



Mains Practice Question

Q. “The CIC (Central Information Commission) is the highest appellate body under the RTI Act, however it has its own limitations.” In this context, discuss the powers and functions of the CIC. (150 words)

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Approach

- First give a brief introduction of the Central Information Commission
- Show how it acts as the highest appellate body under the RTI Act through its powers and functions
- List out some of its limitations
- Give appropriate conclusion

Introduction

The Central Information Commission(CIC) is a statutory body which was established by the Central Government in 2005 through an Official Gazette Notification under the provisions of the Right to Information Act (2005). The CIC is a high-powered independent body which inter alia looks into the complaints made to it and decides the appeals. It entertains complaints and appeals pertaining to offices, financial institutions, public sector undertakings, etc., under the Central Government and the Union Territories.

Body

The Commission acts as the highest appellate body under the RTI Act and has the following powers and functions:

- It is the duty of the Commission to receive and inquire into a complaint from any person, who has not been able to submit an information request because of non-appointment of a Public Information Officer (PIO) or refused information that was requested; who has not received a response to his information request or who thinks the fees charged are unreasonable or information given is incomplete, misleading or false; and any other matter relating to obtaining information.
- The Commission can order inquiry into any matter if there are reasonable grounds for it (suo-moto power).
- While inquiring, the Commission has the powers of a civil court in respect of such matters like summoning and enforcing the attendance of persons and compelling them to give oral or written evidence on oath and to produce documents or things, etc.
- During the inquiry of a complaint, all public records must be given to the Commission.
- The Commission also has the power to secure compliance of its decisions from the public authority. This includes: directing the public authority to appoint a Public Information Officer where none exists; enhancing training provisions for officials on the Right to Information; seeking an annual report from the public authority on compliance with this Act; imposing penalties under RTI Act etc.
- When a public authority does not conform to the provisions of RTI Act, the Commission may recommend (to the authority) steps which ought to be taken for promoting such conformity.

However, CIC suffers from certain limitations such as:

- Central Government controlling its terms of office, salaries and allowances and other terms and conditions of service
- Non-compliance of CIC orders;
- No centralized database of RTI applicants at the Centre/State level
- Personnel and infrastructural constraints;
- High pendency of cases etc.

Conclusion

Any changes as brought through RTI Amendment Bill 2019 should not defeat the very purpose of installing this autonomous body that judges the correctness of governmental action in denying access to information.

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