

**ODISHA INFORMATION COMMISSION  
BHUBANESWAR**

**Present : Shri Sunil Kumar Misra,  
State Chief Information Commissioner**

**Date 17<sup>th</sup> November, 2020**

**Second Appeal No.2606/2016**

Pradip Pradhan,  
Plot No.D-27,  
Maitree Vihar,  
PO-Rail Vihar,  
Chandrasekharapur,  
Bhubaneswar.....Appellant

**-Vrs-**

1. Public Information Officer,  
Home Department,  
Government of Odisha,  
Secretariat, Bhubaneswar.
2. First Appellate Authority,  
Home Department,  
Government of Odisha,  
Secretariat, Bhubaneswar. .... Respondents

**Decision**

1. Appellant, Pradip Pradhan, is present. The PIO and the First Appellate Authority of the Home Department, Government of Odisha are not present.

2. Vide an application in Form-A dated 11.07.2016 submitted before the PIO of the Home Department, the appellant had requested the PIO to inform him about the arrangements made in the Secretariat for providing access to the public to inspect compliance by the various Departments located in the Secretariat with Section 4(1)(b) of the RTI Act, 2005 and also regarding the arrangements which were in place for providing entry-pass to the members of the public for this purpose.

2.1 The PIO vide a letter dated 25.08.2016 informed the appellant that a Public Information Cell was functioning at the Reception Room of the Secretariat

and applicants could submit their applications in the said Cell for getting information relating to various Departments. The PIO also informed the appellant that arrangement was in place to give entry-pass to the information-seekers on the basis of requests made to the concerned Departments.

**3.** The appellant followed up his application in Form-A by filing first appeal vide an appeal memo in Form-D dated 16.09.2016. It was contended by him that there was no need for a person to file an application for inspecting the records which were required to be disclosed suo motu under Section 4(1)(b) of the RTI Act, 2005. Rule 11 (2) of the Orissa Right to Information (Amendment) Rules, 2006 also mandated that each public authority would have to maintain Registers which would always remain open to inspection by the members of the public in respect of pro-active disclosure under Section 4(1)(b). That is why he had asked for information regarding arrangements made by the Government to enter the Secretariat for enabling such inspections.

**3.1** The First Appellate Authority disposed of the appeal vide an order dated 21.10.2016. He observed that the information given by the PIO was appropriate and no further action was required to be taken.

**3.2** Aggrieved with the order of the First Appellate Authority, the appellant filed the subject second appeal vide an appeal memo in Form-E dated 03.11.2016. In the second appeal thus filed, apart from reiterating the contentions raised in the first appeal, the appellant also alleged that “officials sitting in the counter opened at Reception Centre of the Secretariat for RTI purpose are not issuing pass to the people coming for inspection of suo motu information pro-actively disclosed by the Departments under Section 4(1)(b)”.

**4.** This case was earlier heard on four dates. The Commission heard the parties and also considered the written memorandum submitted by the PIO of the Home Department.

**4.1** It was submitted by the PIO that information had been duly provided to the appellant vide a letter dated 28.05.2016. It was intimated to him that applications for information could be submitted in the RTI Cell operating from the Reception Room of the Secretariat; and, moreover, applicants could enter the Secretariat after showing their identity cards for making payments towards cost of information, for getting information and also for making inspections. It was also submitted by the PIO that due to security reasons there were restrictions on entry into the Secretariat premises. However, a person desiring to inspect the records could intimate the same to the appropriate authority for issue of Secretariat passes. As regards the appellant's allegation that the officials at the Reception Centre were not issuing passes, the PIO submitted that the duty of the officials at the Reception Centre was to receive the RTI applications and to forward the same to the concerned Departments. "Every applicant can be issued with Secretariat Pass if he comes in the proper channel". Submitting thus, the PIO stated that the information provided to the appellant was not misleading.

**4.2** The appellant on the other hand submitted that citizens were facing difficulties in getting passes and, therefore, suitable directions be given to the appropriate Government for making effective arrangements in this regard.

**5.** The submissions made by both the parties have been considered. Prima facie, the information given to the appellant cannot be considered misleading. At the same time, the Commission cannot overlook the difficulties which citizens are experiencing for getting entry into the Secretariat for the purpose of making inspection of the disclosures made under Section 4(1)(b). Therefore, it is necessary that the concerns raised by the appellant are addressed.

**5.1** Section 4 is undisputedly the very core of the RTI Act, 2005. Under this Section, the public authority is under obligation to make suo motu disclosure of certain specified information and also to publish and disseminate such information in

a manner which would be easily accessible to the citizens. Even while fastening these obligations to the public authorities, Section 4 has also recognized the right of the citizens to make inspection of the records and information maintained under Section 4. The Orissa Right to Information (Amendment) Rules, 2006 have also categorically provided for proactive disclosure of information including inspection of the relevant Register i.e. in Form-F. Section 26 provides that the appropriate Government shall prepare “guides” so as to facilitate furnishing of information as required under Section 4 to the citizens.

**5.2** In view of the above, it is imperative that the public authorities make such arrangements that easy accessibility to information required to be proactively disclosed under Section 4 can be ensured. Citizens have to be provided access to the information under Section 4(1)(b) and also have to be enabled to inspect the prescribed registers. The Home Department has mentioned about concerns regarding security. In the Commission’s view, such concerns also cannot be disregarded. For, it is for the appropriate Government to make suitable arrangements for security. It is therefore necessary that the citizens’ right and the public authorities’ concerns are synthesised harmoniously and a way out is found to provide access to the citizens without at the same time ignoring the security concerns.

**5.3** The PIO of the Home Department has stated that the citizens desirous of information and inspection can request, through proper channels, for entry-passes. However access to the proper channel itself can pose problems. Getting passes can also be a cumbersome process. In the Commission’s view, it would be ideal if arrangements are made to disclose information under Section 4 without constraining the citizens to go through such rigmarole. This calls for arrangement to provide information, as far as possible, at the Reception Center itself. In this age of advanced technology, it is not difficult to make such arrangements. Installation of KIOSK can be one possible mode. The other could be to instal Display Monitors at

the Reception Center where citizens desirous of viewing information under Section 4(1)(b) can do so with minimum assistance from a technician manning the Centre. The Commission therefore recommends to the appropriate Government that these alternatives be considered and implemented. This will not only benefit the citizens as they would not have to go inside the Secretariat after long waits for getting information, it would also allay the apprehension of the public authorities regarding security. Above all, the task of disclosure of information would become easier and smoother.

**5.4** The Commission also recommends that there should be Display Boards at the Reception Center clearly mentioning the names, designations and contact numbers of the PIOs and First Appellate Authorities whom citizens can contact, if and when required, for issue of entry-passes and / or for any other matter including physical inspection of records and documents.

**5.5** The above recommendations are made under Section 25(5) of the Right to Information Act, 2005.

**6.** Registry shall send copies this order to the Chief Secretary of the Govt. of Odisha as well as to the Secretary of the information and Public Relation Department for necessary action and compliance.

**7.** With the above observations and the recommendations, the case is hereby closed and the subject second appeal stands disposed of.

**Pronounced in open proceedings**

Given under the hand and seal of the Commission this day, the 17<sup>th</sup> November, 2020.

**State Chief Information Commissioner**  
17.11.2020

