

## 57 Central Information Commission

**T**he 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 Commissioners. The Commission, when constituted initially, had five commissioners including the Chief Information Commissioner. At present (2019), the Commission has six Information Commissioners apart from the Chief Information Commissioner<sup>1</sup>. 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 Minister<sup>2</sup>. 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 shall hold office for such term as prescribed by the Central Government or until they attain the age of 65 years, whichever is earlier. They are not eligible for reappointment<sup>3</sup>.

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 incapacity<sup>4</sup>. 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 and an Information Commissioner shall be such as prescribed by the Central Government. 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 Act<sup>5</sup>; 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 57.1** *National Commissions / Central Bodies and the Related Ministries*

Sl. No.	Commission / Body	Falls Under
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
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
22.	Good and Services Tax Council	Ministry of Finance
23.	Lokpal	Ministry of Personnel
24.	National Investigation	Ministry of Home Affairs

Agency		
25.	National Disaster Management Authority	Ministry of Home Affairs
26.	Attorney General of India	Ministry of Law and Justice
27.	Solicitor General of India	Ministry of Law and Justice
28.	Law Commission of India	Ministry of Law and Justice
29.	Election Commission of India	Ministry of Law and Justice
30.	Delimitation Commission of India	Ministry of Law and Justice

## NOTES AND REFERENCES

1. Annual Report 2018–2019, Ministry of Personnel, Government of India, p. 144.
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.