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B.A.LL.B VIII SEM

RIGHT TO INFORMATION ACT 2005

Powers and functions of the Information
Commissions, appeal and penalties

Appeal (section 19)

- ❑ If the decision of the Central Public Information Officer or State Public Information Officer, as the case may be, against which an appeal is preferred relates to information of a third party, the Central Information Commission or State Information Commission, as the case may be, shall give a reasonable opportunity of being heard to that third party. [Sec.19\(4\)](#).
- ❑ In any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the Central Public Information Officer or State Public Information Officer, as the case may be, who denied the request. [Sec.19\(5\)](#).
- ❑ An appeal under sub-section (1) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing. [Sec.19\(6\)](#).

Appeal (section 19)

- ❑ The decision of the Central Information Commission or State Information Commission, as the case may be, shall be binding. [Sec 19\(7\)](#).
- ❑ In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to— [sec.19\(8\)](#) :-
 - require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including—
 - I. by providing access to information, if so requested, in a particular form;
 - II. by appointing a Central Public Information Officer or State Public Information Officer, as the case may be;
 - III. by publishing certain information or categories of information;
 - IV. by making necessary changes to its practices in relation to the maintenance, management and destruction of records;

Appeal (section 19)

- V. by enhancing the provision of training on the right to information for its officials;
- vi. by providing it with an annual report in compliance with clause (b) of subsection (1) of section 4;
 - require the public authority to compensate the complainant for any loss or other detriment suffered;
 - impose any of the penalties provided under this Act;
 - reject the application.
- The Central Information Commission or State Information Commission, as the case may be, shall give notice of its decision, including any right of appeal, to the complainant and the public authority. [Sec 19\(9\)](#)
- The Central Information Commission or State Information Commission, as the case may be, shall decide the appeal in accordance with such procedure as may be prescribed. [Sec. 19\(10\)](#).

Penalties (section 20)

- Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section(1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees **sec. 20(1)** :-

Penalties (section 20)

- Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:
- Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.
- ☐ Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time.....

Penalties (section 20)

-specified under subsection (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rules applicable to him. **Sec.20(2).**
- **To be conti.....**