

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Complaint No. 484/SIC/2010

Shri V. A. Kamat,
G-1, Ravindra-A,
Next to Hotel Ameya,
Opp. St. Inez Church,
Panaji-Goa ... Complainant.

V/s.

- 1) Public Information Officer,
Goa Coastal Zone Management Authority,
Opp. Saligao Seminary,
Saligao – Goa ... Opponent No. 1
- 2) Goa Coastal Zone Management Authority,
C/o. Dept. of Science, Technology & Environment,
Opp. Saligao Seminary,
Saligao – Goa ... Opponent No. 2

Complainant in person.
Opponent No. 1 in person.

O R D E R
(08.06.2011)

1. The Complainant, Shri V.A. Kamat, has filed the present Complaint praying that the Opponent be directed to furnish the information as requested by application dated 04.07.2009; that the Opponent be directed to furnish the information free of charge in terms of section 7(6) of the Right to Information Act, 2005; that penalty be imposed on Opponent No. 1; that disciplinary action be recommended against Opponent No. 1 and that compensation be granted to the Complainant.

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

That the Complainant, vide his application dated 04.07.2009 had sought certain information under Right to Information Act, 2005 from Public Information Officer (P.I.O.)/Opponent No. 1. That Opponent No. 2 had furnished information about 21 projects and the Complainant has now sought further information of three of these 21 projects. That from reply dated 16.06.2009 Opponent No. 2 had not

appointed a P.I.O. That in Complaint No. 60/SIC/2010 Opponent No. 2 was directed to appoint a Public Information Officer. That since information was not furnished the Complainant filed First Appeal with Opponent No. 2 and since there was no response to the said Appeal the Complainant was compelled to file the Complaint with this Commission. That it was revealed that no P.I.O. was appointed. That subsequently by Order dated 10.06.2010 PIO was appointed. That Opponent No. 1 has not furnished the information sought by the Complainant. That the information sought is readily available with the Opponents. However, the same is deliberately not furnished and hence the present Complaint on various grounds as set out in the Complaint.

3. The Opponents resist the Complaint and their replies are on record. It is the case of Opponent No. 1 that PIO was appointed on 10.06.2010 and since then information has been given as early as possible to each and every applicant. That unfortunately there has been a large backlog pending prior to the appointment of PIO which has been in the process of being completed by furnishing requested documents to all the Complainants. That the information has been furnished to the Complainant, the same is not incomplete and misleading. That the Opponent No. 1 has furnished the information that is available in the respective file. In short, it is the case of Opponent No. 1 that all the information available has been furnished.

It is the case of Opponent No. 2 that Opponent No. 2 has faithfully complied with the orders and directives of the Commission issued from time to time. That all the information which is available in the office records of Goa Coastal Zone Management Authority (GCZMA) has been furnished to the Complainant as on date. There is absolutely no attempt whatsoever to deny any applicant any information which is available in the office records. That the officials of Opponent No. 2 have provided the information available in the office records as

per the request of the Complainant and have as on date complied with all the directives of the Commission. That inspection of files also have been provided.

In short, according to Opponent No. 1 and Opponent No. 2 all the information has been furnished.

4. Heard the arguments. Appellant argued in person and Opponent No. 1 also argued in person. During the course of arguments Complainant submits that information has been furnished. However, the same is incomplete and misleading. According to Opponent No. 1 available information has been furnished.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The point that arises for my consideration is whether the information is furnished and whether the same is furnished in time.

It is seen that information has been furnished. The Appellant also states so. Since information is furnished no intervention of this Commission is required.

6. Now it is to be seen whether there is delay in furnishing information. No doubt there is some delay. However, it is seen that there was no P.I.O. for some time. P.I.O. was appointed only by Order dated 10.06.2010. Opponent No. 1 also has explained at length about the backlog and also about delay. It appears that there was some reasonable ground. Complainant also admits this position and in all fairness he does not press for delay in the factual backdrop of this case. In any case considering this fact, delay is liable to be condoned.

The next contention of the Appellant is that the information that is furnished is incomplete, incorrect and misleading. This is disputed by the Opponent No. 1. According to Opponent No. 1 correct information is furnished that is available on the records.

It is to be noted that purpose of RTI Act is per se to furnish information. Of course Complainant has a right to establish that information furnished to him is false, incorrect, misleading, etc. But the Complainant has to prove it to counter Opponent's claim. The information seeker must feel that he got the true and correct information otherwise purpose of RTI Act would be defeated. It is pertinent to note that mandate of RTI Act is to provide information – information correct to the core and it is for the Complainant to establish that what he has received is incorrect and incomplete. 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 Complainant must be given an opportunity to substantiate that the information given to him is incorrect, incomplete, misleading, etc., as provided in section 18(1) (e) of the RTI Act.

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

ORDER

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

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

Further enquiry posted on 07.07.2011 at 10:30a.m.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 08th day of June, 2011.

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

