



Commonwealth Human Rights Initiative

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

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

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To

Dr. C. Chandramouli, IAS
Secretary
Department of Personnel and Training
Ministry of Personnel, Public Grievances and Pensions
Government of India
North Block
New Delhi- 110 001

Dear Dr. Chandramouli,

Sub: Request to issue advisories to the State Governments to ensure resumption of work by the State Information Commissions

Greetings from the Commonwealth Human Rights Initiative (CHRI).

We would like to draw your attention to the status of Information Commissions during the lockdown imposed to contain the spread of COVID-19 epidemic. Out of the 29 Information Commissions established under *The Right to Information Act, 2005* (RTI Act), 12 had opened offices, while only 8 were said to be conducting hearings during the third phase of the lockdown. These findings are part of the CHRI's rapid telephonic surveys of Information Commissions conducted during the first, the second phase and the third phase of the lockdown. While the Central Information Commission (CIC) resumed hearings in appeal and complaint cases from 20 April 2020, its counterparts in the States were not found to be functional during the first two phases of the lockdown. During the third phase of the lockdown, apart from the CIC, the State Information Commissions (SIC) of Andhra Pradesh, Arunachal Pradesh, Chattisgarh, Kerala, Telangana, Punjab and Rajasthan had resumed conducting hearings either in all RTI cases or in those pertaining to life and liberty.

CHRI's Rapid Survey reveal a large number of Information Commissions have become inoperative at a time when they are needed the most. Please find enclosed the findings of our Rapid Survey conducted during the second and the thirds phase of the lockdown in April and May 2020. We have also included for your reference specific suggestions for resuming work at the SICs, for your consideration and action.

The threat to people's health and wellbeing posed by the COVID-19 pandemic resulting in the imposition of the lockdown for long periods of time continues to restrict their movement. The Supreme Court of India and several High Courts set an example by conducting hearings via video conferencing and not applying brakes on the people's access to justice delivery mechanisms. The Central Information Commission too has started conducting hearings by using existing technological platforms. The inability of SICs to follow suit must be addressed urgently.

Considering the fact that a large number of Information Commissions have a huge backlog of pending cases, we request you to write to the State Governments to request their SICs to resume working, while taking due precautions of course. It is advisable for them to prioritise urgent life and liberty matters and resume conducting hearings using available alternatives to in-person hearings. They could consider using simple phone calls – a medium more accessible by people without smartphones or internet data. Wherever people are able to access NIC studios, hearings may continue to be held through video conferencing as has been the practice with the CIC and multiple SICs.

As the role of Information Commissions during public emergencies is crucial, it is high time the SICs come up with appropriate technological solutions and develop a clear plan of action to resume their role as oversight bodies monitoring transparency of public authorities during the lockdown. At the meeting of the National Federation of Information Commissioners, held on 29 April, 2020 multiple measures for resuming work were identified. The Information Commissioner who took part in the meeting agreed to initiate steps to the best of their abilities with out-of-the-box thinking and innovative measures to be deployed during these troubled times so that the information seeker is provided all possible relief.

We urge you to issue necessary advisories to those States where SICs are not yet fully functional to ensure that they resume work forthwith. These advisories may be placed in the public domain in order to instil public confidence about the Government's intention to ensure the resumption of work in these oversight bodies. We call upon you to treat this matter with utmost priority. Resumption of work in all the SICs would ensure that people are able to make use of the RTI Act even during the current crisis.

If you wish to discuss this matter further, please feel free to contact my colleague Mr. Venkatesh Nayak, Programme Head, Access to Information Programme (Tel: 9871050555; email: venkatesh@humanrightsinitiative.org) or Ms. Shikha Chhibbar, Programme Officer, ATI Programme (email: shikha@humanrightsinitiative.org) at CHRI. I look forward to favourable action at the earliest.

With regards,

Yours sincerely,



Wajahat Habibullah
Chairperson, CHRI



Sanjoy Hazarika
International Director, CHRI