

GOA STATE INFORMATION COMMISSION

AT PANAJI

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

Appeal No. 245/SCIC/2010

Shri Shivaji Rama Kalangutkar,
H. No.264/67, "Janaki-Ram"
Green Valley, Alto-Porvorim,
Bardez –Goa.

... Appellant.

V/s

1) The Public Information Officer,
O/o the ADEI,
Mapusa, Bardez –Goa.

... Respondent No.1

2) Director of Education,
The First Appellate Authority,
Dte. of Education, Panaji.

... Respondent No.2

Appellant in person.

Respondent No. 1 present.

Respondent No.2 absent. His representative Shri D. Chaudiker present.

J U D G M E N T

(25/03/2011)

1. The Appellant, Shri Shivaji Rama Kalngutkar, has filed the present appeal praying that appeal be allowed and the impugned order dated 26/07/2010 be set aside; that Respondent be directed to provide the correct information to the appellant. That Respondents be severely penalized for the wrong done and for compensation.

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

That the Appellant vide his application dated 19/03/2010, sought certain information under Right to Information Act, 2005('RTI' Act for short) from the Public Information Officer(PIO)/Respondent No.1 . That the Respondent No. 1 vide his letter dated 20/04/2010 furnished the information being aggrieved by the said reply the Appellant preferred appeal before the First Appellate Authority/Respondent No. 2. that Respondent No. 1 on 02/07/2010 filed his reply and for the first time provided certain document to the Appellant by order dated 26/07/2010 the First Appellate Authority rejected the appeal. Being aggrieved the Appellant has preferred the present appeal on various grounds as set out in the Memo of appeal.

...2/-

3. The Respondent resists the appeal and the reply of Respondent No. 1 is on record. In short it is the case of Respondent No. 1 that the present appeal is not maintainable as information has been furnished after obtaining the same from the school authorities of Rose Garden Primary School, unaided school. That the Public Information Officer furnished the correct information. That appellant has not given justifiable reasons to state that the PIO has performed the duty and that the information has been furnished within the stipulated time limit. On merits it is the case of the Respondents for the information was collected from the school authorities, and the Respondent No.1 has furnished the information to the appellant in respect of point No. 8,10 and 11. According to the Respondent No. 1 there is no merit in the appeal and the same is liable to be dismissed.

4. Heard the argument Shri L. Pednekar, representative of the Appellant argued on behalf of Appellant and Shri D. Chaudikar, representative of Respondent argued on behalf of Respondents. The only contention on the behalf of the complainant is information in respect of 8, 10 and 11 is incorrect, false, incomplete and totally misleading. He also submitted that appeal was preferred.

During the course of argument representative of Respondent submitted that the information that is furnished is correct.

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 vide application dated 19/03/2010 the appellant sought certain information from the Respondent No.1 this application was received by the Directorate of Education, Panaji on 19/03/2010. It is seen that by reply dated ^{19/}20/04/2010 Public Information Officer Shri Jacob Varghese ADEI(Adm.) Bardez furnished the information. Considering the date the information is in time. There is a difference of one day which is negligible. It appears that appellant was not satisfied and he preferred the appeal before the

First Appellate Authority. By order dated 26/07/2010 the FAA observed that she did not find any element of incorrectness in the information furnished by the Respondent with regard to point NO. 8, 10 and 11 and consequently the appeal was rejected.

6. The only grievance of the Appellant is he has been furnished false, incorrect information. This is disputed by Respondent. According to the Respondent information i.e. the furnished is correct.

It is to be noted that purpose of Right to Information Act is to per se to furnish information. Of course Appellant has a right to establish that information furnished to him is false, incorrect, misleading etc but the Appellant has to prove it to counter Respondents claim. The information seeker must feel that he got the true and correct information otherwise purpose of Right to Information Act will be defeated. It is pertinent to note that mandate of Right to information Act is to provide information _____information correct to the core and it is for the Appellant to establish that what he has received is false and incorrect. The approach for 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 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 Appellant should be given an opportunity to prove that the information is incomplete, incorrect, false etc. Hence I pass the following order:-

ORDER

Appeal is allowed. Since information is furnished no intervention of this Commission is required. The Appellant to prove that the information furnished is false, incorrect, misleading etc. Further, inquiry posted on 25/04/2011 t 10.30 am.

Appeal is accordingly disposed off

Pronounced in the Commission on this 25th day of March, 2011.

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

