This is regarding selection and appointment of Chief Information Commissioner and Central Information Commissioners in the Central Information Commission to be constituted under the Right to Information Act, 2005.

2. The Right to Information Bill, 2004 was introduced in the Lok Sabha on 23rd December, 2004. The Bill was subsequently passed by the House on 11th May, 2005 after adopting certain amendments. The Bill was later passed by the Rajya Sabha on 12th May, 2005 and now awaits the assent of the President.

3. Section 12 of the Act provides that:

(i) The Central Information Commission shall consist of:
   (a) the Chief Information Commissioner, and
   (b) such number of Central Information Commissioners not exceeding ten as may be deemed necessary

(ii) The Chief Information Commissioner and Information Commissioners shall be appointed by the President on the recommendation of a Committee consisting of:
   (a) the Prime Minister, who shall be the Chairperson of the Committee,
   (b) the Leader of Opposition in the Lok Sabha; and
   (c) a Union Cabinet Minister to be nominated by the Prime Minister

(iii) The Chief Information Commissioner and Information Commissioners shall 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.

(iii) The Chief Information Commissioner or an Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or Union Territory, as the case may be, or hold any other office of profit or connected with any
political party, carrying on any business or pursuing any profession.

4. The headquarters of the Central Information Commission shall be at Delhi.

5. Section 13 of the Act stipulates that the Chief Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment:

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

6. Every Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office 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 further 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 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.

7. The salaries and allowances payable to and other terms and conditions of service of:

“(a) the Chief Information Commissioner shall be the same as that of the Chief Election Commissioner;

(b) an Information Commissioner shall be the same as that of an Election Commissioner.”

Provided that if the Chief Information Commissioner or an Information Commissioner, at the time of his appointment is, in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the service as
the Chief Information Commissioner or an Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

Provided further that if the Chief Information Commissioner or an Information Commissioner if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or the State Act or a Government Company owned or controlled by the Central Government or State Government, his salary in respect of the service as the Chief Information Commissioner or the Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

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

8. The Chief Information Commissioner and Central Information Commissioners are to be selected and appointed before the notification for constituting the Central Information Commission is issued, as provided under sub-section (1) of Section 12 of the Act.

9. A list of persons of eminence to be considered for selection as Chief Information Commissioner and Central Information Commissioners is to be prepared.

10. The file is submitted for selection and appointment of the Chief Information Commissioner and Central Information Commissioner as per the provisions of the Act.
From pre-page.

This is regarding selection and appointment of Central Chief Information Commissioner and other Central Information Commissioners. A list of eminent persons in various fields has to be drawn up and placed before the committee headed by the Prime Minister. MOS (PP) may kindly see for directions.

Secretary (P)

MOS (PP)  The Commission will come into being with the appointment of the Chief Information Commissioner for the time being we may limit ourselves only to the appointment of CIC. The other members of the Commission may be appointed later. The appointment of CIC is to be completed by the middle of October when the period of 120 days after the coming into force of the RTI Act expires. In the meantime, other required preparation under the Act shall be completed.

Humble PAP

Suresh Naik
MOS (PP)
The Committee constituted under Section 12(3) of the Right to Information Act, 2005 met at 5:00 P.M. on 5th October, 2005 at 7, Race Course Road, New Delhi, to make its recommendations for the appointment of the Chief Information Commissioner and other Information Commissioners. The undersigned were present.

2. The Committee considered and approved the following names against the positions indicated against them:

   (i) Shri Wajahat Habibullah - Chief Information Commissioner
   (ii) Shri A.N. Tiwari - Information Commissioner
   (iii) Shri O.P. Kejriwal - Information Commissioner
   (iv) Prof. M.M. Ansari - Information Commissioner
   (v) Smt. Padma Balasubramaniam - Information Commissioner

3. The names of Shri V.K. Malhotra, former Secretary General, Lok Sabha Secretariat and Shri K.P. Singh, former Director, Intelligence Bureau were also suggested for consideration. The Committee decided to consider these names at the next meeting.

(L.K. Advani) 
Leader of Opposition
Lok Sabha

(Shivraj Patil) 
Home Minister

(Manmohan Singh) 
Prime Minister
Subject: Constitution of the Central Information Commission and appointment of the Chief Information Commissioner and Central Information Commissioners under Section 12 of the Right to Information Act, 2005

The Right to Information Act, 2005 comes into force on 12th October 2005. The relevant provisions of the Act pertaining to the constitution of the Central Information Commission and appointment of the Chief Information Commissioner and Central Information Commissioners are as under:

"12(1) The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the Central Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The Central Information Commission shall consist of-

(a) The Chief Information Commissioner; and

(b) Such number of Central Information Commissioners, not exceeding ten, as may be deemed necessary.

(3) The Chief Information Commissioner and Information Commissioners shall be appointed by the President on the recommendation of a committee consisting of—

(i) the Prime Minister, who shall be the Chairperson of the committee;

(ii) the Leader of Opposition in the Lok Sabha; and

(iii) a Union Cabinet Minister to be nominated by the Prime Minister."

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(iv) Prof. M.M. Ansari - Information Commissioner
(v) Smt. Padma Balasubramaniam - Information Commissioner
4. The names of Shri V.K. Malhotra, former Secretary General, Lok Sabha Secretariat and Shri K.P. Singh, former Director, Intelligence Bureau were also suggested for consideration. The Committee decided to consider these names at the next meeting.

5. The minutes of the meeting of the Committee is at F/ 'A'.

6. Approval of the Prime Minister and the President may, therefore, be solicited for constituting the Central Information Commission and appointments of the persons as indicated in para 3 above. A draft notification for the purpose is also put up which will be got vetted by the Legislative Department before issue.

(T. Jacob)
Joint Secretary (E)
The Hon'ble Prime Minister has approved the names mentioned in para 3 of the notes at page 1/N ante. A separate note as from MOS(PP) to the President (through the PM) seeking approval of the President for constitution of the Central Information Commission and appointment of the Chief Information Commissioner and Information Commissioners as mentioned in para 3 is submitted.

(T. Jacob)
Joint Secretary(Estt.)
07.09.2005

MOS(PP)
Subject: Constitution of the Central Information Commission and appointment of the Chief Information Commissioner and Central Information Commissioners under Section 12 of the Right to Information Act, 2005

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(i) the Prime Minister, who shall be the Chairperson of the committee;

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(iii) a Union Cabinet Minister to be nominated by the Prime Minister.”

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(iii) Shri O.P. Kejriwal - Information Commissioner
(iv) Prof. M.M. Ansari - Information Commissioner
(v) Smt. Padma Balasubramaniam - Information Commissioner
(From pre-page)

4. The minutes of the meeting of the Committee is at F/‘A’.

5. The Prime Minister has approved the recommendation made by the selection committee. The Prime Minister may like to recommend to the Hon’ble President to approve the appointments mentioned in para 3 of this note.

(SURESH PACHOURI)
MOS(PP)

The Prime Minister

The President

Minister of State (PP) (Suresh Pachouri).

Re: Draft Cabinet Notification No. 254, dated 10/10/05.

Secretary

Joint Secretary

Director

10/10/05

P.R. See
Department of Personnel and Training  
Estt. Division  

Subject:— Constitution of Central Information Commission under the Right to Information Act, 2005.

I send herewith a draft notification on the above subject to be issued under section 12 of the Right to Information Act, 2005, for vetting.

(T. Jacob)  
Joint Secretary (Estt)  
10/10/2005

Legislative Department

The file has been brought personally by Shri T. Jacob, Joint Secretary and Shri Prabhakar, Under Secretary, Dept. on the basis of discussions held with JS and U.S. in the Chamber of JS NLC (Shri N.C. Mehta). The proposed draft notification has been circulated in the Department and we have suggested that two (separate notifications), DFA I, implemening (sic) R.T. I section 12 of R.T. I Act, 2005 and DFA II which will specify the exact date of the date on which the C.I.C. and S.C. will enter upon their office, has been drafted. Administratively, the ministerial may (sic) require that the DFA I and II as required by us fully meets with their requirement and instruction before issue. The DFA I has to be issued first followed by DFA II. In DFA II, the particulars may be filled appropriately. Subject to the above DFA I and II are formally issued.  

JS NLC (Shri N.C. Mehta)  
11/10/2005  

(Department of Personnel and Training  
Estt. Division)
The Notification regarding Constitution of the Central Information Commission has been issued. As desired, a draft Press Communiqué in the matter is put up for approval.

(A. PRABHAKARAN)
Under Secretary
13.10.2005
Shri Wajahat Habibullah has taken oath as Chief Information Commissioner on 26/10/2005. Smt. Padma Balasubramanian, Shri O.P. Kejariwal and Prof. M.M. Ansari have taken oath as Information Commissioner on 26/10/2005, 27/10/2005 and 31/10/2005 respectively.

Draft notifications for appoint are placed below for approval please. It may be mentioned that the draft for appointment of Chief Information Commissioner and Information Commissioner has already been vetted by the Legislative Department.
Shri A. N. Tiwari has taken oath as Information Commissioner to-day, i.e. on 26th December, 2005. Draft for the Gazette Notification is placed below for approval/sigature.

Date: 26/12/05

Signature: [Signature]

26/12/05

Elected

[Signature]

S No.: (7)
Received a letter from Dy. Controller of Accounts dated the 10th Oct. 2007 seeking clarification/confirmation of crediting of the amount of GPF transferred from A.G. Hyderabad in respect of Shri A.N. Tiwari the then Secretary (Personnel) and presently working as Information Commissioner in Central Information Commission under the payment control of PAO, CAT.


3. Chief Information Commissioner and Information Commissioner's are entitled to subscribe to the General Public Fund (Central Services) [As per Section 7 of the Chief Election Commissioner's and other Election Commissioner (condition of service) Act, 1991].

4. The terms & conditions of the Chief Information Commissioners are similar to those of Chief Election Commissioners.

5. In the light of the above order, we may inform the position to that Department.

Submitted please,

As per terms & conditions of service of the CIC & I.C.s, they are entitled to subscribe to the GPF (in accordance with the Section 7 of the CEC & other E.C.s (condition of service) Act, 1991). As per extant guidelines, all terminal benefits accrued may be paid to individuals. Sh. Tiwari, former Secretary (Personnel) has taken voluntary retirement, further necessary action with regard to terminal benefit of GPF may be taken by the PAO as per extant guidelines & in terms of service conditions as referred above.

As per terms & conditions of service of the CIC & I.C.s,

Shri Tiwari continues to subscribe to GPF as per R.T.C. of his appointment as I.C. Therefore, the credit transferred from A.G. Hyderabad should be credited to his present GPF account being maintained by PAO, CAT. We may clarify accordingly.

U.S. (R.T.C.)

D.O.D.(T.I.)

Dir / (R.T.C.)
It is the case when the office of the Controller General of Accounts need to take a decision. If that office has any doubt about the facts about service conditions or status etc. of the ICs, that office may seek point out the point of doubt which this Department may clarify.

23.10.07.

OSD(RTI) [Signature]

OSD(RTI) [Signature]

Put up draft reply.

24.11.07

D. F. A is placed below.

25.11.07

Fair letter for sign, pt

20.12.07

US(RTI) [Signature]

30.12.07
Main file is under submission

For appointment as Chief Information Commissioner/Information Commissioners in the Central Information Commission, bio-data of following persons have been received:-

1. G.C. Srivastava, IAS (Retd.)
2. Shri Lakshmi Chand, IAS (Retd.)
3. Shri R. Ganesan, (IPoS:69), Secy & DG (PoS), Chairman, Postal Service Board, Department of Posts
4. Shri G. Mohan Kumar, (IPoS:69), Member (Personnel) Postal Service Board, Deptt. of Posts
5. Shri P.R. Devi Prasad, (IES:82)
6. Shri K. Jaikumar, Dir (IT) in D/o AR&PG no specific post mentioned.

May be seen for consideration.
Reference: Dy. No. R 4718 | Secy (P) | 05 - FR
S1 No. 12 | Receipt (P.56-57/Con.)

Smt. Neena Ranjan, Secretary, Ministry of Culture, has enclosed her bio-data for the post of Information Commissioner under the Right to Information Act. Her bio-data is self-explanatory.

Submitted for information & orders pt:

[Signature]
31.3.2006

US (Estd. B)

This may be put up for the consideration of the Committee, constituted under Section 12(3) of the RTI Act 2005, when it meets next for making selection to fill up vacancies of Information Commissioners.

[Signature]
20.4.2006
Department of Personnel & Training  
(IR Section)

Reference from Pay & Accounts Office, CAT, C-1 Hutments, Dalhousie Road, N.Delhi regarding crediting the amount of GPF transferred from AG, Hyderabad in respect of Shri A.N. Tiwari former Secretary (Personnel). In this regard we had sent a letter on 29.10.2007 to Dy. Controller of Accounts, DOPT, Lok Nayak Bhavan, N.Delhi regarding terms and conditions of service of Chief Information Commissioner & Information Commissioners. Now the Pay & Accounts Office has pointed out some point of doubt and need clarification whether the GPF balance received from AG, Hyderabad of Shri A.N. Tiwari former Secretary (Personnel) on voluntary retirement on 26.12.2006 can be adopted in his newly opened GPF account.

We have already conveyed the terms & conditions of service of CIC & other I.C.s to PAO (P-60/C). They were also requested to take up the matter with CGA. We have nothing to add. DFA, pl.

US(RTI)-O/L  
MSD(RTI) - has signed