

ODISHA INFORMATION COMMISSION

BHUBANESWAR

**Present: Shri Tarun Kanti Mishra,
State Chief Information Commissioner**

Dated: 17th April, 2012

Complaint Case No-66 / 2010

Ganesh Kumar Agarwal,
Plot No-385, Old Station Bazar,
Bhubaneswar.....Complainant

-Vrs-

Public Information Officer,
Office of the Odisha State Co-operative Milk Producers Federation Ltd.
D-2, Sahid Nagar,
Bhubaneswar-751007.....Opposite Party

Decision

1. Complainant Ganesh Kumar Agarwal is absent. Gyan Chand Das Patnaik, PIO-cum-DGM (P &I), OMFED, Bhubaneswar is present along with Jyoti Prasad Mohanty, Assistant Manager, OMFED, Bhubaneswar.
2. Complainant filed form-A application dated 10/11/2009 with the PIO, Fisheries and Animal Resources Development Department seeking information about OMFED on three counts such as balance sheet and profit and loss account of the year 2006-07, 2007-08, 2008-09, funds received from Government and other sources for the financial year 2006-07, 2007-08 and 2008-09 and under which purpose, and costing sheet of Milk (brand wise & quantity wise i.e. 500 ml and 1 litre) for arriving at the end price of milk to the consumer point. On receiving the application, the PIO, Fisheries and

ARD Department transferred the application under Section 6(3) of the RTI Act, 2005 to the PIO, Odisha State Co-operative Milk Producers Federation Ltd., (OMFED) vide letter No-11994 dated 12/11/09. The PIO vide letter dated 6153 dated 18/11/2009 intimated the complainant that balance sheet and profit and loss account for the year 2006-07, 2007-08 and 2008-09 are available in the website. He did not furnish any information on points No-2 and 3 stating that it will affect the competitive position of OMFED. Being aggrieved, the complainant approached the First Appellate Authority on 08/12/2009 who did not dispose of the appeal. The complainant thereafter moved the Commission on 21/01/2010.

3. The PIO submitted that the First Appellate Authority after receiving the appeal rejected the same upholding the decision of the PIO and intimated the complainant vide letter No-1561 dated 26/03/2010. Thereafter getting the notice from the Commission, the information regarding profit and loss and balance sheet for years 2007-08 and 2008-09 (provisional) and funds received from Government of Odisha and Government of India for the last five years has been furnished to the complainant vide letter No-1898 dated 15/04/2010 by registered post. However information regarding costing sheet on milk was not disclosed on the ground that such disclosure would harm the competitive business of OMFED as per Section 8(1)(d) of the Act.
4. The complainant submitted that he has not received the information regarding costing sheet of milk (brand wise and packwise). He argued that the same may be furnished to him since those relate to public. He stated that as per proviso to Section 8(1)(j), the information should be furnished to him.
5. The Commission carefully considered the arguments and counter arguments of both the parties and also perused the records. OMFED is a Federation of Co-operative Milk Producers. Its prime objective is to spur dairy

development in the State and to facilitate supply of quality milk to the consumers. It is not a mere commercial entity. Within it, there is a neat combination of welfare objectives and commercial enterprise. It has a social commitment far above a business sense. Considering its public interest dimensions, it is necessary that OMFED should have requisite transparency and accountability. OMFED should accordingly disclose its costing practices just as it has disclosed its balance sheets and other details. The PIO in his defence had taken shelter of the exemption under Section 8 of the RTI Act, 2005. It is pertinent to point out that the proviso under this Section requires that information which cannot be denied to the Parliament or State Legislature, shall not be denied to any person. The records of OMFED are subject to scrutiny by statutory Audit Agencies as well as the Legislature's Standing Committee and others. Thus the argument of the PIO lacks force. An institution which takes care of the livelihood of thousands of Milk Producers under the ever expanding umbrella of co-operatives and which markets an essential commodity that everybody needs, should be in the forefront of transparent and accountable public authorities. The PIO is directed to furnish the requested information to the complainant within 30 days under registered post, free of cost. The public authority is also advised to facilitate public access to such an important information by placing the same in its official website. With these directions, the case is closed.

Pronounced in open proceedings

Given under the hand and seal of the Commission this day, the 17th
April, 2012.

State Chief Information Commissioner
17/04/2012