

राज्य माहिती आयोग, पुणे खंडपीठ, पुणे
नवीन प्रशासकीय इमारत, ४था मजला, विधानभवनासमोर, पुणे - ४११ ००१.
दूरध्वनी क्र. ०२०_२६०५०५८०/२६०५०६३२/३३ फॅक्स क्र. ०२०_२६०५०६३३

जा.क्र.लेखाप-२०११/प्र क्र. ३९/रोखशाखा
दिनांक:- १५.७.२०११

प्रति,

वरिष्ठलेखा परीक्षा अधिकारी, वलेप पुणे.
प्रधान महालेखाकारका कार्यालय,
(लेखापरीक्षा) १ महाराष्ट्र,
न्यू सेंट्रल बिल्डिंग पुणे १

विषय : राज्य माहिती पुणे खंडपीठ, यांचे दि. ८/०२/२००७ ते ३०/०४/२०११
या कालावधीतील लेख्यांचे लेखापरीक्षण.

संदर्भ : आपले पत्र सं/ बालेपवि/ चार्ज / फा सं/ आय आर / P २०/११/२०११
३१५ दि. ८.०६.२०११

महोदय,

आपला संदर्भातील पत्रान्वये राज्य माहिती आयोग, पुणे कार्यालयाच्या दि. ८/०२/२००७ ते
३०/०४/२०११ या कालावधीत लेख्यांचे लेखापरीक्षण करून त्याबाबतचे परिच्छेद पाठविण्यात आले
आहेत. सदर परिच्छेदाबाबतचे अभिप्राय खालील प्रमाणे आहेत.

Part I- A,B,C - याबाबत कोणतेही अभिप्राय नाहीत.

Part II - A-B

सर्व शास्ती वसुलीच्या व शिस्तभंग विषयक कार्यवाहीच्या अद्ययावत माहितीची प्रत सोबत
जोडण्यात आली आहे.

२. कलम १८ अंतर्गत तक्रारीपैकी सन २००८ पासून सन २०१० पर्यंत अखेरची शिल्लक व
सुरुवातीची शिल्लक यातील तफावतीची तपासणी करण्यात येत आहे. कलम १८ खालील तक्रारीपैकी
तक्रार क्रमांक १०९ मधील रु.२५०००/- शास्तीची वसुली प्रलंबित नाही. ती
दि.१६/०८/२०१० रोजी वसूल करण्यात आलेली आहे.

३. कलम ४ अंतर्गत माहिती अद्ययावत करणे व आयोगाचे निर्णय वेब साईटवर प्रसिध्द करणे. -

माहितीचा अधिकार अधिनियम, २००५ मधील तरतुदीनुसार सर्व शासकीय कार्यालयांनी कलम ४ ची माहिती प्रसिध्द करणे व ती वेळोवेळी अद्ययावत करणे, ही संबंधित सार्वजनिक प्राधिकरणाच्या प्रशासकीय प्रमुखाची जबाबदारी आहे. तसेच या संदर्भात राज्य माहिती आयोग, पुणे खंडपीठाकडून दि.५.८.२००९ च्या परिपत्रकान्वये (परिपत्रकाची प्रत माहितीस्तव सोबत जोडली आहे.) पुणे खंडपीठाच्या कार्यक्षेत्रातील शासकीय कार्यालय प्रमुखांना सविस्तर सूचना दिलेल्या आहेत. तसेच यासंदर्भात प्राप्त होणाऱ्या तक्रारीच्या अनुषंगाने वेळोवेळी आवश्यक ते निर्देश संबंधितांना दिलेले आहेत.

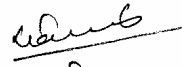
राज्य माहिती आयोग, पुणे खंडपीठात माहितीचा अधिकार अधिनियमाच्या कलम ४ ची अंमलबजावणी पूर्णपणे झालेली नाही, हे निरीक्षण योग्य नाही. राज्य माहिती आयोगाच्या पुणे खंडपीठात माहितीचा अधिकार अधिनियम, २००५ कलम ४ ची अंमलबजावणी पूर्णपणे झालेली असून ती माहिती लेखी स्वरूपात तसेच आयोगाच्या वेब साईटवरूनही प्रसिध्द करण्यात आलेली आहे व सर्व नागरिकांना ती सदैव उपलब्ध आहे.

राज्य माहिती आयोग, पुणे खंडपीठाचे सन २०१० पर्यंतचे सर्व आदेश पी.डी.एफ. स्वरूपात स्कॅन करून आयोगाच्या वेब साईटवर प्रसिध्द करण्यात आलेले आहेत. जानेवारी, २०११ पासून पुढील कालावधीचे आदेशही तंत्रज्ञानात्मक बाबींची पूर्तता करून आयोगाच्या वेब साईटवर प्रसिध्द करण्यात येत आहेत.

Part III - Test Audit Note

लेखापरीक्षण तपासणीत नमूद केलेल्या जी.पी.एफ. रजिस्टर व कॅश बुक लिहिण्यातील तांत्रिक त्रुटींची पूर्तता करण्यात आली असून, याबाबत लेखापरीक्षण पथकाच्या सूचनांप्रमाणे सुधारित पध्दती अवलंबिवण्यात येईल.

Part IV - Non Tax Receipts - Nil अभिप्राय नाही


उपसचिव

राज्य माहिती आयोग, पुणे खंडपीठ, पुणे

प्रत,

राज्य माहिती आयुक्त, पुणे विभाग, पुणे
नवीन प्रशासकीय इमारत, ४था मजला, पुणे-९

17 JUN 2011

२२३०१९९

संदर्भ क्रमांक / जिल्हा

सं/बालेपदि/चाज / फा सं / आय आर / २०११/२०११/३१५

दिनांक : ०६.०६.२०११.

सेवामें
राज्य माहिती आयुक्त,
पुणे.

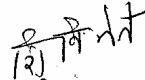
२२.०६.२०११ ३.०६.२०११
३०६ - १

विषय : ०२.०२.२००७ से ३०.०४.२०११ अवधि तक कि
लेखाओं का निरीक्षण अहवाल

महोदय

उपरोक्त लेखाओं का निरीक्षण रिपोर्ट उसके साथ भेज रहा / रही हूँ जिसका सथनिक निरीक्षण
लेखापरीक्षा पार्टी द्वारा दिनांक १६.०५.२०११ से २६.०५.२०११ तक किया गया था और आपसे निवेदन
करता / करती हूँ कि इसमें शामिल किए गए सभी पैराग्राफों का पूर्ण रूप से दस्तावेजों सहित उत्तर
कार्यालय में प्रीप्र भेज दिया जाए और आपके कार्यालय में इस रिपोर्ट के मिलने की तारीख से किसी भी
परिस्थिती में एक माह से अधिक विलंब नहीं जैसा कि वित्त विभाग के सरवर्ग अधिसूचना
सं:पी:जी:एल ११६१/१ दिनांक २६.०५.१९९१ में निर्धारित किया गया है /

भवदीय

(२) 

वरिष्ठ लेखापरीक्षा अधिकारी, सं. ले.प.पुणे.

Enclosure : A, B & C.

सं/ बालेपदि/चाज / फा सं / आय आर/

दिनांक :

प्रतिलिपी सूचनार्थ एवं आवश्यक कार्यवाद हेतु अग्रेषित :-

वरिष्ठ लेखापरीक्षा अधिकारी/सं. ले.प.पुणे.

77 9201

Draft Inspection Report on the accounts of The State Information Commissioner, Pune for the period February 2007 to April 2011

No. OAP/CH IV/ P20112001 / 8.06.2011.

O/o The Pr. Accountant General
(Audit) – I, Maharashtra,
Outside Audit Department,
New Central Building,
PUNE-1

To,
The State Information Commissioner,
Pune.

Part I A : Introductory

A test check on the accounts of the State Information Commissioner , Pune for the period 8th February 2007 to April 2011 was conducted locally during the period 18-5-2011 to 26-5-2011 by Shri K.Vara Prasad Assistant Audit Officer under the supervision of Shri S.V.Nene Senior Audit Officer and the following remarks offered

The State Information Commissioner's Office was started functioning with effect from March 2007 at Pune.

The Inspection Report has been prepared on the basis of information furnished and the records made available by the Office of the State Information Commissioner, Pune. The Office of the Principal Accountant General disclaims any responsibility for any non information and/or misinformation on the part of the Auditee.

Activity

This office deals with the disposal of cases of second appeals filed under section 19(3) and the complaints filed under section 18 of the Right to Information Act 2005.

Personnel:

As per Government of Maharashtra General Administration Department Notification dated 25-1-2007 Shri Vijay Kuwalekar was appointed as a State Information Commissioner, Pune Region Pune for the term of five years or till he attains the age of 65 years whichever is earlier. The status of the post is having the status of Chief Secretary.

Grants and Expenditure

(Rs.in lakh)

Particulars	2007-08		2008-09		2009-10		2010-11	
	B.P.	Exp	B.P.	Exp	B.P.	Exp	B.P.	Exp
Pay & Allow.	27.58	27.58	43.00	43.00	72.12	72.12	68.13	68.13
TA	Nil	Nil	1.44	1.44	0.13	0.13	1.55	1.55
Cont	10.22	10.22	6.24	6.24	21.79	21.79	5.86	5.86
Other expense ¹				7.65		24.09		9.97

Other expense i.e. light water telephone computer and Services

Internal Audit

The internal audit of the office has not been conducted during the period covered by audit

Part I B Outstanding paras from previous Inspection Report

Nil

Part I C Persistent Irregularities

Nil

¹ i.e. light water telephone computer and Services

Current Audit

Part II A Major Irregularities

Nil

Part II B Other remarks

Para 1 Implementation of Right to Information Act Non recovery of penalty

As per provision contained in section 20(1) of the Right to Information Act 2005 the State Information Commission at the time of deciding any complaint Or appeal is of the opinion that the Public Information Officer (PIO) has without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect incomplete or misleading information or destroyed information which was the subject of request or obstructed in any manner in furnishing the information it shall impose a penalty of Rs.250 each day till application is received or information is Furnished, however ,total amount of such penalty shall Not exceed Rs.25,000. Provided that the Public Information Officer shall be given a reasonable opportunity of being Heard before any penalty is imposed on him. The SIC Shall also recommend for disciplinary action against The PIO under section 20(2) of the Act.

1. Scrutiny of records revealed that during the period October 2005 to April 2011, 13,221 appeals under section 19(3) were received of which 10,393 were disposed and 2828 were Outstanding i.e. (21.39 per cent)(Annexure A)

2. 172 cases were penalized out of 10393 disposed(1.65 per cent) where penalty of an amount of Rs.26,85,550 was proposed for recovery(Annexure B) from PIO of which Rs.16,75,366 was recovered(62.38 per cent). In this connection it was asked whether SIC has power to recover penalty directly it was stated that the commissioner only imposing the penalty however the responsibility rests with the Head of the Department.

3. In test checked 38 cases² Rs.7,43,425 penalty imposed and Rs.81,885 Recovered(11.01 per cent) and Rs.6,61,540 outstanding.

² Pune 12 cases ;Solapur 20 cases ;Satara 2 cases & Kolhapur 4 cases

9/15/16

4. Scrutiny further revealed that in five cases involving recovery of Rs.1.56 lakh the Public Information Officer filed a writ petition in the High Court in October 2010. In two cases though the information was given but due to delay in furnishing the information by 81 to 85 days penalty was imposed against PIO of which in one case though revision application was given by the Appellant for waiving the penalty the application was rejected.. In one case from Kolhapur District the penalty imposed was reversed.

In three cases where penalty of Rs.64,500 was to be recovered for which in two cases the SIC warned the first Appeal Authority for taking disciplinary action against them for no taking of action.

5. 102 Appellants had filed 1668 appeals(Average 16 Nos.of appeals per person) and 748 nos.of appeals were pending as on date of audit of which in Sangli District One Person(Ramchandra Narayan Jadhav) who was arrested by the Police authorities for Protection money had submitted maximum no. of 53 appeals and the other person (Dyanachandra Patil)had filed 194 appeals during the Period October 2005 to April 2011 of which 187 appeals were transferred to other SIC(Mumbai 128 & Konkan 59) and other seven were disposed off.

6.In Pune & Sangli District two each persons had submitted more than 30 appeals

7.In respect of 14 persons³who had filed 123 appeals before SIC the judgement was yet to be delivered.

7. In respect of 14 persons who had filed 123 appeals before SIC the judgement was yet to be delivered.

It was replied that, there is no bar provided in the act, on the number of appeals/applications a citizen can file.

Further progress of recovery and disciplinary action taken by the department may be intimated to audit.

³ Pune 8 persons 59 appeals; Solapur 2 persons 27 appeals;Satara one person nine appeals & Kolhapur 3 persons 19 appeals

9/24/15

Para 2: Disposal of complaints received under Section 18(1) of the RTI Act 2005

According to the section (1) of the said Act, it shall be the duty of the State Information Commissioner, to receive and enquire into a complaint from any person who has been unable to submit a request to State Public Information Officer (PIO) either by the nonappointment of PIO or because PIO refused to accept his/her application for information etc.

who has been refused to access to any information requested under this Act

Who has been given response to a request for information or who believes that he or she has been given incomplete, misleading or false information under this Act etc.

Annual Reports for the period from 2005 to 2010 reveals that a total No. of 690 complaints were received by the Commissioner, SIC Pune out of these, 551 complaints were disposed off. Yearwise figures are shown below.

Period	Section 18(1)					
	Opening Balance	No. of complaints received	Total	No. of complaints disposed	No. of complaints outstanding	Percentage of outstanding
October 2005 to December 2006	00	117	117	5	112	95.72
January 2007 to December 2007	112	128	240	81	159	66.25
January 2008 to December 2008	135	204	339	86	253	71.67
January 2009 to Dec 2009	253	95	348	73	275	79.02

January 2010 to December 2010	275	104	379	176	203	53.56
January 2011 to April 2011	204	42	246	130	116	47.15
Total		690		551	116	21.39

From the above it was noticed that

i) As per Annual Report 2007, a total of 159 complaints were outstanding at the end of the year. However, the opening balance shown as 135 (As per Annual Report 2008) i.e. 34 cases shown less. Similarly 203 cases were outstanding at the end of 2010 (as per Annual Report 2010) however, the monthly report for the month of January 2011 shows an opening balance of 204. Reasons for difference in balances of complaints were asked for.

ii) The details of penalties imposed and recoveries made accordingly was also asked for

iii) The pendency of 116 complaints (as on April 2011) in the department was also noticed.

The department replied that, the differences would be checked and complied accordingly. In case of (ii) and (iii), the department stated that, in only one case penalty of Rs. 25,000 was levied and recovery is still pending and for dispose off the pending complaints, a drive would be carried out in 2011.

Further progress in the matter may be furnished to audit.

Para 3: Implementation of Right to Information Act- Obligation of Public Authorities.

According to the Section 4 of the RTI Act, 2005, Every Public Authority shall,

- a) maintain all its records duly catalogued and indexed in such a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerized are, with a reasonable time and subject to availability of

m/s

resources , computerized and connected through a network all over the country on different systems , so that access to such records is facilitated;

- b) publish information within 120 days from the enactment of this Act, like particulars of organization, its functions and duties, powers and duties of officers etc.
- c) public all relevant facts while formulating important policies announcing the decision which affect public;
- d) provide reasons for its administrative or quasi-judicial decisions to affected persons.

The objective of the above section was to maintain transparency by all public authorities in respect of their their departments' working and their reports etc.

Scrutiny of Annual report 2010 revealed that, though the above section was to be implemented within 120 days from the commencement of the Act (12.10.2005), ie, approximately by the end of Feb, 2006, the same was not done by around 300 public authorities till date, including Commissioner, State Information Commission, Pune Region, Pune.

It was also opined that, if the above was implemented properly by all public authorities, the number of complaints/ appeals would be reduced remarkably.

In order to facilitate the public, to be aware of the decisions / orders issued by the Commissioner, SIC ,Pune , these should be made available on the website.

During the discussion it was stated by the Commissioner that, correspondence was made to the higher authorities in this regard, however, no website was opened till date.

23/5

Part III Test Audit Note

Minor points, which could not be settled on the spot have been handed over to the department in the form of test audit note. Compliance there of may be kept ready for verification at the time of next audit.

Part- IV : Non-Tax- Receipts

-Nil-

SMA
Sr. Audit Officer

OAD,Pune 411001

9431

Annexure A

Statement showing the cases disposed and pending for the period October 2005 to April 2011

Period	Opening Balance	Section 19(3) No.of Second Appeals received	Total	No.of Second Appeal disposed	No.of Second Appeals outstanding	Percentage of outstanding
October 2005 to December 2006		1266	1266	163	1103	87.12
January 2007 to December 2007	1095	2364	3459	530	2929	84.67
January 2008 to December 2008	2782	2831	5613	1750	3863	68.82
January 2009 to December 2009	3863	2961	6824	3225	3599	52.74
January 2010 to December 2010	3599	2662	6261	3531	2730	43.60
January 2011 to April 2011	2730	1137	3867	1194	2673	
		13221		10393	2828	21.39

284/15

Annexure B

Statement showing the No. of penalty imposed and amount proposed to be recovered from PIO Yearwise during calendar year 2007 to 2011(April 2011)

Year	Pune	Solapur	Satara	Sangli	Kolhapur	Total
2007	80500 (12 cases)	8000 (1)	00	15250 (2 cases)	13000 (2 cases)	
2008	50000 (5 cases)	202750 (11 cases)	76750 (4 cases)	75000 (3 cases)	70250 (5 cases)	
2009	239500 (17 cases)	78500 (4 cases)	83750 (5 cases)	36375 (3 cases)	106700 (7 seven cases)	
2010	436000 (26 cases)	634500 (32 cases)	53000 (4 cases)	35750 (2 cases)	126750 (7 cases)	
2011	156175 (13 cases)	47800 (4 cases)	9250 (1 cases)	25000 (1 case)	25000 1 case3)	
	962175 (73 cases)	971550 (52 cases)	222750 (14 cases)	187375 (11 cases)	341700 (22 cases)	2685550
Recovery made	547541	533500	206750	187375	200200	1675366

924/97

Annexure C

Statement showing the position of maximum pending appeals by appealant

Name of District & No. of Persons who had made appeals	Total No. of Appeals	Total No. of Appeals disposed off	Total No. of Appeals Pending before SIC
62 persons from Pune	844	423	421
17 persons from Solapur	240	105	135
4 persons from Satara	67	6	61
10 persons from Sangli	416	341	75
9 persons from Kolhapur	101	45	56
Total 102 persons	1668	920	748

