

**ODISHA INFORMATION COMMISSION  
BHUBANESWAR**

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

**Date 18<sup>th</sup> December, 2018,  
Second Appeal No. 2937 / 2016**

Siba Sankar Patro,  
S/o – Late M.D. Patro,  
K. Nuapalli, Debabhumi,  
Dist.- Ganjam.....Appellant

**-Vrs-**

1. Public Information Officer,  
Office of the DG & IG of Police,  
Odisha, State Police Headquarters,  
Cuttack.
2. First Appellate Authority,  
Office of the DG & IG of Police,  
Odisha, State Police Headquarters,  
Cuttack.....Respondents.

**Decision**

1. Appellant, Siba Sankar Patro, is not present. However, he has sent a written submission dated 06.12.2018. Rabinarayan Behera, PIO-cum-AIG of Police(Headquarters), State Police Headquarters, Odisha, Cuttack is present.

2. Vide an application in form-A dated 24.10.2016 filed with the PIO, office of the D.G. & I.G. of Police, State Police Headquarters, Cuttack, the appellant had requested the PIO to provide him attested copies of the representations made vide certain letters and petitions. The PIO issued a Form-B dated 11.11.2016 requiring the appellant to pay Rs.80/- ( Rs.40/- towards information cost and Rs.40/- towards Speed Post charges). In response, the appellant sent 3 IPOs on 19.11.2016. However, the above mode of sending cost

was not acceptable to the PIO because, as per him, the deposit had to be made in cash. Hence he returned the IPOs to the appellant vide letter dated 25.11.2016.

**3.** The appellant followed up his application by filing first appeal vide an appeal memo in form-D dated 01.12.2016. The First Appellate Authority rejected the appeal by stating that the appeal memo had not been submitted in the prescribed form as per the Odisha RTI Rules.

**3.1** The appellant, thereafter, filed the subject second appeal vide an appeal memo in form-E dated 12.12.2016. The appellant contended in the second appeal that the action of the PIO in not receiving the IPOs was not in conformity with the guidelines issued by the Department of Personnel and Training, New Delhi vide OM dated 08.11.2007. The PIO also acted contrary to the instructions issued by the Government of Odisha in the matter. The appellant also alleged that while the PIO thus refused the application in form-A whimsically, the First Appellate Authority rejected the first appeal unilaterally. Contending as above, the appellant urged that direction be given to the respondents to provide him the required information, free of cost, as per Section 7(6) of the RTI Act, 2005 and actions also be taken against the respondents under Sections 19 & 20 of the RTI Act, 2005.

**4.** The case was heard on 21.08.2018. During the course of the said hearing, the concerned authorities were directed to show cause why adverse view should not be taken of their orders in rejecting the application / appeal memo since such rejections were not in conformity with the Government's instructions as per Circulars No.RTI-110/00-6468 / I&PR and OM No.234 dated 17.10.2013. The Commission also directed the respondents to send copies of their written memoranda to the appellant.

**5.** The PIO has stated in his written submission that copies of the written submissions were sought to be handed over to the appellant at the time of the last hearing itself. However, the appellant did not receive the same.

**5.1.** In a further submission made during the course of the hearing today, the PIO has stated that the application in form-A had been rejected as the cost had not been paid in cash and the first appeal had been rejected as the appellant had filed the appeal memo in a plain paper. However, the information as sought by the appellant shall be sent to him, free of cost, by speed post within a week under intimation to the Hon'ble Commission.

**5.2.** The submissions thus made have been considered. The Commission finds that the PIO was definitely in error in rejecting the application in form-A and also in returning the IPOs since it has been already held by the Commission that IPOs are nothing but cash. Even earlier, the Ministry of Personnel, PG and Pension, Government of India had issued a Circular dated 05.12.2008 wherein it was stated that a public authority should not reject an application merely on the ground that the deposit was made by way of IPO. Even the Government of Odisha in Circular No.6468 had directed acceptance of IPO / Bank Draft etc. in addition to cash and Treasury Challan. The PIO ought to have taken cognizance of the above guidelines and Circular.

**5.3.** As regards rejection of the appeal memo, it has been stated that the same was in plain paper. The appellant had affixed Court fee stamp thereon. The Commission finds that the appeal memo was indeed in plain paper. However, the contents of the appeal memo were in order. Where the contents of an appeal memo are in order, rejection of appeal merely on the ground that a particular form was not used cannot be justified. Moreover, the RTI Act is a beneficial legislation and the authorities should not dilute the purpose of the legislation but should adopt a constructive approach and, if necessary, iron out the creases.

**5.4.** In view of the above, the Commission holds that both the PIO and the First Appellate Authority were in error in rejecting the appellant's application and appeal memo. The Commission therefore directs the Ex-PIO and the Ex-First Appellate Authority to show cause why action under Sections 20 & 19 shall not be taken against them for the above errors / lapses on their part which resulted in non-furnishing of information to the appellant.

**5.5.** Having decided and directed thus, the Commission nonetheless deems it appropriate to close this case in view of the undertaking given by the PIO to furnish information to the appellant within a week. The case to the extent it pertains to supply of information is accordingly closed.

**6.** With the above observations directions, the subject second appeal in so far as it relates to furnishing of information stands disposed of. Proceedings under Sections 19 and 20 in the cases of the Ex-First Appellate Authority and the Ex-PIO respectively shall continue.

**Pronounced in open proceedings**

Given under the hand and seal of the Commission this day, the 18<sup>th</sup>  
December, 2018.

**State Chief Information Commissioner  
18.12.2018**