

National Asset Reconstruction Company Ltd (NARCL)

Policy on Right to Information

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1. Introduction

National Asset Reconstruction Company Limited (hereinafter referred to as “NARCL” or “Company”) has been incorporated under the Companies Act, 2013 as a Government Company (limited by shares) on 7th July 2021.

The Government of India has enacted the Right to Information Act 2005 (“RTI Act”) to provide for right to information for citizens to secure access to information under the control of public authorities. The basic objective of the RTI Act is to enable members of the general public seek information under the control of public authorities with a view to promoting transparency and accountability in the working of every public authority, empower the citizens, promote transparency and accountability in the working of the public authorities.

2. Objectives of this Right to Information Policy (“Policy”)

The basic object of the Policy is to enable members of the general public seek information under the control of the Company (as a government company, and hence a public authority) with a view to promoting transparency and accountability in the working of the Company (as a public authority), empower the citizens, promote transparency and accountability in the working of the Company.

3. Applicability of the Policy

The Policy is applicable to all its employees, officers, directors, and other relevant stakeholders, across all branches (if any) and departments of the Company.

4. What is Information?

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. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.

5. What is Right to Information?

For this Policy, right to information means the right to any information accessible under the RTI Act which is held by or under the control of the Company 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

6. Who can Seek information?

Section 3 of the RTI Act provides as under:

"Subject to the provisions of this Act, all citizens shall have the right to information."

The RTI Act gives the right to information only to the citizens of India. It does not make provision for giving information to corporations, associations, and companies etc. which are legal entities but not citizens. However, if an application is made by an employee or office bearer of any corporation, association, company, NGO etc. indicating his/her name and such employee or office bearer is a citizen of India, subject to exemptions under the RTI Act, information will be supplied to him / her. In such cases, it would be presumed that a citizen has sought information.

The Central Public Information Officer (CPIO) may, in exceptional cases and only if there is a clear doubt (for reasons recorded in writing) and after seeking legal advice from the legal department of NARCL, seek for such applicant's proof of citizenship.

The company can publish 'suo motu' disclosures to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of RTI Act to obtain information.

7. Structure of RTI in the Company

Central Assistant Public Information Officer (CAPIO)

The CAPIOs -Head Risk and Compliance Mid Office, send the application or appeal to the CPIO or the concerned Appellate Authority for disposal. A Central Assistant Public Information Officer is not responsible for supply of the information, but shall provide such assistance as is reasonably sought by CPIO in relation to the information sought.

Central Public Information Officer (CPIO)

CPIO- Chief Finance Officer, is/ responsible for giving information to a person who seeks information under the RTI Act. The CPIO shall, as expeditiously as possible, within 30 days of receipt of request either provide information or reject the request for any of the reasons specified in clause 10 of the policy.

Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within 48 hrs of receipt of request.

First Appellate Authority (FAA)

If an applicant is not supplied information within the prescribed time of thirty days or 48 hours, as the case may be, or is not satisfied with the information furnished to him/her, (s)he may prefer an appeal to the FAA i.e MD and CEO.

8. Format of Application

There is no prescribed format of application for seeking information. The application can be made to CPIO in writing or through electronic means. Where such request cannot be made in writing, the CPIO shall render all reasonable assistance to the person making the request orally to reduce the same in writing. The application should, however, have the name and complete postal address of the applicant. Even in cases where the information is sought electronically, the application should contain the name and postal address of the applicant. The application should be made in English or Hindi or in the official language of the area in which the application is being made, accompanied by the prescribed fee and specifying the particulars of the information sought.

9. What information can be sought

A citizen has a right to seek such information from a public authority which is held by the public authority or which is held under its control. This right includes inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; taking certified samples of material and 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 held by the public authority or held under the control of the public authority. It is important to note that only such information can be supplied under the RTI Act which already exists and is held by the public authority or held under the control of the public authority.

The CPIO is not supposed to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.

The information to the applicant should ordinarily be provided in the form in which it is sought. However, if the supply of information sought in a particular form would disproportionately divert the resources of the public authority or may cause harm to the safety or preservation of the records, supply of information in that form may be denied.

10. Information which is exempt from Disclosure

The RTI Act provides under Sections 8 and 9, certain categories of information that are exempt from disclosure to the citizens.

The following categories of information are exempt from disclosure under the RTI Act:

- Information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence.
- Information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
- Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
- Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
- Information available to a person in his/her fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
- Information received in confidence from foreign government;
- Information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
- Information which would impede the process of investigation or apprehension or prosecution of offenders;
- Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers;
- Information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual;
- A request can be rejected where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.

Where an RTI application is received in relation to information which is exempt from disclosure, then, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under the RTI Act and which can reasonably be severed from any part that contains exempt information.

11. Policy Review and Updates

The Board approved Policy shall be reviewed as and when required or at least annually for incorporating regulatory updates and changes, if any.

12. Regulatory References (reference to Companies Act, RBI circulars and other applicable statutes, regulations as applicable to NARCL)

- The Companies Act, 2013
- Right to Information Act, 2005

Annexure 1 – Glossary

Abbreviations	Meaning
NARCL	National Asset Reconstruction Company Ltd
RBI	Reserve Bank of India
HO	Head Office

VERSION HISTORY

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