

ITEM NO.20

COURT NO.2

SECTION PIL-W

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. 102425/2021 - ADDITION/DELETION/MODIFICATION PARTIES

IA No. 139361/2019 - CLARIFICATION/DIRECTION

IA No. 107854/2020 - EARLY HEARING APPLICATION

IA No. 145229/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 56805/2025 - EXEMPTION FROM FILING O.T.

IA No. 45966/2025 - EXEMPTION FROM FILING O.T.

IA No. 296728/2024 - EXEMPTION FROM FILING O.T.

IA No. 292208/2024 - EXEMPTION FROM FILING O.T.

IA No. 146563/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

WITH

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

FOR EXEMPTION FROM FILING O.T. ON IA 134701/2020

FOR EXEMPTION FROM FILING O.T. ON IA 115933/2021

FOR EXEMPTION FROM FILING O.T. ON IA 126769/2021

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

IA No. 126769/2021 - EXEMPTION FROM FILING O.T.

IA No. 115933/2021 - EXEMPTION FROM FILING O.T.

Date : 17-11-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE JOYMALYA BAGCHI

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

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

For Respondent(s) Mr. Arunabh Choudhary, Sr. Adv.
 Ms. Pallavi Langar, AOR
 Ms. Pragya Baghel, Adv.

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 Mr. Sujeet Kumar Chaubey, Adv.
 Mr. Surit Chaubey, Adv.

Mr. K.M. Nataraj, Adv.
 Mr. Brijender Chahar, A.S.G.
 Ms. Aastha Singh, Adv.
 Mr. Rajan Kumar Chourasiya, Adv.
 Mr. Rajesh Ranjan, Adv.
 Mr. Amit Sharma-b, Adv.
 Ms. Vaishali Verma, Adv.
 Mr. Rajat Nair, Adv.
 Mr. Santosh Ramdurg, Adv.
 Mr. Chitransh Sharma, Adv.
 Mr. Vatsal Joshi, Adv.
 Mr. Aman Mehta, Adv.
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 Mr. Bhargava Ravikumar, Adv.
 Mr. Dhruv Raman Lamba, Adv.

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 Ms. Chubalemla Chang, Adv.
 Mr. Prang Newmai, Adv.
 Ms. Yanmi Phazang, Adv.

Mr. Mohd Irshad, A.A.G.
 Mr. Siddhant Sharma, AOR

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 Mr. Aakash Thakur, Adv.
 Mr. Samarth Kashyap, Adv.
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Ms. Anjali Singh, Adv.
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Mr. Ayush Acharjee, Adv.

Ms. Roohe-Hina Dua, Adv.
Mr. Piyush Jain, Adv.

Mr. Avijit Mani Tripathi, Adv.
Mr. T.K. Nayak, Adv.

Ms. Patil Rekha Chandra Gouda, Adv.
Mr. Jadhav Vishal, Adv.

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

1. The matter pertains to the appointment of the Chief Information Commissioner/Information Commissioners in the Government of India as well as the State Governments across India.

2 As regards the appointment by the Government of India, Mr. K. M. Nataraj, learned Additional Solicitor General of India, has handed over a copy of a communication dated 15.10.2025, according to which, the Selection Committee constituted under Section 12(3) of the Right to Information Act, 2005 was scheduled to meet on 28.10.2025. However, the meeting could not take place, and the matter was deferred.

3. We have impressed upon Mr. K. M. Nataraj, the learned Additional Solicitor General to speak to the DoPT and apprise them of the total vacancies. We have no reason to doubt that the Competent Authority will take the necessary initiative to fill the available vacancies.

4. As regard the various States, we are informed that States like Rajasthan, Uttar Pradesh, West Bengal, and Karnataka have

broadly filled all the vacancies and their Information Commissions are working at full capacity.

5. In the case of Chhattisgarh, the learned State counsel informs us that the court proceedings are over and if given six weeks' time, the vacancies will be filled.

6. Similarly, it is stated by the learned Senior Counsel for the State of Jharkhand that the vacancies will be filled within the statutory period of 45 days granted by this Court *vide* the order dated 27.10.2025. We have no reason to doubt that the Competent Authority will immediately look into the matter and do the needful as early as possible.

7. Regarding the State of Tamil Nadu, against a total strength of 7, only 1 post of Information Commissioner is lying vacant. We have been informed that a candidate has been finalised and the approval of appointment is pending with the Governor of the State. We are sanguine that the necessary approval shall be accorded at the earliest in order to fill the available vacancies. Meanwhile, the State Government is directed to consider the desirability of increasing the sanctioned strength of the Information Commissioners, keeping in view the total pendency. Let a holistic view, in this regard, and an appropriate decision be taken within two months.

8. Learned counsel for the State of Himachal Pradesh also undertakes that the needful shall be done within two months.

9. So far as the State of Madhya Pradesh is concerned, no one is present on its behalf.

10. Mr. Prashant Bhushan, the learned counsel states that 7 posts of Information Commissioners are lying vacant in the State of Madhya Pradesh. That being the state of affairs, we direct the Chief Secretary, State of Madhya Pradesh to start the process immediately of appointing Information Commissioners, if it has not been initiated, and submit a compliance affidavit to this Court.

11. The Registry is directed to forward a copy of this order to the Chief Secretary, Madhya Pradesh for information and necessary action.

12. It is clarified that if the needful is not done before the next date of hearing, the Chief Secretary shall be required to remain personally present before this Court on the next date of hearing.

13. List on 01.12.2025.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR