

**OFFICE OF THE ASSAM STATE INFORMATION COMMISSION  
JONAKEE COMPLEX, PANJABARI, GUWAHATI-37**

**Appeal Case No:** GLT.14/2013

**Date of Hearing:** 11-5-2015

**Appellant :** Sri Pranab Kr. Sarkar

**Respondent:** SPIO, Gramin Vikas Bank

**Complaint/Second Appeal heard by:** Shri H. S. Das, IAS (Retd)  
State Chief Information Commissioner,  
Assam

**ORDER**

The second appeal petition dated 9-4-2013 is taken up for hearing ex-parte in the absence of the petitioner.

Vide his RTI application dated 10-12-2012 the petitioner sought information from Assam Gramin Vikas Bank, Rajabari branch the following information:

- (a) Photo copy of Cultivation Certificate and PRC provided by the receiptents of KCC loan from February, 2011 to November, 2012.**
- (b) Amount of loan which each of the receiptents had received.**

The PIO and Regional Manager, Assam Gramin Vikas Bank replied to the petitioner on 3-1-2013 stating that the information sought for by the petitioner could not be furnished as they are related to 3<sup>rd</sup> parties and involve commercial confidence and Banking secrecy under the Banking Companies Act, 1970. Being aggrieved the petitioner filed an Appeal petition dated 26-2-2013 before the 1<sup>st</sup> appellate authority i.e., the Chairman of Assam Gramin Vikas Bank. Vide his order dated 15-3-2013 the First Appellate Authority upheld the order of the PIO. Again, being aggrieved against the order of the first appellate authority the petitioner filed a second appeal petition before this Commission on 9-4-2013.

The Commission notes that under Section-22 “ **The provisions of the RTI Act, 2005 shall have effect notwithstanding any thing inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or any instruction having effect by virtue of any law other than this Act.**” Therefore, the Commission does not accept the PIO’s contention that information relating to KCC loans, interest burden which is subsidized by the Govt., is exempt from the purview of RTI Act, 2005. The Commission also does not accept that the information sought for by the petitioner involve any confidential information relating to 3<sup>rd</sup> parties. The Commission, therefore, directs the PIO, Assam Gramin Vikas Bank to furnish within 30 days from the date of receipt of this order, the names and the amount of KCC loan that were disbursed to each of the respondents during the period 2011 to November, 2012.

The PIO of Assam Gramin Vikas Bank has submitted that no cultivation certificate or PRC are required to be submitted for applying for or receiving KCC loans. However, the PIO further submitted that for the purpose of KCC loan, land holding documents or any other document to support that the applicant is a cultivator on some land are required to be submitted. Further, he stated that although the PRC is not a necessary document, some applicants had submitted copies of PRCs on their own.

The Commission, therefore, directs the PIO of Assam Gramin Vikas Bank to allow the petitioner to inspect the relevant records with regard to these two points within 30 days from the date of receipt of this order.

With the above order the second appeal petition is disposed of.

**Sd/-**

**(H. S. Das, IAS) (Retd)  
State Chief Information Commissioner,  
Assam**

**Authenticated true copy**

**Sd/-**

**Secretary & Registrar  
Assam State Information Commission**

**Memo No. SIC/GLT.14/2013/**

**11-5-2015**

Copy to:

1. SPIO, Gramin Vikas Bank, Regional office, Golaghat, for information and necessary action.
2. Sri Pranab Kr. Sarkar, Petitioner, P.O & Vill- Kuruabahi Tiniali, Dist- Golaghat, Assam, PIN-785 615
3. Computer section for uploading in the Website.
4. Office file.

**Secretary & Registrar  
Assam State Information Commission**