

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:104

ANSWERED ON:22.11.2012

INFORMATION PANEL

Patasani Dr. (Prof.) Prasanna Kumar; Ray Shri Rudramadhab

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) Whether the Government plans to appoint only former Supreme Court and High Court Judges as information panel heads as opined by Supreme Court;
- (b) if so, the reaction of the Government thereto; and
- (c) the reasons therefor?

Answer

MINISTER OF LAW AND JUSTICE (DR.ASHWANI KUMAR)

(a)to(c):Honourable Supreme Court in its judgement dated 13.9.2012 in WP(c) No.210/2012 Namit Sharma Vs UOI has pronounced that the Information Commissions at the respective levels shall henceforth work in Benches of two members each. One of them being a 'judicial member', while the other an 'expert member'. The judicial member should be a person possessing a degree in law, having a judicially trained mind and experience in performing judicial functions. A law officer or a lawyer may also be eligible provided he is a person who has practiced law at least for a period of twenty years as on the date of the advertisement. Such lawyer should also have experience in social work. The Supreme Court has further held that they are of the considered view that the competent authority should prefer a person who is or has been a Judge of the High Court for appointment as Information Commissioners. Further, Chief Information Commissioner at the Centre or State level shall only be a person who is or has been a Chief Justice of the High Court or a Judge of the Supreme Court of India.

A review petition has been filed in the Supreme Court against the judgement. The case is listed for curative and review on 20.11.2012 by circulation. Honourable Court has also been requested for oral hearing.