

**GOVERNMENT OF INDIA
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA**

UNSTARRED QUESTION NO:1381
ANSWERED ON:04.03.2015
PROSECUTION OF INFORMATION OFFICERS
Sawaikar Shri Advocate Narendra Keshav

Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

- (a) whether the present provisions under the RTI Act are insufficient to prosecute those information officers which are found guilty;
- (b) if so, the details thereof; and
- (c) the steps taken by the Government to bring in suitable legislations to deal with such cases?

Answer

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office.
(DR. JITENDRA SINGH)

(a) & (b): The Right to Information Act, 2005 has several provisions to penalize public authority and/or the Public Information Officer in case of non-supply of information etc. as detailed below:

(i) Under Section 19(8)(b), in its decision, the Information Commission has the power to require the public authority to compensate complainant for any loss or other detriment suffered.

(ii) Under Section 20(1), the Information Commission, at the time of deciding any complaint or appeal, shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, with the total amount of such penalty not exceeding twenty five thousand rupees, if it is of the opinion that the Public Information Officer,

- (a) has refused to receive an application for information without any reasonable cause; or
- (b) has not furnished information within the time specified; or
- (c) malafidely denied the request for information; or
- (d) knowingly given incorrect, incomplete or misleading information; or
- (e) destroyed information which was the subject of the request; or
- (f) obstructed in any manner in furnishing the information.

In addition to the above, under Section 20(2) the Information Commission may also recommend for disciplinary action against such Public Information Officer.

(c): The above provisions are considered adequate for ensuring that provisions of the Right to Information Act are enforced. As such, there is no need to bring in any other legislation for this purpose.