राज्य महाहिंसा आयोग, पुणे खंडपीठ, पुणे
नवीन प्रमुखकी इमारत, पुर्व मंजिला, विधानभवनासोर, पुणे - ४११ ००९.
दूरध्वनी क्र. २०_२६०५०५८०/२६०५०६३२/३३ फॅक्स क्र. २०_२६०५०६३३
जा.क्र.लेखाप-२०११/२ क्र. ३९/रेखापाठ
दिनांक: १५.६.२०११

प्रति,

विरिष्टेंता परीक्षा अधिकारी, कलेप पृष्ठ।
प्रधान महालेखाकारकांना कार्यालय,
(लेखापाठी) १ महाराष्ट्र,
न्यू सेंट्रल बिल्डिंग पुणे १

विषय : राज्य महाहिंसा पुणे खंडपीठ, यांचे दिन. ८/०२/२००७ ते ३०/०४/२०११
या कालावधीत लेखापाठी लेखापाठी।

संदर्भ : आपले पत्र स/ वाचलेखन/ चार्ज / पत्र स/ आय आर / P २०/२०/२०११
३१५ दिन. ८.०६.२०११

महोदय,

आपल्या संबंधाने फलने राज्य महाहिंसा आयोग, पुणे कार्यालयाच्या क्र. ८/०२/२००७ ते
३०/०४/२०११ या कालावधीत लेखापाठीलेखापाठी कल्पना त्याखानले परिच्छेद पाठविभागात आले
आहेत. सदर परिच्छेदराहाना प्रभावाच्या आलेखांच्या प्रमाणण आहेत.

Part I - A,B,C : यासाठी कोणतेही अभावाच्या नाहीत.

Part II - A-B

सर्व शास्ती बसुलीच्या व शिशराभंग विषयक कार्यक्षेत्रात महाहिंसा माध्यमात्र प्रति सोबत
जोडणून आलेला आहे.

२. कल्पना १८ अंशांना तक्रारपेक्षी सन २००८ पाचून सन २०६० पर्यंत आर्थिक शिल्पक्षा व
सुरुवातीची शिल्पक्षा पाचून तक्यांत विस्तारातील कार्यक्षेत्र प्रशिक्षण येत आहे. कल्पना १८ खालील
tक्रारपेक्षी तक्याच्या क्रमांक १३९ माहिती रू.२०००/- शास्तीच्या बसुली प्रतीत नाही. ती
दिन. १५/०८/२०१० रोजी वसुल करण्यात आलेली आहे.
3. कलम ४ अंतर्गत माहिती अद्यावलिक करणे व आयोगाचे निर्णय वेब साइटवर प्रसिद्ध करणे.

माहितीचा अधिकार अधिनियम, २००७ या मध्ये तरुणीसुरुवात सर्व शासकीय कार्यालयांनी कलम ४ ची माहिती प्रसिद्ध करणे व ती वेबसाइटबरी अद्यावलिक करणे, ही संबंधित सार्वजनिक प्राधिकरणाच्या प्रशासकीय मुख्यालयाची जबाबदारी आहे. तसेच या संदर्भात राज्य माहिती आयोग, पुढे खंडपीठाकडून द.५.८.२००९ चा परिप्रेक्ष्यकरणे (पालनपालक प्रत माहितीसंबंधी सोबत जोडली आहे.) पुढे खंडपीठाच्या कार्यक्रमाने शासकीय कार्यालय मुख्यालय संबंधित सुचना दिलेल्या आहेत. तसेच या संदर्भात प्राप्त होणारा तत्कालीन अनुसंधान वेबसाइटवर अवलोकन के निदेश संबंधिताना दिलेले आहेत.

राज्य माहिती आयोग, पुढे खंडपीठात माहितीचा अधिकार अधिनियमाच्या कलम ४ ची अंमलव्यवस्था पूरपणे झालेली नाही, हे निरीक्षण गोष्ट नाही. राज्य माहिती आयोगाच्या पुढे खंडपीठात माहितीचा अधिकार अधिनियम, २००७ या कलम ४ ची अंमलव्यवस्था पूरपणे झालेली असून ती माहिती लेखी स्वरूपात तसेच आयोगाच्या वेब साइटवर नसलेल्या प्रसिद्ध करणाऱ्या आहेत व सर्व साधारणांना ते सर्वसंदर्भात आहे.

राज्य माहिती आयोग, पुढे खंडपीठाचे सन २०१० पर्यंत ते सर्व आदेश प्र.बी.एफ. स्वरूपात स्वेच्छा करून आयोगाच्या वेब साइटवर प्रसिद्ध करणाऱ्या आहेत. जानेवारी, २०११ पासून पुढे खंडपीठ कालावधीमध्ये आदेशातील तंत्रज्ञानच्या बाबांची पूर्वता करून आयोगाच्या वेब साइटवर प्रसिद्ध करणाऱ्या येत आहेत.

Part III - Test Audit Note

लेखाप्रविधीत तत्कालीन नमूने केलेल्या जी.पी.एफ. राज्यात बंद लिहितात्मक तत्कालीन जुनूनी पूर्वता करणाऱ्या आहेत. असून, माहिती संबंधी वेबसाइटच्या प्रकाराच्या सुचना प्राप्ती सुलभ अवलोकनास समापित.

Part IV - Non Tax Receipts - Nil अभिधारण नाही

उपसूचक
राज्य माहिती आयोग, पुढे खंडपीठ, पुढे
17 JUN 2011 प्रमुख प्रशिक्षक अथवा वर्किंग (वेल्युएशन) 8, महाराष्ट्र, डॉ. सोनू बिल्लिही, बुधवार - 411 004.

दिनांक : 8-06-2011.

सेवाये साहित्य अभ्युदया,
पुणे.

चिठ्ठी : 8112-2047 से 30-04-2011 सदस्य तथा चित्र
लेखाओं का निर्देशन आयोजन

महैया

उपरोक्त लेखाओं का निर्देशन रिपोर्ट उनके साथ भेज दें/ उसी ही विषय स्वरूप निरीक्षण, लेखापात्र द्वारा दिनांक 18-05-2011 से 26-05-2011 तक रिपोर्ट पूरी और पत्र पत्रिका निवेदन करें।

कल्याणी देवी के साथ राज्य सरकार रिपोर्ट में नोटिस भेज दिया जाए क्योंकि उसके लेखापात्र रिपोर्ट के प्रति कहर में आरोपित है।

भारतीय

Enclosure : A, B, C.

स/ वाहनों/वाही / पा से /आप कार/ दिनांक:

प्रतिलिपि पूर्ववर्ती पश्चिमाभ्यंतर वड़ी आवश्यक है जो भोगित:-

वरिष्ठ लेखापात्रा अधिकारी/स. ले.पुणे.
Draft Inspection Report on the accounts of The State Information Commissioner, Pune for the period February 2007 to April 2011

No. OAP/CH IV/ P2114208 / 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

<table>
<thead>
<tr>
<th>Particulars</th>
<th>2007-08</th>
<th>2008-09</th>
<th>2009-10</th>
<th>2010-11</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B.P.</td>
<td>Exp</td>
<td>B.P.</td>
<td>Exp</td>
</tr>
<tr>
<td>Pay &amp; Allow.</td>
<td>27.58</td>
<td>27.58</td>
<td>43.00</td>
<td>43.00</td>
</tr>
<tr>
<td>TA</td>
<td>Nil</td>
<td>Nil</td>
<td>1.44</td>
<td>1.44</td>
</tr>
<tr>
<td>Cont</td>
<td>10.22</td>
<td>10.22</td>
<td>6.24</td>
<td>6.24</td>
</tr>
<tr>
<td>Other expense</td>
<td></td>
<td></td>
<td>7.65</td>
<td></td>
</tr>
</tbody>
</table>

*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 malafide 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 cases 2 Rs.7,43,425 penalty imposed and Rs.81,885 Recovered(11.01 per cent) and Rs.6,61,540 outstanding.

¹ Pune 12 cases, Solapur 20 cases, Satara 2 cases & Kolhapur 4 cases
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 persons who 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.

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* Pune 8 persons 59 appeals; Solapur 2 persons 27 appeals; Satara one person nine appeals & Kolhapur 3 persons 19 appeals
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 non-appointment 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.

<table>
<thead>
<tr>
<th>Period</th>
<th>Opening Balance</th>
<th>No.of complaints received</th>
<th>Total</th>
<th>No.of complaints disposed</th>
<th>No.of complaints outstanding</th>
<th>Percentage of outstanding</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 2005 to December 2006</td>
<td>00</td>
<td>117</td>
<td>117</td>
<td>5</td>
<td>112</td>
<td>95.72</td>
</tr>
<tr>
<td>January 2007 to December 2007</td>
<td>112</td>
<td>128</td>
<td>240</td>
<td>81</td>
<td>159</td>
<td>66.25</td>
</tr>
<tr>
<td>January 2008 to December 2008</td>
<td>135</td>
<td>204</td>
<td>339</td>
<td>86</td>
<td>253</td>
<td>71.67</td>
</tr>
<tr>
<td>January 2009 to Dec 2009</td>
<td>253</td>
<td>95</td>
<td>348</td>
<td>73</td>
<td>275</td>
<td>79.02</td>
</tr>
<tr>
<td>January 2010 to December 2010</td>
<td>275</td>
<td>104</td>
<td>379</td>
<td>176</td>
<td>203</td>
<td>53.56</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>-------</td>
</tr>
<tr>
<td>January 2011 to April 2011</td>
<td>204</td>
<td>42</td>
<td>246</td>
<td>130</td>
<td>116</td>
<td>47.15</td>
</tr>
<tr>
<td>Total</td>
<td>690</td>
<td>551</td>
<td>116</td>
<td></td>
<td></td>
<td>21.39</td>
</tr>
</tbody>
</table>

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 maybe furnished to audit.


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
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 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), i.e., 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.
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 of these may be kept ready for verification at the time of next audit.

Part-IV: Non-Tax Receipts

-Nil-

[Signature]
Sr. Audit Officer
OAD, Pune 411001
Annexure A

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

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

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

**Statement showing the position of maximum pending appeals by appealant**

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