

**Central Information Commission**

Room No.307, II Floor, B Wing, August Kranti Bhawan, Bhikaji Cama Place, New  
Delhi-110066  
website-cic.gov.in

Appeals: No. CIC/MP/A/2014/000679, CIC/MP/A/2014/900690,  
CIC/MP/A/2014/900692, CIC/MP/A/2014/900764,  
CIC/MP/A/2014/900775, CIC/MP/A/2014/900776,  
CIC/MP/A/2014/001558 & CIC/MP/A/2014/000911

Appellant : Shri Shantaram  
Walavalkar, Mumbai  
Public Authority: New India Assurance Co. Ltd. Mumbai.  
Date of Hearing : 16<sup>th</sup> March, 2015  
Date of Decision : 31<sup>st</sup> March, 2015

Present :  
Appellant : Present  
through VC.  
Respondent : Shri Renjit  
Gangadharan, DGM/FAA, Shri Hitender

Patel, Dy. Manager/CPIO & Shri Pradeep Khandekar,  
Chief Manager (Health Deptt) through VC.

No. CIC/MP/A/2014/000679

**ORDER**

1. The appellant, Shri Shantaram Walavalkar, submitted RTI application dated 03.10.2013 before the Central Public Information Officer (CPIO), The New India Assurance Co. Ltd. (NIACL), Mumbai seeking information on five points such as number of senior citizen policyholders who opted to stay back with Mediclaim 1996 and currently under Mediclaim 1996, Premium applied to these policyholders , premium for age band 71-75, premium applied for age band 81 and above, copy of refund letters with details calculations for policyholders who migrated back to Mediclaim 1996 from Mediclaim 2007 etc.

1.2. The CPIO vide letter dated 21.10.2013 sent a point-wise reply to the appellant. Dissatisfied with the reply of the CPIO on point 1, 4 and 5, the appellant

filed an appeal on 29.10.2013 before the first appellate authority (FAA). The FAA vide order dated 16.12.2013 concurred with the reply of the CPIO.

1.3. Thereafter, the appellant filed the instant appeal before the Commission.

**No. CIC/MP/A/2014/900690**

2. The appellant, Shri Shantaram Walavalkar, submitted RTI application dated 29.10.2013 before the Central Public Information Officer (CPIO), The New India Assurance Co. Ltd. (NIACL), Mumbai seeking information on six points such as option given to policy holders of Mediclaim 1996 as on 2007 irrespective of age of policyholder as on 2007, date on which such option was given to policyholders; if such option given to policyholders of Mediclaim 1996 and mode of information; if such curricular of offering option was sent by Division Offices and Branch Office including DO, copy of circulation and date on which it was sent to DO to be provided; whether Head Office instructed to DO to inform this option to policy holders when policies were coming for renewal; action policyholders can take against DO's who had not informed renewal option available to policyholders (Mediclaim 2007 who were earlier policy holders of Mediclaim 1996 as on 2007 irrespective of age as on 2007 etc.

2.1. The CPIO vide letter dated 20.11.2013 informed the appellant that he is seeking confirmation of his suggestions/clarifications on some issues of Mediclaim Policy which did not fall under section 2(f) read with 2(j) of the RTI Act. Dissatisfied with the reply of the CPIO, the appellant filed an appeal on 25.11.2013 before the first appellate authority (FAA). The FAA vide order dated 20.12.2013 while upholding the decision of the CPIO, relied upon the judgement of Apex Court in the matter of CBSE Vs. Aditya Bandopadhyay & Ors in which the Hon'ble Supreme Court held "At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing.... If a public authority has any information in the form of data or analyzed data, or abstracts, or statistics an applicant may access such information, subject to the exemptions in

section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non available information and then furnish it to an applicant.” concurred with the decision of the CPIO.

2.2. Thereafter, the appellant filed the instant appeal before the Commission.

**No. CIC/MP/A/2014/900692**

3. The appellant, Shri Shantaram Walavalkar, submitted RTI application dated 13.10.2013 before the Central Public Information Officer (CPIO), The New India Assurance Co. Ltd. (NIACL), Mumbai seeking information on ten points at such as number of senior citizen policy holders in DO 170700 who opted to stay back with Mediclaim 1996 and currently under Mediclaim 1996; Premium D.O. 170700 were applied to these policyholders; premium applied by DOMBIVALI DO. 170700 for age band 71-87, 76-80; premium applied for age band 81 and above; refund amount with details calculations for policyholders who migrated back to Mediclaim 1996 from Mediclaim 2007; etc.

3.1. The CPIO vide letter dated 12.11.2013 informed the appellant that the queries pertaining to point AAA were transferred to Mumbai Regional Office V for providing information directly to the appellant; and informed the appellant on point BBB, CCC and DDD that the appellant was seeking confirmation of his suggestions/clarifications on some issues of Mediclaim Policy who did not fall under section 2(f) read with 2(j) of the RTI Act. Dissatisfied with the reply of the CPIO on point BBB, CCC and DDD, the appellant filed an appeal on 13.10.2013 before the first appellate authority (FAA). The FAA vide order dated 20.12.2013 while upholding the decision of the CPIO, relied upon the judgement of Apex Court in the matter of CBSE Vs. Aditya Bandopadhyay & Ors.

3.2. Thereafter, the appellant filed the instant appeal before the Commission.

**No. CIC/MP/A/2014/900764**

4. The appellant, Shri Shantaram Walavalkar, submitted RTI application dated 12.11.2013 before the Central Public Information Officer (CPIO), The New India Assurance Co. Ltd. (NIACL), Mumbai seeking information five points such as AAA – in respect of Mediclaim 1996 copy of prospect and proposal form of mediclaim 1996 when introduced in 1996 and when revised in subsequent year 2002; BBB – Mediclaim 1996 – prospect copy providing premium schedule up to year 80 only, sought calculation used to calculate premium beyond age 80 from year 1996 till 2006 when Mediclaim 1996 was in force; CCC – copy of Proposal forms of Mediclaim 1996 submitted by Shantaram Walavalkar in 1996 and/or 2002 being policy holder of DO 111700; DDD – option given to all policyholder of mediclaim 1996 as on 2007 irrespective of age of policy holder as on 2007; EEE sought replies to his various complaints registered under nine grievance numbers,

4.1. The CPIO vide letter dated 26.12.2013 provided information consisting of 37 pages. Dissatisfied with the reply of the CPIO the appellant filed an appeal on 04.01.2014 before the first appellate authority (FAA). The FAA vide order dated 17.01.2014 held on point CCC that record pertaining to 1996 and 2002 was not available. On Point DDD (subpoint-2), the FAA directed to CPIO to furnish information if available after following procedure u/s 10. If nothing exists, the appellant be so informed. The FAA further held that the appellant had not submitted copies of information supplied to him because of which his allegation of non-certification and excess documentation fee could not be examined. However, for the sake of good order, the FAA directed to CPIO to get the information certified by deemed CPIO, if so approached by the appellant.

4.2. Thereafter, the appellant filed the instant appeal before the Commission.

**No. CIC/MP/A/2014/900775**

5. The appellant, Shri Shantaram Walavalkar, submitted RTI application dated 24.12.2013 before the Central Public Information Officer (CPIO), The New India Assurance Co. Ltd. (NIACL), Mumbai seeking information on nine points such as copy of prospect, policy document and underwriting conditions which were part of proposal form; whether the policy was available for lifetime renewal as per New Health Policy, 2013; whether the policy was available for renewal to Spouse after

death of proposer; correspondence of Head Office with IRDA and IRDA's correspondence with HO on matters related to approvals of New Health Policy, 2013; copies of Head Office's internal memos, circulars and notes to Branches/DO/RO and TPA related to New Health Policy etc,

5.1. The CPIO vide letter dated 28.01.2014 sent a point-wise reply to the appellant. Dissatisfied with the reply of the CPIO the appellant filed an appeal on 30.01.2014 before the first appellate authority (FAA). The FAA had not adjudicated on appellant's first appeal.

5.2. Thereafter, the appellant filed the instant appeal before the Commission.

**No. CIC/MP/A/2014/900776**

6. The appellant, Shri Shantaram Walavalkar, submitted RTI application dated 27.11.2013 before the Central Public Information Officer (CPIO), The New India Assurance Co. Ltd. (NIACL), Mumbai seeking information pertaining to Mediclaim 1996 irrespective of 'option given to policyholders of mediclaim 1996 as on 2007 irrespective of age of policyholder as on 2007 to stay back with Mediclaim 1996 on nine points such as copy of letters received from Ministry of Finance and IRDA; copy of internal notes, filing notings, memos, circulars; letter vide which any Divisional Office under RO 1 had ever offered option to any of policyholder of Mediclaim 1996 who had not attained the age of 60 years as on 2007; number of policyholders in DO to whom the option was offered and date on which it was offered; copy of option letter received and sent to policyholders; how many policyholders had opted for the option; copy of circular/internal note/noting from HO and/or Regional Office and/or IRDA and/or Ministry of Finance which were the basis for providing option etc,

6.1. The CPIO vide letter dated 10.12.2013 replied point-wise to the appellant. Dissatisfied with the reply of the CPIO the appellant filed an appeal on 03.01.2014 before the first appellate authority (FAA). The FAA vide order dated 17.02.2014 upheld the reply of the CPIO on point AAA-2. The FAA directed the CPIO, MRO-I to decide the un-replied items AAA-3 and BBB-4 to 9 and reply point-wise within three weeks. The CPIO, MOR-I complied with the directions of the FAA vide his letter dated 14.03.2014.

6.2. Thereafter, the appellant filed the instant appeal before the Commission.

**No. CIC/MP/A/2014/001558**

7. The appellant, Shri Shantaram Walavalkar, submitted RTI application dated 05.09.2013 before the Central Public Information Officer (CPIO), The New India Assurance Co. Ltd. (NIACL), Mumbai seeking information on five points – senior citizens who opted out to stay with Mediciclaim 1996 (after introduction of Mediciclaim 2007) would continue to stay with Mediciclaim 1996 to Mediciclaim 2013; copy of New Premium Table under Mediciclaim 2013 (instead of Table of 2007 so far applicable to senior citizens under item 1) applicable to policyholders who opted to stay with Mediciclaim 1996; whether 2.5% increase per year above the age of 70 years would continue or not; copy of policy documents for mediciclaim 2013 and prospects of mediciclaim 2013; and copy of loading of premium conditions and co-payment conditions under mediciclaim 2013 etc.

7.1. The CPIO vide letter dated 15.10.2013 gave a point-wise reply to the appellant. Dissatisfied with the reply of the CPIO the appellant filed an appeal on 18.10.2013 before the first appellate authority (FAA). The FAA vide order dated 20.11.2013 upheld the reply of the CPIO. However, the FAA directed the CPIO, Health Department to issue clarification with regard to applicability of premium chat of 1996 or 2007 or 2012 for renewal of such cases regarding charging of different premium from senior citizens.

7.2. Thereafter, the appellant filed the instant appeal before the Commission.

**No. CIC/MP/A/2014/000911**

8. The appellant, Shri Shantaram Walavalkar, submitted RTI application dated 05.12.2013 before the Central Public Information Officer (CPIO), The New India Assurance Co. Ltd. (NIACL), Mumbai seeking information on two queries in the format prescribed by the appellant regarding AAA – Option given to Policyholders of Mediciclaim 1996 who were Senior Citizens as on 2007 (Remigration to Mediciclaim

1996 in case policy holder with Medclaim 2007, Medclaim 2012) relating to Divisional Offices and Branch Offices on all India basis; and BBB Option given to policyholders of medclaim 1996 who were not senior citizens as on 2007 (remigration to medclaim 1996 in case policy holder is with Medclaim 2007, Medclaim 2012 of all Divisional Offices, Branch Offices of all India basis.

8.1. The CPIO vide letter dated 03.01.2014 informed the appellant that the information as sought for by him was not held by them. Dissatisfied with the reply of the CPIO the appellant filed an appeal on 09.01.2014 before the first appellate authority (FAA). The FAA vide order dated 14.02.2014 upheld the decision of the CPIO and held that RTI Act is intended to deal with information as it exists and available in material form on the record of the public authority. ;It neither creates a privilege for the information seeker to ask any information nor hands out an obligation to the CPIO to provide non-specific information after collecting/collating the same.

8.2. Thereafter, the appellant filed the instant appeal before the Commission.

9. All the above cases were heard by the Commission simultaneously. The appellant stated that he along with his mother who is senior citizen were policy holders of DO 111700 for the last 22 years. The senior citizens like his mother are paying double premium while other Divisional Offices of the Company are charging less premium. The appellant stated that NIACL, Divisional Office Dombivli is still charging half the premium and no recovery had been made by them from the policyholders for short paid premium. Therefore the information is very necessary in public interest. The appellant requested the Commission to give directions to the respondents in case No. CIC/MP/A/2014/000911 and stated that the issues raised by him in rest of the above cases would be covered by this RTI application. He added that he is not RTI activist, but he is seeking information pertaining to his mother's case who is senior citizen. The respondents stated that they had instructed Dombivli Divisional Office for recovery of less premium charged from the policyholders. The respondents further added that terms, conditions, rates of Medclaim Policy 2007 were approved by IRDA vide their letter No. IRDA/2007/08/NIA/Medclaim/04 dated 30.4.2007 with instructions that premium

rates, of existing senior citizen (age 60 years and above) policyholders, should be increased upto 75% of rates of old policy i.e. Mediclaim 1996. Accordingly they had complied with the instructions of IRDA by charging the correct premium.

10. Having considered the submissions of the parties, the Commission directs the CPIO to provide (i) premium chart as approved by IRDA vide their letter No. IRDA/2007/08/NIA/Mediclaim/04 dated 30.4.2007 to the appellant **within one week** of receipt of this order. The Commission further directs the FAA to issue instructions to all the Divisional Offices for charging correct premium in this regard under intimation to the Commission. The FAA will also intimate the Commission about the recoveries made from the policyholders in respect of Dombivli Divisional Office. The FAA will comply with the directions of the Commission **within four weeks** of receipt of this order. The above appeals are disposed of.

**(Manjula Prasher)**  
**Information Commissioner**

Authenticated true copy:

(T.K. Mohapatra)  
Dy. Secretary & Dy. Registrar  
Ph. No. 011-26105027

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