

## Right to Information and Good Governance

Professor Sairam Bhat

National Law School of India University, Bangalore

### Lecture-28

#### Roles and Responsibilities of the Chief Information Commissioner-III.

(Refer Slide Time: 0:15)



#### Willful providing incorrect information

- However, in cases where the delay was unreasonable, arbitrary or willful or incorrect information had been furnished, penalty imposed by Information Commissions was upheld by the Hon'ble Punjab & Haryana High Court. In ***Shaheed Kanshi Ram Medical College and Another v. State Information Commissioner, Punjab, Writ Petition (Civil) No. 14161 of 2009***, the writ petition was filed with a prayer to quash order imposing penalty of Rs. 10,000/- on the petitioner for causing unnecessary harassment to the respondent No.3, the information seeker, in supplying the information. Incorrect information had been supplied, forcing the information seeker to move State Information Commission, which gave a specific finding that there were anomalies in the information furnished, leading to suspicion that the information was being deliberately suppressed.



Finally, in the *Shaheed Kanshi Ram Medical College versus State Information Commissioner, Punjab*, it was held that in case where there is degree and the delay is unexplainable, unreasonable, arbitrary, willful or incorrect information has been provided, in those cases the penalty is completely justified. In this case, the PIO was imposed with the penalty of 10,000 rupees and he filed a case before the high court with a writ petition seeking an order to quash that order of the State Information Commissioner.

And the Information Commissioner had found that the information seeker was supplied with the incorrect information. And it was done so quite deliberately by the PIO and this had led to a suspicion that the information was being suppressed and that is the reason the PIO was not sharing the said information. And hence the penalty of 10,000 rupees was imposed.

The High Court clearly upheld out of the Information Commission and held that it was very clear from the order of the Information Commission and the finding the Information Commission, that the actions of the PIO were completely unreasonable, arbitrary, willful and based on which incorrect information was furnished. And hence the High Court upheld the imposition of penalty of 10,000 rupees on the Public Information Officer.

## Conclusion

- Information Commission functioning has been satisfactory
- However, consistency and uniformity of orders would be useful.
- Proactive disclosure norms must be insisted upon.



To conclude this module and chapter, there are three conclusions that I am going to make. First, I think by and large in the past several years from the time the RTI Act has been enacted, I think the Central Information Commission in particular, not sure of the many other State Information Commissions, but the Central Information Commission's functioning has been very, very satisfactory. There have been very important judgments that are passed, very significant orders made, the Information Commission has been quite effective in reasonably timely disposing of appeals and complaints.

And I think by and large, they have fulfilled the expectations of the citizens under the RTI Act. However, I think the Information Commissioner's orders are not very consistent, and they are not uniform as well. As we go forward and as there is a maturity of the RTI legal regime, I am sure we will find far more consistency and uniformity in the orders passed by the Information Commission.

This will give a sense of normalcy, a sense of expectation, a sense of prediction of what information can be given and what cannot be given, especially those that attract section 8 have the Right to Information Act. It is the duty of the Information Commission to strengthen proactive disclosure and I think they have a long way to go forward, which means that Information Commissions in the management of the public authorities must insist on a robust, proactive disclosure.

Which means RTI applicants need not file RTI petitions, it is the duty of the public authorities to disclose information upfront without being asked, without being applied for.

And hence, the aspect of Section 4 disclosures must be insisted upon by the Information Commissions and it is the duty of the Information Commissions to see that public authorities implement section 4 effectively and that is something that the Information Commission continues its role through various central government institutions.

And I think they have achieved quite well in the section 4 proactive disclosure norms. With this we conclude the modules on the powers and functions of the Information Commission. I think we have discussed the powers and functions, the appointment process, the renewal, the resignation process, both, where the headquarters are, what are the powers of complaint, appeal and penalty. I think this has covered the whole gamut of the institution of the Information Commission, both at the center and the state level.