

**GOA STATE INFORMATION COMMISSION**  
**AT PANAJI**

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

**Appeal 18-SCIC-2011**

Shri Maheshwar A. Gawas,  
Shri Gangadhar S. Gawas,  
Both R/o Ibrampur,  
H.No.42, Pernem-Goa .

...Appellant

**V/s**

Public Information Officer,  
And Dy. Conservator of Forests,  
North Goa Division,  
Ponda-Goa.

... Respondent

Appellant in person

Respondent present

**(JUDGEMENT)**  
**(19-08-2011)**

1. The Appellants, Shri Maheshwar A. Gawas, and Shri Gangadhar S. Gawas, have filed the present appeal praying that P.I.O. knowingly gave incorrect, incomplete and misleading information and that be penalized and that penalty be imposed on the P.I.O. for delay in furnishing the information.

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

That the Dy. Conservator of forests and Public Information Officer, North Goa Division had issued the Appellants a cheque of less amount than the pre receipt signed by the applicant signed by himself, towards the compensation for damage caused by wild bison. So the appellants filed an application dated 27/09/2010 under Right to information Act, 2005 (R.T.I. Act for short) to prove how he had deducted their amount without any prior notice and as it use the documents which he had consider to deduct their amount. That the Dy. Conservator of Forests had provided them the totally false information. So they filed the appeal in the court of first Appellate Authority, but the F.A.A. had favoured the Dy. Conservator saying in the order that " Error could occur any level and directed him to

correct the error within ten days” That again the Dy. Conservator of Forests had issued them the false information and failed to prove how he had deducted their amount. Being aggrieved by the said order as well as the harassment caused the Appellants have preferred the present appeal.

3. The Respondent resists the Appeal and the reply is on record. In short it is the case of the respondent that the Appellant had submitted an application dated 27/09/2010 and received on the same day under R.T.I. Act seeking certain information. That the required information/documents were furnished to the appellants within the stipulated time limit by the P.I.O. vide letter dated 26/10/2010. That the Appellants preferred an appeal before F.A.A. and conservator of forests That due to oversight and human error by the dealing assistant of this office, this P.I.O. has furnished a few enclosures which are not asked by the applicant instead of the one sought by him and the same was admitted by the P.I.O. when the appellants filed the Appeal. That subsequently the certified copy of required documents was furnished to the Applicant free of charge vide letter dated 21/12/2010. That the application filed by the applicant seeking information is not clear about the information sought. That as per the order of the F.A.A. the information is furnished to the Appellant as per letter dated 14/01/2011 within the stipulated time given by the F.A.A.. It is the case of the respondent that the information has been furnished. The Respondent denies the contents of the memo of Appeal. It is further the case of the Respondent that the P.I.O. has processed the application and provided available information /documents to the applicants within the stipulated time frame. That the Respondent implemented the R.T.I. Act in true spirit.

4. Heard the Appellant as well as respondent.

Appellant referred to the facts of the case and submitted that information given is incomplete. He next submitted that there is delay in furnishing the information. Appellant also submitted that the order of F.A.A is not complied with.

During the course of his arguments the Respondent submitted that the information is furnished and the same is furnished in time. He next submitted that information in respect of point No.6 is furnished and that reason for restriction have been given in the pre-receipt . The Respondent also submitted that minutes of the meeting were not drawn.

According to the Respondents the Appeal is to be dismissed.

5. The Appellants have filed a written submission stating that P.I.O. had not furnished required information within the stipulated time of 30 days. That the P.I.O. has not provided the information sought under part no.5 and para 6. in short according to the Appellant incomplete information is furnished.

6. 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 the appellants sought certain information vide application dated 27/09/2010. The same was received on the same day. It is seen that by reply dated 26/10/2010, the P.I.O. furnished the information. Perhaps being not satisfied the Appellants preferred the appeal before First Appellate Authority. During hearing it appeared that some documents were not properly given. So the P.I.O. by letter dated 21-12-2010 furnished the same being a human error. By order dated 10/01/2011, the F.A.A. observed as under:-

## ORDER

“After careful examination of the appeal and arguments between Appellant and Respondent, this authority feels that required information sought by the appellants was not provided by the P.I.O., P.I.O. should carefully hand the applications under R.T.I. Act, 2005. It is true that error could occur at any level. However, it should be rectified. The P.I.O. is therefore directed to furnish all the relevant documents sought by the Appellants within 10 days from the date of issue of this order”

It is seen that by letter dated 14/01/2011 the order is complied. The same is within 10 days as specified in the order.

7. The main grievance of the appellants is that P.I.O. has not furnished information within time and that information furnished is incomplete and false.

According to the Respondent information is furnished in time and secondly the available information is furnished .

8. Now it is to be seen whether there is delay in furnishing the information. The application seeking information is 27/09/2010 reply is furnished by letter dated 26/10/2010. The same is in time . No doubt a mistake regarding notification had occurred which was corrected during first appellate stage. Again F.A.A. directed to furnish the information within 10 days and the same was furnishing within 10 days i.e by letter dated 14/01/2-11. Under the circumstances there is no delay as such. Even assuming there is some mistake the same is not intentional as can be seen from the records of the case.

9. According to the Appellants even after the order of F.A.A. the P.I.O. has provided the incomplete information and not provided information under part no.5 and 6. This is disputed by the respondent no.1. According to him information furnished is correct as available on records.

It is to be noted here that purpose of the R.T.I. Act is per se to furnish information. Of course Appellants have a right to establish that information furnished to him is false, incorrect, misleading etc, but the appellant has to prove it to counter opponents 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 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 the appellants must be given an opportunity to substantiate that the information given to him is incomplete, misleading false etc. as provided in section 18(1) of the R.T.I. Act.

10. In view of all this, since information is furnished no intervention of this Commission is required. The Appellant should be given an opportunity to prove that information is incomplete and misleading etc. Hence I pass the following order.

#### **ORDER**

Appeal is partly allowed. No intervention of this commission is required as information is already furnished.

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

Further inquiry posted on 30/09/2011 at 10.30 a.m.

The Appeal is accordingly disposed off.

Pronounced in the commission on this 19<sup>th</sup> day of August , 2011.

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