

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No.1979/2019 in W.P.(C) No.436/2018

[Arising out of impugned final judgment and order dated 15-02-2019 in W.P.(C) No.436/2018 passed by the Supreme Court of India]

ANJALI BHARDWAJ & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 139361/2019 - CLARIFICATION/DIRECTION)

WITH

W.P.(C) No. 1461/2020 (PIL-W)

(IA No. 134701/2020 - EXEMPTION FROM FILING O.T.)

Date : 26-11-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Prashant Bhushan, AOR
Mr. Rahul Gupta, Adv.

Mr. Tishampati Sen, Adv.
Ms. Riddhi Sancheti, AOR
Mr. Anurag Anand, Adv.
Mr. Mukul Kulhari, Adv.

For Respondent(s) Mr. Brijender Chahar, ASG
Mr. Rajesh Ranjan, Adv.
Ms. Astha Singh, Adv.
Mr. Rajan Kr. Chourasia, Adv.
Mr. Amit Sharma, Adv.
Ms. Vaishali Verma, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Shreekant Neelappa Terdal, AOR

Mr. Arunabh Choudhary, Sr. Adv.
Ms. Pallavi Langar, AOR
Ms. Pragya Baghel, Adv.
Mr. Sujeet Kumar Chaubey, Adv.

Ms. Madhumita Bhattacharjee, AOR
Ms. Debarati Sadhu, Adv.

Ms. Srija Choudhury, Adv.
Mr. Anant, Adv.

Mr. G. N. Reddy, AOR

Mr. Bharat Bagla, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.

Mr. Gaurav Khanna, AOR
Ms. Natasha Sahrawat, Adv.
Mr. Gautam Barnwal, Adv.
Ms. Deepali Bhanot, Adv.
Mr. Rudraksh Pandey, Adv.
Ms. Alisha Roy, Adv.

Mr. V. N. Raghupathy, AOR
Mr. Vishwanath P. Allannavar, Adv.
Ms. Mythili S, Adv.

Ms. Devina Sehgal, AOR
Mr. Yatharth Kansal, Adv.

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.
Ms. Rajkumari Divyasana, Adv.
Mr. Indrajit Prasad, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. On 30.10.2023, it was brought to the notice of this Court that only four Information Commissioners were working in the Central Information Commission and seven posts were lying vacant. It was further pointed out that even the four incumbents were due to retire by 06.11.2023.
2. Mr. Prashant Bhushan, learned counsel for the petitioners has furnished the status of vacancies in the Central Information Commission and various State Information Commissions as on 11.11.2024. As per the information furnished, there are three

Information Commissioners working in the Central Information Commission and eight posts are lying vacant.

3. Mr. Brijender Chahar, learned Additional Solicitor General seeks and is granted two weeks' time to file a status report which shall also specifically apprise us of the initiative taken by the competent Authority to fill-up the aforementioned vacant posts in the Central Information Commission.

4. In addition, the information furnished by learned counsel for the petitioners indicates that there are seven vacant posts of State Information Commissioner in the State of Maharashtra, eight in the State of Karnataka, two in the State of Chhattisgarh, one in the State of Bihar, four in the State of West Bengal, five in the State of Orissa, and two vacant posts in the State of Tamil Nadu.

5. In the States of Jharkhand, Telangana and Tripura, the State Information Commissions are lying defunct for the last several years, as no fresh appointments have been made therein, a factum which this Court also adverted to in the order dated 30.11.2023.

6. Coming to the State of Jharkhand, Mr. Arunabh Chaudhary, learned senior counsel representing the State submits that there was no leader of opposition in the State till 23.10.2023, due to which there was lack of requisite quorum in the Selection Committee.

7. As of now, we do not comment upon the reasons assigned by the State of Jharkhand for not appointing any Information Commissioner thus far. We instead direct the Chief Secretary, State of Jharkhand to ensure that the process of appointment of the Information Commissioner(s) be initiated within four weeks, and a compliance

affidavit is filed to that effect.

8. As regards to the State of Telangana, its learned counsel states that the selection process was started in June 2024 and the appointments will be made at the earliest.

9. Let the State of Telangana, too, file a status report by way of an affidavit detailing how quickly the appointments shall be made. The needful shall be done within two weeks.

10. Learned counsel for the State of Tripura states that the selection process is ongoing. Let a status report to this effect be filed, similar to the ones directed hereinabove, along with a time-line within which the appointment(s) shall be made.

11. There shall be a similar direction to all the States, who shall file their status reports through their respective Chief Secretaries, as to how many total sanctioned posts of Information Commissioners are there in the concerned State and how many of those posts are lying vacant at present. They shall also undertake the time within which the selection process will be initiated and the vacant posts will be filled-up. The needful shall be done within two weeks.

12. Post the matters on 17.12.2024.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR