

CHAPTER - 6

OBSERVATIONS AND RECOMMENDATIONS

The GSIC takes pleasure to place before the Govt. the observations as well as recommendations to Public Authorities regarding steps to be taken for promoting conformity with the provisions and spirit of the Act.

During the year 2014 the GSIC has taken proactive measures towards generating awareness among stakeholders about the objectives of the Act and helps various Public Authorities in their endeavor to take up capacity building for transparency & good governance.

6.1 RECOMMENDATIONS MADE DURING THE YEAR 2014

(a) **Lack of Awareness:-**

While deciding the complaint and appeal, it was observed by the Commission that most of the complaints and appeals pertained to delay in receiving appropriate response from the PIO's. In a number of cases, the delay could be attributed to the lack of awareness on the part of PIO's about various provisions of the RTI Act, and Rules. Especially, if PIO's are claiming NIL information, they have to give brief reason as to how the information is NIL.

(b) **Non-RTI Grievance:-**

Some of the applicants also seemed to be unaware of the scope of RTI Act. Quite a large of applications/appellants expected the redressal of their non-RTI various grievances by the State Chief Information Commission.

(c) **RTI Register:-**

It is observed that most of the PIO /offices maintained a Register of RTI application. Such registers can ensure that RTI applications get processed within stipulated period. It is noticed however, that the PIO's have not been inspecting and monitoring such registers, with the result that reply or compliance gets delayed.

(d) **Verification of the Registers:-**

PIO should have a system of periodic physical verification of the Registers of RTI applications especially in those Department which receive large number of applications.

PIOs should maintain separate register of cases going to first and second appeal and monitor the directions given and their compliance.

(e) **Inclusion of RTI Subject:-**

To include RTI as one of the subjects of study at the college level.

(f) **Order not passed by FAA:-**

Some 2nd appeals are filed on the ground that the Appellate Authorities have not passed orders on the first appeals or not passed within the period prescribed in the Act. This can be avoided, if FAAs also maintain a register of RTI appeals filed.

(g) **Training Programme:-**

There is continuous need for organizing training programmes for the guidance of Appellate Authorities from time to time.

(l) **NGO to conduct the awareness campaign:-**

To encourage and assist the NGOs to conduct the awareness campaign about the RTI Act amongst the public.

(j) **Time period for Annual Returns:-**

Every public authority should send their Annual Returns duly filled well in advance by Feb/March of every year.

(K) **Designations of PIO in Comunidades:-**

Comunidades Registrar should be designated as Public Information Officers, and be made accountable.

(L) **Suggestion for amendment of Rule 3(2)(a) & Rule 3 (3)(b) of RTI:-**

In the interest of the RTI applicant as well as the office of PIO , no fees should be collected in case of information running upto 10 pages. By doing so, much of the time and expenditure will be saved both of the citizen and office of PIO. The above suggestion is in tune with the preamble of the RTI Act, 2005 which clearly sets out to harmonize the conflicting interest i.e revelation of information and limited fiscal resources.

(M) **Suggestion of Extension of Time Limit:-**

Disposal of request u/s 6 within thirty day from the date of receipt of the request where an application is made to PIO requesting for an information which is Voluminous, is suggested that the PIO's should get 15 days extra time to furnish the information to the applicant. This will require adequate changes in the RTI Act and Rules.

(N) **Compliance of FAA's Order:-**

FAA decision is judiciary as well as Administrative. Hence whenever orders are passed by FAA, they should also monitor it administratively whether it has been complied by PIO/APIO.

II. Major Previous Recommendations yet to be implemented

1) **Accountability & Transparency:-**

A large number of Public Authorities at the state level have not published the information under section 4(1) (b) of the Act, which requires a voluntary disclosure of lot of information. Such availability would help to reduce the number of RTI applications and will achieve the objective of bringing transparency as well as accountability in the working of public authorities at the grass root level. It is therefore, recommended that the district level offices of various Departments/Boards/Corporations be asked to publish the information as per provisions of Section 4(1)(b) of the Act.

2) **Lack of awareness on RTI:-**

During various meetings and also during the hearing of appeals and complaints, the Commission observed lack of awareness about various provisions of the RTI Act, 2005 and the Rules made there under amongst PIOs/APIOs which led to the delay, in some cases, in furnishing the required information to the applicants.

3) **Seminars and Workshops:-**

Seminars and Workshops are organized in various Departments, similarly Festivals and Melas are celebrated at various places in the State where exhibitions are organized by the Departments/Corporations etc. These forum can be used for generating awareness among the common masses about the provisions of the RTI Act, 2005.

4) **Constitution of Committees:-**

It has been brought to the notice of the Commission that some of the public authorities like the District Red Cross Societies, Temple Committees and Mela Committees in the State have not designated PIOs/APIOs/Appellate Authorities. These Societies/Committees have been constituted by the State Government. Hence these bodies are public authorities under the RTI Act,2005. It is, recommended that the General Administration Department should direct these Societies/Committees to designate PIOs/APIOs and Appellate Authorities so that information seekers can file their applications and seek information from them under the Act.

5) **Constitution of a State Level Committee under the Chairmanship of Chief Secretary:-**

The Commission had recommended constitution of a State Level Committee under the Chairmanship of Chief Secretary with the Secretary of the Commission as one of the members of the Committee & two separate sub-committee to be constituted for the local self Government i.e. Municipalities and Panchayats to be considered for implementation on priority basis as the applications seeking information have increased considerably and to advise on the evolution of effective implementation of RTI across the Goa State

6) **Compliance of FAA:-**

The First Appellate Authorities give an ambiguous decision about giving information. The purpose of First Appeal is to reduce the number of Second Appeal to the Commission by giving information to the applicant at the level of the Public Authority itself.

7) **Website of Dept./Semi Govt./Autonomous bodies:-**

To direct all the Public Authorities to compile and publish on the website the particulars of the Departments/organization as required by Section 4(1)(b) of the RTI Act.

(III) **RECOMMENDATIONS OF CONTINUOUS NATURE:**

(a) **Name of FAA/PIO/APIO on Notice Board:-**

The Commission had recommended that complete details of PIOs/APIOs/Appellate Authorities of a public authority may be kept in all the field offices of the department concerned.

It had also recommended that these details may be made available on notice boards at the district level offices of the public authority.

(b) **Cataloguing & Indexing of Records:-**

The Commission is of the view that proper cataloguing and indexing of records is critically important for implementing various provisions of the Act pertaining to access to information under the RTI Act, 2005.

(c) **Training to officials on RTI:-**

The State Government needs to conduct adequate numbers of training programmes that is Appellate Authority/PIOs/APIOs/ Super H. C. and RTI dealing.

➤ A lack of awareness has also been noticed among PIOs and APIOs posted at block or sub-division level of quite a few other Departments.

(d) **Publicity:-**

To carry out adequate publicity of the RTI Act through pamphlets hoardings, Boards, Doordarshan, All India Radio etc.;

(e) **Booklets of PIO's Details:-**

To print a booklet giving names, postal address, phones and fax numbers, e-mail address of all the Public Information Officers once a year as required by clause (b) of sub-section (3) of Section 26 of the Act.

(f) Protocol should be provide to the SCIC/SIC as per the entitlement of Supreme Court/High Court Judges, as it is one of the Terms & Conditions of appointment.