

# GOA STATE INFORMATION COMMISSION

## AT PANAJI

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

Appeal No.115/SCIC/2010

Mr. Sadanand D. Vaigankar,  
304, Madhalawada, Harmal,  
Pernem-Goa .

... Appellant.

V/s

1) The Public Information Officer,  
Principal,

Harmal Panchakroshi Higher Secondary School ...Respondent No.1.

2) The First Appellate Authority,  
Director ,

Directorate of Education,  
Panajim-Goa

... Respondent No.2.

Appellant in person.

Shri D. Chaudikar Representative of Respondent No.2

### JUDGEMENT

( 03/06/2011 )

1. The Appellant, Shri Sadanand D. Vaingankar, has filed the present appeal praying that the Respondent No.1 be directed to pay fine and that Respondent no.1 be recommended for disciplinary action under service rules.

The facts leading to the present appeal are as under;

That the appellant, vide his application dated 01/12/2009 sought certain information under right to Information Act, 2005 ('R.T.I.' Act for short) from the Public Information Officer (P.I.O.)/Respondent no.1. That the appellant received a letter dated 31/12/2009, from Respondent no. 1 mentioning that he could not trace the required information. Being aggrieved the Appellant preferred the appeal before First Appellate Authority (F.A.A.)/Respondent no.2. During hearing of first appeal the Respondent no.1 filed reply dated 30/01/2010. That the reply is improper as P.I.O. has not attested the copy so furnished. It is the case of the Appellant that the reply filed is improper and

false. That the First Appellate Authority by order dated 01/02/2010, directed the P.I.O. to provide information within 8 days of issue of the order free of cost. It is further the case of the Appellant that the Appellant received a letter dated 11/2/2010 from Respondent no.1, where in the information has been furnished, as per order of Respondent no.2. Being Aggrieved the appellant has referred the present appeal.

3. Respondent no. 1 resist's the appeal and the reply is on the record. It is the case of respondent no.1 that the information was provided within 8 days as per the order of the First Appellate Authority. That the attestation was left to be done by oversight. It is also the case of Respondent No.1, that the information was provided immediately and hence the request to pay fees was made as per provision . However the appellant has not paid the fees till now. In short it is the case of the Respondent no.1. Whatever information was available was furnished.

4. Heard the arguments. The appellant argued in person and the Respondent no.1 also argued in person. The Appellant referred the facts of the case. According to him application is dated 01/12/2009 and the reply dated 31/12/2009. He also referred to the letter dated 30/01/2010 as well as order of First Appellate Authority. According to him incomplete and false information is furnished.

During the course of his argument Respondent no.1 submitted that the information was not in his custody & because of the appeal he got the information and furnished to the appellant. According to him information has been furnished in time and there is no delay as such.

5. I have carefully gone through the records of the case and also considered the argument advanced by the parties. The point that arises for my consideration is whether the

information is furnished and whether the same has been furnished in time. It is seen that by application dated 01/12/2009, the appellant sought certain information from Respondent No.1. By reply dated 31/12/2009, the Respondent no.1 informed the Appellant that he could not trace the said letter made by Sport Authority of Goa. This reply is in time.

It is seen that the Appellant preferred the first appeal on 01/05/2010 and on 30/01/2010, the Respondent no.1 filed reply furnishing the information. By order dated 01/02/2010, the first Appellate Authority allowed the appeal and directed the P.I.O. to provide information to the appellant within 8 days from the date of issue of the order free of cost. Reply dated 11/02/2010 is also on record.

During the course of argument Appellant submitted the information is furnished. However according to him the same is improper and false. Since information is furnished no intervention of this Commission is required.

5. Now it is to be seen whether there is delay in furnishing information, I have referred above about the date of the application, reply furnished, filing of the appeal and also the reply thereafter Considering all this the information furnished is in time. It is to be noted here that information was not available with the Respondent no.1. However it appears Respondent no.1 got the same. In view of this assuming there is some delay the same is to be condoned.

6. It was next contended by Appellant that information is incomplete, improper and false this is disputed by the Respondent no.1. According to Respondent no.1 the information furnished is correct.

It is to be noted here that the purpose of the RTI Act is per se to furnish information. Of course the 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. The information seeker must feel that he got true and correct information otherwise purpose of R.T.I. Act would be defeated. It is pertinent to note here that 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 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, misleading etc. as provided in section 18(1) (e) of the RTI Act.

In view of all 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 incomplete, false and 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 false, incomplete misleading etc.

Further inquiry posted on 15/07/2011 at 3.00 p.m.

Appeal is accordingly disposed off .

Pronounced in the Commission on this 03<sup>rd</sup> June 2011.

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





