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Right to Know, Right to Live

Status of Information Commissions in India during Covid-19 Crisis

Satark Nagrik Sangathan & Centre for Equity Studies

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Previous assessments of the Right to Information Act, 2005:

'Report Card of Information Commissions in India', SNS & CES, 2019

(<http://snsindia.org/wp-content/uploads/2019/10/Report-Card-2019-FINAL.pdf>)

'Adjudicating the RTI Act: Analysis of orders of the Central Information Commission', SNS & CES, 2019

(<http://snsindia.org/wp-content/uploads/2019/10/Adjudicating-the-RTI-Act-FINAL.pdf>)

'Report Card of Information Commissions in India', SNS & CES, 2018

(<http://snsindia.org/IC2018.pdf>)

'Tilting the Balance of Power - Adjudicating the RTI Act', RaaG, SNS & Rajpal, 2017

(<http://snsindia.org/Adjudicators.pdf>)

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

(<http://x.co/raagces>)

'Safeguarding The Right To Information', RaaG & NCPRI, 2009

(Executive summary at <http://snsindia.org/wp-content/uploads/2018/10/RAAG-study-executive-summary.pdf>)



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I. Introduction

India went into a total lockdown on March 25, 2020 to contain the spread of the COVID 19 pandemic. For millions of workers in the country engaged in the unorganized sector, the lockdown meant an instant cessation of income generating opportunities. Migrant workers walking back to their villages hundreds of kilometres away¹, carrying their children and belongings on their shoulders, have become the defining images of the humanitarian crisis gripping the country during the lockdown. For the poor and vulnerable living across the country, the sudden loss of livelihood has meant that relief and welfare programs funded through public money are their sole lifeline.

Experience on the ground has shown that without relevant information, it is virtually impossible for people to access their rights and entitlements like rations, pensions and healthcare. In this context, proper implementation of the Right to Information (RTI) Act has assumed paramount importance.

In the fifteen years of its existence, the Indian RTI law has empowered citizens to meaningfully participate in democracy. Every year 4 to 6 million information requests² are filed. The legislation has been used extensively to hold local governments and functionaries accountable for lapses in the delivery of essential services and secure access to basic rights and entitlements. It has also been used to question the highest authorities of the country on their performance and decisions.

Under the RTI Act, 2005, information commissions are the final appellate authority and are mandated to safeguard and facilitate people's fundamental right to information. Information commissions (ICs) have been set up at the central level (Central Information Commission) and in the states (state information commissions) to adjudicate on appeals and complaints of citizens who have been denied their right to information under the law.

This report examines the functioning of information commissions during the lockdown. It is part of an effort to undertake ongoing monitoring of the performance of ICs across the country with the objective of improving their functioning and strengthening the RTI regime. In light of the unprecedented crisis gripping the nation, the need to scrutinize the working of information commissions is perhaps greater than ever before.

II. Methodology

All 29 ICs (information commissions) set up under the RTI Act, 2005, have been covered for the purpose of this assessment. The report is based on an analysis of information accessed from the official websites of ICs. For commissions where relevant information was not available on the website, it was obtained telephonically.

The assessment examines the functioning of ICs from the commencement of the lockdown on March 25, 2020 till May 15, 2020 (phase 3 of the lockdown ended on May 17, 2020). The website analysis was undertaken between May 1 and May 11 and phone calls were made to ICs between May 14 and May 18.

¹ 'India's Coronavirus Lockdown Leaves Vast Numbers Stranded and Hungry', March 29, 2020 <https://www.nytimes.com/2020/03/29/world/asia/coronavirus-india-migrants.html>

² 'Peoples' Monitoring of the RTI Regime in India: 2011-2013' by RaaG & CES, 2014

The lockdown in India has been extended in phases since March 25, 2020. At the time of publication of this report, India is in phase 4 of the lockdown which will carry on till May 31. For each phase, guidelines were issued by the central government³ regulating different activities. In addition, state governments also issued guidelines. As per the Central government guidelines, in phase 1 of the lockdown (March 25 to April 14) all government offices, autonomous bodies and commercial establishments, other than those involved in essential and emergency services, were to remain closed. During phase 2 (April 15 to May 3), from April 20 onwards, among other relaxations, all government offices, autonomous bodies and public corporations were allowed to open. All officials of the rank of Deputy Secretary and above were to attend office, while below that rank, attendance of upto 33% of staff was allowed.

This report examines whether the information commissions: issued any notification regarding the status of their functioning during the lockdown; made any provision for hearing urgent matters during the time when normal functioning was suspended, and; whether they were hearing appeals/complaints as of May 15, 2020. In addition, information has been collated for each commission on: the number of commissioners; quantum of backlog of appeals/complaints; and whether the website is functional. For ICs where information on the number of pending appeals/complaints could not be located on the website, data published in the 2019 assessment by SNS, has been used.

The key findings of the assessment are presented in section III, followed by a set of recommendations in section IV. A commission-wise snapshot of the performance of ICs is presented in section V and a summary of the notifications issued by ICs in section VI.

III. Findings

1. Hearing and disposal of appeals and complaints during the COVID 19 lockdown

- **21 commissions, out of a total of 29, were not holding any hearings as of May 15, 2020.** These were the state information commissions of Assam, Andhra Pradesh, Bihar, Goa, Gujarat, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Mizoram, Nagaland, Odisha, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, Uttarakhand and West Bengal.
- **8 commissions were holding hearings and disposing cases as of May 15, 2020.** The Central Information Commission and four state information commissions of Arunachal Pradesh, Chhattisgarh, Haryana and Telangana were holding hearings and disposing appeals/complaints on all matters, though in Haryana only the Chief was working. The SICs of Manipur, Punjab and Rajasthan were available only for urgent matters or those involving life or liberty.
- The **SIC of Andhra Pradesh** was only taking up matters in which information had been denied and was deciding these on the basis of available documents, without holding any hearings.

³ All the guidelines can be accessed at- <https://www.mha.gov.in/media/whats-new>

2. Provision for taking up urgent matters during the lockdown

Following the announcement of the lockdown on March 24, 2020, when normal functioning of nearly all institutions was affected, **only 7 commissions, out of a total of 29, issued notifications to make provision for taking up urgent matters** or those related to life and liberty. These were the Central Information Commission and the state information commissions of Arunachal Pradesh, Haryana, Manipur, Punjab and Telangana. The SIC of Rajasthan made provision for hearing such matters, though only from May 4, 2020.

3. Availability of lockdown related notifications on IC websites

Websites of 11 commissions out of 29, had no information/notification about the functioning of the IC during lockdown. These were the commissions of Assam, Bihar, Himachal Pradesh, Kerala, Madhya Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura. However, the SICs of Bihar, Madhya Pradesh, Manipur and Sikkim informed us telephonically that notifications had been issued (but not uploaded on their websites). Bihar, Madhya Pradesh and Manipur ICs shared a copy of their notifications.

18 commissions which had information/notifications on their website regarding their functioning during the lockdown were the Central Information Commission and the state information commissions of Andhra Pradesh, Arunachal Pradesh, Chhattisgarh, Goa, Gujarat, Haryana, Jharkhand, Karnataka, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Telangana, Uttar Pradesh, Uttarakhand and West Bengal.

4. Accessibility of websites

The **websites of 3 ICs - Bihar, Madhya Pradesh and Nagaland - were not accessible** during the lockdown even though attempts were made to reach the websites on different days between May 1 and the May 11, 2020, when the web analysis was undertaken.

This is extremely problematic during a time when offices are shut and the primary way for citizens to know about the functioning of commissions and the (re)scheduling of cases is through their websites.

It appears that the website of the Bihar SIC has been inaccessible for more than 28 months. An assessment published in 2018 had also found the website to be non-functional. Even the website of the SIC of Madhya Pradesh has been inaccessible for several months while that of Nagaland appeared to be experiencing technical problems.

5. Information commissions without any commissioners during the COVID crisis

Of the 29 ICs, **two commissions - Jharkhand and Tripura - were found to have no commissioners** for varying lengths of time. They were completely defunct as the serving information commissioner in both retired during the period of the lockdown. These were routine and scheduled retirements occurring due to the commissioner either completing the stipulated tenure or attaining the age of 65 years. The Chief of the Tripura SIC, who was appointed in September 2019, retired in April 2020 upon attaining the age of 65. He was the only serving commissioner in the IC. The acting Chief of the Jharkhand SIC, who was again the lone commissioner in the state, finished his tenure on May 8, 2020 and the latest announcement on the IC website states that on account of posts of the Chief and

information commissioners being vacant, all scheduled hearings of appeals and complaints shall remain adjourned till new appointments are made.

6. Headless commissions during the lockdown

Of the 29 ICs, **4 were functioning without a Chief Information Commissioner**- Bihar, Goa, Rajasthan and Uttar Pradesh. The SIC of Rajasthan has been functioning without a Chief Information Commissioner for more than 15 months, since December 2018. The Chiefs of the Goa and Uttar Pradesh SICs retired in February 2020, while the Chief of the Bihar SIC retired in July 2019.

IV. Recommendations

It is behind the cloak of secrecy that the rights of individuals are most frequently abrogated and corruption thrives. The Supreme Court of India has held in several judgments that the right to information is a fundamental right⁴ flowing from Article 19 and Article 21 of the Constitution, which guarantee citizens the freedom of speech and expression and the right to life, respectively. In a judgment dated February 15, 2019, the Supreme Court⁵ held that information commissions are vital for the smooth working of the transparency law.

During the COVID 19 crisis, the role of information commissions in guaranteeing compliance with the provisions of the transparency law, is more critical than ever before to ensure the RTI Act is not trampled. While in the midst of a pandemic, it is reasonable to expect some delays in processing information requests, commissions must not abdicate their statutory role in ensuring access to information, especially related to delivery of essential commodities and services. In fact, there are adequate provisions in the RTI Act for commissions to accommodate delays due to extenuating circumstances. For instance, if reasonable cause can be shown for providing information after the expiry of the stipulated time-period, the information commission has the discretion to not impose a penalty on the PIO (Public Information Officer). Similarly, appellate authorities can relax the limitation period for filing appeals if the appellant can show sufficient cause for the delay.

The following steps need to be adopted to ensure that information commissions play their role effectively in the midst of the crisis so that people can exercise their democratic right to know and are able to hold the government accountable for delivery of their rights and entitlements.

- 1. Effective and timely disposal of cases:** Although challenges thrown up by the crisis are immense, it is absolutely critical that all information commissions conduct hearings and dispose cases to ensure people can exercise their fundamental right to information. Given the nature of the crisis, which could result in frequent lockdowns and disruptions over the next several months, possibly years, information commissions have the obligation to put

⁴ State of UP v. Raj Narain, AIR 1975 SC 865, S.P. Gupta v. President of India and Ors, AIR 1982 SC 149, Reliance Petrochemicals Ltd vs Proprietors Of Indian Express 1989 AIR 190, Union of India v. Association for Democratic Reforms, AIR 2002 SC 2002, Reserve Bank of India Versus Jayantilal N. Mistry (2016) 3 SCC 525, Anjali Bhardwaj and others v. Union of India and others (Writ Petition No. 436 of 2018)

⁵ Anjali Bhardwaj and others v. Union of India and others (Writ Petition No. 436 of 2018) http://judicialreforms.org/wp-content/uploads/2019/02/15968_2018_Judgement_15-Feb-2019.pdf

in place mechanisms, including people friendly technological solutions, in case physical hearings are not possible.

Commissions like the CIC, have shown that it is possible for commissioners to continue to hear and adjudicate on cases despite a lockdown. Given the high penetration of phones in even remote areas of the country, commissions should hold hearings telephonically to connect with PIOs and appellants/complainants to hear matters. Where possible, video calls can be set up through various commonly used applications or through government facilities including National Informatics Centre (NIC) studios while following necessary precautions like ensuring physical distancing.

Provision of relevant information about relief measures and expenditure of public funds must be deemed essential during the pandemic, since without availability of information these programs will not reach the intended beneficiaries.

The backlog of appeals and complaints was already large in many information commissions even before the current crisis, resulting in inordinate delays in disposal of cases. If commissions are not functional, the backlogs will further increase rendering the law meaningless for many.

- 2. Prioritization of cases dealing with information related to life and liberty:** Even as commissions become fully functional, cases related to life and liberty - especially matters regarding food distribution, social security, health and COVID 19-related issues – must be prioritized and taken up in a time-bound manner by the ICs for hearing and disposal. This would require the commissions to set up systems to identify and fast track such cases.

Section 7(1) of the RTI Act states that information concerning the life or liberty of a person has to be supplied within 48 hours of the request being received. Research has repeatedly shown that most commissions have not adopted any specific procedures for fast-tracking appeals/complaints for such matters⁶. This effectively incapacitates the provision as these appeals/complaints enter the regular cycle and are disposed after many months or years, depending on the backlogs in the commissions.

Further, given the evolving nature of the crisis, if normal functioning of commissions needs to be suspended in the future for any length of time, provision must be made for atleast taking up urgent matters and those related to life and liberty.

- 3. Ensuring pro-active disclosure of information under Section 4 of the RTI Act:** To cope with the crisis, it is absolutely crucial that all relevant information related to relief measures announced by governments be widely disseminated. Without transparency, these measures are unlikely to be successful. For instance, for effective delivery of rations under the Public Distribution System, there must be information in the public domain about: the quantity of foodgrains and other commodities people are entitled to get; the list of all ration shops with phone numbers and addresses; shop-wise details of people entitled to get subsidized rations; daily stock position of all shops; and record of distribution. In the absence of this information, ground reports have revealed that ration

⁶ Chapter 2, 'Report Card of Information Commissions in India', SNS & CES, 2018, (<http://snsindia.org/IC2018.pdf>)

shop keepers have been undersupplying to the beneficiaries⁷, and in many cases keeping their shops closed on the pretext that they have no rations, even though ration stocks have been supplied to them⁸. This is equally true for delivery of other social security, health and basic services.

Commissions must direct public authorities to disseminate relevant information under Section 4 of the RTI Act in local languages and in the most accessible manner. While information must be made available on government websites, it must also be widely disseminated through off-line modes like sms, whatsapp, public announcements and prominent poster/boards/wall paintings in villages and slums and at points of disbursement such as ration shops, banks and hospitals to ensure that those without access to the internet are also able to obtain the necessary information.

Commissions must also direct relevant governments to proactively disclose information about money received and disbursed under various relief funds, including the PM CARES Fund and various Chief Minister relief funds, to enable public scrutiny. Transparency is essential to ensure money is spent on the most pressing priority needs during the crisis.

A very large percentage of the population does not have the resources to file an RTI application to ask for information and follow up with appeals/complaints in case of denial. For them, the most effective way to obtain information is through meaningful pro-active disclosures by public authorities. Unfortunately, research has shown that Section 4 of the RTI Act is followed more in the breach. Nearly 70% of RTI requests filed by people seek information that should have been proactively provided by government⁹. Unfortunately, enough has not been done by commissions to ensure compliance with the provisions of section 4. It is therefore imperative that commissions use their powers and make sure that these provisions are strictly complied with.

- 4. Urgent digitization of records and proper record management:** E-governance has been an important agenda of the central and state governments in India and a large amount of public funds have been spent over the years on ensuring that records are digitized. The current crisis has exposed serious gaps in the digitization of public records. 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.

ICs must undertake an audit of record keeping in each public authority and use their powers under the law including in sections 19(8) and 25(5), to ensure public authorities undertake urgent and appropriate steps for digitization.

- 5. Appointment of information commissioners:** The state information commissions of Jharkhand and Tripura were found to be defunct as they had no information commissioners. In the absence of functional commissions, information seekers have no reprieve under the RTI Act if they are unable to access information as per the provisions of the law. Not appointing information commissioners also results in a huge backlog of

⁷ 'Cardholders claim shops 'swindle' extra ration', The Hindu, May 11, 2020
(<https://www.thehindu.com/news/cities/Delhi/cardholders-claim-shops-swindle-extra-ration/article31553726.ece>)

⁸ 'COVID-19: Delhi PDS Shops Shut, Owners Say Lack of Supplies', April 2, 2020
(<https://www.newsclick.in/COVID-19-delhi-PDS-shops-shut-owners-lack-supplies-owners-state-lack-supplies>)

⁹ Chapter 4, 'Peoples' Monitoring of the RTI Regime in India', 2011-2013, RaaG & CES, 2014

appeals and complaints, and consequent long delays in disposal of cases. This amounts to a violation of peoples' right to information. The Supreme Court, in its February 2019 judgment¹⁰, directed that governments must appoint adequate number of commissioners based on the workload of each IC. It further directed that the appointments should be made in a transparent manner and the process should be initiated atleast 1-2 months before the date on which the vacancy is likely to occur to prevent any time-lag between the occurrence of a vacancy and the appointment.

The central and all state governments must immediately ensure appointment of adequate number of commissioners in keeping with the Supreme Court's judgment.

- 6. Ensuring information access for all:** The notification issued by the information commission of Arunachal Pradesh states that due to the COVID crisis, appeals and complaints will be accepted only via email. This implies that citizens who do not have access to a computer and the internet cannot appeal against the violation of their fundamental right to information. During the crisis, it is important to make sure that the poor and vulnerable, who are most dependent on the government for their survival and need information the most, are not excluded. Commissions must take into account the digital divide in the country while taking decisions about their functioning and while directing information disclosure.
- 7. Facility for online filing of RTI applications and appeals:** Governments should put in place a mechanism for online filing of RTI applications. Online portals should also provide facilities for electronic filing of first appeals and second appeals/complaints. This is will facilitate peoples' right to information even during times like the current crisis when physical movement is restricted and will save considerable cost of transportation and postage. However, the online facility must be in addition to physical filing of requests and appeals. At present, only the central government and the governments of Delhi, Maharashtra and Uttar Pradesh provide a portal for online filing of RTI applications.

¹⁰ Anjali Bhardwaj and others v. Union of India and others (Writ Petition No. 436 of 2018)
http://judicialreforms.org/wp-content/uploads/2019/02/15968_2018_Judgement_15-Feb-2019.pdf

V. Snapshot of performance of commissions during the COVID 19 crisis

Central Information Commission

Number of Commissioners: 7 Matters pending on 15/5/20: 35,821	Website accessible: Yes	Status on May 15: Holding hearings and disposing cases
Notification issued by IC regarding functioning during lockdown: Yes	Provision for hearing urgent matters during lockdown: Yes	

Andhra Pradesh

Number of Commissioners: 4 Matters pending on 31/1/20: 4,464	Website accessible: Yes	Status on May 15: No hearings. Only passing orders in cases where information was denied
Notification issued by IC regarding functioning during lockdown: Yes	Provision for hearing urgent matters during lockdown: No	

Arunachal Pradesh

Number of Commissioners: 3 Matters pending on 31/3/19: 63	Website accessible: Yes	Status on May 15: Holding hearings and disposing cases
Notification issued by IC regarding functioning during lockdown: Yes	Provision for hearing urgent matters during lockdown: Yes	

Assam

Number of Commissioners: 3
Matters pending on 31/3/2019: 727

Website accessible: Yes

Status on May 15:
No hearings being held

Notification issued by IC regarding functioning during lockdown: No

Provision for hearing urgent matters during lockdown: No

Bihar

Number of Commissioners: 3
Matters pending on 15/5/20: not known

Website accessible: No

Status on May 15:
No hearings being held

Notification issued by IC regarding functioning during lockdown: Yes

Provision for hearing urgent matters during lockdown: No

Chhattisgarh

Number of Commissioners: 3
Matters pending on 1/1/19: 9,137

Website accessible: Yes

Status on May 15:
Holding hearings and disposing cases

Notification issued by IC regarding functioning during lockdown: Yes

Provision for hearing urgent matters during lockdown: No

Goa

Number of Commissioners: 2
Matters pending on 31/3/19: 170

Website accessible: Yes

Status on May 15:
No hearings being held

Notification issued by IC regarding functioning during lockdown: Yes

Provision for hearing urgent matters during lockdown: No

Gujarat

Number of Commissioners: 5
Matters pending on 30/4/20: 4,888

Website accessible: Yes

Status on May 15:
No hearings being held

Notification issued by IC regarding functioning during lockdown: Yes

Provision for hearing urgent matters during lockdown: No

Haryana

Number of Commissioners: 8
Matters pending on 29/2/20: 3,518

Website accessible: Yes

Status on May 15:
Only Chief holding hearings and disposing cases

Notification issued by IC regarding functioning during lockdown: Yes

Provision for hearing urgent matters during lockdown: Yes

Himachal Pradesh

Number of Commissioners: 2
Matters pending on 31/3/19: 285

Website accessible: Yes

Status on May 15:
No hearings being held

Notification issued by IC regarding functioning during lockdown: Could not be located on website

Provision for hearing urgent matters during lockdown: Not known

Jharkhand

Number of Commissioners: 0
Matters pending on 31/3/19: 1,362

Website accessible: Yes

Status on May 15:
Defunct, as sole commissioner retired on 8/5/20

Notification issued by IC regarding functioning during lockdown: Yes

Provision for hearing urgent matters during lockdown: No

Karnataka

Number of Commissioners: 10
Matters pending on 31/3/17: 41,800

Website accessible: Yes

Status on May 15:
No hearings being held

Notification issued by IC regarding functioning during lockdown: Yes

Provision for hearing urgent matters during lockdown: No

Kerala

Number of Commissioners: 5
Matters pending on 31/1/20: 9,948

Website accessible: Yes

Status on May 15:
No hearings being held

Notification issued by IC regarding functioning during lockdown: No

Provision for hearing urgent matters during lockdown: No

Madhya Pradesh

Number of Commissioners: 8
Matters pending on 31/3/19: 6,069

Website accessible: No

Status on May 15:
No hearings being held

Notification issued by IC regarding functioning during lockdown: Yes

Provision for hearing urgent matters during lockdown: No

Maharashtra

Number of Commissioners: 5
Matters pending on 29/2/20: 58,185

Website accessible: Yes

Status on May 15:
No hearings being held

Notification issued by IC regarding functioning during lockdown: Yes

Provision for hearing urgent matters during lockdown: No

Manipur

Number of Commissioners: 1
Matters pending on 31/3/19: 140

Website accessible: Yes

Status on May 15:
Provision for hearing only matters related to life or liberty

Notification issued by IC regarding functioning during lockdown: Yes

Provision for hearing urgent matters during lockdown: Yes

Meghalaya

Number of Commissioners: 1
Matters pending on 31/3/19: 0

Website accessible: Yes

Status on May 15:
No hearings being held

Notification issued by IC regarding functioning during lockdown: Could not be located on website

Provision for hearing urgent matters during lockdown: Not known

Mizoram

Number of Commissioners: 3
Matters pending on 31/3/19: 0

Website accessible: Yes

Status on May 15:
No hearings being held

Notification issued by IC regarding functioning during lockdown: No

Provision for hearing urgent matters during lockdown: No

Nagaland

Number of Commissioners: 3
Matters pending on 1/3/19: 5

Website accessible: No

Status on May 15:

No hearings being held

Notification issued by IC regarding functioning during lockdown: No

Provision for hearing urgent matters during lockdown: No

Odisha

Number of Commissioners: 3
Matters pending on 1/1/20: 14,689

Website accessible: Yes

Status on May 15:

Not disposing cases

Notification issued by IC regarding functioning during lockdown: Yes

Provision for hearing urgent matters during lockdown: No

Punjab

Number of Commissioners: 9
Matters pending on 29/2/20: 2,258

Website accessible: Yes

Status on May 15:

Provision for hearing only matters related to life or liberty

Notification issued by IC regarding functioning during lockdown: Yes

Provision for hearing urgent matters during lockdown: Yes

Rajasthan

Number of Commissioners: 3
Matters pending on 28/2/19: 7,372

Website accessible: Yes

Status on May 15:
Provision for hearing only matters related to life or liberty

Notification issued by IC regarding functioning during lockdown: Yes

Provision for hearing urgent matters during lockdown: Yes, May 4 onwards

Sikkim

Number of Commissioners: 2
Matters pending on 31/3/19: 0

Website accessible: Yes

Status on May 15:
No hearings being held

Notification issued by IC regarding functioning during lockdown: Could not be located on the website

Provision for hearing urgent matters during lockdown: No

Tamil Nadu

Number of Commissioners: 7
Matters pending on 1/1/19: 8,756

Website accessible: Yes

Status on May 15:
No hearings being held

Notification issued by IC regarding functioning during lockdown: Yes

Provision for hearing urgent matters during lockdown: No

Telangana

Number of Commissioners: 7
Matters pending on 31/3/19: 8,829

Website accessible: Yes

Status on May 15:
Holding hearings and disposing cases

Notification issued by IC regarding functioning during lockdown: Yes

Provision for hearing urgent matters during lockdown: Yes

Tripura

Number of Commissioners: 0
Matters pending on 31/3/19: 0

Website accessible: Yes

Status on May 15:
Defunct, as sole commissioner retired in April 2020

Notification issued by IC regarding functioning during lockdown: No

Provision for hearing urgent matters during lockdown: No

Uttar Pradesh

Number of Commissioners: 10
Matters pending on 1/1/20: 46,284

Website accessible: Yes

Status on May 15:
No hearings being held

Notification issued by IC regarding functioning during lockdown: Yes

Provision for hearing urgent matters during lockdown: No

Uttarakhand

Number of Commissioners: 3
Matters pending on 31/3/20: 473

Website accessible: Yes

**Status on
May 15:**
No hearings
being held

**Notification issued by IC regarding
functioning during lockdown: Yes**

**Provision for hearing
urgent matters during
lockdown: No**

West Bengal

Number of Commissioners: 3
Matters pending on 31/3/19: 7,754

Website accessible: Yes

**Status on
May 15:**
No hearings
being held

**Notification issued by IC regarding
functioning during lockdown: Yes**

**Provision for hearing
urgent matters during
lockdown: No**

VI. Summary of notifications issued by ICs regarding their functioning during the lockdown due to the Covid-19 pandemic

Central Information Commission: As per order dated March 25, 2020, the office of Central Information Commission was closed for a period of 21 days with effect from 25.03.2020 and all cases scheduled for hearing were deferred. Provision was made for hearing matters of urgency through audio conference. For such matters, people were asked to contact the deputy registrars of information commissioners, and their phone numbers were published on the website.

Andhra Pradesh: As per the notifications issued by the SIC, all hearings scheduled between March 25 to May 3 were cancelled. From May 4 onwards, the notification stated that all information commissioners will take up only those cases where no reply or decision has been furnished to the applicant by the PIO/FAA or both and will dispose matters based on available records. The notification stated that cases where decision/reply was furnished to the applicant, would be heard after the lockdown is removed.

Arunachal Pradesh: As per notice dated March 20, 2020 all hearings from March 23 to April 5, 2020 were suspended. The notice stated that urgent cases shall be heard as required. As per press release dated April 20, provisions were made to hold hearings via video conference through an app. The commission suspended receipt of appeals/complaints in physical form and required these to be filed only via email. As per notification dated May 4, 2020, all pending hearings were resumed through video/audio conferencing.

Bihar: Vide notice dated March 26, 2020 all hearings scheduled till April 14, 2020 were adjourned. The notice stated that the SIC would not accept any new appeals/complaints during this period. Further, it clarified that the notice would stand automatically modified in light of any follow-up orders/instructions issued by the National Disaster Management Authority, Ministry of Home Affairs, Health Ministry or the Government of Bihar.

Chhattisgarh: As per information on the homepage of the SIC, all hearing from March 23 till May 3, 2020 were suspended. The SIC resumed hearing matter from May 4, onwards.

Goa: As per the latest order dated April 20, 2020 on the website of the SIC, all hearings have been suspended until further notice.

Gujarat: All hearings during the period March 20 to 27, 2020 were adjourned other than the hearing through video conference at Bhavnagar on March 23. No further information could be located on the website.

Haryana: All appeals/complaints scheduled for hearing upto May 1, 2020 were adjourned. Provision was made bring to the notice of the SIC any matter of urgency or related to life and liberty by contacting the Deputy Registrar whose contact details were provided on the website. Further, matters listed before commissioners other than the Chief, were adjourned for varying periods of time. Three commissioners adjourned matters till May 15, one till May 28, two till May 31 and one till July 1, 2020.

Jharkhand: The initial notice on the SIC website postponed all hearings between March 18, 2020 and May 17, 2020. However, as the acting Chief, who was the lone commissioner,

finished his tenure on May 8, 2020, the notice was changed and now states that all scheduled hearings of appeals and complaints shall remain adjourned till the appointment of the Chief or an information commissioner.

Karnataka: As per the notifications on the SIC website, all hearings scheduled till May 16, 2020 were postponed.

Madhya Pradesh: An order of the SIC dated May 1, 2020 was accessed off line, since the commission's website is non-functional. It laid down the procedure for staggered working of the staff of the commission but contained no details regarding hearing and disposal of appeals/complaints by the SIC.

Maharashtra: A document named 'Sunavani Cancel' available under the link 'Important Letters' on the SIC website states that hearings scheduled for March 17 and 18, 2020 were cancelled due to the Covid-19 virus. In addition, notices regarding suspension of hearings are available on the link to the cause lists for the Aurangabad and Nasik benches. The notice for the Aurangabad bench states that hearings for March 23, 24 and 26 were adjourned and the next date of hearing would be informed in due course. The notice for the Nasik bench states that hearings scheduled for April 20, 2020 stand postponed. No further information/notification could be located on the website.

Manipur: As per notification dated March 16, 2020, all proceedings regarding appeals/complaints till March 31 were adjourned. Provision was made to look into matters related to life or liberty as per the proviso to section 7(1). As per notification dated May 4, the SIC will resume all hearings from May 18 through audio/video conferencing.

Odisha: As per the notices available on the SIC website, all matters posted for hearings till May 16, 2020 were adjourned.

Punjab: As per information on the homepage of the SIC, while appeals/complaints pending in the commission stand adjourned until the duration of the ongoing curfew/lockdown, provision has been made to hear matters of utmost urgency pertaining to 'Life and Liberty' by a bench comprising the Chief and an information commissioner.

Rajasthan: As per notifications all matters posted for hearings between March 18 and May 3, 2020 were adjourned. Subsequently, an order dated May 4, 2020 stated that the SIC would hear only extremely urgent matters. The order also states that if after filing an RTI application under the life and liberty clause and the first appeal, information is not provided or the applicant is dissatisfied, she/he can send the second appeal and all the relevant documents to SIC on a designated mobile number. If the appeal is deemed to be urgent, the SIC will proceed in the matter. No such mechanism for urgent matters was available prior to May 4, 2020.

Tamil Nadu: As per notice dated March 23, 2020 all cases posted for enquiry upto March 31, 2020 were adjourned. No further information could be located on the website.

Telangana: As per information on the homepage of the SIC, while all hearings posted till April 30 were postponed due to the lockdown, in case of urgency, the deputy secretary/secretary

(law) could be contacted on the numbers listed. Subsequently, the commission decided to hear cases telephonically dispensing with personal appearance of parties.

Uttar Pradesh: As per orders on the website, all hearings scheduled between March 18, 2020 and May 17, 2020 stand adjourned.

Uttarakhand: As per notifications on the website, all hearings of second appeals and complaints from March 19, 2020 onwards stand adjourned until further notice. Notification dated May 4, 2020 states that while the SIC has re-opened, it will carry out only administrative work and all hearings will remain adjourned until further notice.

West Bengal: Initially, as per the notice available on the website, the commission decided that between March 16 and March 31, 2020 only urgent cases which have already been scheduled for this period would be heard and all others would be rescheduled. However from March 23 onwards, the commission decided that the office of the SIC would be closed and all hearings would be rescheduled. The notification did not make any provision for urgent matters or those related to life and liberty. The latest order states that in view of the extension of nation-wide lockdown for 2 weeks beyond May 3, 2020, the office of the West Bengal Information Commission will resume its functions after lifting of the restrictive orders, as decided by the Full Bench of the Commission.
