

GOA STATE INFORMATION COMMISSION

AT PANAJI

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

Complaint No. 411/SIC/2010

Mr. J. T. Shetye,
H. No. 35, Ward No. 11,
Khorlim,
Mapusa – Goa ...Complainant

V/s

Public Information Officer,
Member Secretary,
Goa State Commission for Women,
3rd Lift, 4th Floor, Junta House,
Panaji – Goa ... Opponent

Complainant in person.
Adv. Shri S. Sawant for Opponent.

ORDER
(20/09/2011)

1. The Complainant, Shri J. T. Shetye, has filed the present Complaint praying that Complaint be admitted; that Public Information Officer be compelled to provide adequate and correct information only and not to express her opinion while providing information under RTI Act; to direct the PIO/Member Secretary to refund the excess amount of fee charged to the Complainant and that penalty be imposed on the PIO for not providing correct information within stipulated period of 30 days till the period of providing correct information to the Complainant.

2. It is the case of the Complainant that vide application dated 08.03.2010 he sought certain information under Right To Information Act, 2005 ('RTI Act' for short) from the Public Information Officer (PIO)/Opponent. That the PIO has provided the information vide letter dated 30.03.2010. That the PIO has knowingly provided incorrect, incomplete and misleading information as could be seen from the certified copies supplied to the Complainant. That the Complainant has been penalized by the PIO by providing him certified copies of documents/correspondence which he had not asked for and hence the present Complaint.

3. The Opponent resists the Complaint and the reply of the Opponent is on record. It is the case of the Opponent that he has issued all the information to the Complainant in good faith and to the best of knowledge and ability. That the certified copies of both the files in complete form were supplied to the Complainant by Registered AD on 31.05.2010. According to the Opponent all the available information is furnished to the Complainant. According to the Opponent the case ought to be dismissed as information is furnished.

4. Heard the Complainant as well as the Ld. Adv. Shri S. Sawant for the Opponent.

According to the Complainant information regarding two files were asked and PIO provided the information in time. According to him the said information was not to the satisfaction of the Complainant. He also submitted that the information is misleading.

During the course of his arguments the Ld. Adv. Shri Sawant admitted that information is fully furnished and there is no delay as such.

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 relief prayed is to be granted or not.

In the instant case there is no dispute that information is furnished. It is also not disputed that information is furnished in time. So the question of delay is not there. The only grievance of the Complainant is that the information furnished is not to his satisfaction. According to him the same is misleading. I have perused the records of the case. It appears that available information has been furnished. Under RTI Act, information that is not available cannot be furnished. Whatever information held by Public Authority in terms of section 2(j) of the RTI Act is to be necessarily furnished. The RTI Act can be invoked only for access to permissible information.

6. Though not in so many words the grievance of the Appellant seems to be that no action has been taken by the Opponent – Public Authority on the representation/Complaint of the Complainant. Timely action by the Opponent perhaps would have avoided this exercise before this

Commission. It is for the authorities to introspect themselves that action taken in time saves a person's ordeal of approaching PIO, FAA as well as the Commission.

7. Since information is furnished no intervention of this Commission is required. Hence, I pass the following Order:-

ORDER

No intervention of this Commission is required. The Complaint is disposed off.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 20th day of September, 2011.

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

