

How to use RTI in case of Railways?

Glossary

1. **Central Information Commission-** Defined under Section 2(b) of the RTI Act. The Central Information Commission is the competent authority to deal with complaints and appeals regarding public authorities under central government.
2. **Information-** According to Section 2 (f) 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.
3. **Public authority-** According to Section 2 (h) as any authority or body or institution of self-government established or constituted –
 - (a) by or under the Constitution;
 - (b) by any other law made by Parliament;
 - (c) by any other law made by State Legislature;
 - (d) by notification issued or order made by the appropriate Government, and includes any –
 - (i) body owned, controlled or substantially financed;
 - (ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;
4. **Right to Information-** According to Section 2 (j) the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to –
 - (i) inspection of work, documents, records;
 - (ii) taking notes, extracts or certified copies of documents or records;
 - (iii) taking certified samples of material;
 - (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device
5. **State Information Commission-** Defined under Section 2(k) of the RTI Act. The State Information Commission is the competent authority to deal with complaint and appeals regarding public authorities under the state government.

1. Backdrop

The Right to Information Act, 2005 (herein after referred to as RTI) intends to furnish the sought information from public authorities. Information is defined under Section 2(f) of the RTI Act and public authority under Section 2(h) of the Act. The relevant sections are reproduced below-

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.*

Section 2(h)- *"public authority" means any authority or body or institution of self government established or constituted –*

(a) by or under the Constitution;

(b) by any other law made by Parliament;

(c) by any other law made by State Legislature;

(d) by notification issued or order made by the appropriate Government, and includes any-

(i) body owned, controlled or substantially financed;

(ii) non -Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government.

2. Does Railway fall under public authority?

Indian Railways were constituted under The Railways Act, 1989 which is an Act of the Parliament of India thus Indian Railways is a public authority under section 2(h)(b) and is obliged to information by law. According to the official website of Indian Railways, information is available under **Section 4(1) (b) of RTI Act.**

Section 4(1) (b) is reproduced below-

Every public authority shall –

(b) publish within one hundred and twenty days from the enactment of this Act, –

(i) the particulars of its organisation, functions and duties;

(ii) the powers and duties of its officers and employees;

(iii) the procedure followed in the decision making process, including channels of supervision and accountability;

(iv) the norms set by it for the discharge of its functions;

(v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;

(vi) a statement of the categories of documents that are held by it or under its control;

(vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;

(viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;

- (ix) a directory of its officers and employees;*
- (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;*
- (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;*
- (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;*
- (xiii) particulars of recipients of concessions, permits or authorisations granted by it;*
- (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;*
- (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;*
- (xvi) the names, designations and other particulars of the Public Information Officers;*
- (xvii) such other information as may be prescribed and thereafter update these publications every year;*

Indian Railways are under a statutory obligation to designate a PIO as under the following section-

Section 5(1)- *Every public authority shall, within one hundred days of the enactment of this Act, designate as many officers as the Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act.*

3. Recent Guidelines

The Ministry of Railways issued guidelines in 2019 for speedy handling of RTI cases. An extract of it is listed below-

- 2. The matter has been reviewed by the Board (CRB & MT). It has been decided that henceforth the following procedure should be followed scrupulously:*
 - (i) All Directorates shall monitor all pending RTI cases scrupulously and ensure that these are expeditiously and appropriately disposed of within the stipulated period of 30 days.*
 - (ii) Nodal RTI officer. RTI Cell, Railway Board shall prepare a monthly list of pending cases CPIO-wise. Wherever warranted, EDPG shall send a note to the concerned FAA and AM to expedite disposal.*
 - (iii) Where despite such action and information sharing the action is not forthcoming from an office. personal responsibility shall be fixed on the defaulting officer/staff on a monthly basis and report sent to EDPG.*
 - (iv) All disputed RTI cases shall be settled as per Officer Order No. 75 of 2017 (copy attached).*
 - (v) For those cases where RTI application pertains to more than one PIO, instructions given in Officer Order No. 27 of 2010 will be followed, which mandates it to be dealt in a manner similar to handling of Parliament.*

(vi) Any case of transfer should have valid reasons recorded for transferring the case to a particular department and should be transferred with agreement of the recipient officer. A mere recording "the matter does not pertain to this department" will not suffice.

(vii) FAA shall ensure that upon transfer or superannuation, the charge of RTI IS suitably handed/ taken over.

(viii) All cases pending or 01.04.2019 should be disposed of within 30 days. As on date, there are 7881 cases pending beyond 30 days, for all the departments taken together. In case there are such cases then the FAA should submit case wise remarks to EDPG for putting up the consolidated position to the Secretary, Railway Board.

4. Sought Information

According to Central Information Commission the most sought after information with respect to Railways is listed below-

- a) Service matters - Appointment, Service Book, Departmental Exams, Promotion, Transfer, Salary, Pay Fixation, Arrears, ACRs, APARs, Pension matter etc.
- b) Matters related to Tender - Award of Tender & Contracts (Construction & Open Line),
- c) Railway Recruitment Board (RRB) & Railway Recruitment Cell (RRC) - Marks scored, Cut-off marks, Copy of answer sheet/ answer key, recruitment, vacancies details etc.
- d) Personal Details (Third Party Information) - Salary, Property, Family particulars, Employee details, Medical status, Service particulars etc. of third party (Employees).
- e) Travel related matters - Reservation, Refund of e-tickets, Passenger Amenities & Services etc.
- f) Claim & Compensation related matters - Claims for Non-receipt of Goods/ Parcels, Compensation for Accidents and untoward incidents, Ex-gratia etc.
- g) Information related to vigilance investigation/ DAR cases.
- h) Action taken on representations/letters/complaints by the applicant.
- i) Stoppage of trains, Change route matter, Punctuality of trains.
- j) Survey & Land related issues including Payment/Employment against land acquisition etc

5. Second Appeal

Since Indian Railways fall under Central Government, if a party is aggrieved by the decision of FAA, it must send the second appeal to the Central Information Commission.

6. Recent Developments

- a) The Central Public Information Officer had denied the information, claiming that *"corporate bodies and juristic persons cannot apply for information under the Act. It is accordingly ruled that if a person applies for information to a public authority as a representative of a corporate body, then he/she is not entitled to information under the Act."* However, the

CIC ordered to provide information to the applicant stating that the plea of the CPIO was not maintainable.

In a catena of decisions the Commission had held that so long as the said RTI application is signed by an individual who is a citizen of India, then notwithstanding the capacity in which such application is filed, it shall be valid.

- b) Recently in October'2021, an RTI application revealed that Indian Railways registered a 113% jump in the earnings in Quarter 2 for passenger trains.
- c) The Hon'ble CIC has previously [held](#) that travelling status with respect to the mentioned PNR No. can be sought under the RTI Application. The information needs to be disposed within the stipulated time period.
- d) An interesting question with respect to the payment of the fees for procuring the copies from the Railways has continuously threatened the applicants by paying the huge amount of fees. As per [Railway Board's Letter](#) dated 13.12.2011, applicant are supposed to pay Rs. 1,000 per page for procuring Reservation Chart. Whereas the RTI (Regulation of Fees and Costs) Rules 2005 provides for Rs. 2 per page.

Similar nature of [issue was raised before](#) the Hon'ble Supreme Court where Institute of Company Secretary was charging Rs. 500 for a certified answer copy and Rs. 450 for inspection. On the contrary the RTI Rules provides for Rs 2 per page only.

The CIC while adjudicating an [appeal](#) between demand of heavy fees by Railways as per its Letter and RTI Rules of 2005 left the question unanswered till the Supreme Court rules on the abovementioned pending matter.

Finally, on 11.04.2019 the Hon'ble Supreme Court held that an applicant has the liberty to choose the route. In applicant chooses to apply through ICSI, then has to pay as per the rates prescribed by ICSI, simultaneously option is open to procure the copies under the RTI Act, with which the RTI Rules, 2005 will be applied. Hence, relief on fees was given to the applicants by the Hon'ble Court if they choose to go by the RTI Act.

Sample RTI Application

November 11, 2021

To,
The Public Information Officer,
Indian Railways, Central Railways
Mumbai, India

Sir/Ma'am,

The following information is sought under section 6(1) of the RTI Act, 2005. Please furnish:

1. The number of trains connecting to Mumbai Railway Station.
2. The list of contractors who have been assigned the task of maintenance and beautification of the Mumbai railway station.
3. A copy of contract signed between the Mumbai Railway Station and the contractor.
4. The budget allocated for maintenance of the Mumbai Railway Station.
5. The total revenue collected by the Central Zone in the financial year 2019-20.

Yours Faithfully,
XYZ

PLEASE CONSIDER BEFORE DISPOSING OF THE APPLICATION:

1. If required then, please '*render reasonable assistance*' for the purpose of obtaining the information u/s 5(3) of the Right to Information Act, 2005.
2. If the information, wholly or partially is available with any other particular department then as per the provision u/s 6(3), please transfer the application, wholly or partially, to the concerned department.