

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

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

Date: 29th July, 2008

Second Appeal No. 238/2007

and

Complaint Case No.467/2007



Renubala Moharana,
Qrs No. VIM-303,
Sailashree Vihar,
Chandrasekharpur,
Bhubaneswar-751021.....Complainant

-Vrs-

1. Public Information Officer,
Industries Department,
Government of Orissa,
Bhubaneswar.
2. First Appellate Authority,
Industries Department,
Government of Orissa,
Bhubaneswar.....Opposite Parties.

Decision

1. Appellant/Complainant Renubala Moharana is absent but is represented by Gopabandhu Moharana by way of an authorization letter dated 24/07/08. The same is accepted. Basanta Kumar Behera, PIO-cum- Deputy Secretary and Debi Prasad Ray, First Appellate Authority-cum- Joint Secretary, Industries Department, Government of Orissa, Bhubaneswar are also present. Heard extenso both parties. Perused the case record.

2. The Appellant/Complainant (hereinafter referred to as the Appellant) had sought information in form A application dated 01/03/07 from the PIO, Industries Department with reference to the letter no. IND(IMU) 14/07/2702/ 1 dated 23/02/2007 of Industries Department, Government of Orissa whether as per the provisions of Book Circular no. 47 issued by the Parliamentary Affairs Department, Government of Orissa, the concerned Hon'ble Members of Orissa Legislative Assembly had been communicated with the interim replies regarding possible suitable dates for providing them final replies for disposal of their letters dated 13/11/2006 and 23/12/2006 addressed to the Hon'ble Minister, Industries, Government of Orissa relating to absorption/ regularization of Graduate Architects(Trainees) of IDCO and if yes, the details of letters of Industries Department, Government of Orissa in which such interim replies have been communicated to the MLAs and, if not, what were the reasons for not adhering to the said provisions of Book Circular no.47 etc.
3. The PIO stated that as the information/ documents sought by the Appellant related to Assembly questions and correspondences made between Hon'ble MsLA and Hon'ble Minister, Industries and as he considered that supplying the same to the Appellant could amount to breach of privilege of Orissa Legislative Assembly, he rejected the request of the Appellant under Section 8 (1) (c)of the RTI Act, 2005 (Act for short) and intimated the said position to her on 30/03/07 vide letter no. 4928/I.
4. Being aggrieved the Appellant preferred first appeal before the Appropriate Authority on 19/04/07. The Appellant was given an opportunity of being heard by the First Appellate Authority but he


intimated him that as there was no provision in the Act for personal hearing by the First Appellate Authority they would not be attending his hearing. He reiterated this position during today's hearing. However, First Appellate Authority going through the records upheld the order of the PIO on 26/05/07 and intimated the same to the Appellant vide letter no. 7910 dated 28/05/07.

5. After hearing the parties, the State Commission were of the opinion that Rules of natural justice are aimed at securing justice and to prevent miscarriage thereof. It is founded on equity and reason without which no substantial justice can be imparted. Since the Appellant had approached the First Appellate Authority, dispensation of justice demands that he/she should have been provided with an opportunity of being heard in the matter. Hence, the First Appellate Authority by providing an opportunity to the Appellant to participate in the hearing was amply justified and duly sanctioned by the above discussed principle of natural justice. The State Commission, however, directed the PIO to provide the permissible information to the Appellant within 15 days, free of cost, and report compliance to the State Commission through the Registrar.
6. With the above direction the case is disposed of and closed.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 29th day of July, 2008.




SCIC
29.7.08

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