

Patterns of RTI Workload on Central Public Authorities Over the Last Seven Years (2012-19)

Findings from a Study of Statistical Data

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Introduction

In 2011, while deciding whether students and other examinees have the right to access their evaluated answer scripts after appearing in an examination, the Hon'ble Supreme Court of India observed as follows:

“37... The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising ‘information furnishing’, at the cost of their normal and regular duties.”¹

This reference occurs in a paragraph where the Court highlights the obligatory nature of proactive information disclosure under Section 4(1)(b) of the RTI Act before moving on to rule on the core issue, i.e., whether students and other examinees may be given access to their evaluated answer scripts under the RTI Act. Ever since, multiple High Courts and Information Commissions have highlighted this observation in their own decisions on RTI-related disputes. Some politicians have also tried to undervalue the importance of this seminal law by raising the issue of frivolous RTIs without substantiating their claims with any evidence. More recently, while hearing another RTI matter relating to the frequently occurring and long standing vacancies in Information Commissions, a Bench headed by the Hon'ble Chief Justice of India commented on “professional RTI activists” throwing their weight at public authorities with printed letterheads. Thankfully these observations did not find their way into the Bench's daily order. However, these verbal observations have rekindled the debate about the burden that RTI allegedly casts on public authorities allegedly preventing them from going about their “other” appointed tasks.

¹ *Central Board of Secondary Education & Anr. vs Aditya Bandopadhyay and Ors.*, (2011) 8 SCC 497.

Scope of this Study

This study is aimed at inquiring into the urban myth – “RTI is an undue burden on an already overworked bureaucracy”. For this purpose, we have gleaned statistics from the Annual Reports of the Central Information Commission, to begin with. This study takes into account the total number of RTI applications and first appeals reported by public authorities, the number of designated Central Public Information Officers (CPIOs) and First Appellate Authorities (FAAs) available to dispose them of and the average workload that can be calculated using these official statistics. In order to provide a comparative picture, we have looked at Central Government data from 2012-13 to 2018-19 – the years for which statistics are available in a reasonably consistent manner. As for individual ministries and key public authorities, we have used RTI statistics reported in the most recent year, namely, 2018-19.

Eventually the study will be expanded to examine this phenomenon across all seven years and also across the States.

Main Findings: RTI applications workload (for the years 2012-13 to 2018-19)

- **The total number of RTIs (backlog from the previous year and fresh receipts during the reporting year) reported by public authorities under the Central Government has risen by more than 83% (83.83%) from 8.86 lakhs (886,681) in 2012-13 to 16.30 lakhs (1,630,048) in 2018-19. However, the number of CPIOs designated to handle these RTIs has gone up by a little more than 13% (13.41%) during the same period – from 21,204 to 24,048. It must also be noted that while 2012-13 recorded the highest number of Public Authorities (2,333) reporting their data to the CIC during this seven-year period, only 2,145 reported in their statistics in 2018-19. So it appears that fewer public authorities in 2018-19 are getting more RTIs than that received in 2012-13;**
- **On an average, a CPIO handled less than 42 RTIs (41.82) in a year in 2012-13. In 2018-19, this increased to almost 68 RTIs in a year (67.78). However, the monthly average no. of RTIs per CPIO rose from less than 4 to under 6 RTIs between 2012-13 and 2018-19. Does handling between 4-6 RTI applications per month amount to spending 75% of a CPIO's time? That question can be answered only by examining the content of the RTI application which will reveal the volume of the period for which information is requested. A study of numbers is only the beginning;**
- **Obviously, as all RTIs (backlog from the previous year and fresh receipts during the reporting year) do not get disposed of within the reporting year. Several are carried over to the next reporting year. While the backlog in 2012-13 was more than 75,000 RTI applications, it stood at a little more than 2,59,000 at the beginning of 2018-19. So if one looked only at fresh receipts (total no of RTIs minus the reported backlog) the figures grew from 8.11 lakhs in 2012-13 to 13.70 lakhs in 2018-19. This is a growth of under 41% (40.78%). So while the number of fresh receipts has indeed gone up, the backlog does not appear to reduce in any year because the number of CPIOs available for their disposal is not matching up with the volume;**
- **The annual average of fresh RTIs received per CPIO has increased from a little more than 38 in 2012-13 (38.26) to almost 57 (56.97) in 2018-19. However, the monthly**

average number of RTIs disposed during the same period has gone up from a little more than 3 per CPIO (3.19) to less than 5 RTIs (4.75). In 15 years, the averages show that workload has not even doubled per CPIO. **Once again, statistically speaking, this does not appear to be an unseemly burden on the CPIOs requiring them to deal with RTI applications all the time;**

- The aforementioned figures include RTIs received and disposed by PIOs of the Union Territories' administration, also. If this figure (1.76 lakhs) were deducted from the total, purely CPIOs (those working in Central government ministries, departments and other public authorities directly under their jurisdiction, had to deal with only 14.53 lakh RTIs (backlog and fresh receipts) in 2018-19. **This works out to an annual average of less than 64 RTIs per CPIO (63.87) and the monthly average is a little more than 5 RTIs (5.32);**
- As for fresh receipts in the Central Government (excluding the UTs) there were 12.12 lakh RTIs in 2018-19 working out an **annual average of a little more than 53 RTIs per CPIO (53.29) and a monthly average of a little ore than 4 RTIs per CPIO (4.44).**

Workload in the top 5 Ministries (for the year 2018-19)

- We have also analysed the workload on CPIOs in Ministries that report the largest number of RTIs during the period 2018-19. The **topper on the list- the Ministry of Finance**, reported a total of 2.22 lakh RTIs in 2018-19 (backlog plus fresh receipts). This figure includes not only RTIs handled by various departments in this Ministry but also, public sector banks, tax authorities and insurance companies, debt recovery tribunals amongst others- a total of 194 public authorities- all of which have a large clientele and therefore high numbers of RTIs are to be expected. **With 7,100 CPIOs handling this load, the annual average works out to a little more than 31 RTIs per CPIO (31.27) and a monthly average of just over 2 RTIs (2.61). When only fresh receipts are taken into account the annual average per CPIO falls to less than 30 RTIs (29.73) and the monthly average hovers around 2 RTIs per CPIO (2.48) Can handling an average of 2 RTIs per month be reasonably labelled as an enormous workload on a CPIO? Readers may decide for themselves;**
- The **Ministry of Communications and Information Technology** reported the **second** highest number of RTIs in 2018-19 (backlog plus fresh receipts) at 1.52 lakhs. With 2,074 CPIOs appointed to dispose them of, the **annual average works out to a little more than 73 RTIs per CPIO and a monthly average of a little above 6 RTIs (6.12). When only fresh receipts are counted, the annual average goes down to 71 RTIs per CPIO (71.05) and the monthly average falls below 6 RTIs (5.92);**
- Coming **3rd**, the **Ministry of Human Resource Development** logged a total of 1.38 lakh RTIs in 2018-19 (backlog plus fresh receipts) handled by 1,469 CPIOs. **This amounts to an annual average of almost 94 RTIs (93.95) and a monthly average of less than 8 RTIs (7.83) per CPIO. As for fresh receipts, the annual average is less than 67 RTIs and the monthly average less than 6 RTIs per CPIO;**

- At 4th place, the **Ministry of Railways** reported a total of 1.29 lakh RTIs in 2018-19 (*backlog plus fresh receipts) handled by 1,374 CPIOs. **This works out to an annual average of 94 RTIs (94.01) and a monthly average of under 8 RTIs (7.83). The annual average of fresh receipts per CPIO works out to less than 91 RTIs per CPIO (90.62) and a monthly average of less than 8 RTIs (7.55) per CPIO;**
- The **Ministry of Defence** reported a total of 1.98 lakh RTIs (backlog and fresh RTIs) handled by 1,293 CPIOs in 2018-19. This includes the RTIs received by the three defence forces. **The annual average works out to less than 154 RTI (153.16) and less than 13 RTIs per month (12.76). Fresh receipts amounted to an annual average pf less than 66 RTIs per CPIO (65.58) and a monthly average of less than 6 RTIs per CPIO (5.47).** Surely, defence forces on combat duty do not handle the RTI applications, instead officers on desk duty dispose of the applications. So RTI workload cannot be reasonably deemed a threat to the defence preparedness of the country either. **Interestingly the Defence Ministry reported the highest backlog among the top 5 with more than 1.13 lakh RTIs pending from 2017-18.** There seems to be a strong case for dividing the workload further by appointing more PIOs across this Ministry in the manner done across the Finance Ministry;
- The 252 designated CPIOs in the **Ministry of Labour and Employment** averaged more than **336 RTIs annually (336.44) with the monthly average being about 28 RTIs per CPIO (28.04). When only fresh receipts are counted the annual average falls to less than 331 RTIs (330.91) and the monthly average reduces to less than 28 RTIs per CPIO;**
- On the contrary, 560 CPIOs of the **Ministry of Home Affairs** dealt with a total of 59,032 RTIs in 2018-19 (backlog plus fresh receipts). This Ministry includes several paramilitary forces and intelligence agencies that receive several thousand RTIs in a year. **The annual average works out to a little more than 105 RTIs (105.41) and a monthly average of less than 9 RTIs per CPIO (8.78). When only fresh receipts are considered, the annual average falls to just 102 RTIs (102.16) and the monthly average remains less than 9 RTIs per CPIO (8.51);**
- The **Ministry of Personnel, Public Grievances and Pensions-** the nodal Ministry for implementing RTI appointed 265 CPIOs to handle a total of 56,810 RTIs (backlog plus fresh receipts) in 2018-19. **This works out to an annual average of less than 215 RTIs (214.38) per CPIO and a monthly average of less than 18 RTIs (17.86). In terms of fresh receipts, the annual average fell to under 206 RTIs and a monthly average of a little more than 17 RTIs (17.16);**
- The 225 CPIOs appointed by the **Ministry of External Affairs** dealt with 5,802 RTIs in 2018-19 (backlog plus fresh receipts). **This works out to an annual average of less than 26 RTIs per CPIO (25.79) and a monthly average of a little more than 2 RTIs per CPIO (2.15). When only fresh receipts are counted the annual average falls to less than 25 RTIs (24.67) and the monthly average is a mere 2 RTIs per CPIO (2.06); and**

- 30 CPIOs in the **Election Commission of India** handled an annual average of less than 136 RTIs and a **monthly average of under 12 RTIs (11.29) in 2018-19 (backlog plus fresh receipts)**. Fresh receipts averaged under 11 RTIs (10.51) per month for each CPIO.

Where RTI seems like a burden (year 2018-19)

- On the other hand, there are several public authorities that have designated only one CPIO on whom falls the entire year's burden. For example, the lone CPIO in the **Prime Minister's Office** handled **13,816 RTIs in 2018-19** (backlog and fresh receipts), taking the **monthly average to 1,151 RTIs**. Fresh receipts amounted to an average of almost 1012 per month;
- The lone CPIO in the **President's Secretariat** handled a monthly average of less than **285 RTIs** (backlog plus fresh receipts) in 2018-19 while the fresh receipts averaged at a little less than **279 per month**;
- The lone CPIO in the **Supreme Court of India** handled a total of **3,775 RTIs** (backlog plus fresh receipts) in 2018-19. This is a **monthly average of almost 315 RTIs**. Fresh receipts accounted for almost **290 RTIs per month (289.92)**;
- **Delhi High Court** on the other hand had appointed 4 PIOs to handle a total of 1,791 RTIs (backlog plus fresh receipts) in 2018-19. This accounted for an **annual average of less than 448 RTIs per PIO** and a **monthly average of just a little more than 37 RTIs (37.31)**. In terms of fresh receipts each PIO handled an annual average of under 362 RTIs and a monthly average of a little over 30 RTIs (30.10); and
- The **Delhi Police** had designated 57 PIOs to handle a total of 30,630 RTIs in 2018-19 (backlog plus fresh receipts). **This works out to an annual average of more than 537 RTIs per PIO (537.37) and a monthly average of under 45 RTIs (44.78)**. When only fresh receipts are counted the annual average fell to less than 512 RTIs per PIO (511.60) and the monthly average fell to less than 43 RTIs (42.63) per CPIO. These statistics also make a case for appointing more PIOs for the Delhi Police to reduce the workload further.

Main Findings – first appeals workload (for the years 2012-13 to 2018-19)

- More than **9,300 FAAs** designated (9,309) across public authorities under the Central Government had a total of **1.51 lakh first appeals** to deal with in 2018-19. **This works out to an annual average of a little more than 16 appeals per FAA and a monthly average of less than 2 cases per FAA**. Of these 1.51 lakh cases, FAAs actually decided a little over 99,000 cases during this period. So the annual average fell further to less than 11 cases and the monthly average was barely 1 case per FAA. In fact ever since 2012-13 the monthly average number of cases received has always been less than 2 per FAA and actual disposal has been less than 1 case per month;

- If the first appeal figures from the UTs are excluded from the Central Government's total, the annual and monthly averages do not alter drastically. **The annual average remains in the range of 15 cases and the monthly average around 1 case per FAA.** There is hardly any significant difference in the averages when actual disposal figures are taken into consideration;

RTI appeals workload in the top Ministries and key public authorities (for the year 2018-19)

- **More than 2,100 FAAs (2,156)** designated by various public authorities under the chart topper- **Ministry of Finance had to deal with more than 25,000 first appeals** in 2018-19. The **annual average was under 12 first appeals and the monthly average was less than 1 appeal per FAA.** These figures fell even more as the FAAs actually disposed barely 16,000 appeals (15,917) during this period taking the **annual average down to less than 8 per FAA (7.38) and the monthly average fell further to under 1 case (0.68);**
- The **highest annual average was in the Ministry of Labour and Employment with each FAA required to deal with 42 cases averaging a little more than 3 per month;**
- The next high average number of appeals per FAA was in the Ministry of Railways at less than 36 annually and less than 3 per month;
- In the **Ministry of Human Resource Development FAAs averaged under 27 first appeals annually (fresh receipts plus backlog) and less than 3 per month.** In terms of actual disposal the annual average fell to less than 15 (14.56) and the monthly average was just above 1 per FAA (1.21);
- The **Defence, Home and External Affairs Ministries averaged between 1-4 cases per month per FAA in terms of totals** while the averages fell further in terms of actual disposals;
- Obviously, the workload on FAAs is much lesser than that of the CPIOs in most Ministries and Public Authorities that have distributed the burden by appointing more officers to deal with first appeals year after year;
- Once again the burden seemed enormous in the **PMO, President's Secretariat and the Supreme Court which had only one FAA each to dispose between 400-600 appeals in 2018-19.** Naturally, the monthly average ranged between 34-167 cases per FAA between them;
- Strangely, actual disposals in the **PMO, President's Secretariat and the Supreme Court ranged between 0-16 per month** with the PMO reporting that its FAA disposed exactly 10% of the 2,000 first appeals received in 2018-19 (hence the monthly average of 16 cases). Interestingly, the President's Secretariat reported that it did not dispose of any of the 611 appeal cases during the entire year. The Supreme Court reported that its FAA disposed only 3 of the 403 first appeals

received in 2018-19. If these figures are accurate, it is cause for concern because the lone FAAs do not seem to be complying with the 45-day statutory time limit for disposal of such cases. On the other hand, if these figures are inaccurately reported, the Central Information Commission does not seem to be doing enough to cross check the accuracy of the RTI statistics being logged in at the back end of its RTI reporting system.

- In conclusion as argued in the context of the RTI applications statistics analysed above, appointing more FAAs is the need of the hour to distribute the first appeals workload more evenly in public authorities receiving a large number of first appeals.

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