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**Sent:** Sat, 27 February, 2010 1:41:06 PM

**Subject:** [Com-Con] Resolution passed in a state level public review on decision of Orissa Info. Commission.

Dear friends

Below is the Resolution passed in the State level Public Review on Decision of Orissa Information Commission held at Red Cross Bhawan on 23.2.2010.

Regards

Pradip Pradhan

Resolution passed in a state-level Public Review on Decisions of Orissa Information Commission held at Red Cross Bhawan, Bhubaneswar on 23.2.2010

A state level Public Review on Decisions of Orissa Information Commission held at Red Cross Bhawan on 23.2.2010 was attended by more than 100 RTI Activists, senior citizens, complainant-citizens hailed from different districts like Boudh, Koraput, Bolangir, Dhenkanal, Nayagarh, Puri, Jagatsingh Pur, Cuttack, Sambalpur, Jharsuguda. Mr. Karunakar Patnaik, retired IAS officer presided over the meeting. The meeting was organized by Right to Food Campaign, Orissa, NAMASKAR Forum, Orissa State Vigilance Council, Cuttack. Initiating the proceedings Mr. Pradip Pradhan, State Convener, Right to Food Campaign made a data-based presentation about how inefficiency and misfeasance on the part of the Commission has rendered the RTI Act standstill in the state. Referring to the dismal rate of disposal by both the Commissioners, Mr. Pradhan said, in the year 2008 State Chief Information Commissioner disposed only 42 cases per month while Mr. Jagadanand, State Information Commissioner only 36 cases per month. But their counterpart in Central Information Commission Mr. Shailesh Gandhi was found to have disposed as many as 267 cases and Mr. Babu Rao Burge, Maharashtra Information Commissioner 386 cases per month during the said year. It is distressing to know that the Commissioners of Orissa who enjoyed more or less the same status, salary and privileges as entitled to the rest of the Commissioners across the country, Orissa Commissioners fared so low. Mr. Pradip Pradhan also informed that a massive backlog of more than 5000 cases remains pending in the Commission's office.

The activists and citizens in course of their deliberations also highlighted several issues relating to the State Commission's skewed manner of hearing and deciding the cases. On an average the disposal of a case by the Commission takes 2 to 3 years, rendering the very subject-matter of a case i.e. a particular piece of information irrelevant, even if supplied on the direction of the Commission. A single case passes through so many hearings held at wide gaps, and the result is great harassment experienced by the complainant-citizens. Mr. Madan Chandra Mishra a Complainant citing his Complaint Case No. 481/2006 said that it was heard as many as 12 times spanning 3 years. And in the end, neither he got the complete information nor was the defaulter PIO penalized by the Commission. Another complainant Mr.N.A.Shah Ansari, who is also an eminent RTI Activist, referring to his Complaint Case No. 967/ 2007 elaborately described his sorrowful experience as to how the Commission without imposing any penalty on the defaulter PIO of Dept. of Youth Affairs and Sports exonerated him in the name of Natural Justice. Mr.Harishankar Panigrahi from Sambalpur describing his experience of hearings held in the Commission's office said that on one occasion he was not allowed to speak, and on the contrary Mr. Jagadanand, SIC threatened him to put behind the bars. He further observed that he has filed

11 complaint cases in the Commission, most of which related to life and liberty. The Commission without hearing his case remanded it to the 1st Appellate Authority, ADM of Sambalpur. The Ist Appellate Authority disposed the case without ordering the supply of any information to me. Then the Commission abruptly disposed the case endorsing the decision of the 1st Appellate Authority and without imposing any penalty against the defaulting PIO. Gopabandhu Chhatria and Kedar Nanda of Bolangir, Rabindra Das of Puri and Kedar Nath Sahoo of Boudh presented their testimonies as to how they were harassed by the Commission and how the Commission exonerated the concerned PIOs from penalty in their respective cases. They also demanded immediate enquiry into such kind of partisan behavior of Orissa Commissioners against the complainants and appellants, which favoured the guilty PIOs and shielded the conniving Appellate Officers.

Participating in the discussion, Mr. Lalit Mishra said, when Orissa Information Commissioners themselves don't disclose their property list, it is simply ridiculous on their part to ask the Govt. to disclose the property list of IAS officers in the state.

A booklet on "So-called National RTI Awards and Orissa Information Commission" compiled by Mr. Tapan Mohapatra and Mr. Suwendu Ray was released by State RTI Awardees in the meeting.

A unanimous resolution was passed with its focus on intensifying the campaign for effective implementation of the RTI Act in the state. These are as follows.

On the receipt of any Complaint/Second Appeal, a Preliminary notice of the said case to be issued to the Opposite Party with intimation to the Complainant/Appellant within 7 days.

Copy of the decision of every hearing, interim or final, should be given within 7 days of the date of hearing.

The practice of the Commission to avoid the Complaint cases relating to violation of the Section 4 of the Act being ultra vires the parent Act should be stopped forthwith and hearing be made on every such Complaints.

Governor to ensure a time bound schedule for Enquiry and Action in respect of every complaint relating to acts of omission and commission of the Information Commissioners under Section 17 of RTI Act.

A Sit-in Demonstration (Dharana) to be staged before Governor's House demanding enquiry and action on the complaints already lodged by the citizens against the Information Commissioners of Orissa.

Wide-scale awareness to be spread among the citizens on the legal right available to them under

Section 17 of RTI Act to lodge complaint before the Governor to protest against the patently biased and ultra vires decisions of Orissa Information Commission.

Signature campaign to be launched against the inefficiency and prejudiced mindset of the Information Commission across the State.

Memorandum to Governor and Chief Minister demanding the provision to seek public opinion prior to final selection of any person as Information Commissioner.

Demand before the Government to seek consultation with civil society groups prior to floating of any proposal for amendment of Orissa RTI Rules.

Appeal to Chief Minister to seek consultation with different stakeholder groups for effective implementation of RTI Act in the State.

Released on behalf of  
State level public Review on OIC

By

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