

Information to be disclosed

S. No.	Questions	Reply	CIC/ Court's decision
1.	Whether copies of Annual Performance Appraisal (APA) can be provided to the employee?	Yes	<p>Sukhdev Singh Vs. UOI and anrs., Civil Appeal No. 5892 of 2006. Date: 23.04.2013, Supreme Court.</p> <p>http://judis.nic.in/supremecourt/imgs1.aspx?filename=40357</p> <p>Every entry in ACR of a public servant must be communicated to him/her within a reasonable period.</p>
2.	Whether details of marks given by each of the selection committee members to be disclosed?	Yes	<p>Bihar State Public Service Commission v. Syed Hussain Abbas Rizvi, Supreme Court. Civil Appeal No 9052 of 2012.</p> <p>Dated 13.12.2012,</p> <p>http://gic.gujarat.gov.in/UserFiles/file/C_A_9052%20of%202012.pdf</p>
3.	Whether copy of answer sheet to be given to the candidate?	Yes	<p>Central Board of Secondary Education and Anr. v. Aditya Bandopadhyay and Ors.</p> <p>CIVIL APPEAL NO.6454 OF 2011 SLP [C] No.7526/2009,</p> <p>Dated 09.08.2011, Supreme Court of India.</p> <p>http://jmi.ac.in/upload/menuupload/rti_SC_CBSE.pdf</p>

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			<p>Every candidate has right to access his evaluated answer-books, by either inspecting them or take certified copies thereof. Unless the evaluated answer-books are found to be exempted under section 8(1)(e) of the RTI Act, the examining body is bound to provide access to an examinee to inspect and take copies of his evaluated answer books, even if such inspection or taking copies is barred under the rules/byelaws of the examining body governing the examinations.</p>
4.	Whether information given by a beneficiary to the Fiduciary to be provided to the beneficiary?	Yes	<p>Central Board of Secondary Education and Anr. v. Aditya Bandopadhyay and Ors.</p> <p>CIVIL APPEAL NO.6454 OF 2011 SLP [C] No.7526/2009, Dated 09.08.2011, Supreme Court.</p> <p>http://jmi.ac.in/upload/menuupload/rti_SC_CBSE.pdf</p> <p>That section provides that notwithstanding anything contained in the Act, there shall be no obligation to give any citizen information available to a person in his fiduciary relationship. This would only mean that even if the relationship is fiduciary, the exemption would operate in regard to giving access to the</p>

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			information held in fiduciary relationship, to third parties. There is no question of the fiduciary withholding information relating to the beneficiary, from the beneficiary himself. One of the duties of the fiduciary is to make thorough disclosure of all relevant facts of all transactions between them to the beneficiary, in a fiduciary relationship.
5.	Whether the procedure under Section 11 of the RTI Act is to be followed if the information pertains to third party and PIO intends to disclose?	Yes	R.K. Jain Vs. UOI & anrs., Civil Appeal No. 3878 of 2013, Supreme Court. http://judis.nic.in/supremecourt/imgs1.aspx?filename=40283
6.	Whether information relating to agreement/settlement entered into by the Public Authority with any other person/entity to be provided?	Yes (Provided that confidentiality period is over if the agreement contains such clause)	Jamia Milia Islamia Vs Shri Ikramuddin; W.P. (C) No. 5677/2011, Delhi High Court. Dated 22.11.2011. http://delhicourts.nic.in/nov11/JAMIA%20MILLIA%20ISLAMIA%20VS.%20SH%20IKRAMUDDIN.pdf The act of entering into an agreement with any other person/entity by a Public Authority would be a public activity, and it would involve giving or taking of consideration, which would entail involvement of public funds, the agreement would also involve public

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			<p>interest. Every citizen is entitled to know on what terms the agreement/settlement has been reached by the Public Authority with any other entity or individual and such information cannot be permitted to keep it under wraps. However, if such agreement/settlement contains information which is barred under Section 8 (1) (d) & (j), the same information need not to be furnished to the Applicant</p>
7.	Whether question paper, model answer and instructions given to the examiner can be disclosed?	<p style="text-align: center;">Yes</p> <p>(However, if <u>the question papers are not openly available in market the company cannot be forced to share past question papers</u>).</p> <p>All India Institute of Medical Sciences Vs. Vikrant Bhuria, LPA No. 487/2011, HIGH COURT OF DELHI</p> <p>Decided On: 28.05.2012.</p> <p>file:///C:/Users/00505842/Downloads/All India Institute Of Medical ... vs Vikrant Bhuria on 28 May, 2012.PDF</p>	<p>The Institute of Chartered Accountants of India Vs. Shaunak H. Satya and Ors.</p> <p>Civil Appeal No. 7571 of 2011 (Arising out of SLP (C) No. 2040/2011).</p> <p>Dated: 02.09.2011, Supreme Court.</p> <p>http://gic.gujarat.gov.in/UserFiles/file/Civil%20Appeal%207571%20of%202011.pdf</p> <p>Disclosure of the question papers, model answers and instructions in regard to any particular examination, would not harm the competitive position of any third party <u>once the examination is held. In fact the question papers are disclosed to everyone at the time of examination. The Appellant voluntarily publishes the</u></p>

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		.	<p>"suggested answers" in regard to the question papers in the form of a book for sale every year, after the examination. Therefore Section 8(1)(d) of the RTI Act does not bar or prohibit the disclosure of question papers, model answers (solutions to questions) and instructions if any given to the examiners and moderators after the examination and after the evaluation of answer scripts is completed, as at that stage they will not harm the competitive position of any third party.</p>
8.	Whether copy of file notings can be provided under the RTI Act?	<p style="text-align: center;">Yes</p> <p>(By hiding the identity of the officers i.e. name, designation and signature as it is exempted u/s 8(1) (e) & (g).</p>	<p>Union of India (UOI) Vs. R.S. Khan</p> <p>W.P. (C) 9355/2009 and C.M. No. 7144/2009, Delhi High Court.</p> <p>Dated: 07.10.2010</p> <p>http://lobis.nic.in/ddir/dhc/SMD/judgement/08-10-2010/SMD07102010CW93552009.pdf</p> <p>Unless file notings are specifically excluded from the definition of Section 2(f), there is no warrant for proposition that the word 'information' under Section 2(f) does not include file notings.</p>

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9.	Whether office of Attorney General of India is a Public Authority under the RTI Act?	Yes	<p>Subhash Chandra Aggrawal vs. Office of the Attorney General of India.</p> <p>W.P.(C) 1041/2013, Delhi High Court.</p> <p>Dated 10.03.2015</p> <p>http://lobis.nic.in/ddir/dhc/VIB/judgement/10-032015/VIB10032015CW10412013.pdf</p> <p>The public nature of the activities being carried on by the statutory corporations and the Government companies, in question persuaded the Courts to hold them as 'other authorities' under Article 12 of the Constitution of India. It is not disputed that the functions of the AGI are also in the nature of public functions. The AGI performs the functions as are required by virtue of Article 76(2) of the Constitution of India. In this view, the office of the AGI should be a public authority within the meaning of Section 2(h) of the RTI Act.</p>
10.	Whether information regarding action taken by the Vigilance Department to be provided to the Complainant?	Yes	<p>Manoj Kumar Singh v. HPCL: CIC/SS/C/2013/000653/S</p> <p>Dated 20.06.2014.</p> <p>http://www.rti.india.gov.in/cic_decisions/CIC_SS_C_2013_000653_SH_M_134057.pdf</p>

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11.	Whether a certified copy of the departmental enquiry report conducted against any employee to be provided?	Yes After the departmental enquiry is over and but not to any other person as it is exempted u/s 8 (1) (j) and 8 (1) (h) also by severing the exempted information under Section 10.	Shri Vinod Kapoor Vs. CPIO, Central Bank of India CIC/SH/A/2014/001151 & CIC/S H/A/2014/001515 Date: 16.07.2015 http://rti.india.gov.in/cic_decisions/CIC_SH_A_2014_001151_M_159319.pdf
12.	Whether educational qualification and postings of an officer to be disclosed?	Yes	Santosh Vishwakarma v. IOCL, UP: CIC/SH/A/2014/000190 Dated 02.01.2015 http://www.rti.india.gov.in/cic_decisions/CIC_SH_A_2014_000190_SH_M_145572.pdf CPIO of Indian oil Corporation was directed to provide the information within 30 days as the information sought does not fall within any of the exemptions under section 8(1).
13.	Whether information about the service record of a deceased employee to be disclosed to his widow?	Yes	Bimla Devi v. IOCL, Noida: CIC/LS/C/2012/000649/SH Dated 12.11.2014. http://www.rti.india.gov.in/cic_decisions/CIC_LS_C_2012_000649_SH_M_142283.pdf CIC directed the CPIO to provide to appellant as much information as can be traced out.

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14.	Whether details of the completed Tours and travel expenses of an official to be disclosed?	Yes	<p>Jagdev Kumar Mitta v. Department of Posts: CIC/BS/A/2013/000193/4497</p> <p>Dated 05.02.2014.</p> <p>http://www.rti.india.gov.in/cic_decisions/CIC_BS_A_2013_000193_4497_M_124659.pdf</p>
15.	Whether <u>total amount</u> claimed by an official under medical claim in a particular period to be provided?	Yes	<p>Ved Prakash Dhiman v. BSNL: CIC/BS/A/2013/000733/5008</p> <p>Dated 30.04.2014.</p> <p>http://www.rti.india.gov.in/cic_decisions/CIC_BS_A_2013_000733_5008_M_131140.pdf</p>
16.	Whether information pertaining to Office telephone directory to be disclosed?	Yes	<p>(After severing the personal information such as mobile number and residential address of the concerned officials under section 10 of the RTI Act, 2005).</p>
17.	Whether leave availed by a particular employee in a particular period to be disclosed?	Yes	<p>Shri Chetan Kothari Vs. New India Assurance Co. Ltd., Mumbai CIC/MP/A/2014/001086, Dated 03.03.2015.</p> <p>http://www.rti.india.gov.in/cic_decisions/CIC_MP_A_2014_001086_M_149497.pdf</p> <p>In case the applicant wants the number of leave availed by a</p>

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			particular employee, it can be provided. However, collecting and collating leave availed by every employee and details thereof, attracts the provisions of Section 7(9) of the RTI Act.
18.	Whether information regarding pay Scale of employees to be provided?	Yes (Section 4 (x) of the RTI Act make it obligatory for the Public Authority to disclose the monthly remuneration received by each of its officers etc.)	Shri Chetan Kothari Vs. New India Assurance Co. Ltd., Mumbai CIC/MP/A/2014/001086 Dated 03.03.2015 http://www.rti.india.gov.in/cic_decisions/CIC_MP_A_2014_001086_M_149497.pdf
19.	Whether bio data and application form of an official to be disclosed?	Yes	Bhagwan Chand Saxena v. Export Inspection Council of India. ICPB/A-9/CIC/2006 http://cic.gov.in/CIC-Orders/CIC_Order_Dtd_03042006.pdf When a candidate submits his application for appointment to a post under a public authority, the same becomes a public document and he cannot object to the disclosure on the ground of invasion of privacy. Every citizen has the right to know whether the candidate fulfils the criteria for the post, which could be checked from the application/biodata.

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20.	Whether an application of successful candidates for allocation of petrol pumps to be disclosed to a third party?	Yes	<p>Kanta Panday v. IOCL, UP: CIC/SH/A/2014/000120</p> <p>Dated 02.01.2015.</p> <p>http://www.rti.india.gov.in/cic_decisions/CIC_SH_A_2014_000120_SH_M_145574.pdf</p> <p>By severing personal information. While offering the records for inspection, the CPIO should exclude any personal information concerning third party.</p>
21.	Whether information regarding allotment of Retail Outlets (RO's) to be disclosed?	Yes	<p>Shri Upmanyu Pandey v. HPCL: CIC/LS/A/2013/001364-SS, dtd. 09.01.2014.</p> <p>http://rti.india.gov.in/cic_decisions/CIC_LS_A_2013_001364_M_123038.pdf</p> <p>The entire process of allotment of RO's and the procedure followed for preparation of merit list should fall under public domain. Accordingly, the information sought should be furnished to the appellant.</p>
22.	Whether information related to de- leasing policy and de- leased ROs to be provided?	Yes	<p>Omprakash Mundhra v. HPCL: CIC/LS/A/2013/001760/SH.</p> <p>Dated 28.08.2014.</p> <p>http://www.rti.india.gov.in/cic_decisions/CIC_LS_A_2013_001760_SH_M_138471.pdf</p>

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23.	Whether grounds for levy of VAT on sale of Liquefied Petroleum Gas and Lubricating Oil to be disclosed?	Yes	M. Pathavel v. IOCL, Chennai: CIC/SH/A/2014/000020 Dated 14.11.2014 http://www.rti.india.gov.in/cic_decisions/CIC_SH_A_2014_000020_SH_M_142535.pdf
24.	Whether copy of rules/regulation concerning operation/inspection(s) of Dealership / Distributorship to be provided?	Yes	Rajeev Kumar v. IOCL, Noida: CIC/SS/A/2013/002914/SH, Dated 30.10.2014. http://www.rti.india.gov.in/cic_decisions/CIC_SS_A_2013_002914_SH_M_141603.pdf
25.	Whether copy of the dealership/ Distributorship agreement between IOC and dealer/ Distributor to be provided?	Yes Copy of Standard agreement to be provided.	S R Shukrulla v. BPCL: CIC/LS/A/2013/001773/SH Dated 10.09.2014. http://www.rti.india.gov.in/cic_decisions/CIC_LS_A_2013_001773_SH_M_139296.pdf
26.	Whether information about action taken against Gas Agency for not maintaining the records for the prescribed period of time to be disclosed to a third party?	Yes	Rajeev Kumar v. IOCL, Noida: CIC/SS/A/2013/002914/SH Dated 30.10.2014. http://www.rti.india.gov.in/cic_decisions/CIC_SS_A_2013_002914_SH_M_141603.pdf

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27.	Whether information can be provided in CD/DVD to the applicant?	Yes (Provided the information is available in electronic form)	
28.	Whether information regarding the matters which are sub- judice to be provided?	Yes (Under RTI Act there is no exemption except as provided under section 8 and Section 9. However, it should be decided on case to case basis and if the information sought is prejudicial to the interest of the Corporation in the sub- judice matter, it can be denied on the ground that Courts are empowered to direct the concerned party to produce any relevant document on the request of applicant under the procedural laws (CPC, CrPC etc) and seeking such information under RTI Act amounts to forum hunting).	Ashish Kr. Roychoudhary v. IOCL: 5770/IC(A)/2010 Dated 17.08.2010. http://rti.india.gov.in/cic_decisions/5770_IC_A_2010_M_40050.pdf

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29.	Whether Minutes of Board Meetings to be provided?	Yes Provided information sought is specific and Minutes on any other issue can be severed under section 10 of the RTI Act, 2005.	Shri Nammi Narasinga Rao V. Dredging Corporation of India Ltd., Visakhapatnam: CIC/SS/A/2012/000872 Dated 27.07.2012. http://www.rti.india.gov.in/cic_decisions/CIC_SS_A_2012_000872_M_87697.pdf
30.	Whether minutes of departmental promotion committee to be disclosed?	Yes (To the applicants/eligible candidates)	Santosh Yadav v. Ministry of Health & Family Welfare: CIC/SG/A/2011/001912/14145 Appeal No. CIC/SG/A/2011/001912 Dated 18.08.2011. http://www.rti.india.gov.in/cic_decisions/CIC_SG_A_2011_001912_14145_M_65153.pdf
31.	Whether copies of Profit and Loss Account to be provided?	Yes	Sandeep Kumar v. NEPA Ltd.: CIC/SS/A/2012/003820 Dated 31.7.2013. http://www.rti.india.gov.in/cic_decisions/CIC_SS_A_2012_003820_M_115861.pdf
32.	Whether information regarding details of selection procedure and rank list to be disclosed?	Yes	Mohammed Kutty v. IOCL: CIC/MA/A/2010/000283 Dated 16.07.2010. http://www.rti.india.gov.in/cic_decisions/5622_IC_A_2010_M_37953.pdf

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33.	Whether information regarding procedure and channels of supervision of LPG distribution to be provided?	Yes	<p>K.K. Mishra v. IOCL: CIC/LS/A/2011/001638 Dated 09.11.2011. http://www.rti.india.gov.in/cic_decisions/CIC_LS_A_2011_001638_M_73809.pdf</p>
34.	Whether information regarding dates of various activities undertaken by public authority to be disclosed?	Yes	<p>Bhai Jagpat v. HPCL: CIC/LS/A/2012/001551 Dated 10.10.2012. http://www.rti.india.gov.in/cic_decisions/CIC_LS_A_2012_001551_M_94501.pdf</p> <p>There is no harm in giving dates of various activities undertaken by Public Authority as sought in the RTI application subject to the other provisions of the RTI Act, 2005.</p>
35.	Whether number of gas cylinders supplied on a particular address to be provided to a third party?	Yes	<p>Surinder Kumar v. IOCL: CIC/LS/A/2012/001528 Dated 19.9.2012. http://rti.india.gov.in/cic_decisions/CIC_LS_A_2012_001528_M_93334.pdf</p>
36.	Whether an application on behalf of organization to be entertained?	Yes	<p>R.K Murarka v. Central Bank of India: 579/ICPB/2007 Dated 18.06.2007. http://www.rti.india.gov.in/cic_decisions/Decision_18062007_16.pdf</p> <p>Even though the Commission had earlier taken the view that only</p>

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			<p>natural persons could be considered to be "citizens" in terms of Section 3 of the RTI Act, yet, with the view to ensure that the beneficial provisions of the Act should not be denied on technical grounds. Applications on behalf of companies, associations, firms etc can be entertained provided proper authorization of the Board of the company, management committees of Associations or the resolution of partners are enclosed with the applications.</p> <p>Note- If no such authorization is provided by the applicant and name and designation of the applicant is available on the rti application, the same should be entertained treating the application filed by applicant in his/her personal capacity unless the information sought pertains to the Concerned Organization itself.</p>
37.	Whether information to the application exceeding in 500 words to be provided?	<p style="text-align: center;">Yes</p> <p>(However, considering rule 3 of RTI Rules 2012, information of the queries beyond 500 words can be denied by referring this rule).</p>	

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