Date of hearing : 6 December 2010
Date of decision : 6 December 2010

Name of the Appellant : Shri S S Vohra
4572, Bldg. No. 129,
Tilak Nagar, Chembur,
Mumbai – 400 089.

Name of the Public Authority : CPIO, Reserve Bank of India,
Department of Administration & Personnel
Management, Central Office, Amar
Building,
P.M. Marg, Mumbai – 400 001.

The Appellant was present in person.

On behalf of the Respondent, Shri Unnikrishnan was present.

Information Commissioner : Shri Satyananda Mishra

Decision Notice

Appeal allowed

Elements of the decision:

Section 8 (1) (a) (d) and (e) - Directed to provide information

2. We heard this case through video conferencing. Both the parties were present
in the Mumbai studio of the NIC. We heard their submissions.
3. The Appellant had sought a number of information relating to a written statement purportedly made by the Finance Minister on the floor of the House in the Parliament. The CPIO had claimed not to have some of these information while refusing to disclose some others by claiming exemption under section 8(1) (a), (d) and (e) of the Right to Information (RTI) Act. Later, on the direction of the Appellate Authority, he had provided some further information. However, the Appellant is not satisfied with the reply of the CPIO. During the hearing, he submitted that it was unlikely that the RBI did not have the necessary information based on which the Finance Minister had made the said statement. The Respondent submitted that without specific details about the statement supposedly made by the Finance Minister, it would not be possible for the RBI to identify any of its reports which might have been the basis for that statement.

4. After carefully considering the submissions of both the parties, we partly agree with the contention of the Respondent. It was indeed not possible for the CPIO to identify the exact information desired by the Appellant against some of his queries based on the details given by him. However, in regard to some of those items of information, such as, the copy of the advisory note(s) issued to the ICICI and other Banks for various irregularities, which the CPIO had denied by claiming exemption under some provision or the other of the Right to Information (RTI) Act, we do not find his decision acceptable. We do not see how the disclosure of the advisory notes issued by the RBI to any Bank for any commission or omission can be exempted under any of the provisions of the Right to Information (RTI) Act.

5. Therefore, we now direct the CPIO to provide to the Appellant within 10 working days from the receipt of this order the photocopies of the advisory notes issued by the RBI to the ICICI Bank during the preceding two years for the violation of any RBI guidelines or for contravention of the provisions of the FEMA and the PMLA. Similarly,
we also direct him to provide the details of the banks which had been found to have committed any violation of the provisions of the above laws including the penalty, if any, imposed in each case during the same period of preceding two years.

6. With the above direction, the appeal is disposed off.

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

(Satyandra Mishra)
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)
Assistant Registrar