



KAMARAJ IAS ACADEMY
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Central Information Commission - 2024

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Why in news?

The Central Information Commission (CIC) has advised the Thiruvananthapuram division of Southern Railway to *disclose the list of employees who have secured jobs under the category of people with disabilities*, amid concern about fake disability certificates.

The Central Information Commission (CIC), a statutory body in India.

It is a move towards a **more open and responsive administration in India.**

It is entrusted with the **crucial responsibility of upholding the Right to Information (RTI) Act of 2005**, it stands as a **beacon of transparency and accountability in the governance framework** of India.

About Central Information Commission (CIC)

- The **Central Information Commission (CIC)** is a **statutory body in India**, established under the **provisions of the Right to Information Act (2005)**.
- Thus, it is **not a constitutional body**.
- It functions as the overseer for **implementing the RTI Act** in the organizations of the **Central Government as well as Union Territories (UTs)**.
- It looks into the **complaints** made to it and decides the **appeals** regarding matters related to the RTI Act and pertaining to the public offices under the **Central Government** and the **UTs**.
- The **Headquarters** of CIC is in **New Delhi**.

Composition of Central Information Commission (CIC)

- The Central Information Commission consists of a **Chief Information Commissioner** and **not more than ten Information Commissioners**.
- They are **appointed by the President** on the recommendation of a **Committee** consisting of:
 - The **Prime Minister** as the Chairperson,
 - The **Leader of Opposition** in the Lok Sabha, and
 - A **Union Cabinet Minister** nominated by the Prime Minister.

Qualifications of Members of CIC

- The Chief Information Commissioner and the Information Commissioners should be **persons of eminence in public life with wide knowledge and experience in**
 - Law,
 - Science, and Technology,
 - Social service,
 - Management,

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Plot A P.127, AF block, 6 th street, 11th Main Rd, Shanthy Colony, Anna Nagar, Chennai, Tamil Nadu 600040

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- Journalism,
- Mass media,
- Administration and governance.
- They **should NOT be**
- A **Member of Parliament** or **Member of the Legislature** of any State or Union Territory.
- **Holding any other office of profit**
- Connected with any **political party**
- **Carrying on any business** or pursuing any profession.

Tenure of Members of CIC

- The Chief Information Commissioner and an Information Commissioner hold office for such **term as prescribed by the Central Government** until they attain the **age of 65 years**, whichever is earlier.
- The **Chief Information Commissioner** as well as **Information Commissioners** are **not eligible for reappointment**.
- An **Information Commissioner is eligible for appointment as Chief Information Commissioner** for a tenure such that the **total tenure** including his/her term as Information Commissioner **does not exceed five years**.

Removal of Members of CIC

- The **President can remove** the Chief Information Commissioner or any Information Commissioner from the office **if he/she:**
- Is **adjudged insolvent**.
- Has **been convicted of an offense** which, in the opinion of the President, involves **moral turpitude**.
- Engages, during his term of office, in any **paid employment outside the duties of his office**.
- Is, in the opinion of the President, **unfit** to continue in office due to **infirmity of mind or body**.
- Has **acquired such financial or other interest** as is likely to affect prejudicially his official functions.
- **In addition to the above circumstances**, the President can also remove the Chief Information Commissioner or any Information Commissioner on the grounds of **proved misbehaviour or incapacity**.
- **However**, in such cases, the President has to **refer the matter to the Supreme Court** for an enquiry.
- If the Supreme Court, after the inquiry, upholds the cause of removal and advises so, then the President can remove him.

Salary and Service Conditions of CIC

- 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**.
- Their salary and service conditions **cannot be varied to their disadvantage** during the service.

Functions of CIC

- The Commission is required **to receive and inquire into a complaint** from any person:
- Who has not been able to submit an information request because of the **non-appointment of a Public Information Officer**,
- Who has been **refused information** that was requested,
- Who has **not received a response** to his information request **within the specified time limits**,
- Who **thinks the fees charged are unreasonable**,
- Who thinks the **information given is incomplete**, misleading or false, and
- **Any other matter** relating to obtaining information.

- 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 the Parliament.**

Powers of CIC

- The Commission **can suo-moto order an inquiry** into any matter if there are reasonable grounds.
- While inquiring, the Commission has the **powers of a Civil Court** in respect of the following matters:
 - **Summoning and enforcing the attendance of persons** and compelling them to give oral or written evidence on oath and to produce documents or things
 - **Requiring the discovery and inspection of documents**
 - **Receiving evidence** on affidavit,
 - **Requisitioning any public record** from any court or office,
 - **Issuing summons for examination of witnesses** or documents, and
 - Any other matter which may be prescribed.
- During the inquiry of a complaint, the Commission **may examine any record** that 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.
- The Commission has the **power to secure compliance of its decisions from the public authority**. This includes:
 - Providing access to information in a particular form,
 - Directing the public authority to appoint a Public Information Officer where none exists,
 - Publishing information or categories of information,
 - Making necessary changes to the practices relating to management, maintenance, and destruction of records,
 - Enhancing training provision for officials on the right to information,
 - Seeking an annual report from the public authority on compliance with this Act.
 - Requiring the public authority to compensate for any loss or other detriment suffered by the applicant,
 - Imposing penalties under this Act, and
 - Rejecting the application.
- When a public authority does not conform to the provisions of this Act, the Commission may recommend to the authority steps that ought to be taken to promote such conformity.

State Information Commission (SIC)

- The State Information Commission (SIC) is a **statutory body in India**, established under the provisions of the **Right to Information Act (2005)**.
- Thus, it is **not a constitutional body**.
- It functions as the **overseer for implementing the RTI Act** in the organizations of the concerned **State Government**.
- It looks into the **complaints** made to it and decides the **appeals** regarding matters related to the RTI Act and pertaining to the public offices under the concerned State Government.

Composition of the State Information Commission (SIC)

- The State Information Commission consists of a **State Chief Information Commissioner (SCIC) and not more than ten State Information Commissioners (SIC)**.
- They are **appointed by the Governor** on the recommendation of a **Committee** consisting of:
 - The **Chief Minister** as the Chairperson,
 - The **Leader of the Opposition** in the State Legislative Assembly, and
 - A **State Cabinet Minister** nominated by the Chief Minister.

Qualifications of SIC

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- The State Chief Information Commissioner and State Information Commissioners should be **persons of eminence in public life with wide knowledge and experience in:**
- Law,
- Science and Technology,
- Social service,
- Management,
- Journalism,
- Mass media,
- Administration and governance.
- They **should NOT be**
- A **Member of Parliament** or **Member of the Legislature of any State** or Union Territory.
- Holding any other **office of profit**
- Connected with any **political party**
- Carrying on any **business** or pursuing any profession.

Tenure of Members of SIC

- The State Chief Information Commissioner and a State Information Commissioner shall hold office for such **terms prescribed by the Central Government until** they attain the **age of 65 years**, whichever is earlier.
- The State **Chief Information Commissioner** as well as State **Information Commissioner** are **not eligible for reappointment.**
- The **State Information Commissioner** is **eligible for appointment as State Chief Information Commissioner** for a tenure such that the **total tenure** including his/her term as Information Commissioner **does not exceed five years.**

Removal of SIC

- The **Governor can remove** the State Chief Information Commissioner or any State Information Commissioner from the office **if he/she:**
- Is adjudged insolvent,
- Has been convicted of an offense, which in the opinion of the Governor, involves moral turpitude,
- Engages, during his term of office, in any paid employment outside the duties of his office,
- Is, in the opinion of the Governor, unfit to continue in office due to infirmity of mind or body,
- Has acquired such financial or other interest as is likely to affect prejudicially his official functions.
- **In addition to the above circumstances**, the Governor can also remove the State Chief Information Commissioner or any State Information Commissioner on the grounds of proved misbehavior or incapacity.
- However, in such cases, the Governor 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 Governor can remove him.

Right to Information (RTI) Act of 2005

About the RTI Act of 2005

- The Right to Information (RTI) Act of 2005 **gives Indian citizens the legal right to access information** held by government bodies and public authorities, subject to certain exceptions and limitations.
- It **aims to promote transparency and accountability** in the functioning of public authorities.
- It **replaced** the former **Freedom of Information Act of 2002.**

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– It **seeks to implement the Right To Information**, contained in **the fundamental right of Freedom of Speech and Expression (Article 19)**.

Objectives of the RTI Act of 2005

- To empower citizens to question and seek information from the government.
- To promote transparency and accountability in the working of the government.
- To contain corruption in the government.
- To make the citizens better-informed who would keep necessary vigil about the functioning of the government machinery.

Issues in the implementation of the RTI Act of 2005

- Non-compliance in proactive disclosure of information by some public authorities.
- The hostile attitude of Public Information Officers (PIOs) toward citizens seeking information and misinterpret provisions of the RTI Act to withhold information.
- There is ambiguity regarding what constitutes public interest and how it balances with the Right to Privacy.
- Lack of political will and inadequate infrastructure for processing information requests.
- Citizens face frequent rejections of their information requests, especially on matters of public importance.
- RTI activists and applicants may face threats and harassment as a means to suppress their efforts to uncover information and hold authorities accountable.

Right to Information (Amendment) Act of 2019

The Right to Information (Amendment) Act of 2019 has brought significant changes to the tenure, salary, and service conditions of the Chief Information Commissioner (CIC) and Information Commissioners (ICs) at both central and state levels in India.

The **changes w.r.t. Central Information Commission** are listed as below:

– **Tenure of Office**– The Amendment empowered the **Central Government to determine** the term of office for the Chief Information Commissioner and Information Commissioners.

a **Earlier**, their **term** was fixed for **5 years**.

– **Salary and Service Conditions**– The Amendment empowered the **Central Government to determine** the salary, allowances, and other service conditions of the Chief Information Commissioner and an Information Commissioner.

a **Earlier**, the salary, allowances, and other service conditions of the **Chief Information Commissioner** were **similar to** those of the **Chief Election Commissioner** and that of an Information Commissioner were **similar to** those of an **Election Commissioner**.

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–Removal of Deductions in Salary– The Amendment removed the provisions for deductions in the salary of the Central **Information Commissioner** and Information Commissioners due to pension or retirement benefits received from previous government service.

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