

GOVERNMENT OF PUDUCHERRY  
LABOUR DEPARTMENT

Labour Department Complex, Vazhuvavur Road, Gandhi Nagar, Puducherry 605009

No.183-App/2012/Lab/RTI/R1

Dated 02.01.2013

O R D E R

Sub: RTI - Application seeking for copies of certified copies of Standing Orders of M/s. Suolificio Linea Italia, Sedarapet.

Ref: Appeal dated 7.12.2012 of the Third Party M/s. M/s. Suolificio Linea Italia, Sedarapet.

Thiru D. Patchaimithu of Pulichapallam, Vanur Taluk submitted an RTI application dated 12.10.2012 seeking certain information including certified copies of Standing Orders of M/s. Suolificio Linea Italia, Sedarapet. In as much as the information sought for by the applicant pertained to a Third Party, the PIO served a written notice seeking for the comments of the Third Party on 31<sup>st</sup> Oct 2012 as envisaged under Section 11 of RTI Act, 2005. Not receiving any response from the Third Party, in terms of Section 11(3) of the Act, the PIO took a decision to disclose the copy of the Standing Order and conveyed his decision to the Third Party vide letter 3<sup>rd</sup> Dec 2012.

M/s. Suolificio Linea Italia, Sedarapet, who are the third party, have come on appeal at the decision of the PIO to disclose the copy of the Standing Order to the applicant, Thiru D. Pathaimuthu vide letter cited under reference above. The main plea of the Third Party against disclosure is that the certified standing order is intellectual property of the company and it cannot be thrown open to the public domain. They have in support relied on the exemption clauses of Section 8(1) (d), 8(1) (e) and 8(1)(j) of RTI Act, 2005.

In terms of Section 8(1) (d) *ibid*, information relating to commercial confidence, trade secrets or intellectual property that if disclosed would harm the competitive position of the Third Party are barred from disclosure unless and until public interest outweighs the non-disclosure. Therefore, the issue to be decided here is, whether disclosure of the Certified Standing Orders would lead to a situation where the competitive position of the Third Party would come to a compromise and may cause injury or harm to the company.

The Certified Standing Orders is a document that codifies the service conditions of the employees. It is a document that is prepared under consultative process with the Unions/Employees. As such, from the very outset, it is a document prepared by following transparent procedure and therefore it is hardly possible to clothe it under confidential document by labelling it as an intellectual property. Looked at from any angle, the disclosure of the Certified Standing Orders would not injure the competitive position of the company for barring it from disclosure u/s 8(1)(d) *ibid*. The other exemption clauses of fiduciary capacity and personal information u/s.8(1)(e) and 8(1)(j) *ibid* are not attracted in this case. Therefore, the orders of the PIO to disclose the Certified Standing Orders is sustained.

In the eventuality the Third Party is aggrieved with the orders, second appeal may be filed within 90 days before the Central Information Commission, Bhikaji Cama Place, New Delhi - 110 066.

*G. Srinivas*  
2.1.2013

(G. SRINIVAS)

LABOUR COMMISSIONER-CUM-FIRST APPELLATE AUTHORITY

*13/1/13*  
**DESPATCHED**  
To

M/s. Suolificio Linea Italia (India) Pvt Ltd.,  
19/1 & 4/4 Mylam Pandy Road, ,  
Sedarapet,  
PUDUCHERRY 605 111.

Copy to :

1. Thiru D. Patchaimuthu, S/o. M. Dharmalingam, Manthoppu, Pulichapallam Vanur Taluk 605 109.
2. The Public Information Officer - cum-Dy. Labour Commissioner, Labour Department, Puducherry,