

# A Rapid Study of Information Commissions

Established Under the Right to Information Laws in India

## Research Team

*Venkatesh Nayak and Amikar Parwar  
with inputs from Nandita Sinha*

## Editor

*Maja Daruwala*



Commonwealth Human Rights Initiative (CHRI)  
B-117, First Floor, Sarvodaya Enclave, New Delhi – 110 017  
Tel: 011- 43180201/43180215, Fax: 011-2686 4688  
Website: [www.humanrightsinitiative.org](http://www.humanrightsinitiative.org)

Email: [director@humanrightsinitiative.org](mailto:director@humanrightsinitiative.org), [venkatesh@humanrightsinitiative.org](mailto:venkatesh@humanrightsinitiative.org)  
[amikar@humanrightsinitiative.org](mailto:amikar@humanrightsinitiative.org) & [nandita@humanrightsinitiative.org](mailto:nandita@humanrightsinitiative.org)

May 2012

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# A Rapid Study of Information Commissions

## Established Under the Right to Information Laws in India

### **Executive Summary**

12<sup>th</sup> May 2012 is the seventh anniversary of the passage of the *Right to Information Act* (RTI Act) in Parliament. This is an appropriate occasion to take stock of how the RTI Act has served the cause of transparency in governments and other public authorities. Given the quasi-federal nature of the structure of governance in India implementation data is not available with any one agency in aggregated form. Two country-wide studies undertaken during the years 2008-09 pointed to the need for making more serious efforts for improving implementation of the Central RTI Act.<sup>1</sup> A major issue brought up by both studies was the packing of the newly established Information Commissions with retired civil servants. These findings echoed a 2007 study conducted by the Society for Participatory Research in Asia (PRIA) about the background of individuals appointed as Information Commissioners.<sup>2</sup>

The first batch of Commissioners appointed in 2005-06 has moved out. New appointments are being made, albeit at a slow pace. CHRI undertook a rapid study of the membership of all 29 Information Commissions (including that of Jammu and Kashmir established under the *J&K RTI Act* in 2010). Apart from counting vacancies in the Commissions this study analyses the background of Information Commissioners against the qualification criteria mentioned in the two RTI Acts. The findings of the three earlier studies are used as baseline data for the current study with respect to these two parameters. Five new parameters have been identified for assessing the working of Information Commissions for which there is no baseline data. A summary of the main findings of this study and recommendations for change are given below.

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

- In 2006-07 a little more than a half of the Information Commissioners (52%) were retired civil servants. In 2012 two-thirds (66%) of the 83 Information Commissioners (including Chief Information Commissioners) at the Central and State level are retired civil servants.

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<sup>1</sup> While a smaller study covering six States was commissioned by the Government of India and conducted by PriceWaterhouseCoopers, a larger study covering 12 States and the Central Government was launched by a civil society network – RTI Assessment and Analysis Group (RAAG). For details see the **Introduction** section of this study at page 8.

<sup>2</sup> The PRIA Study covered seven States.

While the posts of Information Commissioners doubled, the proportion of retired civil servants appointed to these jobs increased inordinately. Governments seem reluctant to trust the eminence and expertise of citizens who have never been civil servants in their lives.<sup>3</sup>

- 30% of the posts of Information Commissioners in the States are lying vacant (as on 01 May 2012). Only 83 Information Commissioners (including Chief Information Commissioners) have been appointed against 117 posts in 29 Information Commissions.
- Jharkhand has the maximum number of vacancies in any Information Commission (six) followed by Tamil Nadu (four). Andhra Pradesh, Arunachal Pradesh, Maharashtra and Uttar Pradesh have three vacancies each.
- The posts of State Chief Information Commissioners in three States, namely, Maharashtra, Manipur and Tripura have not been filled up yet.

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

- Nowhere across the country have eminent women been appointed as Chief Information Commissioners, ever. Similarly no eminent citizen with experience and expertise in the fields of management, science and technology, mass media, journalism and social service has been appointed Chief Information Commissioner anywhere in the country.
- 90% of the serving Chief Information Commissioners are retired civil servants. The field of expertise: “administration and governance” mentioned in the two RTI laws has become synonymous with the term “civil services”.
- 75% of the posts of Chief Information Commissioners have been cornered by retired officers of the Indian Administrative Service (IAS).

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

- Less than 15% of the Information Commissioners (8 out of 54) across the country are women.
- 53% of the posts of Information Commissioners at the Central and State level have been cornered by retired civil servants. In Gujarat, Himachal Pradesh, Tamil Nadu and West Bengal the State Information Commissions are filled with only retired IAS officers. J&K State Information Commission is the only multi-member body without any retired IAS officer on it.

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<sup>3</sup> See two case studies of how “eminence” was determined while appointing candidates to Information Commissions at pages 13-16 of this study. Please visit the ‘Tables’ section (pp. 24-37) for parameter-wise data.

- Less than 10% of the Information Commissioners are from the field of journalism and mass media.
- Three Information Commissioners served as members of political parties prior to their appointment (in Kerala, Nagaland and Punjab). Whether they resigned from the political parties prior to entering the office of Information Commissioner is difficult to ascertain as such information was not available on inquiry. Nor are the letters of resignation from the primary membership of the respective parties posted on the Commissions' websites.
- 50% of the membership of the Haryana State Information Commission is made up of a husband and wife team.

#### ***IV Availability of Dedicated Websites***

- The State Information Commission of Mizoram is the only body without a dedicated website. It has a handful of pages on the Mizoram Government Portal.
- The State Information Commissions in Madhya Pradesh and Maharashtra have dedicated websites exclusively in the local language, Hindi and Marathi respectively. Several websites are bilingual to some extent. However the website of the Central Information Commission is available in English only.

#### ***V Availability of Annual Reports of Information Commissions on Websites***

- Only the Central Information Commission and two State Information Commissions in Andhra Pradesh and Bihar have uploaded separate annual reports for all years: 2006-2011 on their websites.
- Eight State Information Commissions, namely, Gujarat, Madhya Pradesh, Manipur, Mizoram, Sikkim, Tamil Nadu, Tripura and Uttar Pradesh have not uploaded any of their annual reports on their websites.

#### ***VI Availability of the Decisions of Information Commissions on Websites***

- Only 45% of the Information Commissions (13 of 29) have uploaded some or all decisions on appeals and complaints for all seven years of their existence. The Central Information Commission and the State Information Commissions of Andhra Pradesh, Bihar, Goa, Gujarat, Maharashtra, Odisha, Punjab, Rajasthan, Tamil Nadu, Tripura, West Bengal and Jammu and Kashmir belong to this list.

- Two State Information Commissions in Assam and Mizoram have not uploaded any decision on their websites. The link for “Decisions” on the Assam State Information Commission’s website opens up to a page which promises that decisions will be uploaded shortly.
- Unlike the decisions database on most websites of State Information Commissions, which are accessible to any person, the websites of Karnataka and Uttarakhand State Information Commissions are accessible only to parties to a case. Keying in the name of the appellant or the respondent or the case number is a gateway requirement to access the text of the decision. Neither website displays a list of cases decided by the respective Commissions.
- 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.

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

- 59% of the State Information Commissions do not display cause lists on their websites. Only 41% of the Information Commissions (12 of 29) have displayed cause lists. Chhattisgarh, Tamil Nadu and Uttar Pradesh State Information Commissions display the cause list in the official language of the State.
- Cause lists can be accessed on the websites of the Himachal Pradesh and Karnataka State Information Commissions only by keying in the name of the appellant/respondent or by selecting a period of time.

### **Recommendations**

- 1) Governments in collaboration with advocators of transparency must make an assessment of the pendency of cases in Information Commissions and determine the size of the body required to dispose them. If there is a need to expand more Commissioners should be appointed, if not a smaller body should be preferred.
- 2) Governments and advocators of transparency must work together to develop objective criteria for determining suitability of candidates for vacant posts in Information Commissions. Such a process must be based on the very principles underlying the RTI Act, namely, transparency, public participation and accountability. Cogent reasons must be given for the selection or the rejection of candidates. Efforts must be made to reflect the pluralistic character of society in the membership of Information Commissions with particular emphasis on the gender dimension.

- 3) All Information Commissions must ensure that their websites have some basic content (other than decisions) in the official language adopted in their jurisdiction in order to enable easy access to the large majority of citizens who may not use English for communication. Eventually the entire website may be made bilingual.
- 4) All Information Commissions must fulfil their statutory obligations and compile and publish their annual reports in a comprehensive and timely manner.
- 5) Both Parliament and the State Legislatures must find the time to debate the contents of the annual report either in plenary or in an appropriate committee and scrutinise the actions of the Government, public authorities and the respective Information Commissions in implementing the RTI Acts.
- 6) All Information Commissions must upload all decisions and orders on their websites. Decisions in matters decided by past State Information Commissioners may be archived. As Information Commissions are quasi-judicial bodies their decisions become precedents for their own use and must be easily accessible to future Commissioners for reference. They would be of use to appellants and public authorities also who may want to quote precedents in support of their arguments.
- 7) All databases of decisions and orders issued in English must be linked to a robust search engine. This would be of great assistance to appellants, respondents and researchers.
- 8) 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.
- 9) All Information Commissions must upload cause lists on their websites in the interests of improving transparency.
- 10) Publishing cause lists on websites in the official language of the State will make the facility more people-friendly.<sup>4</sup>

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<sup>4</sup> The Main Report contains more detailed recommendations under each section.

# A Rapid Study of Information Commissions

## Established Under the Right to Information Laws in India

### **Main Report**

#### **Introduction**

12<sup>th</sup> May 2012 is the seventh anniversary of the passage of the *Right to Information Act* (RTI Act)<sup>5</sup> in Parliament. On this day in 2005 the Rajya Sabha gave its approval to the RTI Bill. The Lok Sabha had passed the Bill with major amendments a day earlier. The President gave his assent to the Bill a month later. The implementation of the RTI Act commenced with its publication in the Official Gazette on 21 June 2005. Citizens were able to make formal requests for information from 12<sup>th</sup> October, 2005. Since then millions of people have sought and obtained information from public authorities.

The seventh anniversary is an appropriate occasion to take stock of how the RTI Act has served the cause of transparency in governments and other public authorities. Given the quasi-federal nature of the structure of governance in India implementation data is not available with any one agency in aggregate form. Two nation-wide studies were launched a few years ago to make an assessment of the implementation of the RTI Act. PriceWaterhouseCoopers undertook the first study in six States under Government of India sponsorship and published a report in 2009.<sup>6</sup> Around the same time the RTI Assessment and Analysis Group (RAAG)- a civil society network with support from the Google Foundation conducted a larger study involving 10 States and the Union Territory of Delhi.<sup>7</sup> Both reports pointed to the need for making more serious efforts for improving implementation of the RTI Act in order to make information held by public authorities more easily accessible to people. A major issue brought up by both studies was the packing of the newly established Information Commissions with retired civil servants. These findings echoed a 2007 study conducted by the Society for Participatory Research in Asia (PRIA)

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<sup>5</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> as on 01 May, 2012.

<sup>6</sup> *Understanding the "Key Issues and Constraints" in implementing the RTI Act*, PWC, Delhi, June 2009, accessible on the RTI Portal established by the Government of India: <http://rti.gov.in/rticorner/studybypwc.htm> as on 01 May, 2012.

<sup>7</sup> *People's RTI Assessment*, RAAG, Delhi, 2008, accessible on the dedicated website of RAAG: <http://rti-assessment.org/> as on 01, May 2012.

about the background of individuals appointed to the Information Commissions.<sup>8</sup> Another major concern highlighted by all these studies was the growing pendency of second appeals and complaints in short-staffed and under-resourced Information Commissions. Sometimes data about the very working of many Information Commissions, such as case disposal statistics was difficult to obtain. An effective Information Commission requires a full complement of Information Commissioners selected through a transparent and participatory process, reflecting the diversity of society, adequate finances and staff support as well as routine and proactive disclosure of information about their performance. If Commissions were established and run in this manner they would inspire people's confidence in their ability to deliver justice in information access disputes.

Ordinarily, Information Commissioners serve for a term of five years or until they reach the age of sixty-five. In all Information Commissions the first batch of Commissioners appointed between 2005-06 has moved out and new appointments are being made, albeit at a slow pace. CHRI undertook a rapid study of the membership of all Information Commissions as well as the background of individuals currently serving as Information Commissioners. The PRIA and RAAG studies formed the baseline for this rapid study. The Jammu and Kashmir State Information Commission is included in the current study even though it was established under a separate law, namely, *J&K Right to Information Act, 2009* and did not exist in 2007.<sup>9</sup> CHRI has included in this study some additional parameters relating to the working of Information Commissions:

- Number of vacancies in Information Commissions (as on 01 May, 2012);
- Availability of dedicated websites in the public domain;
- Availability of Annual Reports of the Information Commission on websites (mandatory under Section 25 of the Central RTI Act and Section 22 in the J&K RTI Act);
- Display of decisions of Information Commissions on appeals and complaints on websites; and
- Display of cause lists of appeals and complaints cases on websites.

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<sup>8</sup> *Tracking Right to Information in Eight States – 2007*, PRIA, Delhi, 2007, accessible on the website of the Central Information Commission: <http://www.cic.gov.in/StudyReports/PRIA-Tracking-RTI-in-States.pdf> as on 01 May, 2012.

<sup>9</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> as on 01 May, 2012.

There could be other parameters for assessing the working of the Information Commissions. This study is focused only on some parameters 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 State Information Commission only.<sup>10</sup> The Karnataka State Information Commission and the Central Information Commission were the first such bodies to be set up under the Central RTI Act in 2005. The State Information Commission of Arunachal Pradesh was the last to be established almost a year later in 2006. The Central Information Commission was amongst the first multi-member bodies to be established while most States created single-member Information Commissions. Today, with the exception of Meghalaya, Mizoram and Sikkim all other Information Commissions have two or more members including Chief Information Commissioners. These three States continue to have single-member Commissions. Punjab and Uttar Pradesh have expanded their Information Commissions to nine and ten member bodies, respectively.

The criteria adopted for choosing the initial size of a Commission or expanding it later are not available in the public domain. Before an Information Commission is constituted by appointment of members, it must be established first. The Information Commissions, with the exception of J&K State Information Commissions were established as one or two-member bodies. However it is not clear whether the body was expanded by creating more posts of Information Commissioners, or if candidates were simply appointed to the Commission without observing the formality of expanding it. When we tried to locate the statutory orders expanding the Commissions, staff in some Commissions advised filing of RTI applications completing ignoring the fact that this information ought to be proactively disclosed under Section 4(1)(b) of the Central RTI Act.

Under the two RTI laws a maximum of 311 posts may be created in 29 Information Commissions across the country. According to our study, only 117 posts have been created so far. The vacancy statistics are given below.

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

- **30% of the posts of Information Commissioners in the States are lying vacant (as on 01 May 2012).** Only 83 Information Commissioners (including Chief Information

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<sup>10</sup> Section 12(1), J&K RTI Act, 2009.

Commissioners) have been appointed against a maximum of 117 posts in 29 Information Commissions.

- **Jharkhand has the maximum number of vacancies in an Information Commission (six) followed by Tamil Nadu (four).** Andhra Pradesh, Arunachal Pradesh, Maharashtra and Uttar Pradesh have three vacancies each.
- **Three posts of State Chief Information Commissioners in Maharashtra, Manipur and Tripura have not been filled up yet.** State Information Commissioners are officiating as heads of those Information Commissions.

## **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 with regard to the background of Chief Information Commissioners are given below.

### **Main findings of the study: (See Table 2)**

- **Nowhere across the country have eminent women been appointed as Chief Information Commissioners. The State Information Commissioner of Tripura is the lone woman officiating as the State Chief Information Commissioner.**
- **90% of the Chief Information Commissioners of the Central and State Information Commissions are retired civil servants.**
- **75% of the posts of Chief Information Commissioners have been cornered by retired officers of the Indian Administrative Service (IAS).** Two posts have been filled up by retired officers of the Indian Foreign Service (Assam and Mizoram) and one from the Indian Police Service (Kerala). The State Chief Information Commissioner of J&K served with the Indian Revenue Service (IRS) earlier.
- **The field of expertise: “administration and governance” has become synonymous with the term “civil services”.** This limitation introduced by practice was unintended by the RTI laws. It excludes academics that have expertise in administration and governance from being considered for appointment.
- **Only two Chief Information Commissioners are from the judiciary.** A retired High Court Judge heads the Jharkhand State Information Commission while a retired City Civil and Sessions Judge heads the Goa State Information Commission. The acting State Chief

Information Commissioner in Maharashtra practiced as an advocate prior to his appointment to the Commission.

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

It must be pointed out that the two RTI laws 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>11</sup> The main findings of the background of other members of the Information Commissioners are given below.

#### **Main findings of the study: (See Table 4)**

- **Less than 15% of the Information Commissioners (8 out of 54) serving across the country are women.** Three of them are with the Central Information Commission. The remaining women Commissioners are serving on the State Information Commissions of Nagaland, Punjab, Tripura and Uttar Pradesh.
- **53% of the posts of Information Commissioners at the Central and State level have been cornered by retired civil servants.** 16 of them served in the IAS, 9 served in the State civil services, 3 served in the Indian Police Service and 1 served in the Indian Information Service.
- 22% of the Information Commissioners either practiced or taught law prior to their appointment. Uttar Pradesh has the largest number of Information Commissioners with law background (five).
- **Less than 10% of the Information Commissioners are from the field of journalism and mass media.** Punjab has two Information Commissioners from this field of expertise.
- Only 1 Information Commissioner (J&K) has a background in science and technology (engineering). He was a member of the State civil service prior to his appointment to the State Information Commission.
- Only 1 Information Commissioner (Odisha) has a background in social service.
- Two Information Commissioners are from fields other than those mentioned in Sections 12(5) and 15(5) of the Central RTI Act. One served as an officer with a UN agency while another was an entrepreneur-cum-RTI activist. Both individuals are members of the Central Information Commission.
- **Three Information Commissioners served as members of political parties prior to their appointment (in Kerala, Nagaland and Punjab).** Whether they resigned from the

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<sup>11</sup> Sections 12(6) in the Central RTI Act and the J&K RTI Act respectively.

political parties prior to entering the office of Information Commissioner is difficult to ascertain as such information was not available on inquiry. Nor are the letters of resignation from the primary membership of the respective parties posted on the Commissions' websites.

- **In Gujarat, Himachal Pradesh, Tamil Nadu and West Bengal the State Information Commissions are filled with only retired IAS officers.** No eminent person in any other field of expertise has been found suitable for appointment to the Information Commissions in these States.
- 7 of the 9 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.**
- **50% of the membership of the Haryana State Information Commission is made up of a husband and wife team.**

### ***Comparison with Baseline Studies***

- **In 2006-07 when the first batch of Commissioners (including Chief Information Commissioners) was sworn in, only a little more than a half of them (52%) were retired civil servants (See Table 3 of this study). In 2012 two-thirds (66%) of the 83 Information Commissioners (including Chief Information Commissioners) at the Central and State level are retired civil servants.** This proportion remains the same even if J&K State Information Commission is excluded from the tally (as it was not created until October 2009 and the first State Chief Information Commissioner was appointed only in February 2011). **While the posts of Information Commissioners doubled, the proportion of retired civil servants appointed to these jobs also increased phenomenally. Governments seem reluctant to trust the eminence and expertise of citizens who have never been civil servants in their lives.**
- **In 2006-07 close to a half of the posts (48%) of Information Commissioners were held by retired officers of the IAS.** In 2012 when the posts more than doubled the proportion of retired officers appointed to these posts (45.7%) fell slightly by about 2.3%. However in terms of sheer numbers more retired IAS officers are serving on the Information Commissions than there were five years ago.
- **No eminent citizen with experience and expertise in the fields of management, science and technology, mass media, journalism and social service has been appointed Chief Information Commissioner anywhere in the country since 2005.**

### ***Test of Eminence: How they did it in Tamil Nadu***

The two RTI laws provide for the selection of candidates from diverse fields of expertise and experience such as science and technology, law, management, journalism, social service, mass

media and administration and governance as members of the Information Commissions. However no rules or guidelines have been made by any government in the country to identify parameters for assessing “eminence in public life” or assessing “width of knowledge and experience” in these fields. Further, there is no requirement for advertising vacancies in Information Commissions, or for inviting applications from the people. Shortlists of candidates are prepared through a departmental process that is not open to public scrutiny when it is in motion. A direct result of the absence of criteria for assessing suitability of candidates and the opacity surrounding the selection process is the lack of adequate representation of persons of eminence from fields other than civil service, law and journalism in the Information Commissions.

The last round of appointment of the State Chief Information Commissioner (SCIC) in Tamil Nadu became the subject of more than one court battle. Thanks to the openness of judicial proceedings, the veil of secrecy thrown over the selection process was brushed back to reveal how “eminence” was determined by the selection committee. The committee comprised of the then, Chief Minister (CM), the Cabinet Minister appointed by the CM and the Leader of the Opposition in the State Legislature. However the Leader of the Opposition did not attend the meeting where the name of the candidate was decided. The minutes of the meeting (as recorded in a judgement of the Madras High Court<sup>12</sup>) where the relative “eminence” of candidates was assessed reveal a lot more than what was perhaps intended:

*“20. ... The Bio-data of the persons who have applied for the Chief Information Commissioner were examined. Of this, Selvi/Tmt. P. Prabha, D. Bharathi and P.S. Gowri are engaged in Social Work. However, based on the Bio-data submitted by them, it cannot be considered that they are persons of eminence in Public Life with Wide Knowledge and Experience (Pattarivu) as referred in the Act.”*

*3. On examining the Bio-data of Tvl. S. Baskar and T. Ramakrishnan, it is seen that they belong to Information Technology Sector. Based on the Bio-data submitted by them, it cannot be considered that they are persons of eminence in Public Life with Wide Knowledge and Experience (Pattarivu) as referred in the Act.”*

*4. Dr. Thiru. N. Satchidhanandam is a Retired Medical Officer. He has not submitted details of full experience in Public Administration. Based on the Bio-data submitted by him, it cannot be considered that he is a person of eminence in Public Life with Wide Knowledge and Experience (Pattarivu) as referred in the Act.*

*5. Thiru. Krishnaraj Rao is an Activist in Right to Information. Though he has stated that he has 24 years of experience as a Journalist, he has not given details about that.*

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<sup>12</sup> *V Madhav etc. and Siva Elango etc. vs The Government of Tamil Nadu etc. and S Vijayalakshmi etc. vs The State of Tamil Nadu etc.*, W.P. Nos. 27665, 27666 of 2010 and W.P. No. 12325 of 2011 and Connected M.Ps. W.P. Nos. 27665 & 27666 of 2010, decision of the Madras High Court dated 25/11/2011.

Further, till 1988, he was a Freelance Journalist. Therefore, it cannot be considered that he is a person of eminence in Public Life with Wide Knowledge and Experience (Pattarivu) as referred in the Act.

6. Tmt. Thangam Sankaranarayanan has served in Indian Administrative Service for 36 years and retired in April, 2010 in the cadre of Chief Secretary. It can be considered she has eminence in Public Administration and Governance as stipulated in the Act.

7. Thiru. K.S. Sripathy has served in Indian Administrative Service for 35 years. Apart from having held several positions, he is working as Chief Secretary. It can be considered that he has eminence in Public Administration and Governance as stipulated in the Act.

8. Therefore, out of 9 persons who have applied for the post of the State Chief Information Commissioner, since only two have fully satisfied the requirements of the Act, out of these two applications, taking into consideration that Thiru. K.S. Sripathy, I.A.S., has been working as Chief Secretary efficiently for about 2 years.

This Committee unanimously recommends that Thiru. K.S. Sripathy may be appointed as State Chief Information Commissioner." [emphasis supplied]

When this appointment was challenged in the Madras High Court Tamil Nadu was under the Dravida Munnetra Kazhagam (DMK) Government. The Government filed an affidavit stating that the selection process was according to the procedure laid down in the RTI Act and also "transparent." However during the next hearing, the AIADMK led alliance had come to power and the Government filed an affidavit stating that the selection process was illegal in view of the absence of the Leader of the Opposition (now the Chief Minister of that State) from the crucial meeting. The Hon'ble Madras High Court brushed aside these objections holding that Governments should not change their stance for political considerations. While dismissing the challenge to the appointment of the SCIC the Hon'ble Court observed:

*"25. It is, therefore, clear that unless it is found that the act done by the Government earlier in power is either contrary to the constitutional provisions or unreasonable or against public interest, the State should not change its stand merely because another political party has come into power. Political agenda of an individual or a political party should not be subversive of the rule of law."*

With deepest respect to the wisdom of the Hon'ble Court it must be pointed out that little attention was paid to the fact that the selection was being made in the absence of any rules, regulations or guidelines for assessing "eminence" and "expertise" in all the fields mentioned in Section 15(5) of the Central RTI Act. The bias of the selection committee towards civil servants is unmistakably clear from the minutes even to a layperson. The manner in which the claims of non-civil servants were dismissed by the Committee does not seem to have attracted the attention of the Hon'ble Court.

### **Selection Criteria: Central Government Style**

In 2011 the Central Government took the progressive step of advertising vacancies in the Central Information Commission and invited applications from the public. More than 200 individuals applied. Ultimately three candidates were appointed Information Commissioners in March 2012. One of these Information Commissioners had served as Chief of the Intelligence Bureau since 2009. It is common knowledge that the Intelligence Bureau has been insulated from ordinary obligations of transparency under the Central RTI Act from the very beginning. Its name appears right on top of the list of similarly excluded organisations given in Schedule 2 of the RTI Act.

It is clear from the numbers thrown up by this study that the appointments are strongly biased in favour of one category of people– the ‘retired civil servant’. The dominance of members from the IAS and the State civil services points to an unfair inside track. Other services such as intelligence agencies and the police which are entirely unsuitable to promoting transparency and manned by people with much greater experience in keeping information away from the public and little experience in giving information are making inroads. The intention of the RTI Act was to ensure diversity of life experience amongst Information Commissioners. The appointments made so far support the perception that the Government wants allies amongst Commissioners who are sympathetic to its cause, namely maintenance of secrecy even though the RTI Acts intend a paradigm shift to openness. Appointment to Information Commissions is more a post-retirement benefit for the favoured few to the exclusion of all others who may perhaps have a greater claim. Transparency by itself does not defeat the inclination of governments to select ‘convenient’ candidates. Well-defined criteria need to be developed for identifying deserving candidates from different fields of expertise. Perhaps one criterion should be the demonstrable record of the candidate in promoting transparency whether in the government sphere or the private sector or the social sector. In the seventh year of the RTI era this may not be unreasonable an expectation.

### **Recommendations**

- 1) Governments in collaboration with advocates of transparency must make an assessment of the pendency of cases in Information Commissions and determine the size of the body required to dispose them. If there is a need to expand more Commissioners should be appointed, if not a smaller body should be preferred.**
- 2) Governments and advocates of transparency must work together to develop objective criteria for determining suitability of candidates for vacant posts in Information Commissions. Such a process must be based on the very principles underlying the RTI Act, namely, transparency, public participation and accountability. Cogent reasons must be given for the selection or the rejection of candidates. Efforts must be made to reflect the pluralistic character of society in**

***the membership of Information Commissions with particular emphasis on the gender dimension.***

#### **IV Availability of Dedicated Websites**

Section 4(1)(b) of the Central RTI Act requires all public authorities to disseminate basic information about their organisations, structure, working, finances and norms proactively. Section 4(1)(c) requires all public authorities to disclose all facts while announcing important decisions. Section 4(1)(d) requires every public authority to proactively disclose reasons behind its administrative and quasi-judicial decisions to the persons affected by such decisions. Dissemination of information through Internet websites is one of the measures stipulated in Section 4(4) of the RTI Act. The Central and State Information Commissions are also public authorities under the Central RTI Act. A combined reading of these provisions forms the basis for Information Commissions to proactively disclose information about their organization, functioning and decisions on appeals and complaints through dedicated websites. The J&K RTI Act also contains similar obligations of proactive disclosure which apply to the J&K State Information Commission.

#### **Main findings of the study:**

- All Information Commissions have displayed some information or the other through either dedicated websites or through websites maintained by the respective State Governments. The J&K State Information Commission also has a dedicated website.
- **The Central Information Commission is perhaps the only body to have two websites.** The first website (<http://cic.gov.in>) was set up soon after the Commission became functional. A second dedicated website- CIC Online (<http://rti.india.gov.in>) was created in 2009. It is disabled-friendly and facilitates online submission of second appeals and complaints. However information about the day-to-day functioning of the CIC and the search function to research decisions of the Commission are available only on the older website.
- **The State Information Commission of Mizoram is the only body that does not have a dedicated website. It has a handful of pages on the Mizoram Government Portal.**
- **The State Information Commissions in Madhya Pradesh and Maharashtra have dedicated websites exclusively in the local language, Hindi and Marathi respectively.** Several websites are bilingual to some extent. However the website of the Central Information Commission is available in English only.

## **Recommendations**

- ***The Government of Mizoram must work with the State Information Commission to develop a dedicated website for displaying information about its working.***
- ***All Information Commissions must ensure that their websites have some basic content (other than decisions) in the official language adopted in their jurisdiction, in order to enable easy access to the large majority of citizens who may not use English for communication. Eventually the entire website may be made bilingual.***

## **V Availability of the Annual Reports of Information Commissions on Websites**

Section 25 of the Central RTI Act requires the Central and State Information Commissions to submit annual reports to the concerned State Governments for tabling in Parliament or the respective State Legislatures. CHRI surveyed the availability of these reports on the websites of the respective Information Commissions. 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. This study only examines the periodicity of reports and their availability on the dedicated websites from the years 2006-2011. We have not analysed the content of these reports due to paucity of time.

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. There is no report in the public domain about any discussion based on an Information Commission's Annual Report either in Parliament or in the State Legislatures till date. 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 5)**

- **Only the Central Information Commission and two State Information Commissions in Andhra Pradesh and Bihar have uploaded separate annual reports for all years: 2006-2011 on their websites.**
- **Eight State Information Commissions, namely, Gujarat, Madhya Pradesh, Manipur, Mizoram, Sikkim, Tamil Nadu, Tripura and Uttar Pradesh have not uploaded any of their annual reports on their websites.**
- **The Jharkhand State Information Commission released a combined report for the period 2006-2011 in 2011 although it does not cover all months of 2011.**

- Seven State Information Commissions have uploaded separate annual reports up to 2010, namely, Himachal Pradesh, Karnataka, Kerala, Maharashtra, Meghalaya, Odisha and Rajasthan.
- The West Bengal State Information Commission released a combined report for 2006-2009 in 2009. Reports for subsequent years are not available on its website. The Nagaland State Information Commission released a combined report for the years 2008-2011 in 2011. However no annual reports for the earlier period of 2006-2008 are available on its website.
- The Assam State Information Commission has displayed annual reports only for the years 2008 and 2009. The reports for earlier and later periods have not been displayed on its website.
- The State Information Commissions of Haryana and Uttarakhand have displayed annual reports for the first year of their existence only.
- The J&K State Information Commission has completed the first year of its existence only recently. The annual report of the Commission has not yet been uploaded on its website.

### **Recommendations**

- ***All Information Commissions must fulfil their statutory obligations and compile and publish their annual reports in a comprehensive and timely manner.***
- ***Both Parliament and the State Legislatures must find the time to debate the contents of the annual report either in plenary or in an appropriate committee and scrutinize the actions of the Government, public authorities and the respective Information Commissions in implementing the RTI Acts.***

### **VI Availability of the Decisions of Information Commissions on 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 authorises the J&K State Information Commission to place its decisions on a website.<sup>13</sup> However the Rules leave it to the discretion of the Commission whether or not to display its decisions. While several thousand decisions are available on various websites, in the

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<sup>13</sup> Rule 32(ii), *Jammu and Kashmir Right to Information Rules, 2009* available on the website of the J&K General Administration Department: <http://jkgad.nic.in/roi/JK-RTI-Rules-2009.pdf> accessed on 01 May, 2012.

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 6)**

- **Only 45% of the Information Commissions (13 of 29) have uploaded some or all decisions on appeals and complaints for all seven years of their existence.** The Central Information Commission and the State Information Commissions of Andhra Pradesh, Bihar, Goa, Gujarat, Maharashtra, Odisha, Punjab, Rajasthan, Tamil Nadu, Tripura, West Bengal and Jammu and Kashmir belong to this list.
- **Two State Information Commissions in Assam and Mizoram have not uploaded any decision on their websites.** The link for “Decisions” on the Assam State Information Commission’s website opens up to a page which promises that decisions will be uploaded shortly.
- **Three websites, namely those of the State Information Commissions of Madhya Pradesh, Manipur and Uttar Pradesh display only “important decisions”.** The Commissions have not declared any criterion for choosing the decisions for display.
- **None of the decisions and orders made by the Uttar Pradesh State Information Commission in 2012 is displayed on its website. The ‘decisions page’ for four out of seven members of the Commission draws a blank. Two of them are serving on the Commission since 2007. The decisions page for the lone woman member of the Commission also draws a blank.**
- **The J&K State Information Commission has begun displaying its decisions on a dedicated website from the very first year of its functioning.**
- **States like Karnataka, Kerala, Madhya Pradesh and Maharashtra, have used the official language of the State to record their decisions.** Several decisions of the Gujarat State Information are bilingual with different parts of the order in English and Gujarati.
- **Decisions of the Jharkhand State Information Commission are available at the link: “Announcements” [sic]. Interestingly, one set of decisions signed by one of the State Information Commissioners in 2009 (who has since retired) is displayed against the names of two other members of the Commission also (all of whom have since retired).** None of the decisions of other members the Commission is accessible for the same period or earlier. None of the decisions and orders made by the Jharkhand State Information Commission in 2012 is displayed on its website.
- **Unlike the decisions database on most websites of State Information Commissions, which are accessible to any person, the websites of Karnataka and Uttarakhand State Information Commissions are accessible only to parties to a case.** Keying in the name of the appellant or the respondent or the case number is a gateway requirement to access the text of the decision. Neither website displays a list of cases decided by the respective Commissions.

- **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. **The ‘Search’ function on the website of the West Bengal State Information Commission has not been activated.****

Decisions are by their very nature matters of public interest because they set precedent and form the jurisprudence of a right, namely the right to access information. They ground certainty, point to trends and directions and have the potential for reducing future litigation. 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 is 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 policy.

### **Recommendations**

- ***All Information Commissions must upload all decisions and orders on their websites. Decisions in matters decided by past State Information Commissioners may be archived.***
- ***All databases of decisions and orders issued in English must be linked to a robust search engine. Such measures would be of great assistance to appellants, respondents and researchers.***
- ***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.***

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

Cause lists contain basic information about when a hearing has been scheduled by an Information Commission. Cause lists are prepared by the registry or the secretariat of the Commissions. Nothing in the two RTI laws or the Rules framed under them requires Information Commissions to prepare and display cause lists. Some Information Commissions have adopted this practice in order to make their working more transparent to the public. 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)**

- **59% of the State Information Commissions do not display cause lists on their websites. Only 41% of the Information Commissions (12 of 29) have displayed cause lists.** The Central Information Commission and the State Information Commissions of Andhra Pradesh, Chhattisgarh, Haryana, Karnataka, Odisha, Punjab, Tamil Nadu, Uttarakhand, Uttar Pradesh, West Bengal and Jammu and Kashmir have displayed cause lists. The cause list of the Chhattisgarh State Information Commission is accessible under the link: "Application Status" on its home page.
- **Cause lists can be accessed on the websites of the Himachal Pradesh and Karnataka State Information Commissions only by keying in the name of the appellant/respondent or by selecting a period of time.**
- **Chhattisgarh, Tamil Nadu and Uttar Pradesh State Information Commissions display the cause list in the official language of the State.**
- **Arunachal Pradesh State Information Commission has displayed cause lists for five months in 2010. No further cause lists are being displayed on the website.**
- **The Odisha State Information Commission publishes only a weekly cause list against the names of each member in English.** Several other State Information Commissions display archives of cause lists as well.

There is an urgent need of 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 provide the public an understanding of what is happening at the Commission. Putting them up in public helps hold the Information Commissions to a certain expected discipline in hearing and disposing matters. Parties can prepare well if they know when their case is likely to come up. This improves the overall functioning of Commissions. Cause lists need to be standardised across Information Commissions so that there is consistency of practice.

#### **Recommendations**

- ***All Information Commissions must upload cause lists on their websites in the interests of improving transparency.***
- ***Publishing cause lists in the official language of the State will make the facility more people-friendly.***
- ***Cause lists of past cases may be archived for the purpose of researchers who may like to analyse the performance of Information Commissions.***

## **Abbreviations<sup>14</sup>**

<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>IIS</b>	<b>=</b>	<b>Indian Information 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>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>

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<sup>14</sup> Table 3 is reproduced from the PRIA Study Report. Abbreviations used in that Table are explained separately.

## Tables

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

Sl. No.	Information Commission	As constituted originally	Expanded to	Current strength	Vacancies
1.	Central Information Commission	5	9	9	-
2.	Andhra Pradesh	1	4	1	3
3.	Arunachal Pradesh	4	5	2	3
4.	Assam	2	-	1	1
5.	Bihar	3	-	3	0
6.	Chhattisgarh	1	3	1	2
7.	Goa	1	2	1	1
8.	Gujarat	1	3	3	0
9.	Haryana	1	4	4	0
10.	Himachal Pradesh	1	2	2	0
11.	Jharkhand	7	-	1	6
12.	Karnataka	3	6	6	0
13.	Kerala	1	4	4	0
14.	Madhya Pradesh	1	4	2	2
15.	Maharashtra	1	7	4	3 (including SCIC's post)
16.	Manipur	1	2	1	1 (SCIC's post)
17.	Meghalaya	1	-	1	0
18.	Mizoram	1	-	1	0
19.	Nagaland	1	3	3	0
20.	Odisha	2	3	3	0
21.	Punjab	1	9	7	2
22.	Rajasthan	1	2	1	1
22.	Sikkim	1	-	1	0
24.	Tamil Nadu	1	7	3	4

**Table 1 (contd.)**

<b>Sl. No.</b>	<b>Information Commission</b>	<b>As constituted originally</b>	<b>Expanded to</b>	<b>Current strength</b>	<b>Vacancies</b>
25.	<b>Tripura</b>	<b>3</b>	<b>-</b>	<b>1</b>	<b>2</b> <b>(including SCIC's post)</b>
26.	<b>Uttarakhand</b>	<b>1</b>	<b>4</b>	<b>4</b>	<b>0</b>
27.	<b>Uttar Pradesh</b>	<b>1</b>	<b>10</b>	<b>7</b>	<b>3</b>
28.	<b>West Bengal</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>0</b>
29.	<b>Jammu and Kashmir</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>0</b>
		<b>50</b>	<b>99 + 18 = 117</b>	<b>83</b>	<b>34</b>

**Table 2: Background of Serving Chief Information Commissioners (Central and State)**

<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>
1.	Central Information Commission	-	-	-	-	-	-	✓ (IAS)
2.	Andhra Pradesh	-	-	-	-	-	-	✓ (IAS)
3.	Arunachal Pradesh	-	-	-	-	-	-	✓ (IAS)
4.	Assam	-	-	-	-	-	-	✓ (IFS)
5.	Bihar	-	-	-	-	-	-	✓ (IAS)
6.	Chhattisgarh	-	-	-	-	-	-	✓ (IAS)
7.	Goa	✓ (Rtd. City & Civil Judge)	-	-	-	-	-	-
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	-	-	-	-	-	-	✓ (IAS)
15.	Maharashtra (acting SCIC)	✓ (Advocate)	-	-	-	-	-	-
16.	Manipur (acting SCIC)	-	-	-	-	-	-	✓ (IAS)
17.	Meghalaya	-	-	-	-	-	-	✓ (IAS)
18.	Mizoram	-	-	-	-	-	-	✓ (IFS)

**Table 2 (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>
19.	<b>Nagaland</b>	-	-	-	-	-	-	✓ (IAS)
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 (acting SCIC)</b>	-	-	-	-	-	-	✓ (IAS)
26.	<b>Uttarakhand</b>	-	-	-	-	-	-	✓ (IAS)
27.	<b>Uttar Pradesh</b>	-	-	-	-	-	-	✓ (IAS)
28.	<b>West Bengal</b>	-	-	-	-	-	-	✓ (IAS)
29.	<b>Jammu and Kashmir</b>	-	-	-	-	-	-	✓ (IRS)
	<b>Total</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>26</b>

Table 3: Background of members in State Information Commission (2006-2007)

S.No.	State	A & G	Law	Ac	SS	Jrn	S& T	Mgt	Total
1	Madhya Pradesh		1						1
2	Rajasthan	1 [IAS Retired]							1
3	Gujarat	1 [IAS Retired]							1
4	Himachal P	1 [IAS Retired]							1
5	Haryana	2 [IAS Retired]							2
6	Andhra P	1 [IAS Retired]	1			1			3
7	Jharkhand		3	1	1	1		1	7
8	Chhattisgarh	1 [IAS Retired]							1
9	Kerala	2 [IAS Retired]	1			1			4
10	Punjab	3 [IAS Retired]							9
11	Uttarakhand	1 [IAS Retired]							1
12	Assam	1 [IPS Retired]							2
13	Goa	1 [IAS Retired] 1 [State servi]							2
14	Sikkim	1 [IAS Retired]							1
15	Bihar	2 [IAS Retired]	1						3
16	Karnataka	2 [IAS Retired]							2
17	Orissa	1 [IAS Retired]	1						2
18	Uttarpradesh	1 [IAS Retired]	1	1		1	1		5
19	Tamil Nadu	3 [IAS Retired]							3
20	Maharashtra	1 [IAS Retired]							1
	<b>Total</b>	27	9	2	1	4	1	1	52

Abbreviations used:

1. Administration & Governance : A & G ( mostly IAS Retired )
2. Academia : Ac
3. Social Service : SS
4. Journalism: Jrn
5. Science and Technology: S & T
6. Management: Mgt

**Source:** *Tracking Right to Information in Eight States – 2007*, PRIA, Delhi, 2007, accessible on the website of the Central Information Commission: <http://www.cic.gov.in/StudyReports/PRIA-Tracking-RTI-in-States.pdf> as on 01 May, 2012.

**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	-	-	5 (IAS-2; IPS-2; IIS-1)	2 (1 ex-UN officer, 1 entrepreneur)	8
2.	Andhra Pradesh	No State Information Commissioners appointed to existing vacancies								
3.	Arunachal Pradesh	1 (Advocate)	-	-	-	-	-	-	-	1
4.	Assam	No State Information Commissioners appointed to existing vacancies								
5.	Bihar	-	-	-	-	1	-	1 (State CS)	-	2
6.	Chhattisgarh	No State Information Commissioners appointed to existing vacancies								
7.	Goa	No State Information Commissioners appointed to existing vacancies								
8.	Gujarat	-	-	-	-	-	-	2 (IAS-2)	-	2
9.	Haryana	1	-	-	1	-	-	1 (IAS)	-	3
10.	Himachal Pradesh	-	-	-	-	-	-	1 (IAS)	-	1
11.	Jharkhand	No State Information Commissioners appointed to existing vacancies								
12.	Karnataka	1 (Advocate)	-	-	-	-	-	4 (IAS-1; State CS-3)	-	5
13.	Kerala	-	-	-	-	-	-	2 (IAS-1; IPS-1)	1 (Member CPI)	3

**Table 4 (contd.)**

Sl. No.	Information Commission	Law	Science & Tech.	Soc. Serv.	Mgmt	Journo.	Mass Media	Admin. & Gov.	Others	Total
14.	Madhya Pradesh	-	-	-	-	-	-	1 (IAS)	-	1
15.	Maharashtra	-	-	-	-	-	-	3 (State CS)	-	3
16.	Manipur	No State Information Commissioner appointed to existing vacancy								
17.	Meghalaya	Post of State Information Commissioner not created yet								
18.	Mizoram	Post of State Information Commissioner not created yet								
19.	Nagaland	-	-	-	-	-	-	1 (State CS)	1 Ex- Minister	2
20.	Odisha	-	-	1	-	-	-	1 (IAS)	-	2
21.	Punjab	1 (Advocate)	-	-	-	2	-	2 (IAS-2)	1 (Member SAD)	6
22.	Rajasthan	No State Information Commissioner appointed to existing vacancy								
23.	Sikkim	Post of State Information Commissioner not created yet								
24.	Tamil Nadu	-	-	-	-	-	-	2 (IAS-2)	-	2
25.	Tripura	No State Information Commissioner appointed to existing vacancies								
26.	Uttarakhand	2 (Advocate)	-	-	-	-	1	-	-	3
27.	Uttar Pradesh	5 (Advocate)	-	-	-	1	-	-	-	6
28.	West Bengal	-	-	-	-	-	-	2 (IAS-2)	-	2

**Table 4 (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>
29.	Jammu and Kashmir	1 (Law Professor)	-	-	-	-	-	1 (State CS cum Engineer)	-	2
	<b>Total</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>29</b>	<b>5</b>	<b>54</b>

**Table 5: Availability of Annual Reports of Information Commissions on Websites (Y or N)**

Sl. No.	Information Commission	2006	2007	2008	2009	2010	2011	Comments
1.	Central Information Commission	Y	Y	Y	Y	Y	Y	-
2.	Andhra Pradesh	Y	Y	Y	Y	Y	Y	-
3.	Arunachal Pradesh	Y	Y	N	N	N	N	-
4.	Assam	N	N	Y	Y	N	N	-
5.	Bihar	Y	Y	Y	Y	Y	Y	-
6.	Chhattisgarh	Y	Y	Y	Y	N	N	-
7.	Goa	Y	Y	Y	N	N	N	-
8.	Gujarat	N	N	N	N	N	N	-
9.	Haryana	Y	N	N	N	N	N	-
10.	Himachal Pradesh	Y	Y	Y	Y	Y	N	-
11.	Jharkhand	Y	Y	Y	Y	Y	Y	Combined report for 2006-2011 presented in 2011
12.	Karnataka	Y	Y	Y	Y	Y	N	-
13.	Kerala	Y	Y	Y	Y	Y	N	-
14.	Madhya Pradesh	N	N	N	N	N	N	-
15.	Maharashtra	Y	Y	Y	Y	Y	N	-
16.	Manipur	N	N	N	N	N	N	-
17.	Meghalaya	Y	Y	Y	Y	Y	N	-
18.	Mizoram	N	N	N	N	N	N	-
19.	Nagaland	N	N	Y	Y	Y	Y	Annual reports for 2008-2011 presented in 2011
20.	Odisha	Y	Y	Y	Y	Y	N	-
21.	Punjab	Y	Y	Y	Y	N	N	-
22.	Rajasthan	Y	Y	Y	Y	Y	N	-
23.	Sikkim	N	N	N	N	N	N	-

**Table 5 (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>Comments</b>
24.	Tamil Nadu	N	N	N	N	N	N	-
25.	Tripura	N	N	N	N	N	N	-
26.	Uttarakhand	Y	N	N	N	N	N	-
27.	Uttar Pradesh	N	N	N	N	N	N	-
28.	West Bengal	Y	Y	Y	Y	N	N	Annual reports for 2006-2009 presented in 2009
29.	Jammu and Kashmir	-	-	-	-	-	-	No Annual Report published yet.

**Table 6: Availability of Decisions of Information Commissions on Websites (Y or N)**

Sl. No.	Information Commission	2006	2007	2008	2009	2010	2011	2012	Comment
1	Central Information Commission	Y	Y	Y	Y	Y	Y	Y	-
2	Andhra Pradesh	Y	Y	Y	Y	Y	Y	Y	-
3	Arunachal Pradesh	Y	Y	Y	Y	N	N	N	-
4	Assam	-	-	-	-	-	-	-	The website states that decisions will be uploaded shortly.
5	Bihar	Y	Y	Y	Y	Y	Y	Y	-
6	Chhattisgarh	Y	Y	Y	Y	?	N	N	Links for decisions of 2010 do not work.
7	Goa	Y	Y	Y	Y	Y	Y	Y	-
8	Gujarat	Y	Y	Y	Y	Y	Y	Y	-
9	Haryana	N	Y	Y	Y	Y	Y	Y	
10	Himachal Pradesh	Y	Y	Y	Y	Y	Y	N	-
11	Jharkhand	N	N	Y	Y	N	Y	N	Decisions are accessible under the link- "Announcements" [sic]
12	Karnataka	N	N	N	N	N	N	N	Despite the arrangement of quarter-wise links for each year of existence decisions are not accessible unless case number or name of the appellant/ respondent is provided.
13	Kerala	N	N	N	N	Y	Y	N	-
14	Madhya Pradesh	Y	Y	Y	N	Y	N	N	Only "important decisions" of 2006, 2007, 2008, 2010 are displayed
15	Maharashtra	Y	Y	Y	Y	Y	Y	Y	-
16	Manipur	N	Y	N	Y	Y	Y	N	Only "important decisions" of 2007, 2009, 2010 and 2011 are displayed.

**Table 6 (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>Comment</b>
17	Meghalaya	Y	Y	Y	Y	Y	Y	N	-
18	Mizoram	N	N	N	N	N	N	N	-
19	Nagaland	N	Y	Y	Y	Y	Y	N	-
20	Odisha	Y	Y	Y	Y	Y	Y	Y	-
21	Punjab	Y	Y	Y	Y	Y	Y	Y	-
22	Rajasthan	Y	Y	Y	Y	Y	Y	Y	-
23	Sikkim	?	?	?	?	?	?	?	Links to decisions do not work.
24	Tamil Nadu	Y	Y	Y	Y	Y	Y	Y	-
25	Tripura	Y	Y	Y	Y	Y	Y	Y	-
26	Uttarakhand	N	N	N	N	N	N	N	Decisions are not accessible unless case number or name of the appellant/ respondent is provided.
27	Uttar Pradesh	N	N	Y	Y	Y	Y	N	Decisions listed under the name of each member of the SIC.
28	West Bengal	Y	Y	Y	Y	Y	Y	Y	-
29	Jammu and Kashmir	-	-	-	-	-	Y	Y	J&K State Information Commission began deciding appeals and complaints 2011 onwards.

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

<b>Sl. No.</b>	<b>Information Commission</b>	<b>Availability of Cause List</b>	<b>Comment</b>
1	Central Information Commission	Y	-
2	Andhra Pradesh	Y	-
3	Arunachal Pradesh	Y	Cause list is provided only for 2010
4	Assam	N	-
5	Bihar	N	-
6	Chhattisgarh	Y	-
7	Goa	N	-
8	Gujarat	N	The link does not work
9	Haryana	Y	
10	Himachal Pradesh	N	Appellant's name is essential to open the Cause list
11	Jharkhand	N	
12	Karnataka	Y	Cause list can be accessed by keying in the period for which data is required.
13	Kerala	N	-
14	Madhya Pradesh	N	-
15	Maharashtra	N	-
16	Manipur	N	-
17	Meghalaya	N	-
18	Mizoram	N	-
19	Nagaland	N	-
20	Odisha	Y	-
21	Punjab	Y	-
22	Rajasthan	N	-

**Table 7 (contd.)**

<b>Sl. No.</b>	<b>Information Commission</b>	<b>Availability of Cause List</b>	<b>Comment</b>
<b>23</b>	<b>Sikkim</b>	N	-
<b>24</b>	<b>Tamil Nadu</b>	Y	-
<b>25</b>	<b>Tripura</b>	N	-
<b>26</b>	<b>Uttarakhand</b>	Y	Cause list can be accessed by keying in the period for which data is required.
<b>27</b>	<b>Uttar Pradesh</b>	Y	-
<b>28</b>	<b>West Bengal</b>	Y	-
<b>29</b>	<b>Jammu and Kashmir</b>	Y	-

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

CHRI was closely associated with the drafting of the Indian RTI Bill at various stages. The Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice invited CHRI twice in 2005 to provide evidence of international best practice standards on RTI laws. Within a fortnight of the passing of the 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 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 RTI Act 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. One such campaign was conducted in 200 gram panchayats of Panchmahals and Dahod districts in Gujarat in 2010. CHRI also litigates before Information Commissions and courts to seek disclosure of crucial information in public interest, when public authorities are reluctant to do so.

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. CHRI has provided technical inputs for strengthening RTI Bills in Barbados, Cook Islands, Ghana, Malawi, Malaysia (provincial RTI Bills) the Maldives, Malta, Pakistan (national and provincial RTI Bills), Rwanda, Sierra Leone, Swaziland, Tanzania and Zambia. CHRI facilitates learning programs for government and civil society representatives from South Asia and Africa to acquire first-hand knowledge about efforts 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 Friedrich Naumann Stiftung-Für Die Freiheit and the Affiliated Network for Social Accountability- South Asia Region (ANSASAR) are currently supporting CHRI's Access to Information Programme.