

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

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

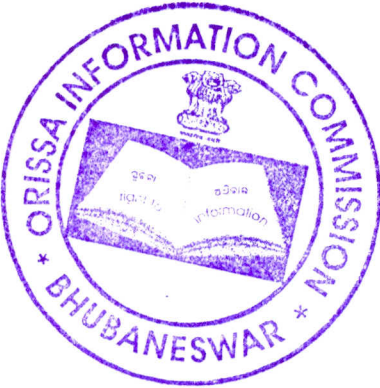
Date: 6th March, 2009

Complaint Case No. 175//2007

Ramesh Chandra Mohanty,
At-Nuapatna,
PO-Banguari,
PS-Balianta,
Khurda district.....Complainant

-Vrs-

1. Public Information Officer,
Office of the Director of Text Book Production and
Marketing,
Satyanagar,
Bhubaneswar
Khurda district
2. First Appellate Authority,
Office of the Director of Text Book Production and
Marketing,
Satyanagar,
Bhubaneswar,
Khurda district.....Opposite Parties

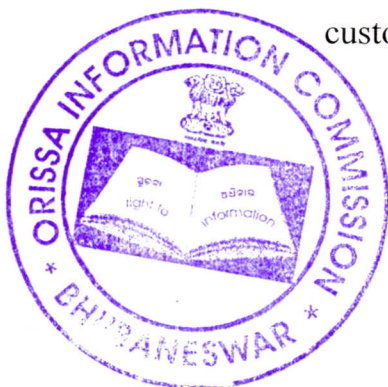


Decision

1. Complainant Ramesh Chandra Mohanty is present. Prasanta Kumar Samal, First Appellate Authority-cum- Director and Pradip Chandra Champati, PIO-cum- Deputy Director, Textbook Production and Marketing, Bhubaneswar are present. Heard. Perused the case record.

2. This case arises out of complaint petition dated 19/02/07 and heard by the State Commission on 21/11/07, 25/04/08, 17/09/08 and 21/11/08.
3. The Complainant had filed form A application before the PIO on 01/11/06. The Complainant had submitted on 21/11/07 that he did not receive any information within the stipulated time. Unable to get information he approached the First Appellate Authority on 26/12/06. Since he did not receive any information within 45 days of the appeal he approached the State Commission on 19/02/07. The Complainant submitted that till date (that is 21/11/07) he had not received any communication from the PIO with reference to his application dated 01/11/06.
4. In response, the PIO had submitted that day that the information sought by the Complainant related to a third party held confidentially by the Public Authority and the said third party, understanding from some source that information regarding him was being requested had intimated the PIO not to provide this information. As the objection from the third party was received on 10/11/06, 15/01/07 and 13/06/07, the same could have conveyed to the Complainant immediately after the first request letter itself. But the PIO belatedly informed the direction of the Third Party to the Complainant vide letter no.7773 dated 04/06/07. This statement was contested by the Complainant who stated had that even this letter has not been received by him. From the above submission and the written showcause it is clear that the form A application filed by the Complainant on 01/11/06 has been badly dealt with and inordinately delayed even to intimate that information could not be provided.


5. The Director, Text Book Production and Marketing was directed on 21/11/07 by the State Commission to streamline the process of information disclosure as per provision under the RTI Act, 2005 (Act for short) so that such lapses do not recur in future. He was also further directed to see that RTI applications are timely disposed of.
6. Perusing the form A application dated 01/11/08 the State Commission had concluded on 21/11/07 that information sought was not confidential as it related to the date of birth as claimed by the third party and should be disclosed forthwith. The PIO was directed on even date to comply within 15 days and intimate compliance through the Registrar of the State Commission
7. The PIO submitted that as the information related to a third party, the request had been dealt with in accordance with the provisions of Section 11 of the RTI Act, 2005 (Act for short). The PIO pleaded that he apprehended that disclosure of information would endanger his life at the hands of the said third party. He stated that Mithuram Mohanty (third party) had also served a legal notice (pleader's notice) dated 11/09/07 on him not to disclose information sought by the Complainant. The same is now on record.
8. The PIO had submitted on 25/04/08 that he informed the Complainant about the rejection of his request vide letter no.7773 dated 04/06/07. He further urged that, in the meantime, the Complainant figured as an accused in a criminal case under Section 302 IPC for having committed murder of Mithuram Mohanty on 28/12/07 and was in jail custody.




9. On 21/11/08, the Complainant stated that he had not received a copy of School Leaving Certificate of Mithuram Mohanty. The State Commission on that day had directed the PIO to provide the same to the Complainant within 15 days. The PIO and First Appellate Authority stated that after thorough search the required information was not available / traceable in the Directorate. The State Commission was unhappy with the situation.
10. However, in view of the above complex situation, wherein the third party has expired, and the Complainant mentioned that he was no longer interested in the information, the case is disposed of and closed with no orders on penalty. The Director should, however, streamline the procedure in his office to deal with the RTI applications in terms of the Act.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 6th day of March, 2009.


SEIC
6.3.09


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6/3/09