



GOVERNMENT OF KERALA

GENERAL ADMINISTRATION (CO-ORDINATION) DEPARTMENT

No.84393/Cdn.5/2014/GAD

Thiruvananthapuram, Dated: 09.02.2015

C I R C U L A R

Sub:- General Administration - Right to Information Act, 2005 – formulating record retention schedule for public authorities – direction issued – reg.

- Ref:-
- 1) Judgment of the Hon'ble High Court of New Delhi in W.P.(C) 3660/2012 dated 13.09.2013 in respect of RTI Act, 2005.
  - 2) Order of the Central Information Commission No. CIC/DS/A/2013/001788-SA dated 29.08.2014.
  - 3) Letter No. 16609/G8-Admn/14/SIC dated 28.10.2014 from the Secretary, State Information Commission, Thiruvananthapuram.

Persuant to the judgment of Hon'ble High Court referred to 1<sup>st</sup> above the Central Information Commission in its order referred above has held that plea of public authority, that the file containing the information sought for is missing or not traceable cannot be deemed as a valid exemption by RTI Act and plea of 'missing file' /'file not traceable' tends to discourage the very object of the RTI Act, 2005. Unless proved that record was destroyed as per the prescribed rules of destruction/retention policy, it is deemed that record continues to be held by public authority. Claim of file missing or not traceable has no legality as it is not recognized as exception by RTI Act. By practice 'missing file' cannot be read into as exception in addition to exceptions prescribed by RTI Act. It amounts to breach of Public Records Act, 1993 and punishable with imprisonment up to a term of 5 years or with fine or both. Public authority has a duty to initiate action for this kind of loss of public record, in the form of 'not traceable' or 'missing'. Every public authority should prescribe the record retention schedule and any destruction of file shall be under competent administrative level with record showing that the file has been destroyed on the expiry of retention period or on such valid reason.

The State Information Commission has also recommended Government to issue directions to all Public sector units and Autonomous institutions in the state in this regard. In the light of the above, Government hereby directs all Public sector units and Autonomous institutions in the state to formulate a record retention schedule and to ensure that the records are destroyed only in accordance with such stipulation and also to publish the same in the official website of public authorities.

**P.S.GOPAKUMAR**

Special Secretary to Govt.

To

The Secretary, State Information Commission, Thiruvananthapuram.  
All Departments in Government Secretariat

All Public Sector Undertakings.

The Registrar, University of Kerala/Kochi/Calicut/Mahatma Gandhi/Kannur

The Registrar, Kerala Agricultural University, Mannuthi, Thrissur.

The Registrar, Sree Sankaracharya University of Sanskrit, Kalady, Aluva.

The Registrar Thunchathu Ezhuthachan Malayalam University,  
Thiroom, Malapuram.

The Registrar, Kerala Veterinary and Animal Science University, Camp Office,  
Kerala Agricultural University Campus, Mannuthi, Thrissur.

The Registrar, Kerala University of Health and Allied Science, Thrissur.

The Registrar, Kerala University of Fisheries and Ocean Studies,  
Panangad, Cochin.

The Secretary, Kerala State Electricity Board, Thiruvananthapuram.

The Managing Director, Kerala State Road Transport Corporation,  
Thiruvananthapuram.

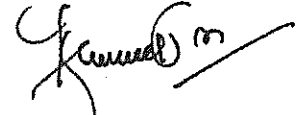
The Director, Information & Public Relations Department.

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Section Officer