

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Appeal No.225/SIC/2010

Shri Allan S.F. Falleira,
H.No., 400, Toleband ,
Loutolim, Slacete-Goa 403718

...

Appellant

V/s

The Public Information Officer,
Hydrographic Surveyor,
Captain of Ports Department,
Panaji-Goa

...

Respondent

Appellant in person

Respondent along with Adv. A.S. Talaulikar

JUDGEMENT
(11-5-2011)

1. The Appellant, Shri Allan Falleiro, has filed the present appeal praying that the Respondent be directed to provide the complete and correct information to the Appellant and that penalty be imposed for delay caused.

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

That the Appellant, vide his application dated 25/08/2010 sought certain information under Right to information Act, (R.T.I. Act for short) from the public Information Officer (P.I.O.)/Respondent. That Appellant preferred appeal before First Appellate Authority. Being aggrieved the Appellant has preferred the present appeal .

3. The Respondent resists the Appeal and the say of Respondent is on record. It is the case of the Respondent that the Appellant sought information vide application dated 26.08.2010. That the information has already been furnished to the Appellant vide letter dated 08.10.2010. The Respondent admits that there has been an initial delay of about 14 days and further submits that delay was due to the absence of concerned

dealing hand on leave in view of her father's hospitalization and subsequent death, which was beyond human control. That the Appellant has approached the First Appellate Authority and by Order dated 29.11.2010 the First Appellate Authority directed the Respondent to review the matter and furnish the required information to the Appellant. That the same stands complied with by letter dated 20.12.2010. It is further the case of the Respondent that the information was not readily available in the office of P.I.O./Respondent and had to be obtained from the Marine Inspectors who are mostly on field duty and hence, the delay. According to the Respondent the delay is not intentional and bonafide. According to the Respondent Appeal deserves to be dismissed.

4. Heard both sides. Appellant has also filed written argument Respondent also filed the written arguments. Their written arguments are on records.

5. I have carefully gone through the records of the case and also considered the written arguments of the parties. It is seen that information was sought by application dated 25/26-8-2010. The same was received on 26-8-2010. It appears that by letter dated 8/10/2010 the Appellant was called to collect the information on payment of fees. It is seen that Rs. 258/- were paid on 15-10-2010. The information was received by the Appellant on 15-10-2010. It appears that information is furnished.

6. The argument of the Appellant is two fold. Firstly according to him, there is delay and secondly the information furnished is false, incomplete and misleading.

Now, it is to be seen whether there is any delay in furnishing the information. The application seeking information is 26-8-2010. The Appellant was called upon to pay the fees by letter dated 8-10-2010. Considering this there is delay of about 12/13 days.

From the records it is seen that by letter dated 27/8/2011 the dealing hand was called upon to furnish the complete information by 14/9/2010. It appears that one Maria Esteves was the concerned dealing hand and on 14/09/2010 she submitted an application stating that her father was hospitalized due to brain haemorrhage and as such she is unable to come. In the said application there is reference of information pending with her under R.T.I. It is seen from the written arguments of Respondent that subsequently her husband expired. Delay in furnishing information is attributed to her. I do not want to go into this unfortunate thing. However considering this the ground for delay appears to be reasonable and the same is liable to be condoned.

However, P.I.O. to note that R.T.I. Act, in general is a time bound programme between the Administration and citizen requesting information and every step will have to be completed within the stipulated period.

7. It was next contended by the Appellant that information is incorrect incomplete, false and misleading. This is disputed by the Adv. for Respondent. According to him information furnished is correct.

It is to be noted here that purpose of the R.T.I. 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. but the Appellant has to prove it to counter Respondent's claim. 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 false. 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 the Appellant must be given an opportunity to substantiate that the information given to him is incomplete, incorrect false etc. as provided in section 18(1) (e) of the R.T.I. Act.

8. 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 the information is incorrect, false etc. Hence I pass the following Order:-

ORDER

No intervention of this Commission is required as information is furnished.

The Appellant to prove that information furnished is incomplete, false, misleading etc. The appeal is disposed off.

Further inquiry posted on 23/06/2011 at 10.30 a.m.

Pronounced in the Commission on this 11th day of May 2011

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

