

**GOA STATE INFORMATION COMMISSION**  
**AT PANAJI**

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

**Complaint No. 397/SCIC/2010**

Shri Savio Britto,  
P/10, Portais Reis Magos,  
Bardez – Goa

.... Complainant.

V/s

Public Information Officer,  
Village Panchayat Secretary,  
Reis Magos,  
Bardez – Goa

... Opponent.

Complainant in person.  
Opponent in person.  
Adv. Y. Naik for the Opponent.

**ORDER**  
**(25.10.2010)**

1. The Complainant, Savio Britto, has filed the present Complaint praying to impose penalty as per the Act for furnishing false information in his letter dated 20.02.2009; to hold inquiry and take disciplinary action and to direct Public Information Officer to furnish the copy of the letter dated 06.06.2008 from Town Planner.

2. The gist of the Complainant's case is as under:

That the Complainant vide application dated 02.06.2009 sought certain information from the Public Information Officer, Directorate of Panchayat, Panaji, Goa. That the said application was transferred under section 6(3) by the Director of Panchayat to the Opponent herein to furnish the same to the Complainant. That the Opponent by reply dated 25.06.2009 mentioned at point No. 4 as "Not available". It is the case of the Complainant that the Opponent had furnished knowingly false and misleading information and hence the present Complaint.

...2/-

3. The Opponent resists the application and their reply is on record. It is the case of the Opponent that the date should have been read as 09.06.2008 of the letter received from the Town Planner regarding illegal construction activity and cutting of hill in survey No. 29/8 which was stopped by Village Panchayat's letter dated 06.06.2008. That in respect of letter dated 06.06.2008 of the Town and Country Planning, Panchayat is not aware. It is the case of the Opponent that Complainant did not seek certified Xerox copy of the letter dated 06.06.2008. It is further the case of the Opponent that they have furnished the correct and accurate information.

4. Heard the Complainant and Advocate Shri Yogesh Naik for the Opponent. The Complainant has also filed synopsis of the written arguments which are on record.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. I need not refer to the same in detail as the Complainant submits that he has received the information. The Complainant also does not have any dispute about the delay. His only grievance is that the information that is furnished is false, incomplete and misleading. This is disputed by the Advocate for the Opponent. According to him information furnished is correct.

It is to be noted that purpose of the RTI Act is per se to furnish information. Of course, Complainant has a right to prove that information furnished to him is false, incomplete, misleading, etc. But the Complainant has to prove it to counter the 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 Complainant to establish that what he has received is incorrect and incomplete. In view of this strong assertion of the Complainant, I am of the opinion that

Complainant must be given an opportunity to substantiate that the information given to him is incomplete, incorrect, misleading, etc. as provided in section 18(1)(e) of the RTI Act.

6. In view of the above, no intervention of this Commission is required in so far as information is concerned. The Complainant should be given an opportunity to prove that information is incomplete, incorrect, misleading, etc. Hence, I pass the following Order:

**ORDER**

No intervention of this Commission is required in so far as information is concerned.

The Opponent to prove that information furnished is false, incorrect, misleading, etc.

Further enquiry posted on 30.11.2010 at 10:30a.m.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 25<sup>th</sup> day of October, 2010.

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