

ഓരോ വകുപ്പിലെയും ഫയലുകൾ എത്രകാലം സൂക്ഷിച്ചുവെക്കണം എന്നു നിശ്ചയിക്കുന്നത് The Kerala Destruction of Records Act, 1961 ലെ വകുപ്പ് 2 പ്രകാരം അതാതു വകുപ്പുകൾ പുറപ്പെടുവിക്കുന്ന ചട്ടങ്ങൾ പ്രകാരമാണ്. ഇപ്രകാരം പുറപ്പെടുവിച്ചിട്ടുള്ള ചട്ടങ്ങളിലെ സമയപരിധിക്ക് മാറ്റം വരുത്തുവാൻ വിവരാവകാശ നിയമത്തിൽ വ്യവസ്ഥയില്ല

Decision notice:

The Hon'ble High Court of Bombay in its decision dated 13/03/2015 (W.P. (C) No. 310 of 2014- The University of Pune vs. State of Maharashtra & Ors.) has held as under:-

"17] For example, in paragraph 54 of the judgment, the Hon'ble Apex Court has observed that the right to access information does not extend beyond the period during which the examining body is expected to retain the answer-books. In the case of CBSE, and in case of University of Pune, the answer-books are required to be maintained for a period of three months and thereafter they are liable to be disposed of/destroyed. **The fact that right to information is available with regard to answer-books does not mean that answer-books will have to be maintained for any longer period than required under the rules and regulations of the public authority.** The obligation under the RTI Act is to make available or give access to existing information or information which is expected to be preserved or maintained. **If the rules and regulations governing the functioning of the respective public authority require preservation of the information for only a limited period, the applicant for information will be entitled to such information only if he seeks the information when it is available with the public authority.** The power of Information Commission under Section 19(8) of RTI Act to require public authority to take any such steps as may be necessary to secure compliance with the provisions of the Act, does not include a power to direct the public authority to preserve the information for any period larger than what is provided under the rules and regulations of the public authority. The contention that there is an implied duty on the part of every public authority to maintain the information for a minimum period of twenty years and make it available whenever an application was made in that behalf was rejected, has based on complete misreading and misunderstanding of Section 8(3) of the RTI Act. The period for which any particular records or information has to be maintained would depend upon the relevant statutory rule or regulation of the public authority regarding preservation of records."

From the foregoing it is clear that the RTI Act does not require the public authority to retain records for indefinite period. The information needs to be retained as per the record retention schedule applicable to the concerned public authority. The CPIO's representative has informed that the record relating to the registered article has been weeded out. The CPIO is directed to provide the relevant extract of the record retention policy and the name of postmaster & beat postman of Ambikapur post office to the appellant, within 15 days from the date of receipt of this order.

The appeal is disposed of accordingly.

BASANT SETH
Information Commissioner