

MOST URGENT
CIC REFERENCE

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
(LABOUR DEPARTMENT)
5-SHAM NATH MARG, DELHI-54

CIRCULAR

Please find enclose herewith a copy of letter no. F.13/1/09-AR/3412-3571/c dated 12/5/2010 enclosing copies of Office Memorandum no. 8/2/2010-IR dated 27/4/2010 and no.12/192/2009-IR dated 20/1/2010 regarding disclosure of third party information under RTI act, 2005 and maintenance of records in consonance with section 4 of RTI Act, 2005 issued by Ministry of Personnel, Public Grievances and Pensions, DOPT, Govt. of India. Further, action taken report may be sent directly to Secretary (AR) Administrative Reforms department under intimation to the undersigned.

Encl: As above


(BIJANDRA SINGH)
SPIO (HQ)

No.F.31/616/LC/Estt./Monthly report/2009/ 863

dated: 19/5/10

Copy forwarded to:

- 1 PS to Labour Commissioner, 5, Sham Nath Marg, Delhi 110054, for information.
- 2 PA to Special Commissioner (Labour), 5, Sham Nath Marg, Delhi 110054, for information.
- 3 Joint Labour Commissioner – II & DLC(HQ), 5, Sham Nath Marg, Delhi 110054, for information.
- 4 All DLCs/Branch Incharges of Labour Deptt. GNCT of Delhi with the request to comply with the above referred orders (Copy enclosed).
- 5 All SPIOs/ASPIOs of Labour Deptt., with the directions to comply with the instructions given in the above mentioned orders (Copy enclosed).
- 6 Administrative Reforms Deptt. Govt. of NCT of Delhi 7th Level, C Wing, Delhi Sectt. New Delhi 110002-with reference to your above referred office order under reference.
- ✓ 7 Asstt. Programmer of Planning branch, Labour Deptt., 5, Sham Nath Marg, Delhi 110054 - with the request to upload the above circular on the website of the department.
- 8 Guard file.


(BIJANDRA SINGH)
SPIO (HQ)

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14/5/10
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
ADMINISTRATIVE REFORMS DEPARTMENT
7TH LEVEL, C-WING, DELHI SECRETARIAT, NEW DELHI - 110002.

<http://delhi.gov.in>

No.F.13/1/09-AR/ 3412-3571/C

Dated: 12/5/10

To

All Principal Secretaries / Secretaries / HODs of Deptts under GNCTD

All Heads of Local Bodies / Autonomous Bodies / Undertakings /
Institutions under Govt. of Delhi.

**Sub: (i) Disclosure of third party information under RTI Act, 2005.
(ii) Maintenance of records in consonance with section 4 of RTI Act, 2005.**

Sir / Madam,

I am directed to forward the copy of Office Memorandum No.8/2/2010-IR,
dated 27th April, 2010 and No. 12/192/2009-IR, dated 20th January, 2010 issued
by the Ministry of Personnel, Public Grievances and Pensions, DOPT, Government
of India on the subject mentioned above.

This may kindly be brought to the notice of all concerned.

Encl: As above

No.F.13/1/09-AR 3412-3571/C

Copy for kind information to:-

1. The Director, Ministry of Personnel, Public Grievances and Pensions,
Department of Personnel and Training, Government of India, North Block,
New Delhi - 110001.

Yours faithfully,

Seema Bawa
12/5/10

(SEEMA BAWA)
DEPUTY DIRECTOR (AR)
Tel: 23392422

Dated: 12/5/10

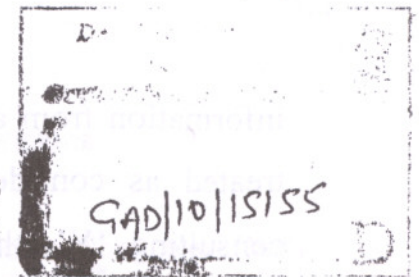
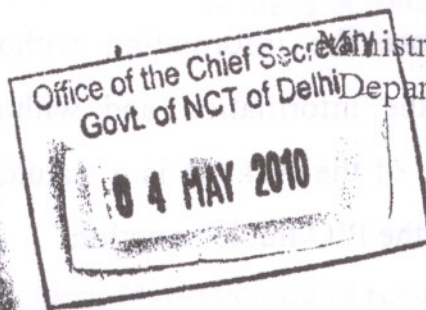
Seema Bawa
12/5/10

(SEEMA BAWA)
DEPUTY DIRECTOR (AR)

1831c

No. 8/2/2010-IR
 Government of India
 Ministry of Personnel, PG & Pensions
 Department of Personnel & Training

North Block, New Delhi-110001
 Dated: the 27th April, 2010



OFFICE MEMORANDUM

Subject: Disclosure of third party information under the RTI Act, 2005.

The undersigned is directed to say that the Government, in a number of cases makes inter departmental consultations. In the process, a public authority may send some confidential papers to another public authority. A question has arisen whether the recipient public authority can disclose such confidential papers under the RTI Act, 2005. If yes, what procedure is required to be followed for doing so.

2. Section 11 of the Act provides the procedure of disclosure of 'third party' information. According to it, if a Public Information Officer (PIO) intends to disclose an information supplied by a third party which the third party has treated as confidential, the PIO, before taking a decision to disclose the information shall invite the third party to make submission in the matter. The third party has a right to make an appeal to the Departmental Appellate Authority against the decision of the PIO and if not satisfied with the decision of the Departmental Appellate Authority, a second appeal to the concerned Information Commission. The PIO cannot disclose such information unless the procedure prescribed in section 11 is completed.

3. As defined in clause (n) of Section 2 of the Act, 'third party' includes a public authority. Reading of the definition of the term, 'third party' and Section 11 together makes it clear that if a public authority 'X' receives some

19/5/10 5/5/10 Vignat p1 22/5/10 AD(N) M10 7/5/10 RA(M)

information from another public authority 'Y' which that public authority has treated as confidential, then 'X' cannot disclose the information without consulting 'Y', the third party in respect of the information and without following the procedure prescribed in Section 11 of the Act. It is a statutory requirement, non-compliance of which may make the PIO liable to action.

4. The Public Information Officers and the First Appellate Authorities should keep these provisions of the Act in view while taking decision, about disclosure of third party information in general and disclosure of the third party information, when third party is a public authority, in particular.

5. Hindi version will follow.



(K.G. VERMA)

Director

Tel: 23092158

Copy to:

1. All the Ministries/Departments of the Government of India.
2. Union Public Service Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/Vice-Presidents's Secretariat/Prime Minister's Office/Planning Commission/Election Commission.
3. Central Information Commission/State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi.
5. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All Officers/Desks/Sections, Department of Personnel & Training and Department of Pension & Pensions Welfare.

Copy to: Chief Secretaries of all the States/UTs.

184/c

No.12/192/2009-IR
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

North Block, New Delhi
Dated the 20th January 2010

OFFICE MEMORANDUM

Subject: Maintenance of records in consonance with Section 4 of the RTI Act

The Central Information Commission in a case has highlighted that the systematic failure in maintenance of records is resulting in supply of incomplete and misleading information and that such failure is due to the fact that the public authorities do not adhere to the mandate of Section 4(1)(a) of the RTI Act, which requires every public authority to maintain all its records duly catalogued and indexed in a manner and form which would facilitate the right to information. The Commission also pointed out that such a default could qualify for payment of compensation to the complainant. Section 19(8)(b) of the Act gives power to the Commission to require the concerned public authority to compensate the complainant for any loss or other detriment suffered.

2. Proper maintenance of records is vital for the success of the Right to Information Act but many public authorities have not paid due attention to the issue despite instructions issued by this Department. The undersigned is directed to request all the Ministries/Departments etc. to ensure that requirements of Section 4 of the Act in general and clause (a) of sub-section (1) thereof in particular are met by all the public authorities under them without any further delay.



(K.G. Verma)

Director

Tel. No.23092158

To

1. All the Ministries / Departments of the Government of India
2. Union Public Service Commission/ Lok Sabha Sectt./ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission / President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission / Election Commission
3. Central Information Commission/State Information Commission
4. Staff Selection Commission, CGO Complex, New Delhi
5. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, Department of Personnel & Training, Department of AR & PG and Department of Pension & Pensioners Welfare.

Copy to: Chief Secretaries of all the States/UTs