

# BA.LL.B VIII SEM

RIGHT TO INFORMATION ACT 2005

# CENTRAL INFORMATION COMMISSION

## SECTION 12:-

- Central Information Commission (CIC) to be constituted through Gazette Notification with immediate effect.
- CIC includes 1 Chief Information Commissioner (CIC) and not more than 10 Information Commissioners (IC) who will be appointed by the President of India.
- Oath of Office will be administered by the President of India according to the form set out in the Schedule.
- It will be based in Delhi. Other offices may be established in other parts of the country with approval from the Central Government.
- CIC will exercise its powers autonomously without being subject to directions by any other authority.

# APPOINTMENT PROCESS AND QUALIFICATIONS :

## SECTION 12

- Appointment Committee includes Prime Minister (Chairperson), Leader of the Opposition in the Lok Sabha and one Cabinet minister to be nominated by the Prime Minister. (if there is no Leader of Opposition then the Leader of the single largest group in Opposition in the Lok Sabha will sit on the Committee)
- Candidates must be eminent person in public life with knowledge and experience in law, science, technology social service, management, journalism mass media or administration and governance.
- 3) No MP or MLA can be appointed CIC or IC during their term of service. They will have to give up that post upon appointment to the Information Commission.

# Central information commission terms of service section12

- CIC appointed for 5 years from date of entering office. IC will remit office upon attaining 65 years of age even if the term of office is not completed.
- CIC is not eligible for reappointment.
- Term may be extended by one more year if recommended by the Appointment Committee.
- Salary will be of the same level as that of the Chief Election Commissioner. This will not be varied to the disadvantage of the CIC during service.
- If candidate is a pensioner at the time of appointment his /her pension will be part of that salary.
- After end of term CIC will be eligible for appointment to other offices of government.

# Information commission terms of service: section 13

- ❖ IC will be appointed for a five-year term. IC will remit office upon attaining 65 years of age even if the term of office is not completed.
- ❖ Salary will be of the same level as that of the Election Commissioner. This will not be varied to the disadvantage of the IC during service.
- ❖ If candidate is a pensioner at the time of appointment his /her pension will be part of that salary.
- ❖ IC is eligible for appointment as CIC but will not hold office for more than a total of five years including his/her term as IC.
- ❖ After end of term IC will be eligible for appointment to other offices of government.

# Removal of central information commission: section 14

- ❖ Can be removed on grounds of misbehaviour or incapacity. Making profit from a Governmental contract or a private contract during term of office constitutes misbehaviour. [But making gains from investment in companies like other people is allowed.]
- ❖ President may make a reference to the Supreme Court to inquire into misbehaviour or incapacity.
- ❖ If Supreme Court recommends removal on such grounds then CIC or IC may be removed from office by order of the President.

# Removal of central information commission: section 14

- ❖ But President may also order removal of IC or DIC without reference to the Supreme Court on grounds of :-
  - a) insolvency
  - b) convicted of an offence involving moral turpitude
  - c) takes up any paid job outside official duties during the term of office
  - d) infirmity of body or mind
  - e) has acquired financial or other interest which is likely to affect his/her functioning as CIC or IC.
- To be continued.....