

केन्द्रीयसूचनाआयोग
Central Information Commission
बाबागंगनाथमार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नईदिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. CIC/RBIND/A/2017/127956

Venkatesh Nayak

... अपीलकर्ता/Appellant

VERSUS
बनाम

CPIO, Reserve Bank of India,
Fort, Mumbai.

...प्रतिवादीगण /Respondents

Relevant dates emerging from the appeal:

RTI : 14.11.2016	FA : 13.01.2017	SA : 10.08.2017
CPIO : 20.12.2016/ 13.04.2017	FAO : 17.02.2017	Hearing: 14.02.2019

ORDER
(15.02.2019)

1. The issues under consideration arising out of **second appeal dated 10.08.2017** include non-receipt of the following information raised by the appellant through his RTI application dated 14.11.2016 and first appeal dated 13.01.2017:

- (i) clear photocopy of the minutes of all meetings of the Central Board of Directors held till date, along with the papers, presentations or other

- documents placed before them at every meeting with reference to S.O. No. 3407(E) notified in the Gazette of India, dated 08 November, 2016, regarding the decision to cease bank notes of denomination 500 and 1000 Rupees as legal tender;
- (ii) clear photocopy of all communication along with Annexures if any sent to the Government of India regarding the decisions/recommendations of the Central Board of Directors, subsequent to the meetings specified at para 1 above;
 - (iii) clear photocopy of all submissions/petitions/representations or communication, by whatever name called, from any person/organisation/institution or entity, by whatever name called, regarding demonetisation of currency notes, since 24 May 2014 till date
 - (iv) clear photocopy of all responses sent by your public authority to the senders of the submissions/petitions/representations or communication, by whatever name called, specified at para 3 above;
 - (v) clear photocopy of all file noting and correspondence held by your public authority in hard copy or electronic form, including emails regarding demonetization of currency notes.

2. Succinctly facts of the case are that the appellant filed an application dated 14.11.2016 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Reserve Bank of India, Fort, Mumbai Punjab & Sind Bank, Karnal. The CPIO replied on 20.12.2016. Dissatisfied with the response of the CPIO, the appellant has filed first appeal dated 13.01.2017. The

First Appellate Authority disposed of the first appeal vide order dated 17.02.2017. The CPIO again replied to the appellant vide letter dated 13.04.2017 in compliance of the order of the First Appellate Authority. Aggrieved by this, the appellant has filed a second appeal dated 10.08.2017 before this Commission which is under consideration. The second appeal was listed for hearing before the Commission on 23.10.2018 but the same was adjourned due to unforeseen development. The matter was again listed for hearing on 12.12.2018 but the same was adjourned as connectivity with NIC Studio at Mumbai, Maharashtra, could not be established.

3. The appellant has filed the instant appeal dated 10.08.2017 *inter alia* on the grounds that the information is not exempted under section 8 (1) (a) of RTI Act as claimed by the CPIO. The appellant prayed the Commission to direct the CPIO to:

- (i) admit this second appeal against the Respondent Public Authority and hold an inquiry into the matters raised herein;
- (ii) direct the Respondent Public Authority to disclose all the information sought in the instant RTI application, to this Hon'ble Commission in order for it to make a determination as to whether the information may be disclosed wholly or partially under the provisions of the RTI Act;
- (iii) if this Hon'ble Commission were to direct the disclosure of the information sought wholly or partially, after examination of the relevant documents and records, issue a further direction that such information be provided free of charge under Section 7(6) of the RTI Act;
- (iv) that this Appellant be provided an opportunity to attend any hearing scheduled in relation to this second appeal by this Hon'ble Commission;

(v) that this Appellant be provided sufficient advance notice of any and all hearings that this Hon'ble Commission may conduct in relation this second appeal so as to enable him to represent his case adequately.

4. The CPIO replied to the appellant on 20.12.2016 and denied information on point no. (i), (ii) and (v) of RTI application under sub-section (1) (a) of section 8 of RTI Act according to which disclosure of information would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence. The CPIO denied information on point no. (iii) and (iv) of RTI application under section sub-section (9) of section 7 of the RTI Act according to which information cannot be provided if it is not available in the form sought and collating the same would disproportionately divert the resources.

5. The appellant was present in person and the respondent was represented by Mr. Nayeem Akhtar, Legal Officer and Mr. AGM (Currency Department) attended the hearing through video conferencing.

5.1. The appellant submitted that the instant RTI application was filed in the month of November 2016 and since then he is awaiting for information.

5.2. The representative of the respondent submitted that the information *prima facie* was wrongly denied to the appellant. He further explained that considering the requests of the citizens after the instant RTI application was filed by the appellant and several rulings of the Hon'ble Courts as well as this Commission, they are ready and willing to provide the minutes of the meetings.

6. The Commission takes a serious view of the perfunctory handling of RTI application and absence of CPIO, during hearing and he is advised to attend the

next date of hearing to explain as to why penalty should not be imposed on him. The CPIO is also directed to submit his written submissions and arguments before the next date of hearing. The matter is adjourned to 08.03.2019 at 3.00 PM.

Sd.
(Suresh Chandra)
Information Commissioner
Date:15.02.2019