

State Information Commission, Powers, Functions, Challenges

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The State Information Commission (SIC) is a **statutory body** established under the **Right to Information (RTI) Act, 2005**, to promote transparency and accountability in the functioning of state public authorities. Similar to the Central Information Commission (CIC), the SIC addresses appeals and grievances related to information requests at the state level, ensuring citizens can access essential public information.

Despite its critical role, the SIC faces several challenges, including resource limitations, a high volume of pending appeals, and insufficient public awareness. Strengthening these commissions requires enhancing resources, streamlining processes, and improving awareness about the RTI Act among citizens to reinforce transparency and good governance.

State Information Commission

The State Information Commission is a **high-powered independent body** tasked with addressing complaints and deciding appeals related to the Right to Information Act within state-level public authorities. It oversees grievances and appeals connected to state government bodies, including departments, financial institutions, public sector

undertakings, and other organizations operating under the state's jurisdiction. Through its work, the Commission plays a key role in ensuring **transparency and accountability** across state government entities.

State Information Commission Statutory Provisions

The State Information Commissions (SIC) are established by the respective **state governments** under the provisions of the **Right to Information Act, of 2005**. The RTI Act mandates every state to establish its own commission to ensure effective implementation of citizens' right to information, thereby promoting transparency in public authorities at the state level.

State Information Commission Composition

The State Information Commission is headed by a **State Chief Information Commissioner**, with up to 10 **State Information Commissioners**. The number of commissioners varies based on the state's administrative needs and is determined by the respective state governments.

State Information Commission Appointment

The **Governor** appoints the State Chief Information Commissioner and State Information Commissioners based on recommendations from a **selection committee**. This committee comprises the **Chief Minister** as its chairperson, the **Leader of the Opposition** in the Legislative Assembly, and a **state Cabinet Minister** nominated by the Chief Minister.

State Information Commission Qualifications

Appointees to the SIC must be **individuals of eminence in public life** with expertise in fields such as law, science, technology, management, social service, journalism, or administration. To maintain independence, appointees cannot be Members of Parliament or any State Legislature, nor can they hold any other office of profit or have any political affiliation.

State Information Commission Tenure

The State Chief Information Commissioner and other State Information Commissioners serve a **term of three years** or until reaching **65 years of age**, whichever comes first. Reappointment after their tenure is not permitted. However, a State Information Commissioner may be appointed as the State Chief Information Commissioner, provided the combined service period does not exceed five years, including the time served as State Information Commissioner.

- Their salary, allowances, and other conditions of service are determined by the **Central Government** and cannot be altered to their disadvantage while in office.

State Information Commission Removal

The **Governor** has the authority to remove the State Chief Information Commissioner or any State Information Commissioner under certain conditions. The conditions are:

- If declared insolvent;
- If convicted of an offense that, in the Governor's view, involves moral turpitude;
- If involved in any paid employment outside the official duties during the term of office;
- If deemed unfit by the Governor due to physical or mental infirmity;
- If a financial or other interest is acquired that may adversely affect their official responsibilities.

Additionally, the Governor may remove the State Chief Information Commissioner or any State Information Commissioner on grounds of **proven misconduct or incapacity**.

- In such cases, the Governor must first refer the matter to the **Supreme Court**. If, after inquiry, the Supreme Court upholds the grounds for removal and advises accordingly, the Governor may then proceed with the removal.

State Information Commission Functions

The State Information Commission plays a crucial role in ensuring citizens' right to access information from public authorities. It is responsible for receiving and investigating complaints from individuals regarding issues related to information access, including:

- Complaints from individuals unable to submit an information request due to the absence of a designated Public Information Officer (PIO).
- Instances where an information request has been denied.
- Cases where a response to an information request was not provided within the specified timeframe.
- Situations where the applicant considers the fees charged for information to be excessive.
- Concerns over incomplete, misleading, or inaccurate information provided.
- Any other grievances related to the process of obtaining information.

State Information Commission Powers

The State Information Commission is vested with significant powers to enforce transparency and uphold the Right to Information Act. It can initiate inquiries into any matter where there are reasonable grounds (**suo-moto power**), allowing it to proactively address issues without waiting for a formal complaint. In carrying out its inquiries, the Commission is equipped with the authority of a **civil court**, including powers to:

- Summon and enforce the attendance of individuals, compel them to provide oral or written testimony under oath, and produce documents or items.
- Mandate the discovery and inspection of documents.
- Accept evidence provided through affidavits.
- Request public records from any court or office.
- Issue summons for the examination of witnesses or documents.
- Exercise additional powers as prescribed by law.

Additionally, during an inquiry, the Commission has the right to examine any records under the control of public authorities, and no such records can be withheld from it. All relevant public records must be submitted for examination. To ensure compliance with its decisions, the Commission can:

- Order access to information in a specific format.
- Direct public authorities to appoint a **Public Information Officer** if one does not exist.
- Require the publication of certain information or categories of information.
- Recommend changes in the management, maintenance, or destruction of records.
- Request annual compliance reports from public authorities.
- Order compensation for any loss or damage suffered by applicants.
- Impose penalties under the RTI Act.

State Information Commission Reports

The State Information Commission prepares and submits an **annual report** to the **State Government** regarding the implementation of the provisions outlined in the Right to Information Act. Subsequently, the State Government presents this report to the **State Legislature**.

State Information Commission Challenges

Despite its essential role in promoting transparency and accountability, the State Information Commission faces several significant challenges that impede its effectiveness. These obstacles arise from various sources, including administrative inefficiencies, limited resources, and public awareness issues, which hinder the Commission's ability to fulfil its mandate effectively. Key challenges faced by the State Information Commission include:

- **Resource Constraints:** Limited funds, personnel, and infrastructure restrict the commission's ability to function optimally.
- **High Pendency of Appeals:** Due to the large volume of complaints, the commission often experiences delays in resolving cases, diminishing its responsiveness.
- **Lack of Transparency in Appointments:** Appointments of commissioners have faced criticism for lack of transparency, impacting the perceived impartiality of the SIC.
- **Public Unawareness:** Low awareness of RTI rights among citizens, particularly in rural areas, limits the effective exercise of the right to information.
- **Poor Record Management:** Inadequate record-keeping practices among public authorities lead to challenges in retrieving and providing requested information.
- **Inconsistent Implementation:** The implementation of RTI provisions varies across different state departments, affecting consistency and access to information.

State Information Commission Way Forward

To enhance the effectiveness of the State Information Commission, a multi-faceted approach is essential. Strengthening the Commission's infrastructure through **increased funding and resources** can facilitate better operational efficiency. Additionally, there is a need for comprehensive **training programs for officials** to improve their understanding of the Right to Information Act and its implementation.

Raising **public awareness** about the role and functions of the Commission is also crucial to empower citizens to exercise their rights to access information. By addressing these areas, the State Information Commission can better fulfil its mandate of promoting transparency and accountability in governance.

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