

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
ADMINISTRATIVE REFORMS DEPARTMENT
7TH LEVEL, C-WING, DELHI SECRETARIAT, I.P. ESTATE, NEW DELHI

No. F. 13(11)/AR/05/ 16712-16862

Dated: 21/12/2005

To

All Principal Secretaries/Secretaries/HODs,
Government of Delhi.
All Heads of Local Bodies/Autonomous Bodies/
Undertakings/Institutions,
Government of Delhi.

Sub: Exemptions from disclosure of information.

Sir/Madam,

A large number of requests are being received in this department about clarification whether 'Noting Portion' can be given or not and similar other issues. This department has no comments to offer in this regard and all such cases should be decided on merits.

In this regard attention is invited to Section 8 of the Right to Information act, 2005, which stipulates the exemptions from disclosure of information, read with section 9 of the Act. It clearly identifies the areas where the information can be withheld. Even within the exempted clause some of the information may be given in respect of matters mentioned in 8(1)(d) and 8(1)(e) if the Competent Authority i.e. Lt Governor, Delhi is satisfied that larger public interest warrants the disclosure of such information.

Like wise information in respect of section 8(1)(j) may be given if the Public Information Officer or the Appellate Authority is satisfied that the larger public interest justified the disclosure of such information. Further section 8(2) of the Act stipulates

'Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub section (1), a Public Authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interest'.

In the light of the above all Heads of Departments may like to prepare a list where information in respect of their departments can be withheld. This would help in keeping uniformity within the organisation as also enlighten the PIOs where they may withhold the information.

It is further suggested that all such matters should be decided by the PIOs on merits and no reference need be made to this department. This department shall not be responsible for any delay in disposal of the applications where un-necessary references are being made for clarification/advice etc.

Yours faithfully,

Sd/-
(Prakash Kumar)
Secretary (AR)