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# What is Information under RTI Act

information,, explanation,, rti, act

As per the RT Act, Section 2(f) “information” means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;



## Explanation of Information under RTI Act

The information would mean anything which exists, in any form with a public authority. The specific instances – records, documents, memos, emails, opinions, advices, reports, samples, models - are **merely meant to illustrate** the broad scope. Clearly, file-noting is opinion and hence covered in the ambit of the Act. Legal or other opinions obtained by Public authority or various reports received by them are all covered.

Here, it suggests an important principle regarding private bodies. Information relating to any private body, which may not be covered by the definition of ‘Public Authority’ (given in Section 2 h), can be obtained through a public authority if the law allows the public authority to access it.

There is an additional view at this juncture.<sup>1)</sup>

Thus, if any public authority has the right to ask for any information under the law from a private organization, the citizen can seek the information from the public authority.

## Seeking Information from Private Organisation

A few illustrative examples of how this proviso can be exercised by the citizens:

- Information about a private bank can be obtained from the regulator - RBI - if the law requires the information to be filed.
- Information about a private unaided school – from the Education Department.
- Information about a Public Limited Company – from the Registrar of Companies or SEBI if the law empowers them to ask for it.
- Information about a Cooperative Society – from the Registrar of Cooperative Societies.
- Information about Trusts – from the Charities Commissioner.
- Information about various banks, including private banks – from Reserve Bank of India.

There is some ambiguity on the term ‘accessed’. It may mean any information which the authority can ask for under various provisions or the information which the authority is usually supposed to acquire under the law. There is an additional view at this juncture.<sup>2)</sup>

As an example: The Labour office requires certain information to be submitted at certain intervals – this is ‘Information’ as defined by the Act, and hence can be accessed. However, the labour office during an inspection or investigation, can access virtually all the records of an organisation which otherwise would not be done.

Some RTI activists argue that this proviso allows access to any information of a private organization through any Public authority by invoking the special investigative powers of the Public authority. Such a wide interpretation would actually mean that all private organizations could be forced to disclose all the information with them. This would be too wide an interpretation. **Only the information ‘normally’ and routinely accessed by the Public authorities comes under the ambit of RTI.**

However, all information with the Public authority is certainly information covered by the Right to Information Act. The Public authority holds the information on behalf of citizens. Thus, once any information is with a Public authority, it is ‘information’ available to any citizen under the Right to Information Act (subject to the exemptions of Section 8 of the Act). **Repeatedly, the Act implicitly recognizes that the Government holds all information on behalf of the citizen.**

Often, some Right to Information Act users expect an explanation or answer even if there is nothing on records available. This cannot be tenable. **RTI is not Right to Interrogat.** The information has to exist in the material form.

Often officials refuse to give information when a Right to Information request is framed as a question. This position has no basis in the law.

As an example, if an applicant asks: “What is the name of the Head of the Department?” or “What is the expenditure incurred on medical expenses in 2014 by the Organisation?” This is information available on record. However, if an applicant asks: “Why has the Municipal Corporation not repaired and maintained all roads?” or “What is the meaning of a certain rule?” or “Why was the judgment not given in my favour” etc., it must be noted whether such information exists on record. If it exists on the records it should be provided and if not, then the answer provided should be “There is no record of this”.

## Credits:

RTI Act Authentic Interpretation of the Statute, by Shailesh Gandhi

- [Annual Confidential Report](#)
  - [Citizenship under RTI Act 2005](#)
  - [Competent Authority under RTI Act](#)
  - [Composite Petition under RTI Act](#)
  - [Deemed PIO](#)
  - [Disproportionate Diversion of Resources](#)
  - [What is Fiduciary Relationship](#)
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  - [Privacy Rights of Public Servants](#)
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  - [What is Public Interest](#)
  - [Refund of Fees](#)
  - [RTI Act or Statutory Rules for giving information under RTI Act 2005](#)
  - [Severability](#)
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  - [Suo Moto Disclosure under RTI](#)
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1)

Mishra, Satyanand (personal communication, May 05, 2016) explains that Public authorities access information of private bodies by exercising powers under various laws. In each such law, the power to access information is usually vested in the public authority for a defined purpose. The obligation of a private body to share any information with any public authority is limited to the extent that the said public authority would use the said information only for the purpose defined in the respective law.

Therefore, sharing such information with other citizens under the RTI Act appears to be a kind of breach of the condition on which the public authority concerned accessed the said information in the first place. He, however, agrees with this reading that the routine reports and returns various public authorities access from `private bodies by way of statutory compliance can be disclosed as information subject to the exemptions laid down in Sec 8.

2)

8 Mendel, Toby (personal communication, May 13, 2016) contends that it cannot extend to any information which an investigatory authority (e.g. the police) might in pursuance of an investigation ask for. And yet it must extend beyond information already held (or supposed to be held) by the public authority. It covers information which an authority may at any time (i.e. not just in special cases covered by an investigation) ask for from a private body. E.g. a broadcast regulator might have the power to ask a broadcaster for its ownership structure, not because it is investigating but just to check.

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