

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Complaint No.98/SIC/2011**

Shri John Baptist Sequeira,  
R/o.H. No.1040, Escrivao Vaddo,  
Candolim, Bardez-Goa ... Complainant

V/s.

The Public Information Officer,  
Mamlatdar of Bardez,  
Mapusa, Bardez – Goa ... Opponent

Complainant in person.  
Adv. A. Mandrekar for complainant  
Opponent absent.  
Shri R. Mayekar, representative of opponent

**ORDER**  
(12/01/2012)

1. The Complainant, Shri John Baptist Sequeira, has filed the present complaint praying that the opponent be directed to furnish complete information sought by the complainant vide his request/application dated 9/3/2011 free of charge; that maximum penalty be imposed on opponent for disobeying and disregarding the law much less for refusing to furnish information to the complainant even after sought specific information; that inquiry be instituted against the respondent for his contemptuous conduct and that the Act of respondent No.1 of willfully breaching the directions of statutory authorities be brought to the notice of the Vigilance Commission and such other authorities for further inquiries.

2. The brief facts leading to the present complaint are as under:

That the complainant/applicant vide application dated 9/3/2011, sought certain information under Right to Information Act, 2005 ('RTI' Act for short) from the Public Information Officer(P.I.O.)/Opponent herein. That as per the R.T.I. Act information was to be provided within a period of 30 days. That the opponent on 5/4/2011 intimated the complainant that the information sought by him is ready and that the

amount of Rs.3000/- will be cost of the documents and that as per the instructions of the higher authority, applicant was required to pay 50% amount in advance. That in the said letter it was also stated that in case amount is on higher side 50% advance has to be deposited as most of the R.T.I. applicants refuse to pay amount if on a higher side. That thereafter complainant went to the office of respondent to collect the information but the concerned officer was not there in the office and as such complainant inwarded the letter dated 25/4/2011 informing about his presence. That the opponent thereafter furnished incomplete information to the complainant on 4/5/2011. That the complainant accordingly began to pursue with the opponent and his office so that he could obtain complete information which had been sought. That however, opponent on some pretext or other deliberately began to avoid complainant and even refused to meet the complainant. That the opponent has thus by his act of denying said sought specific information in spite of seeking specific information and giving fully incomplete information to the complainant thereby impliedly denying the said sought specific information in utter disregard and contempt of the law. That the clear admission made by the opponent infact testify impliedly the complainants promise that incomplete information is served upon him. Being aggrieved the complainant has filed the present complaint on various grounds as set out in the complaint.

3. The opponent resists the complaint and the reply is on record. It is the case of the opponent that the complainant vide letter dated 9/3/2011 has sought the information in respect of ration card holders from 1 to 389 numbers as per the list enclosed with application of village Candolim to Bardez Taluka; that the opponent vide memorandum dated 22/3/2011 directed the Civil Supply Inspector to submit the information sought by the complainant. That the opponent vide letter dated 5/4/2011 informed the complainant to deposit Rs.3000/- as per the directions/instructions issued by higher authorities i.e. Director of Civil Supplies and Consumer Affairs, Panaji. That the same list of ration card holders has been submitted and Shri Tukaram Naik to whom this office has requested to deposit Rs.22,000/- for Xeroxing of all the documents but on cognizance of this office letter, he never turned up. It is the case of the opponent that the opponent has provided information to the Complainant after selection of limited information out of given list and the complainant had collected the same on payment of necessary fees on

4/5/2011. It is further the case of the opponent that the complaint filed by the complainant is baseless and not maintainable in the eyes of law and justice since the complaint has not been filed appeal before the First Appellate Authority(F.A.A.) Besides the P.I.O. had not denied the information. According to the opponent, complaint be dropped.

4. Heard the arguments. Advocate Shri Mandrekar argued on behalf of the complainant and Shri R. Mayekar representative of the opponent argued on behalf of the opponent.

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?

It is seen that by application dated 09/03/2011, the complainant sought certain information. It is seen that by letter dated 5/4/2011 the opponent requested the complainant to pay the amount of Rs.3000/- towards Xeroxing all the documents. It was also informed to the complainant that as per the directions of the higher authority the complainant has to pay 50% of the amount in advance. It appears from the records that the payment was made and information was furnished on 4/5/2011. It is seen that in pursuance of the letter dated 5/4/2011 and their letter dated 25/04/2011 on record the complainant went on only on 19/4/2011 and did not pay on that day. In any case the letter dated 5/4/2011 was in time.

During the course of arguments, advocate for the complainant submitted that information has been furnished. According to him the information i.e. furnished is incomplete.

6. According to Advocate for the complainant the information is incomplete. Whereas representative of the opponent submitted that whatever available information is furnished and that the same is correct.

It is to be noted that purpose of 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 opponent's claim. The information seeker must feel that he got the true and correct information otherwise the purpose of 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 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 complainant must be given an opportunity to substantiate that the information given to him is incomplete, incorrect, misleading etc. as provided in Sec.18(1)(e) of the R.T.I. Act.

7. In view of the above, since information is furnished no intervention of this Commission is required. The complainant should be given an opportunity to prove that the information is incorrect, false misleading etc. Hence I pass the following order.:-

### **ORDER**

The Complaint is allowed. The complainant to prove that information furnished is false, incorrect, misleading etc.

Further inquiry posted on 09/03/2012 at 10.30 am .

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 12<sup>th</sup> day of January, 2012.

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