

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

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

Date: 26th November, 2008

Complaint Case No.837 and 838 of 2007



Shaikh Shahnawaz Islam,
Plot No.367,
Marakata Nagar,
C.D.A., Sector-6,
Cuttack-753014.....Complainant

-Vrs-

Public Information Officer-cum-
D.I. G. of Police (Modernization.),
State Police Headquarters,
Buxi Bazar,
Cuttack.....Opposite Party

Decision

1. Complainant Shaikh Shahnawaz Islam is present. Rama Chandra Jena, APIO, State Police Headquarters, Cuttack is also present, which was accepted for today only in view of the written request of the DG-cum IG, Police, Orissa, Cuttack vide letter no.56385 dated 24.11.08. Heard both parties and perused both the case records. They arise out of the same complaint petition dated 11.09.07 filed twice for the selfsame cause of action and between same parties.
2. The above two cases were earlier heard on 16.04.2008, 22.07.2008 and 4.11.2008. The State Commission vide order dated 22.07.2008, had directed the PIO, State Police Headquarters, Cuttack to provide the information to the Complainant, free of cost. In obedience thereto the PIO had supplied the required information in both the cases, to the Complainant, free of cost, on 20.10.2008 under due and proper receipt executed by the Complainant. Compliance reports

submitted by the PIO during today's hearing were perused and taken to record. During the hearing the Complainant also admitted to have received all information.

3. As the record shows, the Complainant's form A application dated 14.08.2007 was received by the PIO on 17.08.2007. He had sought for information relating to the missing children of the State of Orissa, FIRs lodged Police station-wise and the action taken thereon. The latter expressed inability vide letter no.37295 dated 24.08.2007 to share the information on the ground that Crime Branch, who were the custodian of these information, had been exempted from the preview of the RTI Act,2005 as notified by the Government of Orissa is SRO no.496/2005 dated 29.10.2005.
4. The aforesaid decision of the PIO was set-aside by the State Commission in their order dated 22.07.08 and directed him to provide the information. In obedience thereto the PIO collected the information independently from all the SPs and supplied them to the Complainant, to his satisfaction.
5. In view of the above factual position there appears no delay in the above two cases. It is also noticed that after the intervention of the State Commission, the Complainant received all information on 20.10.2008. Hence, there is no need to prolong these two cases which are hereby disposed of and closed.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 26th day of November, 2008.



SCIC

26.11.08

