

No.1/14/2007-IR

Government of India

Ministry of Personnel, Public Grievances & Pensions

Department of Personnel & Training

New Delhi, the 31st October, 2007

OFFICE MEMORANDUM

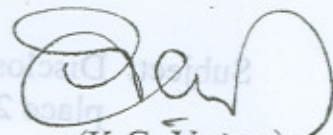
Subject: Disclosure of information relating to occurrence/event/matter which took place 20 years back.

Attention is invited to sub-section (3) of section 8 of the Right to Information Act, 2005 (Act) which provides that 'subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under Section 6 shall be provided to any person making a request under that section'. References have been received in this Department seeking clarification whether the above provision of the Act requires all the records to be preserved for more than a period of 20 years. The Second Administrative Reforms Commission, in its First Report titled the 'Right To Information – Master Key to Good Governance', has also expressed an apprehension about interpretation of the above provision with reference to the retention schedule of the files.

2. The RTI Act does not prescribe a record retention schedule. The records are to be retained by a public authority as per the record retention schedule applicable to that public authority. It is, however, important to note that weeding out of a file or any other record does not necessarily result into destruction of all the information contained in that file or record. It is possible that information generated in a file may be available in the form of an OM or a letter or in any other form even after the file has been weeded out. The above referred provision of the Act requires furnishing of information so available after the lapse of 20 years even if such information was exempt from disclosure under sub-section (1) of Section 8. It means that the information which, in normal course, is exempt from disclosure under sub-section (1) of Section 8 of the Act, would cease to be exempted if 20 years have lapsed after occurrence of the incident to which the information relates. However, the following types of information would continue to be exempt and there would be no obligation, even after lapse of 20 years, to give any citizen -

- (i) Information disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interest of the State, relation with foreign state or lead to incitement of an offence;

- (ii) Information the disclosure of which would cause a breach of privilege of Parliament or State Legislature; or
 - (iii) Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other Officers subject to the conditions given in proviso to clause (i) of sub-section (1) of Section 8 of the Act.
3. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)

Director

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 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 & Pensioners Welfare.

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