

# GOA STATE INFORMATION COMMISSION AT PANAJI

**CORAM:** Shri M. S. Keny, State Chief Information Commissioner

Complaint No.23/SCIC/2010

Shri Gajanan M. Phadte,  
G-1, Samarth Aptts,  
Borche bhat,  
Caranzalem

..... Complainant.

V/s.

The State Asst. Public Information Officer,  
Shri J.B. Colaco,  
Corporation of City of Panaji.  
Panaji- Goa.

..... Opponent.

Complainant in person.

Adv. S. Dessai for Opponent.

## **ORDER** **(12-05-2010)**

1. The complainant Gajanan M. Phadte has preferred this Complaint praying that APIO be penalized under section 20(1) of the Right to Information Act 2005 since he has provided incomplete information and that certified copies of the document to be furnished.

2. The brief fact leading to the present complaint are as under:-

The Complainant has referred to various application preferred by him as well as by his wife. However, the application, which is the subject matter of the present complaint is the application dated 14/10/2009 at entry No. 89 and I have referred to this application only. That the complainant filed an application seeking certain information under Right to Information Act 2005 (RTI Act. in short). That the information sought has not been correctly furnished and certain copies of paper are not provided to him despite being available in the file. In short, according to him, information furnished to him is incomplete and hence the present complaint.

...2/-

3. The Opponent resist the complaint and their say is on the record. It is the case of the Opponent that the Complaint is not maintainable in law and is based on misconstruction and misinterpretation of the Right to Information Act. That the Complainant is attempting to raise grievances on behalf of his Wife Anjali Phate which is not permissible under the Right to Information Act. That the said Anjali Phadte is not the complainant. The Opponent also refers to the application filed by Smt. Anjali Phadte that the said Anjali Phadte did not appeal against furnishing of the said information, which entails that she was satisfied with the same. That the grievance made by the complainant on the behalf of his wife could not be considered by this authority and has no relevance to the present complaint. It is the case of the Opponent that on 14/10/2009 complainant made one application bearing entry No. 88 seeking information with regard to the correct H. No. With trade license. That the said application was replied to by letter dated 18/11/09 and the information was furnished. That on 14/10/2009 complainant made another application under entry No. 89 under Right to Information Act and the Opponent furnished the necessary information to the Complainant. It is further the case of the opponent that all information is furnished to the Complainant and the Complainant is attempting to his grievances that application dated 10/08/09, which was filed by complainant's wife. That the documents mentioned in the prayer were not mentioned in the original application and that the original application was vague. That the Complainant has not made out any case for action under section 18 and 20 of the Right to Information Act. That the opponent has not acted in malafide manner nor has he given any misleading information or refused to furnish any information intentionally nor has withheld information available with it. In short information has been furnished. According to the opponent, complaint is liable to be dismissed.

4. Heard the arguments. The Complainant argued in person and Advocate S. Dessai argued on the behalf of Opponent. The Complainant referred in detail to the facts of the case and took me to various letters to show full information has not been furnished. According to him the information that is furnished is incomplete.

5. Adv. for the opponent submitted that whatever was in the file has been provided. He next submitted that information is vague according to him entire file is given and the entire confusion is due to two house numbers. After referring to the application as well as reply Adv. for the Opponent submitted that first appeal is not preferred and this shows that complainant has satisfied with the information. According to the Adv. for the Opponent complaint does not lie.

4. In reply the complainant submitted that he can complain on behalf of his wife. He also submitted that application is not vague and he sought the papers pertaining to the trade number.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The point that arises for my consideration is whether the Complainant is entitled for relief prayed. At the outset I must say that the right to information is the basic right of the citizen of a free country. Without adequate information a person cannot form an informed opinion. The Right to Information Act 2005 has been enacted to provide for legal right to information for citizen to secure access to information under the control of Public authority, in order to promote transparency and accountability in the working of every public authority. It is seen that application dated 14/10/09 was filed, the same was under entry No. 89. What we are concerned in this complaint is this very application, I do agree with the contention of the Advocate for the

Opponent that other applications could not be imported in this application so I shall deal with the application dated 14/10/2009 at entry No. 89. It is seen that by letter dated 18/11/09 the complainant is called upon to collect the required copies from the office subject to the payment of Rs. 2/- per page. It appears that information must have been furnished because it is the case of the complainant that the information supplied to him is incomplete. The complainant does not dispute that no information given to him according to him all the document are not given. In view of this position no further intervention of this commission is required.

6. The Complainant contends that the information furnished to him is incomplete and is incorrect this is disputed by the Advocate for the opponent. According to him information furnished is correct.

It is to be noted that the purpose of Right to Information Act is per se to furnish information. Of course complainant has a right to establish the information furnished to him is incomplete, incorrect, misleading etc but the Appellant has to prove it by means of some sort of documentary evidence to counter opponent's claim. The information seeker must feel that he got the true and correct information otherwise purpose of Right to Information Act would be defeated. It is pertinent to note that the mandate of the Right to Information Act is to provide information – information correct to the core and it is for the complainant to establish that what he has received is incomplete and incorrect. The approach of the Commission is to attenuate the area of secrecy as much as possible. With this view in mind, I am of the opinion that the complainant should be given an opportunity to prove that information is incomplete, incorrect, misleading etc as provided in section 18(1) (e) of the Right to Information Act. Hence I pass the following order:-

...5/-

8. Since, information is furnished no further intervention in the complaint is required. The Complainant is given an opportunity to prove that information furnished is incorrect, incomplete, misleading etc.

Further inquiry posted on 28/05/2010.

Complaint is accordingly disposed off.

Pronounced in this Commission on this 12<sup>th</sup> day of May 2010.

Sd/-  
(M. S. Keny)  
State Chief Information Commissioner

No. GSIC/Comp/23/SCIC/2010

Goa State Information Commission  
Shrama Shakti Bhavan,  
Patto Plaza, Ground floor,  
Panaji – Goa.

Dated: 14/05/2010.

- 1) Shri Gajanan M. Phadte,  
G-1, Samarth Aptts,  
Borche bhat,  
Caranzalem
- 2) The State Asst. Public Information Officer,  
Shri J.B. Colaco,  
Corporation of City of Panaji.  
Panaji- Goa.

**Sub: - Complaint No.23/SCIC/2010**

**Sir,**

I am directed to forward herewith the copy of the Order dated 12/05/2010 passed by the Commission on the above Complaint for information and necessary action.

Yours faithfully,

(Meena H. Naik Goltekar)  
Under Secretary-cum- Registrar

**Encl: Copy of Order in 5 pages**



