



# HARYANA STATE INFORMATION COMMISSION UNDER THE RIGHT TO INFORMATION ACT, 2005: A CRITICAL APPRAISAL

**1<sup>ST</sup> DR. NARESH LATA SINGLA**  
ASSISTANT PROFESSOR (C)  
DEPARTMENT OF LAW

CH. DEVI LAL UNIVERSITY, SIRSA (HR)

**2<sup>ND</sup> DR. MUKESH KUMAR**  
PROFESSOR  
DEPARTMENT OF LAW

CH. DEVI LAL UNIVERSITY, SIRSA (HR)

## *Abstract:*

The RTI Act, 2005 empowers the citizens of India to access the records lying in the custody of public authorities. The Act is passed in order to promote transparency and accountability in the working of every public authority. The State Information Commission plays a pivotal role in effective implementation of the RTI Act and to achieve the goal behind passing the Act. It has the sanctioning powers under the Act. It is equipped with the powers to provide compensation to the information seeker for agony and to impose penalty and recommend disciplinary action against the erring Public Information Officer/State Public Information Officer (PIO/SPIO). It is obvious that for the effective implementation of the statute in letter and spirit, action on behalf of the SIC has always been required. The PIO should know that in case of the violation of the RTI Act, penal provision may be initiated against him. Moreover, action is the mother of peace. At the same time SIC makes balance between the disclosable and non-disclosable information to maintain the sanctity of the Act. The main aim of this research paper is to study the powers and functions of the State Information Commission, Haryana, reality of the compliance of the RTI Act, find out the lacunas in the implementation of the Act and to give suggestions to make RTI Act a mile stone to contain malpractice, to promote transparency and fix accountability of the erring public servants. The study will be confined to the Haryana State Information Commission. The doctrinal method will be used in completion of the research article.

Key Words: Right to information, access public records, State Information Commission, penalty

## **1.1 Introduction:**

The Right to Information Act, 2005 provides that every citizen of India has the right to access information which is held by or under the control of any public authority which includes inspection of work, documents, record, taking certified samples of material, obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronics mode or through printout where such information is stored in a computer or in any other device.<sup>1</sup>

The preamble to the Act speaks per se the very purpose of the enactment of the Act. The preamble “An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in

<sup>1</sup> 15th Report on Implementation of the Right to Information Act, 2005 by State Information Commission, Haryana Page No. 3.

the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto” clears the aim/goal of passing the Act. Section 15 of the Act provides for constitution of a State Information Commission in every State of the Country which plays an important role in achieving the very purpose or goal of the Act. In order to ensure the effective implementation of Right to Information Act, 2005 in Haryana, the State Government constituted a body known as the State Information Commission, Haryana on 31st October 2005 by notification in the Official Gazette<sup>2</sup> and it commenced its functioning from 1<sup>st</sup> November 2005.<sup>3</sup> The State Information Commission, Haryana is a Statutory Authority vested with quasi-judicial powers.<sup>4</sup> It is a high-powered independent body that inter-alia looks into the complaints made to it and decides the appeals under RTI Act. It entertains complaints and appeals pertaining to offices, financial institutions, public sector undertakings, etc.<sup>5</sup>

## 1.2 Constitution of the State Information Commission, Haryana:

Section 15<sup>6</sup> of the Act provides for the constitution of the State Information Commission. It provides that the State Information Commission shall consist of one State Chief Information Commissioner and such number of State Information Commissioners not exceeding ten as may be deemed necessary.<sup>7</sup> The Government of Haryana constituted the State Information Commission in Haryana. At present as on 04.12.2023, the State Information Commission, Haryana consists of the State Chief Information Commissioner with six State Information Commissioners as per detail: Sh. Vijai Vardhan IAS (Retd.)- State Chief Information Commissioner; and 1) Dr. Kulbir Chhikara - State Information Commissioner; 2) Dr. Jagbir Singh- State Information Commissioner ; 3) Smt. Kamaldeep Bhandari - State Information Commissioner; 4) Sh. Jai Singh Bishnoi- State Information Commissioner; 5) Smt. Jyoti Arora IAS (Retd.) - State Information Commissioner; 6) Dr. Satyavir Singh Phulia - State Information Commissioner. The Haryana State Information Commission's Headquarter is at Chandigarh. The office of the Commission is functioning from nearby two buildings i.e., SCO No. 70-71 (first and second Floor) and SCO 114-115, Sector-8-C, Madhya Marg, Chandigarh. Both these buildings have been allotted by the State Government to set up the Commission's office.<sup>8</sup>

**1.3 Appointment, Pay, Qualification and Removal of Chief and other members of the Commission:** The provisions regarding appointment, qualification and removal of the chief and other members are discussed as under:

**1.3.1 Appointment and Pay:** The State Chief Information Commissioner and the State Information Commissioners (SICs) are appointed by the Governor on the recommendation of a committee consisting of: i) the Chief Minister, who is the Chairperson of the Committee; ii) the Leader of Opposition in the Legislative Assembly and where the Leader of Opposition in the Legislative Assembly has not been recognized as such, the Leader of the single largest group in opposition of the Government in the Legislative Assembly shall be deemed to be the Leader of the Opposition. iii) a cabinet minister to be nominated by the Chief Minister.<sup>9</sup> Appointment is made for a term of five years from the date on which he enters upon his office or till he attains the age of 65 years whichever is earlier. The State Chief Information Commissioner or the State Information Commissioners are not eligible for re-appointment.<sup>10</sup> In case, the State Chief Information Commissioner or the State Information Commissioner is in the services of the Centre or the State Government at the time of their appointment in the State Information Commission, they shall be deemed to have retired from such services with effect from the date of their appointment.<sup>11</sup> The selection

<sup>2</sup><https://cicharyana.gov.in/constitutionofcic#:~:text=In%20order%20to%20ensure%20the,the%20functions%20assigned%20to%20C%20it> visited on 26.03.2024.

<sup>3</sup> [https://cicharyana.gov.in/uploads/pdf/Fifteenth\\_English\\_Report.pdf](https://cicharyana.gov.in/uploads/pdf/Fifteenth_English_Report.pdf) visited on 28.11.2023.

<sup>4</sup> 15<sup>th</sup> Report on Implementation of the Right to Information Act, 2005 by State Information Commission, Haryana P. 6.

<sup>5</sup><https://byjus.com/free-ias-prep/the-state-information-commission/> visited on 07.11.2023.

<sup>6</sup> The Right to Information Act, 2005.

<sup>7</sup> Clause (2) sub-clause (a) and (b) of section 15 (1) of the Right to information Act, 2005.

<sup>8</sup> 15<sup>th</sup> Report on Implementation of the Right to Information Act, 2005 by State Information Commission, Haryana Page No. 7.

<sup>9</sup>[https://prosecutionhry.gov.in/rti/#:~:text=Subject%20to%20the%20provisions%20of%20sub%E2%80%911section%20\(3\)%20President%20has%20on%20inquiry%20](https://prosecutionhry.gov.in/rti/#:~:text=Subject%20to%20the%20provisions%20of%20sub%E2%80%911section%20(3)%20President%20has%20on%20inquiry%20) visited on 09.12.2013.

<sup>10</sup><chromeextension://efaidnbmnnpkajpcglclefindmkaj/https://csharyana.gov.in/WriteReadData/RTI%20Information/Administrative%20Reforms/824.pdf> visited on 02.02.2024.

<sup>11</sup> Section 13, Chapter-IV of the Right to Information (Term 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, page 06.

process should be fair, transparent and objective, while keeping in view the institutional integrity of the Information Commission. The appointments on the public posts are made by the State as a trustee of the citizens. The pay and perks to the Information Commissioners from the State Exchequer amounts to conferment of State Largesse and State cannot give Largesse to any person according to the sweet will and whim of the political entities and/or officer of the state. The State Government represents the interest of citizens and whoever is in charge of the affairs of the government is not more than a trustee or a custodian of the public interests.<sup>12</sup> The State Chief Information Commissioner shall receive a pay of Rs. 2,25,000 (two lakh and twenty-five thousand rupees) (fixed) per month and a State Information Commissioner shall receive a pay of Rs. 2,25,000 (two lakh and twenty-five thousand rupees) (fixed) per month. In case the Chief Information Commissioner or Information Commissioners at the time of his appointment is in receipt of any pension/retirement benefits, the pay of such Chief Information Commissioner or Information Commissioners shall be reduced by the amount of that pension/retirement benefits.<sup>13</sup>

### 1.3.2 *Qualifications:* The followings are the qualifications:

- i) The State Chief Information Commissioner and the State Information Commissioners shall be 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.<sup>14</sup>
- ii) They shall not be a member of parliament or member of legislature of any state or union territory or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

**1.3.3 *Term of Office:*** According to the Right to Information (Term 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 the Chief State Information Commissioner or the State Information Commissioner shall hold office for a period of three years from the date on which he enters upon his office or till he attains the age of 65 years, whichever is earlier.<sup>15</sup>

### 1.3.4 *Removal:*

The State Chief Information Commissioner or State Information Commissioner can be removed by the Governor on the ground of proved misbehavior or incapacity found in the inquiry report of the Supreme Court on the reference made to it by the Governor.<sup>16</sup> During the inquiry by the Supreme Court they may be suspended from office and if deemed necessary prohibited from attending the office by the Governor.<sup>17</sup> The State Chief Information Commissioner or State Information Commissioner may also be removed by the Governor on the following grounds:

- (i) on being adjudged an insolvent; or
- (ii) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or
- (iii) engages during his term of office in any paid employment outside the duties of his office; or
- (iv) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or
- (v) has acquired such financial or other interest as is likely to affect prejudicially his functions as the State Chief Information Commissioner or a State Information Commissioner.<sup>18</sup>

Section 17 (4) of the Right to Information Act provides that if the State Chief Information Commissioner or a State Information Commissioner in any way, concerned or interested in any

<sup>12</sup> [https://www.livellaw.in/pdf\\_upload/pdf\\_upload-357713.pdf](https://www.livellaw.in/pdf_upload/pdf_upload-357713.pdf) visited on 10.02.2024

<sup>13</sup> Section 14, Chapter-IV of the Right to Information (Term 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, page 06.

<sup>14</sup> <https://csharyana.gov.in/WriteReadData/Notifications%20&%20Orders/Administrative%20Reforms/5368.pdf> visited on 05.12.2023.

<sup>15</sup> [chromeextension://efaidnbmninnipcbajpcgiclfndmkaj/https://cicharyana.gov.in/uploads/pdf/SIC\\_Advt\\_PDF.pdf](chromeextension://efaidnbmninnipcbajpcgiclfndmkaj/https://cicharyana.gov.in/uploads/pdf/SIC_Advt_PDF.pdf) visited on 04.01.2024

<sup>16</sup> Section 17 (1) of the Right to Information Act, 2005.

<sup>17</sup> Section 17 (2) of the Right to Information Act, 2005.

<sup>18</sup> Section 17 (3) of the Right to Information Act, 2005

contract or agreement made by or on behalf of the Government of the State or participates in any way in the profit thereof or in any benefit or emoluments arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall be deemed to be guilty of misbehaviour.

#### **1.4 Sanctioning Powers of the Commission:**

The State Information Commission (SIC) is equipped with the sanctioning powers under section 20 clause (1) and (2) of the RTI Act. The SIC may impose penalty on the SPIO, if he has without any reasonable cause:

- i) refused to receive an application for information.
- ii) Not furnished the requested information within 30 days of receiving the application.
- iii) Malafidely denied the request for information.
- iv) Knowingly given incorrect, incomplete or misleading information to the information seeker.
- v) Destroyed information which was the subject of the request.
- vi) Obstructed in any manner in furnishing the information to the information seeker.t.

In above circumstances, the SIC can impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished but the total amount of such penalty shall not exceed twenty-five thousand. A reasonable opportunity of being heard will be given to the SPIO before any penalty is imposed on him. The SPIO has to prove that he acted reasonably and diligently while dealing with the RTI application. In above circumstances, the SIC can also recommend disciplinary action against the State Public Information Officer (SPIO) under the service rules applicable to him.<sup>19</sup> The sanctioning powers can be used by the Commission if required. The State Commission can initiate penalty provisions of section 20 clause (1) or (2) in case of any complaint under section 18 or appeal under section 19 (3) of the RTI Act. But in view of the Supreme Court Sections 18 and 19 of the RTI Act serve two different purposes and lay down two different procedures and they provide two different remedies. One cannot be a substitute for the other. The SC upheld that the Commissioner while entertaining a complaint under Section 18 of the RTI Act has no jurisdiction to pass an order providing for access to the information.<sup>20</sup> The sanctioning powers make the Commission powerful to get implemented the RTI Act in its letter and spirit. In a State, only State Information Commission has the power to initiate penalty provisions to punish the erring officials/public authority.

#### **1.5 Judicial Activism on Functioning of Information Commission:**

Regarding initiation of penalty provisions by the State Information Commission, the Hon'ble Punjab and Haryana High Court, Chandigarh in Shaheed Kanshi Ram Memorial College and another Vs State Information Commission, Punjab and others<sup>21</sup> held that as per provisions of the RTI Act, a Public Information Officer (PIO) is supposed to supply correct information, that too, in a time bound manner. Once a finding has come that he has not acted in the manner prescribed under the Act, imposition of penalty under section 20 of the Act is perfectly justified. The Hon'ble Punjab and Haryana High Court at Chandigarh provided guidelines for State Information Commission in Rajwinder Singh Vs State of Punjab and others<sup>22</sup>. This Court has found that in a large number of cases, the authorities including the first Appellate Authority {(while adjudicating the first statutory appeal under Section 19(1)} and the second Appellate Authority {(while adjudicating the second statutory appeal under Section 19(3)} under the Act, have been passing cryptic and non-speaking orders in violation of the judgments passed by the Hon'ble Supreme Court and various High Courts and also in violation of the mandate of the Act of 2005. It is, thus, found necessary to give the following directions to the first Appellate Authority and second Appellate Authority under the Act of 2005 to clearly specify the following at the time of finally adjudicating the case: -

- i) The points on which the information is sought by the applicant as per his/her application filed under the Act of 2005.
- ii) The point-wise reply with respect to the information sought.
- iii) A categorical finding as to whether the information on any of the points has been supplied or not and if supplied, the date on which it has been supplied.

<sup>19</sup> Section 20 of the Right to Information Act, 2005

<sup>20</sup> Chief Information Commr. and Anr. Vs State of Manipur and Anr., Civil Appeal Nos. 10787-10788 of 2011 (Arising out of S.L.P(C) No.32768-32769/2010), chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://main.sci.gov.in/jonew/judis/38918.pdf visited on 12.01.2024

<sup>21</sup> CWP-14161-2009, Date of Decision 10.09.2009.

<sup>22</sup> CWP-17672-2023, Date of decision 16.08.2023.

- iv) In case, it is the stand of the authorities from whom the information is sought that the information sought under a particular point is not to be supplied on account of any bar contained in any provision of the Act of 2005 or for any other reason, then, after recording the said stand and after considering the submissions made by both the parties with respect to said point/issue, return a finding with respect to the said issue/point.
- v) Any other observation which the authority deems fit in the facts and circumstances of the case to be recorded.

The Hon'ble Supreme Court of India in the matter of Union of India Vs Namit Sharma in Review Petition (C) No. 2309 of 2012 in Writ Petition (C) No.210 of 2012 with State of Rajasthan and Anr. Vs Namit Sharma Review Petition (C) No. 2675 of 2012 in Writ Petition (C) No.210 of 2012 had held that while deciding whether a citizen should or should not get a particular information, which is held by or under the control of any public authority, the Information Commission does not decide a dispute between two or more parties concerning their legal rights other than their right to get information in possession of a public authority. This function obviously is not a judicial function but an administrative function conferred by the Act on the Information Commissions.<sup>23</sup>

The Supreme Court in Central Board of Sec. Education & Anr Vs Aditya Bandopadhyay & Ors<sup>24</sup> held that Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The Nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of public authorities prioritising information furnishing, at the cost of their normal and regular duties.

In case of University of Calcutta & Ors vs Pritam Rooj it is held that fiduciary relationship is not to be equated with privacy and confidentiality. It is one where a party stands in a relationship of trust to another party and is generally obliged to protect the interest of the other party. While entrusting an examiner with the work of assessment/evaluation of an answer script there is no agreement between the examiner and the public authority that the work performed by the examiner shall be kept close to the chest of the public authority and shall be immune from scrutiny/inspection by anyone. At least nothing in this respect has been placed before us. Since the RTI Act has been enacted to promote transparency and accountability in the working of every public authority and for containing corruption, even if there be such a clause in the agreement between the examiner and the public authority the same would be contrary to public policy and thus void. We have no hesitation to hold that even if there be any agreement between the public authority and the examiner that the assessment/evaluation made by the latter would be withheld on the ground that it is confidential and an assurance is given in this respect, the same cannot be used as a shield to counter a request from an examinee to have access to his assessed/evaluated answer scripts and the RTI Act would obviously override such assurance.<sup>25</sup> The Hon'ble High Court of Kerela held that section 7(9) of the RTI Act requires that "an information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question." Section 7(9) of the RTI Act does not even confer any discretion on a public authority to withhold information, let alone any exemption from disclosure. It only gives discretion to the public authority to provide the information in a form other than the form in which the information is sought for, if the form in which it is sought for would disproportionately divert the resources of the public authority. In fact, there is no provision in the Act to deny information on the ground that the supply of the information would disproportionately divert the resources of the public authority. Section 8(1)(e) does make information available to a person in his fiduciary relationship disclosable, if larger public interest warrants

<sup>23</sup>chrome-extension://efaidnbmnnnibpajpcglclefindmkaj/https://dsscic.nic.in/files/upload\_decision/CIC-IGMUM-A-2017-128551-BJ--.pdf visited on 10.02.2024.

<sup>24</sup> Decided on 9 August, 2011.

<sup>25</sup>https://indiankanon.org/doc/198001783/, visited on 13.02.2024 University of Calcutta Ors vs Pritam Rooj, 5 February 2009.

disclosure of such public information.<sup>26</sup> Under Section 18(3) of the Act, the State Information Commission, while inquiring into any matter in this Section, has the same powers as are vested in a civil court. The State Information Commissioner, while entertaining a complaint under Section 18 of the RTI Act, has no jurisdiction to pass an order providing for access to the information. The remedy for such a person who has been refused the information is provided under Section 19 of the RTI Act. The nature of the power under Section 18 of the RTI Act is supervisory in character whereas the procedure under Section 19 of the RTI Act is an appellate procedure and a person who is aggrieved by refusal in receiving the information which he has sought for can only seek redress in the manner provided in the statute, namely, by following the procedure under Section 19 of the RTI Act.<sup>27</sup> The Information Commissions are required to act in a fair and just manner while following the procedure laid down in Sections 18, 19, and 20 of the RTI Act.<sup>28</sup>

### 1.6 Haryana State Information Commission Work:

The below mentioned tables show the effective implementation of the RTI Act by the Haryana State Information Commission. The data has been covered from 2018 onwards.

Table- A Year wise Progress report of the Commission<sup>29</sup>

Year	Opening Balance	Admitted	Total	Disposed of	Closing Balance
2018	1980	9548	11528	8927	2601
2019	2601	9902	12503	9032	3471
2020	3471	8166	11637	8029	3608
2021	3608	9058	12666	8851	3815
2022	3815	7311	11126	7122	4004
2023	4004	7318	11322	6457	4865
2024 upto Jan.	4865	665	5530	715	4815

Table-B Year wise detail of Complaints received, their disposal and Pendency during the year under section 18(2) of the RTI Act.

Year	Previous	Registered during the year	Total	Disposal during the year	Undisposed of cases at the end of the year
2018	244	593	837	563	274
2019	274	765	1039	608	431
2020	431	1000	1431	770	661
2021	661	972	1633	965	668
2022	668	988	1656	721	935
2023	935	1137	2072	1191	881
2024 upto Jan.	881	103	984	83	901

Table-C Year wise detail of appeals received, their disposal and Pendency during the year under section 19(3) of the RTI Act.

Year	Previous	Registered during the year	Total	Disposal during the year	Undisposed of cases at the end of the year
2018	1736	8955	10691	8364	2327
2019	2327	9137	11464	8424	3040
2020	3040	7166	10206	7259	2947
2021	2947	8086	11033	7886	3147
2022	3147	6327	9470	6401	3069
2023	3069	6181	9250	5266	3984

<sup>26</sup>file:///C:/Users/Dell/Downloads/Treesa\_Irish\_vs\_The\_Central\_Public\_Information\_Officer\_on\_30\_August\_2010.PDF visited on 13.02.2024

<sup>27</sup> Chief Information Commr. & Anr vs State Of Manipur & Anr on 12 December, 2011, <https://indiankanoon.org/doc/2120073/> visited on 17.02.2024

<sup>28</sup>chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/[https://main.sci.gov.in/supremecourt/2021/7375/7375\\_2021\\_1\\_16\\_47479\\_Judgement\\_09-Oct-2023.pdf](https://main.sci.gov.in/supremecourt/2021/7375/7375_2021_1_16_47479_Judgement_09-Oct-2023.pdf) visited on 17.02.2024

<sup>29</sup> file:///G:/paper%20on%20right%20to%20informaion/progress%20report.pdf visited on 18.02.2024

2024 upto Jan	3984	562	4546	632	3914
---------------	------	-----	------	-----	------

Table- D Detail of penalty imposed/compensation awarded/disciplinary action recommended.

Year	U/S 20(1)		U/S 19(8)(b)		U/S 20(2)
	No. of Cases	Amount of penalty imposed (in Rs.)	No. of Cases	Compensation awarded (in Rs.)	Cases where in disciplinary action recommended
2018	299	5929500	143	474000	383
2019	257	4735000	244	932700	219
2020	386	7213500	144	496500	129
2021	322	7272750	111	295500	117
2022	114	2695250	90	161500	65
2023	143	3504500	64	88500	38

### 1.7 Conclusion and suggestions:

The Right to Information Act, 2005 is passed in order to promote transparency and accountability in the working of every public authority. Under the Act, SPIO has to supply the information being primarily public authority entrusted with this obligation to supply information within stipulated time under the Act. If SPIO fails to supply information, the aggrieved information seeker has the option to file First Appeal under section 19(2) of the Act. If the information seeker is still aggrieved, he has the option to approach the SIC under section 19(3) of the Act. Under the RTI Act, it is only the SIC which has the sanctioning powers. The SIC may also award compensation to the information seeker under section 19(8) of the Act for his sufferings and agony. The SIC can impose penalty under section 20 of the RTI Act. But while initiating this section, the SIC should be very careful and cautious. It is established that every effort should be made to locate information and the fear of disciplinary action would work as a deterrent against suppression of information for vested interests.<sup>30</sup> The above-mentioned tables clearly show the effective implementation of the RTI Act by the Haryana State Information Commission. The data since the year 2018 has been taken for this research paper. It is found that the undisposed of cases at the end of the year has been increasing. The information seeker moves to the SIC, if he is not provided information by the SPIO or even after approaching to the First Appellate Authority under RTI Act. So, the SIC should consider this fact and try to make such efforts that the information may be provided by the SPIO within stipulated time observing RTI Act in letter and spirit. It is also found that the complaints under section 18 (2) have been increasing year by year. If the complaints under section 18(2) of the Act have been increasing, it means the SPIOs are not working in true spirit as per RTI Act. It is also found out that the penalty under section U/S 20(1) of the RTI Act has been imposed in more cases but compensation and disciplinary action has been recommended in less cases. As in the year 2018 total 563 complaints under Section 18(2) were disposed of out of which penalty was imposed under section 20(1) in 299 cases but compensation under section 19(8)(b) was awarded only in 143 cases. So, if the penalty is imposed in 299 cases, in point view of the researcher the compensation should have been awarded at least in 299 cases because mainly the information seeker has been harassed and tortured due to non-compliance of the RTI Act by the public servant. As per record similar position is revealed in other years also. Similarly, departmental action under section 20(2) was recommended in 383 cases in 2018 which reveals that the penalty and the compensation is awarded in less cases. The public officials should keep in their mind that in case the RTI Act is not followed in its true spirit by them, they will be punished and will have to pay compensation to the information seeker. The main aim behind providing sanctioning powers only in the hands of the Commission is for the effective implementation of the RTI Act. It is suggested that the SPIOs must be sensitized enough for the effective implementation of the RTI Act in its true spirit.

<sup>30</sup> [https://www.livelaw.in/pdf\\_upload/pms22012021cw9002021224856-388381.pdf](https://www.livelaw.in/pdf_upload/pms22012021cw9002021224856-388381.pdf), visited on 05.03.2024.