

GOA, ONE OF THE PIONEERS IN RTI, BUT LOOPHOLES REMAIN

BY HERALD REPORTER

PANJIM, Dec 15 -- Goa has the second-oldest Right to Information Act in the country (second to Tamil Nadu). But an analysis undertaken for the Commonwealth Human Rights Initiative in New Delhi suggests that a lot remains to be improved in this Rane-navigated piece of legislation.

Under this law, Goa does not allow for 'suo-moto' declaration of information, the time-limit taken to provide the information is a lengthy 30-days, and there is no internal appeal provided for in the case of faulty decision.

This came out during a UNDP workshop on being held at Aguada on December 15-16, and emerged from comparative studies of different Right to Information laws passed in India.

Goa's Right to Information Act, passed in 1997, allows for the obtaining of certified copies of documents or records, inspection of records, notes and extracts, inspection of public works, taking samples from material of public work.

Initially, there was a lot of enthusiasm the transparency this law could bring in. But later on, as bureaucrats allegedly found loopholes on how to block the flow of information sought by the citizen, there was a diminishing interest in the law.

Ironically, even incumbent chief minister Manohar Parrikar was himself one of those who made good use of the Right to Information Act, to dig out ammunition against his then opponents.

Goa's law ensures transparency only in the government sector -- and that too, not all government-funded bodies, but only those whose competent authorities have been notified under the law.

Goa's law applies also to private bodies executing work for, on behalf of, or as authorised by the government. The Commonwealth Initiative suggests that private bodies affecting the public must be covered.

There are six exemptions, on which grounds the Goa government can refuse information to its citizen. But, this analysis points out that information that can be given to the State legislature should also be available to the citizen.

In contrast, the controversial Tamil Nadu legislation has 22 exemptions and two additional "broad exemptions" under which information can be denied. States like Rajasthan, Karnataka, Delhi, Maharashtra, MP and the Central law have between 7 to 10 exemptions each.

Each Right to Information application in Goa costs Rs 100 plus the fee of photocopying -- at two rupees a page. The Commonwealth Initiative suggests that the fees should be waived when likely to cause financial hardship, or if the information is sought in public interest.

Government authorities can take 30 days to accept or refuse RTI applications. The Commonwealth Initiative suggests shorter time limits for refusal.

It says an "independent forum for appeal (is) essential. Also coupling appeal and penalties (on officials for not giving the information) together, makes the process more transparent and efficient".

There are no provisions for publicizing the Act, contrary to the suggestion of there being mandatory publicity. Likewise, Goa has no provisions for the mandatory training and orientation of government personnel.

Goa's State Council which oversees this act has been meeting infrequently, and also faced charges that an earlier more-representative body was replaced by one which had some nominees close to the powers that be.

During Monday's meeting, many speakers criticised New Delhi for passing a federal Freedom of Information Act, but in long delaying in notifying it or announcing its rules.