

## CHAPTER -1

### 1.1 INTRODUCTION :

Our Country has an established democratic setup. Democracy requires an informed citizenry and transparency of information which is vital to control and contain corruption. It is the RTI Act, 2005 which secures access to information under the control of public authorities and holds the Government instrumentalities accountable for its action. The RTI Act is an essential tool to good governance.

The Right to Information Act, 2005 was enacted on 15<sup>th</sup> June, 2005 with its preamble reading as under :

***“ An Act to provide for setting out the practical regime of right to information for citizen to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of Central Information Commission and State Information Commissions and for matter connected therewith or incidental thereto”.***

The Act was published in the Gazette of India Extraordinary Part II Section 1, dated 21/06/2005. The Act extends to the whole of India except the State of Jammu and Kashmir.

In pursuance of Sub-Section (1) of Section 15 of the said Act, the Government of Goa by notification No. 10/02/2006/LA, dated 02/03/2006 published in the Official Gazette Series I No. 14, dated 02/03/2006 constituted the Goa State Information Commission consisting of State Chief Information Commissioner and one State Information Commissioner.

In exercise of the power conferred by section 27 read with sub-Section (96) of Section 16 of the Right to Information Act, 2005 (Central Act No. 22 of 2005), the Government of Goa has also notified vide No. DI/INF/RTI/2005/4531 the State Rules, 2006.

The Act came into force partly on 15/01/2005 and fully on 12/10/2005. The provisions of RTI Act included obligation of public authorities, constitution of Information Commission, designation of Public Information Officers /Assistant Public Information Officers and the powers to make rules







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by various competent Authorities. The Act has a comprehensive reach and covers a wide spectrum of bodies. All the Departments and Undertaking of various Governments, Panchayati Raj Institutions, Urban Local Bodies, other Bodies established, constituted, owned, controlled or substantially financed by Governments including non- governmental organization are covered under the Act. Access to information to all Indian citizens is the general rule under this Act, with very few exemptions which are subject to strict safeguards provided in the Act itself.

## **1.2 CONSTITUTION, COMMISSIONERS, AND OFFICERS OF STATE INFORMATION COMMISSION :**

The present Goa State Chief Information Commissioner, Smt. Leena Mehendale was appointed and took oath on 24/10/2013 vide Order No.DI/INF/Notif/2006/2648, dated 03/09/2013 notified in the Official Gazette, Government of Goa, Extraordinary, Series II, No.22, dated 03/09/2013.

The details of the Information Commissioners and the Officials at various points of time are as follows :

<b>STATE CHIEF INFORMATION COMMISSIONER.</b>		<b>STATE INFORMATION COMMISSIONER.</b>	
<b>1. Shri. A. Venkatratnam,</b> ( 21/03/2006 to 08/03/2009 )		<b>1. Shri. G. G. Kambli,</b> ( 21/03/2006 to 01/01/2009 )	
<b>2. Shri. Motilal S. Keny,</b> ( 12/10/2009 to 29/07/2012 )		<b>2. Shri. Afonso Araujo,</b> ( 04/03/2009 to 02/08/2010 )	
<b>3. Smt. Leena Mehendale,</b> ( 24/10/2013 to till date )		<b>3. Dr. Pradeep Padwal,</b> ( 09/08/2012 to 13/09/2012 )	

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SECRETARY		UNDER SECRETARY CUM REGISTRAR	
1. Shri. Elvis Gomes, ( 29/11/2006 to 19/02/2006 )		1. Shri. V.V. Sawant, ( 29/03/2006 to 24/07/2007 )	
2. Shri. Pratap Singh Meena, ( 20/02/2007 to 30/11/2011 )		2. Shri .Ajit Panchwadkar, ( 18/04/2007 to 03/09/2007 )	
3. Shri. P. K. Velip Kankar, ( 01/12/2011 to 05/12/2012 )		3. Smt. Meena H. NaikGoltekar, ( 25/02/2009 to 16/04/2012 )	
4. Shri. M.K. Vasta, ( 06/12/2012 to 10/07/2013 )		4. Shri. Ajit Panchwadkar, ( 17/04/2012 to 28/02/2013 )	
5. Shri. V P. Dangui, Secretary, ( 06/08/2013 to 23/09/2013 )		5. Smt. Maria Nivette Sapeco, ( 01/03/2013 to 15/12/2013 )	
6. Smt. Laura Britto e Madre de Deus, ( 17/10/2013 to 26/02/2014 )		6. Smt. Neela S. Dharwadkar, ( 06/12/2013 to 02/03/2014 )	
7. Smt. Irene V. Sequeira, ( 27/02/2014 to till Date )		7. Smt. Siddhi T. Halarnakar, ( 03/03/2014 to till date )	

#### **1.4 OFFICE ACCOMODATION :**

The Commission initially started functioning from the residence of Shri. A. Venkatratnam, the first SCIC of Goa. On 08/06/2006 the State Government allotted premises admeasuring 96.58 square meters on the ground floor of Shramashakti Bhavan which is located near Panaji Bus-stand at Patto. The said premises which was infact two shops ( 48.29 square meters each) and lacking basic amenities and highly inadequate, was nevertheless convenient to the citizen and the RTI appellants due to its proximity to the Panaji Bus stand. In 2013-2014 renewed attempts were made by the Commission to procure appropriate premises. The State Government suggested premises at Ribandar, however, the Commission requested the Hon'ble Chief Minister to reconsider the same taking into account the fact that parties appearing before the Commission are coming from across the length and breath of Goa and hence any premises near Panaji Bus stand will be convenient to all. Finally the Chief Minister took personal interest to resolve the issue and the State Government vide Order No.01/06/2012–GAD–IV–PF–1/95, dated 14/02/2014 allotted premises on rental basis at Kamat Towers, Seventh floor, which is located near Panaji Bus Stand at Patto.

The said premises admeasuring 389 square meters with all the basic amenities and being in close proximity to Panaji Bus stand will continue to facilitate the appellants. The GSIDC had undertaken and tendered the interior works of the new premises vide Order No.GSIDC/Engg/Works/ 1010/4325, dated 17/10/2014 and thereafter submitted the completion of work certificate vide letter No. GSIDC/Engg/Works/10/10/5855, dated 24/12/2014. The new premises at Kamat Towers are being inaugurated at the hands of the Hon'ble Chief Minister of Goa on 12<sup>th</sup> January, 2015, thanks to its timely completion by GSIDC.

#### **1.5. BUDGET :**

**1.5.1** The Budget to meet the expenses of the Commission comes under Demand No. 56, Budget Head 2220 – Information and Publicity, 01 – Films, 001 – Direction and Administration, 03 – Goa State Information Commission (Plan),

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31 – Grant-in-Aid. Secretary to the Commission is the Drawing and Disbursing Officer.

The Powers of the Secretary of this Commission are as per the Delegation of Financial Power (Rules), 2008.

The nodal officer of this Commission is Director of Information and Publicity.

### **1.5.2 Grants to carry forward or surrender :**

As per the earlier Pattern of Assistance sanctioned by Govt of Goa, this Commission used to carry forward remaining unutilized balance to next financial year. This ensured a smooth working of the Commission in terms of Financial Administration in the next year. However, in the month of March 2013 it appeared as though the amount of unutilized funds was proportionately quite large. As a result the Govt decided to change the pattern of Assistance and informed the Commission in August 2013 that henceforth the remaining unspent balance should be refunded to the Government Treasury at the end of the financial year.

This situation was reassessed after the post of SCIC was filled in Oct 2013. It was obvious that if all unutilized amount refunded/surrender back to the Government Treasury and not carried forward to next financial year, there will be no money in the month of April to pay March salaries to the staff and also there will be no money with Commission for day to day official expenses as delay occurs invariably in obtaining approvals from Govt. It was brought to the notice of the Govt that the reason for apparent non utilization of grant at the end of 2012-13 and during the 2 quarters of 2013-14 was due to the fact that the post of SCIC and SIC had remained vacant for more than 8 months during each of the 2 financial years. Such aberrations may occur only once in a while due to special circumstance. Hence it is necessary to go back to the practice of carrying forward the remaining unspent balance rather than having to surrender it.

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Accordingly Secretary of this Commission has written letter to Director of Information for Modification in the Pattern of Assistance asking that for 2013-14, remaining balance may be allowed to carry forward to new financial year i.e. 2014-15 and allow this Commission to use the same for salaries and misc expenditure. The said amount may be deducted from the allotted budget in the financial year 2014-2015 as was earlier practice.

Director of Information and Publicity has now informed GSIC under letter no. DI/INF/RTI/Com.Fund/2013/6137 dated 19/02/2014 that Government agreed to modify the Pattern of Assistance and revert back to earlier practice. Accordingly, the amount of Rs. 9.90 lakh was adjusted with the first installment released during the financial year 2014-2015. Thus a major financial setback was avoided due to timely action of the Secretary, the Accounts branch as well as the Nodal department of Information and Publicity and the Department of Finance. Govt will have to continue the practice of carry forward so that in future too the Commission can run smoothly.

**1.5.3.** The details of the funds allotted and the expenditure incurred by the Commission for the financial years 2011-12, 2012-13, 2013-14, and 2014-2015 is as follows :

	<b>Actual Expenditure incurred ( in lakhs)</b>	<b>Funds allotted ( in lakhs)</b>
<b>2011-2012</b>	97.36	110
<b>2012-2013</b>	69.70	25
<b>2013-2014</b>	69.29	60
<b>April,2014 to Dec 2014.</b>	70.25	62.6
<b>Estimated 2014-2015</b>	93.25	90.1

Also refer to Chapter 4.1.1(II).

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**1.5.4.** Chart indicating the details of the actual expenditure of Goa State Information Commission for the financial years 2011-12, 2012-13, 2013-14, and 2014-2015.

<b>Expenditure incurred by the Commission.</b>						
	<b>2011-12 (in lakhs)</b>	<b>2012-13 (in lakhs)</b>	<b>2013-14 (in lakhs)</b>	<b>2014-15 (in lakhs)</b>		
				<b>April,2014 –Dec,2014 (in lakhs)</b>	<b>Estimate for 4<sup>th</sup> Quarter Jan,2015- Mar,2015</b>	<b>Estimate d 2014- 2015 ( 5+6)</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>Salaries</b>	73.67	58.63	58.28	58.44	19.00	77.44
Leave Salary & Pension Contribution , LTC, Tuition fees, M.R., Leave Encashment	14.22	2.99	3.57	5.69	02.00	07.69
Retirement Benefits, W.E.T., Office consumable, Petrol, Servicing, Repair charges, Permanent Advance and Misc. Expenditure	9.47	8.08	7.44	6.12	02.00	8.12
<b>Grand Total</b>	<b>97.36</b>	<b>69.70</b>	<b>69.29</b>	<b>70.25</b>	<b>23.00</b>	<b>93.25</b>

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From the above expenditure chart it is clear that chunk of the funds allotted are utilized for the Salaries. During the years when no CIC and SIC were posted the funds remained unutilized due to which an impression was created with the State Government that the funds allotted are more than sufficient which resulted in only 25 lakhs being sanctioned for the year 2012-2013 by the State Government. There is need for more funds to be allotted to the Commission to carry out awareness campaigns, programmes, and Schemes related to RTI.

#### **1.6. STAFFING PATTERN :**

The details of number of staff sanctioned for the Commission and the staff actually posted are as follows :

<b>Categories of Posts.</b>	<b>Sanctioned strength</b>	<b>No. of Staff actually posted</b>	<b>Number of Posts vacant.</b>
Section Officer.	01	01	<b>Nil.</b>
Accountant.	01	01	<b>Nil.</b>
Stenographer Grade-I.	03	00	<b>03</b>
Junior Steno.	02	01	<b>01</b>
UDC.	01	00	<b>01</b>
LDC.	03	03	<b>00</b>
Peon.	02	02	<b>00</b>
Driver.	03	03	<b>00</b>

From the above figures it is clear that there is acute shortage of staff at the Commission. Moreover, the number of staff sanctioned for the Commission in itself is not sufficient if compared to the quantum of work handled by the Commission. In view of it, a proposal for creating additional Posts in order to meet the workload of the Commission is submitted to the State Government.

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The details of these additional Posts proposed are as follows :

<b>Sr. No.</b>	<b>Categories of posts proposed.</b>	<b>Number of Posts.</b>
1.	Principal Private Secretary.	01
2.	Private Secretary.	02
3.	<b>Research Team consisting of :</b>	
	Research Officer.	01
	UDC	01
	LDC	01
	Peon	01
4.	Judicial Clerk.	02
5.	Computer Programmer	01
6.	LDC	01
7.	Driver	01
8.	Peon	01

**1.7. NEW SCHEMES :**

The Commission is launching two new Schemes for College and Post Graduate Students, namely

- a. Scheme for Comparative Case Study of RTI by the college students, and
- b. Scheme for conducting survey to explore RTI as a tool to good Governance.

See Chapter 4 for further details.

c. The Commission has also organized a series of RTI programme on Doordarshan which is aired twice a month on the first and third Friday of a month wherein the disposed RTI matters are discussed alongwith the various provisions of the RTI Act and their implications from the public point of view. The first and second episodes was telecast in the month of December, 2014.

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