

Central Information Commission, New Delhi
File No.CIC/WB/A/2010/000079 & 639-SM
Right to Information Act-2005-Under Section (19)

Date of hearing : **03 June 2011**

Date of decision : **03 June 2011**

Name of the Appellant : **Shri Anil Bairwal**
Association for Democratic Reforms,
B-1/6, Hauz Khas, Delhi – 110 016.

Name of the Public Authority : **CPIO, Rajya Sabha Secretariat,**
Parliament House Annexe,
New Delhi – 110 001.

The Appellant was present along with Shri Jagdeep Chhokar, Shri Radiya and Smt. Rosmin Francis.

On behalf of the Respondent, the following were present:-

- (i) Shri A.K. Singh, Director & CPIO,
- (ii) Shri Shashi Bhushan, Jt. Director,
- (iii) Smt. Sunitha Sekarani, Director,
- (iv) Shri A.S. Chakrawani, Asst. Director

Chief Information Commissioner : **Shri Satyananda Mishra**

2. Both the parties were present during the hearing and made their submissions. The Appellant had requested for the copies of statements of all the current members of the Rajya Sabha submitted for registration in the 'Register of Members' Interest' under Rule 293 of the Rules of Procedure and Conduct of Business in the Council of States, giving the details of remunerative directorship, regular remunerative activity, shareholding of controlling nature, paid consultancy and professional engagement. He had also requested for the

list of all the members who had not submitted the above said form and the reason for not submitting it.

3. The Respondents submitted that the application was declined on the basis of the decision of the Committee of Ethics of Rajya Sabha which opined that such information might not be provided to the public since the information was available to the secretariat in a fiduciary relationship. The Respondents, basing their arguments upon the decision of the Committee on Ethics of Rajya Sabha, stated that there was no obligation on their part to provide such information as it was covered under the exempt category under Section 8(1)(e) of the Right to Information (RTI) Act 2005. The Respondents also stated that the information could not be provided as it was personal in nature, the disclosure of which had no relationship to any public activity or interest.

4. On the basis of the arguments advanced and the clarifications provided, it was noted that though the arguments of the Respondents based on the decision of the Committee on Ethics of Rajya Sabha held some merit, however, both the Sections 8(1)(e) and 8(1)(j) provide that the information be furnished if it involves 'larger public interest.'

5. We are firmly of the view that the disclosure of the desired information would serve a larger public interest. The knowledge among the citizens about the pecuniary interest of MPs in various companies and other business establishments would help them to keep a better watch on their representatives when they would be dealing with policy and other legislative matters affecting the interests of such companies and business interests. It is the standard practice that people in positions where they can make decisions or influence policies affecting the financial and other interests of companies should

ordinarily recuse themselves from such a process, if they themselves have an interest in those specific companies or the class of enterprises, to avoid conflict of interest. This should be equally applicable to the legislators. If the legislators have any stated interest in some companies or business houses, as directors or consultants or substantial shareholders, their participation in any legislative or decision-making activity affecting the interests of such companies and business houses would be keenly watched by the people. This kind of vigilance on the part of the informed citizenry will help the legislators to be more objective and fair in their functioning and those will help in better laws being enacted and better policies made. Therefore, we do not see any reason why the copy of the said register in which the interests of the MPs are listed should not be made public under the Right to Information (RTI) Act. Just as the declaration of private assets by those contesting elections for Parliament of State legislatures is not construed as an invasion of individual privacy, similarly the disclosure of the above information cannot be considered an act of invasion of the privacy of individual MPs.

6. Thus, the CPIO, Rajya Sabha is directed to provide the desired information to the Appellant within 10 working days from the receipt of this order along with the photocopies of the relevant documents.

7. The appeal is allowed accordingly.

8. Copies of this order be given free of cost to the parties.

(Satyananda Mishra)
Chief Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(Vijay Bhalla)
Deputy Registrar