

**GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (GPM & AR) DEPARTMENT**

Letter.No. 3422/RTIA/GPM&AR/2011

Dt. 01 .12.2011.

From
The Special Chief Secretary to Government,
Genl. Admn. (GPM & AR) Dept.,
A.P.Secretariat, Hyderabad.

To
The Secretary,
A.P.Information Commission,
HACA Bhavan,
Hyderabad.

Sir,

Sub:- RTI Act, 2005 – Powers of State Information Commission in summoning the 1st Appellate Authorities by A.P.Information Commission while deciding the appeal filed under section 19 of RTI Act – Regarding.

Ref:- 1.From the Prl.Secretary to Govt., P.E.Dept., Lr.No.1866 / P.E(1)/ A2/ 2010-1, dt.13.12.2010 addressed to CIC, APIC.

2.Law Dept., U.O.No.5645 / LSP / 2011, dt.30.09.2011.

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I am to inform you that sub section 3 of section 19 of RTI Act, 2005 provides that a Second Appeal against the decision under sub-section (1) shall be with the Central / State Information Commission. According to sub-section 8 of section 19 of the said Act the Central / State Information Commission has the power to –

- (a) require the Public Authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including –
 - (i) by providing access to information, if so requested, in a particular form;
 - (ii) by appointing a Central Public Information Officer or State Public Information Officer, as the case may be;
 - (iii) by publishing certain information or categories of information ;
 - (iv) by making necessary changes to its practices in relation to the maintenance , management and destruction of records;
 - (v) by enhancing the provisions of training on the right to information for its officials;
 - (vi) by providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4;

(P.T.O)

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- (b) require the public authority to compensate the complainant for any loss or other detriment suffered;
 - (c) impose any of the penalties provided under this Act;
 - (d) reject the application.
- (9) The Central Information Commission or State Information Commission, as the case may be, shall give notice of its decision, including any right of appeal, to the complainant and the public authority.
- (10) The Central Information Commission or State Information Commission, as the case may be, shall decide the appeal in accordance with such procedure as may be prescribed.

2. Thus as per the above provisions there is no power to summon the Appellate Authorities while hearing and deciding appeals by the Commission under Section 19 of the RTI Act, 2005.

3. I am, therefore, request you to brought the above position to the notice of the A.P.Information Commission.

Yours faithfully,

for Special Chief Secretary to Government

Copy to:

All Spl.Chief Secys / Prl.Secys / Secys to Government
for information.

The IT&C Department (with a request to upload
in the website of A.P.Online and A.P.Portal under
RTI Act).