

GOA STATE INFORMATION COMMISSION

AT PANAJI

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

Comp. 69/SIC/2011

Andrew Menezes,
National Institute of Oceanography,
Dona Paula,
Goa – 403 004

...Complainant

V/s

1) Shri P.D. Halarnkar,
Public Information Officer,
Asst. Registrar of Co-op Societies,
Central Zone,
Govt. of Goa.
Panaji – Goa

... Opponent No. 1

2) Shri C.D. Gawade,
Public Information Officer,
Dy. Registrar of Co-op Societies,
Govt. of Goa.
Panaji-Goa

... Opponent No. 2.

3) Shri P.K. Patidar
First Appellate Authority,
Registrar of Co-op Societies,
Govt. of Goa,
Panaji-Goa.

... Opponent No. 3.

Complainant in person
Opponent no.1 and 3 absent
Opponent No.2 in person.

ORDER

(29-09-2011)

1. The Complainant, Shri Andrew Menezes, has filed the present complaint praying that Hon'ble Goa State Information Commission may initiate an inquiry to ascertain correct information and initiate steps so that the P.I.O. is ordered to keep all the mandated information upto date in accordance with section 4(1) of the R.T.I. Act and the same be made available/accessible to the information seeker and that appropriate action be taken against P.I.O.

2. It is the case of the Complainant that information provided by Opponent No.1 and 2 is incomplete, misleading and false, that proactive disclosure under section 4(1) has not been made publicly available /accessible. That several queries seeking information have remained unrequited/delayed and provided with misleading and false information and the same be inquired into . Hence the present complaint.

3. The Opponent/ P.I.O. did not file any reply as such, however , opponent advanced arguments.

4. Heard the arguments, Complainant and Opponent argued their respective case.

According to the Complainant information furnished is incomplete, misleading and false.

Where as according to the Opponent available information is furnished and the same is correctly provided.

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.

By order dated 12/05/2010 in appeal No.101/SCIC/2009 this Commission furnished some information as mentioned in the said order. By order dated 4/3/2011 some other information was furnished.

It is now the contention of the complainant that information furnished is incomplete misleading and false. This is disputed by the opponent P.I.O. According to Opponent complete and correct information as available is furnished.

6. It is to be noted here that purpose of the R.T.I. Act is per se to furnish information. Of course the complainant has a right to establish that information furnished to him is false, incorrect misleading etc, but the complainant has to prove it to counter the Opponent's claim. The information seeker must feel that he got the true and correct information otherwise purpose of the R.T.I. Act would be defeated. It is pertinent to note that the mandate of R.T.I. 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 incomplete, incorrect misleading, etc. as provided in section 18(1) (e) of the R.T.I. Act.

7. In view of the above, the complainant should be given an opportunity to prove that the information is incomplete, misleading, false etc. Hence, I pass the following order.

ORDER

The Complaint is allowed. The Complainant to prove that information furnished is incomplete, incorrect, misleading etc.

Further inquiry posted on 04.01.2011 at 10.30 a.m.

Pronounced in the Commission on this 29th day of September, 2011.

Sd/-
(M.S. Keny)
Goa State Information Commission