

Smt. Madhuri Singh vs Surguja Kshetriya Gramin Bank on 4 May, 2009

Central Information Commission

Appeal No. CIC/PB/A/2008/00673 & CIC/PB/C/2008/00460-SM dated 10.10.2007

Right to Information Act-2005-Under Section (19)

Dated: 4 May 2009

Appellant : Smt. Madhuri Singh

Respondent : Surguja Kshetriya Gramin Bank

The Appellant was not present.

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

(i) Shri Anil Kumar Sinha, CPIO

(ii) Shri Vinay Mohan Sharma, Area Manager The brief facts of these cases are as under.

2. The CIC Registry has registered two separate appeal cases on similar matters. We have clubbed both the cases together for hearing. The Appellant had requested the CPIO concerned on 10 October 2007 for copies of some documents. The CPIO replied on 5 November 2007 and provided part of the information and denied to disclose the copies of the minutes of the meeting of the Board of Directors held on two different dates, namely, 9 June and 22 September 2006. Not satisfied with the reply, the Appellant approached the first Appellate Authority in her appeal dated 9 December 2007. The first Appellate Authority disposed off the appeal in its order dated 12 January 2008 and dismissed the appeal after upholding the orders of the CPIO. It is against this order that the Appellant has now come before the CIC in second appeal.

3. During the hearing, the Appellant was not present. She informed the Commission on telephone that she could not be present due to the breakdown of her car en route to Delhi. However, she has sent her written comments through e-mail. We perused her comments and considered the contents of her appeal carefully. We tend to agree with her argument and do not agree with the contention of the CPIO and the first Appellate Authority that the copies of the minutes of the Board of Directors can be denied on the ground that such records are held by the Public Authority as confidential and secret CIC/PB/A/2008/00673 & CIC/PB/C/2008/00460-SM documents under any other law or instructions from any other authority. Section 22 of the Right to Information (RTI) Act clearly provides that this law would have overriding effect on any other law for the time being in force including the Official Secrets Act, 1923. Therefore, the proceedings of the Board of Directors cannot be denied only on the ground that these are privileged documents. It is to be remembered that any information sought can be denied only if such information is exempted from disclosure under the provisions of the Right to Information (RTI) Act. Neither the CPIO nor the first Appellate Authority

has referred to any provision of the Right to Information (RTI) Act in denying this particular information.

4. Hence, we now direct the CPIO concerned to provide to the Appellant within 10 working days from the receipt of this order all the information sought by her including copies of the minutes of the meeting of the Board of Directors held on 9 June and 22 September 2006 and the copy of the final order of compassionate appointment issued by the Bank.

5. With the aim of directions, both the appeals are disposed off.

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

(Satyananda 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 CIC/PB/A/2008/00673 & CIC/PB/C/2008/00460-SM