

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Penalty Case No. 43/SIC/2011
In
Appeal No. 247/SIC/2010

Mr. Oldrin Pereira,
H. No. 629, Santerxette,
Aldona,
Bardez – Goa

... Appellant/Complainant

V/s.

Public Information Officer,
Mamlatdar of Bardez,
Mapusa,
Bardez – Goa

... Respondent/Opponent

Appellant/Complainant in person.
Respondent/Opponent in person.

ORDER
(24.10.2011)

1. By Judgment and Order dated 26.05.2011 this Commission issued notice under section 20(1) of the Right to Information Act, 2005 to the Respondent/Public Information Officer (P.I.O.) to show cause why penalty action should not be taken against him for causing delay in furnishing information.

2. The Respondent/P.I.O. has filed the reply to the show cause notice which is on record. In short, it is the case of the Respondent that the Appellant vide letter dated 01.07.2010 sought the information in respect of Mutation Cases of Village Aldona, Bardez-Goa. That vide Memorandum dated 08.07.2010 the P.I.O. directed the Talathi of Aldona for submitting information sought by the Appellant as the information was in possession of the Talathi of Aldona, that vide same Memorandum the Talathi for Mutation was directed to issue information in respect of other Mutation cases. That the Respondent vide letter dated 26.07.2010 has furnished information in respect of Mutation Cases and the Appellant was informed that the information in respect of Mutation Case No. 2537 is not available in their office, on the basis of Talathi report. That being aggrieved by the reply the Appellant preferred First Appeal

and the same was dismissed by Order dated 08.09.2010 since the information was furnished.

It is further the case of the Respondent that the Appellant contented that the Respondent has provided incomplete and misleading information and further adduced that manipulation in numbers and also alleged that delay has been caused in giving information and to that effect filed rejoinder application dated 30.12.2010 and stated that the present Mutation Case No. 2537 is of recent origin and prayed to hold proper inquiry/fix responsibility of the said missing file and initiate action against the delinquent officer/official. That the Appellant was aware of the fact that the relevant file was not traceable in the Talathi's office, inspite of knowing the factual matrix of the case, created situation intentionally/deliberately as if, information has been denied by the P.I.O. which is false and baseless as it is seen on pretext of filing present Appeal by the Appellant even after that the acknowledging of receiving the same. That the Appellant's contention that the Mutation file bearing No. 2537 is of recent origin is totally false and baseless as the record itself shows that the file pertains to the year 1980. It is further the case of the Respondent that the RTI Act does not cast any responsibility on the P.I.O. to create the information to meet the demands of the parties seeking information and hence the Appeal filed before the Commission is baseless and liable to be dismissed.

3. Heard both sides. Appellant submitted about the facts of the case. The Respondent submitted that there is no delay and he pointed out the application, reply, etc. Since Appellant was given an opportunity to prove that information furnished is false, incomplete, etc, records were called and Respondent showed the records. I have carefully gone through the said records. The Respondent submitted that the information furnished is as available on the records.

4. 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 there is delay in furnishing

information and secondly, whether any incorrect, misleading, false information is furnished.

First, I shall refer to the aspect of delay. It is seen that the Appellant, vide application dated 01.07.2010 sought certain information. It is seen from the record that the Respondent/P.I.O. vide Memorandum dated 08.07.2010 directed the Talathi of Aldona for submitting the information sought by the Appellant, as information was in possession of the Talathi of Aldona. That vide same Memorandum Talathi for Mutation was directed to issue information in respect of other Mutation cases. It is seen that by letter dated 26.07.2010 the P.I.O has furnished the information in respect of all mutation cases. It appears that Appellant was informed that information in respect of mutation case No. 2537 is not available. This fact is mentioned in the Memo of Appeal filed before First Appellate Authority on 05.08.2010. Therefore, whatever available information has been furnished to the Appellant and that too within 30 days so there is no question of delay in furnishing the information.

5. Second aspect is regarding false and misleading information. Appellant was given an opportunity to prove that information furnished was false, incorrect, incomplete, misleading, etc.

Appellant had shown some documents to show that fraud has been committed and false information was furnished. I have seen the said records, etc.

The Respondent/P.I.O. was directed to produce the records. Accordingly, he produced the records. It is seen from the records that information furnished is as per records. The records were checked in the presence of Appellant. Since information furnished is as per record the question of giving false, misleading information does not arise. It is to be noted here that under R.T.I. the information held is to be furnished.

It is to be noted here that First Appeal was also filed only on the ground that information furnished was false, etc, however, the same was dismissed.

6. The Appellant has shown some documents. The same vary. According to Appellant if the said documents are perused certain

things could not have taken place. According to him there is fraud. I have seen the same. The Appellant may be having a genuine grievance, however, this is not a forum to get redressal of the same. Whether the same is deliberately done as contended by Appellant is to be tested in the proper forum. The Appellant will have to go to the competent forum to get his grievance redressed.

7. In view of the above, I pass the following Order:-

ORDER

The show cause notice issued is discharged as there is no delay as such.

Regarding inquiry the same is disposed as available information is furnished.

The penalty proceedings and inquiry are accordingly disposed off.

Pronounced in the Commission on this 24th day of October, 2011.

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

