

GOA STATE INFORMATION COMMISSION

AT PANAJI

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

Complaint No. 519/SCIC/2010

Shri Ajay Vellingiri,
H. No.1 61/GL/38,
Behind Old MPT Hospital,
Vasco-da-Gama, Goa

....

Complainant.

V/s

Shri Gopal A. Parsekar,
Public Information Officer,
Mormugao Municipal Council,
Vasco-da-Gama,
Goa

....

Opponent

Complainant in person.

Opponent absent.

Adv. Hyder Khilji for Opponent.

O R D E R

(24.02.2011)

1. The Complaint, Shri Ajay Vellingiri, has filed the present Complaint that correct and complete information be furnished to the Appellant as fast as possible; that disciplinary action be taken against the Public Information Officer under section 20 of the Right to Information Act; that charged fees be returned to the Complainant and that compensation be granted to the Complainant.

2. It is the case of the Complainant that vide application dated 13.04.2010, the Complainant sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer (PIO)/Opponent. That by reply dated 27.04.2010 the Opponent furnished the information. Being not satisfied the Complainant preferred Appeal before the First Appellate Authority. By Order dated 17.06.2010 the First Appellate Authority directed the Opponent to furnish the information by conducting survey within a period of two months from the date of the Order i.e. 17.06.2010. It is now the case of the Complainant that Public Information Officer furnished incorrect, incomplete and misleading information and

also failed to comply with the mandatory provisions of section 4(1) of the R.T.I. Act and hence the present Complaint.

3. In pursuance of the notice issued Adv. Shri Hyder Khilji appeared on behalf of the Opponent. He did not file any reply as such however, advanced arguments.

4. It is seen that the Complainant remained absent. Arguments were heard. Advocate for the Opponent stated that full information has been furnished and whatever information was available has been furnished.

5. I have carefully gone through the records of the case and heard the arguments of the Opponent. It is seen that by application dated 13.04.2010 the Complainant sought certain information from the Opponent. The Opponent by reply dated 27.04.2010 furnished the information. The Complainant was however not satisfied with the same and he preferred Appeal before the First Appellate Authority. It is seen that by Order dated 17.06.2010 the First Appellate Authority observed as under: "**..... The information pertains to 32 houses. This information can be furnished by the Respondent by carrying out survey. The Respondent requested for time of three months and the Appellant requested for one month. I feel that two months time is reasonable.**

The Respondent shall furnish the information by conducting survey within a period of two months from the date of Order i.e. 17.06.2010".

It is pertinent to note that under R.T.I. Act, PIO is obligated to furnish the information which is available with the Public Authority. None existent information cannot physically be given. In any case it appears that information has been furnished. It is also seen that considering the date of application as well as reply the information that is furnished is in time.

6. The grievance of the Complainant is that the information that is given is incomplete, incorrect, false and misleading. This is disputed by the Advocate for Opponent. According to him information furnished is correct.

It is to be noted that purpose of R.T.I. Act is per se to furnish information. Of course Complainant has a right to establish that information furnished to him is false, incorrect, misleading, etc. But the Complainant has to prove it to counter Opponent's claim. The information seeker must feel that he got true and correct information otherwise purpose of RTI Act would be defeated. It is pertinent to note that mandate of R.T.I. 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 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 R.T.I. Act.

6. In view of the above since information is furnished no intervention of this Commission is required on that count. 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 as information is furnished.

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

Further inquiry posted on 18.03.2011 at 10:30a.m.

Complaint is accordingly disposed off.

Pronounced in the Commission on this 24th day of February, 2011.

Sd/-
(M. S. Keny)
State Information Commission