

Report Card on the Performance of Information Commissions in India, 2023-24

Key Findings

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I. Introduction

The Supreme Court of India, in a plethora of cases, has held that the right to information is a fundamental right flowing from Article 19(1)(a) (freedom of speech and expression) and Article 21 (right to life and liberty) of the Constitution.

In a landmark judgment² on February 15, 2024, a constitution bench of the Supreme Court unanimously struck down the Electoral Bonds Scheme as unconstitutional and stated that, *“information which furthers democratic participation must be provided to citizens.... The Electoral Bond Scheme and the impugned provisions to the extent that they infringe upon the right to information of the voter by anonymizing contributions through electoral bonds are violative of Article 19(1)(a).”* In the matter of State of UP v. Raj Narain (1975), the apex Court held that: *“In a government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can be but few secrets.... To cover with veil of secrecy, the common routine business is not in the interest of public.”*

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

Under the RTI law, Information Commissions (ICs) are the final appellate authority and are mandated to safeguard and facilitate people’s fundamental right to information. ICs have been set up at the central level (Central Information Commission) and in the states (state information commissions). Commissions have wide-ranging powers including the power to require public authorities to provide access to information, appoint Public Information Officers (PIOs), publish certain categories of information and make changes to practices of information maintenance. ICs have the power to order an inquiry if there are reasonable grounds for one, and also have the powers of a civil court for enforcing attendance of persons, discovery of documents, receiving evidence or affidavits, issuing summons for examination of witnesses or documents. Section 19(8)(b) of the RTI Act empowers information commissions to *“require the public authority to compensate the complainant for any loss or other detriment suffered”*. Further, under Section 19(8) and Section 20 of the RTI Act, information commissions are given powers to impose penalties on erring officials, while under Section 20(2), commissions are empowered to recommend disciplinary action against a PIO for *“persistent”* violation of one or more provisions of the Act.

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² Association for Democratic Reforms & Anr. Vs Union of India & Ors., 2024 INSC 113

In a judgment dated February 15, 2019, the Supreme Court³ held that information commissions are vital for the smooth working of the transparency law: “24)in the entire scheme provided under the RTI Act, existence of these institutions [ICs] becomes imperative and they are vital for the smooth working of the RTI Act.”

The RTI law has empowered people in India to meaningfully participate in democracy and hold their governments accountable. Estimates suggest that every year 4 to 6 million⁴ RTI applications are filed across the country. The law has been used extensively in the last 19 years to hold governments and functionaries accountable for corruption and lapses in the delivery of essential services and secure access to basic rights. It has also been used to question the highest authorities of the country on their performance, their decisions and their conduct.

Unfortunately, nineteen years after the RTI Act was implemented, experience in India suggests that the functioning of information commissions is a major bottleneck in the effective implementation of the RTI law. Large backlog of appeals and complaints in many commissions across the country have resulted in inordinate delays in disposal of cases, which render the law ineffective. One of the primary reasons for the backlogs is the failure of central and state governments to take timely action to appoint information commissions to the Central Information Commission and state information commissions, respectively. In October 2023, while hearing a petition regarding vacancies in information commissions, the Supreme Court noted⁵ that the failure to fill vacancies is leading to a situation where “*the right to information which is recognized under an Act of Parliament becomes a dead letter.*”

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

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

Regressive amendments to the RTI Act in the last five years, which severely diluted the law, have further underlined the need to scrutinize the functioning of information commissions to ensure that the commissions perform their mandated role of safeguarding people’s right to information. The 2019 amendments dealt a blow to the autonomy of information commissions by empowering the central government to determine the tenure, salaries and terms of service of all information commissioners in the country. In August 2023, the Digital Personal Data Protection Act (DPDP Act) was passed which included an explicit provision to

³ Anjali Bhardwaj and others v. Union of India and others (Writ Petition No. 436 of 2018) <https://snsindia.org/wp-content/uploads/2022/04/Judgment.pdf>

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

⁵ Order dated October 30, 2023 in MA No.1979/2019 in W.P.(C) No.436/2018 (Anjali Bhardwaj & Ors others vs UOI & Ors) <https://drive.google.com/file/d/1iQ0pzLsWYTAQUNpgD17AuBfOT3wSuU-w/view?usp=sharing>

amend section 8(1)(j) of the RTI law to exempt all personal information from disclosure. Further, the DPDP Act deleted the proviso to Section 8(1) which stated that *“information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person”*.

The key findings of the report titled, ‘Report Card on the Performance of Information Commissions in India, 2023-24’ by Satark Nagrik Sangathan (SNS) are given below.

II. Methodology

The report is primarily based on an analysis of information accessed under the RTI Act, from 29 information commissions⁶ across India. A total of 174 RTI applications were filed with state information commissions (SIC) and the Central Information Commission (CIC). The information sought included:

- Number of commissioners serving in each commission for the period July 1, 2023 till June 30, 2024 and their backgrounds;
- The number of appeals and complaints registered, disposed, returned by each IC for the period July 1, 2023 till June 30, 2024;
- Number of appeals and complaints pending before each IC on June 30, 2024;
- The quantum of penalties imposed by each IC, and the amount recovered, for the period July 1, 2023 till June 30, 2024;
- The quantum of compensation awarded by each IC, for the period July 1, 2023 till June 30, 2024;
- Number of cases in which disciplinary action was recommended by each IC;
- Latest year for which the Annual Report of the IC has been published.

Each of the RTI applications was tracked to assess the manner in which these applications were dealt with by the ICs, as information commissions are also public authorities under the RTI Act.

In addition, information has been sourced from the websites and annual reports of information commissions. The report also draws on findings and discussions of previous national assessments of the RTI regime.

⁶ For the purpose of the study 29 ICs were covered, including the Central Information Commission which have been set up under the RTI Act, 2005

III. Key findings

1. Vacancies in Information Commissions

Under the RTI Act, information commissions consist of a chief information commissioner and up to 10 information commissioners. For the chief and commissioners of the CIC, the selection committee comprises the Prime Minister (Chairperson), the Leader of Opposition in the Lok Sabha and a Union Cabinet Minister, while for chief and commissioners of SICs, the selection panel consists of the Chief Minister (Chairperson), the Leader of Opposition in the Legislative Assembly and a Cabinet Minister.

In February 2019, the Supreme Court, in its judgment⁷ on a PIL regarding non-appointment of information commissioners, ruled that the proper functioning of commissions with adequate number of commissioners is vital for effective implementation of the RTI Act. The Court held that since the law stipulates that information commissions should consist of a Chief and upto ten commissioners 'as may be deemed necessary', the number of commissioners required should be determined on the basis of the workload of the commission. In fact, the judgment emphasized that if commissions do not function with adequate number of commissioners, it would negate the very purpose of enacting the RTI law. The court gave directions to ensure timely appointment of information commissioners and held that:

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

The assessment found that **several ICs were non-functional or were functioning at reduced capacity** as the posts of commissioners, including that of the chief information commissioner, were vacant during the period under review. This is extremely concerning given that without access to relevant information citizens, especially the most marginalized, are often denied their rights and entitlements as abuse of power and corruption thrive.

1.1 Non-functional information commissions

Seven information commissions were found to be non-functional for varying lengths of time during the period under review, with all posts of commissioners being vacant. **As of October 10, 2024, four commissions were completely defunct.** In the absence of functional commissions, information seekers have no reprieve under the RTI Act if they are unable to access information as per the provisions of the law.

⁷ Anjali Bhardwaj and others v. Union of India and others (Writ Petition No. 436 of 2018), <https://snsindia.org/wp-content/uploads/2022/04/Judgment.pdf>

Jharkhand: The Chief Information Commissioner of the Jharkhand SIC, demitted office in November 2019. Subsequently the lone information commissioner was also made the acting Chief, although no such explicit provision exists under the RTI Act. However, upon the completion of the tenure of the commissioner on May 8, 2020, the information commission has been without any commissioner, rendering it completely **defunct**. For **more than 4 years**, people seeking information from public authorities under the jurisdiction of the Jharkhand SIC have had no recourse to the independent appellate mechanism prescribed under the RTI Act if their right to information is violated.

Tripura: The information commission of Tripura became **defunct** on **July 13, 2021** when the sole commissioner, who was the Chief, completed his tenure. The SIC has been defunct for more than **3 years**. Since April 2019, this is the third time the commission has become defunct. It was defunct from April 2019 to September 2019, then from April 2020 to July 2020 and now again since July 13, 2021.

Telangana: The information commission of Telangana became **defunct** on **February 24, 2023** when all five information commissioners finished their tenure. It has been defunct for the last **19 months**. After the creation of the state in 2014 through bifurcation of Andhra Pradesh, the Telangana State Information Commission was constituted only in 2017 upon the orders of the High Court. The post of the Chief has been vacant since August 24, 2020.

Goa: The information commission of Goa became **defunct** on **March 1, 2024** when the Chief and an information commissioner retired, having completed their tenure of 3 years. The commission has been defunct for the last 7 months.

Madhya Pradesh: The information commission of Madhya Pradesh became defunct on March 28, 2024 and remained non-functional for nearly 6 months, till September 17, 2024 when 4 new commissioners, including the Chief, were appointed.

Uttar Pradesh: The SIC of UP became defunct on February 25, 2024 when all 6 incumbent commissioners demitted office upon completion of their tenure. The commission remained non-functional for 16 days till the new chief and information commissioners took charge from March 13, 2024.

Chhattisgarh: The SIC of Chhattisgarh was defunct for a period of 5 days in the month of March 2024.

1.2 Commissions functioning without a Chief Information Commissioner

As of October 10, 2024, **five commissions were functioning without a chief information commissioner** and in addition, as discussed above, in 4 commissions all posts of information commissioners, including that of the Chief, were vacant (Jharkhand, Tripura, Telangana and Goa).

The absence of a chief information commissioner has serious ramifications for the effective functioning of the ICs since the RTI Act envisages a critical role for the Chief, including superintendence, management and direction of the affairs of the information commission.

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

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

Karnataka: The Karnataka SIC has been without a Chief since May 2024, when the Chief demitted office upon completion of his tenure.

Uttarakhand: The post of the Chief Information Commissioner in Uttarakhand Information Commission has been vacant since May 2024.

Odisha: The Chief of the Odisha SIC demitted office on October 4, 2024 and the post is vacant.

1.3 Commissions functioning at reduced capacity

Under the RTI Act, information commissions consist of a chief information commissioner and up to 10 information commissioners. The non-appointment of commissioners in the ICs in a timely manner leads to a large build-up of pending appeals and complaints. Several information commissions were found to be functioning at reduced capacity-

Maharashtra: The SIC of Maharashtra has been functioning with just five information commissioners, even as 6 posts, including that of the Chief, lie vacant. Due to the commission functioning at a severely reduced strength, the number of pending appeals/complaints has risen at an alarming rate. As of June 2024, the SIC had a backlog of nearly 1,10,000 appeals/complaints- the highest in the country. The apex court, in its February 2019 judgment, had observed that given the large pendency in the Maharashtra SIC, it would be appropriate if the commission functioned at full strength.

Central Information Commission: The CIC has been working with only 3 commissioners (Chief + 2 commissioners) for nearly one year, even as 8 posts lie vacant. These 3 commissioners were appointed in November 2023, on the eve of the CIC being rendered defunct as all the then incumbent commissioners were set to demit office. The Central government had issued an advertisement in August 2024, inviting applications for the vacant posts of information commissioners, but no appointments have been made as of October 10, 2024. In December 2019, the Supreme Court had directed the central government to fill all vacancies within a period of 3 months⁸ given the backlog in the commission. However, the government did not comply with the directions. The backlog of appeals/complaints stands at nearly 23,000 cases.

Karnataka: The Karnataka Information Commission has been functioning with only 3 commissioners even as the backlog of appeals/complaints stands at more than 50,000. Eight posts, including that of the Chief, are vacant. No new appointments have been made since April 2022, though 7 commissioners have completed their tenure and demitted office since then. In its February 2019 judgment, the Supreme Court taking cognizance of the fact that the

⁸ Order dated December 16, 2020 in MA 1979 of 2019

commission had a backlog of 33,000 appeals/complaints, directed the Karnataka government to ensure that the Commission functions at full strength of 11 commissioners.

Chhattisgarh: The SIC of Chhattisgarh has been functioning with only 2 commissioners since December 2022. Due to the reduced strength of the Commission, the number of cases pending before the commission has steadily increased- from 10,301 in June 2022 to more than 25,000 pending cases as of June 30, 2024. The report estimates the Chhattisgarh SIC to have the longest waiting time for disposal of an appeal/complaint- 5 years and 2 months (see table 4).

West Bengal: The West Bengal SIC has been functioning with just 2 commissioners (Chief + 1 commissioner) despite a backlog of more than 7,500 appeals and complaints.

Bihar: The Bihar SIC has been functioning with just 3 commissioners (Chief + 2 commissioners) even though it has a backlog of more than 25,000 appeals and complaints. The assessment shows that the estimated waiting time for an appeal/complaint to be disposed by the Bihar SIC is 4 years and 6 months (see table 4).

Odisha: The Odisha SIC is functioning with 2 commissioners despite having a large pendency of more than 20,000 appeals and complaints. The assessment shows that the estimated waiting time for an appeal/complaint to be disposed by the Odisha SIC is 3 years and 11 months (see table 4).

Tamil Nadu: The SIC of Tamil Nadu has been functioning with just five commissioners (Chief + 4 commissioners) for several months, while 6 posts lie vacant. As of October 2023, the backlog of appeals and complaints in the commission had crossed 41,000 (the SIC has failed to provide information on backlog for 2024).

2. Number of appeals & complaints dealt with by ICs

2.1 Appeals and complaints registered and disposed

2,31,417 appeals and complaints were registered between July 1, 2023 and June 30, 2024 by 27 information commissions for which relevant information was available. During the same time period, **2,25,929** cases were disposed by 28 commissions (see Table 1).

The SICs of **Jharkhand, Telangana and Tripura** were defunct throughout the period under consideration, and therefore no appeals/complaints were disposed by these ICs. The Jharkhand SIC has also stopped registering new appeals/complaints. The SICs of **Madhya Pradesh** and **Tamil Nadu did not provide any information** under the RTI Act regarding the number of appeals and complaints registered and disposed. The data on disposal by Tamil Nadu SIC has been sourced from the commissions' website.

The **Maharashtra** SIC disposed the highest number of cases (**56,603**) followed by the SICs of **Uttar Pradesh (31,510)** and **Karnataka (28,630)**. The SIC of **Maharashtra** registered the

highest number of appeals and complaints (**57,754**) followed by **Uttar Pradesh** (27,089) and **Karnataka** (24,014). The **CIC** registered **19,347** appeals/complaints and disposed **16,672** cases during the period under review.

Table 1: Appeals and complaints registered and disposed by Information Commissions			
July 1, 2023 to June 30, 2024			
	Information Commission	Appeals & complaints registered	Appeals & complaints disposed by passing orders
1	Maharashtra	57,754	56,603
2	Uttar Pradesh	27,089	31,510
3	Karnataka	24,014	28,630
4	Rajasthan	16,042	20,002
5	Tamil Nadu	Info not provided	17,244
6	CIC	19,347	16,672
7	Haryana	7,403	7,925
8	Andhra Pradesh	12,853	6,185
9	West Bengal ①	2,522	5,971
10	Gujarat	8,342	5,597
11	Bihar	10,548	5,540
12	Odisha	7,761	5,126
13	Chhattisgarh	12,794	4,919
14	Uttarakhand	4,511	4,646
15	Punjab	9,034	3,928
16	Kerala	3,887	3,327
17	Himachal Pradesh	1,016	611
18	Assam	719	568
19	Arunachal Pradesh	801	359
20	Goa	454	327
21	Manipur	110	138
22	Meghalaya	64	41
23	Sikkim	26	24
24	Mizoram	41	18
25	Nagaland	29	18
26	Telangana	4,183	0
27	Tripura	73	0
28	Jharkhand	0	0
29	Madhya Pradesh	Info not provided	Info not provided
	Total	2,31,417	2,25,929
Note- ① Data pertains to January 2023 to June 2024			

2.2 Appeals and complaints returned by ICs

Though the RTI Act does not prescribe any format for filing an appeal/complaint, the central government and some state governments have, through their respective rules, prescribed formats and a list of documents that must accompany each appeal/complaint. Further, some of these rules, like those framed by the central government, empower the commission to return the appeal/complaint, if found deficient.

Of the 19 ICs which provided relevant information, the assessment found that seven commissions had returned appeals/complaints without passing any orders during the period July 2023 to June 30, 2024 (see Table 2).

	Information Commission	Number of appeals & complaints returned
1	Maharashtra	14,478
2	CIC	13,922
3	Bihar	11,807
4	Uttar Pradesh	10,585
5	Gujarat	1,606
6	Kerala	1,224
7	Mizoram	1

The CIC returned nearly 14,000 appeals/ complaints while it registered 19,347 during the period under review- 42% of the appeals/complaints received by the CIC were returned⁹! The CIC website discloses how many appeals/complaints were re-submitted to the CIC after addressing deficiencies. The data reveals that nearly 96% of the cases which were returned to the appellant/ complainant were not re-submitted to the CIC by them.

The SIC of Bihar returned 11,807 appeals/complaints which is more than what it registered during the same period – 10,548. The SIC of Kerala returned 1,224 cases while it registered 3,887.

National assessments have shown that a large number of RTI applications emanate from the urban poor and from rural households seeking information about their basic entitlements. In this context, the practice being followed by the CIC and some SICs, of returning a very large

⁹ This figure excludes appeals/complaints which were returned due to being time barred/ duplicates or because they pertained to SICs

number of appeals and complaints without passing any orders, becomes extremely problematic. It also creates an apprehension that this is perhaps a way of frustrating information seekers in a bid to reduce backlogs in ICs since many people, especially the poor and marginalised, would feel discouraged and often give up if their appeal/complaint is returned- over 95% of the cases returned by the CIC were not re-submitted to the commission. Unlike the courts, where people take the assistance of lawyers, most information seekers navigate the process of filing RTI applications and following up on their own. Therefore, it is important that the process of filing an appeal/complaint to the commission be people-friendly and procedural deficiencies like the absence of an index or page numbering not be made grounds for returning appeals/complaints under the RTI Rules. Commissions must facilitate and assist people in the process of registering their appeals/complaints, rather than summarily returning them.

3. Backlogs in Information Commissions

3.1 Pending appeals and complaints

The number of appeals and complaints **pending on June 30, 2024 in the 29 information commissions, stood at 4,05,509.**

The backlog of appeals/complaints has increased significantly in recent years. The 2019 assessment had found that as of March 31, 2019, a total of 2,18,347 cases were pending in the 26 information commissions from which data was obtained, which climbed to 2,86,325 as of June 30, 2021, and crossed 3 lakh in June 2022. Last year, the backlog stood at 3,88,886 as of June 30, 2023.

Maharashtra SIC with an alarming backlog of **1,08,641** had the highest number of appeals and complaints pending in the country. This was followed by the **Karnataka SIC at more than 50,000**, **Tamil Nadu at 41,241** and **Chhattisgarh at 25,317**. The **CIC** had a backlog of nearly **23,000** appeals and complaints.

The commission-wise break-up of the backlog of cases is given in Table 3 (next page).

Table 3: Backlog of Appeals & Complaints in Information Commissions		
S. No	Information Commission	Pending as of June 30, 2024
1	Maharashtra	1,08,641
2	Karnataka ①	50,277
3	Tamil Nadu ②	41,241
4	Chhattisgarh	25,317
5	Bihar ③	25,101
6	Uttar Pradesh	24,035
7	CIC	22,774
8	Odisha	20,235
9	Telangana	14,162
10	Madhya Pradesh ④	10,849
11	Andhra Pradesh	10,809
12	Punjab	9,175
13	Jharkhand ⑤	7,728
14	West Bengal	7,556
15	Rajasthan	7,028
16	Kerala	6,455
17	Gujarat	6,131
18	Haryana	4,191
19	Arunachal Pradesh ⑥	1,190
20	Uttarakhand	951
21	Himachal Pradesh	716
22	Assam	445
23	Tripura	265
24	Goa	152
25	Manipur	42
26	Meghalaya	23
27	Nagaland	15
28	Mizoram	3
29	Sikkim	2
	Total	4,05,509
Note: Pending as of ① 10-9-2024 ② 31-10-2023 ③ 23-08-2024 ④ 10-9-2023 ⑤ May 2020 when the SIC became defunct ⑥ 8-11-2023		

3.2 Estimated time required for disposal of an appeal/complaint

Using data on the backlog of cases in ICs and their monthly rate of disposal for the period under review, the time it would take to dispose an appeal/complaint filed with an IC on July 1, 2024 was computed (assuming appeals and complaints are disposed in a chronological order). Table 4 shows that the **Chhattisgarh SIC would take 5 years & 2 months to dispose a matter**. A matter filed on July 1, 2024 would be disposed in the **year 2029** at the current

monthly rate of disposal! For SIC of **Bihar**, the estimated time for disposal would be **4 and a half years** while for **Odisha**, nearly **4 years**.

The assessment shows that **14 commissions** would take 1 year or more to dispose a matter. The estimated time required for disposal of an appeal/complaint in the **CIC was found to be 1 year & 4 months**.

Table 4: Estimated time required for disposal of an appeal/complaint		
S. No.	Information Commission	Estimated time for disposal of appeal/complaint filed on July 1, 2024
1	Chhattisgarh	5 years & 2 months
2	Bihar ①	4 years & 6 months
3	Odisha	3 years & 11 months
4	Arunachal Pradesh ②	3 years & 4 months
5	Tamil Nadu ③	2 years & 5 months
6	Punjab	2 years & 4 months
7	Kerala	1 year & 11 months
8	Maharashtra	1 year & 11 months
9	West Bengal	1 year & 10 months
10	Karnataka ④	1 year & 9 months
11	Andhra Pradesh	1 year & 8 months
12	CIC	1 year & 4 months
13	Himachal Pradesh	1 year & 2 months
14	Gujarat	1 year & 1 month
15	Nagaland	10 months
16	Assam	9 months
17	Uttar Pradesh	9 months
18	Meghalaya	6 months
19	Haryana	6 months
20	Goa	6 months
21	Rajasthan	4 months
22	Manipur	4 months
23	Uttarakhand	3 months
24	Mizoram	2 months
25	Sikkim	Less than 1 month
26	Jharkhand	Defunct
27	Telangana	Defunct
28	Tripura	Defunct
29	Madhya Pradesh	no reply
Note- Estimated time for disposal of appeal/complaint filed on ① 24-08-2024 ② 9-11-2023 ③ 1-11-2023 ④ 11-9-2024		

The long delays in disposal of cases can be attributed largely to two factors: vacancies in commissions (discussed above) and tardy rate of disposal by commissioners. While the CIC has set a norm of 3,200 cases per commissioner annually for disposal of matters, other information commissions have not adopted any norms regarding the number of cases a commissioner should deal with in a year.

Inordinate delays by ICs in disposing appeals/complaints violate the basic objective of the RTI Act. Long delays in the commissions render the law ineffective for people, especially for those living at the margins, who are most dependent on government services (and therefore need information the most).

4. Penalties imposed by Information Commissions

The RTI Act empowers the ICs to impose penalties of upto Rs. 25,000 on erring PIOs for violations of the RTI Act. The penalty clause is one of the key provisions in terms of giving the law its teeth and acting as a deterrent for PIOs against violating the law. Whenever an appeal or a complaint shows that one or more of the violations listed in the RTI Act has occurred, the commission should initiate penalty proceedings under section 20. The Act requires the commission to give the PIO an opportunity of being heard before imposing penalty (commissions usually issue a show-cause notice asking PIOs to show cause why penalty should not be levied).

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

For the period July 1, 2023 to June 30, 2024, a total of **4,480 show cause notices** were issued to PIOs under the penalty clause of the Act by the 18 commissions which provided relevant information. The SIC of Haryana issued the maximum number (3,412) followed by Punjab (691) and Andhra Pradesh (138). The SIC of Gujarat stated that it had not issued any notices under section 20, even though it imposed penalty in multiple cases. The CIC and SICs of Bihar, Chhattisgarh, Karnataka, Rajasthan, Uttar Pradesh and Uttarakhand stated that they did not maintain this crucial information! The SICs of Maharashtra, Madhya Pradesh, Odisha and Tamil Nadu did not provide any reply or denied the information.

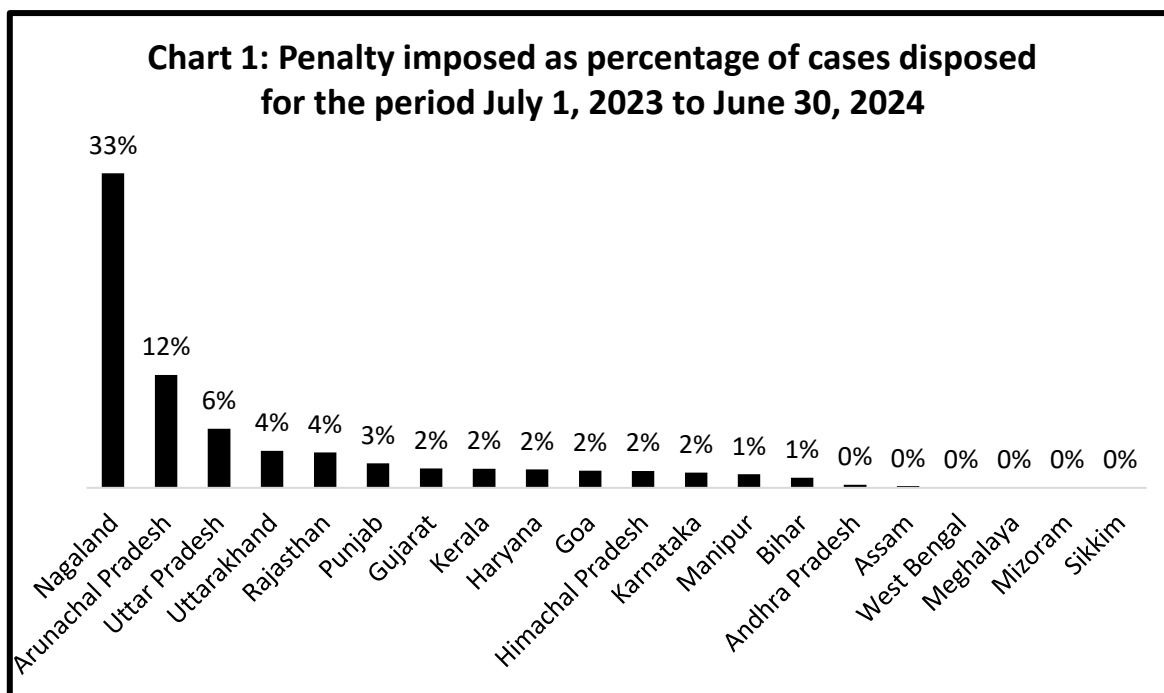
In terms of penalty imposition, of the 23 commissions which provided relevant information, **penalty was imposed in a total of 3,953 cases**. Penalty **amounting to Rs. 8.88 crore** was imposed by 24 commissions during the period under review.

The SIC of **Uttar Pradesh imposed the highest amount of penalty (Rs. 4.85 crore)**, followed by **Chhattisgarh (Rs. 1.83 crore)**, **Karnataka (Rs. 93.95 lakh)**, and **Haryana (Rs. 38.18 lakh)**.

The commission-wise details are provided in Table 5.

Table 5: Details of penalty imposed by ICs (July 2023 to June 2024)			
	Information Commission	No. of cases where penalty was imposed	Amount of penalty imposed
1	Uttar Pradesh	1,970	4,84,77,000
2	Chhattisgarh	not provided	1,83,00,000
3	Karnataka	464	93,95,000
4	Haryana	155	38,18,250
5	Uttarakhand ^①	182	16,98,004
6	Arunachal Pradesh	43	14,50,000
7	Rajasthan	748	13,58,000
8	Bihar	59	13,30,000
9	Punjab	102	12,22,000
10	Gujarat	115	6,43,500
11	Kerala	67	4,74,000
12	Andhra Pradesh	21	2,34,000
13	Himachal Pradesh	11	1,77,000
14	Nagaland	6	86,500
15	Manipur	2	50,000
16	Goa	6	31,000
17	West Bengal ^②	1	25000
18	Assam	1	10,000
19	Jharkhand	0	0
20	Meghalaya	0	0
21	Mizoram	0	0
22	Sikkim	0	0
23	Telangana	0	0
24	Tripura	0	0
25	CIC	Info not provided	Info not provided
26	Madhya Pradesh	No reply	No reply
27	Maharashtra	Info not provided	Info not provided
28	Odisha	Info denied	Info denied
29	Tamil Nadu	No reply	No reply
	Total	3,953	8,87,79,254
Note: For the period ^① 1-4-2023 to 30-5-2024 ^② 1-6-2023 to 30-11-2023			

Analysis of the figures for 20 ICs (which provided information on both the number of cases disposed and the number of cases where penalty was imposed) shows that penalty was imposed in just **3% of the cases disposed by the ICs.**



A previous assessment¹⁰ of a random sample of orders of information commissions had found that on average **59% orders recorded one or more violations listed in Section 20 of the RTI Act**. If this estimate of 59% is used, penalty would be potentially imposable in **73,965** cases out of the **1,25,365** cases disposed by the 20 ICs. Penalties were therefore imposed only in **5%** of the cases where penalties were potentially imposable. The ICs **did not impose penalties in 95% of the cases where penalties were imposable**.

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

5. Transparency in the functioning of information commissions

Much of the information sought as part of this assessment should have been available in the annual reports of each commission. Section 25 of the RTI Act obligates each commission to prepare a *“report on the implementation of the provisions of this Act”* every year which is to be laid before Parliament or the state legislature. Since RTI applications seeking information about the latest annual reports were filed in August 2024, it would be reasonable to expect that annual reports upto calendar year 2023 or financial year 2023-24 would be available.

However, the performance of many ICs, in terms of publishing annual reports and putting them in the public domain, was found to be dismal. The analysis revealed that despite the statutory obligation, many of the commissions have not published their annual reports on time. Table 6 provides the IC wise details of the publication of annual reports and the availability of the reports on the websites of the respective ICs.

¹⁰ ‘Tilting the Balance of Power - Adjudicating the RTI Act’, RaaG, SNS & Rajpal, 2017

18 out of 29 ICs (62%) have not even published their annual report for 2022-23. Only the CIC and SICs of Assam, Chhattisgarh, Gujarat, Mizoram and Rajasthan have published their

Table 6: Availability of Annual Reports			
	Information commission	Year of last publication of annual report	Available on website
1	Andhra Pradesh	SIC does not publish annual report	
2	Arunachal Pradesh	2022-23	No
3	Assam	2022-23	Yes
4	Bihar	2017-18	Yes
5	Chhattisgarh	2023	Yes
6	CIC	2022-23	Yes
7	Goa	2020-21	No
8	Gujarat	2022-23	Yes
9	Haryana	2020	Yes
10	Himachal Pradesh	2021-22	No
11	Jharkhand	2018	Yes
12	Karnataka	2020-21	yes
13	Kerala	2022-23	No
14	Madhya Pradesh	2022	Yes
15	Maharashtra	2021	Yes
16	Manipur	2022-23	No
17	Meghalaya	2021	Yes
18	Mizoram	2022-23	Yes
19	Nagaland	2022-23	No
20	Odisha	2020-21	Yes
21	Punjab	2021	Yes
22	Rajasthan	2023	Yes
23	Sikkim	2021-22	Yes
24	Tamil Nadu	2020	Yes
25	Telangana	Not published since SIC constituted in 2017	
26	Tripura	2020-21	No
27	Uttar Pradesh	2021-22	Yes
28	Uttarakhand	2022-23	No
29	West Bengal	2022	Yes

annual report for 2023 (either calendar year 2023 or financial year 2022-23) and made them available on their official websites. The SICs of Arunachal Pradesh, Kerala, Manipur, Nagaland and Uttarakhand stated that they had published their annual reports for 2022-23, but these were not available on their respective websites.

The SICs of Andhra Pradesh and Telangana have not published their annual report since the constitution of the respective SICs in 2017 following the bifurcation of the erstwhile state of Andhra Pradesh. The SIC of Telangana stated that draft annual reports for the years from 2015 to 2022 have been submitted to the government under section 25 of the RTI Act. In flagrant violation of the provisions of the RTI Act, the Andhra Pradesh SIC stated “that the annual report is not published by the Information Commission”.

The SIC of Bihar has not published its annual report since 2017-18 i.e. for more than 6 years.

Some ICs stated that though they had published their annual report, it was yet to be tabled before the respective legislative assemblies and the reports would be uploaded only after that. The SIC of Uttarakhand stated the draft annual reports from 2018-19 onwards have been submitted to the government for placing before the

legislative assembly. 2017-18 is the latest publicly available annual report for the Uttarakhand SIC.

In terms of availability of annual reports on the website of respective ICs, **33% of ICs have not made their latest annual report available on their website.**

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