

Government of India  
Department of Atomic Energy

Anushakti Bhavan  
C.S.M Marg  
Mumbai - 400 001

No.45/01/2012-ER / 768

16 March 2012

Subject : Appeal under Section 19(1) of the RTI Act, 2005

ORDER

An application dated 20 January 2012 from Shri Venkatesh Nayak, B-117, Second Floor, Sarvodaya Enclave, New Delhi - 110 017 seeking information under RTI Act 2005 was received by CPIO, DAE on 24 January 2012. The applicant along with other information also sought at point no.1, a clear photocopy of the Cabinet Note prepared by the Department of Atomic Energy seeking approval of the Union Cabinet for introducing the Nuclear Safety Regulatory Authority Bill, 2011 in the Lok Sabha along with its enclosures. Officer on Special Duty (ER)/CPIO, DAE vide his letter No.45/01/2012-ER/325 dated 7 February 2012 informed the applicant that the required information sought at point no.1 was exempted from disclosure under Section 8(1) (i) of the RTI Act. The information on remaining points were answered by PIO & Director (Adm.), DAE vide his letter No.DAE/RTI/APIO-14/2012 dated 31 January 2012.

2. Aggrieved by the reply furnished by Officer on Special Duty (ER)/CPIO, Shri Venkatesh Nayak filed an appeal before the Appellate Authority [Joint Secretary (ER)], DAE on 24 February 2012 which was received in the Department on 1 March 2012. The appellant states that the ostensible purpose of the Cabinet Note attached to the Nuclear Safety Regulatory Bill was to seek the approval of the Union Cabinet for the draft provision contained in the Bill and for its tabling before Parliament. He further states that upon securing the approval of the Union Cabinet the Bill was tabled in the Lok Sabha in September 2011 and thus the purpose of the Cabinet Note now qualifies for disclosure.

3. The undersigned has perused the original application dated 20 January 2012 received from Shri Venkatesh Nayak and the response thereto by the Officer on Special Duty (ER) & CPIO vide letter dated 7 February 2012.



4. I have also gone through relevant Section i.e.8(1)(i) under the RTI Act, 2005 which is reproduced below.

"8 (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,-

(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

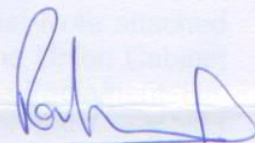
Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;"

6. The use of the word "and" appearing in Section 8(1)(i) between "after the decision has been taken" and "the matter is complete or over" implies that both the conditions, i.e. (i) the decision has been taken; and (ii) the matter is complete or over, must be satisfied for disclosure of full information. The Department-related Parliamentary Standing Committee on Science & Technology, Environment & Forests had put the contents of the Bill in the public domain and invited comments on it. As is public knowledge, the Committee has deliberated on the report and forwarded its observations to the Hon'ble Chairman, Rajya Sabha and Hon'ble Speaker, Lok Sabha. Thus, the matter stands and has to be taken forward, and the second condition i.e. 'the matter is complete or over' is not satisfied in this case.

7. In view of the above, the information sought does not qualify for disclosure at this stage.

8. The Appeal stands disposed of accordingly.



(Rahul Kulshreshth)  
Joint Secretary (ER) &  
Appellate Authority

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