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No.36-10/2013-SU
Ministry of Communications & IT
Department of Telecommunications
SU Section

20 Ashoka Road, New Delhi 110001
Dated: 8th 11.2014

Sh. Anand Ahuja,
Flat No. 202, 2nd Floor,
Ratan Park Dev Samaj Road, Ulhasnagar,
Maharashtra - 421004.

Subject: - Appeal of Sh. Anand Ahuja against reply for Online RTI application dated 03.07.2014 (Registration No. DOTEL/R/204/60988).

With reference to the abovementioned appeal of Sh. Anand Ahuja against DoT's reply vide letter no. 36-10/2013-SU-III dated 07.08.2013 in r/o RTI application dated 03.07.2014, the suitable reply is as below :-

It has already been intimated vide letter of even no. dated 07.08.2014 that M/s TCL has clarified that the Company ceased to be a Government Company on 13 February 2002, when the Government of India (GoI) transferred its 25 percent stake in the company to the Tata Group. As such, Tata Communication is not covered by the RTI Act and is not required to provide any information there under. Please also note that Tata Communication Limited (TCL) is not a Public Authority under the provisions of the RTI Act, and therefore, cannot disclose any confidential information pertaining to any of its employees, either directly or indirectly. Please note that such a disclosure will constitute breach of confidentiality obligations of TCL vis-à-vis its employees and/or other stakeholders.

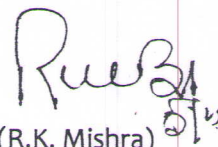
• Further, under Section 2(f) of the RTI Act, any public authority is only obliged to share any information relating to a private body, which is, otherwise, available with it in its capacity as such authority/ regulator as per applicable laws. Therefore, seeking "information" from any Private body by Public Authority vide reference to section 2(f) of the RTI Act, is not envisaged.

• There is no law or provision in the licenses issued by Government of India which obliges a private sector entity to disclose its confidential or commercially sensitive information in response to RTI application filed with a government department or Public Authority.

2. In so far as the grievances of termination of services is concerned, it may be mentioned that as the VSNL ceases to be a public Sector company (PSU) or Government company w.e.f. 13/2/2002 as per the provisions of Section 617 of Company Act; it is not an authority within the meaning of Article 12 of the Constitution of India nor does it perform any public duty. All the right and obligations of the employees after the two years period of protection are that of employees of a private organization for which there cannot be any protection under the constitution of India because VSNL ceased to be a public sector company on 13/2/2002. The Government of India does not interfere in the internal matters/decisions and Management of M/s TCL.

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3. In case you are not satisfied with the information and further wish to make an appeal, the appeal may be preferred to Central Information Commission, 'B' Wing, IInd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066.



(R.K. Mishra)

DDG(SU & Appellate Authority)

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