

Central Information Commission

The Central Information Commission is an important authority in India needed for the smooth functioning of democracy and good governance.

The Chief Information Commission (CIC) is the authorised body in India to act upon complaints received from individuals who have been unable to submit requests of information to a Central or State Public Information Officer due to either the officer not having been appointed, or the respective officer refused to entertain the application under the Right to Information Act (RTI Act).

The CIC was constituted with effect from 12th October 2005 under the RTI Act 2005. Its jurisdiction extends upon all central public authorities.

Central Information Commission Composition

The CIC is headed by the Chief Information Commissioner. He/she is assisted by ten Information Commissioners. The Chief Information Commissioner holds the office for five years. The current Chief Information Commissioner is Sudhir Bhargava.

The commissioners are appointed by the President of India on the recommendation of a committee comprising of: Prime Minister (Chairperson), Leader of the Opposition in the Lok Sabha, and a Union Cabinet Minister nominated by the PM.

Role of Central Information Commission

1. Order enquiry into any matter on reasonable grounds only.
2. Secure compliance of its decisions from any public authority.
3. Receive and inquire into a complaint from any person:
 - Who has not received any response to his request for information within a specified time
 - Who deems the information given to him/her incomplete, false or misleading, and any other matter related to securing the information
 - Who has been unable to submit a request for information due to the non-appointment of an officer
 - Who considers the fees so charged unreasonable
 - Who was refused the information requested
4. The commission has the power to examine any record under the control of the public authority. All such records have to be given to the Commission during examination and nothing shall be withheld.
5. During inquiries, the CIC has the powers of a civil court, such as the powers to:
 - Summon and enforce the attendance of persons, and compel them to give oral or written evidence on oath and produce documents or things
 - Require the discovery and inspection of documents
 - Receive evidence on affidavit
 - Requisition public records or copies from any office or court
 - Issue summons for the examination of documents or witnesses
 - Any other matter that may be prescribed
6. The CIC also submits an annual report to the GOI on the implementations of the provisions of the Act. This report is then placed before both the Houses of Parliament.

The State Information Commission

1. The State Information Commission is a quasi judicial body.
2. The Right to Information Act of 2005 provides for the creation of not only the Central Information Commission but also a State Information Commission at the state level.
3. Accordingly, all the states have constituted the State Information Commissions through Official Gazette Notifications.
4. The State Information Commission is a high powered independent body which inter-alia looks into the complaints made to it and decide the appeals.
5. It entertains complaints and appeals pertaining to offices, financial institutions, public sector undertakings, etc., under the concerned state government.
6. The Commission consists of a State Chief Information Commissioner and not more than ten State Information Commissioners.
7. They are appointed by the Governor on the recommendation of a committee consisting of the Chief Minister as Chairperson, the Leader of Opposition in the Legislative Assembly and a State Cabinet Minister nominated by the Chief Minister.
8. 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.
9. 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.

Quasi Judicial Powers and Functions of SIC

The quasi judicial powers and functions of the State Information Commission are:

1. It is the duty of the Commission to receive and inquire into a complaint from any person:
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 civil matters:
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.
6. The Commission submits an annual report to the State Government on the implementation of the provisions of this Act. The State Government places this report before the State Legislature.

PRELIMS :

STATE INFORMATION COMMISSION

Introduction

It is an independent, statutory committee formed under the RTI Act to ensure freedom of information to citizens. It has jurisdiction over state government bodies, PSU and authorities.

Composition:

It has chief information commissioner and up to 10 information commissioners. All are appointed by the governor on recommendation of chief minister, cabinet minister nominated by him and leader of opposition in legislative assembly.

Qualification:

Qualification for membership to commission are persons should person of eminence in public life with experience in field of law, science and technology, governance, social service, management, journalism, mass media or administration. They should not be MP / MLA's or connected to any political party, doing some business/ profession or holding office of profit.

Term:

They hold office till age of 65 or 5 years. The information commissioner is eligible for post of state chief information commissioner but can be in office for maximum 5 years including his tenure of information commissioner.

Removal:

Removal is done by governor on grounds of bankruptcy, unsound mind, infirmity of body or mind, sentenced to imprisonment for a crime, or engages in paid employment.

He can also be removed for proved misbehavior or incapacity if SC inquiry finds him guilty. They can resign by writing to governor.

Powers and functions:

1. Acts as second appellate authority for RTI applications.
2. Inquires into complaints under RTI Act
3. Have powers of a civil court. No public record can be withheld from it during inquiry of complaints.
4. Can secure compliance of its orders from a public authority
5. Submits annual reports to the state govt which are tabled before the house.
6. Commission can recommend steps to be taken by an authority to become complaint under RTI.