

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 34/SIC/2011

Mr. Adlete Mascarenhas,
H. No. 368, Ollizaino, Velim,
Salcete - Goa

... Appellant

V/s.

1) Public Information Officer,
Jt. Director of Accounts,
Accounts Section,
Directorate of Education,
Government of Goa,
Panaji - Goa

... Respondent No.1.

2) First Appellate Authority,
Director of Education,
Directorate of Education,
Government of Goa,
Panaji - Goa

... Respondent No. 2.

Appellant in person.

Shri A. Mamlekar, representative of Respondent No. 1.

J U D G M E N T **(27.05.2011)**

1. The Appellant, Shri Adlete Mascarenhas, has filed the present Appeal praying that Respondent No. 1 be directed to provide all the information sought by him vide application dated 05.08.2010; that Order passed by Respondent No. 2 be reviewed; that Respondent No. 1 be penalized for giving false and incomplete information and that Appellant compensated under the provisions of the RTI Act.

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

That the Appellant vide his application dated 05.08.2010 sought certain information under Right To Information Act, 2005 ('R.T.I. Act' for short). That by reply dated 09.09.2010 the Respondent No. 1 informed the Appellant that information sought by him is ready and to collect the same after paying Rs. 118/-. Being aggrieved the Appellant filed the First Appeal before the First Appellate Authority/Respondent No. 2 asking for scrutiny of the information collected as the Appellant felt that the reply could have been

summed in maximum three pages and was unnecessarily burdened to pay Rs. 118/-. That the Appellant also petitioned that no certified documents were requested under RTI query and also was under the impression that irrelevant data was imposed upon the Appellant. That by Order dated 23.11.2010 the Respondent No. 2 disposed off the petition. That the Appellant thereafter paid the amount and collected the information. That on going through the information the Appellant found that same was incomplete and false and as such preferred an Appeal before the First Appellate Authority/Respondent No. 2. That by Order dated 09.02.2011 the First Appellate authority directed the Respondent No. 1 to provide the information by 11.02.2011 and also allowed for scrutiny of information. Since information was not furnished the Appellant preferred the present Appeal.

3. In pursuance of the notice issued the Respondents appeared. The Respondent No. 1 did not file any reply as such. However, representative of the Respondent No.1 Shri A. Mamlekar/Asst. Public Information Officer advanced arguments.

4. Heard the arguments. The Appellant argued in person and Shri A. Mamlekar represented Respondent No. 1.

5. I have carefully gone through the records of the case and also considered the arguments advanced. It is seen that the Appellant sought certain information vide his application dated 05.08.2010. By letter dated 09.09.2010 the PIO informed the Appellant that information sought by him is ready and the same may be collected after paying the necessary amount of Rs. 118/- in Accounts section. It appears that the said amount was not paid but instead Appellant preferred Appeal. That the Appeal was disposed off.

During the course of arguments Appellant submitted that full information has been furnished. However, the same is incomplete and false.

Other grievance of the Appellant is that First Appellate Authority disposed off his Appeal on irrelevant considerations.

I have perused the Order dated 23.11.2010. The Appellate Authority has to decide the matter on merits. It should not be merely on the ground that the information seeker has not quoted the relevant section.

6. Since information is furnished no intervention of this Commission is required.

7. Now it is to be seen if there is delay in furnishing the information. It is seen that application is dated 05.08.2010. As per Inward entry the same was received on the same day. It is seen that by letter dated 09.09.2010 the PIO informed the Appellant that information is ready and to collect the same after paying Rs. 118/-, etc. It is to be noted here that there is about 3-4 days delay in sending this letter. It is to be noted further that the Appellant on his part did not pay the amount so as to obtain the information. In any case this cannot be considered as delay. In any case under the factual backdrop of this case this 3-4 days delay is to be overlooked. It is pertinent to note here that the main grievance of the Appellant is that information furnished is incomplete and false.

8. The Appellant contends that information furnished is false, incomplete, misleading, etc. This is disputed by the other side. According to the representative of the Respondent No. 1 available information has been furnished and the same is correctly furnished.

It is to be noted here that purpose of RTI Act is per se to furnish information. Of course Appellant has a right to establish that information furnished to him is incomplete, incorrect, misleading, etc. But the Appellant has to prove it to counter Respondent'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 the mandate of RTI Act is to provide information – information correct to the core and it is for the Appellant to establish that what he has received is incomplete and incorrect. 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 and misleading, etc. as provided under section 18(1) (e) of the RTI Act.

9. Since information is furnished no intervention of this Commission is required. The Appellant should be given an opportunity to prove that information furnished is incomplete, false, misleading etc. Hence, I pass the following Order:-

ORDER

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

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

Further inquiry posted on 01.07.2011 at 10:30a.m.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 27th day of May, 2011.

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

