

**ODISHA INFORMATION COMMISSION
BHUBANESWAR**

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

Date 20th March, 2018

Second Appeal No. 3126 / 2014

Rohan Kumar Mohanty,
Samanta Sahi,
Canal Road,
Cuttack district.....Appellant

-Vrs-

1. Public Information Officer,
Office of the D.I.G. of Police,
Economic Offences Wing,
CID, CB, Odisha, Bhubaneswar.
2. First Appellate Authority,
Office of the D.I.G. of Police,
Economic Offences Wing,
CID, CB, Odisha, Bhubaneswar.....Respondents.

Decision

1. Appellant, Rohan Kumar Mohanty, is not present. Bidhu Bhusan Mohanty, Public Prosecutor, Economic Offences Wing(EOW), CID, CB, Odisha, Bhubaneswar and Gopabandhu Pati, Superintendent of Police, EOW, Bhubaneswar are present.

1.1. Earlier the PIO had submitted before the Commission copies of status reports as on 16.09.2014 of investigations into the land-scam cases. The same form part of records.

2. Vide an application in form-A dated 16.09.2014 filed with the PIO, office of the Additional Director General of Police, CID, CB, State Police Headquarters, Odisha, Cuttack, the appellant had requested the PIO to provide

him lists of cases of corruption and fraud in sale, purchase, allotments and regularisation of Government land and building which had been given by the Revenue & Disaster Management Department and the General Administration Department of the Government of Odisha to the Crime Branch for making further enquiries. The appellant had sought lists of such cases from the year 1980 till date.

3. The PIO-cum-Superintendent of Police, Economic Offences Wing(EOW), CID, Crime Branch rejected the application vide a Form-C dated 27.09.2014. It was held by him that the information sought by the appellant could not be provided as the Crime Branch happened to be exempt organisation under Section 24(4) of the RTI Act, 2005 in view of the Government of Odisha Notification No.29086/IPR dated 29.10.2005.

4. Aggrieved, the appellant filed first appeal vide an appeal memo in form-D dated 24.10.2014. In an order dated 05.11.2014, the First Appellate Authority-cum-D.I.G. of Police, EOW, CID, CB, Odisha confirmed the stand taken by the PIO. He observed, inter alia, that the information sought by the appellant neither related to violation of human rights nor to any case of corruption so as to come under the exception to Section 24(4).

5. The appellant then filed second appeal before this Commission vide an appeal memo in form-E dated 23.12.2014 contending that the First Appellate Authority was not justified in upholding the PIO's rejection since the subject matter of the information sought by him (appellant) was squarely related to allegation of corruption.

6. This case was earlier heard on a few occasions. These earlier hearings were attended by the appellant himself as well as by the respondents viz Rajendra Patnaik, then PIO-cum-superintendent of Police, Economic Offences Wing, CID, CB, Bhubaneswar; Arun Bothra, First Appellate Authority-cum-Inspector General of police; and, Radha Krishna Sharma, successor First Appellate Authority-cum-Inspector General of Police. Bidhu Bhusan Mohanty and

