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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 495/2015

VIRENDRA YADAV

..... Petitioner

Through: Mr Divya Jyoti Jaipurkar, Adv.

versus

CENTRAL PUBLIC INFORMATION

OFFICER (CPIO)

..... Respondent

Through: Mr Jasmeet Singh, CGSC with Mr
Rajendra Sahu, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

19.01.2015

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1. This writ petition is directed against the order dated 29.04.2014 passed by the Central Information Commission (in short CIC).

2. Evidently vide an application filed under the Right to Information Act, 2005 (in short RTI Act), dated 21.01.2013, the petitioner, sought information with regard to Chairpersons of Indian Bank Association (IBA), who were appointed to the said organization since 01.01.2000.

2.1 The said RTI application was filed with the Department of Financial Services, Ministry of Finance, Government of India. This information was denied by the CPIO of the said department vide a response dated 25.02.2013. The basis for rejecting the RTI application, was that, the information sought, did not rest with the said department and, therefore, it was suggested that the applicant may approach the IBA for seeking information, alluded to, in the RTI application.

3. The petitioner, preferred an appeal against the order of the CPIO which met the same fate and was, consequently, rejected vide order dated 08.04.2013. This is how the second appeal was preferred with the CIC. The CIC in its order provided briefly the following rationale in declining the relief sought for by the petitioner:

“....6. The CPIO submitted that no information regarding the Indian Banking Association was held with the public authority and no regular meeting of the officials of the Department of Financial Services (on periodic basis) to be held with the Indian Banking Association were prescribed. The appellant had not specified information, i.e., any particular date/ name of the officer, who had held any such official meeting with the Indian Banking Association. Hence, it would not be possible to provide any information to the appellant...”
(emphasis is mine)

3.1 Accordingly, the CIC accepted the stand of the CPIO of the concerned department that the information sought did not rest with it.

4. In the captioned writ petition, the order of the CIC has been assailed. The challenge is principally laid, on the ground, that the Department of Financial Services, Ministry of Finance could have taken recourse to provisions of Section 6(3) of the RTI Act and referred the petitioner to the department/ the ministry, which held the information.

5. A perusal of the petition would show that there is an averment to the effect that the CIC vide order dated 06.08.2008, held that, the IBA, was not a public authority, within the meaning of the RTI Act.

5.1 I have not been shown by the learned counsel for the petitioner any order of a superior court which has taken a contrary view, qua IBA. Therefore, a very interesting issue gets thrown up, which is this: Can

information pertaining to a particular entity which is declared, not be a Public Authority, within the meaning of a RTI Act, in proceeding taken out to ferret out information, be accessed via other entity (which is a public authority).

6. That apart, it has been pointed out by Mr Jasmeet Singh, learned counsel for the respondent, who appears on advance notice, that the CPIO, in a sense, has followed the procedure of Section 6(3) of the RTI Act, in as much as, it suggested the petitioner to approach the IBA for seeking the necessary information.

7. Learned counsel for the petitioner has, in order to buttress his submission, has drawn my attention to an office order dated 29.01.2013, issued by the very same department. He has referred me to serial no. 8, based on which it is suggested by him that the information sought for by the petitioner is available with the CPIO of the Department of Financial Services.

7.1 A bare perusal of an extract of the said order, which is set out below, would only show that it alludes information pertaining to dissemination of results and important information pertaining to studies on banking reforms.

“..... Data Analysis: Reserve Bank of India Credit Policy – Busy Season – lack Season and selective credit control; financial sector assessment and sectoral credit analysis; Banking Statistics regarding bank deposits and advances, **Dissemination of results and important information relating to RBI, IBA, studies on banking reforms**; analysis of other international reports relevant to banking sector in India; analysis of Reports of Committee on Financial Sector Reform etc.....”

7.2 Mr Jaipuria, learned counsel for the petitioner, says that the above

extract shows that it also holds important information pertaining to IBA generally, including information related to the Chairpersons appointed to the IBA. To my mind, the extract does not read as suggested by the learned counsel for the petitioner. Notwithstanding the confusion created by unnecessary punctuation marks and manner in which the provision is drafted, the only sensible way to read it is the one indicated above by me.

7.3 This apart, what is notable is the fact that the CPIO of Department of Financial Services, in no uncertain terms, has said that the information sought is not available with him. I have no reason, to doubt, presently, the veracity of the stand taken by the CPIO, and that too, only on the basis of office order dated 29.01.2013.

8. At this stage, Mr Jaipurkar also seeks to place reliance on Section 2(f) of the RTI Act. On being queried, he candidly concedes that there was no averment made with regard to the provisions of Section 2(f) before the authorities below. There is, thus, no reference to provisions of Section 2(f).

8.1 Nevertheless, Mr Jaipurkar, based on the provisions of Section 2(f) says since, information means, 'information' relating to any private body which can be accessed by a public authority under any other law for the time being in force – the public authority, in this case, the Department of Financial Services, should be able to access it from the IBA. This submission of Mr Jaipurkar, to my mind, begs the question. Once IBA is declared as an entity which is not a public authority, the RTI Act cannot be used to access information from the IBA. Besides, the RTI Act, Mr Jaipurkar has not referred me to any other law which the Department of Financial Services

can take recourse to seek information from IBA of the kind that the petitioner seeks.

9. The writ petition is, accordingly, dismissed.

RAJIV SHAKDHER, J

JANUARY 19, 2015

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