

--- On **Fri, 21/8/09, Pradip Pradhan <pradippradhan63@gmail.com>** wrote:

From: Pradip Pradhan <pradippradhan63@gmail.com>
Subject: [focusorissa] Complaint to Governor by Citizens against Orissa Information Commission
To: focusorissa@yahogroups.com
Date: Friday, 21 August, 2009, 12:36 PM

Dear friends

Below is a complaint given by a citizen Mr. Sushant Kumar Sa, Patnagarh of Bolangir district to the Governor, Orissa seeking quick action against Orissa Information Commission for their gross failure in giving justice to him. This is not the single instance of its kind, but one of countless cases where the citizens despite their strenuous efforts could not access the desired information and the State Chief Information Commissioner and the State Information Commissioner due to their careless and callous attitude couldn't give justice to the citizen so deprived. The way the Commission handled this case shows that they have conspicuously failed to apply the concerned provisions of the RTI Act and to deliver justice to the citizen applicant.

I will be happy to receive well thought feedback to this mail. If anybody wants more information about the particular case, he or she may directly contact person concerned by his mobile No. 94372-40801/

Regards
Pradip Pradhan

To
The Governor,
Orissa

Raj Bhawan, Bhubaneswar

Sub- Complaint under Section 17 of RTI Act against the State Chief Information Commissioner and State Information Commissioner, Orissa for violation of Section 20 of RTI Act.

Hon'ble Sir,

Most respectfully, I would like to bring to your kind notice the following complaint for your urgent action under Section 17 of RTI Act.

That, on 27.1.07, I had applied to the Public Information Officer, Office of Belapada Block of Bolangir district seeking information on levy sugar distribution, tally Register of store agent and issue Register for Panchayats. Having got no response, I filed a complaint case against the defaulting PIO before Orissa Information Commission under Section 18 of the RTI Act with a prayer for ordering the supply of the withheld information and as well for punitive action against the concerned defaulting officers.

The Commission made several hearings, such as on dates 10.4.08, 2.5.08, 12.8.08, and 2.12.08. On 2.5.08, the Commission directed the PIO and Block Development Officer of Belapada Block to allow me to inspect the records/registers related to the requested information, and to supply me the information to be identified afresh by me in course of the inspection. As per the direction of the Commission, I visited the office of Belapada Block but was not allowed to inspect the documents. However, the PIO supplied me some information on 2.8.08, which to my great surprise and shock were not only false but also too scanty.

On 12.8.08, the date fixed for hearing, I visited the Commission's office and found that the hearing had been adjourned due to some unknown reasons. I was also not earlier intimated by the Commission's office about this sudden adjournment. Were I informed about it in time I wouldn't have to come all the way from an interior place of Bolangir at a great cost to my purse and time.

On 2.12.08, the case was finally heard by the two-member Bench (consisting of both State Chief Information Commissioner and State Information Commissioner). Unfortunately, I could not attend the hearing, and as you might know, both the RTI Act and Orissa Appeal Procedure Rules do provide for the option of the complainant to attend or not to attend a hearing. On that day, the above Commissioners knowing fully well that I was deprived of the information that I sought for, did not impose any penalty on the guilty PIO, and on the other hand, arbitrarily closed the case. The final decision of the case was sent to me by post. On going through it, I got again shocked to learn that the Commission closed the case without taking into account the substance of my complaint that I had not received till then the information that I sought for.

However, being aggrieved by the decision of the Commission, I against requested the Commission on 1.1.09 to reopen the case No 826 of 2007 and provide me the opportunity to submit all the documents before the Commission about the kinds of malpractice resorted to by the PIO to disclose the concerned information.

It is worth mentioning here that a complainant or an appellant has the right

to appeal against a particular decision of the Commission before the Commission itself as allowed under Section 19(9) of the Act. Several months passed by since then, but I could not get any response from the Commission.

Therefore, on 27.5.09, I made another appeal to the Commission to reopen the case and provide me the correct information and take penal action against the guilty PIO. Though more than two months have passed by since then, I have not received any response from the Commission.

So, I feel both the Commissioners have acted against the provisions made under RTI Act, as a result of which I still stand deprived of my right to access information which I had sought for more than a couple of years back. They have not only violated Section 20 of the Act in exonerating the guilty PIO from any manner of penalty, but have deprived me of my right to appeal against the decision of the Commission under Section 19(9) of the Act.

Under the circumstances, I would request you to constitute an enquiry into the above allegation of mine and take appropriate action against both the Commissioners as permissible under Section 17 of RTI Act.

With regards

Date-
12.8.09
Sushanta Kumar Sa
Venue-Patnagarh
At/post-Patnagarh(Badapada)
Dist-Bolangir