

No.1/1/2009-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

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North Block, New Delhi
Dated: the 22nd May, 2009

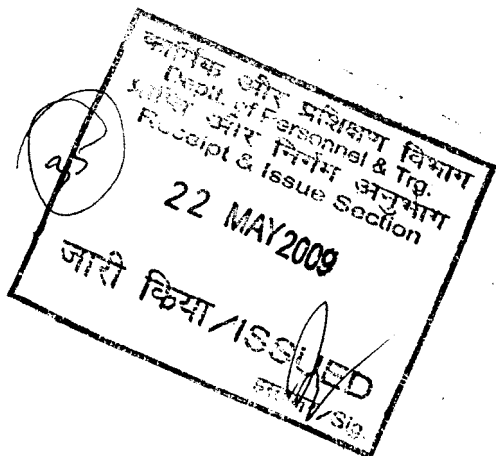
To ✓
The Chief Secretaries of all the States

Sir,

I am directed to say that the Right to Information Act, 2005 provides that a person can make a complaint or an appeal to the Central Information Commission or the State Information Commission, as the case may be, in the circumstances as provided in the Act and that the concerned Commission may take action on the complaint or appeal in accordance with the provisions of the Act.

2. It is observed that the Central Information Commission and some State Information Commissions are taking decisions on the complaints and the appeals by constituting Benches. The matter has been examined in consultation with the Department of Legal Affairs who have pointed out that the Central Information Commission or the State Information Commissions could function through Benches only if there was a specific provision in the Act regarding constitution of Benches. That Department has further opined that provision of Section 12(4) or Section 15(4) of the RTI Act does not empower the Chief Information Commissioner to constitute the Benches.

3. In view of this legal position, you are requested to advise the State Information Commission that decisions on the complaints and appeals should be taken by the State Information Commission as defined in Section 2(k) of the RTI Act, 2005 and not by the Benches of the Commission.



Yours faithfully,

(K.G. Verma)

Director

Tel: 23092158

o/c