Selection of Information Commissioners

There is considerable discontent amongst RTI users against the Information Commissions and Commissioners for not delivering the fruits of the RTI Act. We have a law which directly empowers individual citizens and they are understandably concerned about getting its proper implementation. The political team mandated by the law,- PM/CM, Leader of Opposition and one Minister,- cannot do this job by itself and are using the appointment of Information Commissioners as one more avenue for dispensing patronage. They also lack the time required for such an exercise. The political and bureaucratic establishment have been doling out favours in this manner for years in appointments for various Commissions, Lokayuktas, Police complaints authorities et al and are unable to understand this outcry and anger of Citizens against appointments of Information Commissioners. There is a great need to introduce a transparent process for selecting the Information Commissioners, who are expected to oversee transparency.

There should be an insistence on public exposure for those who are interested in becoming Information Commissioners. Many Information Commissioners have no understanding or interest in transparency, or the RTI Act. This is an affliction which is true for many people in power. A transparent process for selection would lead to a better environment for the RTI Act implementation.

The process I am suggesting is as follows:

   A. The Information Commissions should set a target for disposals,- over 5000 per Commissioner per year. An attempt should be made to increase this target number. A detailed list of eligibility should be made available giving essential and desirable qualifications.

      B. Every six months they should review the actual performance per Commissioner and forecast the expected receipts and disposals for the next two years, factoring the retirements. This information should be displayed on their websites. This forecast would show the requirements for new Commissioners to be appointed by taking into account the expected retirements.

C. The Government should advertise its intention to appoint a certain number of Information Commissioners depending on the need, six months in advance. Eminent people could apply or be nominated by others.

 D.  A search committee,- perhaps,- consisting of two members of Parliament, one Supreme Court judge and two RTI activists could be formed to shortlist a panel which could be three times the number of Commissioners to be selected. These could be announced with the minutes of the meeting at which the shortlisting was done, and the evaluation.

E.  An interview should be held by the search committee in public view, to give Citizens and media the opportunity to hear the views and commitment to work of the candidates. Citizens could give their feedback and views to the search committee. After this the search committee could give its recommendation for two times the number of Commissioners to be appointed. Based on these inputs, the final decision to select the Commissioners could be taken by the Committee as per the Act consisting of the PM, LOP and one Minister.  (A similar process could be adopted for State Commissions with MLAs instead of MPs and High Court judge instead of Supreme Court judge).

Presently most Commissioners have no passion for their work which leads to their output and quality being seriously affected. During 2011, six Central Information Commissioners disposed 22351 cases, whereas in 2014 seven Commissioners of the same commission disposed a niggardly 16006 cases. The Maharashtra Commission has set a target of 4800 cases per year for each Commissioner. The Commission’s proceedings should be recorded and made available to the participants.

Citizens will benefit if they could get the Commissions to publish data on the performance of each Commissioner monthly, and also build public opinion to lower the average age of the Commissioners. Atleast half the Information Commissioners should be less than sixty years. There are many RTI activists who have gained considerable understanding of the nuances of the law, and have a natural empathy for transparency. Some of these should be appointed as Information Commissioners. Another useful function which civil society groups could perform is to analyze all the decisions of each Information Commissioner each month continuously in a transparent manner. This would build pressure on those who may be giving errant decisions. Presently individual decisions are randomly criticized and this does not give a picture of the overall trend of a Commissioner’s decisions. If we can get a transparent process for selecting Commissioners and put continuous pressure on them for accountability, we will get much better results from our cherished Right to Information. If this works well, it could be used as a model for selecting Commissioners for various Commissions. The Commissions are designed as our checks and balances of democracy. Presently most of them are not delivering their expected functions effectively. The various commissioners,-human rights, women’s, lokayuktas,- are our checks and balances of democracy. We must ensure a proper process for their selection and vigilantly monitor their performance.

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