

AS INTRODUCED IN THE RAJYA SABHA
ON 6TH DECEMBER, 2019

Bill No. LII of 2019

THE RIGHT TO INFORMATION (AMENDMENT) BILL, 2019

A

BILL

further to amend the Right to Information Act, 2005

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called The Right to Information (Amendment) Act, 2019.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2 of 2005. 5

2. In the Right to Information Act, 2005 (hereinafter referred to as the principal Act), in section 13,—

Amendment of section 13.

(a) in sub-section (1) after first proviso, the following proviso shall be inserted, namely,—

"Provided further that the term of office of the Chief Information Commissioner shall not be less than the term of office of an Information Commissioner appointed under sub-section (3) of section 12."

10

(b) in sub-section (2), after second proviso, the following proviso shall be inserted, namely,—

15

"Provided also that the term of office of every Information Commissioner appointed under sub-section (3) of section 12 shall be identical."

(c) in sub-section (5), for the words "shall be as may be prescribed", the words "shall be may be uniformly prescribed" shall be substituted.

Amendment
of section 16.

3. In section 16 of the principal Act,—

(a) in sub-section (1), after first proviso the following proviso shall be inserted,
namely,—

5

"Provided further that the term of office for the State Chief Information Commissioner shall not be less than the term of office of a State Information Commissioner appointed under sub-section (3) of Section 15."

(b) in sub-section (2), after second proviso the following proviso shall be inserted, namely,—

10

"Provided also that the term of office of every State Information Commissioner appointed under sub-section (3) of section 15 shall be identical."

(c) in sub-section (5), for the words "shall be such as may be prescribed", the words "shall be such as may be uniformly prescribed" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The recent Right to Information (Amendment) Act, 2019 passed in the 249th Session of the Rajya Sabha modified the terms and conditions of employment for the Information Commissioners at the Central and State Levels. The amended Act now allows for the Central Government to prescribe the term of office of the Information Commissioners at all levels, and to also determine their salaries, allowances, and other conditions of service.

However, there is a need to further clarify and strengthen the appointment process of all Information Commissioners by ensuring uniformity in the terms and conditions of appointments to the positions of the Central and State level Information Commissions under the Act.

This Bill seeks to achieve the above mentioned objective.

DR. AMAR PATNAIK.

ANNEXURE

EXTRACTS FROM THE RIGHT TO INFORMATION ACT, 2005

13. (J) The Chief Information Commissioner shall hold office for such term as may be prescribed by the Central Government and shall not be eligible for reappointment:

Provided that no Chief Information Commissioner shall hold office as such after he has attained the age of sixty-five years.

(2) Every Information Commissioner shall hold office for such term as may be prescribed by the Central Government or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such Information Commissioner;

Provided that every Information Commissioner shall, on vacating his office under this sub-section be eligible for appointment as the Chief Information Commissioner in the manner specified in sub-section (3) of section 12:

Provided further that where the Information Commissioner is appointed as the Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the Information Commissioner and the Chief Information Commissioner.

*** * *** * ***

(5) The salaries and allowances payable to and other terms and conditions of service of the Chief Information Commissioner and the Information Commissioners shall be such as may be prescribed by the Central Government:

Provided that the salaries, allowances and other conditions of service of the Chief Information Commissioner or the Information Commissioners shall not be varied to their disadvantage after their appointment:

Provided further that the Chief Information Commissioner and the Information Commissioners appointed before the commencement of the Right to Information (Amendment) Act, 2019 shall continue to be governed by the Provisions of this Act and the rules made thereunder as if the Right to Information (Amendment) Act, 2019 has not come into force.

* * *

16. (I) The State Chief Information Commissioner shall hold office for such term as may be prescribed by the Central Government and shall not be eligible for reappointment:

Provided that no State Chief Information Commissioner shall hold office as such after he has attained the age of sixty-five years.

(2) Every State Information Commissioner shall hold office for such term as may be prescribed by the Central Government or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such State Information Commissioner;

Provided that every State Information Commissioner shall, on vacating his office under this sub-section, be eligible for appointment as the State Chief Information Commissioner in the manner specified in sub-section (3) of section 15;

Provided further that where the State Information Commissioner is appointed as the State Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the State Information Commissioner and the State Chief Information Commissioner.

* * * * *

(5) The salaries and allowances payable to and other terms and conditions of service of the State Chief Information Commissioner and the State Information Commissioners shall be such as may be prescribed by the Central Government:

Provided that the salaries, allowances and other conditions of service of the State Chief Information Commissioner and the State Information Commissioners shall not be varied to their disadvantage after their appointment:

Provided further that the State Chief Information Commissioner and the State Information Commissioners appointed before the commencement of the Right to Information (Amendment) Act, 2019 shall continue to be governed by the provisions of this Act and the rules made thereunder as if the Right to Information (Amendment) Act, 2019 had not come into force.

RAJYA SABHA

A

BILL

further to amend the Right to Information Act, 2005.

(Dr. Amar Patnaik, M.P.)