

Central Information Commission
Room No. 305, 2nd Floor, 'B' Wing, August Kranti Bhawan
Bhikaji Cama Place, New Delhi 110066

File No. CIC/MP/C/2015/000004/SH

Name of the Complainant : Shri Sunil Tukaram Parab

Name of the Respondent : Vice President,
Indian Banks' Association,
World Trade Centre Complex, Centre 1,
6th Floor, Cuff Parade,
Mumbai - 400 005

ORDER

The Complainant has filed a complaint received by the CIC on 24.12.2014 in respect of his RTI application dated 10.05.2014 filed to Indian Banks' Association. As per the records of the Commission Indian Banks' Association is not a public authority under the RTI Act, 2005. The definition of "Public Authority" as mentioned under Section 2(h) of the Right to Information Act, 2005, is quoted herein below:

2. Definitions. - In this Act, unless the context otherwise requires, ----

xxx

xxx

xxx

(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 Organization substantially financed, directly or indirectly by funds provided by the appropriate Government.

3. Further, Supreme Court in its judgment dated 7.10.2013 in the case of Thalappalam Ser. Coop. Bank Ltd., and others V/S State of Kerala and others (Civil Appeal No. 9017 of 2013) has held " The burden to show that a body is owned,

controlled or substantially financed or that a non - government organization is substantially financed directly or indirectly by the funds provided by the appropriate Government is on the applicant who seeks information or the appropriate Government and can be examined by the State Information Commission or the Central Information Commission as the case may be, when the question comes up for consideration. A body or NGO is also free to establish that it is not owned, controlled or substantially financed directly or indirectly by the appropriate Government.”

4. Since the Complainant has not discharged the above burden or made any submissions to enable the Commission to examine the applicability or otherwise of the provisions of Section 2 (h) of RTI Act 2005 in this case, his application cannot be considered any further and the matter is being treated as closed.

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

Sd/-
(Sharat Sabharwal)
Information Commissioner
Date 06.03.2017

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