

## Right to Information and Good Governance

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Lecture No. 60

### Information Commissions under the RTI Act – III

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**Powers and Functions of the Information Commissions**

- 1. Appeal: sec. 19
- 2. Who can make an appeal:
  - 1. aggrieved individual or person seeking information
  - 2. PIO against the order of the Appellate authority
  - 3. Public authority, if need be.
  - 4. Third party may also file an appeal
- 3. Time frame to appeal: 90 days from the order of AA
  - From the order the PIO, citizen has 30 days to file appeal to the AA.
- 4. Procedure for appeal can be framed by the ICs(sec. 19(10))
- 5. Remedies to be provided in the appeal:
  - Providing access to information
  - Appointing ICs
  - Publishing information
  - Making necessary changes to the practice of maintenance, management and destruction of records
  - Enhancing training
  - Providing annual report
  - Provide compensation for any loss or other detriment suffered
  - Impose any penalties
  - Reject application

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Section 19 of the Right to Information Act defines the appeal powers and functions of the Information Commission as it goes about its business as the second appellate authority. First and foremost, let us understand if this provision is provided for the Information Commissions to entertain appeals, you have to first try and understand who can come before the Information Commission as appellant. One would obviously come to this conclusion that any person who is an aggrieved in using, or any person who is seeking information from a public authority has the right to seek a second appeal.

Who is an aggrieved individual? A person whose application has been rejected in the first appellate authority and who has not been given the required information that he is actually seeking and hence becomes an aggrieved individual, or an individual who seeks the interest of grievances, that means it is a citizen under Section 3 of the Right to Information Act can actually

come to the Information Commission and file in a deal. Kindly note, an appeal is generally filed from an order that is passed by a lower authority.

In this case, it is somebody who has passed an order and that somebody would be considered as the first appellate authority within an organization. So, against that kind of an order, somebody who is aggrieved or a person who is seeking information can come to the Information Commission and file an appeal. Second, interestingly it is not only citizens who can come to the Information Commission with their grievances and to look for redressal of the same. It is a public information officer who can also be an aggrieved individual.

If suppose we come across a situation where an appellate authority has decided in favour of the citizen but has not accepted the reasoning of the public information officer, aggrieved by such an order of the appellate authority, which could be probably a rare instance for us to come across, however a public information officer who is an officer in charge of liasoning the system, who is probably directly responsible to provide the information, who will be directly accountable in case the information is denied can also come to the Information Commission and file an appeal.

So, the public information officer or the assistant public information officer, as the case maybe have the power to reach the Information Commission against any adverse order, remark or action at an appellate authority may take against them for which being aggrieved, they may come before the Information Commission and also file a grieve, which means citizens as well as the public institutions servants or officers have the right to approach the Information Commission for adjudication of their dispute.

Third, interestingly a public authority can also approach the Information Commission in appeal. This maybe for clarifications, it will be for implementational reasons, it maybe against any kind of notification, regulation, rule or circular that the public authority is concerned about and would want the Information Commission to actually clarify or adjudicate these kinds of issues or those kinds of challenges. And hence a public authority represented through any officer can also appear before the Information Commission in an appeal provision.

Last but most important is the third party. If information is sort relating to a third party, which means it is not in relation to the government, it is not in relation to government and information, but any third-party information which feels that the order of the public information officer or the appellate authority as the case may be has decided to disclose third party related information. Being aggrieved by such an order and seeking non-disclosure of the said information, a third party may also seek appeal. And hence, this is where you will notice that Information Commissions can be approached not only by the applicant, not only by the PIO, but also by public authorities and by third party on whose subject matter the information is sought.

Who can be these third parties? The third parties as we know and as we have understood can be individuals, can be an institution or an authority in itself. Third, kindly note, the RTI Act is a law that fixes time frame for every action. That is a time frame for providing information, there is a time frame for deciding appeals and also taking it as well. From the order of the first appellate authority, any of the above individuals, be it a public authority or third party, a PIO or a citizen has 90 days to come to the Information Commission. This is the time, within which an appeal has to be preferred. If the appeal is not filed within 90 days, then the right of appeal is exhaustive.

However, kindly note, the Information Commission can condone the delay if it feels that it is justified, excusable and there is adequate reason for having filed the appeal beyond the time frame of 90 days. At this point of time, I would like to also remind all our students that there is a time frame to also prefer the first appeal. That is from the order of the public information officer, from that time onwards, a citizen has 30 days to file appeal to the first appellate authority. So, it is 30 days towards the first appeal, and from the first appeal it is 90 days towards the Information Commission. This has what has been prescribed under the RTI Act.

And hence, citizens must know the time frame in which appeal has to be made, so that they can get their adjudication of right adequately from the institutions that have been created under the Right to the Information Act. The last point on this is the procedure for filing of appeal. Kindly note, the procedure for filing appeal can be framed by the Information Commissions. And they can either say that the first should be the copy of the order, second should be the grounds for

appeal, and third would be the remedies that is required to be sought. So, the procedure about how appeal can be entertained by the Information Commissions can be laid down by the Information Commissions and citizens who are making those appeals have to follow the same procedure.

The same power is there under Section 19 sub clause 10 of the RTI Act which citizens have to be careful about. Now once an appeal is turned by the Information Commission, what kind of order or remedy can the Information Commission pass in an aggrieved. So, what are the remedies generally that the Information Commission have to give in an appeal have also been provided under Section 19. Kindly note, the following remedies are available to the parties whom we can appeal.

First, the Information Commission may pass an order in an appeal to provide access to the information. So, the public authority maybe directed to give that information to the citizens. So, this is the first and the foremost duty and remedy that is available in an appeal. Second, in those kinds of appeals where there is a complaint that PIOs have not been appointed, then the Information Commissions can go ahead and suggest that the PIOs should be appointed, Public Information Officers should be appointed.

Three, if there is an appeal which says that there is no adequate pro-active information that is being disclosed by public authorities under Section 4, then the Information Commissions can direct the public authorities to publish the said information pro-actively to make the information available to the public at large and not only to the applicant or the citizen, but to reach out to this information so that it is largely beneficial for everyone.

Four, it can also order for the necessary changes in the record management system within a public authority, which means that it can suggest that a public authority must maintain records effectively, it should manage in records so that easily accessible and providable to the citizens and it could also suggest any kind of methodology for the destruction of records under the Public Records Act 1993. These are certain interventions that Information Commissions can do while

an appeal is being entertained and it all depends upon during that appeal, what remedy is sought for the redressal of the said grievance.

If required and if that is found, it can also recommend enhancing the training of officers within a public authority, so that there is effective implementation of the RTI Act. I think education and training becomes a critical factor for the effective implementation of RTI Act within public authorities. And hence, over a period of time, I think this has been insisted by the Information Commissions so that there is adequate and sufficient man power deployed and trained to implement the RTI Act, so that citizens do not get aggrieved by the actions and reactions of public authority and the public information officers.

The Information Commission can also insist of providing annual reports if the case maybe and if the same is not been provided, that can also be an order that the Information Commission can pass during the aggrieving process. Very important and relevant is the point next which says that the Information Commission has the power to provide compensation for any loss or any determent suffered by a citizen during his exercise of Right to Information.

And hence providing compensation is different from imposing penalty. Kindly note, under Section 19, a citizen can be compensated for any loss or any determent he or she suffers during the exercise of her or his Right to Information. This is also a remedy that the Information Commissions must evaluate and provide for during the appeal process. Last but not the least, the Information Commissions have the power to impose penalties. As we all are aware of, the penalty that is provided under Section 20 of the Right to Information Act very clearly stipulates that a public information officer maybe imposed to the penalty of 250 rupees per day to a maximum of 25000 rupees for any infringement on the Right to Information.

And hence, that kind of penalty can be imposed during appeals by the Information Commission if they find that the public information officer has intentionally violated the Right to Information Act or has mala-fidely denied that kind of information. The grounds for imposing penalty are provided in Section 20 which will be discussed as we go forward. Finally, an appeal can be rejected, which means the application is not found to be prima facie admissible, probably it is an

appeal on a frivolous ground, it is an appeal on trivial matters and it does not require the time and attention of the Information Commission.

And hence, without passing any order to the same, the application can be rejected by the Information Commission as well. So, these are probably the actions that the Information Commissions should take during an appeal process and that should provide a holistic understanding of the different kind of interventions that can be taken place in the Information Commission.

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## Powers and Functions of the Information Commissions



- 2. Complaints: sec. 18
- Duty of every Information Commissioner to receive and enquire into a complaint from every citizen. [sec. 18(2)]
- Grounds for complaint:
  - 1. if a public authority has not appointed a PIO
  - 2. failed to receive an RTI application
  - 3. Unreasonable fee [information fee]
  - 4. has not provided the information within the stipulated time-limit. Deemed refusal. [sec. 7(2)]
  - 5. has destroyed the information
  - 6. incomplete, misleading or false information [sec. 18(1)]
- Procedure to file Complaint: nothing specific format. Writing. fee
- IC shall recommend disciplinary action against the PIO under the service rules applicable to him



Next, let us look at the complaint process. As I told you, complaint or receiving complaint is another action that the Information Commission are supposed to take. Section 18 of the Right to Information Act does discuss about the power to entertain complaints. It is the duty of every Information Commissioner to receive and enquire a complaint of a citizen. So, complaint power is different from an appeal power. Kindly note, for an appeal to be adjudicate on Section 19, the process of waiting for an order of a PIO, from there, you have 30 days to take appeal to the first appellate authority, from there you have 90 days to come to the Information Commission.

This is the normal process in which adjudication of matters and disputes under RTI Act are to be taken. However, there are grounds on which the appeal cannot be made and hence a complaint is preferred. A complaint is more of a grievance raised, rather than something that is a process adjudication that is taken about. So, interestingly when you look at Section 18, you will notice what are the grounds for complaint and how are they different from an appeal power. First and the foremost, when can you complain? You can complain when a public authority is not appointed a Public Information Officer at all.

And hence, if there is no PIO, there is no order. If there is no order, there is appeal. And hence, one of the primary grounds for preferring a complaint and kindly note, preferring a complaint directly to the Information Commission. Be it in the state or the centre, under Section 18 very

clearly it gives you stating that public authorities have no liaison officer, public authorities have not appointed a public information officer. And hence, there is nobody who can actually entertain any right to information from the public authority side, that is the first ground on which a citizen can make a complaint directly to the Information Commission.

Second, the PIO or the public information officer may have been appointed, but does not receive an RTI application, or fails to receive the RTI application, or he tries to create hurdles, delays the receiving of RTI application, or probably harasses a citizen in receiving an RTI application. I think on all these grounds, you will notice that if the RTI application is not received, a public information officer will not pass an order. And hence the appeal process is completely defeated and the citizen will have probably no mechanisms to redress his grievance and hence the only other way that is available to a citizen is to file a complaint.

So, if a public authority through the public information officer, does not receive an RTI application, the citizen can make a complaint under Section 18 to the Information Commission. Very important is ground number three, if the Public Information Officer, while entertaining the RTI application, while processing the RTI application has agreed to provide for the information, however, decides to charge unreasonable fee from the citizen, this kind of action of the public information officer may provide a citizen, the right to complaint.

Interestingly, this is peremptory nature, which means the citizen is not willing to pay the unreasonable fee and then wants the right fee to be adjudicated and determent and hence the citizen goes to the Information Commission and files his complaint. And hence any fee that seems to be unreasonable can be complained for. And kindly note, here we are talking not of the application fee, RTI application fee is provided under the rules and only that fee can be charged by the Public Information Officer.

The normal fee for an RTI application is rupees ten. However, when the information is being processed, in terms of how many pages or what is the fee that is be levied, then that is the time when the Public Information Officer may actually miscalculate, may exaggerate, or may charge higher than what is provided by law. And those kinds of issues need to be addressed by the



Information Commission, what is the reasonable fee, what is the legitimate fee that can be charged before the information is provided for. So, unreasonable fee, especially information fee is something that citizen can prefer a complaint to the Information Commission.

The next ground on which you can prefer a complaint is on the ground that the information has not been provided within a stipulated time. If one looks at Section 7 Sub clause 2 of the Right to Information Act, one would come to this conclusion that there is a concept of what is known as the deemed refusal, which means as we know that it is the duty of the Public Information Officer to provide the information within the stipulated time frame provided in Section 7, which is in the normal course when an application is made to the Public Information Officer, the information has to be provided within 30 days.

Kindly note, if the information is not provided within 30 days, or if there is no communication between the Public Information Officer and the citizen, then this will be a case for deemed refusal which means it has already refused. An order of deemed refusal can be taken into consideration and in all these cases because there is nothing in terms of an appeal that can be made, the citizen after waiting for 30 days can come to the Information Commission and buy a complaint.

Fifth, the citizen alleges that the public authority or the public information officer has deliberately destroyed the said information. Hence, is not providing any order regarding the same or is not passing any jurisdiction regarding or any information is being shared regarding the destroying of the said information and hence if the citizen has enough evidence to allege that there is deliberate destruction of information, that which is not legitimately provided into the public records, then the citizen can also go and complaint to the Information Commission.

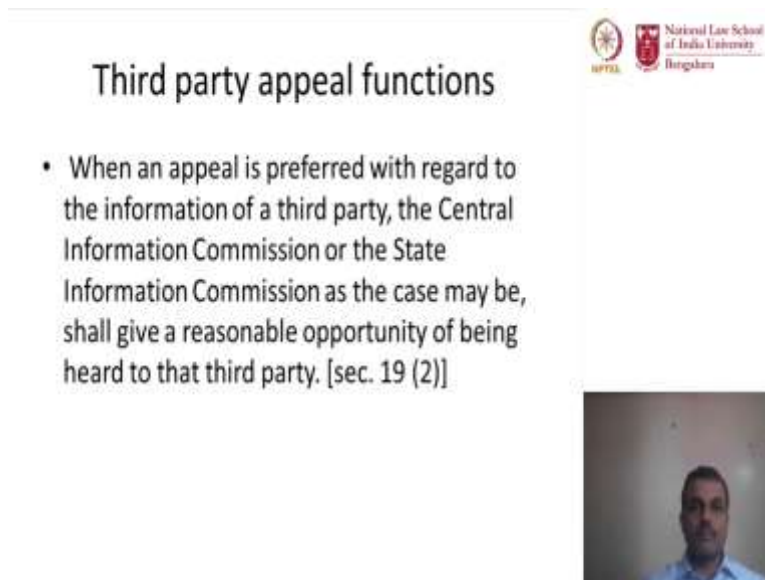
Last but not the least, a citizen can prefer a complaint, then the PIO has not provided the complete information. So, incomplete misleading or false information, which means information is given but it is not the one that the citizen is seeking for. So, it may be false information. It could be misleading information, or it could be incomplete information. In all these 3 instances, kindly note, the PIO may justify that he has satisfied the application and provided the

information, but it is not what the citizen sort for. And hence, what the citizen do in such cases is prefer the complaint.

The procedure to file complaint kindly note, can also be provided by the Information Commission as of it under the act there is no specific format, please note, it could be a complaint that is filed in writing and interestingly, what is the fee for complaint can also be prescribed by the Information Commission. So, these are certain things on the procedure of complaint that the Information Commissions can laid down some kind of regulation from time to time in terms of what is the procedure, what is the format and what is the fee that is required.

Please note, while a complaint is being decided, the Information Commission may under the remedies for complaint, under the adjudication of redressal under the provisions of Section 18 shall probably recommend disciplinary action against the PIO, under the service rule applicable to him. So, when a complaint is being decided, the Information Commission has the power to recommend disciplinary action against the Public Information Officer and this then becomes a very very important power that Information Commissions have while adjudicating their complaint powers.

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The slide features the title "Third party appeal functions" in a large, bold font. Below the title is a single bullet point: "When an appeal is preferred with regard to the information of a third party, the Central Information Commission or the State Information Commission as the case may be, shall give a reasonable opportunity of being heard to that third party. [sec. 19 (2)]". In the top right corner, there is a logo for the National Law School of India University, Bangalore. In the bottom right corner, there is a small video inset showing a man in a blue shirt speaking.

Third party appeal functions. Please note, when a third party prefers an appeal before the Information Commission be it state or centre, he should be provided a reasonable opportunity of

being heard. This is important for us to appreciate and understand that a third-party appeal is not just merely giving him an opportunity to appeal, but a third party can make an adequate representation before the Information Commission as regards his interest that maybe compromised under the RTI Act.

And hence, no case can be finally decided without giving the third party a reasonable opportunity of being heard or presenting his or her views, or his or her case as the case maybe. So, whenever third parties are involved in the appeal process, it is the duty of the Information Commissioners to give a reasonable opportunity to the third party to make or substantiate their point.

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**Court powers during inquiry**

- Powers vested in a Civil Court while trying a suit under the Civil Procedure Code 1908.
- Specific Powers
  - Power to issue Summons
  - Require the discovery and inspection of documents
  - Receiving evidence on affidavit
  - Requisition of public records or copies from any office
  - Issuing summons for examination of witnesses or documents
  - Any other matter which may be prescribed.
- Moreover the IC has the power to examine any record which is under the control of the public authority and the PIO cannot withhold such records from it on any grounds.

What are the court's powers during inquiry? Kindly note, the powers of the Information Commission are the same that are provided under the Civil Procedure Code, 1908. This means the Information Commissioners have similar powers that of an ordinary court. This is the vesting of powers in the Information Commission and this brings in or enhances the responsibility that though they are a quasi-judicial body, though they are a body which is not a proper court, they have no less power when it comes to exercise of those powers that are required for adjudication of dispute or adjudication of grievances under the Right to Information Act.

So, what are the powers under the Civil Procedure Code that are vested in the Information Commission? The specific powers are 1, power to issue summons. The power to require

discovery and inspection of documents, that means they can ask the PIO or the Public Information Officer or the public authority to find the records, that means discovery of the same. Or for an inspection of those documents as the case maybe. Three, Information Commissions can receive evidence on affidavit. They can insist the same and they can actually take affidavits to have or verify certain statements that are made by parties before them.

Information Commission can access any public record or any copy from any office, so they can call for public records as the case maybe. And such public records shall not be within from the purview of the Information Commissions. They can also issue summons for the examination of witnesses, or for the examination of documents. This is a wider power that is available to the Information Commission. So, apart from summoning the parties to the dispute, Information Commission can summon witnesses if required. Finally, any other matter which may be prescribed, or which may be required. So, these are the same powers that ordinary courts have under the Civil Procedure Code more or less, however you will notice the Information Commissions are empowered to organize their hearings as per the power vested with them.

Moreover, kindly note, the Information Commissions have the power to examine records which is under the control of any public authority, not necessarily the public authority which is before them for a dispute. So, it can summon any document from any public authority and no PIO in any public authority can withhold such records from the Information Commission. So, what is the pertinent to the case, definitely the powers rest. What is not pertinent, if required for adjudication of the matter, the Information Commission can call for those records of the same.

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## Power of Information Commission to secure compliance of its decision from the public authority

- Providing access to information in a particular form;
- Directing public authority to appoint PIO, APIO
- Publishing information or categories of information
- Making necessary changes to the practices relating to management, maintenance and destruction of records
- Enhancing training provisions for officials of RTI
- Seeking an annual report from Public Authorities
- Require it to compensate for any loss or other detriment suffered by the applicant
- Impose penalties under this law;
- Reject application



Can the Information Commission secure the compliance of their own decisions? Is it a commission that can enforce its orders? And what powers do Information Commissions have then in this regard? Because they are quasi judicial and they do not have the power of contempt of court, can they go about enforcing their orders on their own selves, that is the question that is proposed to be addressed in this slide?



Now, if you look at the necessary orders that can be passed by the Information Commission to ensure compliance of their own decision, kindly note these are some of the following orders that can ensure compliance. First, providing access to information in a particular form, which means information is provided however that is not provided in the form that is sought for. Kindly note, the Information Commission can order that the information can be provided in that form. So, this is like information is given, however it is required to be given in a particular form.

Second, directing a public authority to appoint PIOs and APIOs, this is something that we have already discussed. This is something very important and if the same is not complied with, the Information Commission can go about taking other measures as required including directing disciplinary action to be taken as well. Publishing information on categories of information, making necessary changes to practice on management and maintenance and destruction of records, enhancing training provisions for the officials of the RTI, this we have discussed, annual report, requiring to compensate and imposing penalties in the file.


So, finally when penalty is being imposed, one would come to this conclusion that this would definitely ensure compliance under the RTI Act and penalty is a very serious provision regarding the decision taken by the Information Commission. So, up to 25000 penalty can be imposed on the public information officer and please note that this is a penalty that will have to be paid by the public information officer in self to addressal, and this is not going to be reimbursed or compensated by the public authority. That brings in the necessary strictness for the implementation of the RTI Act.

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**CIC/SIC: Disclosure norms**

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- 1. Preparation of Annual report
- 2. Receive annual report from Public authorities
  - A. the number of requests made to each public authority;
  - B. the number of decision where applicants were not entitled to access to the documents pursuant to the requests, the provisions of the Act under which these decisions were made and the number of times such provisions were invoked;
  - C. particulars of any disciplinary action taken against any officer in respect of the administration of the Act;
  - D. the amount of charges collected by each public authority under the Act; and
  - E. any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of the Act.
- If it appears to the Central Information Commission that a practice of the public authority in relation to the exercise of its functions under the Act does not conform with the provisions or spirit of the Act, it may give a recommendation to the authority specifying the steps ought to be taken for promoting such conformity. The concerned public authority should take necessary action to bring its practice in conformity with the Act.



What are the disclosure norms vis-à-vis the Information Commissions? think this is an important function that the Information Commissions play and you will notice that the Information Commissions insist on preparation of annual reports. Information Commission insist that public authorities share the annual reports with the Information Commissions. This is probably the mechanism under which the public authorities need to report to the Information Commission about their methods of implementing the RTI or respecting the RTI or facilitating the Right to Information.

On the annual reports that public authorities have to file with the Information Commission, kindly note under the RTI Act, every public authority must send the following information to the Information Commissions. First, how many requests has a public authority received in a given year under the RTI Act. So, how many applications have been made? This is the first thing they have to report or prepare in their annual report. Second, the kind of decisions or number of decisions that were taken, this is fine, however, in how many cases were the applicants not given access to information.

So, how many were given is okay, but how many in which the access was denied, that should be reported. And under what provision of law that was denied, I think this is the very important

information that is required to the Information Commission. So, this has to be documented, this has to be complied and collated by every public authority before the Information Commission.

Three, if there are any disciplinary action that have taken against any officer under or in respect of the RTI Act for any kind of inactions of an individual, the same should be reported to the Information Commission.

Last, the amount of charges collected by each public authority under the Act. This is something that they have to disclose. This has charges in terms of the application fee as well as the information fee. So, roughly to know that what is being paid by the citizen and what is being made out by the public authority under the RTI Act. Also, any fact which indicate any effort by the public authority to administer and implement the spirits and intentions of RTI Act.

So, in case they have taken some special measures, special training programs, they develop a software, they have created an RTI cell that is coordination, all of these, if there are any special efforts that are made by the public authorities to bring the RTI into effect, this can be the best-case study methods for public authorities elsewhere to adopt, the same also should be share with the Information Commission in filing the same by public authorities as an annual report.

Please note, annual reports can be scrutinized by the Information Commissions and based on the scrutiny of the annual reports of the Information Commission, the Information Commission may give recommendations to a public authority as regard what specific steps they ought to take to promote RTI Act, to be in conformity with the spirits and the provisions of the law. And hence, please note annual report is something is Information Commissions are ought to scrutinize, ought to receive, ought to review and ought to pass recommendations.



And hence, this is a very important step under the RTI Act in terms of disclosure norms to the Information Commissions. So, this is neither appeal, this is not complaint, this is some kind of a compliance regarding the regulatory and the administrative power that is granted to the Information Commission under the Right to Information Act.



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**Challenges in the functioning of  
Information Commission**

- 1. not following the doctrine of *precedents*
  - *CIC orders varies from SIC orders*
  - *Within CIC, Information Commissioners giving varying orders without consistency.*
- 2. Summary disposal of cases, without adequate reasoning of law and interpretation and case precedents.
- 3. Inconsistency of judgment writing style or skill.
- 4. Being quasi judicial: limited role in interpretation of the Act.



What are the challenges in the functioning of the Information Commission? I think there are a few. The first is that Information Commissions unfortunately do not follow the bottom of the sea, this is something that we have observed, which means there is no hierarchy between the state Information Commission and the central Information Commission. And hence, what is said about one particular information by the central Information Commission is not necessarily the same thing that is followed by the State Information Commission.

So, State Information Commissions are completely independent and autonomous vis-à-vis their own inter condition about the particular information as against the central Information Commission. So, between state and central government held information, there can be two positions. In one, that it should be given and in another that it should not be given. And hence the law of precedent that is generally followed between the Supreme Court and the High Court, is not followed within the central Information Commission and the state Information Commissions. This is point number one.

Point number two, when it comes to the doctrine of precedent, we always say that once there is a previous judgment, unless otherwise with reasons we cannot deviate. Unfortunately, within the Information Commissioners themselves, the doctrine of precedent is not applied. So, if a previous commissioner has decided on the same matter, the next commissioner completely

diagnoses and decides it on a different rationale without even taking note and consideration of that previous decisions. And hence, unfortunately this has led to a lot of inconsistency in the way the Information Commissions are administering the Right to Information Act.

And hence, the doctrine of precedent unfortunately is not followed, which results in inconsistency, lack of uniformity and lack of predictability, vis-à-vis the way the Information Commission is adjudicating the issues under the Right to Information Act. Second, I think most Information Commissioners are not adequately trained in judgment writing, are not adequately trained to make distinction between complaints and appeals. Many Information Commissioners are summarily disposing of cases with, without any adequate reasoning of law, without any interpretation or any cases of precedent that is applied.

So, how did they arrive at a particular conclusion is never there in their work. So, the decision is very short, probably they do give notices to the parties, but the case is disposed of not in an adequate reasonable manner and there is summary disposal of the cases as if there is a hurry to clear the pending appeals in the Information Commission. There is lack of reasoning as we see in some of the orders of the Information Commission. This is a huge problem and you see that there is inconsistency of judgment writing, style and skill, both are missing in the Information Commission orders. That is because of the lack of training, lack of judicial mind that exist in the Information Commission and most of them are passing it as an administrative order, rather than a judicial order.

Last, I think being quasi-judicial, they have a very limited role in understanding and interpreting the law and the Act. I think that is being a major handicap to the Information Commissioners who are appointed from the non-law background. And their understanding and interpretation of the law in general is an impediment to their actually exercising a good effective role as an Information Commissioner as well. So, these are probably some of the challenges that we face as we review, evaluate the functions of the Information Commission under the Right to Information Act.

