

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

Present.: **Hon'ble Shri D.N. Padhi, S.C.I.C**
and
Prof. Radhamohan, S.I.C

Dated. 17th May 2006

Complaint Case No. 27/2006

Sri Sukant Kumar Das,
Sarapanch, Asureswar G.P,
At/Po- Asureswar , Dist-Cuttack, Complainant

-Vrs-

Principal, S.M.College,
Asureswar , Dist-Cuttack O.P

Decision

The complaint case is taken up today for hearing.

2. Despite notices by the State Commission, the Complainant Sri Sukant Kumar Das is found absent on repeated calls. However, the Complainant can either remain present or not at his option as enshrined in Rule 9 (2) of the OIC (Appeal Procedure) Rule, 2006. The Opposite Party, Principal S.M. College, Asureswar Cuttack District is present.

3. The complainant; has alleged in his complaint petition dated.12.04.2006 that he sought for certain informations vide Annexure-1 attached to the complaint from the Principal, S.M.College. The request was sent by him to the Principal by post but the latter did not receive the application. The Complainant has not submitted any document to prove the allegation of such intentional refusal by the Principal. In the absence of any cogent proof, the delay in supply of the required information cannot be pointedly attributed to the deviousness or culpable negligence of the Principal

so as to give a finding about wilful negligence or violation of the provisions of the RTI Act, 2005.

4. Law is well settled that where no specific mode or manner is prescribed, reasonably fair and just procedure is to be adopted to prevent miscarriage of justice. Keeping in view the above Principle of law let us advert to the facts on which the complaint is based.

5. As stated earlier, the Complainant needed some information relating to the educational activities of the College from the Principal vide Annexure-1. It shall not be out of place to observe that the Principal was not the PIO of the College at that time or even now.

6. It is submitted by the Principal that only after being intimated by the Higher Education Department, he has designated two of the teaching faculty members as PIO and Assistant PIO respectively and has notified himself as the First Appellate Authority. The Principal further submits not to have received any request from the Complainant by post. He gave an assurance to the State Commission that the information needed by the complainant vide Annexure-1 shall be communicated to him during the course of the day by a special messenger.

7. Nonetheless, the State Commission after considering submissions of the Principal does not accept the plea advanced by him that he was not aware of the legal provisions of the RTI Act 2005 and therefore took action only after getting an intimation from the Higher Education Department by designating a PIO and 1st Appellate Authority for the College. Ignorance of the provisions of the Central legislation is no excuse at all. However, keeping the rule of correction and reformation in view, the State Commission felt it expedient in the interest of justice to allow an opportunity to the Principal to guard against recurrence of such omissions of any provision of law in future, which if committed, shall be very seriously viewed.

8. In view of the above position the State Commission felt it unnecessary to advert to other minor factual details of the case.

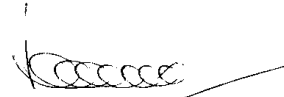
9. The State Commission with their adjudicatory wisdom do not feel it proper to press service of penalty provisions against the PIO and the 1st Appellate Authority who were admittedly not in existence as candidly admitted by the Principal. Thus for giving them an opportunity to amend themselves,, they are only reprimanded. With these observations the case is disposed of with a direction to the Opposite party (Principal), S.M. College, Asureswar, Cuttack District to supply the information to the complainant during the course of the day through a special messenger failing which the penal provisions of the Act will be attracted. He is to submit a compliance report with respect to directions given in this decision by 22.5.06,

Pronounced

Given under the hand and seal of the State Commission, this 17th day of May 2006.



(Prof. Radhamaohan)
S.I.C


(D.N. Padhi)
Hon'ble S.C.I.C