

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

Present.: **Hon'ble Shri D.N. Padhi, S.C.I.C**
and
Prof. Radhamohan, S.I.C

Dated. 23rd May 2006

Complaint Case No.26/2006



Sri Balabhadra Sahoo,
Advocate,
Plot-No. 3, Ananda Sarani
Berhampur, Gunjam.....Complaint

-Vrs-

Executive Officer
Berhampur Municipality
Berhampur.....Opposite Parties

Decision

The Complainant Sri Balabhadra Sahoo is present.

2. The Executive Officer, Berhampur Municipality is absent. Sri Prafulla Chandra Pradhan, Additional Executive officer of the said Municipality appeared on his behalf as his authorised representative. His presence is accepted.

3. This complaint case was filed before the State Commission in the form of a Second Appeal which during scrutiny, as per the prescribed Appeal procedure, was found eligible to be registered as a complaint case only. Hence it has been accepted as such.

4. It is contended by the Complainant that in spite of his application u/S 6(1) of the Right to Information Act, 2005, Berhampur Municipality Authorities did not supply the information to him. He approached the 1st Appellate Authority (Executive officer Berhampur Municipality) who also did not decide the appeal within the time specified in the Right to Information Act. The Complainant further alleged that the 1st Appellate Authority did not even provide an opportunity of hearing him for which he has approached the State Commission.

5. (a) The Executive Officer Berhampur Municipality in his show cause dt. 19.05.2006 at paragraph 7 (seven) has averred as follows:-

Contd.....

“After receipt of guidelines from Authorities vide memo No. 2721 dt. 17.02.2006 appointment of Public Information Officers, Additional Public Information Officers and 1st Appellate Authority were notified.”

(b) From the above stand of the Executive Officer it is clear that till 17.02.06 they had not designated any body nor declared the names of the Public Information Officers, Additional Public Information Officers & 1st Appellate Authority which was done much after the provision of the Right to Information Act, 2005 came into operation. The Additional Executive Officer of the Municipality contended before the State Commission that only after receipt of the guidelines from their Administrative Department, the above appointment were done by the Municipality. Such delay in imparting instructions by the concerned Department is highly improper. However considering the recent origin of the Right to Information Act, 2005 and that admittedly there were no Public Information Officers or 1st Appellate Authority neither the Executive Officer nor the Additional Executive Officer can be conclusively said to have intentionally violated the provisions of the Right to Information Act, 2005.

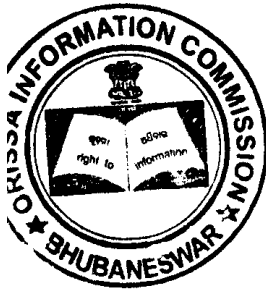
6. The State Commission while deprecating the omissions and commissions of the above discussed Authorities, direct both the Executive Officer and the Addl. Executive Officer of Berhampur Municipality to supply the information sought for by the Complainant within 24 hours, that is, latest by 11 AM on 24.5.06, and report compliance. Considering the inordinate delay caused by the above authorities in supplying the information they are further directed to provide the information to the Complainant free of cost.

With the above directions to the Opposite parties, the complaint case is allowed.

Pronounced

Given under the hand and seal of the State Commission, this 23rd

day of May 2006.




(D.N. Padhi)
Hon'ble S.C.I.C


(Prof. Radhamohan)
S.I.C

23.5.06