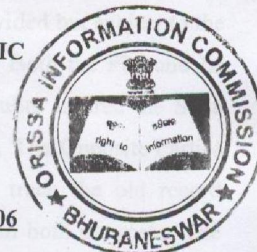


BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

Present: -Hon'ble Sri D.N. Padhi, SCIC
and
Prof. Radhamohan, SIC

Dated: -15th November, 2006

Complaint Case Nos. 113 and 114 of 2006



Sri Himansu Ranjan Mohanty,
Office of the Forest Range Officer, Khandapara
At-Po-Khandapara
Nayagarh District.....Complainant

-Vrs-

1. Public Information Officer,
Office of the Principal Chief Conservator of Forest
Aranya Bhawan, Chandrasekharpur
Bhubaneswar-751023
2. Sri B.P. Singh,
1st Appellate Authority
Office of the Principal Chief Conservator of Forest
Aranya Bhawan, Chandrasekharpur
Bhubaneswar-751023.....Opposite Parties

Decision

1. In both the above mentioned cases the parties are same and the information sought for relate to the common issue of recruitment of Village Forest Workers (VFW's), of erstwhile Social Forestry Project, Orissa. The Complainant is absent. Shri Mayadhar Mahalik, who has been authorized by the Complainant, is present. The same is accepted. The PIO and the Ist Appellate Authority are present. Heard both sides in detail. Perused the case record and all the documents.
2. The critical question relates to the correct interpretation of the provision of Section 8(3) of the RTI Act, 2005(Act for short). It reveals from the submissions of both the Opposite Parties that they were under the impression that information relating to an incident which occurred 20 years before the date of the application in form 'A' cannot be given to the seeker

Radhamohan

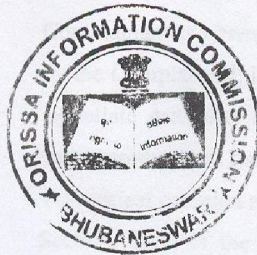
[Signature]

thereof. This understanding is palpably wrong. Section 8 (3) of the Act mandates that such type of information shall be provided but subject to the limitations of Section 8(1)(a)(c) and (i) of the Act. Both the PIO and Ist Appellate Authority after having clarified their doubts assured the State Commission not to commit such mistakes in future. The Opposite Parties submits that despite all attempts they could not trace the old record containing the information in the Public Authority in both the cases. The plea of exemption U/s 8(3) of the Act taken earlier and the plea taken now that the file is not traced are mutually destructive and cannot be legally accepted.

3. For the reasons aforesaid the State Commission is of the conclusive opinion that the information needed by the Complainant shall have to be provided to him by the PIO-OP. The Ist Appellate Authority Sri Bhanu Pratap Singh, I.F.S., Chief Conservator of Forest will oversee implementation of the above direction given to the PIO and all efforts be made by them within 3 days to provide the information.
4. With the above observation both the cases are allowed.

Pronounced

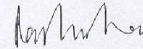
Given under the hand and seal of the State Commission, this the 15th day of November, 2006.





Hon'ble SCIC

15.11.06



SIC

EX-107
14/11/2006