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

+ **W.P.(C) 8302/2016 and CM APPL. 34372/2016**

UNION OF INDIA

..... Petitioner

Through: Mr Sanjay Jain, ASG with Mr  
Kirtiman Singh, CGSC with Mr  
Prateek Dhanda, Mr Vidhur Mohan  
and Mr Waize Ali Noor, Advocates.

versus

SUBHASH CHANDRA AGRAWAL

..... Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

% **12.09.2017**

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 04.05.2016, passed by the Central Information Commission (hereafter as 'CIC') directing the petitioner to disclose the information sought by the respondent in his application dated 08.06.2015.

2. A bare perusal of the application dated 08.06.2015 (which was received by the petitioner on 10.06.2015), indicates that the respondent had sought information in relation to 15 points, which are set out as under:

1. Complete and detailed information together with all related file-notings/correspondence/documents etc on issue of notification dated 21.05.2015(copy enclosed).
2. Complete information on MHA having received objections against issue of enclosed notification dated 21.05.2015
3. Complete and detailed information together with all related file-notings/correspondence/documents etc on action taken by MHA and/or others on objections received against issue of enclosed notification dated 21.05.2015
4. Complete information on items listed in State List which do not

exist for the National Capital Territory of Delhi (other than State Public Service and State Public Service Commission)

5. Copy of notification-number S.O. 853(E) [F. No. U-11030/2/98- UTL] dated 24.09.1998 as also referred in enclosed notification dated 21.05.2015
6. Complete and detailed information together with all related file-notings/ correspondence/documents etc on issue of notification-number S.O. 853(E) [F. No. U-11030/2/98-UTL] dated 24.09.1998
7. Complete information on rules about officers in Delhi Government for making complaints against Chief Minister, Council of Ministers and/or an individual Minister of Delhi Government to Lt Governor of Delhi
8. Complete information on rules allowing officers in Delhi Government to disobey verbal (subsequently publicly endorsed) and/or written directions of Chief Minister, Council of Ministers and/or an individual minister of Delhi government mentioning also rules for action taken against such officers disobeying democratically elected Chief Minister. Council of Ministers and/or an individual Minister of Delhi
9. Complete information on rules permitting officers making file-notings according to them in case views of concerned officer/s differ from verbal (subsequently publicly endorsed) and/or written directions of Chief Minister, Council of Ministers and/or an individual Minister of Delhi government on some matter/s
10. Complete information on powers of a democratically elected government in Delhi where it can function without being interrupted by the Central government and/or its appointed administrator
11. Complete information on rules allowing Honourable President of India being the final deciding authority in case there is a difference on matter/s between Lt Governor of Delhi and Council of Ministers in Delhi
12. Complete information on matters which reached to Honourable President of India because of difference on matter/s between Lt Governor of Delhi and Council of Ministers in Delhi after Shri Arvind Kejriwal took charge as Chief Minister in February

2015

13. Complete information on action taken by Honourable President of India and/or President's Secretariat on matters which reached to Honourable President of India because of difference on matter/s between Lt Governor of Delhi and Council of Ministers in Delhi after Shri Arvind Kejriwal took charge as Chief Minister in February 2015, mentioning clearly decision/s on such matters by Honourable President of India and /or President's Secretariat
14. Any other related information
15. File-notings on movement of this RTI-petition.

3. The information sought at serial no.1, 2, 3, and 6 pertains to information leading to the issue of a notification dated 21.05.2015. Mr Sanjay Jain, learned ASG submits that the said information is confidential and is not required to be disclosed, as the matter relating to the said notification is *sub-judice*. This Court does not find the said contention to be persuasive. The information sought for essentially relates to the material on the basis of which the notification has been issued. The said material has already translated into a public notification and this Court is of the view that there could be no objection to such disclosure. Plainly none of the clauses of section 8(1) of the Right to Information Act, 2005, (hereafter as 'the act') are applicable to exempt disclosure of such information.

4. Insofar as the information sought at serial no. 5 and 15 are concerned, Mr Jain, states that there are no objections to the same.

5. It is seen that information sought at serial no. 4 relates to items of the Seventh Schedule to the Constitution of India. The said information has already been in public domain and, does not require any specific disclosure

by the petitioner.

6. The information sought at serial nos. 7, 8, 9 and 11 essentially relates to the information regarding rules and regulations and the petitioner can have no objection to forwarding the same. In any event, such information ought to be placed in public domain, if not already done.

7. The information sought at serial no. 10 relates to the powers of democratically elected government. Mr Jain, states that the said matter is *sub judice*. The issue as to the specific powers of the elected Government is being debated in Courts. A Division Bench of this Court has already rendered the decision in the case of "***Government of National Capital Territory of Delhi v. Union of India: W.P.(C) 5888/2015, decided on 04.08.2016***" and the said decision is available on the website of this Court. This Court is also informed that the said decision is pending consideration before the Supreme Court of India.

8. As far as the information sought at serial no. 12 and 13 are concerned, the same relates to the decisions already been taken by the President and the concerned authorities, the petitioner could have no possible objection in providing the decisions that have already been taken. However, Mr Jain points out that there may be some issues which are still under consideration. It is seen that the respondent has not sought for any information which is under consideration but merely sought the decision taken by the concerned authorities.

9. The present petition is, thus, disposed of with the aforesaid observations.

**SEPTEMBER 12, 2017**  
**RK**

**VIBHU BAKHRU, J**