

BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR

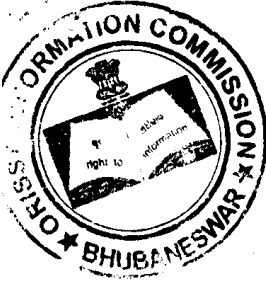
Present.: Hon'ble Shri D.N. Padhi, S.C.I.C

and

Prof. Radhamohan, S.I.C

Date 26<sup>th</sup> July, 2006

Complaint Case No.59/2006.




Sri Narendranath Das  
Senior Clerk,  
Office of the C.E.(P)-cum- C.E.I (Gen),  
Orissa Power House Square,  
Unit-V, Bhubaneswar.....Complainant.

-Vrs-

1. Public Information Officer  
Orissa Legislative Assembly,  
Bhubaneswar
2. Sri Balakrushna Sahoo, I.A.S,  
Cum-1<sup>st</sup>.Appellate Authority,  
Secretary, Orissa Legislative Assembly  
Bhubaneswar.....Opposite Parties.

Decision

1. The Complainant is absent on repeated calls. Both the Opposite Parties are present. Complainant's absence during hearing will not adversely affect the case since he has an option to be present or absent under Rule 9(2) of the Orissa Information (Appeal Procedure) Rules, 2006. Perused the allegation made in <sup>the</sup> complaint and heard the Opposite Party.
2. The Complainant sought for information regarding the alleged illegal appointment of one Sri Samir Chandra Jagdev which has not been supplied to him. The Public Information Officer and the 1<sup>st</sup>. Appellate Authority of O.L.A. (Orissa Legislative Assembly) submit that the said issue was referred to the Committee on Welfare of S.C. & S.T persons constituted by Orissa Legislative Assembly and the report of the said Committee is yet to be received in the Hon'ble Speaker's Secretariat to be placed in the floor of the House. In essence the plea of breach of privilege of the State Legislature has been advanced by the Opposite Party regarding disclosure of the information under study/scrutiny of the said House Committee.
3. At this stage let us have a look to the permission of Sec-8(1)(c) of the RT.I. Act-2005. It speak that information, the disclosure of which would cause breach of privilege of the State Legislatures cannot be supplied to any citizen. The above quoted impediment is directly applicable to the present case. Therefore, the case of the Complainant is hit by the above legal obstacle and dismissed accordingly.

  
Hon'ble SCIC 26.7.06  
SIC