# Legal Case Summary

Case Title: Anjali Bhardwaj vs Union Of India

Citation: AIRONLINE 2019 SC 533, (2019) 3 SCALE 447

Date of Judgment: 15 February 2019

Bench: Justice A.K. Sikri, Justice S. Abdul Nazeer

Author of Judgment: Justice A.K. Sikri

## Parties Involved

Petitioner: Anjali Bhardwaj & Others

Respondents: Union of India & Others

## Background / Facts of the Case

This Public Interest Litigation (PIL) under Article 32 was filed to ensure effective implementation of the RTI Act, 2005. The petitioners highlighted the failure of Central and State Governments in timely appointment of Commissioners in the Central and State Information Commissions, resulting in huge backlogs and denial of timely access to information.

## Legal Issues Raised

1. Delay and opacity in the appointment of Chief and Information Commissioners.

2. Backlogs and inefficiencies in disposing appeals due to vacancies.

3. Lack of transparency and objectivity in the appointment process.

## Judgment / Decision

The Supreme Court acknowledged the petitioners' concerns and found merit in their arguments. It emphasized that the RTI Act is a time-bound legislation, and delays in filling vacancies undermine the law's effectiveness. The Court issued several directives to ensure transparency, objectivity, and timeliness in the appointment process and emphasized that appointments should be made from a wide range of fields as outlined in the RTI Act.

## Final Order

• Writ petition disposed with directions.

• Central and State Governments directed to:

- Publicize appointment processes and selection criteria.

- Maintain a full bench with diverse expertise as per RTI Act.

- Fill vacancies in a time-bound manner, ideally before they arise.

• Petitioners given liberty to approach the Court again if required.

## Relevant Legal Principles & Precedents

• RTI Act, 2005 – Sections 3, 4, 12-15, 19.

• Article 19(1)(a) – Right to Information as part of Freedom of Speech.

• Good governance, transparency, and public accountability emphasized.

• Precedents: State of UP v. Raj Narain, S.P. Gupta v. President of India, RBI v. Jayantilal Mistry.

## Key Takeaways

- RTI is a fundamental right flowing from Article 19(1)(a).

- Delay in appointments in Information Commissions frustrates the RTI Act.

- Appointment processes must be transparent and inclusive.

- Governments are expected to uphold participatory governance.