



**STATE INFORMATION COMMISSION, KERALA
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Proceedings of the State Information Commission, Kerala in Appeal petition

No. AP.128/2006/SIC

(No.3394/SIC-Gen1/2006)

Sri. K.T. Kurian,
Manakunnathu, Near Marginfree Market,
Piravom,
Pin - 686 664.

Vs

1. The Member Secretary,
Kerala State Pollution Control Board,
Pattom.P.O.,
Thiruvananthapuram - 695 004.

2. State Information Officer,
Kerala State Pollution Control Board,
Cochin.

Appellant

Respondents

ORDER

The appellant has filed this 2nd appeal under section 19(3) of the RTI Act 2005, against by the decision of the first respondent dated 16.9.06 in the 1st appeal filed before him.

2. The gist of the case is as follows:

The appellant had made a request under the Right to Information Act 2005, before the 2nd respondent on 9.3.2006 . The information requested was, the provisions of law under which the 10dB (A) relaxation was granted to the Nithayajeevan Prarthana Koodaram, Piravom. The second respondent informed the appellant that the Pollution Control Board had given only an advice to the Police and it was the Police who granted exemption to the

above premises from the permissible noise level. The appellant was also informed of the judgement dated 18.7.2005 of the Supreme Court in Writ Petition 72/98 and Rule 7 of the Noise Pollution (Regulation and Control) Rules, 2000, as the rules under which the relaxation was recommended.

3. A copy of the appeal petition together with accompaniments was forwarded to the first respondent with instructions to file a detailed report. Accordingly, the first respondent has filed a report before the Commission.

4. The Commission had a detailed and meticulous examination of the appeal petition, report of the first respondent and all relevant documents. The Commission made the following observations:

- (i) The appellant in his request before the 2nd respondent had sought for the information on the provisions of Law under which the 10 dB (A) relaxation was granted to Nithayajeevan Prarthana Koodaram, Piravom. According to the respondents, they gave only recommendation to the police and had not granted any exemption. The Commission observed that the appellant wanted to know the Rules under which the relaxation was granted. It was immaterial whether the respondents granted or recommended the relaxation.
- (ii) Respondents have disposed of the request and the 1st appeal of the appellant informing that the relaxation was granted under Rule 7 (1) of the Noise Pollution (Regulation and Control) Rules, 2000 and the judgement of the Supreme Court dated 18.7.05. According to the appellant, the above Rules and Judgement could not be applied to the relaxation granted to the Nithayajeevan Prarthana Koodaram, Piravom. The judgement of the Supreme Court was pronounced in 2005, ie. after the inspection and recommendation for relaxation by the respondents. The Commission observed that the respondents have erred in informing the appellant that the relaxation was granted on the basis of the judgement pronounced.
- (iii) The Right to Information Act 2005 gives the right to obtain copies of documents/records, inspection of documents/records, obtaining information in electronic mode etc. The Act does not provide for redressal of complaints, interpretation of rules etc. Here, the appellant want to establish that the application of the above Rule and judgement was not correct and justifiable. To examine, who had correctly interpreted the rule, whether it was the Pollution Control Board, Kerala or some other State is a matter not coming under the purview of the RTI Act. If the appellant has a complaint that the respondents have given a wrong interpretation to Rule 7 of the Noise Pollution (Regulation and Control) Rules 2000, he may petition before

the appropriate authorities designated to sit over judgement on such issues and not invoke provision/s of the RTI Act in such cases.

5. In the light of the above observations, the Commission order that the respondents shall give a proper reply to the appellant clearly indicating the rules under which the Pollution Control Board had recommended 10 dB (A) relaxation in the noise level measured at the Nithayajeevan Prarthana Koodaram, Piravom.

Dated this the 13th day of August, 2007.