



## ABSTRACT

The Right to Information Act, 2005 – Tamil Nadu Information Commission – Cancellation of Appointment of the State Information Commissioners to the Tamil Nadu Information Commission – orders issued.

### PERSONNEL AND ADMINISTRATIVE REFORMS (AR-III) DEPARTMENT

G.O. (Ms.) No.21

Dated 09.03.2015  
Thiruvalluvar Aandu 2046,  
Jaya, Masi, 25

READ:

G.O. (Ms.) No.32, Personnel and Administrative Reforms (AR-3) Department,  
Dated 1.3.2011.

\* \* \* \* \*

### ORDER:

In the G.O. read above, orders were issued for appointment of Tvl. Dr. P.A. Ramiah, I.A.S. (Retd.), C. Manoharan and A. Arumuga Nainar as State Information Commissioners in Tamil Nadu Information Commission.

2. The above orders in G.O.Ms.No.32, P&AR (AR-3) Department, Dated 01.03.2011, were issued on the date of issue of the Election Commission Notification to the Tamil Nadu Assembly Elections (i.e. on 01/03/2011) in a hurried manner without a proper consultative process with the Leader of the Opposition and the order of appointment of the petitioners was issued in a deeply flawed process.

a) The three vacancies that had occurred on 12.5.2009, 10.10.2010 and 31.10.2010 were sought to be filled in a hurried manner. A hurriedly convened meeting was planned on 1.3.2011 to fill up the vacancies with the full knowledge that the election notification was imminent.

b) The then Leader of Opposition requested for a postponement of selection meeting pointing out to the electoral process likely to be under way and this was brushed aside, thereby giving no importance to the statutory process of consultation and decision-making and the views of the Leader of Opposition who is one among the three members body - and

c) The point of view of the Leader of Opposition that was duly communicated that the judgment in the Supreme Court P.J. Thomas case was also imminent and will also enable a proper understanding of the role of the Leader of Opposition in such a decision-making process was not given due regard it deserved. The judgment (in Writ Petition Nos.348 and 355 of 2010 of P.J. Thomas Case) was delivered on 03.03.2011 (barely two days

/p.t.o./

after the said meeting), thereby further strengthening the validity of the Leader of Opposition's request – and

d) The hurried nature of the meeting held on 01.03.2011 in choosing three persons as Information Commissioners inspite of the valid objections of the Leader of Opposition and the fact that not even a single adjournment was provided thereby vitiating both the decision-making process and the requirement of a fair and transparent process – and

e) The fact that the appointment under the Government order was an inchoate one in that although the G.O.Ms.No.32, Personnel and Administrative Reforms (AR-3) Department, Dated 01.03.2011 was issued in a hurried and unfair manner and the individuals were unable to take oath of office due to the election Notification having been issued thereby further proving the point of objection raised by the Leader of Opposition which should have been rightfully considered altogether point toward a deeply flawed process.

f) Under the provisions of the Act, it is necessary that the State Information Commissioner shall be a person of eminence in public life besides having wide knowledge in law, science and technology, social service, management, journalism, mass media or administration and governance. It is further provided that the State Information Commissioner shall not be pursuing any profession.

g) There was no fairness or transparency in the appointment process.

3. The above individuals have not taken oath to assume office, subsequent to the appointment before His Excellency the Governor of Tamil Nadu as required under section 16(3) of the Right to Information Act, 2005.

4. The Governor of Tamil Nadu has therefore decided to cancel the appointment of Dr. P.A. Ramiah, I.A.S., (Retd.), Thiru C. Manoharan and Thiru A. Arumuga Nainar as State Information Commissioners of Tamil Nadu ordered in G.O. (Ms) No.32, Personnel and Administrative Reforms (AR.III) Department, dated: 01.03.2011. Accordingly it is hereby cancelled.

5. The following Notification shall be published in the Tamil Nadu Government Gazette Extraordinary, dated the 9<sup>th</sup> day of March 2015.

#### NOTIFICATION

In exercise of the powers conferred by sub-section (3) of section 15 of the Right to Information Act, 2005 (Central Act 22 of 2005), the Governor of Tamil Nadu hereby cancels the appointments of (1) Dr. P.A. Ramiah, I.A.S. (Retd.), (2) Thiru C. Manoharan and (3) Thiru A. Arumuga Nainar as State Information Commissioners in the Tamil Nadu Information Commission, as ordered in G.O. (Ms.) No.32, Personnel and Administrative Reforms (AR-3) Department, Dated 01.03.2011 and published with the Personnel and Administrative Reforms

(AR.3) Department Notification No.I/PLAR/6(b)/2011, at page 1 of Part I of Tamil Nadu Government Gazette Extraordinary dated the 1<sup>st</sup> March 2011.

(BY ORDER OF THE GOVERNOR)

K. GNANADESIKAN,  
CHIEF SECRETARY TO GOVERNMENT.

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**Copy to:**

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State Chief Information Commissioner,  
Tamil Nadu Information Commission, Chennai-18.  
The Secretary, Tamil Nadu Information Commission, Chennai-600 018.  
The Principal Accountant General, Chennai-18.  
The Pay and Accounts Officer, Chennai-9/18.  
The Director of Stationery and Printing, Chennai-600 002.  
The Works Manager, Government Central Press, Chennai-600 079.  
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The Private Secretary to Secretary to Government, Personnel and  
Administrative Reforms Department, Chennai-9.  
✓ The Personnel and Administrative Reforms (AR-II) Department,  
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//Forwarded/by Order//

  
SECTION OFFICER.

09/13