

RTI violations go unpunished, says study

T.N., Sikkim, Mizoram and Tripura panels did not impose any penalties for denying information

SPECIAL CORRESPONDENT
NEW DELHI

As the RTI Act marks its 14th anniversary on Saturday, a report card analysing its performance showed that government officials face hardly any punishment for violating the law by denying applicants the legitimate information sought by them. State and Central Information Commissions, which are the courts of appeal under the Act, failed to impose penalties in about 97% of the cases where violations took place in 2018-19.

"The failure of the commissions to impose penalties in clearly deserving cases, sends a signal to the PIOs [Public Information Officers] that violating the law will not invite any serious consequences," says the report card, which assessed cases between January 2018 and March 2019. "This destroys

Light on punishment

Graph shows penalty imposed as a % of cases disposed (Jan. 2018 to March 2019)



the basic framework of incentives and disincentives built into the RTI law, promotes a culture of impunity and exasperates applicants who seek information at a high cost and often against great odds."

The 'Report Card on the Performance of Information Commissions in India' was prepared by the Satark Nagrik Sangathan and the

Centre for Equity Studies. It analysed information from 22 commissions, which disposed of almost 1.17 lakh cases in that time period. Using previous analyses showing that 59% of cases record one or more of the violations listed in Section 20 of the RTI Act, it can be estimated that penalties should have been imposed in 68,900 cases. In fact, penalties were only im-

posed in 2,091 cases, that is 3% of the cases where violations took place, and less than 2% of the total number of cases disposed.

Overall, penalties worth ₹3.15 crore were imposed on officials. The State Commissions of Tamil Nadu, Sikkim, Mizoram and Tripura did not impose penalties in any cases at all. The commissions also have the power to recommend disciplinary action against officials for persistent violations. Only 10 states invoked these powers.

"The laxity in imposing penalties allows PIOs to take liberties with the RTI Act, at the cost of the public. It leads to many unanswered applications and an equal number of delayed or illegitimately refused ones, resulting in a large number of appeals and complaints to the commission, and the consequent long wait before appeals and

complaints come up for consideration," the report's authors wrote. "Therefore, by not imposing even the legally indicated and mandatory penalties, information commissions are increasing their own workload and encouraging delays and illegitimate denials for the public."

The commissions have an increasing workload, which is leading to a huge pendency of cases. The report showed that there were 2.18 lakh cases pending with the commissions in March 2019, in comparison with 1.85 lakh pending cases a year earlier. As of October 11, 2019, the Central Information Commission alone had over 33,000 pending cases. Any new appeal would have to wait more than one-and-a-half years for resolution. The backlog is exacerbated by the fact that four out of 11 CIC posts are yet to be filled.

Learning Resource Centre
JK Lakshmipat University, Jaipur

No.10/ Oct./ 2019