

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

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

Complaint No. 514/SCIC/2010

Shri Satish Sawant,
Sarvan, Bicholim –Goa.

... Complainant.

V/s

The Public Information Officer,
Govt. Higher Secondary School,
Sankholim – Goa.

... Opponent.

Complainant absent. His Adv. A. P. Sawant present.
Opponent alongwith his representative Shri D. Chaudiker present.

O R D E R
(25/03/2011)

1. The Complainant, Shri Satish V. Sawant, has filed the present Complaint praying that Complete information be furnished that Public Information Officer be fined and disciplinary action be recommended.

2. It is the case of the Complainant that being aggrieved he prefers the Complaint under section 18(e) of the Right to Information Act. That despite judgment order dated 09/06/2010 in appeal No. 02/SIC/2010 the Public Information Officer has given incomplete, misleading and false information vide letter dated 06/07/2010 i.e. only relating to grant weekly off/holiday/leave etc circular and agreement copy and not copy of hour of work of watchman of this school as stated in the judgment and order:

3. It is the case of the opponent that the present complaint filed by the Complainant is not maintainable for the following reasons:-

(i) That as per directions of the State Information Commissioner in Appeal No. 02/SIC/2010 has already provided the requisite information to the Complainant vide letter dated 06/07/2010; (ii) that the opponent has not stated reasons in his complaint as to how information furnished is incomplete, misleading and false; (iii) that the available information has been furnished. On merits it is the case of the

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opponent that the duty of the watchman, is to be fixed by the head of the institution and in all the Educational Institutions of Goa the duty of the watchman is fixed as twelve hours. That this twelve hours duty is prescribed as there is only one watchman sanctioned to the Higher secondary school. The opponent also denies that they furnished incomplete, misleading and false information to the complainant as contended in the appeal. That there are no RRS framed towards recruitment of watchman. That the complaint filed is without any merits and the same is liable to be dismissed.

4. Heard the arguments. The learned Adv. Shri Amol P. Sawant argued on behalf of the Complainant and Shri D. Chaudiker representative of the Opponent argued on behalf of the opponent.

Adv. for the Complainant referred to the facts of the case in detail. According to him application was filed seeking information. But according to him information that is given is false and incorrect he also requested to furnish circular dated 24/10/1988. His contention is that the circular is there. But the same is not filed.

During the course of arguments the representative of Respondent submitted that whatever information they had they have furnished. According to him the information given is correct and nothing is false.

5. I have carefully gone through the records of the case 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.

I need not refer to the facts of the case in detail. It is seen that in Appeal no. 02/SIC/2010 the following order was passed:-

"The Appeal is partly allowed. The Respondent No. 1 to provide information to the request of Appellant dated 18/04/2009 at Sr. No. 2 by way of records only in respect of number of hours of work and weekly off and holidays of watchmen.

The Respondent No. 1 to provide the information within a period of twenty days from the date of receipt of the order.”

6. It is the contention of the complainant that the information that is furnished is false, incorrect, misleading etc. This is disputed by the opponent, according to the representative of the Opponent whatever information was furnished is correct.

It is to be noted here that the purpose of the Right to Information Act is to per se to furnish information. Complainant has the right to establish that the information furnished to him is false, incorrect, misleading etc. but the Complainant has to prove it to counter opponents claim. The information seeker must feel that he got the true and correct information otherwise purpose of Right to Information Act will be defeated. The mandate of Right to Information 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. 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 the information given to him is incorrect misleading, false etc. as provided in section 18(1) (e) of the Right to Information Act.

7. In view of the above, since information is furnished no intervention of this commission is required. The complainant should be given an opportunity to prove that the information is incomplete, incorrect, false etc hence I pass the following order:-

ORDER

Complaint is allowed. No intervention of this Commission is required. The Complainant to prove that the information furnished is false, incorrect, misleading etc. Further, inquiry posted on 27/04/2011 t 10.30 am.

Complaint is accordingly disposed off

Pronounced in the Commission on this 25/03/2011.

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

