

CENTRAL INFORMATION COMMISSION
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Appeal No. CIC/VS/A/2015/002033

Appellant: Mr. Venkatesh Nayak
55A, III Floor, Siddharth Chambers-I Kalu Sarai, New Delhi-110016

Respondent: The Central Public Information Officer, Cabinet Secretariat, RTI Cell, Rashtrapati Bhawan, New Delhi-110001

Date of Hearing: May 09, 2016

Date of Decision: May 09, 2016

ORDER

RTI Application

1. The Appellant filed RTI Application dated January 19, 2015 seeking information on 5 points regarding status of compliance of all Ministries and Departments, Government of India, with Rule 10 of the Rules of Procedure in regard to Proceedings of the Cabinet and with respect to furnishing the Agenda of the Cabinet in the meeting of Union Cabinet from August, 2014 to December, 2014, monthly summaries submitted by Ministries and Departments etc. The Central Public Information Officer, Cabinet Secretariat responded on February 05, 2015. The Appellant filed a First Appeal on March 16, 2015 with the First Appellate Authority (hereafter “the FAA”). The FAA

responded on April 17, 2015. The appellant filed the Second Appeal on July 24, 2015 with the Commission.

Hearing:

2. The appellant and the respondent both participated in the hearing personally.

3. The appellant referred to his RTI application dated January 19, 2015 and submitted that CPIO has failed to appreciate the exact nature of the information sought. The appellant further stated that he has only sought information pertaining to topics placed on the agenda of the Union Cabinet for discussion (which are created and circulated by the public authority itself) and mentioned that this information has been made available to him in the past and he was also permitted to inspect records on several occasions, particularly, during the years 2009, 2010, 2012 and 2014.

4. The appellant, while stressing on the need of proactive disclosure under the RTI Act, further submitted that *post facto* disclosure may be undertaken by the Cabinet Secretariat pertaining to topics placed on the agenda of the Union Cabinet for discussion. This is not violative of RTI Act.

5. The appellant also stated that the form of access suggested by the CPIO i.e. “the specification of the Ministry for which the information is required” defeats the very public interest that is being pursued by the appellant.

6. In this regard, the appellant emphasized that a change in form of access which is acceptable could be monthly uploading of the information about the status of compliance with Rule 10 for every Ministry/ Department on the official website of this public authority. Additionally, those portions of the monthly reports that are “unclassified” or

are not exempt under Section 8 of the RTI Act could be made public by being uploaded on the official website of each Ministry/ Department.

7. The respondent stated that appellant was informed vide letter dated February 05, 2015 that as per Section 8 (1) (i) of the RTI Act, the sought for information in point no. (1) of the RTI Application is exempted from disclosure. Additionally, the respondent submitted that the sponsoring Ministries/ Departments are best placed to decide whether they can provide the desired information related to Cabinet Papers after ensuring that the matter is complete or over.

8. The respondent further stated that they have been monitoring the implementation of Rule 10 of Rules of Procedure in regard to Proceedings of the Cabinet but no compilation of the submission of monthly summaries by Ministries and the Departments in this regard is maintained by them.

Discussion/observations:

9. The respondents were requested to explain the monitoring done by them of the Monthly summaries, monthly do letters and implementation of the Cabinet decisions by the various Ministries/ Departments of the Government of India and steps taken by them for ensuring proactive disclosure in respect of their activities and workings.

10. Since the respondents have been permitting the inspection of register listing the topics placed on the agenda of the Union Cabinet there is no reason to discontinue this practice. Furthermore, proactive disclosure by the Ministries/ Departments as suggested in paragraph 6 above shall promote public interest.

Decision:

11. In the interest of transparency and with a view to informing the public of the achievements of the Government, the respondent is advised to consider procedure suggested in paragraph 6 above. No further intervention of the Commission is required in the matter.

The appeal is disposed of. Copy of the decision be given free of cost to the parties. A copy may also be sent to the Public authority for further consideration.

(Radha Krishna Mathur)
Chief Information Commissioner

Authenticated true copy

(S. C. Sharma)
Dy. Registrar

