

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 102/SCIC/2010

Shri Atish P. Mandrekar,
H.No. 549/C,
Vodlem Bhat, Taleigao,
Ponda –Goa.

Appellant

V/s

1) The Public Information Officer,
Khadi & Village, Industries Board,
Junta house , Panaji.

Respondent No.1

2) B. S. Kudalkar,
Under Secretary,
Govt. of Goa,
Industries Department,
Secretariat, Porvorim –Goa.

Respondent No.2

3) First Appellate Authority,
The Chief Executive Officer,
Khadi & Village Industries Board,
Junta House,
Panaji –Goa.

Respondent No.3

Appellant in person.

Respondent No. 1 and 2 in person.

J U D G M E N T **(02/09/2010)**

1. The Appellant, Shri Atish P. Mandreker, has preferred this Appeal praying that information as requested by the Appellant in his application dated 04/01/2010 be furnished to him correctly and fully without reserving any information to save any person, that action be taken on Public Information Officer for not providing information; that penalty be imposed on the Public Information Officer, that disciplinary action be taken; that compensation be given and that information be provided free of cost.

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

That the Appellant, by an application dated 04/01/2010 addressed to the Public Information Officer/Respondent No. 1 requested for information under Right to information Act ('RTI' Act for short); that no reply was furnished nor inspection of records have been permitted and as such it amounts to deemed refusal under section 7(2) of the Right to Information Act. That the Appellant preferred First Appeal against deemed

refusal by Respondent No. 1 before First Appellate Authority. That the First Appellate Authority passed the order directing the Respondent No. 1 to furnish the information. It is the case of the Appellant that information that was furnished was not complete and manipulated the information. That the order of First Appellate Authority is not complied with. that the Respondent No. 1 transferred the Application at point No. 7 to Respondent No. 2 by letter dated 03/03/2010 directing to furnish the information. That by letter dated 05/03/2010 Respondent No. 2 informed the Appellant to collect the information after making payment which is contrary to Right to Information Act as per section 7(6).

1. The Respondents resist the Appeal and their say is on record. It is the case of the Respondent No. 1 that the application was filed jointly by Kashinath J. Shetye and the Appellant. That the Respondent No. 1 vide his letter dated 29/01/2010 informed Shri K. Shetye to make the payment of Rs. 776/- and collect the information which was available with Khadi Village Industries Board. That Respondent No. 1 transferred the said application of Shri Shetye to the Under Secretary (Industries)PIO/Respondent No.2 requesting him to furnish the information pertaining to his Department to the applicant directly. That the Respondent No. 2 vide letter dated 12/01/2010 informed K. Shetye to make the payment of Rs. 14/- and collect the information that since application was joint and payment was made by K. Shetye information was furnished to him and not to the Appellant. That in pursuance of the order passed by the First Appellate Authority the Appellant was furnished with the information free of cost. That the information was furnished fully and correctly.

It is the case of Respondent No. 2 that the Respondent no. 2 called upon the Appellant to collect the information on payment of Rs. 14/-. That Respondent No. 2 was not a party before the First Appellate Authority and, therefore, the present appeal does not lie as against Respondent No. 2. That the Appellant failed to collect the information. The Respondent No. 2 denies specifically the case as set out by the Appellant in short it is the case of the Respondent No. 2 that information was kept ready and Appellant was called to collect the same but he failed to collect the same and that this was done in

time. According to the Respondent No. 2 the appeal is liable to be dismissed.

2. Heard the arguments. The learned Adv. Shri A. Mandreker/Appellant argued in person and the learned Adv. Shri K. L. Bhagat argued on behalf of Respondent No. 1 and the learned Adv. N. Dias argued on behalf of Respondent No. 2.

Appellant argued in detail regarding the facts of the case in detail. According to him information is furnished free of cost. According to him information furnished is incomplete and incorrect. He also referred to rule 4 of Goa Khadi and Village Industries Board Act 1965 and rules 1967. He also referred about conviction of an offence involving moral turpitude etc. That log books are not correctly furnished. He referred to the information furnished.

Adv. Shri K. L. Bhagat submitted that the Respondent No. has furnished the information fully and correctly.

Adv. Shri N. Dias for Respondent No. 2 submitted that they called the Appellant to collect the information but the Appellant did not collect the same.

3. I have carefully gone through the records of the case and also considered the arguments advanced.

It is seen that the Application dated 01/01/2010 was in fact filed on 04/01/2010 and it was a joint application filed by Kashinath J. Shetye and the Appellant. It appears that information was furnished to Shri Shetye and he had made no grievance. Information has been furnished to the Appellant by order of the First Appellate Authority. Therefore, I need not touch to that aspect.

During the course of his arguments the Appellant submits that he has received the information. His grievance is that Respondent No. 2 has not furnished the information. It is to be noted here that Respondent No. 2 was not a party before FAA. Besides he informed the Appellant to collect the information in time.

4. During the course of his arguments the Appellant submits that he has received the information and he has no grievance about the same. However he contends that the information is incomplete, in correct and false. This is disputed by Adv. Shri Bhagat According to Adv. Bhagat information furnished is correct. In so far as Respondent No. 2 is concerned this question does not arise.

It is to be noted here that purpose of Right to Information Act is per se to furnish information. Of course Appellant has a right to establish that information furnished to him is incomplete, incorrect, false etc., but the Appellant has to prove it 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 Act is to provide information – information correct to the core and it is for the Appellant 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 must be given an opportunity to substantiate that the information given to him is incomplete, incorrect, false etc as provided in section 18 (1) (e) of the Right to Information Act.

5. In view of the above, since the information is furnished the intervention of this Commission is not required. The Appellant should be given an opportunity to prove that the information is incomplete, incorrect, false etc. Hence I pass the following order:-

ORDER

Since information is furnished no intervention of this Commission is required.

The Appellant to prove that information furnished is incorrect, incomplete, false etc.

Further inquiry is posted on 30/09/2010 at 10.30 am.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 2nd day of September 2010.

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

