

Central Information Commission, New Delhi
File No. CIC/MP/C/2016/000008/CICOM/SH
Right to Information Act-2005-Under Section (18)

Date of hearing : 28th July 2017

Date of decision : 28th July 2017

Name of the Complainant : SHRI SUHAS VAIDYA

Name of the Public Authority/Respondent : CENTRAL PUBLIC INFORMATION OFFICER,
DEPARTMENT OF FINANCIAL SERVICES
ROOM NO. 6-A, JEEVANDEEP
BUILDING, PARLIAMENT STREET,
NEW DELHI- 110001

RTI Application filed on : Dated Nil filed to CIC

CPIO (CIC) replied on : 16/11/2015 and 08/05/2017

First Appeal filed on : —

First Appellate Authority order on : —

Complaint received on : 14/12/2015

The Complainant was present at the NIC Studio, Pune.

On behalf of the Respondents, Ms. Jasmine James, Under Secretary and CPIO was present in person.

Information Commissioner : Shri Sharat Sabharwal

Information sought

This matter concerns an RTI filed by the Complainant to the CIC seeking the following information:-

1. Provide the position of implementation of circular No. 1/6/2011-IR issued by Government of India, Ministry of Personnel, Public grievances & Pensions, Department of Personal & Training dated 15.4.2013 by way of copies of audit

reports submitted to CIC by all nationalised banks i.e. Allahabad Bank, Andhra Bank, Bank of Baroda, Bank of India, Bank of Maharashtra, Canara Bank, Central Bank of India, Corporation Bank, Dena Bank, IDBI Bank, Indian Overseas Bank, Oriental Bank of Commerce, Punjab & Sind Bank, Punjab National Bank, Syndicate bank, UCO bank, Union Bank of India, United Bank of India, Vijaya Bank and State bank of India.

2. Name and address of the nodal officers appointed by these entities who were entrusted with ensuring the disclosure of information as per the proactive disclosure guidelines as above.
3. Action taken against the Banks named above for non implementation of the above guidelines within the stipulated time of six months from 15.4.2013.

The CPIO reply

The CPIO, CIC, provided reply on point No. 1 on 16.11.2015, stating that none of the banks had submitted their Audit Report and on 8.5.2017, in respect of point Nos. 2 & 3, stating that the information was not available with CIC.

Complaint to the CIC

Thereafter, the Complainant filed a complaint under section 18 to the CIC on the following grounds:-

“The complaint is against the Department of Financial Services and Chairmen of Allahabad Bank, Andhra Bank, Bank of Baroda, Bank of India, Bank of Maharashtra, Canara Bank, Central Bank of India, Corporation Bank, Dena Bank, IDBI Bank, Indian Overseas Bank, Oriental Bank of Commerce, Punjab & Sind Bank, Punjab National

Bank, Syndicate bank, UCO bank, Union Bank of India, United Bank of India, Vijaya Bank and State bank of India for not implementation of section 4 of the RTI Act, 2005 and not conducting audit report which is mandatory as per circular No. 1/6/2011-IR dated 15.4.2013 of Department of Personnel and Training. Also not reporting the same to the CIC at the each of the year end. This fact is confirmed by the CIC, CPIO in the attached document under Annexure B-I. I request you to direct the DFS and all bank chairman to immediately implement the above quoted provision in the circular which is very essential for the progress of RTI Act in its letter and spirit.” (Sic.)

2. The Complainant was heard on 12.5.2017 by a different bench of the Commission and, the complaint was transferred to this bench vide order No. CIC/MP/C/2016/000008/CICOM dated 12.5.2017.

Relevant facts emerging during the Hearing, Discussion and Decision

At the outset of the hearing, the Complainant mentioned that there were some shortcomings in the order No. CIC/SH/C/2016/900069 dated 23.2.2017 of this bench concerning the complaint of one Shri Vijay Hanumant Mulgund (the Complainant had represented Shri Vijay Hanumant Mulgund during the hearing on the above complaint). He was informed that in case he did not have trust in this bench, we would transfer his complaint to another bench. At this point, the Complainant stated that he did not wish to express lack of trust in this bench and prayed that the matter be considered by the bench. Thereafter, we proceeded to consider this matter.

2. The Complainant submitted that the Department of Personnel and Training, vide their O. M. No. 1/6/2011-IR dated 15.4.2013 had issued guidelines regarding suo-

motu disclosure under Section 4 of the RTI Act. In paragraph 4.3 of the above O.M., public authorities were required to submit action taken report on the compliance of the guidelines, along with the URL link, to the DOPT and the CIC after the expiry of the initial period of six months. Each public authority was also required to get its proactive disclosure package audited by third party every year and the third party audit reports were to be examined by the CIC. However, the above guidelines have not been complied with by the banks, as is clear from the response of the CPIO of the CIC to him. The Complainant prayed for direction to the Respondents and the Chairmen of all the banks to immediately implement the above provisions.

3. The Respondents have submitted to us their written submissions dated 24, July 2017, with which they have given the list of Nodal Officers of all the banks mentioned by the Complainant in his complaint, who are responsible for suo-motu disclosure in respect of those banks. In all the cases, the banks have informed the Respondents that they have made the necessary disclosure under Section 4 of the RTI Act. In some cases, it has been stated that third party audit was also done. The Respondents have also provided copy of their circular No. 10/47/2015-Coord. Dated 18.7.2017 to the heads of the banks and other financial institutions, drawing their attention to the DOPT O.M. dated 15.4.2013, mentioned above and asking them to comply with Section 4 of the RTI Act.

4. We have considered the submissions of both the parties. The CPIO of the Respondents should provide to the Complainant at the earliest a copy each of annexure II to her letter No. 12/12/2017-Coord. Dated 24.7.2017 (the list of nodal officers of the banks and gist of the response received from the banks concerning suo-

motu disclosure under Section 4) and of the above mentioned circular dated 18.7.2017 of the Respondents. Since all the banks have claimed that they have made the necessary disclosure under Section 4 of the RTI Act, it is for the Complainant to point out the specific disclosures, if any, that have not been made by a particular bank.

5. Further, as regards compliance by the banks with paragraph 4.4 of the DOPT O. M. dated 15.4.2013 regarding third party audit of proactive disclosure, we direct the Respondents to issue a circular to all the concerned banks regarding compliance with this requirement also. The Respondents should issue such a circular, within fifteen days of the receipt of this order, under intimation to the Commission and the Complainant.

6. With the above directions and observations, the complaint is disposed of.

7. Copies of this order be given free of cost to the parties.

Sd/-
(Sharat Sabharwal)
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(Vijay Bhalla)
Deputy Registrar