

**GOVERNMENT OF ODISHA  
INFORMATION & PUBLIC RELATIONS DEPARTMENT**

File. No. IPR-RTI-MAINT- 0004-2022, 7783 /IPRBBSR, Dt 04/07/2022

From

Shri Sanjay Kumar Singh , IAS  
Principal Secretary to Government.

To

All Addl. Chief Secretary to Government  
All Principal Secretaries to Government  
All Commissioners-cum- Secretary to Government

Sub:- Compliance to Section 4 of the RTI Act- regarding Direction of Odisha Information Commission thereof.

Madam/Sir,

As per the provisions as made under section 4 of RTI Act 2005 and order passed on dated 18.04.2022 by the Odisha Information Commission in Complaint Case No 339/2017 filed by one Sri Biswajit Mohanty (**Copy enclosed**), the I & PR Department has developed a RTI Portal for effective implementation & monitoring of RTI Mechanism through RTI (Central Monitoring Mechanism) at [www.rtiodisha.gov.in](http://www.rtiodisha.gov.in) under Section 26 of the RTI Act, 2005.

2. The Odisha Information Commission has expressed grave concern over the process of Proactive Disclosure as contained under Section 4 of the RTI Act, 2005. As per the observation of the Information Commission, Section 4 (1) (b) of the RTI Act has a pivotal position in the overall architecture of law governing right to Information.

4. As such, it is the responsibility of all Public Authorities to ensure periodic updation of Proactive Disclosure under Section 4 (1) (a) (b) (c) (d) & (2) and to meet other implications of the RTI Act at regular intervals .

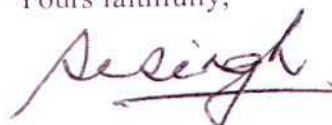
5. As per the provisions of Section 4 of the RTI Act 2005, it is requested that the Public Authorities shall proactively disclose and update information in the Government RTI Portal [www.rtiodisha.gov.in](http://www.rtiodisha.gov.in) both in English and Odia. If any, difficulty is faced in this regard, the concerned Public Authority may contact the RTI PMU set up in this Department for necessary assistance/ guidance in this matter.

**The Contact Number of RTI PMU 0674-2391356/9238104446 and e-mail ID [rti-ori@nic.in](mailto:rti-ori@nic.in)/[rtiportal@gmail.com](mailto:rtiportal@gmail.com)**

In view of this, I would, therefore request you to kindly review the process of Proactive Disclosure in respect of all Public Authorities under your administrative control and send a compliance report to the Odisha Information Commission under intimation to this Department.

This may be treated as '**Top Priority**'.

Yours faithfully,



Principal Secretary to Government.

Memo No. 7784 /IPR, Dated 04/07/2022

Copy along with a copy of the order passed on dated 18.04.2022 of the Odisha Information Commission forwarded to All RDCs/All Heads of Department/ All Collectors-cum-District Magistrate / All Superintendents of Police for information and necessary action.

  
Director 04/07/22

Memo No. 7785 /IPR, Dated 04/07/2022

Copy forwarded to the Registrar, Odisha Information Commission, B-1, Toshali Bhawan, Satya Nagar, Bhubaneswar-751007 for information and necessary action.

  
Director 04/07/22

Memo No. 7786 /IPR, Dated 04/07/2022

Copy forwarded to the RTI PMU of I & PR Department for information and necessary action.

  
Director 04/07/22

Memo No. 7787 /IPR, Dated 04/07/2022

Copy forwarded to the CEO-cum-MD, DCB 615,616,617,6th Floor, DLF Cyber City, Chandaka Industrial Estate, Bhubaneswar -751024 for information and necessary action.

  
Director 04/07/22

Case-2700  
25.5.22

Odisha Information Commission  
Block-B-1, Toshali Bhawan,  
Satyanagar,  
Bhubaneswar-751007



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Complaint Case No-339/17 Decision dt- 18/04/2022

Memo No- 20653 / OIC Dt. 18.05.22

Copy forwarded to the Commissioner-cum-Secretary, Information & Public Relations  
Department, Government of Odisha, Bhubaneswar for information.

Law Officer  
18/05/2022

ODISHA INFORMATION COMMISSION  
BHUBANESWAR

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P R E S E N T: Shri Bikram Senapati  
State Information Commissioner,

Dated the 18th April, 2022

Complaint Case No. 339/2017

Biswajit Mohanty  
Shantikunj, Link Road,  
Dist-Cuttack.....Complainant

-Vrs-

Public Information Officer,  
1. The Secretary, All Departments,  
Govt. of Odisha, Secretariat, Bhubaneswar,  
2. All District, Collectors, Odisha.  
3. The Director, Directorate of Mines, Odisha Bhubaneswar,  
4. The Director, Directorate of Higher Education, Odisha,  
Bhubaneswar,  
5. The Director, Directorate of Secondary Education, Odisha,  
Bhubaneswar,  
6. The Director, Directorate of Elementary Education, Odisha,  
Bhubaneswar.  
Bhubaneswar..... Opp. Party

**Decision**

1. Both the parties are absent on call.
2. The Complainant has filed this Complaint Case alleging non-compliance of suo motu proactive disclosure of information under Section 4(1)(b) of the RTI Act, 2005 both in English and Odia in the Government RTI Portal i.e. www. rtiodisha. Gov. in and issue suitable instructions to all the Public Authorities of the field officers for immediate action under intimation to this department.

3. Pursuance to the notice of the Complaint Case different department of the State sent their written submissions and furnished compliance report.

4. The case was listed for hearing on 19.01.2021 on which date the Complainant was absent. However, Sri. Basanta Kumar Lenka, Assistant Collector of the Bhadrak Collectorate, Aruna Tripathy, PIO-Cum-Deputy Collector of the Balasore Collectorate, Nityananda Singh, PIO(Nodal) of the Home Department, Pareshnath Kar, PIO of the G.A & P.G Department, Tusharkanti Tripathy, PIO of the Higher Education Department, Dillip Kumar Behera, PIO of the F& ARD Department, and Padma Lochan Nayak, Joint Secretary to Government of the Agriculture & F.E Department were present and filed their written submissions which are taken to records.

5. The PIOs of the Fisheries and ARD Department, Directorate of Elementary Education, Agriculture Department and Balasore Collectorate had also sent written submissions which were taken to records. Written submissions were also received from the offices of the ADM, Balasore, ADM, Bolangir, and Collector Bargarh.

6. After hearing the parties, this Commission directed Opp. Parties to file their written submissions stating specifically the last updation of information as required under Section 4(1)(b) of the RTI Act.

7. Thereafter, the case was heard on several occasions and last posted on 22.02.2022 for hearing.

8. On 22.02.2022 the Complainant did not appear due to Covid-19 related restrictions. However, Smt. Suranjika Behera, PIO, O/o the Collector, Keonjhar, made her appearance with all Covid-19 related

restrictions and filed her written submission along with documents which were taken to records.

9. In course of hearing on 22.02.2022 the PIO, O/o the Collector, Keonjhar submitted that Collector, Keonjhar has uploaded up to date the required 17 point information as per provision under Section 4(1) (b) & (c) of the RTI Act and hosted the a same in the RTI website i.e. [www.rti.odisha.gov.in](http://www.rti.odisha.gov.in) (dash board) for information of all branches & general public. The written compliance of proactive disclosures under Section 4(1)(b)&(c) in respect of PIO, Collector, Keonjhar has already been submitted before the Commission vide letter dated 31.03.2021 with memo to the Complainant Sri. Mohanty. She also submitted that the then Additional District Magistrate, Keonjhar communicated the order of the Commission to all district level officers for implementation of Section 4(1)(b)& (c) of the RTI Act, 2005 in their respective office bearing office letter no 132/RTI/dated 12.03.2021. But the PIOs of the said establishments have not reported about the implementation to the ADM office till date. The PIO submitted that reminders have been issued to the PIOs of the said establishments. She however assured to intimate this Commission by the next date of hearing about the implementation of Commission's direction by the Sub-ordinate office.

10. The Collector, Angul also sent his written submission stating that 17 point proactive disclosure under Section 4(1) (b) & (d) of the RTI Act both in English & Odia language of District Office, Angul had already been updated. Other officers have been requested to update their data vide District Office letter dated 13.01.2021 at their level with intimation to the PMU cell of I & PR Department Govt. of Odisha, Bhubaneswar. He has also sent a

copy of the written submission to the Complainant vide letter dated 21.02.2022.

11. From the records this Commission found that the compliance report with regard to this Commission's direction have been received from different public authorities since the institution of this Complaint Case. The copies of such reports have also been sent to the Complainant.

12. Therefore, the Complainant was directed to submit specifically about non-compliance of Section 4(1) (b) & (c) of the RTI Act by any public authority by the next date of hearing, failing which the matter would be disposed of on its own merit. The case was thus adjourned to 18.04.2022.

13. Notice was also issued to the parties to appear in the hearing of the Complaint Case on 18.04.2022. But inspite of valid notice the Complainant did not turn up nor did he send his written submission or complaint if any with regard to non-implementation of Section 4(1)(b)& (c) RTI Act, by any public authority.

14. Since no complaint has been received from the Complainant, it is held that no useful purpose will be served in keeping the Complaint Case pending, hence, the same is closed and disposed of.

15. Before parting with, the Commission observed that Section 4 (1) (b) has a pivotal position in the overall architecture of law governing right to Information. The Hon'ble Supreme Court in case of Central Board of Secondary Education and Another -Vrs- Aditya Bandopadhaya and others 2011 8 SCC 497 held that " The provisions of RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under clause (b) of Section 4(1) of the Act which relates to

securing transparency and accountability in the working of Public Authorities and in discouraging corruption". The Commission observed that Pro-active disclosure under Section 4(1) (b) is a continuous process and information under this Section has to be periodically up-dated.

In view of above, the Commissioner-Cum-Secretary Information & Public Relations Department, Govt. of Odisha, Bhubaneswar is advised to issue suitable guidelines in this regard to all concerned to make good all the deficiencies of compliance under Section 4 of the RTI Act, 2005, both in English and Odia.

A copy of this order be communicated to the Complainant and the Commissioner-Cum-Secretary, Information & Public Relations Department, Government of Odisha, Bhubaneswar.

**Pronounced in open proceedings**

Given under the hand and seal of the Commission, this the 18th day of April, 2022.



**Bikram Senapati**  
**State Information Commissioner**  
**18.04.2022**