

--- On **Thu, 1/10/09, Pradip Pradhan <pradippradhan63@gmail.com>** wrote:

From: Pradip Pradhan <pradippradhan63@gmail.com>  
Subject: [focusorissa] memo to Governor on NGO Notification to comply RTI  
To: focusorissa@yahoogroups.com  
Date: Thursday, 1 October, 2009, 2:35 PM

Dear friends

All of you might be aware about advertisement made by Planning and Coordination Dept. , Govt. of Orissa regarding Non-Govt. Organisations to comply RTI Act.. This notification, we term it as illegal and adsurd. In this context, on behalf of our campaign we have submitted a memorandum to Hon'ble Governor seeking intervention and directing the Govt. to withdraw it. Below is the memorandum submitted to His Excellecy. i will be happy to get your comments on it.

Regards  
Pradip Pradhan

To  
The Governor,

Orissa  
Date- 29.9.09

Raj Bhawan, Bhubaneswar

Sub- \*Withdrawal of Absurd & Illegal Notification on NGOs as Public Authorities under RTI Act by Govt of Orissa\*

Hon'ble Sir,

Right to Food Campaign, Orissa is a state level forum of Civil Society Organisations spearheading the campaign for effective implementation of RTI Act in the state since 2005. On behalf of the campaign, I do bring to your kind notice the following matter seeking urgent intervention and necessary action at your end.

On 28th August'09, we came across an advertisement in several Oriya dailies of a notification by the Government of Orissa that Non-Government Organisations are required to comply with Sections 4, 5, 6,7 and 19 of Right to Information Act,2005. The said notification requires the NGOs substantially funded by the Government, to appoint PIOs, APIOs & 1st Appellate Officers in their offices and make suo moto disclosure of information under Section 4 of RTI Act. The said notification, though premised on Section 2(h)(d-ii) of the Act, has conspicuously skipped the urgency of defining and explicating such critical expressions found therein, such as 'substantially funded' and 'directly or indirectly financed by funds provided by the appropriate Government', as a result of which the whole gamut of NGOs (be they Societies, Companies, Trusts, Political Parties, Trade Unions, Officers' Clubs, Professional Associations of CAs, lawyers, physicians, and the like) are simply left off in a quandary as to who shall be considered as 'Public Authorities' under the Act, obligated to discharge the same duties as the Governmental Public Authorities do.

On the other hand, in absence of any such kindred notification by the Central Government, the NGOs operating in Orissa but financed/funded by the Central Government got obviously confused as to whether they shall too be booked under the recent Notification made by the Government of Orissa. This question assumes added significance in view of their anxiety to know which Rules they shall have to abide by, since the RTI Rules of the Centre are much simpler, user-friendly and inexpensive (no form, no citizen identity proof, no treasury challan, no court fee stamps, no appeal fee and no fee for BPL families etc.) than that of Orissa.

It is further disconcerting to find that while the then Chief Secretary Dr. Subas Pani had promised to put in place suitable guidelines before asking the NGOs to appoint PIOs, APIOs and 1st Appellate Officers under the Act [vide Para 2(viii) of Proceedings of Core Committee Meeting held at Secretariat on 22.08.2005 <http://www.orissa.gov.in/i&pr/corecom.htm>], the outgoing Chief Secretary Sri Ajit Kumar Tripathy, just 3 days before his retirement from the job, brought out the above notification in a hot hurry, without bothering at all to comply with his predecessor's spacious commitment in this regard.

Above all, the above notification is illegal as Govt. has not invited views of the public about the proposed notification prior to its final publicity in media. Needless to say, the Government of Orissa by this unconscionable act of commission is guilty of violating a time-worn mandate of Section-23 of General Clauses Act 1897, which is a must on the part of a State Government to observe while making any rule or sub-rule under a Central Act.

In this context, we urge upon you to direct the State Govt. to withdraw the abovementioned absurd and illegitimate notification made by them dated 28.8.09 and to hold extensive consultation with all manner of private bodies or NGOs (Societies, Companies, Political Parties, Trade Unions, SHGs, Clubs, Literary and Cultural Associations etc.) to evolve a consensus on how the NGOs can effectively serve as Public Authorities under the RTI Act as intended by the law.

Thanking you

Yours sincerely

Pradip Pradhan

State Convener

Right to Food Campaign Orissa