

GOA INFORMATION COMMISSION

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Appeal No. 114/2007-08/GSPCB.

Mr. Rony Dias,
H. No. 02, Murida, Cuncolim,
Salcete - Goa.

..... Appellant.

V/s.

1. The first Appellate Authority,
The Chairman,
Goa State Pollution Control Board,
Patto, Panaji – Goa.
2. The Public Information Officer,
The Member Secretary,
Goa State Pollution Control Board,
Patto, Panaji – Goa.

..... Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner
&
Shri G. G. Kambli
State Information Commissioner

(Per A. Venkataratnam)

Dated: 07/03/2008.

Appellant in person.

Respondent No. 1. is represented by Law Officer.

Respondent No. 2 present in person.

ORDER

The Appellant has requested the Respondent No. 2 herein, who is the Public Information Officer of the Goa State Pollution Control Board (GSPCB), on 17/08/2007 to provide the information on 54 points. The information generally is about the requirements for land fill sites as per the NEERI guidelines or the guidelines issued by the Ministry of Environment and Forests. Though the land fill sites for disposal of only the hazardous waste is not asked for specifically, the Respondent No. 2 presumed it to be so and has rejected the request basically on the ground that the information sought by the Appellant is about the guidelines of the NEERI which are yet to be published and do not have any legal status. He has also given another reason, namely, that these guidelines are not with them and the queries can be answered by referring the law books, rules and regulations framed by Government of India. Finally, he said that there is no common hazardous waste fill site in Goa and one is proposed to be set up at Dharbandora for which a public hearing was held on 7/3/2007. The present status of this proposal is also not mentioned. Feeling aggrieved by this letter-cum-order of the

...2/-

Public Information Officer, the Appellant filed his first appeal before the Respondent No. 1 on 12/10/2007. The Respondent No. 1 by his letter dated 22/10/2007 has passed a kind of consent order directing the Public Information Officer to inform the Appellant the reference points books/notification wherein the information is available. The information itself, is not directed to be given.

2. Aggrieved by the first Appellate Authority's order hereafter, called the "impugned order", the present second appeal is filed. The notices were issued to all the parties. Both the Respondents have filed a joint reply and Appellant filed his response to the reply filed by the Respondents.

3. The Appellant prayed that the information should be given to him within 4 days free of cost and also to take necessary action against the Public Information Officer.

4. Subsequent to the first Appellate Authority's order dated 12/11/2007, the Public Information Officer has sent another letter dated 12/01/2008 to the Appellant giving some more information. This time, he has grouped the points under different headings and either informed the website where the information is available or has given some specific information.

5. As already mentioned above, the Appellant did not make any specific request about the information regarding only hazardous waste disposal land fill sites. We can briefly classify the information asked for under the following headings namely, (i) about the land fill sites for disposal of hazardous waste; (ii) about the land fill sites for disposal of non-hazardous waste and finally (iii) information about the manuals rules, international standards for the construction, design, operation of these land fill sites, as per Basel convention. The Public Information Officer has already clarified that there is not even one single common land fill site for disposal of hazardous waste in Goa. We are not aware whether there are any industries in Goa generating hazardous waste. A mention has already been made above one such industry M/s. Zuari Industries Limited, which has its own land fill site and the information about it was given by the Public Information Officer. Even here, it is a site for one time disposal. We do not know what the industry is doing at present for the continuous generation of hazardous waste and how it is being disposed. More importantly, whether the public authority GSPCB is required under law to supervise such disposal, is also not known. The Appellant has also not asked for this information. Therefore, for the present we are not concerned with this information. There is definitely a requirement for land filling sites for disposal of non-hazardous waste by the industry as well as by the local authorities. In fact, this is one of the burning issues in this beautiful tourist State of Goa. Definitely, the GSPCB is concerned and responsible for monitoring the disposal of such waste. The land fill sites required for this purpose at various places in Goa both for industrial waste as well as domestic waste will have to be given by the Respondent No. 2 which is not done.

The information requested is about the design, construction, maintenance and supervision over its disposal and it has to be provided for non-hazardous waste disposal by the Public Information Officer within next 20 days.

6. We have also noted that GSPCB is not aware and is not keeping the record of the international standards laid down for such land fill sites as requested for by the Appellant. We, therefore, agree with the reply of Respondent No. 2 for this particular point.

7. An issue was made out regarding the diversion of huge public resources for compiling and giving the information to the Appellant and also regarding the format of the reply. While we agree that all questions need not be retyped by the Public Information Officer surely a reference can be made to a question or a group of questions and the reply can be provided to them. This has already been done by the Public Information Officer in his subsequent reply dated 12/11/2007. The format of answering the questions and the disproportionate diversion of the public resources of the public authority do not arise now in view of the reply by the Public Information Officer based on the "impugned order". Even if the Public Information Officer comes to any such conclusion in future, he has to inform the resources required in terms of human effort and financial resources and inform the total costing before denying any information. Normally it is not up to the Public Information Officer to reject any information though available with him only on this ground.

8. Though the questions are 54 in number, the Public Information Officer has already grouped them under different headings. In the same way he can now answer about the land fill sites for disposal of non-hazardous waste.

9. A mention has also been made by both the Respondents that the GSPCB is not constituted as per the guidelines of Ministry of Environment and Forests but has been constituted by the Goa Government under Prevention of Water Pollution Act and Air Pollution Acts. This is not relevant for the disposal of the request of the Appellant. Again Respondent No. 2 has merely informed the website where the information requested by the Appellant is available. It is not enough to do so. The Respondent No. 2 would have to download the information from the website and furnish the same to the Appellant after collecting the fees. This brings to the prayer by the Appellant for supply of information free of charge. We have already held in a number of cases, the latest one being of Mr. V. A. Kamat Vs. North Goa Planning and Development Authority in Appeal No. 18/2007 by order dated 10/01/2008, that the information can be supplied free of cost after the statutory period of 30 days if and only if it pertains to the documents mentioned under section 7(5) thereof of the Right to Information Act. The full scope of the section 7 was discussed in that case which can be downloaded from our website <http://goasic.gov.in>. Accordingly, the Respondent No. 2 has to calculate the total cost of

the information that he is required to provide now based on our order and inform the Appellant within 10 days and after the payment of money, he is allowed to compile/prepare the information and issue it within another 10 days after payment.

10. With this view of the matter, the appeal is partly allowed. We are not inclined to start penalty proceedings against the Public Information Officer as prayed for. We are satisfied that the efforts were made by the Public Information Officer as per his own understanding of the law to furnish some information though not complete.

Pronounced in the open court on this 7th day of March, 2008.

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner

Sd/-
(G. G. Kambli)
State Information Commissioner