



# Critical Assessment of The Central Pollution Control Board's Performance in 2023-2024 : Through The Lens of The RTI Act, 2005

By

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## ABSTRACT

Environmental governance in India largely depends on the effectiveness of regulatory institutions such as the Central Pollution Control Board (CPCB). Despite a comprehensive legal framework under the Water Act, Air Act, Environment (Protection) Act concerns persistent of environmental pollution. This study critically examines the performance of the CPCB during 2023–2024 through the practical use of the RTI Act as an evaluative tool. The core problem addressed is the gap between CPCB's statutory responsibilities and its actual functioning as revealed through RTI disclosures relating to staffing, fund allocation and utilization, complaint handling, and public awareness initiatives. The research aims to assess CPCB's administrative performance, evaluate the effectiveness of the RTI Act in environmental monitoring and identify systemic deficiencies affecting regulatory outcomes. This study adopts a socio-legal approach combining doctrinal analysis with empirical examination of RTI applications filed with the CPCB and the responses received. These responses are critically analyzed for accuracy, completeness, timeliness and compliance with RTI rules. The findings reveal significant staffing shortages, inconsistencies in financial data reporting, limited disclosure practices, procedural irregularities and weak follow-up mechanisms in complaint redressal system. Although CPCB generally complies with RTI timelines, the quality and reliability of information provided remain questionable. The study concludes that while the RTI Act has potential as a tool for strengthening environmental governance, its impact remains limited without significant institutional reforms, improved data management system and greater administrative accountability within the CPCB.

**Index Terms-** Central Pollution Control Boards (CPCB), Right to Information (RTI), The Air Act, The Water act, Environment Protection Act, Transparency, Environment Monitoring, Public Governance.

### 1.1 Introduction

Environmental well-being is central to India's sustainable development and public health. Despite the establishment of Pollution Control Boards (PCBs) under legislations such as The Water Act, 1974, The Air Act, 1981, and The Environment (Protection) Act, 1986, recurring pollution issues highlight deep-rooted challenges in environmental governance. CPCB, entrusted with monitoring and enforcing environmental laws, have often faced criticism regarding their effectiveness and institutional accountability.

The Right to Information Act, 2005, enacted to promote transparency in public institutions, plays a crucial role in enabling citizens to scrutinize the functioning of CPCB. This research evaluates how effectively the RTI Act

is being used as a tool for environmental monitoring and public governance. By examining the nature of information sought from CPCB, the responses provided and the grounds for denial, the study assesses level of CPCB's transparency, accountability, and efficiency. It further explores the obstacles encountered by individuals and organizations in accessing environmental data and identifies systemic gaps in the enforcement framework. While the RTI Act has enhanced public access to information, its potential is often undermined by procedural inefficiencies, vague replies, and institutional inertia. This study seeks to provide a critical and evidence-based understanding of these challenges and offers practical recommendations for strengthening the transparency and regulatory role of CPCB in India's environmental governance landscape.

## 1.2 Statement of Problem

The different Pollution Control Boards (PCBs) in India are entrusted with the enforcement of environmental regulations and the protection of the country's natural resources. Despite the establishment of a robust legal framework i.e. Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention and Control of Pollution) Act, 1974, the Environment (Protection) Act, 1986 etc., including the Right to Information (RTI) Act 2005, which aims to enhance transparency and accountability of the boards, the performance of these boards remains suboptimal. This research seeks to assess the efficacy of the RTI Act 2005 as a tool for evaluating and improving the performance of CPCB, highlighting several critical issues.

One of the primary concerns is the persistent vacancy of key positions within many PCBs, which undermines their operational capacity and effectiveness. This staffing shortfall is compounded by the non-utilization of allocated funds, leading to resource wastage and inefficiencies in addressing environmental violations. The RTI Act has exposed various instances of corruption and administrative delays, further questioning the commitment of PCBs to their responsibilities.

Moreover, political and industrial pressures significantly constrain the enforcement actions of PCBs. This lack of autonomy and assertiveness results in inadequate monitoring and weak enforcement of environmental laws, leaving numerous violations unchecked. The reluctance of PCBs to proactively disclose information, coupled with the defensive posture of Public Information Officers (PIOs) in denying RTI requests, highlights a deep-seated resistance to transparency.

The quality of information provided in response to RTI applications is often unsatisfactory, with many PCBs failing to maintain comprehensive data on environmental violations. This lack of reliable information hinders effective oversight and accountability. Additionally, challenges such as case backlogs, delayed appointments, insufficient training, infrastructural deficits, and attacks on activists emphasize the need for continuous vigilance and reform in implementing the RTI Act.

## 1.3 Objectives of Research

- a)** To assess the performance of Central Pollution Control Board (CPCB) based on the functions and powers entrusted by various environment laws.
- b)** To explore the extent of effectiveness of RTI Act, 2005 related to environment monitoring, enforcement of environment laws and regulations.
- c)** To analyze the different types of information sought from CPCB, RTI applications disposed, adequacy of information provided, defences taken by CPCB to denial of requested information, Compliance of RTI laws by CPCB.
- d)** To develop evidence-based policy recommendations aimed at enhancing the transparency, accountability & effectiveness of CPCB in drawing on insights from analysis of RTI data & stakeholder perspectives.

## 1.4 Hypothesis

The performance of Central Pollution Control Board in India, as measured by transparency, accountability, and efficiency is significantly influenced by the implementation and effectiveness of the Right to Information (RTI) Act 2005, with adherence to RTI provisions associated with improved governance outcomes in environmental regulation and enforcement. But CPCB is not achieving desired outcomes in terms of effectively enforcing environmental regulations, leading to inadequate monitoring, lax enforcement actions, and persistent environmental pollution. And even though the RTI Act 2005 has been used extensively to ensure better implementation of the environmental laws, they have fallen short and will continue to be ineffective if sufficient changes are not brought about in a combination of laws.

## 1.5 Research Methodology

This research adopts a multi-faceted approach, incorporating doctrinal, empirical, descriptive, analytical, critical, explanatory, and inductive methods to critically assess the performance of Central Pollution Control Board (CPCB) in India through the lens of the Right to Information Act, 2005. The doctrinal approach is essential for the study as it involves an in-depth examination of several statutes, RTI applications, case laws, academic literature, books, reports, journals, e-articles, and media reports. This foundation of legal theory and academic resources is supported by extensive library research, which ensures a comprehensive understanding of the legal framework governing environmental regulation and transparency in India.

The empirical aspect of this study is socio-legal in nature, as it directly engages with the operational realities of CPCB by filing RTI applications to assess the effectiveness of the RTI Act in enhancing transparency, accountability, and enforcement of environmental laws. This empirical approach, coupled with the descriptive research method, allows the study to capture the present scenario regarding the performance and efficiency level of CPCB in India.

The critical approach is employed to identify and scrutinize the drawbacks, inadequacies, and loopholes in both the statutes and the enforcement practices of CPCB, while the explanatory research seeks to understand why the performance of CPCB remains sub-optimal despite the existence of robust environmental and RTI statutes. Finally, the inductive method is applied, wherein the study examines specific cases of CPCB's performance to generalize findings about the overall effectiveness of CPCB in India.

The research begins with an examination of primary legal texts, including the Water (Prevention and Control of Pollution) Act 1974, the Air (Prevention and Control of Pollution) Act 1981, the Environment (Protection) Act, 1986, the Right to Information Act, 2005 and The Right to Information Rules, 2012 etc. These statutes form the legal framework governing the operational functions of pollution control boards and the citizens' right to information. Analyzing these legal documents helps establish the foundational context for understanding the statutory obligations of CPCB and the intended role of the RTI Act in promoting transparency and accountability.

A critical component of the research involves the filing of RTI applications to CPCB by the researcher. This primary data collection method involves submitting RTI requests to central pollution control board and meticulously analyzing the responses received. This hands-on approach allows for a direct assessment of the types of information provided, the adequacy and completeness of the responses, and the justifications offered by CPCB for any denials. By quantitatively assessing trends in information requests, response times, and compliance rates, and qualitatively evaluating the content and quality of the information provided, the research aims to gauge the practical effectiveness of the RTI Act in facilitating public access to environmental information.

## 1.6 Limitation of Research

The research study is limited to the following aspects:

- a) This study does not include interviews with stakeholders, environmental activists & lawyers, which could provide additional perspectives and insights.
- b) The illustrative empirical research is based solely on RTI replies from the CPCB which may limit the breadth of insights needed to assess the performance of the CPCB.

## 2 Review of literatures

The researcher has conducted a detailed review of existing literature to understand the effectiveness of the Right to Information (RTI) Act, 2005 as a tool for monitoring of governance and the level of transparency, accountability, and performance of various Pollution Control Boards in India. The review is based on an in-depth study of relevant case laws, RTI applications, academic writings, reports, journals, e-articles and media reports related to environmental governance and information access.

In the case of Neha Rajput v. Central Pollution Control Board (CPCB), Vide Case No.- CIC/CPCBD/A/2022/658374 (2023 SCC OnLine CIC 287), the Central Information Commission (CIC) addressed an appeal concerning the disclosure of information related to inspections of grossly polluting industries. While the CPCB had provided detailed responses, including lists of inspected industries and their compliance statuses, the appellant claimed that specific inspection dates for some states in 2017 were missing. The CIC, however, found no deficiency in the CPCB's response and noted that the appellant failed to attend the hearing. The Commission concluded that the CPCB had met its obligations under the RTI Act, and no further action was needed. The decision underscores the need for RTI applicants to formulate precise queries to ensure that their requests are adequately addressed. In the context of environmental governance, this emphasizes the role of clear communication between citizens and regulatory authorities to promote transparency and accountability in pollution control measures.

In Urmila Bhargava v. Central Pollution Control Board (2008), Vide Case No.- CIC/WB/A/2008/01035/AD (2008 SCC OnLine CIC 5176), the Central Information Commission (CIC) dealt with a case involving the renewal of registration for Used Oil Processors. The appellant, concerned about delays in her own registration, sought compliance reports and raised issues regarding unregulated trading of used oil, which could lead to adulteration of petroleum products. Although her registration was eventually renewed permanently, the CIC directed the CPCB to provide the requested compliance reports free of cost. The Commission also advised the appellant to pursue procedural grievances through appropriate forums. This case illustrates the RTI Act's potential in enhancing regulatory transparency and environmental accountability. It emphasizes the duty of pollution control boards to respond effectively to public concerns, and serves as an important example for assessing institutional responsiveness which is central to the objectives of this research.

A report by The Shillong Times (Feb 14, 2022) revealed, through an RTI inquiry, that the Central Pollution Control Board (CPCB) has not utilized ₹100 crore deposited by the Meghalaya government into the Meghalaya Environment Protection and Restoration Fund (MEPRF) in 2019. The amount mandated by the Supreme Court for environmental restoration following unregulated rat-hole coal mining was transferred in two installments of ₹50 crore each on February 2, 2019, and August 3, 2019. However, the RTI response received by activist Reading War confirmed that, as per CPCB records, no funds have been utilized, and no restoration projects have been sanctioned or executed in any district of Meghalaya. This case highlights serious concerns about the non-utilization of court-directed environmental funds, underscoring systemic inefficiencies in policy implementation. It reinforces the critical role of the RTI Act in exposing financial inaction, and calls attention to the need for improved accountability and monitoring within environmental governance structures.

An article by the Press Trust of India (Dec 15, 2019) revealed that the Central Pollution Control Board (CPCB) does not maintain records of environmental violations, despite being the primary agency responsible for environmental compliance. This disclosure, made in response to an RTI application seeking data on violations over the past three years, exposes a critical gap in the CPCB's monitoring and enforcement mechanisms. The absence of such data points to a lack of systematic record-keeping and weakens the board's ability to track and act on non-compliance effectively. This finding underscores the urgent need for improved data management systems and institutional transparency within regulatory bodies. For this research, which evaluates central pollution control boards through the lens of the RTI Act, this case is particularly significant. It highlights how the absence of publicly accessible data impedes accountability and raises serious concerns about the functioning and performance of pollution control institutions in India.

In "Efficacy of RTI Act" (Economic & Political Weekly VOL XLIV NO 24) author Prem Singh Dahiya critically examines the limitations of the RTI Act's implementation in India, particularly emphasizing the need to expand the definition of "public authority" to include private bodies and registered societies, an approach already adopted in countries like South Africa and Bangladesh. However, the article argues that simply broadening the scope may not improve transparency unless deeper bureaucratic resistance is addressed. Key concerns include the reluctance of officials to share information, and the ineffectiveness of information commissions, which are often led by retired bureaucrats. The article proposes reforms such as excluding retired officials from appointments, setting up high-powered selection committees, enforcing penalties for non-compliance, and introducing mechanisms to review decisions by commissioners. While the critique is strong, the article lacks empirical backing. It does not provide quantitative data or comparative case studies to support its claims. Notably, it misses an evaluation of the impact of including private bodies under RTI laws abroad, and offers no data-driven analysis of how the proposed reforms would improve implementation. This research gap focuses on the need for evidence-based research including statistics on RTI filings, response timelines, appeal outcomes, and penalties imposed to better assess the actual performance and potential reforms of the RTI framework in India.

The article "Environment Protection: Role of Regulatory System in India" by P. M. Prasad, published in Economic and Political Weekly on April 1, 2006, critically examines the effectiveness of pollution control boards in India, particularly the Central Pollution Control Board (CPCB) and the Andhra Pradesh Pollution Control Board (APPCB). It highlights that despite the existence of a comprehensive legislative framework, including the Water Act, 1974, the Air Act, 1981, and the Environment (Protection) Act, 1986, the pollution control boards have not been successful in preventing environmental degradation. The study emphasizes that the capacity of these boards to ensure environmental quality is severely affected by their expanding responsibilities, lack of enforcement powers, and shortage of skilled human resources and adequate financial support. The article notes that while the CPCB had developed 84 Minimum National Standards (MINAS) for pollutants between 1990 and 1999, the enforcement of these standards remains weak due to the boards' limited technical and financial capabilities. It further outlines the CPCB's statutory functions, such as the formulation of national pollution standards, promotion of common effluent treatment plants, management of hazardous waste, recognition of environmental laboratories, and implementation of eco-labelling schemes. However, the CPCB is found to be struggling with structural problems like regulatory capture, uncertainties in resource generation, and a mismatch between technical and administrative staffing requirements. Based on both primary and secondary data, including responses from pollution control board officials, the study exposes issues like jurisdictional conflicts, absence of punitive mechanisms, and lack of transparency in the functioning of hazardous industries.

### 3 Analysis of RTI responses from Central Pollution Control Board

#### 3.1 Introduction

In the contemporary environmental landscape, the performance of CPCB plays a critical role in safeguarding public health and maintaining ecological balance. To evaluate the efficiency, transparency and accountability of these boards, this part, titled "Analysis of RTI Responses from Central Pollution Control Board," delves into the insights gathered through a series of Right to Information (RTI) queries filed to the CPCB.

The primary objective of this part is to analyze the responses received from the CPCB concerning the RTI application filed. This application sought information on crucial aspects such as vacancy and filled positions, government fund allocations and actual expenditures, public awareness campaigns, complaints received and enforcement actions taken by the boards. By systematically examining these responses, this part of the article aims to provide a comprehensive assessment of the performance of the central pollution control board.

### 3.2 Importance of Analyzing RTI Responses

The analysis of RTI responses is pivotal for several reasons:

**a) Assessing Transparency and Accountability:**

RTI responses reveal how transparent the central pollution control board is in their operations and decision-making processes. This transparency is essential for building public trust and ensuring that the boards are held accountable for their actions.

**b) Evaluating Compliance with RTI Provisions:**

Analyzing how well the CPCB comply with the provisions of the RTI Act provides insights into their commitment to openness and responsiveness. Non-compliance or inadequate responses can indicate areas where improvements are needed.

**c) Measuring Operational Efficiency:**

Information on staff vacancies, filled positions, and resource allocations helps in assessing the operational efficiency of the CPCB. Efficient boards are likely to be more effective in implementing pollution control measures and responding to environmental challenges.

**d) Understanding Financial Management:**

The data on government fund allocations versus actual expenditures sheds light on the financial management practices of the boards. Efficient utilization of funds is crucial for the successful execution of pollution control initiatives.

**e) Evaluating Public Engagement and Enforcement:**

Information on public awareness campaigns, complaints received and enforcement actions taken provides a measure of the board's engagement with the public and their effectiveness in enforcing environmental regulations.

### 3.3 RTI application details

The researcher, Mr. Sk Sahil, filed an RTI application under Section 6 of the RTI Act 2005 to the Central Pollution Control Board (CPCB) in Delhi on June 2, 2024, with the RTI Request Registration number CPCBD/R/E/24/00440. The application was submitted through the RTI Online portal (<https://rtionline.gov.in/>) and the application fee of Rs. 10 was paid via e-payment with the Payment Reference Number CPADVZQLB1 dated June 2, 2024.

**• List of information sought from CPCB accordingly as follows:**

- 1) Provide information on the total vacancies and filled positions in the entire organization of Central Pollution Control Board in the year 2023.
- 2) Provide details of the fund allocated to the Central Pollution Control Board by Central Government for the financial year 2023-2024.
- 3) Provide details of the actual expenditure incurred by the Central Pollution Control Board & in which sectors it has been spent in 2023-2024 financial year.
- 4) Provide data on the number of public complaints received by the Central Pollution Control Board regarding pollution in the year 2023 & provide the details of how many complaints out of those have been resolved and what is the status of rest of each complaints at present?
- 5) Provide detailed information of public awareness campaigns and programs conducted by the Central Pollution Control Board on Water & Air pollution and its impacts on health & environment in the year 2023.

### 3.4 Overview of RTI Responses from CPCB

The researcher submitted an RTI application (Reg. No. CPCBD/R/E/24/00440) with five queries to the Central Pollution Control Board (CPCB) in Delhi on June 2, 2024. The Central Public Information Officer (CPIO) at CPCB reviewed the application and divided the five queries into three separate RTI request sub-registration numbers: CPCBD/R/E/24/00440/1, CPCBD/R/E/24/00440/2, and CPCBD/R/E/24/00440/3. Along with the original application registration number, this resulted in a total of four RTI request registration numbers being issued.

This division was made based on the merit and expertise required to address the RTI queries effectively. Consequently, four different CPIOs were assigned to handle the responses, ensuring that each query was managed by the relevant expert within CPCB. The responses to these RTI requests were provided through both softcopy and hardcopy modes.

- *The details of the responses are mentioned in the following table:*

| Sl. No. | Registration No. & Query no.              | CPIO Details                        | Current Status with Date          | Mode of Response    | Received Date/Other details                                   |
|---------|---|-------------------------------------|-----------------------------------|---------------------|---|
| 1.      | CPCBD/R/E/24/00440<br>(Query No. 4)       | Garima Sharma - Assistant Secretary | Request Disposed of on 04.06.2024 | Softcopy & Hardcopy | Hardcopy received on 08.06.2024, Speed Post Id: ED654010736IN |
| 2.      | CPCBD/R/E/24/00440/1<br>(Query No. 1,2,3) | G. Thirumurthy - PCP                | Request Disposed of on 20.06.2024 | Softcopy            | Softcopy received on 20.06.2024                               |
| 3.      | CPCBD/R/E/24/00440/2<br>(Query No. 5)     | Sharandeep Singh - PR               | Request Disposed of on 24.06.2024 | Softcopy            | Softcopy received on 24.06.2024                               |
| 4.      | CPCBD/R/E/24/00440/3<br>(Query No. 5)     | Madhu Luthra - AO (R)               | Request Disposed of on 26.06.2025 | None                | Not received yet<br>(No Supporting Document provided)         |

This detailed division and assignment process demonstrates CPCB's approach to handling RTI requests, ensuring that each query is addressed by the most knowledgeable and relevant personnel. The mode of response, through both softcopy and hardcopy, reflects the commitment to transparency and accessibility in providing the requested information. Analysis of the RTI responses of each query is discussed in details in the next point.

### 3.5 Analysis of Key Performances of CPCB

#### 3.5.1 Vacancy and Filled Positions (Query No. 1)

- Query Overview:-** The first query submitted to the Central Pollution Control Board (CPCB) under the RTI Act was: "Provide information on the total vacancies and filled positions in the entire organization of Central Pollution Control Board in the year 2023".
- CPCB RTI Reply:-** CPCB replied to this query with the following information: "This has reference to the above-mentioned RTI application received in Central Pollution Control Board (CPCB) seeking information regarding total vacancies & filled during the year 2023. In view of the above, it is to submit that the various positions of the posts in CPCB were: total sanctioned: 605, filled: 379, vacant: 200 respectively, as on March 31, 2023".

**C. Analysis of CPCB's Performance:-** Based on the data provided by CPCB, the analysis of the vacancies and filled positions are as follows:

- I. **Filling Ratio of Positions:-** The data indicates that out of the total 605 sanctioned positions, only 379 were filled, resulting in a filling ratio of 62.64%. This low filling ratio highlights a significant shortfall in staffing, which likely hampers the efficiency and effectiveness of CPCB's operations. Adequate staffing is crucial for the organization to perform its functions effectively, and a filling ratio of just 62.64% suggests a potential strain on the workforce, affecting their ability to manage and execute pollution control measures comprehensively.
- II. **Discrepancy in Post Numbers:-** A critical observation is that the sum of filled and vacant positions does not equal the total number of sanctioned posts. According to the data provided, the equation should be: Total Sanctioned Posts= Filled Posts + Vacant Posts.

However, as per the data, we have:  $605 \neq 379 + 200$

The discrepancy of 26 posts  $[605 - (379 + 200) = 26]$  raises concerns about the accuracy and transparency of the information provided. The status of these 26 posts is unclear, which necessitates further clarification from CPCB. This discrepancy could indicate issues in record-keeping or reporting within the organization.

**D. RTI Compliance Analysis:-**

- I. **Timeliness of Response:-** The softcopy of the information was uploaded on June 20, 2024, on the RTI Online portal, within the 30-day period specified under Section 7(1) of The RTI Act, 2005.
- II. **Mode of Response:-** Only the softcopy was provided. Despite this, the hardcopy was never received due to an incorrect address. This issue, combined with the incorrect RTI application number (CPCBD/R/E/24/00428 dated 25.04.2024 instead of CPCBD/R/E/24/00440/1 dated 02.06.2024), points to significant administrative errors.

**E. Remarks:-**

The researcher's analysis reveals that while CPCB responded within the stipulated time frame and provided the information in both softcopy and hardcopy formats, there are significant concerns regarding the staffing levels and the accuracy of the reported data. The low filling ratio of 62.64% indicates a critical gap in staffing, which likely affects CPCB's operational efficiency. Furthermore, the discrepancy in the number of posts necessitates further investigation and clarification. Overall, the response highlights areas where CPCB needs to improve its transparency and operational effectiveness to better fulfill its mandate of controlling pollution and safeguarding the environment.

### 3.5.2 Government Fund Allocations (Query No. 2)

- A. **Query Overview:-** The second query submitted to the Central Pollution Control Board (CPCB) under the RTI Act was: "Provide details of the fund allocated to the Central Pollution Control Board by Central Government for the financial year 2023-2024".
- B. **CPCB RTI Reply:-** CPCB responded to this query as follows: "This has reference to the above-mentioned RTI application received in Central Pollution Control Board (CPCB) seeking information regarding details of fund allocated during 2023-24 is as follows:" The CPIO provided the information in a table format:

| Allocation Category | Grant received during FY 2023-2024 (Amount in lakhs) |
|---------------------|--|
| GIA-General         | 2300.00  |
| GIA-Capital Assets  | 250.00   |
| GIA-Salary          | 8000.00  |
| <b>Total Grant</b>  | <b>10550.00</b>                                      |

**C. Analysis of CPCB's Performance:-** Based on the data provided by CPCB, the analysis of the fund allocation is as follows:

- I. **Fund Allocation Breakdown:-** The total grant received during the financial year 2023-24 was 10550.00 lakhs. The funds were allocated across different sectors: GIA-General (2300.00 lakhs), GIA-Capital Assets (250.00 lakhs), and GIA-Salary (8000.00 lakhs). The allocation shows a heavy emphasis on salary (75.83% of the total funds), which could indicate a focus on maintaining and possibly increasing staff. However, without context on how these funds were used within each category, it is difficult to assess the effectiveness of this distribution.
- II. **Lack of Specificity on Funding Source:-** The response does not specifically mention whether the funds were allocated by the Central Government, which was the core of the query. This omission raises questions about the clarity and completeness of the response. For accurate assessment, it is essential to know the source of the funds.

**D. RTI Compliance Analysis:-**

- I. **Timeliness of Response:-** The softcopy of the information was uploaded on June 20, 2024, on the RTI Online portal, within the 30-day period specified under Section 7(1) of The RTI Act, 2005.
- II. **Mode of Response:-** Only the softcopy was provided. Despite this, the hardcopy was never received due to an incorrect address. This issue, combined with the incorrect RTI application number (CPCBD/R/E/24/00428 dated 25.04.2024 instead of CPCBD/R/E/24/00440/1 dated 02.06.2024), points to significant administrative errors.

**E. Administrative and Procedural Errors:**

- I. **Incorrect Address:-** The hardcopy response was not received because the address provided was incorrect. This error indicates a lack of attention to detail and can severely impact the applicant's ability to receive the necessary information promptly.
- II. **Wrong Application Number:-** The RTI application number was incorrectly mentioned as CPCBD/R/E/24/00428 dated 25.04.2024. The correct application number is CPCBD/R/E/24/00440/1 dated 02.06.2024. This mistake could cause confusion and delay in processing and highlights the need for better accuracy in handling RTI applications.

❖ **N.B.-** This 'Administrative and Procedural Errors' point applies equally to CPCB query no.1, 2 & 3.

**F. Remarks:-**

The researcher's analysis reveals that while CPCB provided information within the stipulated time frame, the response was marred by significant issues. The primary concern is the lack of clarity on whether the funds were allocated by the Central Government. Additionally, administrative errors, such as the incorrect address and application number, demonstrate a need for improved accuracy and attention to detail in processing RTI applications. These procedural lapses can hinder the effectiveness of the RTI process, potentially impacting the applicant's ability to obtain and utilize the requested information. It is crucial for CPCB to address these issues to ensure transparency, accountability, and efficiency in its operations. The concerned CPIOs and officers handling RTI responses should be more diligent to prevent such errors, ensuring that applicants receive accurate and timely information without unnecessary obstacles.

### 3.5.3 Actual Expenditures (Query No. 3)

**A. Query Overview:-** The third query submitted to the Central Pollution Control Board (CPCB) under the RTI Act was: “Provide details of the actual expenditure incurred by the Central Pollution Control Board & in which sectors it has been spent in the 2023-2024 financial year”.

**B. CPCB's Response:-** CPCB responded to this query with the following information in a table format:

| Utilization Category     | Amount Spent in Lakhs |
|--------------------------|-----------------------|
| GIA-General              | 2229.61               |
| GIA-Capital Assets       | 730.05                |
| GIA-Salary               | 7417.77               |
| <b>Total Expenditure</b> | <b>10378.33</b>       |

#### C. Analysis of CPCB's Performance:

Based on the data provided by CPCB, the analysis of the actual expenditure is as follows:

**I. Expenditure Breakdown:-** The total expenditure incurred by CPCB during the financial year 2023-24 was 10378.33 lakh rupees. The funds were spent across three categories: GIA-General (2229.61 lakhs), GIA-Capital Assets (730.05 lakhs), and GIA-Salary (7417.77 lakhs). The distribution of expenditure indicates a heavy focus on salary payments, similar to the fund allocation, which suggests that a significant portion of the budget is directed towards maintaining the workforce.

**II. Discrepancies in Data:-** A critical observation is that the sum of the amounts spent in the three categories (10377.43 lakhs) does not match the total reported expenditure (10378.33 lakhs). This discrepancy of 0.9 lakh rupees (90,000 rupees) is not explained in the RTI response, raising questions about the accuracy and transparency of the financial reporting. Additionally, there are inconsistencies in the closing balance calculations for the financial year 2023-24. The closing balance for GIA-General and GIA-Capital Assets, as reported, are 120.32 lakhs and 186.31 lakhs, respectively. However, applying the standard formula for calculating closing balances:

$$\text{Closing Balance} = (\text{Opening Balance} + \text{Grant Allocated}) - \text{Amount Utilized}$$

The closing balances should be 126.32 lakhs instead of 120.32 lakhs for GIA-General and 189.21 lakhs instead of 186.31 lakhs for GIA-Capital Assets. This inconsistency suggests possible errors in financial management or reporting.

**III. Lack of Specificity in Spending:-** The response does not provide detailed information on how the funds were specifically used within each category. For instance, it is unclear what specific activities or projects the funds allocated under GIA-General and GIA-Capital Assets were spent on. This lack of detail makes it challenging to assess the effectiveness and impact of the expenditure.

#### D. RTI Compliance Analysis:-

Same comments as like query no. 1 & 2 because information of query no. 1, 2 & 3 are responded against same RTI applications no. CPCBD/R/E/24/00440/1.

#### E. Remarks:-

The researcher's analysis reveals that while CPCB provided a breakdown of the expenditure, there are significant issues regarding the accuracy and transparency of the data. The discrepancies in the total expenditure and the closing balance calculations point to potential errors in financial reporting. Furthermore, the lack of specific details on how the funds were spent within each category limits the ability to fully assess the effectiveness of CPCB's financial management. Administrative errors, such as the incorrect address and RTI application number, further highlight the need for improved accuracy and attention to detail in handling RTI responses. These issues underscore the importance of diligent and transparent financial management practices to ensure that funds are used effectively and that accurate information is provided to the public. Overall, CPCB's response demonstrates compliance with the RTI Act in terms of timeliness but reveals areas where the organization needs to improve its financial reporting and administrative accuracy to enhance transparency and accountability.

#### 3.5.4 No. of public complaint received & action taken by CPCB (Query No. 4)

- A. Query Overview:-** The fourth query submitted to the Central Pollution Control Board (CPCB) under the RTI Act was: "Provide data on the number of public complaints received by the Central Pollution Control Board regarding pollution in the year 2023 & provide the details of how many complaints out of those have been resolved and what is the status of rest of each complaint at present?"
- B. CPCB's Response:-** The concerned CPIO of CPCB responded with the following information: "During January 2023 to December 2023, a total of 5108 complaints were received. All complaints were examined and forwarded to concerned SPCBs/PCCs and government departments for investigation and action".

#### C. Analysis of CPCB's Performance:-

Based on the data provided by CPCB, the analysis of public complaints is as follows:

- I. Volume of Complaints:-** A total of 5108 complaints were received in the year 2023, averaging approximately 13.99 complaints per day. This high volume reflects significant public awareness and concern regarding environmental protection. It indicates that citizens are actively reporting pollution issues, which is a positive sign of environmental awareness and civic engagement.
- II. Examination and Forwarding of Complaints:-** The response states that all complaints were examined and forwarded to the concerned State Pollution Control Boards (SPCBs), Pollution Control Committees (PCCs), and government departments for further investigation and action. This indicates that CPCB performs an initial review of each complaint and coordinates with other relevant authorities to address the all issues raised & as the CPCB does not have the function of investigation & action taken power, it is appropriate to forward various complaints to SPCBs/PCCs and government departments for further investigation and action.
- III. Efficiency and Follow-Up:-** While the initial handling of complaints appears efficient, the response lacks details on the resolution status of these complaints. It is essential to know how many complaints have been resolved and the current status of the remaining ones to evaluate CPCB's effectiveness in ensuring that the forwarded complaints are adequately addressed by the respective authorities.
- IV. Need for Further Information:-** To obtain a complete picture of the handling and resolution of complaints, a follow-up RTI application is necessary. This application should request the transfer/forwarding list of complaints and approach the concerned SPCBs, PCCs, and government departments for specific updates on the status of each complaint.

#### D. RTI Compliance Analysis:-

- I. **Timeliness of Response:-** The softcopy of the RTI reply was uploaded on June 5, 2024, and the physical copy was received via speed post (Speed Post Tracking ID: ED654010736IN) on June 8, 2024. Given that the RTI application was filed on June 2, 2024, the response was provided within the stipulated time frame under Section 7(1) of the RTI Act, 2005. The prompt response highlights CPCB's efficiency in addressing RTI queries.
- II. **Mode of Response:-** The information was provided in both softcopy and physical mode, ensuring that the applicant received the necessary details through multiple channels.

#### E. Remarks:-

The researcher's analysis of CPCB's response to the query on public complaints reveals both strengths and areas for improvement:

- I. The high volume of complaints reflects strong public engagement and awareness of environmental issues.
- II. CPCB's initial examination and forwarding of complaints to relevant authorities demonstrate an efficient handling process.
- III. The response lacks detailed information on the resolution status of the complaints, which is critical for assessing the effectiveness of the forwarded actions.
- IV. Further RTI applications are necessary to obtain comprehensive updates on the status of each complaint from the concerned SPCBs, PCCs, and government departments.

Overall, while CPCB shows efficiency in handling and forwarding public complaints, transparency and detailed follow-up information are essential to ensure that the forwarded complaints are effectively addressed. Enhanced coordination and communication with other authorities will improve the overall complaint resolution process, contributing to better environmental management and public satisfaction.

#### 3.5.5 Public Awareness Campaigns (Query No. 5)

- A. **Query Overview:-** The fifth query submitted to the Central Pollution Control Board (CPCB) under the RTI Act was: "Provide detailed information of public awareness campaigns and programs conducted by the Central Pollution Control Board on Water & Air pollution and its impacts on health & environment in the year 2023".

- B. **CPCB's Response:-** The concerned CPIO of CPCB responded with the following information:

- Public Awareness Campaigns and Programs Conducted in 2023:
  1. Celebration of World Environment Day.
  2. Conducting various awareness programs at the school level under Mission LiFE.
  3. Participation in various exhibitions during 2023-24.

The details of the exhibitions, including the theme, organizer, dates, and locations, were provided in a tabular format. Additionally, the response mentioned promotional activities for Mission LiFE, including the printing of leaflets, posters, and standees.

### C. Analysis of CPCB's Performance:-

Based on the data provided by CPCB, the analysis of public awareness campaigns is as follows:

- I. **World Environment Day Celebration:-** CPCB's celebration of World Environment Day is a standard yet impactful initiative, as this day is globally recognized for raising awareness about environmental protection.
- II. **School-Level Awareness Programs under Mission LiFE:-** Conducting awareness programs at the school level under Mission LiFE is a positive step toward educating young minds about water and air pollution and its impacts. However, limiting awareness programs to schools may not be sufficient for broad public awareness. Expanding these programs to include community events, workshops for adults, and partnerships with local organizations could enhance the reach and impact of these initiatives.
- III. **Participation in Exhibitions:-** CPCB participated in nine exhibitions across India, including Vibrant North East 2023, Environment & Energy Expo-2023, and World Organic Expo-23 etc. These exhibitions provide a platform for CPCB to engage with diverse audiences and promote environmental awareness. While participation in these exhibitions is commendable, increasing the frequency and geographic distribution of such events could further enhance public engagement and awareness.
- IV. **Promotional Activities for Mission LiFE:-** CPCB's efforts to promote Mission LiFE through printed leaflets, posters, and standees demonstrate a proactive approach to public awareness. These materials can effectively communicate important messages about environmental protection and health impacts. To maximize impact, CPCB could consider utilizing digital advertising, social media campaigns, and public service announcements to reach a wider audience. Additionally, launching benefit schemes or incentive programs for the public to adopt environmentally friendly practices could further bolster these efforts.

### D. RTI Compliance Analysis:-

- I. **Timeliness of Response:-** The information was uploaded on the RTI Online portal on June 24, 2024, well within the specified time frame under Section 7(1) of the RTI Act, 2005.
- II. **Mode of Response:-** The response was provided in softcopy format only. While the timely provision of information is commendable, ensuring accuracy in the applicant's details is crucial. In this instance, the spelling of the applicant's name was incorrect, indicating a need for greater attention to detail by the concerned CPIO.

### E. Remarks:-

The researcher's analysis of CPCB's response to the query on public awareness campaigns reveals both strengths and areas for improvement:

- I. CPCB's initiatives, such as celebrating World Environment Day and conducting school-level programs under Mission LiFE, demonstrate a commitment to raising awareness about environmental issues.
- II. Participation in various exhibitions across India showcases CPCB's efforts to engage with the public and promote environmental education.
- III. The production and distribution of promotional materials for Mission LiFE indicate a proactive approach to public awareness.
- IV. Expanding awareness programs beyond schools to include broader community engagement and digital outreach could significantly enhance the impact of these initiatives.
- V. Increasing the number and geographic coverage of exhibitions could further strengthen public engagement.
- VI. Ensuring accuracy in the details provided in RTI responses, such as the applicant's name, is essential for maintaining trust and transparency.

Overall, CPCB's efforts in conducting public awareness campaigns are commendable. However, by expanding the scope of these initiatives and leveraging digital platforms, CPCB can further enhance its effectiveness in promoting environmental awareness and education. Enhanced accuracy and attention to detail in RTI responses will also contribute to improved public trust and accountability.

### 3.6 RTI First Appeal:-

Researcher filed a RTI First Appeal under 19(1) of RTI Act 2005 to Central Pollution Control Board through RTI Online portal being RTI Appeal Registration number CPCBD/A/E/24/00059 dated 08.07.2024 under Section 19(1) of the RTI Act, 2005. The appeal challenged the replies given to queries no. 1, 2, and 3 of original RTI application, highlighting significant lapses in the information provided by the Central Pollution Control Board (CPCB), which raised serious questions about the transparency, accountability & effectiveness of CPCB.

#### 3.6.1 Grounds of Appeal

- a) **Incorrect Address:-** The RTI reply (Reg. No. CPCBD/R/E/24/00440/1 dated 02.06.2024) stated an address that did not match the address submitted in the original RTI application (CPCBD/R/E/24/00440 dated 02.06.2024). As a result, the applicant never received the hard copy of the reply via post.
- b) **Incorrect RTI Registration Number:-** The RTI reply (Registration no. CPCBD/R/E/24/00440/1 dated 02.06.2024) mentioned an RTI application no. CPCBD/R/E/24/00428 dated 25.04.2024, which is neither applicant's original RTI registration number nor a sub-RTI registration number & the applicant did not file any RTI application on 25.04.2024.
- c) **Incomplete Information on query no. 1:-** Applicant's query no. 1 was "Provide information on the total vacancies and filled positions in the entire organization of the CPCB in the year 2023. The response provided stated that the total posts sanctioned in CPCB were 605, with 379 filled & 200 vacant. This leaves 26 posts unaccounted for. I seek clarification on the status of these 26 posts.
- d) **Lack of Specificity in Query No. 2:-** The response to applicant's query no. 2 did not specify whether the grant mentioned in the table was exclusively granted by the central government or not. This information is crucial for the context of my query.
- e) **Incomplete information on Query No. 3:-** Applicant's query no. 3 was "Provide details of the actual expenditure incurred by the CPCB and in which sectors it has been spent in the 2023-2024 financial year." The reply provided only disclosed the utilized amount but did not specify the various sectors in which the funds were spent.
- f) **Miscalculations in the Response:-** The table in the RTI reply dated 19.06.2024 contained several miscalculations. If the concerned CPIO deems that the calculations in the table are correct, I request a detailed explanation.

#### 3.6.2 Post-Appeal Developments: Procedural Anomaly and Ethical Concerns

The First Appellate Authority (FAA) issued an order on 31.07.2024, directing the CPIO to provide corrected and additional information within 10 days. However, this order was passed without giving the applicant an opportunity to be heard, contrary to the principles of natural justice. Surprisingly, a revised RTI response dated 23.07.2024 bearing Speed Post ID ED652603113IN was sent by the same CPIO after the RTI application had already been disposed of (on 20.06.2024) and the First Appeal had been filed and remained under consideration. This second response requested the applicant to disregard the earlier correspondence and treat the new response as the final and updated version.

This raises a serious procedural question: If the RTI application had already been disposed of on 20.06.2024, and the first appeal was filed on 08.07.2024, how could a revised reply be issued independently by the CPIO before the FAA's decision? This not only goes against RTI procedure but also undermines the credibility of the appeal process.

### 3.6.3 Key Issues in the Revised Reply (23.07.2024)

In the revised reply dated 23.07.2024 the financial details provided by the concerned CPIO are as follows

| Sub-Head                  | Carried Forward from FY 2022-23 | Grant received during FY 2023-24 | Utilized        | Balance as on March 31, 2024 |
|---------------------------|---------------------------------|----------------------------------|-----------------|------------------------------|
| <b>GIA-General</b>        | 55.93                           | 2300                             | 2229.61         | 126.32                       |
| <b>GIA-Salary</b>         | 257.34                          | 8000                             | 7417.77         | 839.57                       |
| <b>GIA-Capital Assets</b> | 669.26                          | 250                              | 730.95          | 188.31                       |
| <b>Total</b>              | <b>982.53</b>                   | <b>10550</b>                     | <b>10378.33</b> | <b>1154.20</b>               |

N.B.- All in Lakhs

- *Researcher observed various key issues in revised reply dated 23.07.2024 those are follows:*

- Change in Vacancy Data:-** The revised reply altered key figures from the original, including a new sanctioned strength of 603, with 492 filled and 111 vacant positions, updated as on 28.05.2024 far beyond the scope of the original RTI request which explicitly asked for data restricted to the calendar year 2023. This not only deviated from the query's temporal scope but also failed to clarify the status of the 26 unaccounted posts from the previous reply.
- Financial Data Inconsistencies:-** Revisions were also made in financial utilization data. For example, under the GIA-Capital Assets category, the utilized amount changed from ₹730.05 lakh (19.06.2024) to ₹730.95 lakh (23.07.2024), and the closing balance from ₹186.31 lakh to ₹188.31 lakh. No explanation was provided for these changes, prompting concerns over data authenticity and reliability.
- New Clarification on Fund Source:-** In the reply dated 23.07.2024, the CPIO finally clarified that the funds allocated and spent during FY 2023-24 were made as per allocation by the Ministry of Environment, Forest and Climate Change under Grant-in-Aid (GIA). This information, which was not disclosed earlier, directly addressed the gap identified in Query 2 and should have been included in the initial response.
- Procedural Irregularity:-** Once an RTI application is formally disposed of and a First Appeal is filed, any fresh response should logically follow the direction of the First Appellate Authority (FAA), not be independently issued by the CPIO without proper intimation or process.
- Violation of RTI Norms:-** The FAA later issued an order dated 31.07.2024 without granting the appellant a hearing directing the CPIO to furnish corrected and complete information within ten days. However, this order was not substantively complied with. Instead, the CPIO's response dated 23.07.2024 was pre-emptive and appeared to have been dispatched before the FAA's directive.

### 3.6.4 Remarks:-

While minor clerical mistakes may be expected, the magnitude and pattern of inconsistencies, the timing of the revised response, and the absence of compliance with the FAA's order point toward deeper institutional concerns. The provision of altered figures without justification, issuing responses post-disposal, and the evasion of clarifications on original queries undermine the trust and transparency that the RTI framework seeks to institutionalize. Such practices, even if not intentional, reflect poorly on the professionalism and record-keeping of a national environmental regulatory authority. As a researcher using RTI as a tool to assess environmental governance, this experience highlights how inconsistent responses and administrative carelessness can hinder democratic oversight and reduce the effectiveness of the RTI Act.

#### 4 Recommendation

Based on a comprehensive analysis and the findings of this research, the researcher proposes the following recommendations:

- 1) **Improve PIO Training and Efficiency:-** Regular training programs for PIOs should be conducted to enhance their understanding of the RTI Act and the importance of providing accurate and comprehensive responses. Efficiency measures should be implemented to ensure timely processing of RTI applications. Establishing a standard operating procedure for handling RTI requests can also help in this regard.
- 2) **Address Vacancies and Resource Management:-** Immediate steps should be taken to fill vacant positions within CPCB to strengthen their operational capacity. Additionally, effective utilization of allocated funds should be ensured through proper financial planning and management. This includes regular audits and reviews to monitor fund utilization.
- 3) **Strengthen Data Management Systems:-** CPCB should develop robust data management practices to systematically record and monitor environmental violations, enforcement actions and other relevant information. Implementing advanced data management technologies and training staff in their use can significantly enhance the effectiveness of these systems.
- 4) **Reduce Political and Industrial Interference:-** Measures should be taken to safeguard the autonomy of CPCB from political and industrial pressures. This can be achieved through legislative reforms that provide greater independence to CPCB and protect them from undue influence. Establishing clear guidelines and protocols for enforcement actions can also help in maintaining impartiality.
- 5) **Standardize Response Quality:-** Guidelines should be established for PIOs to ensure that responses to RTI applications are specific, clear, and relevant. The practice of providing FAQ type or portal link responses should be discontinued. Quality control mechanisms should be implemented to review and improve the responses before they are sent to applicants.
- 6) **Implement Accountability Measures:-** Strict penalties should be imposed on officials who deny or provide incorrect information in response to RTI applications. This would deter non-compliance and promote a culture of accountability within CPCB. Establishing an independent oversight body to monitor RTI compliance can further strengthen accountability.
- 7) **Increase Fund Utilization Capacity:-** CPCB should develop strategies to enhance their capacity to utilize allocated funds effectively. This can include better financial planning, hiring qualified financial management personnel, and implementing regular monitoring and evaluation mechanisms to ensure funds are used efficiently.
- 8) **RTI Act Reforms:-** The RTI Act, 2005, in its current form, contains several ambiguous provisions that often lead to inconsistent interpretations and misuse by public authorities. For one instance, Section 8, which outlines exemptions to the right to information, lacks clarity, allowing public officials to broadly interpret these exemptions and deny information. It is essential to revise these provisions to make them clearer and more specific, reducing the scope for arbitrary decisions by Public Information Officers (PIOs). Public authorities frequently exploit loopholes in the RTI Act to avoid disclosing information. One such loophole is the lack of a stringent penalty mechanism for delays or denials of information without reasonable cause. Strengthening the penalty provisions and ensuring their strict enforcement can act as a deterrent against non-compliance.

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