



REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO.2230 OF 2012

**CENTRAL INFORMATION
COMMISSION**

...APPELLANT(S)

VERSUS

D.D.A. & ANR.

...RESPONDENT(S)

J U D G M E N T

VIKRAM NATH, J.

1. The autonomy and independence of administrative bodies are fundamental to their ability to perform their designated functions effectively. These institutions are established to carry out specialized tasks that require a level of impartiality and expertise, which can only be achieved if they are free from undue interference. Ensuring their independence is essential for maintaining the integrity and efficacy of the

administrative system. Interfering in the functioning of these bodies can be detrimental, as it undermines their ability to operate efficiently and impartially. Such interference can stem from restrictive interpretations of their powers or direct interventions that impede their operational autonomy. Administrative bodies must have the freedom to establish and implement internal procedures and regulations that best suit their unique mandates and operational needs. The principle of non-interference is not merely an administrative convenience but a cornerstone for upholding the rule of law and ensuring that these bodies can serve the public interest effectively. When these institutions are allowed to function without external pressures, they can make decisions based on expertise and objective criteria, which

enhances their credibility and public trust.

2. The present appeal challenges the judgment and order dated 21.05.2010, passed by the High Court of Delhi in Writ Petition (C) No. 12714 of 2009. The High Court, by the impugned order, quashed the Central Information Commission (Management) Regulations, 2007¹ framed by the Chief Information Commissioner² and held that the CIC has no power to constitute Benches of the Commission. This appeal is confined to the issue of the validity of the Regulations and the powers of the CIC under Section 12(4) of the Right to Information Act, 2005³.
3. The matter originates from an application filed by one Mr. Sarbjeet Roy, proforma Respondent No.2, under Section 18 read with Section 19 of

¹ In short, "the Regulations"

² In short, "CIC"

³ In short, "the RTI Act"

the RTI Act, seeking information concerning the ongoing modification of the Master Plan of Delhi for the year 2021⁴. The applicant also sought directions to the Delhi Development Authority⁵ to fulfil its obligations under Section 4 of the RTI Act, which mandates proactive disclosure of information by public authorities.

4. On 22.09.2009, the CIC issued an order directing the constitution of a Committee to inquire into the matter of compliance with Section 4 of the RTI Act by the DDA and to submit a report to the Commission. The Committee comprised Ms. Sujata Chaturvedi, Director, Ministry of Urban Development; Shri Dunu Roy, Hazards Centre, Delhi; and Shri Pankaj KP Shreyaskar, Joint Registrar, CIC.

⁴ In short, "MPD 2021"

⁵ In short, "DDA"

5. Aggrieved by this order, the Contesting Respondent authority-DDA filed a Writ Petition (C) No. 12714/2009 before the Delhi High Court. During the proceedings before the Delhi High Court, the DDA specifically challenged the summoning of its Vice-Chairman by the CIC, arguing that such authority is vested solely with the High Court. The DDA underscored those certain powers, such as summoning high-ranking officials and conducting detailed inquiries, were traditionally within the domain of Supreme Court and High Court having plenary powers. They argued that the CIC, as an administrative body, should not exercise such powers as it would blur the lines between administrative and judicial functions. However, the High Court expanded its examination beyond this specific challenge. It delved into the

broader issue of the CIC's authority under Section 12(4) of the RTI Act, ultimately questioning and declaring the Regulations framed by the CIC as *ultra vires*.

6. The High Court framed the following questions to determine the issues at hand:

I. Whether the Central Information Commission has the authority, under the RTI Act and the Rules made thereunder, to appoint a committee comprising individuals other than the Commission's members to investigate the implementation of obligations imposed on a public authority, such as the DDA, by Section 4 of the RTI Act?

II. Whether the Chief Information Commissioner possessed the power to enact the Central Information Commission

(Management) Regulations, 2007 under Section 12(4) of the RTI Act, particularly concerning the provisions in Chapter IV, which address 'registration, abatement, or return of appeals'?"

III. Whether the Central Information Commission had the authority to mandate the appearance of the Vice-Chairman, DDA, in its proceedings?"

7. The High Court, after examining the matter at length, came to the following conclusions on the aforementioned three questions:

- a) Regarding the first question, the High Court concluded that the CIC does not have such power. The Court held that the CIC's authority is confined to the provisions explicitly stated in the RTI Act, which do not

include the power to delegate its inquiry responsibilities to a committee.

b) On the second question, the High Court found that the CIC exceeded its jurisdiction. The Court determined that Section 12(4) of the RTI Act does not confer legislative power on the CIC to frame such Regulations, especially those that go beyond procedural management and touch upon substantive matters.

c) As for the third question, the High Court concluded that such powers are reserved for a judicial authority, specifically the Supreme Court or the High Court. The Court held that the CIC does not possess the jurisdiction to summon high-ranking officials such as the Vice-Chairman of the DDA, thereby overstepping its statutory

limits.

8. We have heard Learned Attorney General of India, Mr. R Venkataramani, appearing for the appellant, Mr. Nitin Mishra, learned counsel for DDA which is the Respondent No. 1 and have perused the submissions of Mr. Sarbajit Roy, Respondent No. 2.
9. The arguments of the Attorney General on behalf of the appellant are briefly summarized hereunder:
 - I. The Central Information Commission (CIC), under the authority granted by Section 12(4) of the RTI Act, framed the Central Information Commission (Management) Regulations, 2007, to manage the affairs of the CIC effectively. Section 12(4) of the RTI Act confers upon the CIC the power of 'general superintendence, direction, and

management of the affairs of the CIC'. This broad authority allows the CIC to take necessary actions for the efficient functioning of the Commission, including the formation of benches for the allocation of work among Information Commissioners.

- II. The absence of an explicit provision for the formation of benches in the RTI Act does not negate the CIC's authority to do so. The power to form benches is inherently included within the CIC's general superintendence and management responsibilities. The broad language of Section 12(4) of the RTI Act indicates that the CIC has comprehensive authority to organize the internal functioning of the Commission, which necessarily includes the ability to form benches for the efficient

handling of cases.

III. The ability to form benches is essential for the efficient disposal of the large volume of cases handled by the CIC. The Commission registers nearly 20,000 cases annually and deals with approximately 1,500 cases monthly. Hearing cases collectively by all the Information Commissioners and the CIC together would be cumbersome and would adversely affect the expeditious and effective disposal of cases. The formation of benches allows for the efficient allocation of work and ensures the timely handling of cases, which is crucial for upholding the right to information.

IV. The distinction between rule-making power conferred upon the Central Government and regulation-making power conferred on

statutory bodies like the CIC supports the Commission's authority to frame Regulations for internal management and functional allocation. The regulation-making power deals with matters of internal management, functional allocation, and measures in aid of discharge of functions. This distinction validates the CIC's approach and underscores its authority to manage its affairs autonomously without impinging on the rule-making powers of the Central Government.

- V. The principle of non-interference is crucial for maintaining the integrity and efficacy of the CIC. Any undue interference in its administrative functions, such as the power to constitute benches, would significantly impede its ability to handle the large volume

of cases efficiently and expeditiously. Allowing the Commission to function independently and exercise its powers of superintendence, direction, and management without external constraints is essential for fulfilling its role in promoting transparency and accountability.

- VI. The practical necessity of forming benches is further underscored by the large volume of cases the CIC handles. The Commission deals with a substantial number of cases each month, and having all Information Commissioners and the CIC hear cases collectively would be impractical and counterproductive. The formation of benches allows for better case management, timely disposal, and effective implementation of the RTI Act's objectives,

ensuring that the right to information is upheld in both letter and spirit.

10. On behalf of the respondent no.1-DDA, learned counsel stated that he has no instructions to address on the issue of Regulations being declared as ultra vires. However, respondent no.2 although was not present at the time of hearing, he has filed written submissions which are summarised hereunder:

I. The respondents underscored that certain powers, such as summoning high-ranking officials and conducting detailed inquiries, were traditionally within the domain of judicial authorities. They argued that the CIC, as an administrative body, should not exercise such powers as it would blur the lines between administrative and judicial

functions. The respondent contended that the High Court was correct in quashing the CIC's order and Regulations to maintain the distinction between administrative and judicial roles.

- II. The respondent highlighted a contradiction between the appellant's assurances and the Central Government's official stance. They noted that the Department of Personnel and Training (DoPT) had consistently stated that orders passed by single benches of the CIC were void due to the lack of provisions in the RTI Act authorizing the CIC to constitute separate benches. This position had been conveyed to the CIC and was published on the DoPT website. The respondent referenced the DoPT's correspondence and legal opinions obtained from the Ministry of

Law and Justice. These opinions confirmed that the RTI Act did not empower the CIC to constitute benches. They cited specific letters and internal notes from the DoPT, which reinforced the view that the CIC should function as a full commission rather than through benches.

III. The respondents maintained that neither the RTI Act nor the rules made thereunder provided for the formation of benches by the CIC. They emphasized that the absence of explicit provisions for benches indicated that the legislature did not intend to grant such powers to the CIC. As such, the CIC's action in constituting benches exceeded the scope of its statutory authority.

IV. The respondents contended that the CIC had overstepped its jurisdiction by

delegating its inquiry powers to a committee comprising non-members. They argued that only the CIC itself or its members had the statutory authority to conduct inquiries under the RTI Act. The formation of such a committee, according to the respondent, violated the provisions of the RTI Act and undermined the statutory framework.

- V. The respondents supported the High Court's reasoning that the CIC's Regulations exceeded the powers conferred by the RTI Act. They endorsed the High Court's interpretation that the broad powers of superintendence, direction, and management did not encompass the authority to frame Regulations for constituting benches or forming committees of non-members. The respondents agreed

with the High Court's view that Regulation 22 was ultra vires the RTI Act and the rules made thereunder.

VI. The respondents highlighted the potential negative impact of the CIC's actions on the functioning of public authorities. They argued that summoning high-ranking officials, such as the Vice-Chairman of the DDA, and constituting committees of non-members could create an undue burden on public authorities and disrupt their functioning. The respondents maintained that such actions were not envisaged by the RTI Act and should be curtailed to ensure the smooth operation of public authorities.

VII. The respondents described the CIC's current system as dysfunctional, highlighting issues like the establishment of

multiple registries, arbitrary procedures, and a significant backlog of cases. They argued that the CIC's actions under the guise of autonomy had led to inefficiencies and delays, undermining the RTI Act's objectives.

11. The CIC has approached this Court by way of the present appeal against the High Court's judgment. The appellant, while not challenging the quashing of the order dated 22.9.2009, seeks to challenge the High Court's judgment regarding the Regulations and the scope of the powers vested in the CIC under Section 12(4) of the RTI Act. The CIC maintains that the Regulations were framed within the scope of its statutory authority to ensure effective management and functioning of the

Commission and that the ability to constitute Committees is an integral part of this mandate.

12. Having considered the respective submissions, the primary issue to be considered is whether the CIC, under the provisions of Section 12(4) of the RTI Act, has the authority to constitute benches of the CIC and frame Regulations for the effective management and allocation of work within the Commission, including the issuance of orders and the formation of committees.

13. At the outset, it is pertinent to elaborate on the relevant provisions of the RTI Act apropos the present issue. Section 12 of the RTI Act outlines the constitution and powers of the CIC. The Central Government is mandated to establish the CIC, which consists of the CIC and a specified number of Information Commissioners,

not exceeding ten, as deemed necessary. Crucially, Section 12(4) of the RTI Act grants CIC the general superintendence, direction, and management of the Commission's affairs. This provision implies that the CIC has comprehensive authority to oversee and direct the functioning. This broad section allows the CIC to implement measures that ensure smooth and efficient functioning of the Commission, including the formation of benches of the Commission, including making decisions necessary for its effective operation.

14. Section 15 of the RTI Act mirrors the provisions of Section 12 but applies to the State Information Commissions. It similarly establishes the State Information Commissions and outlines the powers and responsibilities of

the State Chief Information Commissioner and State Information Commissioners. Both Sections 12 and 15 of the RTI Act use similar language, emphasizing the wide-ranging powers of the CIC and the State Chief Information Commissioners to manage their respective commissions' affairs autonomously and without external interference. This language clearly suggests that the legislative intent was to provide these officials with broad authority to ensure their commissions function effectively.

15. The High Court of Delhi, in its impugned judgment dated 21.05.2010, quashed the Regulations framed by the CIC. The Court specifically took issue with Regulation 22, which dealt with the constitution of Benches within the Commission. The High Court held

that the RTI Act did not explicitly provide for the formation of benches by the CIC. According to the Court, the statutory framework and rules made under the RTI Act did not contain any provision allowing for Single or Division Benches of Information Commissioners.

16. In our opinion, the High Court's interpretation was based on a restrictive reading of the RTI Act, focusing on the absence of explicit provisions for benches within the RTI Act. The High Court noted that Regulation 22 exceeded the limits of the powers prescribed under the RTI Act and rules. It emphasized that the RTI Act required orders to be pronounced in open proceedings, while Regulation 22 permitted orders to be placed on the website or communicated to parties, deviating from the statutory

requirement. This Court believes that a broader interpretation of the RTI Act is warranted. The general superintendence, direction, and management powers vested in the CIC imply a wide- ranging authority to organize the internal functioning of the Commission, including the ability to constitute benches. This interpretation aligns with the purpose and objective of the RTI Act, which aims to facilitate the efficient disposal of cases and the effective implementation of the right to information.

17. The absence of an explicit provision for Benches does not negate the CIC's authority to constitute them, as such powers are implicitly included within the scope of the CIC's general superintendence and management responsibilities. The broad language of the RTI

Act indicates an intention to grant the CIC comprehensive authority to ensure the effective and efficient functioning of the Commission. The Delhi High Court's narrow reading of the provisions overlooked the inherent powers of the CIC to manage the affairs of the Commission. The RTI Act's broad language suggests that the legislative intent was to provide the CIC with the necessary authority to implement measures that ensure the Commission's effective operation.

18. In the present case, the RTI Act should be interpreted purposively, taking into account the broader objectives of the legislation. The purpose of the RTI Act is to promote transparency and accountability in the functioning of public authorities, ensuring

citizens' right to information. To achieve these objectives effectively, it is essential that the Central Information Commission operates efficiently and without undue procedural constraints. The principle of purposive interpretation supports the view that the CIC's powers under Section 12(4) of the RTI Act include all necessary measures to manage and direct the Commission's affairs effectively. This includes the ability to form benches to handle the increasing volume of cases. The formation of Benches allows for the efficient allocation of work and ensures the timely disposal of cases, which is crucial for upholding the right to information.

19. Furthermore, the High Court's reliance on the absence of explicit provisions for Benches

overlooks the broad language of Sections 12(4) and 15(4) of the RTI Act, which grants the CIC and State Chief Information Commissioners wide-ranging powers to manage their respective Commissions' affairs. The legislative intent, as reflected by the broad language of these provisions, was to provide these officials with the necessary authority to ensure that their Commissions function effectively and efficiently. These provisions explicitly use the words "superintendence, direction and management" of the affairs of the Commission. There have been various landmark judgements of this Court which have interpreted the words "superintendence, direction, and control" occurring in Article 324 (1) of the Constitution in respect of the Election Commission.

20. A three-Judge Bench of this Court in **Election**

Commission of India v. Ashok Kumar⁶, has recognized the wide ambit of the powers given to the Election Commission for the superintendence, direction, and control of the Election process.

“...13. Article 324 of the Constitution contemplates constitution of the Election Commission in which shall vest the superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the legislature of every State and of elections to the offices of President and Vice-President held under the Constitution. The words “superintendence, direction and control” have a wide connotation so as to include therein such powers which though not specifically provided but are necessary to be exercised for effectively accomplishing the task of holding the elections to their completion...”

21. Similarly, in **Union of India Vs. Association for**

⁶ (2000) 8 SCC 216

Democratic Reforms⁷, this Court has held that Article 324 allows the Election Commission to operate in areas of laws which are not explicitly mentioned in the legislation.

“ 26. The aforesaid decision of the Constitution Bench unreservedly lays down that in democracy the little man — voter — has overwhelming importance on the point and the little-large Indian (voter) should not be hijacked from the course of free and fair elections by subtle perversion of discretion of casting votes. In a continual participative operation of periodical election, the voter does a social audit of his candidate and for such audit he must be well informed about the past of his candidate. Further, Article 324 operates in areas left unoccupied by legislation and the words “superintendence, direction and control” as well as “conduct of all elections” are the broadest terms. The silence of statute has no exclusionary effect except where it flows from necessary implication. Therefore, in our view, it would be difficult to accept the

⁷ (2002) 5 SCC 294

contention raised by Mr Salve, learned Solicitor-General and Mr Ashwani Kumar, learned Senior Counsel appearing on behalf of the intervenor that if there is no provision in the Act or the Rules, the High Court ought not to have issued such directions to the Election Commission. It is settled that the power of the Commission is plenary in character in exercise thereof. In statutory provisions or rules, it is known that every contingency could not be foreseen or anticipated with precision, therefore, the Commission can cope with a situation where the field is unoccupied by issuing necessary orders."

22. Therefore, the use of the words "superintendence, direction and management" in Sections 12(4) and 15(4) of the RTI Act clearly provides the CIC an ambit of power wide enough to frame its own Regulations and to delegate its power to a committee formed by it. The Central Information Commission, utilizing these broad powers, has enacted 'The Central Information

Commission (Management) Regulations, 2007.' While the RTI Act does not explicitly grant CIC the authority to frame Regulations, the overarching powers granted under Section 12(4) of the RTI Act inherently include the ability to manage the Commission's affairs effectively. These Regulations are essential tools for ensuring the efficient administration and operation of the Commission, addressing various procedural and managerial aspects necessary for fulfilling its mandate. Focusing narrowly on the nomenclature and the absence of an explicit provision for Regulation-making within the RTI Act would undermine the broader purpose and intent of the same. The nomenclature used to describe these Regulations should not detract from their necessity and their role in facilitating the

Commission's functioning. A purposive interpretation of Section 12(4) of the RTI Act reveals that the powers of "superintendence, direction and management" are intended to be comprehensive, enabling the CIC to adopt measures, including the framing of Regulations, that ensure transparency, accountability, and efficient handling of its responsibilities. Thus, the creation of these Regulations is not only justified but crucial for the CIC to manage its workload and operational demands effectively, thereby serving the core objectives of the RTI Act.

23. At this juncture, it is necessary to elucidate that under Section 12(4) of the RTI Act, the CIC has the authority to issue various forms of administrative guidelines, directives and instructions essential for the effective

management of its affairs. The 'Central Information Commission (Management) Regulations, 2007,' framed by the CIC, could have been pronounced as 'Circulars,' 'By-laws,' or any other similar administrative orders. The primary objections have been raised due to the word "Regulations," which respondents argue, confers the gravity of a separate legislation. However, this interpretation misses the substantive purpose behind these measures. The use of the term "Regulations" should not detract from their function, which is akin to any other administrative orders or circulars that an authority like the CIC might promulgate to ensure the smooth operation of its duties. The essence of these regulations lies in their role in facilitating the internal management and procedural operations of the Commission, a

necessity clearly envisioned by the broad powers of superintendence, direction, and management granted under Section 12(4) of the RTI Act. By focusing on the terminology, the objections fail to appreciate the functional equivalence of these regulations to other forms of administrative guidance. The regulations were crafted to address the practical needs of the Commission, providing structure and clarity to its operations, in any administrative context. Therefore, raising objections based solely on the label "Regulations" is an exercise in semantics rather than a substantive argument.

24. We believe that the autonomy of the Central Information Commission is of paramount importance to its effective functioning. Any undue interference in its administrative

functions, such as the power to constitute benches, would significantly impede its ability to handle the large volume of cases efficiently and expeditiously. The CIC must be allowed to operate independently and exercise its powers of superintendence, direction, and management without external constraints. The principle of non-interference is crucial for maintaining the integrity and efficacy of the CIC. Allowing the Commission to function autonomously ensures that it can fulfil its role in promoting transparency and accountability, which are the cornerstones of the RTI Act. The ability to form benches and allocate work among Information Commissioners is essential for the CIC to manage its workload effectively and uphold the citizens' right to information.

25. The appeal is accordingly allowed, and the judgment of the Delhi High Court, is set aside. The Chief Information Commissioner's powers to frame Regulations pertaining to constitution of Benches of the Commission are upheld as such powers are within the ambit of Section 12(4) of the RTI Act.

26. There shall be no order as to costs.

.....J.
(VIKRAM NATH)

.....J.
(SATISH CHANDRA SHARMA)

NEW DELHI
JULY 10, 2024