

Before the State Information Commission, Maharashtra – Appeal under
Section 19(3) of RTI Act, 2005.

Appeal No.2007/1077/02

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Shri Amogh Gajanan Sawant,
5, Suryaji Niwas, 200, Senapati Bapat Marg,
Dadar (West), Mumbai 400028.

.. Appellant

V/s

Appellate Officer & Member Secretary,
Maharashtra Pollution Control Board,
Sion, Mumbai 400 021.

.. Respondent

GROUND

Shri Amogh G. Sawant had filed 13 applications under RTI Act, 2005 to the PIO of Maharashtra Pollution Control Board from 28.10.2005 to 1.4.2006. Having not received proper response to these applications, appeals were filed and not satisfied with the decision in the appeals he has preferred 4 appeals before this Commission on 3.4.2006 which, were heard on 31.5.2007 when The Applicant Shri Amogh Sawant and officers of the Pollution Control Board were present.

From the Applications of the Applicant it is clear that he required basically a voluminous information pertaining to the staffing pattern, recruitment, information about the individual officers about qualifications etc, relaxation done during recruitment, budgetary provisions, expenditure, purchase of properties by the Board in 2001 and Assembly questions pertaining to above etc.

Since the information asked is on a large number of points, after lengthy discussion with the Applicant and Officers of the Pollution Control Board it has been decided that following should be given to the Applicant within 7 days' time: 1) Staffing pattern of the Pollution Control Board;(2) The sanctioned posts and filled posts official information like educational qualifications, experience of Class II and above officers, etc.; (3) The recruitment rules sanctioned by the Government, etc. 4) Relaxation given in age, qualification and experience while giving promotion or recruitment. The Pollution Control Board Officers pointed out that they have given all details about the senior officers viz. date of birth, academic qualification, experience details, area of expertise on the website. This is very welcome and should meet some queries of the applicant.

The Applicant wants information about the budgetary provisions, expenditure made, etc. All this information should be available in the budget for the respective year and the audited annual accounts of the Board. The Officers of the Pollution Control Board told that since the Board meetings were not take place for a couple of years-the budget and annual accounts were not approved, but recently they have got the approval to their audited annual accounts. A copy of the budget approved by the Board and the Audited Annual Accounts should be given to the Applicant so that he can get answers to all his queries.

The Applicant also pointed out that he wanted information about the properties purchased by the Board. Since it was found that no period was given, information about the properties purchased after 2001 should suffice. A copy of Board resolutions at the time of purchase should, therefore, be given to the Applicant.

The Applicant has also asked information about the Assembly Questions in respect of the Board. Though PIO of the Board has transferred this query to the Environment Department, however, at the time of hearing they have given the copies of the draft replies which were submitted by the Board to the Department.

RTI Act envisages reasonableness on the part of Applicant and responsiveness on the part of the PIO. Whenever this balance is disturbed, spirit of the RTI Act gets violated and distrust among PIO and Applicant gets created. This type of situation has to be avoided at all costs.

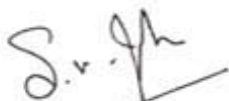
During discussion it was learnt that the Website has now been updated by the Board and will be further updated again within 10-15 days.. Had this been done earlier the Applicant could have got the answers to a number of queries. However, the information which is not available on the website has to be given to the Applicant within a period of 7 days.

ORDER

All the 4 appeals thus stand disposed off.

Place: Mumbai
Date : 31.5.2007




(Dr. S.V. Joshi)
Chief Information Commissioner