

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Appeal No. 104/SCIC/2010

Shri Ulhas Pandurang Sinari,
Betwalwada Amona,
Bicholim - Goa

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Appellants

V/s

1. Public Information Officer,
Directorate of Animal Husbandry &
Veterinary Services,
Pashushamvardhan Bhavan,
Panaji - Goa.

...

Respondent No.1.

2. First Appellate Authority,
Directorate of Animal Husbandry &
Veterinary Services, Patto,
Panaji -Goa.

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Respondent No.2.

Appellant in person.

Respondent No. 1 in person.

J U D G M E N T
(16.12.2010)

1. The Appellant, Shri Ulhas Pandurang Sinari, has filed the present Appeal praying that Respondent No. 1 may be directed to furnish information as requested by the Appellant and that penalty may be imposed on the Respondent No. 1 for denying information to the Appellant.

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

That the Appellant had filed an application dated 26.10.2009 seeking information from the Respondent No. 1 in relation to M/s. Pragati Sahakari Dudh Vyavasahik Saunstha, Dhavali, Ponda-Goa under the Right To Information Act, 2005 ('RTI' Act for short). That the Respondent by his reply dated 26.11.2009 partly furnished the information. Aggrieved by the said reply the Appellant preferred an appeal before the First Appellate Authority – Respondent No. 2. It is the case of the Appellant that under another application dated 22.10.2009 he sought certain information under RTI Act from the Respondent No. 1. That the Respondent No. 1 partly furnished the information by his letter dated

26.11.2009. Being aggrieved the Appellant preferred an appeal before the First Appellate Authority/Respondent No. 2. That by common order dated 15.01.2010 the Respondent No. 2 partly allowed the Appeal. Being aggrieved by the said order the Appellant has preferred the present Appeal on various grounds as set out in the memo of appeal.

3. The case of the Respondent No. 1 is fully set out in the reply which is on record. In short, it is the case of the Respondent No. 1 that they had furnished correct information and this view is also endorsed by First Appellate Authority in his order dated 15.01.2010. That the answer "Not applicable" given to question No. 9 and 10 are true in view of the fact that Department of Animal Husbandry & Veterinary Services has no control over the working of Dairy Society. That Jyoti S. Kinalkar, Secretary of the said Society in her letter dated 02.05.2008 to Asst. Director, Government Veterinary Hospital, Curti, Ponda-Goa has admitted that she has made mistake/manipulations in the record of milk supply record to the Dairy Society and some wrong names are included in the list. That in her letter she has stated that it will be her responsibility to recover the excess amount paid to the members of the Society and deposit in the Government Treasury. It is further the case of the Respondent No. 1 that as per RTI Act, 2005 the Public Information Officer is required to furnish the information in the form in which it is held by the Public Authority and is not required to do research on behalf of the citizen to deduce anything from the material and then supply it to him. In short, it is the case of the Respondent No. 1 that the Appellant was provided with the information in the form it was maintained in this office.

4. Heard the arguments. The Appellant argued in person and he also filed written arguments which are on record. Respondent No. 1 also argued in person. According to the Appellant incorrect and incomplete information has been furnished. Whereas according to the Respondent No. 1 correct information as available has been furnished.

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 relief prayed is to be granted or not?

It is seen that the Appellant, vide application dated 26.10.2009, sought certain information from the Public Information Officer/Respondent No. 1, under R.T.I. Act. The information consisted of 11 points Sr. No. 1 to 11. The same are in the nature of queries. By reply dated 26.11.2009 the Respondent No. 1 furnished the information. It appears that Appellant was not satisfied and hence preferred First Appeal on the ground that information furnished is incomplete or vague. By order dated 15.01.22010 the Appeal was partly allowed. However regarding certain information the same was transferred to Public Information Officer designated in the office of the Registrar of Co-operative Societies, Panaji from where information pertaining to the Society can be supplied to the Appellant.

Both in the written arguments as well as during the course of the arguments Appellant submits that information is furnished however the same is incorrect, incomplete and vague. Since information is furnished no intervention of this Commission is required.

6. The Appellant contends that the information is incomplete, incorrect, false and misleading. This is disputed by the Respondent No. 1. According to him information furnished is correct.

It is to be noted here that purpose of the RTI Act is per se to furnish information. Of course Appellant has a right to establish that information furnished to him is false, incorrect, misleading, etc, however, 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 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 Complainant must be given an opportunity to substantiate that information given to him is incomplete, incorrect, misleading, etc. as provided in section 18(1) (e) of the RTI Act.

7. In view of the above, no intervention of this Commission is required as information is furnished. The Appellant should be given an opportunity to prove that information is incomplete, incorrect, etc. Hence, I pass the following Order:

ORDER

Appeal is partly allowed. No intervention of this Commission is required as information is furnished.

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

Further enquiry posted on 13.01.2011 at 10:30a.m.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 16th day of December, 2010.

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