

EXIM:RTI:AA:2022:065

October 17, 2022

Shri Vivek Sharma

Re: RTI Appeal of Shri Vivek Sharma - information under the Right to Information Act, 2005.

1. I refer to your online RTI Appeal no. EXIBI/A/E/22/00008 dated September 29, 2022, in response to the Bank's Central Public Information Officer (CPIO) letter no. EXIM:RTI:2022:065 dated September 21, 2022.
2. I have perused your Appeal along with your initial online RTI application no. EXIBI/R/E/22/00055 dated August 24, 2022 as also the response of the Bank's CPIO.
3. Enclosed herewith is the Appeal Order No. EXIM/A/22/065
4. Should you be aggrieved by my ruling, you may prefer an Appeal to the Central Information Commission at New Delhi at the following address:

Central Information Commission
CIC Bhawan, Baba Gangnath Marg
Munirka, New Delhi - 110 067

Yours faithfully,


(Manjiri Bhalerao)

Appellate Authority under Section 19 of the Right to Information Act, 2005



Q5. Certified copies of document/s, If reply of point 4 is yes, mentioning step-by-step process, be followed by applicant, keen to conduct inspection of documents available at any Office/s of EXIM-BANK.

Q6. Provide information in yes or no, enclosing document/s, if provisions of section 74 & 76 of Indian-Evidences-Act 1872 are being complied with in true letter & spirit in EXIM-BANK.

Q7. Certified copies of documents, If reply of point 6 is yes, mentioning circumstances when applicant can inspect documents while visiting any of EXIM-BANK Office for obtaining certified copies & step-by-step process, be followed by applicant, keen to conduct inspection of documents available in any Office/s of EXIM-BANK & to obtain certified copies thereof as per section 74 & 76 of Indian-Evidences-Act 1872.

Q8. Provide information in yes or no, enclosing document/s mentioning circumstances when authority of EXIM-BANK can issue written instructions to its staff not to report for duty & not to enter in office-premises.

Q9. Certified copy of document/s, containing provisions & step-by-step process related to appointing of CBI Investigations against EXIM-BANKs own authorities for their indulging in corruption, human rights violations & criminal offences.

Unquote:

Aggrieved by the CPIO's response, the appellant has preferred an online Appeal on September 29, 2022, wherein the Appellant has sought the following information:

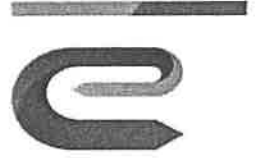
Quote:

GROUND FOR APPEAL: Provided Incomplete, Misleading or False Information

Unquote:

- III. I shall now, move on to decide the online Appeal and rule thereon, based on the facts. The online RTI Application, CPIOs response have accordingly called for clarification, papers, documents from CPIO, which have been placed before me.





BEFORE THE APPELLATE AUTHORITY
(Under the Right to Information Act, 2005)
EXPORT-IMPORT BANK OF INDIA

Appeal No. EXIM/A/22/065

Shri Vivek Sharma : Appellant

CPIO, Exim Bank, Mumbai : Respondent

ORDER

I. The Appellant had filed an online RTI application dated August 24, 2022 (hereinafter called "the Application") under the Right to Information Act, 2005 ("RTI ACT"). The respondent vide letter dated September 21, 2022, replied to the Appellant (hereinafter called "the CPIO Response"). The Appellant has filed an online Appeal dated September 29, 2022 against the said CPIO Response.

II. A brief summary of the facts is as under:

The Appellant, Shri Vivek Sharma, vide online RTI Application addressed to the Central Public Information officer (CPIO) of the Public Authority (Exim Bank), has sought certain information, excerpts of which are being produced hereunder:

Quote:

Q1. Number of vigilance-charge-sheet issued in EXIM-BANK, to its staff, from 01.04.2017 to date of filing of this RTI application.

Q2. Out of reply of point (1), number of Charge-sheets sent to Charged-Officer on personal email-id (i.e gmail.com,yahoo.co.in,rediffmail.com etc), treating sending of such email as valid delivery of Charge-sheet by EXIM-BANK.

Q3. Certified copies of Banks document/s (circular/s, guidelines) basis on which, sending of vigilance-Charge-sheets at personal email-id of Charged-Officer (i.e gmail.com,yahoo.co.in,rediffmail.com etc) is treated valid delivery of Charge-Sheet, instead of following the processes stipulated in respective Service-Rules/Regulations etc applicable to EXIM-BANK Officers (vide which they are governed), Vigilance-Manual & CVC-Manuals, circulated on periodical intervals, by Central-Vigilance-Commission, for delivery of Charge-sheets.

Q4. Provide information in yes or no, enclosing document/s, if provisions of section 2 (j) 1 of RTI-Act-2005 are being complied with in EXIM-BANK, in true letter & spirit.





- IV. Having considered the material placed before me, I find that the CPIO has rightly responded to all your queries at question Nos. 1 to 9 of your online RTI application, which was disposed on September 23, 2022. Since the requisite information is made available in digital platform on the Bank's website, the CPIO has rightly provided you the links for accessing the Bank's website. I therefore uphold the CPIO's responses.
- V. Further, in your Appeal you have alleged that information sought by you at Q.No.9 has not been supplied to you by the CPIO. I find that the CPIO has rightly responded that the Bank follows the applicable RBI directives, guidelines in the matters of the Bank's business or services to be reported to the appropriate authorities, for investigations. In addition, as a vigilance mechanism, the Bank has in place a Board approved 'Whistle Blower Policy'. Further, Export-Import Bank Officers' (Conduct, Discipline and Appeal) Regulations, 2020, copy of which is made available on the Bank's website https://www.eximbankindia.in/assets/pdf/public-declarations/EXIM_Conduct_Discipline_Appeal_Regulations_2020_02122_021.pdf, at page numbers 22 to 46, Chapter III Discipline and Appeal stipulates the procedure for inquiring into the truth of any imputation of misconduct against an officer.
- VI. The Appeal is accordingly disposed off for the reasons stated above.

Place : Mumbai
Date : October 17, 2022


Appellate Authority
Export-Import Bank of India