

## Frequently Asked Questions under RTI Act, 2005

### Cabinet Division

**[As on 30.09.2019]**

	Frequently Asked Questions	Standard Replies / Position
<b>Business allocated to Cabinet Secretariat</b>		
1.	What are the <b>businesses allocated to the Cabinet Secretariat</b> ?	<p>The functions allocated to the Cabinet Secretariat as per the Government of India (Allocation of Business) Rules, 1961, are as below:</p> <ol style="list-style-type: none"> <li><b>1. Secretarial assistance to the Cabinet and Cabinet Committees.</b></li> <li><b>2. Rules of Business.</b></li> </ol>
<b>Secretarial assistance to the Cabinet and Cabinet Committees</b>		
2.	What are the <b>functions and responsibilities of Cabinet Secretariat</b> with reference to the <b>Secretarial assistance to the Cabinet and Cabinet Committees</b> ?	<p>The secretarial assistance provided by Cabinet Secretariat to the Cabinet and Cabinet Committees, includes</p> <ul style="list-style-type: none"> <li>• Convening the meetings of the Cabinet and its Committees on the orders of the Prime Minister.</li> <li>• Preparation and circulation of the agenda.</li> <li>• Circulation of papers, including the Notes related to the cases on the agenda.</li> <li>• Preparation of a record of discussions in the meeting (Minutes).</li> <li>• Circulation of record of discussions after obtaining the approval of the Prime Minister.</li> <li>• Monitoring implementation of decisions taken by the Cabinet.</li> </ul>
3.	How to obtain <b>Copies of Cabinet Notes or Details of Cabinet Decisions (Minutes)</b> or Issues considered by Cabinet ( <b>Agenda items</b> ) or Supporting papers of any <b>meeting of the Cabinet or its Committees</b> ?	<p>Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers are exempted from disclosure under Section 8(1)(i) of the RTI Act, 2005.</p> <p>As per the first proviso under Section 8(1) (i) of RTI Act, 2005, <i>"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 <b>matter is complete, or over</b>".</i> It is, therefore, clear that the disclosure of material on the basis of which Cabinet decisions are taken, is to be done not merely after the decisions are taken, but only after the "matter is complete or over".</p> <p>It may be noted that as per the Government of India (Allocation of Business) Rules, 1961, the function allocated to the Cabinet Secretariat is "<b>Secretarial assistance to the Cabinet and Cabinet Committees</b>". The Secretariat neither sponsors nor implements any programme or executes any project. As an agency entrusted with providing "<i>Secretarial assistance to the Cabinet and Cabinet Committees</i>", Cabinet Secretariat cannot</p>

		<p>decide when a matter related to a Cabinet decision is “complete and over”. It is the implementing Ministry/ Department, which can decide when matters related a Cabinet decision are “complete or over”, and accordingly decide on disclosure of material as per first proviso under Section 8(1) (i) of RTI Act, 2005.</p> <p>The position that the timing and manner of disclosure of Cabinet papers is best decided by the Public Authority in which the Cabinet Note originated has been upheld by the Central Information Commission in its order No. CIC/CABST/A/2017/128618 dated 21.07.2017 (Sh. Santimay Basu Vs. CPIO, Cabinet Secretariat) and order No. CIC/CABST/A/2018/621928 dated 03.09.2019 (Sh. Sanjeev Kumar vs. CPIO, Cabinet Secretariat).</p> <p>Accordingly, <b>for such information/ documents, the concerned Administrative Ministries/Departments should be contacted.</b></p>
<b>Rules of Government Business</b>		
4.	What is the <b>function</b> of Cabinet Secretariat with reference to the <b>Rules of Business</b> ?	Cabinet Secretariat deals with proposals for amendment in the Government of India ( <b>Transaction of Business</b> ) <b>Rules, 1961 (ToB Rules)</b> and the Government of India ( <b>Allocation of Business</b> ) <b>Rules 1961 (AoB Rules)</b> , and resolution of Inter-Ministerial disputes on allocation of subjects.
5.	What is a “Department”?	As per the ToB Rules, a "department" means any of the Ministries, Departments, Secretariats and Offices specified in the First Schedule to the Government of India (Allocation of Business) Rules, 1961 (Rule 2 of ToB Rules).
6.	Who is responsible for adherence to the Business Rules by the Ministries/ Departments	<p>Rule 11 of the ToB Rules is reproduced below in this regard:</p> <p><b>11. Responsibility of Departmental Secretaries.- In each department, the Secretary (which term includes the Special Secretary or Additional Secretary or Joint Secretary in independent charge) shall be the administrative head thereof, and shall be responsible for the proper transaction of business and the careful observance of these rules in that department.</b></p>
7.	Where can I get a <b>list of all Ministries/Departments</b> of Government of India?	<p>Central Ministries/Departments are listed in the <b>First Schedule to the Government of India (Allocation of Business) Rules, 1961</b> which is available on the Cabinet Secretariat website <a href="https://cabsec.gov.in">https://cabsec.gov.in</a>, as indicated below:</p> <p>Business Rules → Allocation of Business Rules →First Schedule.</p>

8.	What are the <b>works done by</b> or subjects allocated to various <b>Ministries/Departments</b> of Government of India?	<p>The businesses allocated to Central Ministries/Departments are available in the <b>Second Schedule to the Government of India (Allocation of Business) Rules, 1961</b>, which is available on the Cabinet Secretariat website <a href="https://cabsec.gov.in">https://cabsec.gov.in</a>, as indicated below:</p> <p>Business Rules → Allocation of Business Rules → Second Schedule.</p>
9.	Where can I get the <b>first Allocation of Business Rules</b> ?	<p>Copy of the <b>first Order</b> of "The Government of India (Allocation of Business) Rules, 1961" <b>dated January 14, 1961</b> is available at the Cabinet Secretariat website <a href="https://cabsec.gov.in">https://cabsec.gov.in</a>, and may be accessed by following the pathway indicated below:</p> <p>Archive → Allocation of Business Rules → 1961 → First AOB Notification (Dated: 18.01.1961).</p>
10.	Where can I get the <b>first Transaction of Business Rules</b> ?	<p>Copy of the <b>first Order</b> of "The Government of India (Transaction of Business) Rules, 1961" <b>dated January 14, 1961</b> is available is available at the Cabinet Secretariat website <a href="https://cabsec.gov.in">https://cabsec.gov.in</a>, as indicated below:</p> <p>Archive → Transaction of Business Rules → 1961 → Dated 14.01.1961.</p>
11.	Where can I get copies of <b>all Amendments to the Allocation of Business Rules</b> ?	<p>The Government of India (Allocation of Business) Rules, 1961 are amended from time to time. All such amendments are available at the Cabinet Secretariat website <a href="https://cabsec.gov.in">https://cabsec.gov.in</a>, as indicated below:</p> <p>Business Rules → Allocation of Business Rules → Amendment.</p>
12.	Where can I get copies of <b>all the Amendments to the Transaction of Business Rules</b> ?	<p>The Government of India (Transaction of Business) Rules, 1961 are amended from time to time. All such amendments are available at the Cabinet Secretariat website <a href="https://cabsec.gov.in">https://cabsec.gov.in</a>, as indicated below:</p> <p>Business Rules → Transaction of Business Rules → TOB Amendment.</p>
13.	What are the <b>Rules for Transaction or disposal of businesses</b> of a Ministry/Department	<p>The Government of India (<b>Transaction of Business</b>) Rules, 1961 may be referred to. A copy of this is available on the Cabinet Secretariat website <a href="https://cabsec.gov.in">https://cabsec.gov.in</a>, as indicated below:</p> <p>Business Rules → Transaction of Business Rules.</p> <p><b>Rules 3,4 and 7 of the ToB Rules are particularly relevant in this regard.</b></p>

### Standing Committees of the Cabinet

14.	What are the <b>Standing Committees of the Cabinet</b> ?	As per <b>Rule 6(1)</b> of the Government of India (Transaction of Business) Rules, 1961 provides:  <i>"There shall be Standing Committees of the Cabinet as set out in the First Schedule to these Rules with the functions specified therein. The Prime Minister may from time to time amend the Schedule by adding to or reducing the numbers of such Committees or by modifying the functions assigned to them."</i>
15.	What are the <b>functions of the Standing Committees</b> of the Cabinet?	The <b>Standing Committees of the Cabinet and their Functions</b> are listed in the <b>First Schedule</b> to the Government of India ( <b>Transaction of Business</b> ) Rules, 1961, which can be accessed at the Cabinet Secretariat website ( <a href="https://cabsec.gov.in">https://cabsec.gov.in</a> ) as per the undermentioned path:  Business Rules → Transaction of Business Rules.
16.	What are the <b>compositions of the Standing Committees of the Cabinet</b> ?	Extant composition of the various Cabinet Committees is available on the Cabinet Secretariat website ( <a href="https://cabsec.gov.in">https://cabsec.gov.in</a> ), and may be accessed as follows:  Council of Ministers → Cabinet Committees.
17.	Where can I get the <b>previous compositions of the Standing Committees of the Cabinet</b> ?	Compositions of the Cabinet Committees since 30.08.2011 are available on the website of the Cabinet Secretariat, and may be accessed as follows:  Archive → Cabinet Committees (from 30.08.2011 to 01.02.2014) and  Council of Ministers → Cabinet Committees (since 18.06.2014)

### Council of Ministers

18.	What are the functions and responsibilities of the Council of Ministers?	Functions and responsibilities of Council of Ministers are dealt with in Articles 74 and 75 of the Constitution of India.
19.	Where can I get the <b>list of Union Council of Ministers and their portfolios</b> [Cabinet Ministers, Minister of State (Independent Charge) and Minister of State]	The list of Union Council of Ministers along with their portfolios is available in the Cabinet Secretariat website ( <a href="https://cabsec.gov.in">https://cabsec.gov.in</a> ), and may be accessed as follows:  "Council of Ministers" → List of Council of Ministers.

20.	Where can I get the <b>older</b> lists of Union Council of Ministers and their portfolios?	<p>The list of Council of Ministers and the Change in Portfolios since 1990 are available on the website of Cabinet Secretariat (<a href="https://cabsec.gov.in">https://cabsec.gov.in</a>).</p> <p>The composition of Council of Ministers as on 27.05.2014, and subsequent changes in portfolio may be accessed under the tab "Council of Ministers".</p> <p>Initial composition of Council of Ministers for each Government since 1990 may be accessed on the website of Cabinet Secretariat as follows:</p> <p>Archives→ Initial Composition of Council of Ministers</p> <p>All changes in portfolio of Council of Ministers since 1990 up to 26.05.2014 may be accessed on the website of Cabinet Secretariat as follows:</p> <p>Archives→ Change in portfolio</p> <p>While compositions of Council of Ministers prior to 1990 have not yet been digitized, Lok Sabha Secretariat has brought out a priced publication titled "Council of Ministers 1947 (From 15 August to 28 August 2015)". This book could be referred to for earlier compositions.</p>
21.	Where can I get the <b>details</b> of Union Council of Ministers like:- (i) <b>list of email IDs,</b> (ii) <b>Phone Numbers,</b> (iii) <b>Mobile numbers,</b> (iv) <b>Residential addresses</b> (v) <b>office addresses</b> (vi) <b>Constituency</b> (vii) <b>Political Party</b> (viii) <b>Religion</b> (ix) <b>Caste</b> (x) <b>Educational Qualifications</b>	These are not maintained by the Cabinet Secretariat. Such information may be available in the websites of the Lok Sabha Secretariat, Rajya Sabha Secretariat or the individual Ministries/Departments concerned. Applicants may approach the concerned public authorities for such information.
22.	Where can I get the details of <b>Salary and Allowances of Union Council of Ministers</b>	Information related to "salaries and allowance" of the members of the Union Council of Ministers may be sought from the MHA.
23.	Where can I get the <b>foreign travel details of Union Council of Ministers</b>	Cabinet Secretariat does not maintain such information. Concerned Ministries/ Departments may be approached in this regard.
24.	Where can I get the details of <b>Assets and</b>	Information related to the Assets and Liabilities of the Union Council of Ministers, may be obtained from the website of Prime



	<b>Liabilities of Union Council of Ministers</b>	Ministers' Office
25.	Where can I get information relating to <b>Code of Conduct for Ministers</b>	Under the Government of India (Allocation of Business) Rules, 1961, Department of Home, Ministry of Home Affairs(MHA) has been allocated the entry " <i>Code of Conduct for Ministers</i> " (entry 16). Therefore, MHA may be approached for information relating to Code of Conduct for Ministers.
<b>Information in Public Domain</b>		
26	Is it possible to get copies of documents already on the website of Cabinet Secretariat ?	<p>Section 4(2) of the RTI Act, 2005, inter alia, states "<i>It shall be a constant endeavour of every public authority to take steps .....to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.</i>"</p> <p>2. The Central Information Commission in Order No. CIC/AT/A/2007/00112 dated 12.04.2007 while considering a second Appeal filed by Shri K Lall, inter alia, stated:</p> <p><i>"Section 2(j) of the RTI Act speaks of "the right to information accessible under this Act which is held by or under the control of any public authority.....". The use of the words "accessible under this Act"; "held by" and "under the control of" are crucial in this regard. The inference from the text of this sub-section and, especially the three expressions quoted above, is that an information to which a citizen will have a right should be shown to be a) an information which is accessible under the RTI Act and b) that it is held or is under the control of a certain public authority. <b>This should mean that unless an information is exclusively held and controlled by a public authority, that information cannot be said to be an information accessible under the RTI Act. Inferentially it would mean that once a certain information is placed in the public domain accessible to the citizens either freely, or on payment of a pre-determined price, that information cannot be said to be 'held' or 'under the control of' the public authority and, thus would cease to be an information accessible under the RTI Act. ....</b>"</i></p> <p>3. In Decision No. CIC/YA/A/2014/000379/SB dated 19.09.2016, the CIC had directed "<b>.....once information has been provided in public domain and on website then the information is no longer held by or under the control of any public authority and hence, is no longer accessible as 'right to information'.</b>"</p>

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