



MANUAL ON RIGHT TO INFORMATION ACT – 2005.

**COMMISSIONER FOR DISCIPLINARY PROCEEDINGS,
IIIrd Floor,
KURALAGAM,
CHENNAI – 600 108.**

THE RIGHT TO INFORMATION ACT – 2005

(DRAFT HAND BOOK)

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COMMISSIONER FOR DISCIPLINARY PROCEEDINGS

CHENNAI

Manual on the Right to Information Act.

Chapter – 1

Introduction

Right to information is one among the fundamental rights of citizens of any democratically governed Nation State. The Act acquires Special importance in a Representative Democracy.

Government of India have enacted the Right to Information Act 2005 on 15th June 2005 to provide the system of Right to Information for citizen's to secure access to information under the control of Public Authorities in order to promote transparency and accountability in the working of every public authority.

The Act comes into force on 12th October 2005.

The Act extends to the whole of India except the State of Jammu and Kashmir.

The Act covers entires Government, Sector including Government funded organizations, Institutions, Schools, Hospitals, NGOS.

Right to Information is a part of the fundamental right to speech and expression recognized by the Constitution of India and various Supreme court decisions.

Article 19(1) a of Constitution of India, all citizens shall have right to freedom of speech and expression.

Article 21 of Constitution of India states that no persons will be deprived of his life or personal liberty except according to procedure established by law Denial of Information is a denial of rights such as right to food, expression, health, liberty etc.,

This act aims to promote transparency and accountability of the Government, empowering the citizens to get information from the Government and making the government duty bound to provide the required information.

Objective of this handbook

The objective of this Manual is to make available information about the Department of Commissioner for Disc. Proceedings, Chennai to the citizens who desires to have information under this Act.

1.3. Beneficiary of this Hand Book

All citizens who desire to obtain any information on the subjects relating to this Department.

Arrangements of Information in this manual

The manual is organized into the following chapters.

| | |
|-------------|---|
| Chapter – 1 | Introduction |
| Chapter – 2 | Particulars of this Department structure, functions and duties. |
| Chapter – 3 | Powers and duties of officers and employees. |
| Chapter - 4 | Rules Regulations, Instructions, Manuals and Records. |

| | |
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| Chapter – 5 | Documents under Control |
| Chapter – 6 | Directory of Officers & Employees |
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| Chapter – 8 | Procedure followed in the decision making process, channels of Supervision Accountability. |
| Chapter - 9 | Norms set for the discharge of functions. |
| Chapter - 10 | Arrangement that exist for consolation with or representation by the Members of the Public in relation to the fomulation of Policy or Implementation. |
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| Chapter - 12 | Budget Allocation |
| Chapter – 13 | The manner of execution of programme. |
| Chapter – 14 | Details of Information available |
| Chapter – 15 | Particulars of facilities available |
| Chapter – 16 | Particulars of P.I. Officers |

Definitions

1. (1) This Act may be called the Right to Information Act, 2005.
- (2) It extends to the whole of India except the State of Jammu & Kashmir.
- (3) The provisions of sub-section (1) of Section 4, Sub-Sections (1) and (2) of section 5, section 12, 13, 15, 16, 24, 27 and 28

shall come into force at once, and the remaining provisions of this Act shall come into force on the one hundred and twentieth day of its enactment.

2. In this act, unless the context otherwise requires :-

(a). “ Appropriate Government” means in relation to a public authority which is established, constituted, owned, controlled or substantially financed by funds provided directly or in directly :-

(i) by the Central Government or the Union Territory administration, the Central Government;

(ii) by the State Government, the State Government ;

(b) “Central information Commission” means the Central Information Commission constituted under sub-section (1) of Section 12;

(c) “Central Public Information Officer” means the Central Public Information Officer designated under sub-section (I) and includes a Central Assistant Public Information Officer designated as such under sub-section (2) of Section 5 ;

(d) “Chief Information Commissioner” and “Information Commissioner” mean the Chief Information Commissioner and Information Commissioner appointed under Sub-Section (3) of Section 12;

(e) “Competent authority” means –

- (i) the speaker in the case of the House of the People or the Legislative Assembly of a State or a Union Territory having such Assembly and the Chairman in the case of the Council of States or Legislative Council of a State;
- (ii) the Chief Justice of India in the case of the Supreme Court ;
- (iii) the Chief Justice of the High Court in the case of a High Court ;
- (iv) the president or the Governor, as the case may be, in the case of other authorities established or constituted by or under the Constitution ;
- (v) the administrator appointed under article 239 of the Constitution ;

(f) “Information means any material in any form, including records, documents, memos, e-mails, opinions advices, press releases, circulars, orders, log book, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force ;

(g) “Prescribed” means prescribed by rules made under this Act by the appropriate Government or the competent authority, as the case may be ;

(h) “Public Authority” means any authority or body or institution of self-government established or constituted :-

(a) by or under the Constitution ;

(b) by any other law made by Parliament ;

(c) by any other law made by State Legislature ;

(d) by notification issued or order made by the appropriate Government, and include any :-

(i) body owned, controlled or substantially financed ;

(ii) non – Government organization substantially financed directly or indirectly by funds provided by the appropriate Govt ;

(i) “record” includes :-

(a) any document, manuscript and file ;

(b) any microfilm, microfiche and facsimile copy of a document

(c) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and

(d) any other material produced by a computer or any other device ;

(j) “right to information” means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to.

(i) inspection of work, documents, records;

(ii) taking notes, extract or certified copies of documents or records;

- (iii) taking certified samples of material ;
- (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device”.
- (k) “State Information Commission” means the State Information Commission” constituted under sub-section (1) of Section – 15 ;
- (l) “State Chief Information Commissioner” and “State Information Commissioner” means the State Chief Information Commissioner” and the State Information Commissioner appointed under sub-section (3) of Section 15 ;
- (m) “State Public Information Officer” means the State Public Information Officer designated under sub-section (1) and includes a State Assistant Public Information Officer designated as such under sub-section (2) of Section 5;
- (n) “third party” means a person other than the citizen making a request for information and includes a public authority.

Contact person to get more information

At Government Level :

The Secretary to Government
Human Resources Management (N) Dept.,
Secretariat, Chennai – 9
Telephone No : 25674866
Fax No : 25675120

At the Department Level :

Commissioner for Disciplinary Proceedings,
3rd Floor, Kuralagam,
Chennai – 600 108.
Telephone No. 25340869
Fax No. Nil
E-mail : Nil

At District Level : Nil

1.7. Procedure and fee structure for getting information

A person who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Tamil accompanying such fee to the Public Information Officer designated by the Department specifying the particulars of the information sought by him or her.

FEES :

Every application for obtaining information under sub-section (1) of Section 6 of the Act shall be accompanied by an application fee of rupees fifty by cash or by demand draft or bankers cheque payable in the Head of Account, as may be specified by the Public Authority.

CHAPTER – 2

Particulars of organization, Functions & Duties.

Commissioner for Disciplinary Proceedings, Chennai.

Prior to 1944 enquires against Government employees were conducted by the concerned Departmental authorities. From November 1944 Special Officer was appointed for conducting departmental enquiry in all Department except Judicial, Revenue, Excise Commercial Taxes and the Police. The concerned disciplinary authorities were directed to report to the Special Officer to decide whether he would undertake the enquiry. Reports on the enquiries conducted in accordance with the statutory rules were sent to the authorities concerned together with the recommendations as to the nature of punishment to be imposed and for issue of final orders. In cases where the recommendations of the Special Officer were not accepted, the Special Officer forwards his view to the next higher authorities for review.

The Committee of Prevention of Corruption constituted in 1947 recommended inter alia redesignation of the post of Special Officer as Tribunal for Disciplinary Proceedings while at the same time retaining the post of Special Officer in the rank of District Judges. In July 1952 the Tribunal for Disciplinary Proceedings @ Chennai was made permanent. Till March 1957, retired District Judges were re-employed as Members of Tribunal. Subsequently, District Judges in service were appointed as

Tribunal for Disciplinary Proceedings. Upto 1964, there was only one Tribunal for Disciplinary Proceedings with Headquarters @ Chennai with jurisdiction to try cases arising in all the districts of the State. In 1965 and 1966 additional two Tribunal with Headquarters @ Madurai and Thanjavur were created. In 1973 the Headquarters of the Tribunal at Thanjavur was shifted to Tiruchirappalli. By the end of 1976, Judicial Officers were replaced by administrative officers from among members of I.A.S. (Senior Time Scale) as Commissioner for Disciplinary Proceedings to hold enquiry in respect of Gazetted Officers and Non-Gazetted Officers referred to by Government. From 1977 Tribunal with commr. for Disc. Proceedings with Headquarters @ Chennai, Madurai, and Coimbatore were set up to try cases.

In 1996 the Deputy Commr. for Disc. Proceedings was abolished and the Govt have created Commissioner for Disciplinary Proceedings viz., Vellore, Trichy, Madurai, Ramanathapuram, Salem, Tirunelveli, Thanjavur, Coimbatore & Nagercoil.

With the introduction of Rule 17-A of the Tamil Nadu Civil Services (Classification Control and Appeal) Rules, the Commissioner for Disciplinary Proceedings on a reference by the Disciplinary authority concerned is to hold enquiry under Rule 17(b) (i) of the said Rules, in respect of a member of a service or a person holding a civil post under the state.

In G.O. MS. No. 1372 Home (Pol. III) dated 5.5.1980 orders were issued introducing a new Rule Viz. 3(b) to the Tamila Nadu Police Subordinate Services (Discipline and Appeal) Rules 1955 to the effect that the Commissioner for Disc. Proceedings shall on a reference by the Disciplinary Authority concerned hold enquiry under Sub Rule 3(b)(1) of the said rules in respect of members of the Police Sub-ordinate Service.

After the enquiry has been completed, the Tribunal shall send its findings to the Government to the effect whether the charges against the persons charged are proved or not. Where the charges are proved, the penalty be imposed on the person charged shall be decided by the Government or the Head of the Department, as the case may be.

CHAPTER – 3

Powers and Duties of officers and Employees in the Commissioner for Disciplinary Proceedings, Chennai

Commissioner for Disciplinary Proceedings, Chennai.

The Commissioner for Disciplinary Proceedings as a Presiding Officer presides over the entire proceedings of the enquiry and prepare the final report on the out come of the enquiry to be sent to the respective Departments of the Government.

Secretary : Approval of correspondence, drawal of pay for establishment contingent bills and bills relating to staff including medical bills and G.P.F. Advance etc., Sanction of Casual Leave, Earned Leave, Medical Leave., Increments etc., The case properties in trap cases referred to the Tribunal like the trap money, the bottles containing tested solutions and other material objects are kept under the safe custody.

He has been delegated with certain administrative and financial powers like the maintenance of establishment and bill drawing powers and incharge of day-to-day administrative work of the office leaving the CDP., to concentrate with full time attention of finalization of the enquiries.

Superintendent : Supervisory functions over the Assistant, Junior Assistant etc., Framing of draft charges in the enquiries arising out of Chennai City, Kancheepuram, and Tiruvallur Dist. Supervision of perusal

of records by the AOS and counsels. Signing of fair copies of summons to witnesses, notice to A.O.

A- 1. Matters relating to enquiries arising out of Chennai City, Kancheepuram and Tiruvallur Dist. And custody of enquiry records.

A- 2. Establishment matters, Pension, Maintenance of Attendance and Leave Register, S.Rs. Loan and Advance, Medical Claims, Motor Vehicle, Petrol etc., Maintenance of Pdl.

A- 3. Accounts Pay Bills, Supplemental Bills, Miscellaneous and other bills. Maintenance of U.D.P. and Cash Registers.

A- 4. Stationery and Printing, Typewriter, Duplicator Maintenance, Building etc.,

B – 1 . Preparation of Budget, including number Statements and their correspondence.

Monthly reconciliation of receipts and expenditure in PAO (N), PAO (Sectt.) and in A.G.

General Correspondence, Miscellaneous subjects & Maintenance of Stock Files.

Steno – Typist Grade – I: Attached to the CDP., Chennai.

Steno – Typist Grade – III: Attached to the Secretary, TDP., Chennai.

Typist: Typing Work connected with office administration, typing accounts matters and also draft charge memorandum with their fair copies.

Record Clerk: Maintenance of record room, Distribution Register, Despatch Register and Stamp Account.

Staff Car Driver: Attached to the Staff Car TN 01 BG 1001. of the CDP., Chennai.

Duffadar: At the Office Room of the CDP., Chennai

Office Assistant – I: At the residence of the CDP., Chennai.

Office Assistant – II: Office

Watchman – Cum – Sweeper: Night Watching, Sweeping & Cleaning Office Premises.

CHAPTER – 4

The Rules, Regulations, Instructions, Manual and Records.

1. The Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules 1955.
2. The Tamil Nadu Civil Services (Disciplinary & Appeal) Rules 1955.
3. The Tamil Nadu Police Subordinate Service (Disciplinary and Appeal) Rules 1955.
4. The Fundamental Rules & Tamil Nadu Leave Rules.
5. The Tamil Nadu State and Subordinate Service Rules (General Rules)
6. Tamil Nadu Basic Service Rules.
7. Tamil Nadu Ministerial Service Rules.
8. Tamil Nadu Government Servant Conduct Rules, 1973.
9. Tamil Nadu Traveling Allowance Rules.
10. Tamil Nadu Pension Rules.
11. Tamil Nadu Government Office Manual (D.O.M.)
12. Budget Manual.
13. Tamil Nadu Treasury Code.
14. Tamil Nadu Financial Code.

CHAPTER – 5

DOCUMENTS UNDER CONTROL

1. Cash Book
2. Despatch Register
3. Local Delivery Book
4. Undisbursed Pay Register
5. Record Issue Register
6. Call Book (Tamil)
7. Pay Bill Register
8. Attendance Register
9. Permanent Advance Disbursement Register.
10. Articles of Stationery Register
11. Fair Copy Register
12. Distribution Register
13. Daily Stamp Account Register
14. Periodical Register
15. Register of Receipt and Disposal of Files
16. Log Book
17. Periodical Increment Register
18. Personal Register
19. Loan Recovery Register
20. Bill Register
21. TNTC – 70 Register
22. Token Register
23. Fuel Pass Book

CHAPTER – 6

DIRECTORY OF OFFICERS & EMPLOYEES

| SL. NO | Na me | Designation | Residential Address | Res. Ph. No. | Mobile No. |
|--------|-------------------------|---|---|------------------|-------------|
| 1 | Dr.M.Veerappan | District Revenue Officer / Commissioner for Disciplinary Proceedings, Chennai | | | |
| 2 | Thiru H. Nirmalraj | Secretary Tribunal for Disc Proceedings Chennai | 28/4, Municipal Colony, Chengalpattu Dist | 044- 27428947 | |
| 3 | Tmt.P.Manjula | Superintendent | - | | 97104 23356 |
| 4 | Thiru. V.Nithiyanantham | Assistant | No.30 Indiragandhi Nagar, Thondiarpet, Chennai – 81 | - | 9629949123 |
| 5. | Thiru A.Mariappan | Steno – Typist | No.19, Saraswathy Illam, Indira Nagar, Shesa Nagar Main Road, Poonamallee, Chennai – 56 | - | 8667319371 |
| 6. | Tmt.P. .Renuka | Junior Assistant | | | |
| 7. | Tmt.K.Blessy Priyanka | Typist | | | |
| 8 | Thiru S.Subash | S.G.Driver | | - | - |
| 9 | Thiru M.Arulraj | S.G.Office Assistant | | | |

| | | | | | |
|----|------------------|--------------------------------|--|---|---|
| 10 | Thiru. M. Munian | S.G. Watchman Cum – Sweeper | No. 38/24, V.V. Koil St, Kosapettai, CH – 12 | - | - |
|----|------------------|--------------------------------|--|---|---|

CHAPTER – 7

The monthly Remuneration of Officers & Employees Including the System of Compensation as Provided in its Regulations.

| Sl. No. | Name | Designation | Pay Level |
|---------|------------------------|---|------------------------|
| 1 | Dr.M.Veerappan | District Revenue Officer / Commr. for Disciplinary Proceedings, Chennai | Rs. 61900 – Rs. 228100 |
| 2 | Thiru H. Nirmalraj | Secretary | Rs. 56100 – Rs. 177500 |
| 3 | Tmt.P.Manjula | Superintendent | Rs. 36900 - Rs. 116600 |
| 4 | Thiru V.Nithiyanantham | Assistant | Rs. 20600 - Rs. 65500 |
| 5 | Vacant | Assistant | Rs. 20600 - Rs. 65500 |
| 6 | Vacant | Assistant | Rs. 20600 - Rs. 65500 |
| 7 | Vacant | Assistant | Rs. 20600 - Rs. 65500 |
| 8 | Tmt.P. Renuka | Junior Assistant | Rs. 19500 - Rs.62000 |
| 9 | Tmt.K.Blessy Priyanka | Typist | Rs. 19500 - Rs. 62000 |
| 10 | Thiru A.Mariappan | Steno – Typist | Rs. 20600 - Rs. 65500 |
| 11 | Vacant | Steno - Typist | Rs. 20600 - Rs. 65500 |
| 12. | Thiru S. Subash | Driver | Rs. 19500 - Rs. 62000 |
| 13. | Vacant | Record clerk | Rs. 18000 - Rs. 56900 |
| 14. | Vacant | Duffadar | Rs. 16600 - Rs. 52400 |
| 15. | Thiru M. Arulraj | S.G. Office Assistant | Rs. 15700 - Rs. 50000 |
| 16. | Vacant | Office Assistant | Rs. 15700 - Rs. 50000 |
| 17 | Vacant | Office Assistant | Rs. 15700 - Rs. 50000 |
| 18 | Vacant | Office Assistant | Rs. 15700 - Rs. 50000 |
| 19 | Thiru M. Munian | S.G. Watchman – Cum Sweeper | Rs. 16600 - Rs. 52400 |

CHAPTER – 8

PROCEDURE FOLLOWED IN THE DECISION MAKING PROCESS CHANNELS OF SUPERVISION – ACCOUNTABILITY.

When the Tribunal is seized of the case, the staff of the Directorate of Vigilance and Anti-Corruption and of the Police and concerned Departments shall help the Tribunal in securing the necessary documents, in the production of witnesses and in such other way as the Tribunal may desire.

The Prosecutor for Disciplinary Proceedings or such other person as the Government may appoint in respect of any particular case shall conduct enquiries on behalf of Government in disciplinary cases before the Tribunal and the accused officer concerned shall be allowed to be represented by counsel.

It shall be in the discretion of the Tribunal concerned to allow the accused officer concerned to be presented by counsel.

The Tribunal may, in its discretion, Co-opt an assessor to assist it. The assessor shall be an officer of the department to which the Government Servant charged belongs, having a rank higher than that of the Govt Servant charged. In no case shall the rank of an assessor be below that of a officers of the State Services or of a district head of the Department concerned.

For the purpose of this rule in any case where more than one Government Servant is charged, the assessor shall be an officer above the rank of the highest Government Servant charged.

The Tribunal may sit at such places as it may determine with due regard to the convenience of the parties concerned and expenses involved.

The proceedings of the Tribunal shall be in camera.

Not with standing anything contained in rule 17 of the Tamil Nadu Civil Services (Discipline & Appeal) Rules, the following procedure shall be adopted by the Tribunal in conducting enquiries in cases of corruption and also in cases of corruption combined with other charges. As soon as the records relating to allegations of corruption or of corruption combined with other charges against a Government Servant are received, the Tribunal shall frame appropriate charges, communicate them to the person charged together with list of witnesses likely to be examined in respect of each of the charges, copies of the complaints made by the complainants, copies of statements taken from the witness which form the basis on which the Tribunal has framed charge, charges against him and with information as to the date and place of enquiry at the explain enquiry, oral and documentary evidence shall be first adduced by the prosecution and person charged shall be entitled to cross examine

the prosecution witnesses and to any documents produced by the prosecution.

8.4. The person charged shall thereafter, within the time allowed by the Tribunal, File a written statement of his defence along with a list of witnesses whom he wishes to examine, stating the points on which he proposed to examine each of them.

Provided that he need not so specify the points for examination in his won case, when he wishes to examine himself as well. The oral and documentary evidence on his side shall then be adduced. After the enquiry is completed, the Tribunal shall hear the Prosecutor for Disc. Proceedings and the person charged or permit them to file the written brief of their respective cases, if they so desire. A copy of the written brief, if submitted by the Prosecutor for Disc. Proceedings, shall be served on the person charged, before he is required to submit his reply written brief. The Tribunal shall, as far as possible, observe the Basic rules of evidence relating to the examination of witnesses and the marking of documents.

For sufficient reasons to be recorded in writing, the Tribunal shall have power to refuse to call a witness on either side, or to summon, and examine any further witnesses, or to call for, and exhibit any further documents. The proceedings of the Tribunal shall contain a sufficient record on the evidence.

Where the officer concerned has absconded or where it is for other reasons impracticable to communicate with him or where he does not take part in an enquiry, the enquiry shall still proceed.

In exceptional cases, for special and sufficient reasons to be recorded in writing, be waived by the Tribunal where there is difficulty in observing the requirements of that sub – rule and the requirements can be waived without injustice to the person charged.

The provisions of the Tamil Nadu Civil Services (Discipline & Appeal) Rule shall apply :-

- (i) in regard to the procedure to be followed in cases other than those of corruption; and
- (ii) in regard to any other matter for which no specific provision has been made in these rules.

The Government may, by order in writing withdraw any case referred to a Tribunal under these rules and pending before that Tribunal and transfer such cases to another Tribunal for enquiry and the Tribunal to which the case is so transferred may, subject to special directions in the order of transfer, proceed either de novo or from the stage at which the case was so transferred.

Government may, by an order in writing, withdraw at any stage any case referred to a Tribunal under these rules and pending before that Tribunal. After such withdrawal the Government shall pursue further action in respect of State Service Officers and shall entrust the cases of subordinate service officer to the Head of Departments concerned for further action. The Government, or the Head of Department, as the case may be, may proceed with further action either de novo or from the stage at which the case was so withdrawn from the Tribunal, and pass final orders.

After the enquiry has been completed, the Tribunal shall send its findings to the Government to the effect whether the charges against the person charged are proved or not. Where the charges are proved, the penalty be imposed on the person charged shall be decided by the Government or the Head of Dept., as the case may be.

CHAPTER – 9

NORMS SET FOR THE DISCHARGE OF FUNCTIONS

Minimum one final report to the Govt. every month.

CHAPTER – 10

ARRANGEMENT THAT EXIST FOR CONSULATION WITH OR REPRESENTATION BY THE MEMBERS OF THE PUBLIC IN THE RELATION TO THE FORMULATION OF POLICY OR IMPLEMENTATION.

- NIL -

CHAPTER – 11

STATEMENT OF BOARD, COUNCIL, COMMITTEES
CONSTITUTED AS ITS PART.

- NIL -

CHAPTER – 12

BUDGET ALLOCATION

Budget Allocation for the Year 2022 – 2023

Under Non – Plan Expenditure is Rs. 1,33,09,000/-

CHAPTER – 13

THE MANNER OF EXECUTION OF PROGRAMMES

- NIL -

CHAPTER – 14

DETAILS OF INFORMATION AVAILABLE

Rules & Regulations regarding the conduct of enquires.

Number of cases received.

Nature of the cases received.

Stages of cases.

Any other General Information regarding this Dept.,

CHAPTER – 15

PARTICULARS OF FACILITIES AVAILABLE

1. Office Library
2. Notice Board
3. Printed Manual

CHAPTER – 16

PARTICULARS OF THE PUBLIC INFORMATION OFFICERS

NAMES AND DESIGNATION OF THE PUBLIC INFORMATION OFFICERS

| Sl. No. | Designation of the Public Information Officer | Name of the Organisation / Institution |
|---------|---|--|
| 1 | Secretary, Tribunal for Disciplinary Proceedings, Chennai | Office of the Commr. For Disc. Proceedings, 3rd Floor, Kuralagam, Chennai – 600 108. |

Names And Designation Of The Appellate Authority

| Sl. No. | Designation of the Appellate Authority | Name of the Organisation / Institution |
|---------|---|--|
| 1 | Commissioner for Disc. Proceedings, Chennai | Office of the Commr. For Disc. Proceedings, 3rd Floor, Kuralagam, Chennai – 600 108. |