

UNIT – 3

Information Commissions Appeals Penalties

CIC • SIC • Powers • Appeals • Penalties • Enforcement

Right to Information

Unit Overview

This unit covers the constitution, powers and functions of the Central Information Commission and State Information Commissions, the two-tier appeal mechanism, the penalty provisions under Section 20, and the enforcement of Commission orders.

LEARNING OBJECTIVES

What You Will Learn

01 CIC & SIC

Understand composition and appointment of Commissions

02 Powers

Explain the inquiry and decision-making powers

03 First Appeal

Know the role of the First Appellate Authority

04 Second Appeal

Describe the procedure before the Information Commission

05 Penalties

Apply Section 20 – penalties and compensation

06 Enforcement

Understand how Commission orders are enforced

Central Information Commission

The Central Information Commission is the apex appellate body for central public authorities. It consists of the Chief Information Commissioner and up to ten Information Commissioners.

Appointment

By the President on the recommendation of a committee (PM, Leader of Opposition, Cabinet Minister)

Tenure

As amended – currently fixed term and age limit

Status

Independent statutory body; decisions binding on public authorities

Jurisdiction

Central government public authorities and Union Territories

State Information Commissions

Composition	State Chief Information Commissioner + Information Commissioners
Appointment	By the Governor on recommendation of a state-level committee
Jurisdiction	State public authorities
Variation	Quality and independence vary across states
Parallel	Function similarly to CIC but at the state level

POWERS

Powers and Functions of Commissions

Inquiry

Power to inquire into complaints and appeals

Civil Court Powers

Summoning, discovery, receiving evidence, requisitioning records

Decision

Can require disclosure, compensation, disciplinary action

Monitoring

Monitor implementation of the Act and prepare annual reports

Recommendations

Recommend measures for better implementation

FIRST APPEAL

First Appeal – Section 19(1)

Authority

Officer senior in rank to the PIO (First Appellate Authority)

Time

Within 30 days of receipt of decision or expiry of time

Disposal

Within 30 days (extendable to 45 days with reasons)

Nature

Internal review; opportunity to correct the PIO's decision

Importance

Filters cases; many disputes end at this stage

SECOND APPEAL

Second Appeal / Complaint – Sections 19(3) & 18

Second Appeal

To CIC/SIC within 90 days of FAA decision

Complaint

Directly to Commission for certain defaults (no response, unreasonable fee, incomplete information)

Procedure

Notice, hearing, inquiry, reasoned order

Time

Commission should decide expeditiously; no strict statutory outer limit

Binding

Orders are binding on the public authority

PENALTIES

Penalties – Section 20

Section 20 is the teeth of the Act. The Commission can impose a personal penalty on the PIO for delay, malafide denial, or providing incorrect information.

Penalty	Rs 250 per day up to a maximum of Rs 25,000
Grounds	Refusal without reasonable cause, delay, malafide denial, incorrect/incomplete/misleading information, destruction of information
Compensation	Commission can also award compensation to the complainant
Disciplinary	Can recommend disciplinary action against the PIO
Burden	PIO must prove that he acted reasonably and diligently

ENFORCEMENT

Enforcement of Commission Orders

Binding Nature

Orders of CIC/SIC are binding

Non-Compliance

Can lead to further penalties and contempt-like consequences

Writ

High Courts and Supreme Court can be approached under Articles 226/32

Practical

Implementation still faces challenges of delay and resistance

Monitoring

Commissions publish compliance data in annual reports

LANDMARK

Important Commission and Court Decisions

Composition Cases

Supreme Court on the need for judicial members and transparency in appointments

Penalty Cases

Illustrations of when penalty is imposed or waived

Compensation

Awards for harassment and delay

Implementation

Directions for better record management and proactive disclosure

Salient Features of the Appellate System

Two-Tier

FAA then CIC/SIC

Independent

Commissions are independent of the executive

Penalty Power

Personal liability of PIOs

Civil Court Powers

Effective inquiry machinery

Citizen-Friendly

Low cost, simple procedure

Weakness

Pendency and uneven quality across states

ESSENTIALS

Core Points

CIC/SIC

Independent appellate bodies

First Appeal

Internal; 30–45 days

Second Appeal

To Commission; 90 days limitation

Penalty

Rs 250/day up to Rs 25,000

Compensation

Can be awarded to the applicant

Binding

Orders must be complied with

Why Personal Penalty Matters

The personal penalty under Section 20 changes the incentive structure. When the PIO knows that delay or malafide denial can cost him personally, compliance improves. This is one of the most distinctive and effective features of the Indian RTI regime compared with many other FOI laws.

HIGHLIGHTS

Key Highlights

CIC Central appellate body for Union public authorities

SIC State-level counterparts

s.19 Two-tier appeal system

s.20 Penalty and compensation

Powers Civil court powers for inquiry

Challenge Pendency and variable independence

Practical Tips for Appeals

First Appeal

Always file; many cases succeed at FAA stage

Grounds

Clearly state how the PIO's decision is wrong

Documents

Attach the original request, PIO reply and FAA order

Hearing

Attend or authorise a representative

Follow-up

Monitor compliance after the Commission order

COMPARISON

CIC vs SIC – Practical Reality

Independence

Generally stronger at Centre; variable in States

Pendency

Both face backlog; some SICs severely under-staffed

Quality

Varies with the background and commitment of Commissioners

Enforcement

Both face occasional non-compliance by authorities

SUMMARY POINTS

Must-Remember Points

- CIC and SICs are independent appellate bodies with civil-court powers.
- The appeal system is two-tier: First Appellate Authority then Information Commission.
- Section 20 allows personal penalty on the PIO (Rs 250/day up to Rs 25,000) and compensation to the applicant.
- Commission orders are binding; non-compliance can be challenged further.
- The personal penalty provision is a key strength of the Indian RTI regime.
- Challenges remain in pendency, appointments and uniform enforcement.

SUMMARY

Key Takeaways

1. Information Commissions are the backbone of RTI enforcement.
2. The two-tier appeal system filters and corrects decisions.
3. Personal penalty under Section 20 creates real accountability.
4. Orders are binding but practical compliance still needs monitoring.
5. Understanding the appellate process is essential for effective use of RTI.

Next Unit: Related Laws – Official Secrets Act and other statutes.