

THE RIGHT TO INFORMATION ACT, 2005

The Parliament, with a view to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, has enacted the Right to Information Act, 2005.

Copy of the Act is enclosed to this circular as Annexure-I.

SALIENT FEATURES:

1. The definition of “Public Authority” provided under the Act covers banks also.
2. The word “information” is given a very wide meaning by defining it as any material in any form, including records, documents, memos, E-mails, opinions, advices, press releases, circulars, orders, log books, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.
3. Right to Information means the right to information accessible under this Act, which is held by or under the control of any public authority and includes the right to :-
 - Inspection of work, documents, records.
 - Taking notes, extracts or certified copies of documents or records.
 - Taking certified samples of material.
 - Obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.
4. The Act provides for maintenance by every public authority of all records duly catalogued and indexed and also for publication of information prescribed in S.4 of the Act.
5. It is provided for designating Central Public Information Officers, Central Assistant Public Information Officers and Appellate Authorities to facilitate access to information. The Act also provides for second appeal to the Central Information Commission with the same powers as are vested in a civil court.
6. Detailed procedure for seeking information from any public authority is provided under the Act. Necessary provisions indicating exempted information are also incorporated.
7. While debarring the jurisdiction of civil courts for purpose of this Act, necessary penal provisions to ensure compliance of the provisions of the Act are made.

EXEMPTED INFORMATION :

- a. Information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State and lead to incitement of an offence.
- b. Information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court.
- c. Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature.
- d. Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.
- e. Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information.
- f. Information received in confidence from foreign government.
- g. Information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes.
- h. Information, which would impede the process of investigation or apprehension or prosecution of offenders.
- i. Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers.

Provided that the decision of Council of Ministers, the reason thereof, and the material on the basis of which the decision were taken shall be made public after the decision has been taken, and the matter is complete, or over.

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed.

- Information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information.

Provided that the information, which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

PUBLIC INFORMATION OFFICERS : Consequent upon the enforcement of the Act, the Bank designated the following officers for the purpose of the Act: ***OFFICERS DESIGNATED BY THE D.G.B. HYDERABAD UNDER***

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S.No.	Branch/unit of the Bank	CAPIO	CPIO
1.	Scale-I & II branches	Branch Manager	Regional Manager
2.	Scale III branches	Branch Manager	General Manager (Ops)
3.	Zonal Offices	General Manager (Ops.)	General Manager (Admn.)
4.	Head Office	--	General Manager (Admn.)

First Appellate Authority	:	Chairman
Second Appellate Authority	:	Central Information Commission

SL.NO.	DESIGNATION / HIERARCHY	CONTACT NO. OF THE OFFICIAL
1	REGIONAL MANAGER, ADILABAD	08732-226574 / 9491041777
2	REGIONAL MANAGER, KARIMNAGAR	0878-2249275/ 9491041888
3	REGIONAL MANAGER, NIZAMABAD	08462-222388/9491041555
4	REGIONAL MANAGER, HYDERABAD	040-24060121/9491041961
5	GENERAL MANAGER (OPS & CREDIT)	040-2660341
6	GENERAL MANAGER (ADMN & IT)	040-27600821
7	CHAIRMAN	040-27602091

PROCEDURE FOR SEEKING INFORMATION :

1. A person who desires to obtain any information under the Act shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made. The application shall be accompanied by prescribed fee, the details of which are given in Annexure I.
2. The application shall be submitted to the Central Public Information Officer concerned or the Central Assistant Public Information Officer. In case it is submitted to the latter, it shall be forwarded immediately to the Public Information Officer.
3. The Application need not disclose / indicate the reasons for seeking information.
4. The Central Public Information Officer, shall examine the application at the earliest possible and in any case within 30 days (or 35 days if the request is forwarded to him by a CAPIO) from the date of receipt of the application and either provide the information or reject the request for any of the reasons specified in S.8 & 9 (exempted information).
5. The information shall normally be provided in the form in which it is sought unless providing the information in the form sought for, disproportionately diverts the resources of the public authority or is detrimental to the safety or preservation of the record in question.
6. If the CPIO fails to give decision on the request within the said period he shall be deemed to have refused the request.
7. In case it is decided to provide the information on payment of further fee i.e., cost of information, the same along with fee particulars has to be informed to the applicant and in such a case the intervening period between the dispatch of the intimation and payment of fee shall be excluded for the purpose calculating the above said 30 days period.
8. Where a request has been rejected, the CPIO shall communicate the reasons for such rejection and the right of appeal, available to the Applicant. The address of the Appellate Authority should also be disclosed in the rejection letter.
9. The CPIO is required to provide assistance to the person seeking information, if the person is sensorily disabled.
10. Before providing any information, the CPIO will also take into consideration the representation made by any third party under Section 11 of the Act.

APPEALS:

1. **First Appeal** :- Any person aggrieved by a decision of the CPIO may, within 30 days, prefer an appeal to the Appellate Authority designated by the Public Authority. The Appellate Authority may admit appeal after expiry of 30 days period, if he is satisfied

that the appellant was prevented by sufficient cause from filing appeal in time.

2. **Second Appeal** :- A second appeal against the decision of the first Appellate Authority lies to the Central Information Commission and the aggrieved party has to file it within 90 days from the date on which he received the decision of the first Appellate Authority.
3. The Appeal may be submitted to the Appellate Authority directly or through CAPIO.
4. An Appeal shall be disposed of within 30 days of the receipt of the Appeal or within such extended period not exceeding a total of 45 days. Intimation about the decision and the reasons therefore have to be made to the Appellant.

POWERS OF THE CENTRAL INFORMATION COMMISSION

The Central Information Commission, while deciding any appeal or complaint, forms an opinion that CPIO has without any reasonable cause:

- a. Refused to receive an application for information
- b. Failed to furnish information within the time limit
- c. Malafidely denied the request for information
- d. Knowingly gave incorrect, incomplete or misleading information
- e. Destroyed the information which was subject matter of the request or
- f. Creates obstructions in any matter while furnishing the information

Then the Central Commission can impose a penalty of Rs.250/- for each day till the application is received or information is furnished, subject to a maximum penalty of Rs.25,000/-;

However, the Central Commission shall not impose any penalty without giving an opportunity of hearing to the CPIO / CAPIO.

If the Central Information Commission observes that CPIO / CAPIO has been responsible for any of the aforesaid without a reasonable cause, then in addition to the imposition of penalty, the Commission can also recommend for suitable disciplinary action against the CPIO / CAPIO as per the service rules applicable to him.

INSTRUCTIONS TO THE CPIO & CAPIOs :

1. The CPIO & CAPIOs and the Compliance Department should comply with the procedure prescribed above meticulously while receiving applications, appeals and disposal of the

same. Wherever required, they should call for information from the branches / officers concerned and while doing so, regard shall be had to the time allowed under the Act for decisions. Guidance / assistance of law officers and other operational staff may also be taken, wherever necessary, while taking decisions on application, regard shall be had to the exempted information under Section 8 & 9 of the Act. Further, necessary care and diligence should be exercised while dealing with matters under the Act.

2. A register to record the particulars relating to applications received, disposed of with information, rejected, fees collected etc., should be maintained at the office of the CPIO & CAPIOs.
3. If any application seeking information or appeal to the first or second Appellate Authority is received by the CAPIOs, they have to forward the same to the CPIO or Appellate Authority as the case may be without any delay, after recording the particulars in the Register. All first appeals, have to be forwarded to the Compliance Department, Head Office, who shall co-ordinate, process and put up to the Appellate Authority. Further, the department shall monitor the implementation of the Act. Second appeals should be forwarded to the Central Information Commission.
4. A register to record the appeals received, disposed of, fee collected etc., should also be maintained at the office of the First Appellate Authority i.e., Compliance Department.
5. Applications received, copies of decisions on such applications, intimation given to the Applicants / Appellants etc., should be preserved for scrutiny.
6. Periodical reports indicating the applications and decisions thereon, appeals and decisions thereon have to be submitted to the Compliance Department, Head Office on the format prescribed by them.
7. The CPIO shall attend to the request made to him or forwarded to him by the CAPIO immediately and intimate the decision to the applicant within 30 days from the date of receipt of the request for information. In case the request is received and forwarded by the CAPIO to CPIO, a grace period of 5 days is added to the 30 days period.
8. In case the request for information is rejected, the intimation should disclose the reasons and the right of appeal available to the party. Further, it should indicate the address of the Appellate Authority and the period within which such appeal is to be made.
9. The First Appellate Authority shall have to dispose of the appeals received by him within 30 days from the date of receipt of such appeals. In case his appeal is rejected and the intimation should indicate the reasons for such rejection and the right of second appeal available to the party. Further, it should also indicate the reasons for such rejection and the right of second appeal available to the party. Further, it should also indicate the address of the 2nd Appellate Authority and the period within which the party may have to prefer the appeal.

10. The CAPIO while forwarding request applications to the CPIO, wherever necessary should offer his comments / observations.
11. If the CPIO receives a request for providing access to the information which relates to or has been supplied by a third party and has been treated as confidential by the third party, the CPIO within a period of five days from the receipt of the request, shall give written notice to such third party of the request and inform that he intends to disclose the information and record or part thereof, inviting the third party to make a submission, written / oral regarding whether the information should be disclosed and any such submission made by the third party shall be kept in view while taking a decision regarding disclosure of the information or otherwise. The third party upon receipt of the notice from CPIO shall give its representation to the CPIO against the proposed disclosure of the information. In such cases, the CPIO is required to decide, after giving an opportunity to the third party about the decision made by him. The notice given to the third party shall also include a statement that the third party can prefer an appeal under Section 19 against the decision made by the CPIO.
12. The CPIOs shall be responsible for responding to the request within the stipulated period of 30 days. He may for this purpose obtain information or clarification from other offices / functionaries in the bank as necessary. No request letter should be transferred / passed on to any other CPIO for further disposal for any reason whatsoever.
13. All branches should display at their branches a notice board indicating the names of CAPIO, CPIO and the Appellate Authority and particulars of fee etc., payable while seeking information.
14. Preservation of records:- The Right to Information Act, 2005 prescribes that all records in the form of books, accounts and documents are to be maintained for a period of 20 years. It may be elaborated that all existing books, registers, scrolls, ledgers (if any), forms, advices, files (including correspondence files), vouchers, reports (including computer reports), statements and all documents (including loan documents) are to be preserved intact; along with those being created, maintained/generated at present or in future, for a period of 20 (twenty) years from the date of generation, maintenance or creation. Accordingly, all the earlier instructions prescribing retention period of 5-8 years for various categories of records in the bank stand amended and superseded. It should be ensured that all records are duly catalogued and indexed to facilitate retrieval at any point of time (within the span of 20 years) to furnish the information required. The Right to Information Act defines “records” as :
 - a. any document, manuscript and file,
 - b. any microfilm, microfiche and facsimile copy of a document,
 - c. any reproduction of image or images embodied in such microfilm (whether enlarged or not);
 - d. and any other material produced by a computer or any other device.

