

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

Appeal No. 26/SIC/2011

Mr. J. T. Shetye,  
C/o. Mapusa Jana Jagruti Samiti,  
H. No. 35, Ward No. 11,  
Khorlim,  
Mapusa - Goa

... Appellant

V/s.

1) Public Information Officer & DRO,  
Designated Officer,  
Flying Squad Team,  
North Goa District,  
O/o. the Dy. Collector & DRO,  
MAG/DRO Branch,  
Panaji - Goa

... Respondent No. 1.

2) First Appellate Authority,  
Additional Collector-I,  
North Goa District,  
Collectorate of North Goa District,  
Panaji - Goa

... Respondent No. 2.

Appellant in person.

Respondent No. 1 in person.

**J U D G M E N T**  
**(01.02.2012)**

1. The Appellant, Shri J. T. Shetye, has filed the present Appeal praying that the P.I.O. be compelled to provide only true and correct information to the Appellant as per the provisions of R.T.I. Act; that penalty be imposed on the P.I.O. for knowingly providing misleading information to the Appellant; that disciplinary action against P.I.O. be initiated and that compensation be awarded to the Appellant.

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

That the Appellant, vide application dated 07.09.2010, sought certain information under Right to Information Act ('R.T.I. Act' for short) from the Public Information Officer (P.I.O.)/Respondent No. 1. That the P.I.O., Dy. Collector and DRO designated Officer of flying squad team North Goa District vide its letter dated 13.10.2010 informed the Appellant to collect the information after payment of fees as applicable on or before 20.10.2010 failing which it shall be presumed that the applicant is not interested to

collect the same against payment of fees and his office shall consider the application to be disposed off. That in pursuance of the said letter which was received by Appellant on 19.10.2010 through post, the Appellant rushed to the Office of the P.I.O. and he was told that P.I.O. was busy and that the Appellant had to wait for the information. Being not satisfied with the information provided to him by the P.I.O., the Appellant preferred an appeal before the First Appellate Authority/Respondent No.2. That during the hearing of the Appeal the F.A.A./Respondent No. 2 gave an opportunity of inspection to the Appellant and the Appellant took the inspection. That on 17.12.2010 the Appellant made an application seeking to provide certified copies of the register which were given to him for inspection on 30.11.2010. That by letter dated 30.12.2010 P.I.O. informed him that copies are ready and to collect the same. Being aggrieved by the misleading and incomplete information furnished the Appellant has preferred the present Appeal on various grounds as set out in the Memo of Appeal.

3. The Respondent No. 1 resists the Appeal and the reply of the Respondent No. 1 is on record. The Respondent No. 1 admits of receiving the application, furnishing information about First Appeal, etc. It is the case of the Respondent No. 1 that the Appellant inspected the Register on 07.12.2010. That the Respondent No. 1 was absent for hearing and as such was unaware of the directions given by F.A.A. to give copies of the Register and therefore specific orders/copy of the Roznama was insisted upon. That the Appellant failed to produce copy of the order/Roznama issued by F.A.A. directing to provide copies of the Register. That the Appellant also declined to make an application asking for copies of the register. That the required copies of the pages of the Register were provided to the Appellant. The Respondent No.1 denies the grounds set out in the Memo of Appeal. According to him what is misleading has not been specified by the Appellant. That the P.I.O. or their office did not conceal any material fact or mislead the Appellant. It is further the case of the Respondent No. 1 that the present Appeal does not have any ground to sustain. That their office has been very cooperative with the Appellant in entertaining his application under R.T.I. dated 07.09.2010. That the appeal is liable to be dismissed.

4. Heard the arguments. The Appellant and the Respondent No.1 argued their respective case. The Appellant as well as Respondent No.1 filed the written submissions which are on record. I have also heard the oral arguments advanced by the parties.

In short according to the Appellant incomplete and misleading information has been furnished. According to Respondent no. 1 the information as available has been furnished correctly.

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 information was sought by the Appellant. Reply was sent to collect the information and subsequently the information was furnished. These facts are not in dispute. It is also not disputed that Appellant preferred the Appeal before the First Appellate Authority/Respondent No.2. Roznama dated 07.12.2010 mentions that Appellant has asked for specific copies from the register and the Respondent stated that he will supply the copies of documents by 14<sup>th</sup> December, 2010. Accordingly proceedings were closed.

Normally at Appellate stage no further information is granted. It appears from the Memo of Second Appeal the Appellant filed fresh application. In any case it appears that information is furnished.

During the course of the argument the Appellant states that information is furnished. His only grievance is that it is misleading and incomplete.

6. It is contended by the Appellant that the information furnished is incomplete, incorrect and misleading. This is disputed by the Respondent No. 1. According to the Respondent No. 1 information furnished is correct as available on record.

It is to be noted here that purpose of the R.T.I. Act is to furnish information. Of course appellant has a right to establish that information furnished to him is false, incorrect, misleading, etc. but the Appellant has to prove it to counter Respondent's 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 Appellant 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, since information is furnished no intervention of this Commission is required. The Appellant should be given an opportunity to prove that information is incomplete, incorrect, misleading, etc. Hence, I pass the following Order:-

### **ORDER**

The Appeal is allowed. No intervention of this Commission is required as information is furnished.

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

Further inquiry posted on 16.03.2012 at 10:30 a.m.

Appeal is accordingly disposed off.

Pronounced in the Commission on this 1<sup>st</sup> day of February, 2012.

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





