

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No.187/SCIC/2010

Mr. Domnic D'Souza,
H.No. 315/4, Tropa Vaddo,
Sodiem, Siolim –Goa.

..... Complainant.

V/s.

Public Information Officer,
Village Panchayat Sodiem
Siolim- Goa.

..... Opponent/Respondent.

Complainant absent. Smt.. Joan Mascarenhas, representative of
Complainant present.

Opponent present.

ORDER
(08-07-2010)

1. The Complainant, Shri Domnic D'Souza, has filed the present complaint praying that the Opponent be directed to furnish the true and correct information in terms of application dated 22/01/2010; that the Opponent be directed to pay an appropriate amount of fine/penalty stipulated under section 20 of the Act; that Disciplinary action be taken against the Opponent under the service rule under section 20 of the Act for manipulating the records and providing false and fabricated information.

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

That the Complainant filed a complaint dated 13/07/2009 before the Sarpanch/Dy. Sarpanch and other concerned Departments of the illegal operation of the metal fabricating workshop operating in contravention of the G.P.R Act in sr. No. 271/32 of Village Sodiem by the Dy. Sarpanch, Shri Leao Dias, that the Complainant filed several

application under Right to Information Act before the Dy. Director of Panchayats, Panaji, Block Development Officer, Mapusa. That the Complainant also filed an application dated 31/12/2009 asking for certain documents. The Complainant then filed second application dated 22/01/2010 for certain information. That by letter dated 22/02/2010 the Opponent furnished the information sought for. It is the case of the Complainant that the Opponent has submitted false information. That the Opponent has given false and fabricated information and has manipulated the same in the interest and for the benefit of Dy. Sarpanch, Shri Leao Dias in order to avoid action against him under G.P.R. Act. Being aggrieved the Complainant has filed the present Complaint on various grounds as set out in the Complaint.

3. The Opponent resists the application and the say is on record. It is the case of the Opponent that Opponent furnished the information by letter dated 22/02/2010 subject to the availability of the records. That the required information was furnished and that there was no delay. That the Opponent has neither malafidely denied nor provided incorrect, incomplete or misleading information. According to the Opponent the Complaint is liable to be dismissed.

4. Heard the arguments. The representative of the Complainant submitted that information has been furnished but the same is incorrect incomplete and false/misleading.

Opponent submits that the available information has been furnished.3/-

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 information is furnished or not?

It is seen that the application seeking information was made on 22/01/2010. The same was received on 22/01/2010 itself. By letter dated 22/02/2010 the Opponent furnished the information. Apparently the reply is in time. There is no delay as such. I have perused the application seeking information and also the reply furnishing information. It is seen that the information has been furnished. There is also no dispute on this count. In my view there is also no delay in furnishing information.

Representative of the Complainant submits that information has been received and that she has no dispute on that. According to her the information given is false, incorrect and misleading Opponent submits that information is true and correct.

In view of all this information is duly furnished.

6. Now it is to be seen whether information given is incomplete, incorrect, misleading etc as contended by the Complainant.

It is to be noted here that purpose of the Right to Information Act is per se to furnish information. Of course Complainant/Applicant has a right to establish that the information furnished to him is false, incorrect, misleading etc, but the Complainant has to prove it by means

of some sort of evidence to counter opponent's claim. The information seeker must feel that he got the true and correct information otherwise purpose of RTI Act would be defeated. It is pertinent to note that mandate of RTI is to provide information, information correct to the core and it is for the Complainant to establish that what he has received is incomplete.

7. In the light of the above, it is seen that information is furnished and in view of submissions made no intervention is required. However, the Complainant should be given an opportunity to prove that the information is incomplete, incorrect, misleading etc. Hence, I pass the following order:-

"No further intervention in the Complaint is required.

The complainant is given an opportunity to prove that information furnished is false, incorrect, misleading etc.

Complaint is accordingly disposed off.

Further inquiry posted on 22/07/2010 at 10.30 am.

Pronounced in the Commission on this 8th day of July, 2010.

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

