

F. No.(Admn.)1-4/2018 – CR(A) & RTI
INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAVAN

New Delhi, the 24th ~~July~~^{Aug}, 2018

Ministry of Law & Justice, Department of Legal Affairs has issued an OM F.No.R-24/7/2016-IC dated 19.06.2018 regarding Hon'ble Delhi High Court's order dated 23.11.2017 in WP(C) No. 5636/2016 in UOI & Anr. Vs. CIC & Anr whereby Hon'ble Court has set aside the order of CIC dated 12.03.2016 in which Ministers were declared 'Public Authorities' under section 2(h) of RTI Act, 2005.

2. The above mentioned OM is hereby published for information of all concerned.



(Ravi Chauhan)

Under Secretary (Admn.) & Nodal Officer (RTI)
Tel. 011-23386978

Distribution:

1. Media Unit, ICAR for placing under RTI Act on the Council's website
2. Guard File/e-office Notice Board

F.No.R-24/7/2016-IC
Government of India
Ministry of Law & Justice
Department of Legal Affairs
RTI CELL

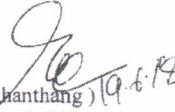
Shastri Bhawan, New Delhi.
Dated: 19.06.2018

OFFICE MEMORANDUM

Sub:- WP(C) No.5636/2016-Union of India & Anrs. Vs. CIC & Anr.

The undersigned is directed to circulate herewith a copy of the Hon'ble Delhi High Court's order dated 23.11.2017 in WP(C) No.5636/2016 in UOI & Anr. Vs. CIC Anr.

2. The Hon'ble High Court, Delhi while setting aside the order of CIC dated 12.03.2016 has held that there was no occasion for the CIC to enter upon the question as to whether a Minister is a 'public authority' under Section 2(f) of the RTI Act, 2005. The Court further held that the directions issued by the CIC are also wholly outside the scope of the matter before CIC.
3. A copy of said CIC order dated 12.03.2016 is also enclosed.
4. This issues with the approval of Hon'ble Minister for Law & Justice.

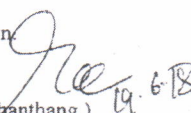

(K. Ginkhanthang)
Deputy Secretary & CPIO
Tele: 23384706

To

The Cabinet Secretary,
Rashtrapati Bhawan,
New Delhi.

Copy to:

1. All Secretaries to the Govt. of India.
2. The Chief Secretaries of all the States/UTs.
3. The President, ITAT, Lok Nayak Bhawan, Khen Market, New Delhi.
4. All Officers of the Department of Legal Affairs, New Delhi.
5. NIC with the request to upload this OM in the website of this Department.
6. The Registrar, CIC, Baba Gang Nath Marg, Munirka, New Delhi for information.


(K. Ginkhanthang)
Deputy Secretary & CPIO
Tele: 23384706

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5636/2016 and CM No. 23383/2016**

UNION OF INDIA AND ANR Petitioners
Through: Mr Jasmeet Singh, CSGC with Mr
Srivats Kaushal and Mrs Astha
Sharma, Advocates for UOI.

versus

CENTRAL INFORMATION COMMISSION
AND ANR Respondents

Through: None.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **23.11.2017**

1. The petitioner (Union of India) has filed the present petition, *inter alia*, impugning an order dated 12.03.2016 (hereafter 'the impugned order') passed by the Central Information Commission (hereafter 'CIC'). By the impugned order, the CIC has declared "*the Ministers in the Union Government and all State Governments as 'public authorities' under Section 2(h) of Right to Information Act, 2005*".
2. The CIC has further issued directions to Central and State Governments to provide the necessary support to each Minister including designating some officers or appointing the said officers as Public Information Officers and First Appellate Authorities. The CIC has also directed that Ministers be given an official website for *suo moto* disclosure of information with periodical updating as prescribed under Section 4 of the Right to Information Act, 2005 (hereafter 'the Act'). The CIC has also

recommended that the oath of secrecy which is required to be taken by the Ministers be replaced with the oath of transparency.

3. Briefly stated, the relevant facts are that respondent no.2 filed an application dated 20.11.2014 before the Additional Private Secretary, Minister of Law and Justice, Government of India seeking the following information:-

“Time period of Hon'ble Minister or Minister of State's meeting the General Public has not been issued by the Ministry. If issued, its details and time to provide in Hindi and English language.”

4. Since the information as sought was not received, respondent no.2 filed an appeal dated 02.01.2015 under Section 19(1) of the Act. Thereafter, the Central Public Information Officer (hereafter 'CPIO') sent a response dated 16.01.2015 informing respondent no.2 that *“No specific time has been given for the meeting of General Public with the Hon'ble Minister. However, as and when requests are received appointments are given subject to the convenience of the Hon'ble Minister”*.

5. Respondent no.2 filed a second appeal under Section 19(3) of the Act on 14.04.2015. The principal grievance of respondent no.2 was that he had not received the information sought for within the specified time and, therefore, prayed that certain action be taken against the concerned CPIO under Section 20(1) of the Act.

6. The CIC listed the aforesaid appeal for hearing on 29.02.2016. However, none appeared for either of the parties. Notwithstanding the