



Central Information Commission

The Central Information Commission was established by the Central Government in 2005. It was constituted through an Official Gazette Notification under the provisions of the Right to Information Act (2005). Hence, it is not a constitutional body.

The Central Information Commission is a high-powered independent body which inter alia looks into the complaints made to it and decide the appeals. It entertains complaints and appeals pertaining to offices, financial institutions, public sector undertakings, etc., under the Central Government and the Union Territories.

COMPOSITION

The Commission consists of a Chief Information Commissioner and not more than ten Information Commissioners¹. They are appointed by the President on the recommendation of a committee consisting of the Prime Minister as Chairperson, the Leader of Opposition in the Lok Sabha and a Union Cabinet Minister nominated by the Prime Minister². They should be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance. They should not be a Member of Parliament

or Member of the Legislature of any State or Union Territory. They should not hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

TENURE AND SERVICE CONDITIONS

The Chief Information Commissioner and an Information Commissioner hold office for a term of 5 years or until they attain the age of 65 years, whichever is earlier. They are not eligible for reappointment³.

The President can remove the Chief Information Commissioner or any Information Commissioner from the office under the following circumstances :

- (a) if he is adjudged an insolvent; or
- (b) if he has been convicted of an offence which (in the opinion of the President) involves a moral turpitude; or
- (c) if he engages during his term of office in any paid employment outside the duties of his office; or
- (d) if he is (in the opinion of the President) unfit to continue in office due to infirmity of mind or body; or
- (e) if he has acquired such financial or other interest as is likely to affect prejudicially his official functions.

In addition to these, the President can also remove the Chief Information Commissioner or any Information Commissioner on the ground of proved misbehaviour or incapacity⁴. However, in these cases, the President has to refer the matter to the Supreme Court for an enquiry. If the Supreme Court, after the enquiry, upholds the cause of removal and advises so, then the President can remove him.

The salary, allowances and other service conditions of the Chief Information Commissioner are similar to those of the Chief Election Commissioner and that of the Information Commissioner are similar to those of an Election Commissioner. But, they cannot be varied to his disadvantage during service.

POWERS AND FUNCTIONS

The powers and functions of the Central Information Commission are:

1. It is the duty of the Commission to receive and inquire into a complaint from any person:
 - (a) who has not been able to submit an information request because of non-appointment of a Public Information Officer;
 - (b) who has been refused information that was requested;
 - (c) who has not received response to his information request within the specified time limits;
 - (d) who thinks the fees charged are unreasonable;
 - (e) who thinks information given is incomplete, misleading or false; and
 - (f) any other matter relating to obtaining information.
2. The Commission can order inquiry into any matter if there are reasonable grounds (suo-moto power).
3. While inquiring, the Commission has the powers of a civil court in respect of the following matters:
 - (a) summoning and enforcing attendance of persons and compelling them to give oral or written evidence on oath and to produce documents or things;
 - (b) requiring the discovery and inspection of documents;
 - (c) receiving evidence on affidavit;
 - (d) requisitioning any public record from any court or office;
 - (e) issuing summons for examination of witnesses or documents; and
 - (f) any other matter which may be prescribed.
4. During the inquiry of a complaint, the Commission may examine any record which is under the control of the public authority and no such record may be withheld from it on any grounds. In other words, all public records must be given to the Commission during inquiry for examination.
5. The Commission has the power to secure compliance of its decisions from the public authority. This includes:
 - (a) providing access to information in a particular form;
 - (b) directing the public authority to appoint a Public Information Officer where none exists;
 - (c) publishing information or categories of information;
 - (d) making necessary changes to the practices relating to management, maintenance and destruction of records;

- (e) enhancing training provision for officials on the right to information;
 - (f) seeking an annual report from the public authority on compliance with this Act;
 - (g) requiring the public authority to compensate for any loss or other detriment suffered by the applicant;
 - (h) imposing penalties under this Act⁵; and
 - (i) rejecting the application.
6. The Commission submits an annual report to the Central Government on the implementation of the provisions of this Act. The Central Government places this report before each House of Parliament.
 7. When a public authority does not conform to the provisions of this Act, the Commission may recommend (to the authority) steps which ought to be taken for promoting such conformity.

Table 55.1 *National Commissions / Central Bodies and the Related Ministries*

| <i>Sl. No.</i> | <i>Commission / Body</i> | <i>Falls Under</i> |
|----------------|---------------------------------|--|
| 1. | Central Information Commission | Ministry of Personnel |
| 2. | Finance Commission | Ministry of Finance |
| 3. | Union Public Service Commission | Ministry of Personnel |
| 4. | Inter-State Council | Ministry of Home Affairs |
| 5. | Staff Selection Commission | Ministry of Personnel |
| 6. | National Commission for SCs | Ministry of Social Justice & Empowerment |
| 7. | National Commission for STs | Ministry of Tribal Affairs |
| 8. | Central Vigilance Commission | Ministry of Personnel |
| 9. | Zonal Councils | Ministry of Home Affairs |
| 10. | Central Bureau of Investigation | Ministry of Personnel |

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| 11. | National Investigation Agency | Ministry of Home Affairs |
| 12. | Commissioner for Linguistic Minorities | Ministry of Minority Affairs |
| 13. | National Commission for Protection of Child Rights | Ministry of Women and Child Development |
| 14. | National Commission for Backward Classes | Ministry of Social Justice & Empowerment |
| 15. | Central Commissioner for Disabled Persons | Ministry of Social Justice & Empowerment |
| 16. | Central Social Welfare Board | Ministry of Women and Child Development |
| 17. | North Eastern Council | Ministry of Development of the North Eastern Region |
| 18. | Central Administrative Tribunal | Ministry of Personnel |
| 19. | National Commission for Minorities | Ministry of Minority Affairs |
| 20. | National Human Rights Commission | Ministry of Home Affairs |
| 21. | National Commission for Women | Ministry of Women and Child Development |

NOTES AND REFERENCES

1. The Commission, when constituted initially, had five Commissioners including the Chief Information Commissioner. The Government has subsequently strengthened the Commission and it has now eight Information Commissioners headed by the Chief Information Commissioner.

Annual Report 2011-2012, Ministry of Personnel, Government of India, P.138.

2. Where the Leader of Opposition in the Lok Sabha has not been

recognized as such, the Leader of the single largest group in opposition of the Government in the Lok Sabha shall be deemed to be the Leader of the Opposition.

3. The Information Commissioner is eligible for appointment as Chief Information Commissioner but cannot hold office for more than a total of five years including his term as Information Commissioner.
4. He is deemed to be guilty of misbehaviour, if he is concerned or interested in any contract or agreement made by the Central Government or participates in any way in the profit of such contract or agreement or in any benefit or emolument arising there from otherwise than as a member and in common with the other members of an incorporated company.
5. The Commission can impose a penalty on the Public Information Officer at the rate of ₹250 per day upto a maximum of ₹25,000. It can also recommend for disciplinary action against the errant official.