

Central Information Commission, New Delhi
File No. CIC/SH/A/2016/000076
Right to Information Act-2005-Under Section (19)

Date of hearing : 5th January 2017

Date of decision : 5th January 2017

Name of the Appellant : **SHRI PANKAJ TREHAN**
FLAT NO-11, NORTHERN ZONE
PHYSICALLY HANDICAPPED RLY EMP
CGH SOCIETY, LTD EKTA APTS,
GEETA COLONY, DELHI-110031

Name of the Public Authority/Respondent : **CENTRAL PUBLIC INFORMATION OFFICER,**
ALLAHABAD BANK
RTI CELL, ZONAL OFFICE: NEW
DELHI, 17, PARLIAMENT STREET,
1st FLOOR, NEW DELHI

RTI Application filed on : 05/10/2015

CPIO replied on : 04/11/2015

First Appeal filed on : 10/11/2015

First Appellate Authority order on : —

2nd Appeal received on : 05/01/2016

The Appellant was present in person.

On behalf of the Respondents, Shri Ayush Kumar, Manager (Law) was present in person.

Information Commissioner : **Shri Sharat Sabharwal**

Information sought

This matter concerns an RTI application filed by the Appellant, seeking information regarding the name of signing authorities, with designation in the managing committee, operating the account in the name of Northern Zone Physically Handicapped Railway Employees Co-operative Group Housing Society Ltd. The information was sought for the periods mentioned in the application.

The CPIO reply

The CPIO denied the information under section 8 (1) (e) of the RTI Act.

Grounds of the First Appeal

Not satisfied with the CPIO's reply.

Order of the First Appellate Authority

No order passed.

Grounds of the Second Appeal

Information sought not provided.

Relevant facts emerging during the Hearing, Discussion and Decision

The Appellant stated that he is a member of the Northern Zone Physically Handicapped Railway Employees Co-operative Group Housing Society Ltd. He alleged that the society has been collecting money from its members from the last twenty five years, but has issued no audit reports or information concerning the use of funds. He further submitted that the President of the Society sold his flat in 2003, but continued to hold the position of the President and operate the account of the society till 2010. Thereafter also, persons operating the account have been changed without proper authorization from the society. He stated that since the society is not functioning in a proper manner, it is an unlawful society. This being the case, a fiduciary relationship no longer exists between the society as the account holder and the bank. He further submitted that he has not sought information regarding account statements etc., but only the name of the signing authorities with designation, in the

managing committee in respect of the account for the periods mentioned in his RTI application.

2. The Respondents reiterated their decision to deny the information under Section 8 (1) (e) of the RTI Act and stated that the bank changes the authorised signatories of such accounts only on the basis of valid requests received from account holders. They also cited the Commission's order No. CIC/VS/A/2013/000271/SH dated 8.5.2014 in favour of their decision to deny the information.

3. We have considered the records and the submissions of both the parties and note that the bank holds the information concerning the accounts of its account holders in a fiduciary capacity and it is exempted from disclosure under Section 8 (1) (e) of the RTI Act. The fiduciary relationship does not end merely because of the allegations made by the Appellant against the account holder society, concerning irregularities in its functioning. Further, the fiduciary relationship covers not only the information concerning transactions in an account, but all the information concerning the account, including the identity of its operators. In the above context, we also refer to paragraphs 3 and 4 of our order dated 8.5.2014, mentioned above, which are reproduced below:-

“3. We have carefully considered the records and the submissions made before us by both the parties. In this context, we note that there would be a situation of complete chaos, if each member of a co-operative society were to seek to run its affairs. Therefore, all co-operative societies have a group, chosen by their members, to manage them. A member of a co-operative society may have complaints about its functioning. However, the way to deal with such issues is to agitate the matter through the membership of the society or take recourse

to such legal remedies as are available. The mere suspicion or allegation of a member of a co-operative society, regarding irregularities in its functioning, cannot become the ground to breach the relationship of trust and confidentiality that obtains between a bank and its customer.

4. Disclosure of similar information was earlier considered by the Commission on its File No. CIC/SM/A/2010/000462-AT. Vide its order dated 22.11.2010, the Commission had denied disclosure of information in that case, observing, inter alia, "A member of the Cooperative Society is in no different position than a shareholder of a company. Neither the membership in the Cooperative Society nor the share-holding in the Company gives to a person the right to access information about the management's operations, especially when this operation relates to opening and maintaining Bank accounts."

4. In view of the foregoing, we see no ground to interfere with the decision of the Respondents to deny the information under Section 8 (1) (e) of the RTI Act in this case.

5. With the above observations, the appeal is disposed of.

6. 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