

Central Information Commission
Baba Gang Nath Marg,
Munirka, New Delhi-110067.

CIC/AA/A/2018/210
CICOM/A/2018/00181
CICOM/R/2018/00668

Name of the appellant : Shri K. Sadhukan,
19, Ram Ratan Bose Lane,
Shyambazar, Kolkata,
West Bengal – 700 004.

1.	Date of RTI application	28.06.2018
2.	Date of reply of the RTI application	17.07.2018
3.	CPIO(s) who furnished reply	CPIO(MR)
4.	1 st Appeal Date	24.07.2018
5.	Diary No. of 1 st Appeal of the Dak Section	922
6.	Diary date of the Dak Section	31.07.2018
7.	Diary date of 1 st Appeal in the office of FAA	01.08.2018
8.	Date of Decision	13.08.2018

Brief facts of the case:-

In the RTI application, appellant has sought information whether Axis Bank Ltd. which is a private bank is amenable to the provisions of the RTI Act, 2005.

2. Shri Jeewan Chandra, CPIO(M&R) vide letter dated 17.07.2018 replied as under:-

"Axis Bank Ltd is not registered as a public authority in Central Information Commission"

3. In the appeal, appellant has stated that:-

".....The reply in question is ambiguous and misleading because the same does not disclose under which law the Axis Bank Ltd. was required to be registered as a public authority in the Central Information Commission and whether for such non-registration Axis Bank Ltd is not amenable to the provisions of the Right to Information Act, 2005 or not.

It is understood that in its judgment on 16.08.2017 the Hon'ble C.I.C. in the case of Sagar Munda Vs C.P.I.O., CRPF (CIC/SB/A/2016/001248) was pleased to hold – ".....Where information sought enhances transparency and credibility of the organization which does not come under RTI Act such information shall be furnished....."

P.T.O.

Moreover, the Hon'ble C.I.C. held that private educational institutions registered with the C.B.S.E. Board are amenable to the provisions of the Right to Information Act, 2005.

Therefore, the information divulged on 17.07.2018 does not appear to be correct, complete and non-misleading as referred in Sec 20 of the R.T.I. Act, 2005 and as such causing inconvenience to the appellant."

Decision with reasons:-

3. On perusal of the RTI application, CPIO's reply and submission made in appeal, it is to mention that it is not within the jurisdiction of the First Appellate Authority of the Commission to decide whether a particular organization or body is coming within the ambit of a "public authority" under the scope of Section 2(h) of the RTI Act 2005. The CPIO has informed that Axis Bank Ltd is not registered as a public authority in Central Information Commission and his reply does not suffer from any infirmity.

4. The appeal is, therefore, disposed off accordingly.

5. In case the appellant is aggrieved by the decision, he is free to file second appeal, if he so desires, before the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067 against this order within 90 days.

Dated the 13th August, 2018.

(Rakesh Kumar Singh)

Additional Secretary & First Appellate Authority
Tel: 26162290

Copy to:-

Shri Ashok Kumar Sharma, CPIO, RTI Cell, CIC, New Delhi

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