

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 66/SCIC/2010

Shri Bruno John DeSouza,
437, Marra Pilerne,
Bardez - Goa.

....

Appellant

V/s

1) Public Information Officer,
Administrator of the Comunidade,
Mapusa, North – Goa.

....

Respondent No.1

2) Additional Collector /
First Appellate Authority,
Collectorate of North Goa,
Panaji – Goa.

....

Respondent No.2

Appellant present in person.

Adv. K. A. Bhosale for the Respondent No. 1.

Respondent No.2 absent.

J U D G E M E N T **(07/06/2010)**

1. The Appellant, Bruno John DeSouza, has preferred this Appeal praying that consistent and proper reply be furnished to the remaining unanswered questions and in the same format as asked and for imposing penalty on the Public Information Officer.

2. The brief facts leading to the present appeal are as under:-

That by an application dated 30/11/2009 filed under Right to Information Act ('RTI' Act for short), the Appellant sought certain information. That no reply was given by Public Information Officer inspite of 30 days mandatory period. That the appellant herein filed the First Appeal before the First Appellate Authority ('FAA' for short). That in January 2010 the Appellant received a letter from ACNZ informing that ACNZ has requested the Registrar/Attorney of the Comunidade of Pilerne to submit the required information as stated in the RTI application within 7 days. Being aggrieved the Appellant has preferred this appeal on the grounds as mentioned in the memo of Appeal.

3. The Respondents resist the Appeal and their say is on record. In short it is the case of the Respondent No. 1 that the information is furnished.

4. Heard the Appellant and Adv. K. H. Bhosale for Respondent No. 1 and perused the records.

5. It is seen that application seeking certain information was made on 30/11/2009. It is seen that the application was referred to the Comunidade of Pilerne for necessary action as no records pertaining to the said matter was available with this office. It appears that information sought has been furnished by the Registrar of Comunidade of Pilerne by his letter dated 19/01/2010. Again by letter dated 28/01/2010 some clarification was issued. I have also perused the Roznama on record of First Appellate Authority whereby proceeding were closed. I have also perused the letter No. ACNZ/RTIA/114/10-11 04 dated January 2010 from APIO. It is not on record as to whether file was re-opened etc. However I need not refer to this aspect as Appellant states that he has received the information. Adv. for Respondent No. 1 also stated that they have furnished the information.

6. The next aspect to be considered is whether the information received is in time. The Application is dated 30/11/2009. It appears that the same was sent to the Comunidade of Pilerne and from their reply it is seen that the application was sent on 28/12/2009. In fact this should have been sent as early as possible but in no case later than 5 days in view of section 6(3) of the RTI Act. The said Comunidade answered in time. No doubt that PIO/Administrator of the Comunidade, Mapusa North Goa, Bardez did not send in time Public Information Officer failed to send in time. May be due to lack of appreciation of provision of RTI Act. The information was with Comunidade and there is no delay on their part. In view of this it would not be proper to attribute delay to the Comunidade of Pilerne.

7. The Appellant contend that the information furnished to him is incomplete and is not correct. This is disputed by the Adv. for the Respondent No. 1 according to him the information furnished to him is correct.

8. It is to be noted that purpose of Right to Information Act is per se to furnish information. Of course Appellant has a right to establish that 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 Respondent Claims. The information seeker must feel that he got the true and correct information, as otherwise the purpose of Right to Information Act would be defeated. It is pertinent to note that the mandate of RTI Act is to provide information --- information correct to the core and it is for the Appellant to establish that what he has received is incorrect and incomplete. 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 Appellant should be given the opportunity to prove that information is incomplete, incorrect, misleading etc as provided in section 18 (1) (e) of the Right to Information Act.

9. Since, information is furnished no further intervention of this Commission is required. However, in my view, the Appellant should be given an opportunity to prove that information furnished is incorrect, incomplete, misleading etc. Hence I pass the following order.

ORDER

No further intervention of this Commission is required. Appeal is disposed off.

The Appellant is given an opportunity to prove that information furnished is incomplete, incorrect, misleading etc.

Further inquiry posted on 28/06/2010 at 10.30 am.

Appeal is accordingly disposed off.

Pronounced in this Commission on this 7th June, 2010.

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

GSIC/Appeal No.66/SCIC/2010

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

Dated: 10/06/2010.

- 1) Shri Bruno John DeSouza,
437, Marra Pilerne,
Bardez - Goa.
- 2) Public Information Officer,
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Mapusa, North – Goa.
- 3) Additional Collector /
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Sub: - Appeal No.66/SCIC/2010.

Sir,

I am directed to forward herewith the copy of the Judgment/Order dated 07/06/2010 passed by the Commission on the above Appeal for information and necessary action.

Yours faithfully,

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

Encl: Copy of Order in 3 pages

