

Central Information Commission, New Delhi
File No. CIC/SH/A/2016/000897
Right to Information Act-2005-Under Section (19)

Date of hearing : 16th August 2016

Date of decision : 16th August 2016

Name of the Appellant : **Shri Sham Sunder**
C-85, New Cantt. Road, Faridakot,
Punjab-151203

Name of the Public Authority/Respondent : 1. **Central Public Information Officer,**
National Bank for Agriculture and Rural
Development,
Head Office, C-24, G-Block, Bandra-Kurla
Complex, Bandra (East), Mumbai- 400051,

2. **Central Public Information Officer,**
National Bank for Agriculture and Rural
Development,
Punjab R.O.-Plot No.- 3,
Sector 34-A, Chandigarh.

RTI Application filed on : 22/12/2015

CPIO replied on : 1-14/01/2016, 2-22/01/2016

First Appeal filed on : 1- 27/01/2016, 2-29/01/2016

First Appellate Authority order on : 1- 29/02/2016, 2-17/03/2016

2nd Appeal received on : 01/04/2016

The Appellant was not present.

On behalf of the Respondents, the following were present:-

1. Dr. P. M. Ghole, CPIO was present at the NIC Studio, Chandigarh.
2. Shri G. K. Ananthamurthy, Deputy GM was present at the NIC Studio, Mumbai.

Information Commissioner : Shri Sharat Sabharwal

Information sought

This matter concerns an RTI application filed by the Appellant, seeking information on five points regarding copies of certain communications, disposal of some e-mails and copies of 47 claims lodged under RGS by Punjab National Bank, Guruharsahai, along with their enclosures.

The CPIO reply

The CPIO, NABARD, Mumbai, vide his letter dated 14.1.2016, provided information on point nos. 1, 2, 3 & 5 and in respect of point no. 4, he transferred the RTI application to Punjab Regional Office of NABARD. The CPIO, Regional Office, Punjab, vide letter dated 22.1.2016, denied the information on point no. 4 under section 8 (1) (e) of the RTI Act.

Grounds of the First Appeal

Not satisfied with the CPIOs' replies.

Order of the First Appellate Authority

The FAA vide his order dated 29.2.2016 directed the CPIO to provide copies of the replies given to the Appellant's various e-mails. Vide another order dated 17.3.2016, the FAA upheld the CPIOs' replies dated 14.1.2016 and 22.1.2016.

Grounds of the Second Appeal

Not satisfied with the response of the Respondents.

Relevant facts emerging during the Hearing, Discussion and Decision

The Appellant was not present. However, he has sent us his written submissions dated 4.8.2016, in which he has questioned the decision of the Respondents to deny the information concerning the forty seven claims lodged under Rural Godown Scheme (RGS) by the Punjab National Bank, Guruharsahai, along with the enclosures, under Section 8 (1) (e) of the RTI Act. He has stated that the NABARD gives large amount of subsidy in such cases and he wanted to see the documents, based on which the subsidy was released. He submits that disclosure of the information sought by him is a matter of larger public interest.

2. The Respondents reiterated their decision to deny the information under Section 8 (1) (e) and stated that the Appellant had also not indicated the details of the accounts or

the period for which the information was sought. In response to our query, they acknowledged that NABARD provides subsidy from government funds on the basis of the documents of borrowers filed by various banks and the quantum of subsidy varies from 25% to 33%. They further submitted that the documents filed to NABARD by the lending banks contain the details of third party borrowers.

3. We have considered the submissions of both the parties. We see no ground for the Respondents to claim a fiduciary relationship between them and Punjab National Bank. However, there is indeed a fiduciary relationship between Punjab National Bank and the borrowers, whose cases were filed by them to NABARD for subsidy and the information concerning such borrowers and their accounts is exempted from disclosure under Section 8 (1) (e) of the RTI Act, in the absence of a finding of larger public interest. The Appellant did not claim any larger public interest either in his RTI application or in the appeal to the FAA. He has mentioned the aspect of larger public interest in his written submissions dated 4.8.2016. However, he has not elaborated as to how disclosure of all the documents concerning the borrowers is in larger public interest. At the same time, we note that the loans in question benefit from a subsidy given from government funds. Therefore, in our view, some information concerning the same ought to be available in the public domain. The Appellant has not mentioned any particular period for which the

information is required. In the interest of transparency, we direct the CPIO to provide to the Appellant the names of the beneficiaries and the amount of subsidy given in each case, during the period of three years immediately preceding the date of the RTI Application (22.12.2015), on the basis of claims received from the Punjab National Bank, Guruharsahai. The CPIO should provide the above information, free of charge, within thirty days of the receipt of this order, under intimation to the Commission.

4. With the above directions and observations, the appeal is disposed of.
5. 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