

CENTRAL INFORMATION COMMISSION

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Old JNU Campus, New Delhi - 110067

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Decision No. CIC/SM/A/2011/001324/SG/14256

Appeal No. CIC/SM/A/2011/001324/SG

Relevant facts emerging from the Appeal:

Appellant : Mr. Jignesh V. Thakkar,
61, Whispering Palms Shopping Center,
Lokhandwala Township, Akurli Road,
Kandiwali (E), Mumbai -400101

Respondent : Mr. Shivram Naskar
PIO & Dy. GM
Mumbai North Zone,
Bank of India
Bank of India Building, 2nd Floor,
Oppo. Natraj Market,
S.V. Road, Malad (W)
Mumbai- 400064

RTI application filed on : 04/06/2010
First Appeal filed on : 21/07/2010
PIO reply after First Appeal : 21/08/2010
Second Appeal received on : 01/09/2010

Information sought	Reply of PIO
Details of PPF accounts for all branches under the jurisdiction of the BANK OF INDIA which have completed the initial investment period i.e, 15 years (or completed the extended period) for which the maturity amount is not yet claimed or intimation of further extension is not yet received. The details are required for the 10 financial years i.e, from April 1, 1979 till March 31, 1989. The details wanted were: a. PPF account number b. PPF account holder's Name c. Complete postal address of the account holder d. Contact numbers of the account holder e. Email address of the account holder. f. The date on which the PPF account matured. g. The amount payable to the account holder h. If such PPF account holder is also holding a savings bank account in the branch then the complete name, address, contact numbers of the person who has signed as introducer for the savings account. i. Details of the steps taken to contact the account holder to inform about the PPF maturity.	The information sought falls under the exemption provided under Section 8(1)(d) & (e) of the Right to Information Act and also it would cause unwarranted invasion of the privacy of the individuals. Thereby the request for information is rejected.

Order of the First Appellate Authority (FAA):

The information sought is third party individuals and is of commercial confidence in nature. The said information is held by the Bank under fiduciary relationship and relates to personal information. Therefore the said information being exempted under section 8 (1) (d), (e) & (j) of the Act cannot be supplied to you.

Ground of the Second Appeal:

1. The first appellate authority did not provide the details of the procedure for the second appeal.

2. "The information which is 20 year old can be denied only under sub clause (a),(c) & (i) of section 8 and no other sub-section. Hence the denial of information under section 8 (1) (d) & 8(1) (e) of the RTI Act is not allowed."
3. Failure to comply with the guidelines issued by the Government of India – Guidelines issued by Government of India, Ministry of Personnel, P.G. and Pensions Department of Personnel and Training dated April 25,2008 for the officers designate as the first appellate authority under the RTI Act 2005 clearly states that the information can only be denied under clause (a), (c)&(i) of Section 8. Therefore information cannot be denied under section 8(1)(d), 8(1)(e) &8(1)(j) of the RTI Act.
4. Failure to provide speaking order – From the appellate order it is evident that the first appellate authority has completely ignored the clear guidelines issued by the Government of India based on observation of CIC.
5. Existence of Public Interest – "It is important to emphasis that as the matter pertains to public money, definitely there exists "larger public interest"."

Relevant Facts emerging during Hearing:

The following were present

Appellant : Absent;

Respondent : Mr. Yashwant Ingone, Sr. Manager on behalf of Mr. Shivram Naskar, PIO & Dy. GM on video conference from NIC-Mumbai Studio;

The appellant had sought details of PPF Accounts with the Bank relating to the period April 1, 1979 till March 31, 1989. The has denied this information claiming exemption under Section 8(1)(d) & (e) of the RTI Act. The Appellant has argued in his appeal that since the period of 20 years has elapsed he should be provided the information as per the provisions of Section 8(3) of the RTI Act. Section 8(3) of the RTI Act states, "*Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:*". It is clear that the exemptions sought for non-disclosure by the PIO are not covered under clauses (a), (c) & (i) of the RTI Act. The respondent states that disclosure of such information could lead to some misuse of the information. The Commission as well as all PIO's have to follow the provisions of the RTI Act and cannot on their own start deciding disclosure of which information would be good for society. The respondent has also stated that PPF Act 1968 and the Scheme there under this information cannot be disclosed. Section 20(2) of the RTI Act clearly states, "*The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.*" Thus the provisions of all earlier Acts are superseded by the RTI Act as far as disclosing information is concerned. The Commission does not except the plea of the PIO for refusal to give the information under Section 8(1) (d) &(e) of the RTI Act since the information is over 20 years old and the provisions of Section 8(3) of the RTI Act will apply in the instant case.

Decision:

The Appeal is allowed.

The PIO is directed to provide the information sought to the Appellant before 25 September 2011.

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
25 August 2011

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