

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 28/SCIC/2011

Shri I. S. Raju,
H. No.706/A,
Acsona, Pendolpem,
Benaulim,
Salcete - Goa

.... Appellant

V/s.

1) Public Information Officer,
Dy. Director of Panchayats (North),
Junta House, S.V. Road,
Panaji - Goa

... Respondent No.1.

2) First Appellate Authority,
Director of Panchayats,
Panaji - Goa

... Respondent No. 2.

Appellant in person.

Respondent No. 2 in person.

J U D G M E N T **(24.05.2011)**

1. The Appellant, Shri I. S. Raju, has filed the present Appeal praying for a direction to provide correct information to him and that penalty be imposed on the Respondents.

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

That the Appellant, vide his application dated 26.11.2010 sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer/Respondent No. 1. That the Respondent No. 1 by reply dated 14.12.2010 furnished the information. That the Appellant being not satisfied preferred First Appeal before First Appellate Authority/Respondent No. 2. That Respondent No. 2 disposed off the Appeal. Being

aggrieved the Appellant has preferred the present Appeal on the grounds as set out in the Memo of Appeal.

3. The Respondents resist the Appeal and their replies are on record. It is the case of Respondent No. 1 that the Appellant filed two applications dated 25.11.2010 and 26.11.2010. That by letter dated 14.12.2010 the Respondent No.1 informed the Appellant that the First Appellate Authority vide order dated 10.06.2010 had requested the Applicant to agitate his case separately before Director of Panchayats and as such the said application was not received by his office till date. It is further the case of Respondent No. 1 that he in the capacity of PIO had dealt with the application as per provisions of RTI Act and has made sincere attempts to furnish information available in the records of the office. That the application was disposed off in accordance with RTI Act. According to the Respondent No. 1 this Appeal is liable to be dismissed.

It is the case of Respondent No. 2 that two appeals were filed by the Appellant. That proper hearing was given to the parties. That since information was furnished by the Public Information Officer, appeal was disposed off accordingly. It is also the case of Respondent No. 2 that Appellant filed applications dated 26.11.2010 to the Public Information Officer seeking the information about action taken in the matter of second enquiry which he had requested to be conducted vide his complaint dated 02.06.2010. That Public Information Officer/Respondent No. 1 obtained the information from the Dy. Director of Panchayats (South) and furnished a copy to the

Appellant. Being aggrieved by the said reply the Appellant preferred an Appeal before the First Appellate Authority/Respondent No. 2. That the Appeal was disposed off. That Dy. Director of Panchayats (South) was also directed to conduct independent inquiry and also to hear the Appellant in the matter. In short, it is the case of Respondent No. 2 that the Respondent No. 2 in the capacity of First Appellate Authority has dealt with the Appeals in accordance with the provisions of RTI Act and has sincerely made efforts to ensure that the Appellant is given the correct information. That there is no deliberate intention to deny information sought by the Appellant and that Respondent No. 2 has dealt with the mandate of RTI Act. According to Respondent No. 2 the present Appeal is not tenable and hence be dismissed.

4. Heard the arguments. Appellant as well as Respondent No. 2 argued in person. Respondent No. 1 remained absent.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The short point that arises for my consideration is whether the information is furnished and whether the same is furnished in time. It is seen that vide application dated 26.11.2010 the Appellant sought certain information from Respondent No. 1. By reply dated 14.12.2010 Respondent No. 1 furnished the information. Considering this, the reply is in time. The grievance of the Appellant is that the information that is furnished is incorrect, incomplete and misleading.

It is seen that the Appellant even preferred the appeal before the First Appellate Authority and the same was disposed off.

From the above it is seen that information is furnished. Now it is to be seen whether the same is furnished in time. The Appellant sought information vide letter dated 26.11.2010, the reply is dated 14.12.2010. Considering this the reply is in time. Therefore, there is no delay as such.

6. The Appellant contends that information that is furnished is incomplete, incorrect and misleading. This is disputed by Respondent No. 2. According to Respondent No. 2 the information that was available has been furnished and what is furnished is correct.

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 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.

7. In view of all the above, since information is furnished no intervention of this Commission is required on this count. The Appellant should be given an opportunity to prove that information is incomplete, incorrect, misleading, etc. Hence, I pass the following Order:

ORDER

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

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

Further inquiry posted on 27.06.2011 at 10:30a.m.

The Appeal is accordingly disposed off.

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

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

