

Central Information Commission, New Delhi
File No.CIC/WB/A/2009/000990-SM
Right to Information Act-2005-Under Section (19)

Date of hearing : **4 March 2011**

Date of decision : **4 March 2011**

Name of the Appellant : **Shri Venkatesh Nayak**
B-117, Second Floor,
Sarvodaya Enclave,
New Delhi – 110 017.

Name of the Public Authority : **CPIO, Cabinet Secretariat,**
Rashtrapati Bhawan,
New Delhi.

The Appellant was not present in spite of notice.

On behalf of the Respondent, the following were present:-

- (i) Smt. Vandana Aggarwal, Director & CPIO,**
- (ii) Shri K.J. Sibichan, US,**
- (iii) Shri B.B. Bhardwaj, SO (RTI)**

Chief Information Commissioner : **Shri Satyananda Mishra**

2. The Respondent was present and made her submissions. The Appellant had informed the CIC that he would not be able to attend the hearing in person.

3. The Appellant had sought three sets of information including the

copy of the Transaction of Business Rules and the latest version of the Rules of Procedure in regard to the Proceedings of the Cabinet. The CPIO had provided only the list of the items considered in the Union Cabinet meetings from 1 June 2009 to 31 July 2009 and had declined to disclose the remaining information by observing that both the Rules sought by the Appellant were classified as confidential and were not presently in the public domain. The Appellate Authority upheld the decision of the CPIO.

4. During the hearing, the Respondent argued that these two Rules had been issued under Article 77(2) of the Constitution of India and that these had been classified as confidential and, therefore, could not be disclosed until the competent authority declassified these rules. She also informed the CIC that, in the meanwhile, the Transaction of Business Rules had been declassified and was already placed in the website of the Cabinet Secretariat and was freely available. However, she submitted that the Rules of Procedure in regard to the Proceedings of the Cabinet had not been so declassified.

5. On the other hand, the Appellant has argued that the public authority was obliged to publish these Rules long time back in terms of the provision of Section 4(1) (b) (v) of the Right to Information (RTI) Act.

6. After carefully considering the submissions made before us by the Respondent and the arguments contained in the second appeal preferred by the Appellant, we do not find much merit in the grounds on which the CPIO had denied the information and the Appellate Authority

had upheld the same. After the enactment of the Right to Information (RTI) Act, no information can be denied on any other ground than what is expressly provided in Section 8 of this law. Nothing in this Section exempts any information from disclosure only on the ground that the competent authority has decided certain information to be confidential. In any case, on the face of it, both these Rules relate to the manner and procedure in which the government business is to be transacted and the Cabinet proceedings are to be conducted; surely, the citizens should have the right to know about how their government functions and how the proceedings of the Cabinet are conducted. Transparency in governance, the leitmotif of the Right to Information (RTI) Act, presupposes that the manner and the method of the working of the highest executive body, such as the Cabinet, should be known to everyone. To classify such Rules as confidential goes totally contrary to the concept of transparency. Fortunately, we are informed that the competent authority has already declassified the Transaction of Business Rules.

7. In the light of the above, we direct the CPIO to disclose to the Appellant within 10 working days from the receipt of this order the remaining information as sought by him in his RTI application.

8. The appeal is disposed off accordingly.

9. Copies of this order be given free of cost to the parties.

(Satyananda Mishra)
Chief Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(Vijay Bhalla)
Deputy Registrar