

How to Use RTI For Status of Your Identity Documents

Glossary

i. 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 the central government.

ii. 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.

iii. Public authority- According to Section 2(h), 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;

iv. 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 –

- (a) inspection of work, documents, records;
- (b) taking notes, extracts or certified copies of documents or records;
- (c) taking certified samples of material;
- (d) 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

v. State Information Commission- Defined under Section 2(k) of the RTI Act. The State Information Commission is the competent authority to deal with complaints and appeals regarding public authorities under the state government.

1. Backdrop

The Right to Information Act, 2005 (hereinafter 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 a 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. What are identity documents?

The Department of Telecommunication has provided an exhaustive [list](#) of documents that are acceptable proof of identity. Below are some commonly used identity documents-

- a) Aadhaar Card
- b) Passport
- c) Voter ID Card, issued by the Election Commission of India
- d) PAN Card, issued by the Income Tax Department
- e) Driving license

3. Can you get identity documents under RTI?

Yes, one can procure information of his own identity documents under RTI Act but the sought copy must not pertain to third party information. One must file RTI application only to get details, status of her own identity document and must try to furnish as many relevant details as possible so that it becomes easy for the PIO to identify the sought document.

According to the [official website of UIDAI](#):

“...in view of the confidential nature of demographic and biometric data (personal data of resident) only the resident to whom the data relates can seek the information. Applicant may also be required to provide additional validation of identity in certain cases.”

4. What information can you get?

a) Aadhar Card

You can get the following [details](#) with respect to your Aadhar card

1. • Status of Aadhaar generation/number by furnishing the EID number.
2. • Electronic version of the Aadhaar letter i.e. E-Aadhaar.
3. • Details of processing stages, dispatch and delivery.

b) Driving license

In one instance in the case of *Shri Sudhir Singh v. Delhi Police*, RTI Act came to the assistance of an applicant seeking job of driver when his driving license verification was unduly delayed. The CIC ruled to expedite the matter and inform the appellant about the status of his case.

c) Passport

To get information regarding passport, an RTI application must be filed with Consular, Passport and Visa (CPV) division of the Ministry of External Affairs or the Passport Offices. You can also [track](#) your RTI application on their website.

In *Union of India v. R. Jayachandran* the Hon'ble High Court of Delhi had held that passport details, copies of birth certificate and copies of records of educational qualification are personal information, the disclosure of which would cause unwarranted invasion of privacy of individuals unless there was an overbearing public interest in favour of disclosure.

d) PAN Card-

In *Mr. H.K.Sharma v. Income Tax Department*, the CIC held that the information sought by the appellant contains personal information relating to issues such as nature of the business, percentage of shareholding, source of funds, partnership details and plans

regarding conducting of the business which were exempted from disclosure under section 8(i)(j) of the RTI Act.

Even in *Sushila Singh vs CIT, Bokaro* the CIC held that information relating to PAN and account number is personal information which is barred from disclosure u/s 8(1)(j) of the RTI Act. Besides, the Income Tax Department is holding this information in fiduciary capacity in terms of section 8(1)(e). This information can be disclosed only in the larger public interest.

This shows under an RTI application one can only get the details of his/ her own document. There is no bar in getting one's own details under the RTI Act.

e) Voter ID Card, issued by the Election Commission of India

In order to seek information from Election Commission of India, one can file an RTI [application online](#). The RTI [user manual](#) provides details about the same. One can get details under RTI from Chief Electoral officers, District Election officers, and Electoral Registration Officers or the Election Commission of India depending on the nature of information. There is also a provision to file appeals online in case the sought information is not provided.

5. What to do and not to do?

a. Do's

- i. Furnish relevant details which would be helpful for the PIO to spot and identify your identity document.
- ii. You must only seek the details of your own identity document.

b. Don't's

- i. Don't seek information of third party as it is exempted under the RTI Act.

Sample RTI Application
November 11, 2021

To,
The Public Information Officer,
UIDAI Office,
Delhi, India

Sir/Ma'am,

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

1. The Aadhar Card number of:
Name: Mr XYZ
Date of Birth: 05/07/1987
Mobile Number: 9876543210

Yours Faithfully,
Mr. 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.