

No.1/20/2009-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

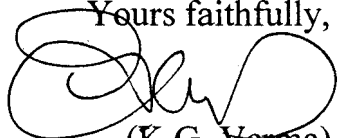
North Block, New Delhi
Dated: the 23rd June, 2009

OFFICE MEMORANDUM

Subject : Disclosure of 'file noting' under the Right to Information Act, 2005.

The undersigned is directed to say that various Ministries/Departments etc. have been seeking clarification about disclosure of file noting under the Right to Information Act, 2005. It is hereby clarified that file noting can be disclosed except file noting containing information exempt from disclosure under section 8 of the Act.

2. It may be brought to the notice of all concerned.

Yours faithfully,

(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. O/o the Comptroller&Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, DOP&T and Department of Pension & Pensioners Welfare.

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

23/06/09
जारी किया
ISSUED

No.1/1/2009-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

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North Block, New Delhi
Dated: the 22nd May, 2009

To

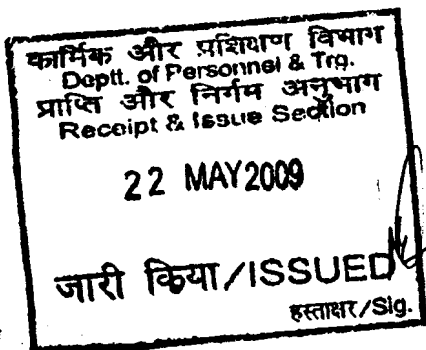
The Secretary,
Central Information Commission,
August Kranti Bhawan,
Bhikaji Cama Place,
New Delhi

Sir,

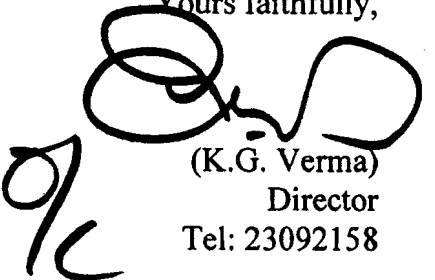
I am directed to say that the Right to Information Act, 2005 provides that a person can make a complaint or an appeal to the Central Information Commission or the State Information Commission, as the case may be, in the circumstances as provided in the Act and that the concerned Commission may take action on the complaint or appeal in accordance with the provisions of the Act.

2. It is observed that the Central Information Commission and some State Information Commissions are taking decisions on the complaints and the appeals by constituting Benches. The matter has been examined in consultation with the Department of Legal Affairs who have pointed out that the Central Information Commission or the State Information Commissions could function through Benches only if there was a specific provision in the Act regarding constitution of Benches. That Department has further opined that provision of Section 12(4) of the RTI Act does not empower the Chief Information Commissioner to constitute the Benches.

3. In view of this legal position, it is advised that decisions on the complaints and appeals should be taken by the Central Information Commission as defined in Section 2(b) of the RTI Act, 2005 and not by the Benches of the Commission.



Yours faithfully,


(K.G. Verma)
Director
Tel: 23092158



No.1/1/2009-IR
 Government of India
 Ministry of Personnel, Public Grievances & Pensions
 Department of Personnel & Training

North Block, New Delhi
 Dated: the 22nd May, 2009

To ✓
 The Chief Secretaries of all the States

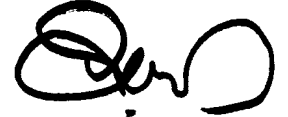
Sir,

I am directed to say that the Right to Information Act, 2005 provides that a person can make a complaint or an appeal to the Central Information Commission or the State Information Commission, as the case may be, in the circumstances as provided in the Act and that the concerned Commission may take action on the complaint or appeal in accordance with the provisions of the Act.

2. It is observed that the Central Information Commission and some State Information Commissions are taking decisions on the complaints and the appeals by constituting Benches. The matter has been examined in consultation with the Department of Legal Affairs who have pointed out that the Central Information Commission or the State Information Commissions could function through Benches only if there was a specific provision in the Act regarding constitution of Benches. That Department has further opined that provision of Section 12(4) or Section 15(4) of the RTI Act does not empower the Chief Information Commissioner to constitute the Benches.

3. In view of this legal position, you are requested to advise the State Information Commission that decisions on the complaints and appeals should be taken by the State Information Commission as defined in Section 2(k) of the RTI Act, 2005 and not by the Benches of the Commission.

Yours faithfully,



(K.G. Verma)

Director

Tel: 23092158

o/c

