

GOA STATE INFORMATION COMMISSION

AT PANAJI

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

Complaint No. 535/SCIC/2010

Mr. Sadanand D. Vaingankar,
304, Madhlawada, Harmal,
Pedne – Goa

... Complainant

V/s

Public Information Officer,
O/o. Secretary,
Village Panchayat, ARambol,
Pernem – Goa

... Opponent

Complainant absent.

Opponent absent.

ORDER

(27/07/2011)

1. The Complainant, Shri Sadanand D. Vaingankar, has filed the present Complaint praying that the Complaint be allowed and the Public Information Officer be directed to furnish the proper information. That the Public Information Officer be directed to pay fine as applicable; that the Public Information Officer may be directed for disciplinary action under service rules applicable to him.

2. The brief facts leading to the present Complaint are as under:-
That the Complainant vide application dated 20.05.2010 sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer (PIO)/Opponent. That by reply dated 17.06.2010 the Opponent furnished the information. That the information furnished is improper and false and hence the present Complaint.

3. Notice was issued to the Opponent to remain present on 27.10.2010. However, on 27.10.2010 both sides were absent. Again, on 23.11.2010 Complainant and Opponent were absent. On 23.12.2010 fresh notice was issued to the parties and on 14.01.2011 Opponent remained present and sought some time to file reply. Thereafter, the Complainant as well as Opponent remained absent. Again notices were issued to them but they remained absent. Opponent did not care to file the reply. Various

opportunities were given to the parties. However, both sides remained absent. In any case, I am proceeding with the matter on the basis of records.

4. It is seen that the Complainant sought certain information from the Public Information Officer/Opponent. The information was sought on 20.05.2010. The information consisted of 8 points. By reply dated 17.06.2010 the PIO/Opponent furnished the information to all the 8 points. The information was furnished within the statutory period of 30 days.

5. The only grievance of the Complainant in the present Complaint is that information furnished is improper and false. Since Opponent is absent this Commission could not ascertain nor hear the Opponent on this aspect.

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

7. In view of this, since information is furnished no intervention of this Commission is required. Complainant should be given an opportunity to prove that information furnished is improper and false. Hence, I pass the following Order:

ORDER

Complaint is allowed. No intervention of this Commission is required as far as information is concerned.

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

Further inquiry posted on 08.09.2011 at 10:30a.m.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 27th day of July, 2011.

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

