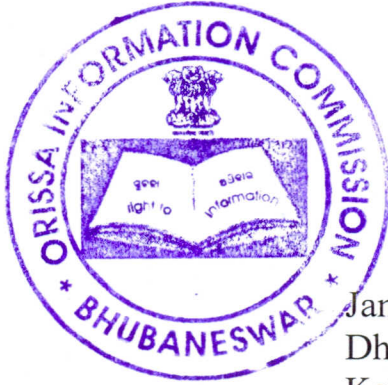


**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

Present: Shri Jagadananda, SIC

Date: 20th January, 2009

Complaint Case No. 536/2007



Janmejaya Naik,
Dharmagarh-766015,
Kalhandi District.....Complainant

-Vrs-

Public Information Officer,
Office of the District Agriculture Officer,
Dharmagarh,
Kalhandi District..... Opposite Party

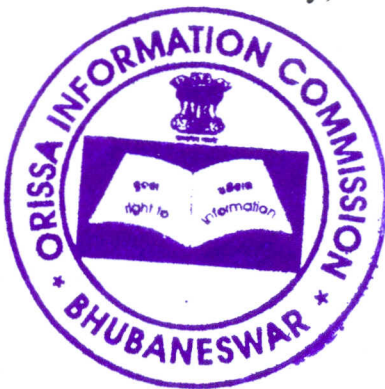
Decision

1. Complainant Janmejaya Naik is absent. The same cannot be condoned under Rule 9(2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006 in view of the order dated 24/09/08 in which presence of the Complainant was considered essential. During the last hearing the representative of the District Agriculture Officer, Dharmagarh was present.
2. The case was last heard on 22/08/08 and 24/09/08. The PIO states that the Complainant had filed form A application on 03/04/07 seeking information pertaining to the records available at the Public Authority on suo-motto disclosure as per Section 4(1)(b) of the RTI Act. The Complainant had desired for inspection and copies of the records to receive by person. The Complainant had visited the Public Authority on 23/01/08 and received the information. The PIO also provided photographs of the wall writings etc on the suo-motto disclosure made by the Public Authority.

3. There appears to be delay in responding to the RTI application and the reason stated by the opposite party was lack of specific guidelines and resources to implement the Section 4 of the Act. The State Commission is of the opinion that the delay in implementation of Section 4 of the Act can't be attributed to the concerned PIO alone. It is a collective failure of the Public Authority and as such the Heads of the Department i.e. Principal Secretary, Department of Agriculture, Government of Orissa is directed to issue appropriate guidelines and to provide adequate resources for implementation of the mandatory provisions of Section 4 of the RTI Act, 2005 in both letter and spirit and report compliance through the Registrar within four weeks of receipt of this order with an affirmative plan of Action.
4. The Complainant was accorded another opportunity to take part in the hearing of the case to have his say, if any. Despite notice he is absent. Presumably he has no other issue in this case.
5. Subject to the compliance and observation made supra, the case is disposed of and closed with no penalty awards.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 20th day of January, 2009.



[Handwritten Signature]
SIC 20/1/09