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# Ministers Under RTI



## Declaration and Directions

In the light of above analysis, the Commission has no hesitation to declare **the Ministers in the Union Government and all State Governments as 'public authorities' under Section 2(h)**. Thus the Commission holds that the Ministers have a statutory obligation to inform the people as mandated by the Right to Information Act, 2005.

The Commission strongly recommends the Centre and States **to provide necessary support to each minister, including designating some officers, or appointing as Public Information Officers and First Appellate Authorities**. They also shall be given an official-website for suo moto disclosure of the information with periodical updating as prescribed under Section 4 including the facility of meeting people since the Ministers deserve necessary assistance to receive, acknowledge and provide response to the representations given by the people and as Constitutional functionaries, the Ministers have a duty to inform the people about their efforts to fulfill the promises they have made, through Section 4(1)(b) of RTI Act and also to furnish the information as sought by their voters under other provisions of RTI Act. Exercising the power given under Section 19(8)(a)(ii) the Commission requires the public authority, especially, the Cabinet Secretary of Union and all Chief Secretaries of States, to take such steps as may be necessary to secure compliance of the Right to Information Act and the directions in this order, including appointing a Public Information Officer within two months from the date of receipt of this order. The Commission directs its office to send this order to every Chief Secretary of State and Union Territory where the Council of Ministers are constituted for compliance.

With reference to this second appeal specifically, the Commission declares that the **office of the Minister for Law as public authority under Section 2(h) of Right to Information Act**, and

under Section 19(8)(a)(ii) require the Government of India to appoint a Central Public Information Officer to answer the information requests of the citizen and publish the information as per Section 4(1)(b) including facility of meeting people.

The Commission strongly recommends to implement the recommendations of NCRWC, Second ARC and **replace the 'oath of secrecy' with 'oath of transparency'** so that the Minister will respect the right to information of the citizen, which was passed by the Parliament and considered as fundamental right intrinsic in Article 19(1)(a) of the Constitution, and be answerable/accountable to the citizens.

## Issues

a) Is Minister or his office a 'public authority' under RTI Act? b) Whether a citizen has right to information sought, and does the minister has corresponding obligation to give?

The question can come in front of CIC was

## Is 'Minister' a 'public authority'?

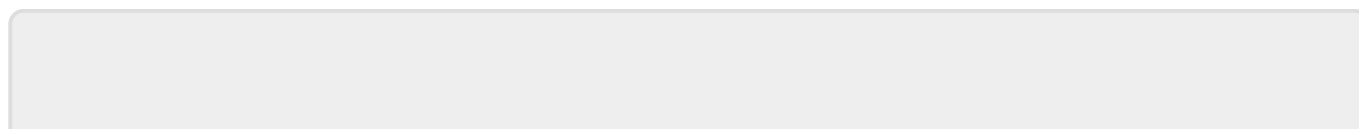
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## Download the decision

[Hemant Dhage, Ahmednagar Vs. Department of Legal Affairs, GOI](#)

## Links

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