

## Powers and Functions of SIC

The Powers and Functions of the Information Commission are enumerated under chapter 5 of the RTI Act . 1. Enquiry into Complaints It shall be the duty of the Commission to receive and inquire into complaints from persons aggrieved by any of the reasons given under section 18 (1) of the Act. Where the Commission is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry thereof. While conducting an inquiry into a complaint, the Commission shall have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the matters given under section 18 (3) of the Act. During an inquiry into a complaint under this Act, the Commission can examine any record to which the RTI Act applies which is under the control of the Public Authority.2. Deciding 2nd AppealsSection 19(3) of the RTI Act provides for 2nd appeal before the Central/State Information Commission. The 2nd appeal shall lie within 90 days from the date on which the decision should have been made by or was actually received from the first appellate authority. The Information Commission may admit the 2nd appeal after the expiry of the period of 90 days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. While making a decision, the State Information Commission has the power to require the Public Authority to comply with the Provisions of the RTI Act - (a) by providing access to information (b) by appointing the State Public Information Officer (c) by publishing certain information or categories of information (d) by making necessary changes to its practices in relation to the maintenance, management and destruction of records (e) by enhancing the provision of training on the right to information for its officials (f) by providing with an annual report in compliance with clause (b) of sub-section (1) of section 4 of the Act. The second appeals filed before the State Information Commission are decided in accordance with the Kerala State Information Commission (Procedure for appeal) Rules, 2006, notified by the Government of Kerala as No.27774/Cdn.5/2006/GAD dated 31.5.06 . In an appeal proceedings, the onus to prove that the denial of request was justified shall be on the Public Information Officer who denied the request . If the appeal relates to information of a 3rd party, the 3rd party shall be given a reasonable opportunity of being heard before a decision is made by the Information Commission.3. Awarding Compensation The RTI Act empowers the Information Commission to require the Public Authority to compensate the complainant for any loss or other detriment suffered.4. Imposing Penalties The State Information Commission has the power to impose penalty on the State Public Information Officer for the following defaults: Where the State Public Information Officer has - 1. without reasonable cause refused to receive an application for information or has not furnished information within the specified time limit or 2. malafidely denied the request for information or 3. knowingly given incorrect, incomplete or misleading information or 4. destroyed information which was the subject of the request or 5. obstructed in any manner in furnishing the information. The Penalty provided under section 20(1) of the RTI Act is Rs.250/- each day till the application is received or information is furnished. The total amount of such penalty shall not exceed twenty five thousand rupees. Before imposing any penalty, the Commission shall give the State Information Officer a reasonable opportunity of being heard. The burden of proving that he acted reasonably and diligently shall be on the State Public Information Officer.5. Recommending for disciplinary ActionWhere the State Information Commission, at the time of deciding any complaint or appeal is of the opinion that the State Public Information Officer has, without any reasonable cause and persistently, failed 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, the Commission can recommend for disciplinary action against the State Public Information Officer, under the service rules applicable to him under section 20(2) of the Act.