

**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

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

11th July, 2006

Complaint Case No 11/2006

Sri Rabindra Nath Das,
At: Jhatiada
Po: Haripur,
Via: Amarda
Mayurbhanj District.....Complainant

-Vrs-

Sarapancha and Panchayat Secretary,
Jatiada Gram Panchayat,
Mayurbhanj District.....Opposite Party

Complaint Case No 22/2006

Sri Rabindra Nath Das,
At: Jhatiada
Po: Haripur,
Via: Amarda
Mayurbhanj District.....Complainant

-Vrs-

1. Shri V.K. Pandian, District Magistrate and Collector, Mayurbhanj, Baripada
2. Sub-Collector, Baripada
3. Block Development Officer, Rasgovindpur, Mayurbhanj.
4. Sarapanch, Jhatiada G.P. At-Jhatiada, Po-Haripur, Via-Amarda, Dist-Mayurbhanj, Orissa-757055.
5. Panchayat Secretary, Jhatiada G.P. At-Jhatiada, Po-Haripur, Via-Amarda, Mayurbhanj District.....Opposite Parties

Decision

1. By this common decision both the above mentioned complaint cases shall be heard as they arise from similar cause of action and between same parties. Complaint case No. 11 of 2006 posted to 14/07/06 is advanced to today on the request of both the parties.
2. Advocate Sri Aparesh Bhoi is present who has been authorized by the Complainant Sri Rabindranath Das to represent him in the case. Opposite Parties Sri Subrat Kumar Patra, Secretary, Jhatiada GP, Sri Premjit Nayak, OAS, Establishment Officer-cum-PIO, Mayurbhanj Collectorate, Baripada and Sri Himanshu Shekar Das, Fishery Extension Officer, Rasgovindpur Block (on behalf of BDO Rasgovindapur) are present. Heard the parties in detail.




3. From the contesting submissions of the parties before the State Commission it emerged that the Complainant was of the wrong notion that he being a BPL cardholder is not supposed to pay any fees for the copies of the information needed by him. Law is clear that no application fee shall be charged to an information seeker belonging to BPL Category.
4. As found from the official correspondence made in the above regard PIO, Jhatiada Gram Panchayat has taken urgent steps in intimating the Complainant to deposit Rs.675/- for the 135 pages of information needed by him by calculating at the then prevailing rate of Rs.5/- (Rupees five) per page. Although the Complainant received the said intimation from the PIO on 09/03/06, he did not deposit the amount of fees for which the information could not been provided to him. In fact, he has not deposited the fees as on today! From the above-admitted factual position no fault can be attributed to the concerned PIO. On the contrary, because of the above wrong notion of the Complainant he has not been able to get the information needed by him.
5. It is submitted by the learned counsel Sri Bhoi that the Complainant sent the application to the Sarpanch by speed post who refused to accept the same and thus he has violated the provisions of the RTI Act, 2005. This submission has no legal basis since BDO, Rasgobindpur submits before the State Commission that the Sarpanch is not the PIO of Jhatiada Gram Panchayat. The counsel for the Complainant, finally conceded that his client has sent the application to a wrong person which he should have sent to the PIO of the above Gram Panchayat.
6. We may, therefore, conclude that none of the Opposite Parties can be faulted in the case. On the contrary, the Complainant's case can be held as not maintainable for the above discussed defects and his own wrong understanding about payment of fees. But the State Commission keeping in view the purport and object of disclosure of information which is the Rule, feel it just and appropriate to direct the PIO, Jhatiada GP to intimate again the Complainant about his liability to pay fees at the revised rate of fee of Rs.2/- per page. The Complainant is also to be intimated by the PIO that if he wants to inspect the required information and select some out of the bulk so as to reduce the fees payable. The above intimation be given to the Complainant by the PIO within 3 days. In case the Complainant wants to inspect the document, an opportunity be afforded to him. It after inspection he only needs copy of some information, duly authenticated copies thereof be provided to him subject to deposit of fees at the revised rate.
7. With the aforesaid observation both the cases of the Complainant are disposed of.

Inform all concerned.

Pronounced

Given under the hand and seal of the State Commission, this 11th day of July, 2006.


Hon'ble S.C.I.C
11.7.06


Hon'ble S.I.C
11.7.06