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BA.LL.B VIII SEM

RIGHT TO INFORMATION ACT 2005

REMOVAL OF CHIEF INFORMATION COMMISSIONER OR INFORMATION COMMISSIONER SEC. 14

- ❑ Subject to the provisions of sub-section (3), the Chief Information Commissioner or any Information Commissioner shall be removed from his office only by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the Chief Information Commissioner or any Information Commissioner, as the case may be, ought on such ground be removed.
- ❑ The President may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the Chief Information Commissioner or Information Commissioner in respect of whom a reference has been made to the Supreme Court under sub-section (1) until the President has passed orders on receipt of the report of the Supreme Court on such reference.

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- ❑ Notwithstanding anything contained in sub-section (1), the President may by order remove from office the Chief Information Commissioner or any Information Commissioner if the Chief Information Commissioner or a Information Commissioner, as the case may be,—
 - Is adjudged an insolvent; or
 - Has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or
 - Engages during his term of office in any paid employment outside the duties of his office; or
 - Is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or

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- Has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Information Commissioner or a Information Commissioner.
- If the Chief Information Commissioner or a Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of India or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehaviour.

THE STATE INFORMATION COMMISSION

SECTION 15

CONSTITUTION OF STATE INFORMATION COMMISSION:-

- Every State Government shall, by notification in the Official Gazette, constitute a body to be known as the (name of the State) Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.
- The State Information Commission shall consist of—
 1. the State Chief Information Commissioner, and
 2. such number of State Information Commissioners, not exceeding ten, as may be deemed necessary.
- The State Chief Information Commissioner and the State Information Commissioners shall be appointed by the Governor on the recommendation of a committee consisting of—

CONSTITUTION OF STATE INFORMATION COMMISSION:-

- (i) the Chief Minister, who shall be the Chairperson of the committee;
- (ii) the Leader of Opposition in the Legislative Assembly; and
- (iii) a Cabinet Minister to be nominated by the Chief Minister

Explanation—

For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the Legislative Assembly has not been recognised as such, the Leader of the single largest group in opposition of the Government in the Legislative Assembly shall be deemed to be the Leader of Opposition.

TO BE CONTINUED.....