

**GOVERNMENT OF INDIA  
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS  
LOK SABHA**

STARRED QUESTION NO:168  
ANSWERED ON:05.12.2012  
IMPLEMENTATION OF RTI ACT  
Kashyap Shri Virender;Virendra Kumar Shri

**Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:**

- (a) the number of cases received by the Central Information Commission (CIC) and disposed of since the implementation of the Right to Information Act, 2005, year-wise;
- (b) the efforts being made by CIC to expedite the disposal of the pending cases;
- (c) whether attention of the Government has been drawn to complaints of alleged misuse of the provisions of the Right to Information (RTI) Act, 2005 in certain cases and if so, the reaction of the Government thereto;
- (d) whether the Government is considering any proposal to include a representative from the judicial service in CIC and if so, the details thereof; and
- (e) the measures taken or being taken by the Government to make the implementation of RTI Act more effective?

**Answer**

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office.  
(SHRI V. NARAYANASAMY)

(a) to (e): A statement is laid on the table of the House.

Statement referred to in reply to the Lok Sabha Starred Question No. 168 by S/Sh. Virender Kashyap and Virendra Kumar for 05.12.2012 regarding the 'Implementation of RTI Act'

The Central Information Commission has reported that 27,856 appeals/complaints are pending with them as on 31st March, 2012. The increase in pendency is due to manifold increase in number of RTI applications made to Central Public Authorities from 2006-07 to 2009-10 and consequent increase in number of appeals/complaints filed with the Commission as also retirement of three Central Information Commissioners since September, 2010. The pendency has also increased due to considerable higher number of appeals/ complaints being filed to the Central Information Commission despite the fact that disposal of appeals / complaints by an Information Commissioner has increased as given below:

Year Receipt Disposal Pendency as Percentage Average annual  
on 1st April (disposal /receipt) disposal by individual IC/CIC

2005-06 703 682 21 97.00% 136

2006-07 6839 4075 2785 59.58% 815

2007-08 11621 7722 6820 (2008) 68.57% 1544

2008-09 15426 13322 8924 (2009) 86.36% 1665

2009-10 22800 19482 12242 (2010) 85.44% 2165

2010-11 28875 24071 17046 (2011) 83.36% 2675

(# Includes 9500 cases of appeal/complaint as provisionally registered as on 29.2.2012.)

The Government has taken several steps like issue of guidelines for the Central Public Information Officers and First Appellate Authorities enabling them to supply information/dispose of first appeal effectively resulting into less number of appeals to the Commission. The Commission on its part launched special drive to clear the pendency of appeals/complaints.

In addition to the above, three more Information Commissioners have been appointed w.e.f. 1st March, 2012. Further, it has been decided in consultation with Chief Information Commissioner that Central Information Commission should be granted autonomy in recruitment of staff. Out of 14 categories of post, Recruitment Rules (RRs) have been notified for 11 categories comprising of 130 employees. Recruitment Rules for rest of 3 categories of posts namely Registrar, Hindi Translator and Librarian constituting 4 posts are under finalization. 6 officials are appointed in Central Information Commission under central staffing scheme and one post has been encadared. Rest of the posts are filled up on tenure/ contract/outsource basis. The Commission has started the recruitment process for the posts for which Recruitment Rules have been notified.

The RTI Act does not require any reason or locus standi to be proved while seeking information. Therefore, access to information is not a misuse and any misuse subsequently would attract the penal provisions under the relevant legislations.

In WP No. 210/2012 filed by Sh. Namit Sharma Vs. UOI in the Supreme Court challenging the validity of Sections 12(5), 12(6), 15(5) and 15(6) of the RTI Act, 2005, wherein the Hon'ble Court in its order dated 13.09.2012 has inter-alia pronounced that the Information Commissions are judicial tribunals and these should adjudicate the appeals/complaints by forming Benches having two members each, one with judicial background and another being a expert member. A Review Petition No. 2309/2012 has been filed in the Supreme Court on 11.10.2012 against its order dated 13.09.2012. The case is under hearing in the Supreme Court.