

**GOVERNMENT OF ANDHRA PRADESH
GENERAL ADMINISTRATION (Coordn., GPM&AR) DEPARTMENT**

Circular U.O. Note No. 2474/RTIA/KPS/GPM&AR/07-02, Dt. 12.06.2007.

Sub:- Right to Information Act, 2005 (Central Act 22 of 2005) – Supply of note files wherein recording of Sections / Officers / Secretaries / Ministers – Clarification under Section 8 (1) (i) of the Right to Information Act, 2005 – Regarding.

Section 8 (1) (i) of the Right to Information Act, 2005 (Central Act 22 of 2005) reads as follows:-

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

(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”.

2. A clarification has been sought from the Govt. as to whether the exemption clause under section 8 (1) (i) of the Right to Information Act, 2005 (Central Act 22 of 2005) applies to:

(A) only to the files wherein issues which are brought before the Council of Ministers are dealt with (OR)

(B) whether the said section also applies to all other issues which have not been brought before the Council of Ministers but wherein orders of all concerned officers including Chief Secretary / Minister concerned / Chief Minister have been obtained as per Business Rules.

3 The matter has been examined, in detail, and it is clarified that the provisions of Clause 8 (1) (i) of the RTI Act, 2005, apply only to the cases which are to go or have gone before the Council of Ministers or wherein orders were issued in anticipation of

approval or pending ratification by the Council of Ministers. It is, however, observed that the exemption clause applies only in respect of all papers till orders are issued in pursuance of decision of the Council of Ministers. Afterwards all copies of the relevant papers relating to such Cabinet decision are to be furnished to the Applicants on requisition under the Right to Information Act, 2005, in respect of the cases / files wherein orders of the Officers concerned including Chief Secretary / Ministers concerned / Chief Minister are obtained as per Business Rules, the provisions of Section 8 (1) (i) of the said Act do not apply and copies of the papers have to be furnished to the Applicants in such cases on requisition under the Right to Information Act, 2005.

4. All the Departments of Secretariat are requested to take further action accordingly.

J. HARI NARAYAN
CHIEF SECRETARY TO GOVERNMENT