

SPEED-POST

- 629 LC/111-2005

भारत के नियंत्रक-महालेखा परीक्षक का कार्यालय
OFFICE OF THE COMPTROLLER
AND AUDITOR GENERAL OF INDIA

दिनांक
Date

Dated 7th October 2005

To

Director General of Audit/Pr Accountant's
General/Accountants General/Pr Director of Audit (Audit
Offices (Civil. Receipt, Local Bodies, MABs, Defence, P&T,
Railways)

Subject: - Right to Information Act, 2005 - Disclosure of
Information - regarding

Sir/Madam

In continuation of Hqs letter of even number dated 6.10.2005,
the following instructions are issued for disclosure of information in
terms of Sections 7 and 8 of the RTI, Act 2005.

2. Audit Matter :

2.1 According to Article 151(1) of the Constitution of India, the
Reports of the Comptroller and Auditor General of India relating to the
accounts of the Union shall be submitted to the President, who shall
cause them to be laid before each House of Parliament. Under
Clause (2) of the said Article, the Reports of the Comptroller and
Auditor General of India relating to the accounts of a State shall be
submitted to the Governor of the State, who shall cause them to be
laid before the Legislature of the State. Under Section 8 (1)(c), there
is no obligation to disclose information that would cause breach of
privilege of Parliament or the State Legislature.

2.2 The Audit Report goes through various processes before its
finalization. Having regard to the intent and provisions of the RTI Act,
all documents/information contained in Inspection Reports and other
like documents issued to the auditee may be disclosed. The intent to

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report any matter to Parliament/State Legislature is established for the first time only when 'Draft Audit Para/Draft Review' is sent to the Government (auditee entity) for confirmation of facts & figures and for comments. Accordingly, privilege may be claimed only in respect of Draft Audit Paras/Draft Reviews and 'Bond copies' of Audit Reports sent for signature of CAG. Once the Audit Report is laid on the Table of the Parliament/State Legislature(s) it would come within the public domain. Audit memos, Half Margins and other working papers that relate to Inspection Reports and Audit Reports are internal in nature may not be disclosed.

2.3 In future all Inspection Reports may be issued with the following disclaimer statement: -

" The Inspection Report has been prepared on the basis of information furnished and made available by ----- (Name of auditee entity). The Office of Accountant General (Name) disclaims any responsibility for any misinformation and/or non-information on the part of auditee."

In respect of information being sought on past I.Rrs, information may be disclosed to any person with a similar disclaimer statement.

2.4 In case of request for letters and other communications issued by the auditee entity, action may be taken in terms of Section 6(3) of the Act to transfer the request to the concerned public authority under intimation to the petitioner within the time limit prescribed under the Act. This will relate to all letters and communications issued by the auditee entity and mentioned in the Inspection Reports and Audit Reports already placed before Parliament/Legislature.

3. Administration Matters

3.1 In respect of documents relating to office management, Administrative Reports brought out by each office can be made available for the prescribed cost. Information relating to the budget details, details regarding welfare activity, recreation, details regarding tenders etc. after conclusion of the contract, promotion, appointment, pay fixation, gradation list, roster details can be disclosed.

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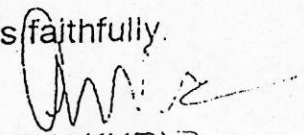
3.2 Information that are purely personal in nature the disclosure of which has no relationship with any public activity or interest need not be disclosed in terms of Section 8(1)(f) of the Act. In this category the personal details of the Government servants, their family, GPF balance, CRs, etc should not be disclosed.

4. The obligation under the Act is to disclose only the information available and it is not necessary to generate information for disclosure. As a general rule, internal noting should not be disclosed.

5. A copy of the 'Right to Information (Regulation of Fee and Cost) Rules, 2005 issued by Department of Personnel & Training vide Notification dated 16.9.2005 is enclosed for levy of fee/cost for disclosure of information.

6. Receipt of this letter may please be acknowledged.

Yours faithfully.



(A.K. THAKUR)
Director General (Audit)