

CENTRAL INFORMATION COMMISSION
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File No. CIC/BS/A/2015/000149/9688

08 February 2016

Relevant Facts emerging from the Appeal:

Appellant : Mr. Hemant Kumar Agarwal,
S/o – Shri Kailash Chandra Agrawal,
Near Bikaspur Chowk, Ambikapur,
Sarguja, Chattisgarh

Respondent : CPIO & Superintendent of Post Office,
Department of Post,
O/o Superintendent of Post Office,
Raigad Postal Division,
Raigad-496001

RTI application filed on : 12/03/2014
PIO replied on : 20/03/2014
First appeal filed on : Date not mentioned
First Appellate Authority order : 02/05/2014
Second Appeal dated : 22/12/2014

Information sought:

1. A speed post was sent on 02/08/2011 whose no. is A9578. Provide the copy of the delivery register containing the details of the said speed post.
2. Provide the name of Chief of Ambikapur Post Office and the postman who was posted during 01/08/2011 to 31/12/2011.
3. Provide the name of the postman who delivered the speed post no. A 9578 sent on 02/08/2011, also provide the name and address of the person who received the said speed post and also provide the copy of the delivery receipt containing the signature of the person who received it.

Grounds for the Second Appeal:

The CPIO has not provided the desired information.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Mr. Hemant Kumar Agarwal through VC

Respondent: Mr. D S Pandey CPIO's representative through TC M: 09454795480

The appellant stated that he needs information regarding a registered article booked by him on 02/08/2011. The CPIO's representative stated that the information is not available. He submitted that as per the record preservation policy the retention period for information relating registered articles is 18 months and the information has been weeded out. The appellant argued that the information may have been removed from the website but should be available in the records of the postal department. He further stated that the name of postmaster and beat postman of Ambikapur post office have not been informed. The CPIO's representative reiterated that

physical records relating to the said registered article have been weeded out as per policy. He, however, agreed to provide the name of postmaster and beat postman of Ambikapur post office.

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

Authenticated true copy:

(R. L. Gupta)
Dy. Registrar/Designated Officer