

**ODISHA INFORMATION COMMISSION  
BHUBANESWAR**

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

**Dated: 17<sup>th</sup> September, 2019**

**Second Appeal No.678/2016**

Anjan Kumar Dash,  
Plot No.CS-22,  
Suryakiran Market Complex,  
Sahidnagar, Bhubaneswar,  
District-Khordha .....Appellant

**- Vrs -**

(1)Public Information Officer,  
Utkal University, Vani Vihar  
Bhubaneswar

(2)First Appellate Authority,  
Utkal University, Vani Vihar,  
Bhubaneswar .....Respondents

**Decision**

1. Appellant, Anjan Kumr Dash, is present. Pranab Kumar Rana, Principal, University Law College, Vani Vihar, Bhubaneswar is also present.
2. Vide an application in Form-A dated 26.11.2015 submitted before the PIO of Utkal University, Vani Vihar, Bhubaneswar, the appellant had requested the PIO to provide him copy of the report of the Justice J.J. Patra Judicial Committee in respect of the Utkal University Law College, Bhubaneswar and copies of all related documents. He had also requested the PIO to inform him about action taken in pursuance of the said report of the Committee. On 28.12.2015, the PIO sent a reply, as received from the Principal of Utkal University Law College, to the appellant. The Principal stated that the report of the High Power Committee was available in a sealed

cover and the same could not be supplied without the permission of the said Committee.

**3.** Aggrieved, the appellant filed first appeal vide an appeal memo in Form-D dated 25.01.2016 and, thereafter, the subject second appeal vide an appeal memo in Form-E dated 19.03.2016.

**4.** This case was earlier heard on a few occasions. During the initial hearings, the Commission perused the records and sought to know from the PIO as well as the Referred PIO, i.e. Principal of University Law College, how the report could be considered as exempt under Section 8 of the RTI Act, 2005. Without prejudice to the above and also as fiduciary relationship appeared to be involved in as much as the concerned authorities had entrusted the enquiry in confidence, the Commission asked the appellant to demonstrate what larger public interest as referred to in Section 8(1)(e) would be subserved by the disclosure of the information sought by him.

**4.1** Complying with the direction, the Referred PIO-cum-Principal of University Law College submitted that he was not competent to supply the information without the permission of the High Power Committee and permission was yet to be received. The Commission could not routinely accept the submission made as the Principal's reply did not fit into any of the clauses of Section 8 of the RTI Act, 2005. Hence the Commission directed the Referred PIO to submit the report for the Commission's perusal.

**4.2** In compliance of the above direction, the Referred PIO-cum-Principal submitted the enquiry report at the time of the hearing on 06.02.2019. The said report was cursorily gone through and the Commission observed that there were references to several individuals. The report also contained information of a personal nature. Some of the information were also in the nature of third party information within the meaning of Section 11(1) of the RTI Act, 2005. The Commission further observed that even though the appellant had been directed to state what public interest would be subserved by the disclosure of the information sought by him, he was yet to comply. Hence the Commission allowed him further opportunity to do so.

**4.3** Responding to the direction thus given, the appellant made a written submission dated 18.07.2019. He also handed-over a copy of the said submission to the Referred PIO who was directed to make his counter-written submission, if any.

**5.** The Referred PIO-cum-Principal has not made any counter-submission. In the circumstances, the Commission proceeds to dispose of the subject appeal on merits as under :

**5.1** The enquiry report sought by the appellant related to several complaints against incidents of ragging in the University Law College and its hostels. As per the appellant, raggings have been going on for years together. The appellant has stated that he asked for a copy of the report with the hope that disclosure would help prevent similar incidents in future; and actions could also be taken against the students found responsible / guilty. The appellant has stated that raggings are being resorted to due to certain unscrupulous elements with the involvement of teachers and outsiders and innocent students are getting subjected to undue hardships. His son, Bismaya Dash, was one of the victims. Even though several authorities were approached for getting justice, nothing happened. On the other hand, 12 cases have been filed against Bismaya Dash; and, some of the cases are also pending. The appellant has enclosed to his written submission copies of various letters written by Bismaya Dash to several authorities in the matter of his victimization through ragging.

**5.2** The submissions made by the appellant have been considered. The appellant has made his objectives clear. The same are two-fold. Firstly, the appellant wants that such incidents must not recur. Secondly, he wants that action should be taken by the concerned authorities on the basis of complaints made by Bismaya Dash from time to time. The Commission finds merit in the first objective. None can deny that the ugly incidents of ragging must be put an end to. However, as regards the second objective i.e. action on complaint made by Bismaya Dash, the Commission finds that the appellant had not make any reference thereto in his application in Form-A. Therefore, the actions taken, not taken or to be taken on the complaints can not come within the purview of the present proceedings.

**5.3** Having observed thus, the moot question considered is whether the report can be disclosed or not. The Commission had earlier observed that the report contains several personal as well as third party information. It also contains details of several incidents which happened in the University involving several students, both boys and girls; and allegations made by the witnesses during the course of the enquiry. Needless to say, such details of information relating to specific students including girls with their names, if revealed, might incite violence and might also subject those students, the accused as well as the accusers, to undue exposure which is not desirable, more so when the appellant's son has filed several cases which are pending. Even the enquiry report has made reference to such cases. It also cannot be ignored that the Judicial Committee report is a report prepared and submitted in confidence and trust. Thus Section 8(1) (a) and Section 8(1)(j) become applicable. Exceptions can be made only if and when larger public interest in disclosure can be said to be outweighing the personal, private and protected interests. However, as already stated, revelation of the names of the students might, instead of serving any larger public interest, might expose them to risks. Disclosure of the report might also cause prejudices against the Committee itself. Therefore, the Commission is of the considered view that the enquiry report in so far as it relates to the incidents, students involved in the incidents, accusations and counter-accusations made etc. cannot be disclosed.

**5.4** Having held as above, the Commission also finds that the Judicial Committee in its report has given several recommendations. These recommendations are found in pages 37 onwards. The avowed objective of making the recommendations was that the University authorities would follow certain practices and would set up certain mechanisms as suggested so that the incidences of ragging could be prevented and action could also be taken against the students found to be responsible whenever such incidents would occur. Considering the above objectives, the Commission is of the view that these recommendations must be disclosed in the larger public interest. Therefore, the Commission hereby directs the Referred PIO-cum-Principal of the

University Law College to supply to the appellant a copy of the part of the Justice J.J. Patra Enquiry Committee Report containing the recommendations which are in pages 37 onwards.

**5.5** The Commission also directs the Vice-Chancellor of Utkal University to release the recommendations to the public domain by uploading the same in the web-site of the university. This will help sensitize all concerned about the gravit of the incidences of ragging and the seriousness of their consequences, and shall also hekp them exercise due care and caution so that such incidences get prevented from occurring. The above recommendation is being given by virtue of the power of the Commission as per Section 19(8) (a) (iii) of the Right to Information Act, 2005.

**5.6** The above directions shall be complied with within 15 days from the date of receipt of this order under intimation to this Commission. Registry is directed to send a copy of the Commission's order to the Vice-Chancellor of Utkal University for information and necessary action. The Vice-Chancellor shall send a compliance report to this Commission.

**6.** With the above observations and direction, the case is hereby closed and the subject second appeal stands disposed of.

**Pronounced in open Proceedings**

Given under the hand and seal of the State Commission, this the 17<sup>th</sup> Day of September, 2019.

**State Chief Information Commissioner  
17.09.2019**