



**GOVERNMENT OF INDIA
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OFFICE CIRCULAR

Sub: Judgment of the Hon'ble High Court of Delhi in the matter of [W.P.(c)3660/2012]- in respect of Right To Information Act.2005

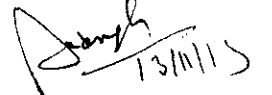
As per above Judgment of the Hon'ble High Court in respect of RTI Act.2005, it is circulated to all the concerned for information and guidance.

1. If the report is not traceable, but records/receipts are found which confirmed that the report was received in the office, a report may be lodged of such receipt/report with regarding the missing documents.
2. No information should be hiding or it should be forged or no conspiracy relating to requisite information.
3. The RTI Act is a progressive legislation aimed as providing, to the citizen, access to the information which before the said Act came into force could not claimed as a matter of right . The intent behind enactment of the Act is to disclose the information to the maximum possible subject of course to certain safeguards and exemptions. A respective and hyper-technical approach of obstruct the flow of information to the citizens.
4. A plea should not be taken to evade disclosure of the information taking the standard plea that the information sought by the applicant is not available. Therefore, whenever an information is sought and it is not readily available, a though attempt needs to be made to search and locate the information wherever it may be available. When it is

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found that the desired information though available in the record in the office at some point of time, cannot be traced despite best efforts made in this regard, **the department would be bound to fix the responsibility for the loss of the record and would take appropriate departmental action against the officers/officials responsible for loss of the records.** Fear of disciplinary action, against the person responsible for loss of the information, will also work as a deterrence against the willful suppression of the information, by vested interests. Whether in a particular case, an inquiry ought to be made by the Commission or by the officer of the department/office concerned is a matter to be decided by the Commission in the facts and circumstances of the case.

This issue with reference the Judgment of Hon'ble High Court of Delhi forwarded by Min. of Urban Development Office Memorandum No.1006/so(PIC)/2013 dated 23.10.2013.


13/11/15

(A.K.SINGH)

ASSTT. CONTROLLER(ADMN.)

To

1. All Branch Officer of Deptt. of Publication.
2. All Supervising Officer of Deptt. of Publication.
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