

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

Present: Hon'ble Shri D.N.Padhi, SCIC

Date 25th August, 2009

Complaint Case No.1525/2008

Subash Mohapatra,
MIG-22, Sahayog Park,
Mahaveer Nagar,
Raipur- 492006,
Chhattisgarh Complainant

Vrs.

Public Information Officer,
Industries Department,
Government of Orissa,
Secretariat,
Bhubaneswar..... Opposite party



Decision

1. Complainant Subash Mohapatra is absent but was represented by N.A. Shah Ansari by way of an authorization letter dated 25.8.2009. The same was accepted. Raghunath Mohanty, Deputy Secretary to Government and Nodal PIO, Industries Department, Government of Orissa, Secretariat, Bhubaneswar is present. Heard and perused the case record. This case arises out of the complaint petition dated 10.09.2008, which was received in the State Commission on 16.10.2008.
2. It reveals from the documents on record as well as from the submissions of the parties that the Complainant had sought information in form A application dated 13.6.2008 from the PIO, Department of Industries, Government of Orissa, Bhubaneswar regarding the Memorandums of Understanding (MsOU) signed between the State of Orissa and Corporate and other houses and its implementation. The details of the queries have been mentioned in the form A application of Complainant, which are on record.

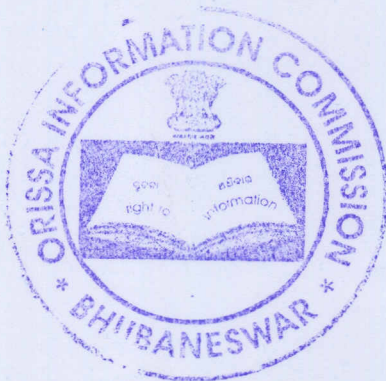
3. The Deputy PIO-cum- Secretary, Industries Department submitted that after receiving the said form A application, he intimated the PIOs of all the Departments of Government vide his letter no.9474 dated 26.6.2008 with a request to provide the required information direct to the Complainant as sought for by him. Obviously, this was a transfer as different Departments, under the Rules of Business, sign MsOU after necessary clearances and appropriate orders. The Complainant had challenged, in his complaint petition, the delay in transfer of the RTI application beyond 5 days. This point had been well taken by him. The PIO should be careful in future.
4. In response to the above letter of the Industries Department, the following Department of Government reacted as follows:
 - a) The PIO, Department of Steel and Mines returned the RTI application of the Complainant vide their letter no.6527 dated 17.9.2008 to the PIO, Industries Department indicating that the information sought by the Complainant were not specific.
 - b) The PIO, Planning and Coordination Department directly intimated the Complainant vide letter no.14146 dated 2.8.2008 to deposit Rs.218/- as cost of information within 15 days from the date of receipt of the letter in order to furnish some information as related to their Department , failing which his application will be rejected.
 - c) The PIO, Forest and Environment Department vide letter no. 15490 dated 11.9.2008 intimated the Complainant direct to deposit Rs.17,654/- with the Orissa State Pollution Control Board, Bhubaneswar towards the cost of information as sought by him.
5. The Complainant Subash Mahapatra, in his complaint petition dated 10.09.08 (received on 16.10.08) had requested strong and exemplary action against erring PIOs, refund of Rs.218/- from the PIO, Planning and Coordination Department etc.
6. The PIO-cum- Deputy Secretary to Government, Industries Department mentioned that the information sought for by the Complainant were voluminous and multifarious relating to several Departments of Government and not specific.

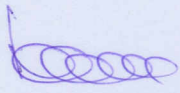
He further prayed that the Complainant should be specific in his request while soliciting information as otherwise it is not at all possible for them to furnish the information within the specified maximum timeline. And, even if information is provided as per their understanding, the citizens have a grievance. The State Commission accepted the averment of the PIO. The representative of the Complainant, perusing the records of the PIO, agreed with him that it related to several Departments of Government and were voluminous.

7. In consideration of the facts and circumstances of the case, the State Commission being convinced that the manner of approach of the Complainant not being specific, observed that there was no malafide intention noticed to harass and/or deny any information. The PIO had gone out of the way to help the Complainant. No deliberate delay was noticed, as there was also a transfer involved under Section 6(3) of the RTI Act,2005. If the Complainant so desires, he should apply afresh indicating specific requirements directly to the concerned Departments of Government / Organizations
8. For the reasons aforesaid there is no need to prolong this case. The same is, therefore, disposed of and closed with no orders of penalty.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 25th day of August, 2009 .




SCIC
25.8.09