

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
Tel: +91-11-26161796

Decision No. CIC/SG/C/2011/000833+00835/16621
Complaint No. CIC/SG/C/2011/000833+00835

Relevant Facts emerging from the Complaint:

Complainant : Mr. Abhimanyu Rai
Vill+P.O
Phuchdi kala
Police Station Ekma
Distt- Chapra

Respondent : Public Information Officer (HQ)
Bank of India
Branch manager
Parsagarh , Bazaar G – Saran
Chapra, Bihar

RTI application filed on : 05/01/2011
PIO replied : 25/08/2011
First appeal filed on : 14/02/2011
FAA order : Not ordered
Compliant file on : 26/07/2011

Information sought:

Why the subsidy amount has not been deposited in A/C no- 449577900000097

1. What action has been taken on my application? Provide the daily action taken report.
2. How much time should be taken to finish the same work?
3. From 2009-2010, how many applicants were given the agriculture loans and other type of loans. Provide the full detail.

CPIO's reply:

1. The information is related to Parma bazaar. The Parma bazaar branch informed that the subsidy amount has not been deposited in the account.
2. The information sought comes under the section 8 (d) & (j) of the RTI act so can not be disclosed.

Grounds of the First Appeal:

Information has not been provided.

FAA's Order:

Not ordered

Grounds for the Complaint:

Information has not been provided.

Relevant Facts emerging during Hearing:

Both the parties were given an opportunity for hearing. However, neither party appeared. From a perusal of the papers it appears that the PIO has not provided complete information to the Complainant. The Commission also notes that the RTI application has been filed on 05/01/2011 and an incomplete reply was appears to have been given on 25/08/2011. The Commission now directs the PIO to give the following specific information to the Appellant:

- 1- If there is any reasons on the records for not depositing the subsidy in the Appellant's account this should be provided. If there are no reasons on the record this should be stated.
- 2- The PIO is directed to provide action taken on Appellant's application in the following format:

Date on which Application received	Name and designation of The officer receiving it.	Action taken	Date on which forwarded to Next officer/office.

*there will be as many rows as the number of officers who handled the application.

Attested photocopies of all letters and notings will be provided.

- 3- The PIO has claimed exemption with respect details of Agricultural and other loans given by the Bank during 2009-10 under Section 8(1)(d) &(j) of the RTI Act. The PIO has not given any reasoning how these exemptions apply. The Commission however accepts that details of the normal loans given by a bank are transactions with its customers and information regarding these transactions is held by the Bank in fiduciary capacity and hence are exempt under Section 8(1)(e) of the RTI Act. However, under Section 4(1)(b) (xii) &(xiii) of the RTI Act information regarding subsidies, beneficiaries and concessions given by the government policy have to be declare suo-motu by all public authorities. In view of this information related to such transactions would have to be provided under RTI and cannot to be considered exempt. The Commission rules that in the instant case the claim for exemption held by the PIO for subsidized agriculture loans is not correct. Hence the details of the Agriculture Loans will have to be provided to the Complainant.

Decision:

The Complaint is allowed.

The PIO is directed to provide the information as directed above to the Appellant before 15 January 2012.

The issue before the Commission is of not supplying the complete, required information by the PIO within 30 days as required by the law.

From the facts before the Commission it appears that the PIO is guilty of not furnishing complete information within the time specified under sub-section (1) of Section 7 as per the requirement of the RTI Act. It appears that the PIO's actions attract the penal provisions of Section 20 (1). A showcause notice is being issued to him, and he is directed give his reasons to the Commission to show cause why penalty should not be levied on him.

He will present himself before the Commission at the above address on 27 January 2012 at 4.30pm alongwith his written submissions showing cause why penalty should not be imposed on him as mandated under Section 20 (1). He will also submit proof of having given the information to the appellant.

If there are other persons responsible for the delay in providing the information to the Appellant the PIO is directed to inform such persons of the show cause hearing and direct them to appear before the Commission with him. If no other responsible persons are brought by the persons asked to showcause hearing, it will be presumed that they are the responsible persons.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.



**Shailesh Gandhi
Information Commissioner
28 December 2011**

(In any correspondence on this decision, mention the complete decision number.) (PG)

