the Chhattisgarh SIC website, presence of PIO or FAA was not made mandatory for conducting the hearings. Appellants, PIOs and FAAs of all districts except Raipur were allowed to visit their respective NIC centres of the respective districts to present their cases. They were also permitted to send their response via email or Whatsapp or Fax to the SIC. The Commission's working was also evidenced by regular updating of Cause Lists on its website.

- **During Unlock 2.0:**

- A notice dated 20 July 2020 on their website states that SIC office shall be closed from 22 July to 28 July 2020. Although Cause lists prepared prior to the decision to close down the SIC continue to be displayed on the website, we were informed that parties in postponed hearings would be informed of fresh dates later on.

- **Gujarat**

- **During Unlock 1.0:**

- In the SIC of Gujarat, staff who received our call informed that hearings have started from June 1st 2020 through Video conferencing and Appellants/Complainants have had to visit the District Collector's office for attending the hearing through Video Conferencing as no personal hearings are conducted. The Commission's working was evidenced by uploading of Cause Lists and latest decisions of the Information Commissioners on the website.

- **During Unlock 2.0:**

The SIC continue to upload Cause lists on their website. When we called the SIC's office, a staffer informed us that hearings are being conducted.

- **Haryana**

During Unlock 1.0:

In the SIC of Haryana, staff who received our call informed us that hearings have started from 1st June 2020 through mobile phones according to the Cause List prepared. Appellants/Complainants does not have to visit the SIC in person to attend hearings. The Commission's resumption of hearings was evidenced by uploading of daily cause lists and decisions issued by all Information Commissioners on their website.

During Unlock 2.0:

In the SIC office, the staff who received our call informed that hearings are being conducted. The Commission's working was evidenced by regular uploading of Cause Lists on their website. A notice dated 10th July 2020 mentions that cases listed before one of the SICs for the period 10th to 17th July 2020 shall be adjourned until further orders. The reasons for this adjournment were not displayed on the website.

- **Himachal Pradesh**

During Unlock 1.0:

The State Chief Information Commissioner (SCIC) started hearing Appeals through Video Conference 2nd June 2020 onwards and Cause lists and decisions signed by him were regularly uploaded on the website. However when we looked for evidence of the work of the State Information Commissioner, the website displayed the following result: 'no records found'.

During Unlock 2.0:

No updated information was available on their website about the status of hearings during this phase. Cause lists and decisions were not uploaded for either the SCIC or

the IC. When we called up the SIC's office a staffer who received our call informed us that hearings are being conducted through video conference.

- **Karnataka**

During Unlock 1.0:

In the SIC of Karnataka, no update was available on its website about the status of hearings. The Commission was uploading Cause Lists and decisions on its website since June, which shows that it was working during this phase. A senior RTI activist in Bengaluru informed us that all Information Commissioners have started conducting hearings in person but he learnt that the parties were not appearing at the hearings due to restrictions imposed by the Government on people's movement due to contain spread of the Corona virus. This resulted in most of the hearings being adjourned.

During Unlock 2.0:

A Ticker on the website mentioned that due to unavoidable reasons the 2nd appeal cases listed for hearing from 27th July 2020 to 31st July 2020 have been postponed and the next date of hearings will be advertised later. However older Cause Lists continue to displayed on the SIC website.

- **Kerala**

During Unlock 1.0:

In the SIC of Kerala, staff who picked up our call informed that Chief State Information Commissioner has started conducting hearings through telephone from 1st June 2020 and other ICs have started the hearings through phone from 22nd June 2020. We spoke with the SCIC of Kerala as well. He mentioned that during the lockdown period he examined pending cases and wherever information was required to be disclosed, he directed the public authority do so. The appellant/complainant was given an option to go back to the Commission with any grievance in case the information was not furnished or what was furnished was found to be unsatisfactory.

During Unlock 2.0:

No updated information was available on the SIC's website about the status of hearings and even Cause lists are not updated. Then a phone call was made to the SIC office. The staffer who received our call informed us that hearings were not being held due to lockdown during the last 2 weeks of July. The SIC will reopen on 3 August and hearings may resume after revising the hearing schedule.

- **Madhya Pradesh**

During Unlock 1.0:

We spoke to a senior RTI activist based in MP who shared a news link which mentioned that hearings have started in the SIC through the use of mobile phones since 1st June 2020. We could not send them an email asking more information about the working status as they do not have a website displaying their email address.

During Unlock 2.0:

We spoke to one of the ICs at the SIC who informed us that hearings are being conducted through video calls using mobile phones.

- **Maharashtra**

During Unlock 1.0:

In the SIC of Maharashtra, staff who received our call said that the SIC has started conducting hearings 15th June 2020 onwards via video conferencing using Google Meet app. A senior RTI activist based in Mumbai informed us that out of 8 benches of the SIC situated in the divisional headquarters of Maharashtra, three have fallen vacant due to the ICs completing their tenure. Online hearings have started in 4 Benches namely- SCIC, Mumbai, Aurangabad and Amravati- out of 5 Benches of the SIC after the lockdown. Only 1 working Bench of Pune which is on additional charge with Mumbai Bench has not restarted hearings yet.

During Unlock 2.0:

The SIC's website does not display updated Cause Lists and decisions are updated only for SCIC Mumbai Head quarter's Bench. When we called up the SCIC's office a staffer informed us that hearings were being conducted in all working Benches.

- **Manipur**

During Unlock 1.0:

The SIC of Manipur had resumed the hearings through audio or video conference using Whatsapp since 19th May 2020.

During Unlock 2.0:

No updated information was available on its website about the status of hearings and even Cause Lists were not updated on the website. Then phone calls were made to Manipur SIC in the last week of July. We got a recorded message that the contact number of the SIC was not in service anymore. We spoke to a senior RTI activist based in Imphal. He informed us that hearings have stopped since 23rd July 2020 for 2 weeks due to re-imposition of lockdown in the State.

- **Mizoram**

During Unlock 1.0:

We spoke with the SCIC of Mizoram who informed that their SIC office is functional and they are open to conducting hearings following social distancing guidelines., However they have not received any appeal or complaint case during Unlock 1.0. He mentioned that even before the Lockdown was imposed they have received only 2 cases since January 2020 and usually they do not receive more than 5-6 cases in a year.

During Unlock 2.0:

No updated information was available on SIC website about the status of hearings and Cause Lists are also not uploaded on the website. According to our conversation with their SCIC, the SIC has been open to conducting hearings following social distancing guidelines, but they do not seem to have received any appeal or complaint cases during this period.

- **Odisha**

During Unlock 1.0:

The SIC of Odisha indicated on its website that all communication with and from the SIC will be made via registered post, speed post, email or fax. The SIC will permit a person who wishes to attend a hearing in person. However all are required to strictly abide by the guidelines issued by the central government and state government from time to time for prevention of COVID-19 contagion. Commission's working was evidenced by weekly updating of latest Cause Lists and uploading of decisions on its website.

During Unlock 2.0:

A notice dated 17th July 2020 on the website mentions that due to the re-imposition of the lockdown from 17th July to 31st July 2020, SIC shall remain closed and cases for hearing are adjourned until further notice. The notice also indicated that applications for information concerning life and liberty may be submitted online to the Registrar of the SIC.

- **Punjab**

During Unlock 1.0:

In the Punjab SIC, cases are being heard through video conference by the SCIC and the ICs since 27th May 2020. Cause Lists are regularly updated on the website. The Commission's working was evidenced by updated Cause Lists and uploading of decisions regularly on its website.

During Unlock 2.0:

The SIC continues to upload latest Cause lists and decisions on the website. We spoke with the Personal Secretary of the SCIC, who mentioned that hearings are going on using the Cisco Webex App. Impliedly, in-person hearings are being discouraged.

- **Rajasthan**

During Unlock 1.0:

The Rajasthan SIC was conducting hearing only in urgent cases. So any appellant in seeking information concerning life and liberty matters [under the proviso to Section 7(1) of the RTI Act] could send documents on Whatsapp number of this SIC for entertaining appeals. Hearings of other cases were adjourned till 15th June 2020. The Commission's working was evidenced by updated Cause Lists on the website, but decisions cannot be accessed without entering name, appeal no. and registration year of the case on the website.

During Unlock 2.0:

According to a notice dated 8th July 2020, hearings were adjourned on only 9th July. A phone call was made to the SIC office, the staff who received our call informed that hearings are being conducted during rest of the month. We also spoke with a local RTI activist based in Rajasthan who informed us that hearings are being conducted in person at the SIC. They are uploading Cause lists on their website, but decisions cannot be accessed without entering name, appeal no. and registration year of the case.

- **Sikkim**

During Unlock 1.0:

Our repeated calls to landline numbers of SIC office did not connect due to congestion in the network. Then a call was placed to the mobile number of the Personal Secretary of the SCIC who informed us that in-person hearings have started from 17th June 2020 at the SIC while maintaining social distancing and following precautionary guidelines. We had sent an email on 26 June 2020 to their official ID asking about their working status. They have not sent any response till date.

During Unlock 2.0:

No updated information is available about the status of hearings and Sikkim SIC does not display Cause Lists on its website. The Personal Secretary of SCIC informed us on the phone that the SIC office is closed and hearings have stopped since 20th July and

will remain so up to 1stAugust 2020 and it may extend further due to spread of the Corona virus in the State.

- **Tamil Nadu**

During Unlock 1.0:

According to a notice dated 23rd March 2020 on the SIC's website, all cases were adjourned due to suspension of public transport and new dates for enquiry would be intimated later on the SIC website. No further information was available on its website and nobody responded to our phone calls made to the SIC office either. Cause list of the cases were available up to 2ndApril 2020 only, but the decisions were uploaded till 12 June 2020. This indicates that the Commission was working during Unlock 1.0. However it is not clear how parties were informed about any hearings scheduled in their matters.

During Unlock 2.0:

No updated information was available on website about the status of hearings and Cause Lists are also not updated. Nobody responded to our phone calls during the last week of July. Then we spoke to a senior RTI activist based in Tamil Nadu who informed us that hearings were not taking place at the SIC due to lockdown.

- **Telangana**

During Unlock 1.0:

The SIC has resumed hearing of cases through audio or video conferencing for the time being. Notices for hearing were communicated in advance through SMS or email. Commission's working was evidenced by regular updating of Cause Lists and uploading of decisions on its website.

During Unlock 2.0:

No updated information was available on SIC website about the status of hearings, though Cause lists and decisions were updated. Then we called up the SIC's office. The staff who received our call informed us that hearings are being conducted telephonically as per the advertised Cause list.

- **Uttarakhand**

During Unlock 1.0:

In Uttarakhand SIC, hearing of cases resumed through audio/video conferencing from 22nd May 2020. The SIC allowed for written submissions to be submitted by appellant and complainants via email/post/fax. However the personal presence of parties was prohibited during this phase. The Commission's working was evidenced by regular updating of Cause Lists and uploading of decisions on its website.

During Unlock 2.0:

A notice dated 10th July 2020 mentions that due to COVID-19, hearings will be conducted through audio or video calls using Whatsapp numbers based on written submissions received. Cause lists are being updated on the website. Nobody responded to our phone calls, and then we spoke to a Senior RTI activist based in Dehradun he informed us that hearings are being conducted through audio and video calls.

- **Uttar Pradesh**

During Unlock 1.0:

In Uttar Pradesh SIC, 100% employee attendance resumed during Unlock1.0. Any party to a case who wants to submit their documents to UP SIC was allowed to drop it in the drop box placed in the office building at gate no. 2. Alternatively they may submit their documents by post. New dates were announced for cases which were due for hearing during the lockdown and its Cause list is uploaded on the SIC website. One SIC began conducting hearings 15th June 2020 onwards using Whatsapp video calling. Other Information Commissioners resumed hearings in person after Unlock 1.0 1st July 2020 onwards. The SIC website displayed Cause Lists and the decisions only of the first IC who resumed hearings.

During Unlock 2.0:

All Information Commissioners resumed hearings since 1st July 2020. No updated information on website about the status of hearings, though Cause lists are updated

on the website. Spoke to State Information Commissioner, Mr. Rajiv Kapoor who informed that hearings are continuing, but SIC office was closed for 2 days due to a staff testing COVID-19 positive.

- **West Bengal**

During Unlock 1.0:

In the West Bengal SIC, hearings were being conducted online using ZOOM platform. Public authorities and appellants/complainants were instructed to download the Zoom application on their computers/mobile phones or tablets and take part in the hearings remotely. Hearings were conducted through Whatsapp and telephone calls also. Priority was given to cases where the email addresses or contact numbers were provided in the case papers. Those who had not provided such information were instructed through a general notice to share their email addresses and contact numbers mentioning their name, date of submission of 2nd appeal / complaints along with docket number to facilitate the Commission to take up their cases for hearing in distant mode in chronological order. The Commission's working was evidenced by updated Cause Lists which are available until 19th June 2020 and uploaded decisions up to 8th June 2020 on its website.

During Unlock 2.0:

According to a notice posted on the SIC's website all hearings were suspended until further notice because a case of COVID-19 infection was detected on the premises of the SIC. However, the Commission stated that it would hear all matters of extreme urgency involving life and liberty or other related issues would be heard on a priority basis using other available modes of hearing. Appellant/Complainants who submitted such matters were directed to send a communication to the SIC by email stating their case justifying the nature of the urgency to enable the Commission to take up the hearing out of turn.

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