

**SECTION: PIL**

IN THE SUPREME COURT OF INDIA  
PUBLIC INTEREST LITIGATION  
I.A. No. 139361 OF 2019  
IN  
M.A. NO. 1979 OF 2019  
IN  
WRIT PETITION (CIVIL) NO. 436/2018

**IN THE MATTER OF:**

ANJALI BHARDWAJ & ORS.

...PETITIONERS

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

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COUNSEL FOR THE PETITIONERS

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SUPREME COURT OF INDIA

NEW DELHI 110 001

**CODE NO.: 515**

NEW DEHI:

DATED: 10.08.2021

**DOL RAJ BHANDARI, REGD. CLERK, I.C. NO. 3745, MOBILE NO. 9868255076**

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**PAPER BOOK**

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**(ADDITIONAL AFFIDAVIT OF PETITIONERS- APPLICANTS)**

COUNSEL FOR THE APPLICANTS: **PRASHANT BHUSHAN**

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**ADDITIONAL AFFIDAVIT OF PETITIONERS- APPLICANTS  
IN TERMS OF ORDER DATED 07.07.2021**

I, Anjali Bhardwaj, D/o Nileema Bhardwaj, R/o C- 2/30, 1<sup>st</sup> Floor, Safdarjung Development Area, New Delhi - 110016, aged about 47 years, presently at New Delhi, do hereby solemnly affirm and state on as under:

1. That I am the Applicant/Petitioner No. 1 in the above captioned petition and being familiar with the facts and circumstances of the case, I am competent and authorised to swear this Affidavit on behalf of all the petitioners.

2. The present additional affidavit is being filed in pursuance of the order of this Hon'ble Court dated 07.07.2021 wherein it ordered; *"The respondent-Union of India and all the other respondent-States are directed to file the latest status and compliance report within a period of four weeks from today. Learned counsel for the petitioners is also permitted to file the additional affidavit. List the matter on 11th August, 2021."*



3. The petitioners want to bring on to the record:
- a. the flagrant willful and deliberate disobedience by the Union of India w.r.t. clear directions issued to it in judgement dated 15.02.2019 and vide order dated 16.12.2019 in the present application.
  - b. the flagrant willful and deliberate disobedience by the States of Maharashtra, Karnataka, Odisha, Telangana, Nagaland, West Bengal w.r.t. clear directions issued to each state in judgement dated 15.02.2019 regarding timely and transparent appointment of information commissioners to the respective State Information Commissions set up under the RTI Act, 2005.
4. By way of background, the petitioners herein filed W.P. 436/2018 as delay in or non-appointment of Information Commissioners to State and Central Information Commissions was leading to increased backlogs before the Commissions, resulting in long delays in the disposal of appeals/complaints, effectively frustrating the citizens Right to Information. Accepting the petitioner's contentions, this court *vide* judgement dated 15.02.2019, issued various directions to the Respondent Union and State Governments to fill vacancies across Central and State Information Commissions in a transparent and timely manner. However, the petitioners were constrained to file present I.A. No. 139361/2019 as the respondents failed to comply with directions of judgement dated 15.02.2019. The fundamental right of citizens to access information from public authorities under the RTI Act is being hindered by the non-appointment of adequate number of commissioners in the CIC and various SICs across the country which is resulting in



large backlogs and concomitant long waiting time for disposal of appeals/complaints regarding violations of the RTI Act. The commission wise status is summarized below.

### **Central Information Commission**

5. In September 2019, at the time of filing of the present application I.A. No. 139361/2019, four posts of Information Commissioners were lying vacant in the Central Information Commission and nearly 32,500 appeals and complaints were pending before the commission. Vide order dated 6.11.2019 in the present application, this Hon'ble Court issued notice and directed respondents, including Union of India, to submit a status report regarding filling up of the vacancies in question and a compliance report with regard to the directions given by this Court vide judgment dated 15.02.2019 be also filed.
6. **Advertisements dated 12.12.2019:** On 12-12-2019, DOPT issued fresh advertisement for 4 vacant posts. While these posts had been advertised in January 2019 as well pursuant to the directions in WP 436/2018, the vacancies were not filled and a fresh advertisement was issued in December 2019.
7. **Order dated 16.12.2019:** In view of the urgent situation, *vide* order dated 16.12.2019 in I.A. No. 139361/2019, this Hon'ble Court **gave three months to the central government to complete the appointment process in respect of Information Commissioners in the Central Information Commission** and directed that the matter be listed before court on 25.03.2020. A copy of order dated 16.12.2019 in I.A. No. 139361/2019 is annexed herewith as **Annexure P1 (Pages 27-28)**
8. **Retirement of Chief on 11.1.2020, vacancies rise to 5:** On January 11, 2020 the Chief Information

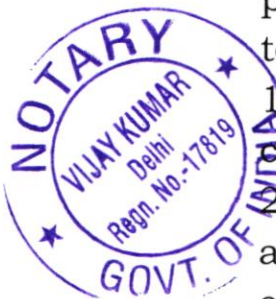


Commissioner finished his tenure and demitted office and the total number of vacancies arose to 5.

**9. Appointment of Chief and one Information commissioner on 6.3.2020; four vacancies persist:**

On 6.3.2020, the appointment of one new information commissioner- Ms. Amita Pandove and the selection of an existing commissioner as the Chief- Mr. Bimal Julka was notified. Even though the advertisement had invited applications for 4 vacant posts of information commissioners and the Hon'ble Court vide order dated 16.12.2019 had directed completion of appointment process "in respect of Information Commissioners in CIC within a period of three months", the Union of India appointed only one information commissioner. The number of vacancies in the CIC remained at 4, as one of the commissioners was appointed as Chief.

- 10. UOI affidavit dated 24.4.2020:** Even though the respondent UOI failed to comply with the directions dated 16.12.2019 of this Hon'ble Court to complete the appointment process "in respect of Information Commissioners in CIC within a period of three months", vide affidavit dated 24.4.2020, the UOI has claimed that "the process of appointment in response of Information Commissioners in Central Information Commission has been completed within three months as directed by this Hon'ble Court in its Order dated 16.12.2019." It is submitted that this assertion is patently false and misleading as the respondent was to fill all the vacancies which were advertised on 12.12.2019 and not merely appoint one information commissioner and a Chief. The affidavit notes that 250 applications were received pursuant to the advertisement for 4 posts of information commissioners, however, no reason is given as to why only one vacant post was filled, instead of filling all



4.As of 24.4.2020, the number of vacancies in the CIC persisted at 4.

11. **Advertisements dated 9.7.2020:** On 9-7-2020, DOPT issued fresh advertisement for appointment of upto 6 information commissioners. Another advertisement was issued inviting applications for post of Chief of CIC which was scheduled to fall vacant on 27-8-2020.
12. **Six (6) posts, including that of Chief vacant as on 15.10.2020:** With the retirement of the Chief on 26.8.2020 and another commissioner demitting office in the end of September, 2020, total of 6 posts, including that of the Chief fell vacant and the pendency of appeals/complaints arose to over 36,600.
13. **Dissent note dated 24.10.2020 by member of selection committee regarding violations of directions of the Supreme Court in the process of appointment-** Mr. Adhir Ranjan Chowdhury, Leader of the Indian National Congress in Lok Sabha and member of the Selection Committee constituted under section 12(3) of the RTI Act vide his 'Dissent Note' dated 24.10.2020 raised concerns regarding the short listing and selection process not being as per the directions of the Supreme Court judgment dated February 15, 2019. The note states:

"1.1 The manner in which the Search Committee has conducted the exercise of shortlisting the names for CIC/ICs is nothing but an empty formality, aimed at carrying out a hog-wash that defeats the very aim and goal of transparency and accountability that the RTI Act envisages. It is appalling that the Search Committee has failed to give any reasons or justifications in writing as





to why the shortlisted candidates are more suitable among all those who applied for the said posts”

“1.2 ...However, the Search Committee, on the face of it arbitrarily selected names, without even bothering to provide any reasons for eliminating 137 out of the 139 candidates in case of the post of the CIC; and 349 out of the 355 candidates, so applied for the posts of ICs.”

“1.3. ...However, the Search Committee, apparently has neither used a criteria based approach or grading in selecting or rejecting a particular candidate. The clandestine working of the Search Committee is evident from the fact that when on 7.10.2020, the High Powered Selection Committee met for the first time to select the CIC/ICs, the Search Committee did not even bother to provide a copy of its report to the members in advance and on account of the said failure of the Search Committee, the meeting of the Selection Committee had to be deferred. Further, even now while the Search Committee has shortlisted 9 names (2 for CIC and 7 ICs), it has once again, deliberately ignored the mandate of the Hon’ble Supreme Court in its Judgement dated 15.02.2019 in the matter of **Anjali Bhardwaj 7 Others Vs. Union of India &Ors**(WP(C) 436 of 2018), wherein the Apex Court had specifically directed the Search



Committee to make public, the names and criteria of the candidates who applied for the said posts:

***“67(iii) It would also be appropriate for the Search Committee to make the criteria for short listing the candidates, public, so that it is ensured that short listing is done on the basis of objective and rational criteria.”***

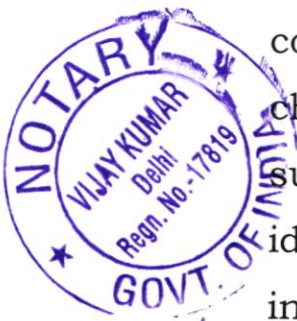
Since the Search Committee has only been constituted to aid and assist the Selection Committee and it is the Selection Committee which is the statutory body to select the candidates as mentioned hereinabove. It is extremely imperative that the Search Committee discharges its functions in a transparent manner. However, by not providing the reasons for shortlisting/ rejection of candidates and by ignoring the dictum of the Hon'ble Supreme Court, the Search Committee has failed to discharge the functions for which it was constituted. Even as the Search Committee headed by none less than the Cabinet Secretary of India, arbitrarily and blatantly ignored every facet of transparency and laid down process, one is forced to conclude that it did not apply its mind at all. In either case, the whole exercise smacks of apparent bias and favouritism and therefore renders the entire process untenable.”

Xxx



“2.2 Shockingly, another such recommendation by the Search Committee is that of Shri Uday Mahurkar, whose name has been shortlisted for the post of IC, however, Shri Mahurkar’s name does not even find mention in the list of 355 applicants, as provided by the DoPT, who have applied for the position of ICs. The fact that the Search Committee has sky-dropped the name of Shri Mahurkar casts very serious aspersions on the integrity of the Search Committee. While on one hand this renders the entire exercise of inviting applications through advertisement useless, on the other hand even if one were to give the liberty of choice the Search Committee, the basic principle of documentation of a reasoned and justified selection, has been totally overlooked.”

“2.3 In this regard, the Cabinet Secretary as Chairman of the Search Committee, must explain, within one week from today, stating the considerations for which the Search Committee chose to name Shri Uday Mahurkar- an open supporter of the ruling political party and its ideology. This issue assumes greater significance in light of the fact that Shri Mahurkar, though a journalist, has a pre-fixed ideology of supporting the ruling party (kindly verify his articles, comments, social media profile etc.) and had not



even applied for the job of Information Commissioner. The Cabinet Secretary needs to explain the special reasons and pressure exhorted upon him for picking up the name of Shri Mahurkar on a completely out of turn basis which smacks of apparent bias on the face of it.”

“3.1 Another important aspect is that the Central Information Commission must consist of Commissioners from different walks of life. Even the Supreme Court has emphasized on the said aspect in its judgement of **Anjali Bhardwaj & Others Vs. Union of India &Ors.** (supra), wherein it has held as follows:

“39, As can be seen, any person of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance is qualified to become Chief Information Commissioner or Information Commissioner. The Legislature in its wisdom widened the area of consideration by not limiting it to the serving or retired government employees alone. Persons of eminence in public life are made eligible. Field of knowledge and experience is also very much broadened as it can be either in law or science and technology or social service or management or journalism or mass media or administration and governance.



The Parliament, thus, intended that persons of eminence in public life should be taken as Chief Information Commissioner as well Information Commissioners. Many persons who fit in the aforesaid criteria have been applying for these posts. However, a strange phenomenon which we observe is that all those persons who have been selected belong to only one category, namely, public service, i.e., they are the government employees. It is difficult to fathom that persons belonging to one category only are always be found to be more competent and more suitable than persons belonging to other categories. In fact, even the Search Committee which short-lists the persons consist of bureaucrats only. For these reasons, official bias in favour of its own class is writ large in the selection process.

40. ...It is, however, emphasised that there can be equally suitable persons from other walks of life as well who maybe the aspirants for such posts. This Court, therefore, impresses upon the Search Committee, in future, to pick up suitable candidates from other categories as well. After all, the very purpose of providing wide range of suitability was to have members in CIC by giving representation to other classes as well. This would ensure wider representative character in the composition of CIC."



“3.2 Despite the categorical directions of the Hon'ble Supreme Court, the names shortlisted by the Search Committee only consist of bureaucrats making it appear as cosy club of retired civil servants who were being provided post retirement sinecures as quid pro quo for the commitment they may have shown to their political masters. Surprisingly, although a large number of academicians, scientists, historians, human rights activists and also persons from legal, social service backgrounds applied for the said posts of CIC and ICs, but the Search Committee did not find even a single suitable, independent candidate from the said talent pool.”

Therefore, it is clear that despite directions of this Hon'ble Court in its judgment dated February 15, 2019, **the search committee not only failed to make public the short listing criteria, it appears there was no criteria at all which was adopted to shortlist persons and none was disclosed to even the statutory selection committee.** Further, the search committee arbitrarily, without declaring any criteria, **shortlisted a person who had not even applied for the post of the information commissioner** in response to the advertisement published out by the government.

A Copy of 'Dissent Note' dated 24.10.2020 by Mr. Adhir Ranjan Chowdhury, member of the Selection



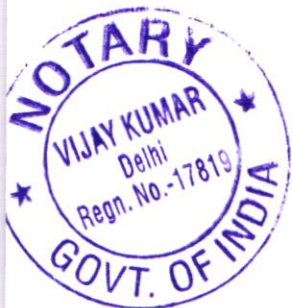
Committee constituted under section 12(3) of the RTI Act is annexed and marked as **Annexure P2 (Pages 29-35)**

**14. Appointment of Chief and three Information commissioners on 7.11.2020, three vacancies persist:**

On 7.11.2020, the appointment of three new information commissioners- Mr. Heeralal Samariya, Ms. Saroj Punhani and Mr. Uday Mahurkar and the selection of an existing commissioner as the Chief- Mr. Y K Sinha was notified. Even though the advertisement had invited applications for upto 6 vacant posts of information commissioners and a total of 355 applications were received, the Union of India appointed only three information commissioners, giving no reason for not filling the remaining vacancies. **Three vacancies persisted in the CIC, as one of the commissioners was appointed as Chief.**

**15. Status as on August 9, 2021:**

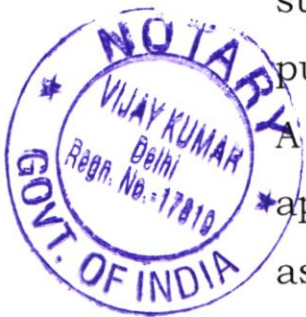
The order of this Hon'ble Court of 16.12.2019 has not been complied with till date. Till the time of filing this affidavit, no reply has been received from the Union of India as per the directions issued after the last hearing on 7.7.2021. **As on August 9, 2021,** three vacancies persist in the Central Information Commission. It is pertinent to note that the number of pending appeals and complaints has climbed to nearly 36,000 as on August 9, 2021 (as per information on CIC website) as



compared to 33,701 on December 16, 2019- the date of the last order of this Hon'ble Court directing Union of India to fill all the vacancies. A perusal of the CIC website shows that currently the commission is hearing and disposing appeals/complaints filed before it in early and mid-2019 i.e. more than 24 months after they were filed. This long delay in disposing appeals/complaints frustrates the very purpose of the RTI Act i.e. time-bound access to information as also observed by this Hon'ble Court in its judgment dated February 15, 2019. It is further submitted that it appears the UOI is repeatedly resorting to issuing fresh advertisements instead of filling all the advertised vacant posts in a bid to cause undue delay in the appointments thereby frustrating peoples' right to information. No reasons have been furnished by the respondent as to why all 4 vacancies were not filled pursuant to the advertisement dated 12.12.2019 and the order of this Hon'ble Court dated 16.12.2019 and subsequently why all 6 vacancies were not filled pursuant to the advertisement dated 9.7.2020.

A copy of webpage showing number of pending appeals and complaints before the CIC as of 9.8.2021, as available on its website is annexed and marked as

**Annexure (Page 36)**



### **Maharashtra State Information Commission**

15. **Directions vide judgment dated 15.2.2019:** Vide judgment dated 15.2.2019, the Hon'ble SC had



directed that the Government of Maharashtra fill all the vacancies of the sanctioned posts (the State Government had till then sanctioned 8 posts for the SIC) and also take a decision regarding sanctioning additional posts so that the SIC can function at full strength as provided under the RTI Act (Chief and upto 10 Information Commissioners) to ensure disposal in a time-bound manner. The relevant extract is reproduced below:

*“57) Pertinently, the respondent State has not denied pendency of 40,000 appeals and complaints as on February 2018. It has also not given any figures about the disposal of cases by the SIC. Though it is mentioned that the sanctioned strength is only 8 (and not 11 as contended by the petitioners), as of today, 2 Information Commissioner posts are to be filled. No doubt, these posts became vacant only in November 2018. We expect that steps be taken in advance so that such posts are filled up immediately after they became vacant and they do not remain unfilled for long period. In this behalf, general directions are given at the end. Further, going by the pendency, which is huge, it would be appropriate if at this juncture the SIC has a total strength of 1 SCIC and 10 Information Commissioners. This suggestion may be considered and decision in this behalf shall be taken by the State Government within one month and the newly created posts shall be filled up within six months from the date of this judgment.”*



16. **Affidavit filed by Government of Maharashtra dated 27.7.2021:** indicates that out of the 8 sanctioned posts currently **4 are lying vacant**. Vacant posts advertised in June 2019 are yet to be filled as the process of selection has not been completed till date. Process for selection for another advertisement issued in April 2021 is also still ongoing. Regarding the direction to take a decision within one month of February 15, 2019 to sanction three additional posts of information commissioners so SIC can function at full strength given the huge pendency, the affidavit states that “final decision is yet to be taken.”

17. **Status as on 9.8.2021:** The State Information Commission of **Maharashtra** is functioning with only **4 commissioners** and backlog has increased alarmingly to nearly **75,000 appeals/complaints as of May 31, 2021**. There is clear contempt of the directions to fill all vacant posts and also to take a decision regarding sanction of all available posts i.e.



11 (including Chief) given the huge backlog. A copy of table showing number of pending appeals and complaints before the SIC as of 31.5.2021, as available on its website is annexed and marked as **Annexure P4 (Page 37-38)**

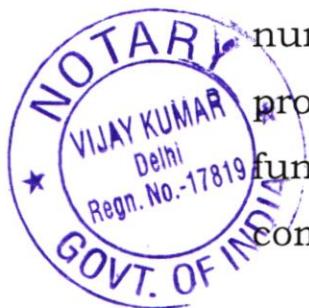
### **Karnataka State Information Commission**

18. **Directions vide judgment dated 15.2.2019:** Vide judgment dated 15.2.2019, the Hon'ble SC taking

cognizance that the commission had a backlog of 33,000 appeals/complaints directed the Government of Karnataka to ensure that the Commission functions at full strength of 11 commissioners i.e. 1 Chief and 10 state information commissioners:

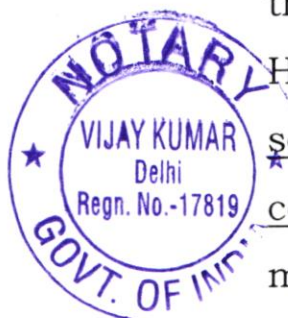
*“63. ...having regard to the alarming pendencies of the complaints and appeals before the Karnataka Information Commission, it would be appropriate to consider increasing the strength of Information Commissioner. In our view, Commission needs to function with full strength, namely, 1 CSIC and 10 Information Commissioners and we recommend accordingly. This recommendation be considered and decision thereon be taken within one month. Thereafter, process should be initiated and completed within six months from the date of this judgment.”*

19. **Affidavit filed by Government of Karnataka dated 7.8.2021:** As per the affidavit, Karnataka Information Commission has sanctioned maximum number of posts (11 including Chief) as per the provisions of the RTI Act. However at present it is functioning with one Chief and seven information commissioners.



20. **Status as on 9.8.2021:** The State Information Commission of **Karnataka** is functioning with only **8 commissioners** and 3 posts are vacant. As per a media report of April 2021 based on details obtained

under the RTI Act from the Information Commission, backlog of only second appeals is more than 30,000 with more than half of them filed between 2015 and 2019 which are yet to be disposed. Details of backlog of complaints is not available on the official website of the SIC or in media reports. There is clear violation of the direction given vide judgment dated 15.2.2019 to ensure that the commission functions with maximum sanctioned strength. Further, the huge backlog and long delays frustrates the very purpose of the RTI Act i.e. time-bound access to information and the directions of the SC that “it is expected that CIC or SICs shall decide the appeals/complaints within shortest time possible, which should normally be few months from the date of service of complaint or appeal to the opposite side”. A copy of the media report dated April 4, 2021 regarding backlog of 30,000 second appeals which has been accessed from the website of the newspaper Deccan



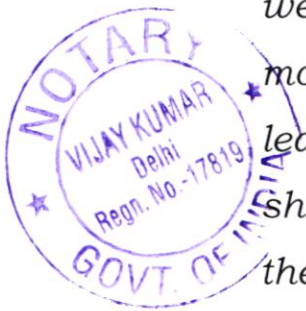
Herald(<https://www.deccanherald.com/state/30000-second-appeals-pending-before-information-commission-rti-reply-970350.html>) is annexed and marked as **Annexure P5 (Pages 39-40)**

### **Odisha State Information Commission**

21. **Directions vide judgment dated 15.2.2019:** Vide judgment dated 15.2.2019, the Hon'ble SC in Paras 64 and 65 directed government of Odisha to fill all

sanctioned posts (1 Chief and 3 commissioners) and further take a decision regarding sanctioning of 3 more posts given the pendency and tardy disposal:

*“At present, the strength of Odisha SIC is 1 CSIC and 3 Information Commissioner. One post of Information Commissioner is lying vacant since 27th May, 2015. It is further stated that advertisement for filling up of these posts is issued and the last date for receipt of the application was 31st January, 2019. Selection Committee is also constituted to fill up the posts. We expect the said posts to be filled up within two months...Insofar as pendency of cases is concerned, the respondent accepted that as on the date of filing of the affidavit, i.e., 18th January, 2019, 1998 complaint cases and 9764 appeals were pending before the Commission. The respondents have also filed the chart containing receipt and disposal of the complaint cases as well as appeals. In the year 2018, only 522 complaints were disposed of. Likewise 2500 appeals were disposed of. It shows that there is a necessity for more Information Commissioners and to begin with, at least, three more posts of Information Commissioners should be created. We are, therefore, of the opinion that the State Government should immediately considering creating more posts of Information Commissioners. Decision in this behalf shall be taken by the State Government within one month and the newly created posts shall be filled up within four months from the date of this judgment.”*

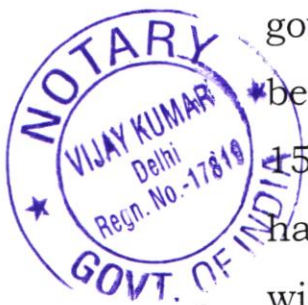


22. **Affidavit filed by Government of Odisha dated**

**28.7.2021:**As per the affidavit, the state government in compliance with the judgment created 2 additional posts on 10.4.2019 taking total sanctioned strength to 6 (1 Chief and 5 commissioners). Commission is currently functioning with 5 commissioners. One post which fell vacant was advertised in November 2020 but is yet to be filled up. State Chief Information Commissioner will demit office on 15.8.2021 for which advertisement was published on 30.6.2021. As per tabulated figures, backlog has been steadily rising and more than 17,500 complaints and second appeals are pending as of July 17, 2021.

23. **Status as on 9.8.2021:** Commission is currently

functioning with 5 commissioners even as pendency is more than 17,500 cases. A post which fell vacant and was advertised 9 months ago is yet to be filled up showing the lackadaisical approach of the government. Further, the commission is likely to become headless with the retirement of the Chief on 15.8.2021. Though as per the affidavit, the vacancy has been advertised, no details of the expected time it will take to complete the appointments has been indicated. Another issue is the tardy disposal rate of appeals/complaints by the SIC. A perusal of the tables provided in the affidavit of the respondent, only 2922 matters were disposed in 2018 1908 in 2019 and

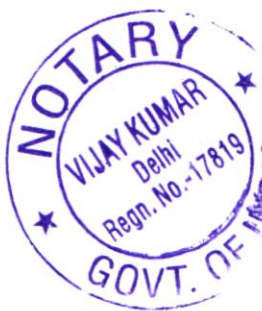


1893 in 2020. Norms for number of cases to be disposed by each commissioner, such as those adopted by the Central Information Commission of 3200 cases per commissioner, per year are essential to ensure time-bound disposal of cases. These must be determined on the basis of total backlog and in compliance with the direction of the SC in judgment dated 15.2.2019 “that CIC or SICs shall decide the appeals/complaints within shortest time possible, which should normally be few months from the date of service of complaint or appeal to the opposite side”.

### **Telangana State Information Commission**

24. **Directions vide judgment dated 15.2.2019:** Vide judgment dated 15.2.2019, the Hon’ble SC directed government of Telangana to create additional posts of information commissioners:

“54) *We find that the composition of Telangana SIC with only SCIC and one Information Commissioner is too inadequate having regard to the pendency and also the number of cases which are filed on monthly/yearly basis. In the earlier affidavit filed by the State of Telangana on 6th September 2018, it was stated that as on 13th September 2017, when the Commission was constituted, there were a total of 6825 pending cases. This figure rose to 9341 on 30th June 2018 and as on 23rd January 2019, the pendency has increased to 10,102. In such a scenario, if sufficient number of Information Commissioners are not appointed, the pendency will keep increasing and piling up. Therefore, we feel that for proper functioning of the Telangana SIC, there should be at least four more Information Commissioners appointed, for the time being. This suggestion may be considered and decision in this*



*behalf shall be taken by the State Government within one month and the newly created posts shall be filled up within six months from the date of this judgment.”*

25. **Affidavit filed by Government of Telangana dated nil August 2021:** Five information commissioners were appointed on 10.2.2020. At present post of Chief is vacant upon retirement and therefore commission is functioning with 6 commissioners.
26. **Status as on 9.8.2021:**As per information on the website of the SIC, the previous Chief retired in August 2020 and since then no new Chief has been appointed and one of the existing commissioners has been given the charge of the Chief on an ad-hoc basis though no such provisions exist under the law for such an arrangement. It appears that no process of appointing a new Chief has been undertaken as the affidavit of the respondent furnishes no such details regarding publication of advertisement, constitution of search committee etc. For nearly 1 year, the commission has been without a Chief despite the fact that the RTI Act envisages a crucial role for the Chief as the general superintendence, direction and management of the affairs of the SIC vests in the SCIC. There is clear violation of the judgment of the SC.





## **Nagaland State Information Commission**

27. **Directions vide judgment dated 15.2.2019:** Vide judgment dated 15.2.2019, the Hon'ble SC directed government of Nagaland to fill the vacant post of the Chief:

“66) The petitioners have averred in the petition that Nagaland SIC has been functioning without SCIC since September, 2017. No counter affidavit is filed on behalf of State of Nagaland. Since the grievance in the petition is only about non-appointment of CSIC, we direct the State Government to take immediate steps for filling up of the said posts, so that posts are filled up within six months from today.”

28. **Affidavit filed by Government of Nagaland dated August 7, 2021-** As per the affidavit, post of Chief Information Commissioner is vacant as the earlier Chief Information Commissioner demitted the office on 17.1.2020 on completion of 65 years of age and the proposal for appointment of the new Chief information Commissioner is under submission. Commission is currently functioning with two information commissioners.

29. **Status as on 9.8.2021:** As per information in the respondent's affidavit, the previous Chief retired in January 2020 and since then no new Chief has been appointed. As a result, for 19 months, the commission has been without a Chief despite the fact that the RTI



Act envisages a crucial role for the Chief as the general superintendence, direction and management of the affairs of the SIC vests in the SCIC. This constitutes a violation of the judgment of the SC.

### **West Bengal State Information Commission**

30. **Directions vide judgment dated 15.2.2019:** Vide judgment dated 15.2.2019, the Hon'ble SC directed government of West Bengal to create three posts of commissioners in addition to the sanctioned strength of 3 (Chief and 2 information commissioners):

"45) ... at the end of November 2018, the number of pending appeals and complaints has gone down to 7680.

46) The aforesaid figures given by the State may show that the pendency is brought down. However, it is still very high and the rate of attrition is quiet slow. What is more important is that many cases could be decided after a long period. In fact, the petitioners have alleged that some cases took more than 10 years before they could be heard and dispose of. Therefore, the strength of one SCIC and two Information Commissioners is quiet inadequate and it has the tendering to frustrate the very purpose of seeking the information by the applicants. It can also be legitimately inferred that when the applicants are not able to get information for a long period because of non-disposal of their appeals or complaints, they are deterred or



discouraged to seek information or to pursue their RTI applications.

47) The purpose of Right to Information cannot be allowed to be frustrated by having thoroughly inadequate strength of Information Commissioners in the SIC. The Act, after all, enables the Government to have SIC with one SCIC and up to 10 Information Commissioners. It, therefore, becomes the statutory and constitutional obligation of the State Government to have adequate number of Information Commissioners for quick and speedy disposal of appeals and complaints. We are, therefore, of the opinion that the State Government should immediately consider creating more posts of Information Commissioners. We suggest that at least three more such posts should be created. Decision in this behalf shall be taken by the State Government within one month and the newly created posts shall be filled up within six months thereafter.”



1. **Status as on 9.8.2021:** No reply affidavit has been received from Government of West Bengal in pursuance of the direction of this Hon'ble Court dated 7.7.2021. A perusal of the website of the commission shows that it is currently functioning at a mere strength of 1 SCIC and 1 IC against the sanctioned strength of 2 IC and 1 SCIC and in contempt of this court's judgment vide which the state government was

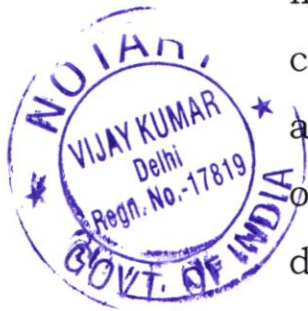
directed to immediately create 3 more posts. As per information on the website, as of March 31, 2021, about 9,000 appeals/complaints are pending.

### **Gujarat State Information Commission**

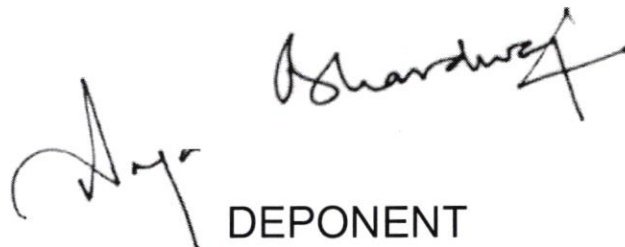
32. **Status as on 9.8.2021:** Vide affidavit dated August 5, 2021, the respondent government has stated that commission is functioning with 6 commissioners. The vacant posts appear to have been filled as per directions of this Hon'ble Court.

### **Jharkhand State Information Commission**

33. Whereas government of Jharkhand is not a respondent in the present application, however as judgment dated 15.2.2019, contained general directions for timely and transparent appointment of information commissioners, the appellants seek the court's indulgence to bring to its attention the alarming status of the state information commission of Jharkhand which has been effectively rendered defunct since May 2020, when the lone information commissioner retired. Since then no information commissioner or Chief has been appointed and the commission has been non functional with people seeking information from public authorities under the jurisdiction of the Jharkhand SIC having no recourse to the independent appellate mechanism prescribed under the RTI Act.



34. Hence this affidavit.

  
DEPONENT

**VERIFICATION:**

I, the above-named deponent, do hereby verify that the contents of the aforesaid affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 10<sup>TH</sup> **AUGUST, 2021**

  
DEPONENT



**ATTESTED**

  
NOTARY PUBLIC DELHI

**11.0 AUG 2021**

ITEM NO.39

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

MA No.1979/2019 in/and IA No.139361/2019 in W.P.(C) NO.436/2018

ANJALI BHARDWAJ &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(For IA No. 139361/2019 - CLARIFICATION/DIRECTION)

Date : 16-12-2019 The application was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE B.R. GAVAI  
HON'BLE MR. JUSTICE SURYA KANTFor Petitioner(s) Mr. Prashant Bhushan, AOR  
Mr. Rahul Gupta, Adv.For Respondent(s)/ Ms. Pinky Anand, Ld. ASG  
Applicant(s) Ms. Madhavi Diwan, Sr. Adv.  
Ms. Pooja Dhar, Adv.  
Ms. Kirti, Adv.  
Mr. Rajesh Ranjan, Adv.  
Mr. A.K. Sharma, Adv.Mr. V. N. Raghupathy, AOR  
Mr. Manender Pal Gupta, Adv.Mr. P. Venkat Reddy, Adv.  
Mr. Prashant Tyagi, Adv.  
Mr. P. Srinivas Reddy, Adv.Mr. G. Prakash, AOR  
Mr. Jishnu M.L., Adv.  
Mrs. Priyanka Prakash, Adv.  
Mrs. Beena Prakash, Adv.Mr. Ravi Prakash Mehrotra, Adv.  
Mr. Ankit Agarwal, Adv.

Mr. Aaditya A. Pande, Adv.

Dr. Manish Singhvi, Sr. Adv.  
Mr. Shailja Nanda Mishra, Adv.  
Mr. Arpit Parkash, Adv.  
Mr. Sandeep Kumar Jha, AORMr. G.N. Reddy, AOR  
Mr. T. Vijaya Bhaskar Reddy, Adv.  
Ms. Sujatha Bagadhi, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Heard.

Ms. Pinky Anand, learned Additional Solicitor General appearing for the respondents-Union of India, states that the respondents-Union of India will comply with the direction of this Court regarding putting up the names of the members of the Search Committee on the Official Website of the Department of Personnel and Training (DOPT), Government of India, within a period of two weeks from today.

Let the needful be done accordingly.

The respondents-Union of India is further directed to comply with the directions given in para 32 of Judgment dated 15.02.2019 passed by this Court in Writ Petition (Civil) No.436 of 2018, and complete the appointment process in respect of Information Commissioners in CIC within a period of three months from today.

List the instant application on 25.03.2020 for further hearing.

In the meantime, the Registry of this Court is directed to furnish a copy of the Status Report filed on behalf of the DOPT, to Mr. Prashant Bhushan, learned counsel appearing for the applicants/petitioners.

(SANJAY KUMAR-II)  
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)  
ASSISTANT REGISTRAR

*Prashant Bhushan*  
(TRUE COPY)

## ANNEXURE:P2

## Dissent Note

Dated 24.10.2020

- I. As a member of the Selection Committee, empowered to select/ appoint the Chief Information Commissioner and Information Commissioners, as constituted U/s. 12(3) of the Right to Information Act, 2005, the undersigned had received two Agenda Note(s), along-with profiles of applicants and a covering letter dated 05.10.2020 from the DoPT, for:
- I.
- a) Recommending the name of the Chief Information Commissioner (CIC) in the Central Information Commission to the President of India; and
  - b) Recommending the names (upto 6) of the Information Commissioners (ICs) in the Central Information Commission to the President of India.
- II. That a meeting of the coram as provided U/s. 12(3) of the Right to Information Act, 2005 was held on 07.10.2020 at 7, Lok Kalyan Marg, wherein the undersigned vide Dissent Note/ Objections dated 07.10.2020 had sought deferment of the said meeting on account of failure to provide the recommendations of the Search Committee to the members of the Selection Committee in advance. Accordingly, the said meeting was deferred.
- III. That consequently, vide letter dated 19.10.2020, the DoPT had furnished to the undersigned, the profiles of the shortlisted candidates for the posts of Chief Information Commissioner and Information Commissioners (in the Central Information Commission), as approved by the Search Committee headed by the Cabinet Secretary, Gol. The following names have been recommended by the Search Committee:

**Names Shortlisted for appointment as Chief Information Commissioner:**

1. Shri Neeraj Kumar Gupta, IAS (UP: 1982) (Retd.), Information Commissioner, Central Information Commission.
2. Shri Yashvardan Kumar Sinha, IFS (1981) (Retd.), Information Commissioner, Central Information Commission.

**Names Shortlisted for appointment as Information Commissioner:**

1. Shri Subhash Chandra, IAS (KN: 1986) (Retd.), Former Secretary, Department of Defence Production, Ministry of Defence.
2. Ms. Meenakshi Gupta, IA&AS (1984), Deputy CAG, Comptroller and Auditor General of India.



3. Mr. Ira Joshi, IIS (1984) (Retd.), Former Principal Director General (News) All India Radio.
4. Shri Uday Mahurkar, Senior Journalist.
5. Shri Arun Kumar Panda, IAS (OR: 1984), Former Secretary, Ministry of Micro, Small and Medium Enterprises.
6. Ms. Saroj Punhani, IA&AS (1084), Deputy CAG, Comptroller and Auditor General of India.
7. Shri Heera Lal Samariya, IAS (TG: 1985) (Retd.), Former Secretary, Ministry of Labour & Employment.

IV. The RTI Act, 2005 is an epochal piece of legislation which ensures day to day transparency and accountability in public life, the task of appointing capable CIC/ ICs becomes even more significant in view of large-scale pendency of 36828 cases currently pending before the Central Information Commission (pendency report attached as **Annexure A**). Therefore, the following is stated:

- 1.1 The manner in which the Search Committee has conducted the exercise of shortlisting the names for CIC/ ICs is nothing but an empty formality, aimed at carrying out a hog-wash that defeats the very aim and goal of transparency and accountability that the RTI Act envisages. It is appalling that the Search Committee has failed to give any reasons or justifications in writing as to why the shortlisted candidates are more suitable among all those who applied for the said posts.
- 1.2 That a total of 139 candidates applied for the post of CIC; and 355 candidates applied for the various posts of ICs. However, the Search Committee, on the face of it arbitrarily selected names, without even bothering to provide any reasons for eliminating 137 out of the 139 candidates in case of the post of CIC; and 349 out of the 355 candidates, so applied for the posts of ICs.
- 1.3 That on perusal of the 486 applications (137 + 349) not deemed fit by the Search Committee, it is evident that those rejected are persons of equal if not more merit and have substantially contributed in public life. However, the Search Committee, apparently has neither used a criteria based approach or grading in selecting or rejecting a particular candidate. The clandestine working of the Search Committee is evident from the fact that when on 07.10.2020, the High Powered Selection Committee met for the first time to select the CIC/ ICs, the Search Committee did not even bother to provide a copy of its report to the members in advance and on account of the said failure of the Search Committee, the meeting of the Selection Committee had to be deferred. Further, even now while the Search Committee has shortlisted 9 names (2 for CIC and 7 ICs), it has once again, deliberately ignored the

mandate of the Hon'ble Supreme Court in its Judgement dated 15.02.2019 in the matter of **Anjali Bhardwaj & Others Vs. Union of India & Ors.** (W.P.(C) 436 of 2018), wherein the Apex Court had specifically directed the Search Committee to make public, the names and criteria of the candidates who applied for the said posts:

***“67 (iii) it would also be appropriate for the Search Committee to make the criteria for shortlisting the candidates, public, so that it is ensured that shortlisting is done on the basis of objective and rational criteria.”***

Since, the Search Committee has only been constituted to aid and assist the Selection Committee and it is the Selection Committee which is the statutory body to select the candidates as mentioned hereinabove. It is extremely imperative that the Search Committee discharges its functions in a transparent manner. However, by not providing the reasons for shortlisting/ rejection of candidates and by ignoring the dictum of the Hon'ble Supreme Court, the Search Committee has failed to discharge the functions for which it was constituted. Even as the Search Committee headed by none less than the Cabinet Secretary of India, arbitrarily and blatantly ignored every facet of transparency and laid down process, one is forced to conclude that it did not apply its mind at all. In either case, the whole exercise smacks of apparent bias and favouritism and therefore renders the entire process untenable.

- 2.1 That among the 2 names shortlisted for the top post of CIC, one recommendation made by the Search Committee is for Shri Yashvardhan Kumar Sinha- a 1981 batch IFS Officer. In this regard, it may be interesting to note that officers of the Foreign Service mostly work abroad and even while at-home, they have nothing whatsoever to do general administration, policy formations, service delivery and programme implementation – areas that form the overwhelming bulk of RTI queries. the assignments of the Indian Foreign Service, are largely exempted from the purview of the RTI Act, 2005. This apart from the fact that the assignments of the Indian Foreign Service are largely exempted from the purview of the RTI Act, 2005. The recommendation for the post of CIC ought to be someone with more on ground domestic experience in the field of service delivery, law, science, human rights and issues that concerns the general public in their day to day life etc. In addition to this, it is important to mention that among the sitting ICs, Smt. Vanaja N. Sarna (a 1980 batch officer) is senior most and far more experienced than Shri Sinha. In view of these factors, Shri Sinha's recommendation for the top post requires reconsideration at the outset itself, as none of

the aforesaid factors were, including the principle of seniority, were considered by the Search Committee.

- 2.2 Shockingly, another such recommendation by the Search Committee is that of Shri Uday Mahurkar, whose name has been shortlisted for the post of IC, however, Shri Mahurkar's name does not even find mention in the list of 355 applicants, as provided by the DoPT, who have applied for the position of ICs. The fact that the Search Committee has sky-dropped the name of Shri Mahurkar casts very serious aspersions on the integrity of the Search Committee. While on one hand this renders the entire exercise of inviting applications through advertisement useless, on the other hand even if one were to give the liberty of choice to the Search Committee, the basic principle of documentation of a reasoned and justified selection, has been totally overlooked.
- 2.3 In this regard, the Cabinet Secretary as Chairman of the Search Committee, must explain, within one week from today, stating the considerations for which the Search Committee chose to name Shri Uday Mahurkar- an open supporter of the ruling political party and its ideology. This issue assumes greater significance in light of the fact that Shri Mahurkar, though a journalist, has a pre-fixed ideology of supporting the ruling party (kindly verify his articles, comments, social media profile etc.) and had not even applied for the job of Information Commissioner. The Cabinet Secretary needs to explain the special reasons and pressure exerted upon him for picking up the name of Shri Mahurkar on a completely out of turn basis which smacks of apparent bias on the face of it.
- 3.1 Another important aspect is that the Central Information Commission must consist of Commissioners from different walks of life. Even the Supreme Court has emphasized on the said aspect in its judgement of **Anjali Bhardwaj & Others Vs. Union of India & Ors.** (*supra*), wherein it has held as follows:

***"39. As can be seen, any person of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance is qualified to become Chief Information Commissioner or Information Commissioner. The Legislature in its wisdom widened the area of consideration by not limiting it to the serving or retired government employees alone. Persons of eminence in public life are made eligible. Field of knowledge and experience is also very much broadened as it can be either***

*in law or science and technology or social service or management or journalism or mass media or administration and governance. The Parliament, thus, intended that persons of eminence in public life should be taken as Chief Information Commissioner as well Information Commissioners. Many persons who fit in the aforesaid criteria have been applying for these posts. However, a strange phenomenon which we observe is that all those persons who have been selected belong to only one category, namely, public service, i.e., they are the government employees. It is difficult to fathom that persons belonging to one category only are always be found to be more competent and more suitable than persons belonging to other categories. In fact, even the Search Committee which short-lists the persons consist of bureaucrats only. For these reasons, official bias in favour of its own class is writ large in the selection process.*

*40. ...It is, however, emphasised that there can be equally suitable persons from other walks of life as well who may be the aspirants for such posts. This Court, therefore, impresses upon the Search Committee, in future, to pick up suitable candidates from other categories as well. After all, the very purpose of providing wide range of suitability was to have members in CIC by giving representation to other classes as well. This would ensure wider representative character in the composition of CIC.*"

- 3.2 Despite the categorical directions of the Hon'ble Supreme Court, the names shortlisted by the Search Committee only consist of bureaucrats making it appear as cosy club of retired civil servants who were being provided post retirement sinecures as quid pro quo for the commitment they may have shown to their political masters. Surprisingly, although a large number of academicians, scientists, historians, human rights activists and also persons from legal, social service backgrounds applied for the said posts of CIC and ICs, but the Search Committee did not find even a single suitable, independent candidate from the said talent pool.
- 3.3 Considering the above factual position and also the Judgement of the Hon'ble Supreme Court in *Anjali Bhardwaj & Others Vs. Union of India & Ors.* (*supra*), the entire exercise undertaken by the current Search Committee cannot be allowed to be reduced to an empty formality, or a mere eye-wash reeking of selectivity, quod-pro-quo and

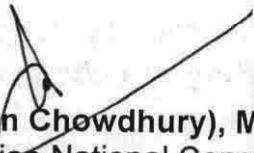
favouritism, whereas, the Search Committee ought to have demonstrated application of mind by recording reasons in writing for elimination or recommendation of a particular applicant for the prestigious posts of CIC and ICs.

- 3.4 Pertinently, even the Search Committee itself is dominated by bureaucrats and as a natural corollary of the same, its recommendations are biased and made with a pre-determined mind. Moreover, as observed by the Supreme Court, even the Search Committee should not be an overloaded bureaucratic panel.

Therefore, the purpose of the RTI Act, 2005 which is a common man's law cannot be allowed to be defeated by political favouritism and institutional subversion. Hence, proper evaluation of the candidates/ applicants with reasons in writing and disclosure of the same in public domain, must be a condition precedent before concluding the selection process, to ensure accountability and transparency across all government departments.

V. In view of the aforesaid, the undersigned recommend as follows:

- A. In view of the Hon'ble Supreme Court Judgement in **Anjali Bhardwaj & Others Vs. Union of India & Ors.** (*supra*), the Search Committee ought to be reconstituted with individuals from the field of social service, law, science, human rights.
- B. For the reasons stated above in *para IV*, all the recommendations made by the current Search Committee, should be withdrawn immediately.
- C. The Cabinet Secretary, on behalf of the Search Committee, shall provide written explanation as demanded under *sub-para 2.3 of para IV*.
- D. Keeping in mind the large-scale pendency in the Central Information Commission, a meeting of the reconstituted Search Committee ought to be called at the earliest and not later than one week from today, to short-list suitable candidates among the applicants.

  
**(Adhir Ranjan Chowdhury), M.P.**  
 Leader of Indian National Congress in Lok Sabha

**Confidential**  
**Most Immediate**

**PRIME MINISTER'S OFFICE**

**South Block,  
New Delhi - 110 011**

**Subject: Appointment of Information Commissioners in the Central Information Commission.**

Reference is invited to DOPT's note dated 25.10.2020 at page 1-4/N of File No. 4/3/2020- IR-II on the subject cited above.

2. The Prime Minister has approved recommending following to the President :

(i) to appoint

- (a) Sh. Heeralal Samariya,
- (b) Ms. Saroj Punhani and
- (c) Sh. Uday Mahurkar

as Information Commissioners in the Central Information Commission as per Section 12(3) of the Right to Information Act for a period of three years from the date they enter office.

(ii) The terms and conditions of appointment of the Information Commissioners will be as contained in The Right to Information (Terms of Office, Salaries, Allowances and other Terms and Conditions of Service of Chief Information Commissioner, Information Commissioners in the Central Information Commission, State Chief Information Commissioner and State Information Commissioners in the State Information Commission) Rules, 2019.

3. The Prime Minister has also signed the Submission Note to the President.

4. DoPT's File No. 4/3/2020-IR-II, is returned herewith.

*C. Sridhar*  
*25/10/20*  
**( C. Sridhar )**  
**Joint Secretary**  
**Tel. No. 2301 5944**

**Secretary, Department of Personnel & Training**

PMO ID no. 600/52/C/04/2020-HR

Dated 27.10.2020

*Preshant Kushan*  
(TRUE COPY)

Pending Cases Report

List of Pending Cases Report

Type  Age-Wise Pending  Pending

Till Date

CIC/IC

MIS REPORT

Monthly Progress Report (../online-monthly-progress-report/view)

Monthly Report On Registered and Returned Cases (../monthly-progress-report-web/monthly\_report\_registered\_returned\_cases)

Pending Cases Report (view-pending-cases)

CIC / IC Name.	Pending Complaints	Pending Appeals	Total Cases
All ICs	4979	30509	35488

Preshant Kushan  
(TRUE COPY)

## ANNEXURE: P4

Maharashtra State Information Commission																		
Statement of Pending Second Appeals - MAY 2021																		
Sr. No.	Office	No. of pending appeals at the end of APRIL 2021	No. of Application received in MAY 2021	Transfer to other SIC	Balance After transfer (4-5)	Available for disposal (3-6)	No. of cases heard and disposed off in MAY 2021										Total disposal	No. of Pending Appeals at the end of month (7-18)
							CIC (Shri Sumit Mullick)	SIC Gr. Mumbai (Shri Sunil Porwal)	SIC Konkan (Shri K. L. Bishona ji)	SIC Pune (Shri Sunil Porwal) (Addl. Charge)	SIC Auranga bad (Shri Dilip Dharurkar)	SIC Nashik (Shri K. L. Bishona ji) (Addl. Charge)	SIC Nagpur (Shri Sanbhaji Sarkund) (Addl. Charge)	SIC Amrawat i (Shri Sanbhaji Sarkunde)	Total (8 to 15)	Other disposal		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
1	Mumbai (H.Q.)	7203	1015	26	989	8192	232								232	0	232	7960
2	Gr.Mum.	4322	180	13	167	4489		65							65	79	144	4345
3	Konkan	4417	258	0	258	4675			205						205	0	205	4470
4	Pune	16747	327	0	327	17074				133					133	0	113	16961
5	Aurangabad	9864	1235	0	1235	11099					126				126	54	180	10919
6	Nashik	6229	200	1	199	6428						211			211	57	268	6160
7	Nagpur	3452	229	4	225	3677							31		31	0	31	3646
8	Amrawati	8458	126	0	126	8584								0	0	0	0	8584
	Total	60692	555	44	511	64218	232	65	205	133	126	211	31	0	1003	190	1173	63045



**Maharashtra State Information Commission  
Statement of Pending Complaints - MAY 2021**

Sr.No	Office	No. of pending complaints at the end of APRIL 2021	No. of Application received in MAY 2021	Transfer to other SIC	Balance After transfer (4-5)	Available for disposal (3+6)	No. of cases heard and disposed off in MAY 2021									Total (8 to 15)	Other disposal	Total disposal	No. of Pending complaints at the end of month (7-16-17)
							CIC (Shri Sumit Mullick)	SIC Gr. Mumbai (Shri Sunil Porwal)	SIC Konkan (Shri K. L. Bishona i)	SIC Pune (Shri Sunil Porwal) (Addl. Charge)	SIC Aurangabad (Shri Dilip Dharurkar)	SIC Nashik (Shri K. L. Bishona i) (Addl. Charge)	SIC Nagpur (Shri Sanbhaji Sarkunde) (Addl. Charge)	SIC Amravati (Shri Sanbhaji Sarkunde)					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	
1	Mumbai (H.Q.)	1723	62	1	61	1784	16								16	0	16	1768	
2	Gr. Mum	657	53	1	52	709		0							0	0	0	709	
3	Konkan	1476	123	0	123	1599		0							0	15	15	1584	
4	Pune	792	19	0	19	811				0					0	0	0	811	
5	Aurangabad	3235	249	0	249	3484					56				56	89	145	3339	
6	Nashik	1420	53	0	53	1473						0			0	0	0	1473	
7	Nagpur	951	8	0	8	959							0		0	0	0	959	
8	Amrawati	546	6	0	6	552								0	0	0	0	552	
	<b>Total</b>	<b>10800</b>	<b>573</b>	<b>2</b>	<b>571</b>	<b>11371</b>	<b>16</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>56</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>72</b>	<b>104</b>	<b>176</b>	<b>11195</b>	

Prashant Kushan  
(TRUE COPY)

Home / State / '30k 2nd appeals pending before Information Commission'

## 30,000 second appeals pending before Information Commission: RTI reply

An official in the commission said many of the information commissioners have a poor clearance rate



Chiranjeevi Kulkarni, DHNS, Bengaluru, APR 04 2021, 22:12 IST | UPDATED: JUL 14 2021, 18:48 IST



Representative image. Credit: iStock photo.

As many as 30,000 RTI (second) appeal cases are pending before the Karnataka Information Commission (KIC), with more than half of them older than 2020.

While the lockdown in 2020 has slowed down the clearance rate, the old problem of staff shortage and lack of accountability among the commissioners has been cited as the main reason for many cases pending for more than four years.

As per the information obtained under RTI by activist B H Veeresh, as many as 16,659 of the total 29,205 cases pending before the commission were appeals filed between 2015 and 2019. As many as 92 cases date back to 2015 while more than 350 are from 2016.

An official in the commission said many of the information commissioners have a poor clearance rate.

“An independent audit should be conducted to assess the competency of the commissioners. Some of them do not even turn up to work at the right time,” he said.

To a question, Chief Information Commissioner N C Srinivasa said he has provided all facilities for conducting hearing in the middle of the pandemic. “We have adopted a hybrid model in all courts, which facilitates speedy clearance of cases by helping officials in remote places attend the hearing with a click rather than travel all the way to Bengaluru,” he said, and added that he could not comment on tardy clearance by commissioners.

Veeresh said there were several loopholes in the system. “From appointment to preparation of cause list, there is no transparency and accountability. After an automatic system of case allotment was implemented, the commissioners pick and chose the case that goes to the cause list. Old cases and partly heard cases have been ignored,” he said.

Srinivasa acknowledged the problem but noted that he is chief only in the administrative domain as all commissioners are equal when it comes to hearing.

“It is true that providing information years later may defeat the purpose of filing an RTI application. It is left to discretion of each commissioner to clear the pending cases,” he added.

He also said that lack of staffers has led to poor work flow in the KIC. “Of the 100 staffers, 96 are outsourced persons without the required qualification or skills. For example, a stenographer who takes the commissioner’s orders doesn’t know shorthand which leads to delay in issuing orders,” he added.

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*Preshant Kushan*  
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**Sub: Additional Affidavit in MA No. 1979 of 2019 in Writ Petition (Civil) No. 436 of 2018 Anjali Bhardwaj & Ors. Vs. Union of India & Ors.**

1 message

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**Bhushan Offices** <thebhushanoffice@gmail.com>

Tue, Aug 10, 2021 at 11:03 AM


To: vnraghupathy@gmail.com, govtadvdelhi@gmail.com, ravi.p.m@hotmail.com, gnreddyactindia@hotmail.com, apmayee@hotmail.com, solegalcell.tsnd@gmail.com, enatoli@gmail.com, aksnaji@gmail.com

Dear Sir/Madam

I on behalf of Petitioners/Applicants have filed attached copy of the additional Affidavit in MA No. 1979 of 2019 in Writ Petition (Civil) No. 436 of 2018 Anjali Bhardwaj & Ors. Vs. Union of India & Ors. Thanking You.

Yours sincerely

Dol Raj Bhandari  
Clerk of Shri Prashant Bhushan, AOR  
Mobile No. 9868255076

 **Final Affidavit (Anjali Bhardwaj).pdf**  
14764K