

# GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 36/SCIC/2011

Shri Cyril Fernandes,  
Attorney to Vernon Fonseca,  
"Symphony", 405,  
Lokhandwala Complex,  
Andheri, Mumbai .... Appellant

V/s.

1) Public Information Officer,  
O/o. Chief Electrical Engineer,  
Electricity Department,  
Vidyut Bhavan,  
Panaji - Goa ... Respondent No.1.

2) First Appellate Authority,  
O/o. Superintending Engineer,  
Circle No. II(N), Vidyut Bhavan,  
Panaji - Goa ... Respondent No. 2.

Appellant, Attorney to Shri V. Fonseca in person.  
Respondent No. 1 in person.

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

1. The Appellant, Shri Cyril Fernandes, Attorney of Vernon Fonseca, has filed the present Appeal praying that appropriate action be taken and the concerned officers be punished for giving false information.

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

That the Appellant, vide his application dated 20.10.2010 sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer(PIO)/Respondent No. 1. That the Appellant received reply dated 22.11.2010 from the office of Chief Electrical Engineer informing him that no report was received from the office of Executive Engineer, Mapusa and, therefore, no report was sent to the

office of Hon'ble Chief Minister and President of India. That the reply further stated that since the application was forwarded to the office of Executive Engineer, the matter would be disposed off from there. It is the case of the Appellant that since complete information was not furnished to him he filed the appeal before First Appellate Authority(FAA)/Respondent No. 2. That the Appeal was disposed by Order dated 22.12.2010 as the Executive Engineer (Training) agreed to provide information and that the same was furnished free of cost to him. Since incorrect and misleading information has been furnished the Appellant has preferred the present Appeal on various grounds as set out in the Memo of Appeal.

3. The case of Respondent No. 2 is fully set out in the reply which is on record. In short, it is the case of Respondent No. 2 that Appeal dated 10.12.2010 under RTI was received by him. That after complying the usual procedure he heard the same and by Order dated 22.12.2010, disposed the same. That Respondent No. 2 directed the PIO to furnish the balance information within two days from the date of issue of the Order. According to him he is not a necessary party in the present Appeal and Appeal be disposed against him.

4. Heard the Appellant, i.e. Shri Cyril Fernandes, P/A of Vernon Fonseca and Shri K. Shetye, representative of Respondent No. 1.

The Appellant submitted that information is furnished. According to him the information that is furnished is false, incorrect

and misleading. The only grievance of the Appellant is regarding the veracity of the information.

5. I have carefully gone through the records of the case. It is seen that application dated 20.10.2010 was addressed to the Public Information Officer, Office of the Chief Electrical Engineer, Vidyut Bhavan, Panaji. By letter dated 22.11.2010 the said letter was transferred to the Public Information Officer, Executive Engineer, Elec. Div-VI, Vidyut Bhavan, Ansabhatt, Mapusa – Goa. It is seen from record that information was available at Executive Engineer, Div.VI, Mapusa. However, the same has not been made a party. In any case the same will have to be considered at appropriate stage.

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

7. The main grievance of the Appellant is that information that is furnished is incorrect, false and misleading. This is disputed by the representative of the Respondent No. 1. According to him the available information is furnished and it 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 is 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.

8. 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 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 far as information is concerned.

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

Further inquiry posted on 28.06.2011 at 10:30a.m.

A copy of this Order be sent to Executive Engineer, Elec. Div VI and to Executive Engineer, Div. XVII, Ansabhat, Mapusa-Goa.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 24<sup>th</sup> day of May, 2011.

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





