

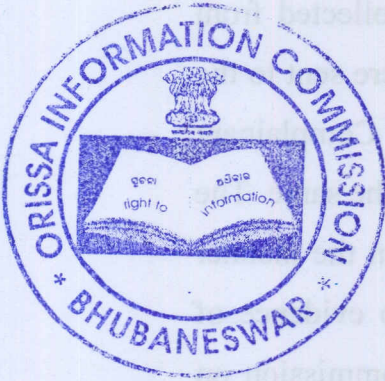
BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR.

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

Dated:-3rd December, 2009

Complaint Cases No.95/2007

Shantiranjana Behera,
Ward No.22,
Raghunathpur,
Baripada-757001,
Mayurbhanj district.....Complainant



Vrs.

1. Public Information Officer,
Office of the Superintendent of Police,
Baripada,
Mayurbhanj district
2. First Appellate Authority,
Office of the Superintendent of Police,
Baripada,
Mayurbhanj district.....Opposite Parties

Decision

1. Complainant Shanti Ranjan Behera is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Kesab Chandra Mohapatra, ex-PIO, and Nityananda Dwibedy, Deputy Superintendent of Police-cum-PIO, office of the Superintendent of Police, Mayurbhanj district Baripada are present. Heard. Perused the case record. This case arises out of complaint petition dated 25/11/06 and heard by the State Commission earlier on 01/05/07, 13/07/07, 02/11/07,

15/02/08,16/05/08, 13/10/08, 06/02/09, 14/05/09, 06/08/09 and 22/10/09.

2. The Complainant had sought information in form A application dated 23/09/06 from the PIO, office of the Superintendent of Police, Mayurbhanj district, Baripada on the incidence of disappearance/missing people in Mayurbhanj district between 2001-2002 to 2005-2006.
3. The PIO on 01/05/07 had stated that information was not available in the District Police Headquarters and had to be collected from numerous field formations. What had been readied were sent to the Complainant vide letter no.146 dated 09/01/07. The Complainant on the other hand mentioned that he had not received the same. The PIO, however, was unable to provide any evidence on the manner and method the information was sent. There was no evidence of despatch of the information. Therefore, the State Commission on 01/05/07 had directed him to again supply the said information, free of cost, to the Complainant, within 5 days and report compliance to the State Commission through the Registrar.
4. The Complainant on 02/11/07 had mentioned that as per the orders dated 01/05/07 of the State Commission, the PIO had provided information to him, but they were not complete.
5. The Complainant on 06/08/09 had expressed his anguish that he had still not received complete information despite the long lapse of time. Taking a serious view of the matter, the State Commission had directed the PIO to allow the Complainant to inspect, free of cost, the relevant records and supply the information as requested by him.

6. The Complainant orally submitted on 22/10/09 that he was no more interested in the balance information as the occasion for which he had sought the information, that is to participate in a seminar at New Delhi, was over.

7. As regards the delay, notice was issued to ex-PIO, Amiya Kumar Sahoo to explain the delay. He is absent. However, S.P, Nawarangpur has sent a fax message dated 02/12/09 that due to his engagement in combing/area domination/ law and order duty operation along with observance of PLGA week by the radicals/naxals in southern Orissa alongwith Narayanpatna issue, Amiya Kumar Sahoo could not be spared immediately and prayed for exempting his presence.

8. Relevant to mention that Amiya Kumar Sahoo while explaining the delay on 13/07/07 had mentioned that voluminous information had to be collected from various field offices/organisations which took considerable time. Apart from that he was busy with several law and order situations in Mayurbhanj district and hence there was admitted delay, but the same was situational. The State Commission also took cognisance of the fact that the information requested is not maintained as per existing practice at one place in the SP's Office. Hence the same had to be collected from the several Police Stations, where such cases are reported, and provided to the Complainant.

9. The State Commission after hearing the parties directed Amiya Kumar Sahoo, through the present PIO, office of the SP, Mayrubahanj to swear an affidavit regarding the delay by 17/12/09. Subject to above compliance, the case is disposed of and

closed. Inform Amiya Kumar Sahoo for immediate compliance as also the Complainant.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 3rd day of December, 2009.



[Signature]
SCIC
3.12.09

[Signature]
SIC 3/12/09

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