



Information Commissions in India

For Prelims: [Right to Information Act \(RTI Act\)](#), [Central Information Commission \(CIC\)](#), [State Information Commission \(SIC\)](#), [Satark Nagrik Sangathan](#).

For Mains: Impact of ineffective Right to Information Act, 2005 on good governance and transparency and accountability in the country.

[Source: TH](#)

Why in News?

Recently, **Satark Nagrik Sangathan (SNS)** has released a 'Report Card on the Performance of [Information Commissions](#) in India, 2022-23' under [Right to Information \(RTI\) Act, 2005](#) which shows that **Maharashtra has been the worst performing state in RTI responsiveness**, with 1,15,524 pending appeals.

- SNS is a non-governmental organization (NGO) in India dedicated to promoting transparency, accountability which works to empower citizens to become vigilant and informed participants in democracy.

What are the Key Highlights of the Report Card ?

- **Other Poor Performers:**
 - The second maximum number of pending appeals was in **Karnataka (41,047)** while Tamil Nadu declined to provide the information regarding total pending appeals at its Information Commission which was the worst performing in 2022.
- **Overall Status in 2023:**
 - A total of **3,21,537 appeals and complaints are pending in 27 State Information Commissions** across the country, and the backlog has been steadily increasing.
- **Previous Years' Status:**
 - The 2019 assessment had found that a total of 2,18,347 appeals/complaints were pending in the 26 Information Commissions from which data was obtained, which climbed to 2,86,325 in 2021 and then crossed three lakh as in 2022.
- **Defunct Information Commissions:**
 - Four Information Commissions — **Jharkhand, Telangana, Mizoram and Tripura** — are **defunct** as no new Information Commissioners were appointed upon incumbents demitting office.
 - **Six Information Commissions are currently headless** — the Central Information Commission, and the State Information Commissions of Manipur, Chhattisgarh, Maharashtra, Bihar, and Punjab.
- **Disposal Rate:**
 - The assessment shows that **West Bengal State Information Commission (SIC)** would take an estimated 24 years and one month to dispose of a matter as per the current standards and is the worst performing in disposal rate.

- In Chhattisgarh and Maharashtra, the estimated time taken by SICs for disposing of an appeal or complaint is over four years. **The assessment shows that 10 Information Commissions** will take one year or more to dispose of an appeal/complaint.

What is the Central and State Information Commission?

▪ Central Information Commission (CIC):

- **Established:** The CIC was established by the Central Government in 2005, under the provisions of the **Right to Information Act (2005)**. It is not a [constitutional body](#).
- **Members:** The Commission consists of a **Chief Information Commissioner and not more than ten Information Commissioners**.
- **Appointment:** They are appointed by the [President](#) on the recommendation of a committee consisting of the Prime Minister as Chairperson, the Leader of Opposition in the [Lok Sabha](#) and a Union Cabinet Minister nominated by the Prime Minister.
- **Tenure:** The Chief Information Commissioner and an Information Commissioner **shall hold office for such term as prescribed by the Central Government or until they attain the age of 65 years, whichever is earlier**. They are not eligible for reappointment (as per the amendments made in RTI Act, 2005 in 2019).
- **Power and Functions of CIC:**
 - It is the duty of the Commission to receive and inquire into a complaint from any person regarding information requested under RTI, 2005.
 - The Commission can order an inquiry into any matter if there are reasonable grounds (**suo-moto power**).
 - While inquiring, the Commission has the **powers of a civil court** in respect of summoning, requiring documents etc.

▪ State Information Commission:

- It is constituted by the **State Government**.
- It has **one State Chief Information Commissioner (SCIC)** and not more than 10 State Information Commissioners (SIC) to be appointed by the Governor on the recommendation of the **Appointments Committee headed by the Chief Minister**.

Right to Information Act

- Genesis of RTI law started in 1986, **through judgement of Supreme Court in Mr. Kulwal v/s Jaipur Municipal Corporation case**, in which it directed that freedom of speech and expression provided under **Article 19 of the Constitution** clearly implies Right to Information, as without information the freedom of speech and expression cannot be fully used by the citizens
- It has been implemented in order to see that the Indian citizens are enabled to exercise their rights to ask some pertinent questions to the Government and different public utility service providers in a practical way.
- The RTI Act **replaced the Freedom of Information Act 2002**.
- The objective of this act was to help the citizens avail of quicker services from the government agencies since the act enables them to ask questions like why a particular application or an official proceeding gets delayed.
- Mainly the act aims at achieving a corruption-free India.
- The Act, 2005 was amended in 2019 to bring about changes with respect to the tenure and service conditions of CIC and ICs at both central and state levels.
- Recently, section 44 (3) of the [Digital Personal Data Protection Act 2023](#) modified **Section 8 (1)(j) of the RTI Act**, creating an **exemption for all personal information** from disclosure and removing the previously established exceptions that permitted the release of such information.

Information That can be Sought

- **Any Indian citizen is free to seek answers** from a Government Authority like applying for a delayed IT refund, driving license or passport, or details of a repair or infrastructure project completed or going on.
- Information sought can also be related to the funds allotted under the different kinds of relief funds

in the country.

- The act **enables students to get copies of answer sheets from the universities** under this act.

What are the Challenges in RTI Act, 2005 ?

- Different types of information are sought which have no public interest and sometimes **can be used to misuse the law and harass the public authorities**. For example-
 - Asking for desperate and voluminous information.
 - To **attain publicity by filing RTI**
 - RTI filed as vindictive tool to harass or pressurize the public authority
- Because of the **illiteracy and poverty** among the majority of the population in the country, the RTI cannot be exercised.
- Though RTI's aim is not to create a grievance redressal mechanism, the **notices from Information Commissions often spur the public authorities to redress grievances**.
- **Lack of Digital integration at sub-district and block levels** further blocks the e-governance mechanism which creates hindrances in implementation of RTI Act, 2005.

Way Forward

- Democracy is all about the governance of the people, by the people and for the people. **In order to achieve the third paradigm**, the state needs to start acknowledging the importance of an informed public and the role that it plays in the country's development as a nation. In this context, underlying issues related to RTI Act should be resolved, so that it can serve the information needs of society.
- By its 2019 order, the apex court had passed a slew of directions to the Central and State governments to fill vacancies across Central and State Information Commissions in a transparent and timely manner.
- **Urgent digitization of records and proper record management** is important as lack of remote access to records in the lockdown has been widely cited as the reason for not being able to conduct hearings of appeals and complaints by commissions.
- It is well recognized that the right to information is necessary, but not sufficient, to improve governance. A lot more needs to be done to usher in accountability in governance, **including protection of whistleblowers, decentralization of power** and fusion of authority with accountability at all levels.
- This law provides us a priceless opportunity to redesign the processes of governance, particularly at the grass roots level where the citizens' interface is maximum. Therefore, awareness at the local levels should be generated massively regarding the RTI Act, 2005.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Q. The Right to Information Act is not all about citizens' empowerment alone, it essentially redefines the concept of accountability." Discuss. **(2018)**