

GOA STATE INFORMATION COMMISSION
AT PANAJI

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

Comp. No. 542/SCIC/2010

Shri Subhash B.S. Jetha,
R/o D-5, Junta House,
Mapusa, Bardez-Goa

----Complainant.

V/s

Public Information Officer,
Village Panchayat Secretary
Siolim, Marna, Bardez-Goa

... Opponent

Complainant in person
Opponent absent

ORDER

(31-05-2011)

1. The Complainant, Shri Subhash B.S. Jetha, has filed the present complaint praying that the opponent be directed to furnish the information sought by the complainant vide his application dated 21/04/2010 forth with to meet the ends of justice; that the disciplinary action be initiated against the Respondent and penalty be imposed for deliberately denying the information.

2. The brief facts leading to the present complaint are as under;

That the complainant, vide an application dated 21/04/2010, sought certain information under Right to Information Act 2005, (R.T.I. Act for short) from the Opponent/Public Information Officer(P.I.O.) That the Opponent had disclosed his intention to deny the information and rightly failed and neglected to furnish the same in spite of expiry of the time limit provided in the statute. Being not satisfied the Appellant preferred the appeal before the First Appellate Authority. The Respondent filed his reply which is false records. That by order dated 9/08/2010 the First Appellate Authority directed the Opponent to furnish the information within 7 days. That even after the order no information was furnished. That the Act of the Opponent is malafide and in sheer disregard of law. Since the Opponent consistently failed to furnish the information

the complainant has filed the present complaint praying the above mentioned reliefs.

3. The Opponent resists the complaint and the reply of the Opponent is on record. In short it is the case of the Opponent that application seeking information was received on 21/04/2010. That there was delay in furnishing information due to additional administrative work and field work (Population Census). That the complainant opted to have inspection of records of Panchayat accordingly First Appellate Authority fixed the date as 19/06/2010, but the complainant did not visit the Panchayat to carry out inspection of records nor attended the matter which was fixed on 25/06/2010. The Opponent denies that he filed false records. That no false information was produced before First Appellate Authority. It is the case of the Opponent that information was furnished as per records. Opponent denies that the complainant approached the Opponent on various occasions. The Opponent denies that the Opponent failed to furnish the information.

4. Heard the arguments. According to the complainant there is delay in furnishing information. He next submitted that the information furnished is incomplete and misleading.

According to the opponent information is furnished and the same is in time. There is no delay as such. He next submitted that available information is furnished and the same is correct.

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 secondly whether the same is in time.

It is seen that the complainant sought certain information from the Opponent vide his application dated 21/04/2010. That no information was furnished within 30 days from the date of receipt of the application. On 25/05/2010 the complainant preferred the appeal before the first Appellate Authority (F.A.A.). It appears that reply was filed before First Appellate Authority on 15/06/2010 and

in that reply the information was furnished. Then on 24/06/2010 some information was furnished. Again on 20/07/2010 some information was furnished before the First Appellate Authority. By order dated 9/08/2010, the First Appellate Authority ordered to handover the information within 7 days.

During the course of arguments it is submitted that information is furnished.

6. The grievance of the complainant is that the information that is furnished is beyond the statutory period of 30 days, secondly the information furnished is incomplete and misleading.

Now, it is to be seen whether there is delay in furnishing information. Considering the date of the application and the reply furnished there is some delay. However Public Information officer should be given an opportunity to explain the same in the factual matrix of this case.

7. The complainant contends that the information is incomplete incorrect misleading etc. This disputed by the Opponent. According to the Opponent correct information has been furnished.

It is to be noted here that the purpose of the R.T.I. Act is per se to furnish information. Of course Complainant has a right to establish that information furnished to him is false, incorrect, incomplete, 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 R.T.I. Act would be defeated. It is pertinent to note that mandate of R.T.I. Act is to provide information ____ information correct to the core and it is for the Appellant to establish that what he has received is in correct 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 the Complainant 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 R.T.I. Act.

8. In view of the above, since information is furnished no intervention of this Commission is required. The Opponent is to be heard on the aspect of delay. The Complainant is to be given an opportunity to prove that the information is incomplete incorrect, misleading etc. Hence I pass the following order:-

ORDER

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

Issue notice under section 20(1) of the R.T.I. Act to the Opponent/Public Information Officer to show cause why penalty action should not be taken against him for causing delay in furnishing information. The explanation , if any, should reach the Commission on or before 18/07/2011. Public Information Officer/Opponent shall appear for hearing.

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

Further inquiry posted on 18/07/2011 at 10.30 a.m.

The complaint is accordingly disposed off.

Pronounced in the Commission on this 31st day of May, 2011

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

