

Central Information Commission, New Delhi
File No. CIC/SH/A/2015/000714
Right to Information Act-2005-Under Section (19)

Date of hearing : 30th June 2016

Date of decision : 30th June 2016

Name of the Appellant : **Shri B. G. Raithatha,**
General Secretary, Union Bank Retired
Employees' Association, 203, "NAVKAR"
Commercial Complex, Near Syndicate
Bank, Para Bazar Chowk, Dhebar Road-
North
(one way), Rajkot, Gujarat- 360001

Name of the Public Authority/Respondent : **Central Public Information Officer,**
Union Bank of India,
239, Vidhan Bhawan Marg,
Nariman Point, Mumbai- 400021

RTI Application filed on : 15/09/2014

CPIO replied on : 20/10/2014

First Appeal filed on : 13/11/2014

First Appellate Authority order on : 29/12/2014

2nd Appeal received on : 02/03/2015

The Appellant was present at the NIC Studio, Rajkot.

On behalf of the Respondents, Shri Anshu Alok, Senior Manager was present at the NIC Studio, Mumbai.

Information Commissioner : **Shri Sharat Sabharwal**

Information sought

1. Certified copy of circular no. PD/CI/76/(G)(11)/1842 dated 17th March 1994 issued by Indian Bank's Association (IBA) to the Chief Executives of the member banks, received by Union Bank of India from IBA.
2. Certified copy of the draft pension regulations enclosed with the above circular.
3. Certified copy of the board resolution vide which the pension regulations were accepted by the Board.

The CPIO reply

The CPIO provided the information on points No. 1 and 2 and denied the information on point nos. 3 under section 8 (1) (d) of the RTI Act.

Grounds of the First Appeal

Not satisfied with the CPIO's reply

Order of the First Appellate Authority

The FAA upheld the CPIO's reply.

Grounds of the Second Appeal

Information on point No. 3 not provided.

Relevant facts emerging during the Hearing, Discussion and Decision

The Appellant stated that the information sought at point No. 3 of the RTI application (certified copy of the Board resolution vide which the pension regulations were accepted by the Board) has not been provided. He questioned the decision of the Respondents to deny this information under Section 8 (1) (d) of the RTI Act and stated that the specific information sought by him does not involve any issue of commercial confidence.

2. The Respondents reiterated their decision to deny the information under Section 8 (1) (d) of the RTI Act. They further submitted that the information sought pertains to the year 1995 and it would need considerable effort to locate it. In support of their decision to deny the information, they also cited the Commission's order No. CIC/AT/A/2010/000946/DS/VS/4270 dated 5.8.2013.

3. We have considered the submissions of both the parties and agree with the Appellant that the specific decision of the Board, a copy of which has been sought by him, does not involve any matter of commercial confidence and there is no ground to invoke Section 8 (1) (d) in this case. From the decision of the Commission, cited by the Respondents, it is seen that it concerned a request for details of minutes of meetings of the Board of Directors of SBI from April 2008 onwards. As noted by the Commission, the information sought involved around ninety thousand pages of records. The Commission observed that given the nature and volume of information sought, not only the issue of commercial confidence [Section 8 (1) (d)] would arise, the need to exclude information of a commercial confidence from records running into around ninety thousand pages would

also clearly trigger considerations of Section 7 (9). The matter before us is very different in that the information sought is not regarding the Board minutes in general, but the resolution of the Board concerning the specific issue of acceptance of the pension regulations. Further, it cannot be the case of the Respondents that they do not maintain records of documents as important as those pertaining to the meetings of their Board of Directors. Therefore, even though the information pertains to the year 1995, it should be possible for them to trace it out.

4. In view of the foregoing, the CPIO is directed to provide the information sought at point No. 3 of the RTI Application dated 15.9.2014 to the Appellant, free of charge, within twenty days of the receipt of this order, under intimation to the Commission.

5. With the above direction and 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