

**158. THE RIGHT TO INFORMATION (TERM OF
OFFICE, SALARIES, ALLOWANCES AND OTHER
TERMS AND CONDITIONS OF SERVICE OF CHIEF
INFORMATION COMMISSIONER, INFORMATION
COMMISSIONERS IN THE CENTRAL INFORMATION
COMMISSION, STATE CHIEF INFORMATION
COMMISSIONER AND STATE INFORMATION
COMMISSIONERS IN THE STATE
INFORMATION COMMISSION)
RULES, 2019¹**

In exercise of the powers conferred by clauses (ca) and (cb) of sub-section (2) of Section 27 of Right to Information Act, 2005 (22 of 2005), the Central Government hereby makes the following rules, namely :—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(1) These rules may be called the Right to Information (Term of Office, Salaries, Allowances and Other Terms and Conditions of Service of Chief Information Commissioner, Information Commissioners in the Central Information Commission, State Chief Information Commissioner and State Information Commissioners in the State Information Commission) Rules, 2019.

(2) They shall come into force on the date of their publication in the Official Gazette.

CHAPTER II

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) "Act" means the Right to Information Act, 2005 (22 of 2005);
- (b) "Central Information Commission" shall have the same meaning assigned to it under clause (b) of Section 2 of the Act;
- (c) "Chief Information Commissioner" and "Information Commissioner" shall have the same meaning assigned to it under clause (d) of Section 2 of the Act;
- (d) "State Chief Information Commissioner" and "State Information Commissioner" shall have the same meaning assigned to it under clause (l) of Section 2 of the Act;

1. Vide G.S.R. 810(E), dated 24-10-2019 (w.e.f. 24-10-2019).

- (e) "State Information Commission" shall have the same meaning assigned to it under clause (k) of Section 2 of the Act.

(2) The words and expressions used and not defined under these rules, but defined in the Act shall have the same meaning as respectively assigned to them in the Act.

CHAPTER III

TERM OF OFFICE, SALARIES, ALLOWANCES AND OTHER TERMS AND CONDITIONS OF SERVICE OF THE CHIEF INFORMATION COMMISSIONER AND INFORMATION COMMISSIONER IN THE CENTRAL INFORMATION COMMISSION

3. Term of office.—The Chief Information Commissioner, or Information Commissioners, as the case may be, shall hold office for a period of three years from the date on which he enters upon his office.

4. Retirement from parent service on appointment.—The Chief Information Commissioner or Information Commissioners, as the case may be, who on the date of his appointment to the Commission, was in the service of the Central or a State Government, shall be deemed to have retired from such service with effect from the date of his appointment as Chief Information Commissioner or an Information Commissioner in the Central Information Commission.

5. Pay.—(1) The Chief Information Commissioner shall receive a pay of Rs. 2,50,000 (Rupees two lakh and fifty thousand) (fixed) per *mensem*.

(2) An Information Commissioner shall receive a pay of Rs. 2,25,000 (Rupees two lakh and twenty five thousand) (fixed) per *mensem*.

(3) In case the Chief Information Commissioner or Information Commissioners, as the case may be, at the time of his appointment is, in receipt of any pension, the pay of such Chief Information Commissioner or Information Commissioners, as the case may be, 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;

(4) In case the Chief Information Commissioner or Information Commissioners, as the case may be, at the time of his appointment, is in receipt of retirement benefits in respect of any previous service rendered in Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his pay in respect of the service as the Chief Information Commissioner or Information Commissioners, as the case may be, shall be reduced by the amount of pension equivalent to the retirement benefits.

6. Dearness Allowance.—The Chief Information Commissioner or Information Commissioners, as the case may be, shall be entitled to draw dearness allowance at the rate admissible to an officer holding a post carrying the same pay in the Central Government, as revised from time to time.

7. Leave.—(1) The Chief Information Commissioner or Information Commissioners, as the case may be, shall be entitled to rights of leave as per admissibility to an officer holding a post carrying the same pay in the Central Government, as revised from time to time.

(2) In case the Chief Information Commissioner, the competent authority to sanction the leave shall be the President of India and in case of the Information Commissioners, the Chief Information Commissioner shall be the competent authority.

8. Cash Payment in lieu of unutilised Earned Leave.—The Chief Information Commissioner or Information Commissioners, as the case may be, shall be entitled to encashment of fifty per cent. of earned leave to his credit at the time of completion of tenure :

Provided that for a Chief Information Commissioner or an Information Commissioner, as the case may be, who had retired from the service of the Central or a State Government prior to appointment as a Chief Information Commissioner and Information Commissioner, as the case may be, the aggregate period for which the encashment of unutilised earned leave shall be entitled shall be subject to a maximum period as per admissibility to an officer holding a post carrying the same pay in the Central Government or the State Government, as the case may be, as revised from time to time.

9. Medical Facilities.—The Chief Information Commissioner and Information Commissioners, as the case may be, shall be entitled to medical treatment and Hospital facilities as provided in the Central Government Health Scheme and at places where the Central Government Health Scheme is not in operation, the Chief Information Commissioner and Information Commissioner shall be entitled to medical facilities as provided in the Central Service (Medical Attendance) Rules, 1944.

10. Accommodation.—(1) The Chief Information Commissioner or Information Commissioners, as the case may be, shall be eligible subject to availability, to the use of official residence from the general pool accommodation of the type as admissible to an officer holding a post carrying the same pay in the Central Government on the payment of the license fee at the rates prescribed by Central Government from time to time.

(2) Where Chief Information Commissioner or an Information Commissioner is not provided with or does not avail himself of the general pool accommodation referred to in sub-rule (1), he may be paid House Rent Allowance at the rate admissible to an officer holding a post carrying the same pay in the Central Government.

11. Leave Travel Concession, Travelling Allowance, Daily Allowance.—The Chief Information Commissioner or Information Commissioners, as the case may be, shall be entitled to leave travel concession, travelling allowance and daily allowance as admissible to an officer holding a post carrying the same pay in the Central Government as far as may be, apply to the Chief Information Commissioner and Information Commissioner, as the case may be.

CHAPTER IV

TERM OF OFFICE, SALARIES, ALLOWANCES AND OTHER TERMS AND CONDITIONS OF SERVICE OF THE STATE CHIEF INFORMATION COMMISSIONER AND STATE INFORMATION COMMISSIONERS IN THE STATE INFORMATION COMMISSION

12. Term of office.—The State Chief Information Commissioner, or State Information Commissioners, as the case may be, shall hold office for a period of three years from the date on which he enters upon his office.

13. Retirement from parent service on appointment.—The State Chief Information Commissioner or State Information Commissioners, as the case may be, who on the date of his appointment to the Commission, was in the service of the Central or a State Government, shall be deemed to have retired from such service with effect from the date of his appointment as State Chief Information Commissioner and State Information Commissioner in the State Information Commission.

14. Pay.—(1) The State Chief Information Commissioner shall receive a pay of Rs. 2,25,000 (Rupees two lakh and twenty five thousand) (fixed) per *mensem*.

(2) The State Information Commissioners shall receive a pay of Rs. 2,25,000 (Rupees two lakh and twenty five thousand) (fixed) per *mensem*.

(3) In case the State Chief Information Commissioner and State Information Commissioners, as the case may be, at the time of his appointment is, in receipt of any pension, the pay of such State Chief Information Commissioner or State Information Commissioners, as the case may be, 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.

(4) In case the State Chief Information Commissioner and State Information Commissioners, as the case may be, at the time of his appointment, is in receipt of retirement benefits in respect of any previous service rendered in Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the State Chief Information Commissioner and State Information Commissioners shall be reduced by the amount of pension equivalent to the retirement benefits.

15. Dearness Allowance.—The State Chief Information Commissioner and State Information Commissioners, as the case may be, shall be entitled to draw dearness allowance at the rate admissible to an officer holding a post carrying the same pay in the State Government, as revised from time to time.

16. Leave.—(1) The State Chief Information Commissioner or State Information Commissioners, as the case may be, shall be entitled to rights of leave as per admissibility to an officer holding a post carrying the same pay in the State Government, as revised from time to time.

(2) In case of the State Chief Information Commissioner, the competent authority to sanction the leave shall be the Governor of the State and in case of the State Information Commissioners; the State Chief Information Commissioner shall be the competent authority.

17. Cash Payment in lieu of unutilized Earned Leave.—The State Chief Information Commissioner or State Information Commissioners, as the case may be, shall be entitled to encashment of fifty per cent. of earned leave to his credit at the time of completion of tenure :

Provided that a State Chief Information Commissioner or State Information Commissioners, as the case may be, who had retired from the service of the Central or a State Government prior to appointment as a State Chief Information Commissioner or State Information Commissioners respectively, the aggregate period for which the encashment of unutilised earned leave shall be entitled shall be subject to a maximum period as per admissibility to an officer holding a post carrying the same pay in the Central Government or the State Government, as the case may be, as revised from time to time.

18. Medical Facilities.—The State Chief Information Commissioner or State Information Commissioners, as the case may be, shall be entitled to medical treatment and Hospital facilities as provided in the Central Government Health Scheme and at places where the Central Government Health Scheme is not in operation, the State Chief Information Commissioner and State Information Commissioners, as the case may be, shall be entitled to medical facilities as provided in the Central Service (Medical Attendance) Rules, 1944 or such medical facilities provided by the State Government to an officer holding a post carrying the same pay in the State Government, as revised from time to time.

19. Accommodation.—(1) The State Chief Information Commissioner or State Information Commissioners, as the case may be, shall be eligible subject to availability, to the use of official residence from the general pool accommodation of the type as admissible to an officer holding a post carrying the same pay in the State Government on the payment of the license fee at the rates prescribed by State Government from time to time.

(2) Where State Chief Information Commissioner or State Information Commissioners, as the case may be, is not provided with or does not avail himself of the general pool accommodation referred to in sub-rule (1), he may be paid House Rent Allowance at the rate admissible to an officer holding a post carrying the same pay in the State Government.

20. Leave Travel Concession, Travelling Allowance, Daily Allowance.—The State Chief Information Commissioner or State Information Commissioners, as the case may be, shall be entitled to leave travel concession, travelling allowance and daily allowance as admissible to an officer holding a post carrying the same pay in the State Government as far as may be, apply to the State Chief Information Commissioner or State Information Commissioners.

CHAPTER V

21. Residuary Provision.—The conditions of service of the Chief Information Commissioner or an Information Commissioner, State Chief Information Commissioner or State Information Commissioners for which no express provision has been made in these rules shall be referred in each case to the Central Government for its decisions and the decisions of the Central Government thereon shall be binding on the Chief Information Commissioner or an Information Commissioner of the Central Information Commission, State Chief Information Commissioner or State Information Commissioner of the State Information Commission.

22. Power to relax.—The Central Government shall have power to relax the provisions of any of these rules in respect of any class or category of persons.

23. Interpretation.—If any question arises relating to the interpretation of any of the provisions of these rules, it shall be referred to the Central Government for decision.
