

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Appeal No.59/SIC/2011**

Shri Rony Dias,  
R/o.H. No.2, Murida, Cuncolim,  
Salcete-Goa 403703

... Appellant.

V/s.

1. The First Appellate Authority  
Public Works Department,  
Altinho, Panaji-Goa
2. The Public Information Officer  
Office of the Executive Engineer,  
Works Division VI,  
Public Works Department,  
Fatorda, Goa

... Respondents

Appellant present  
Respondent No.2 present.  
Respondent No.1/F.A.A. absent

**J U D G M E N T**  
**(16/01/2012 )**

1. The Appellant, Shri Rony Dias, has filed the present appeal praying that the order may be passed to release all the requested information free of cost U/s.7(6) within 10 working days; that the total cost of the information provided free to the appellant to be recovered from the Public Information Officer(P.I.O.); that the P.I.O. should be penalized as per the provisions of Sec.20(1) of the R.T.I. Act for denying the information and as per the Civil Service Rules; that necessary disciplinary action as per Sec.20(2) of the R.T.I. Act be initiated; that compensation be granted to the appellant and other relatives as mentioned in the appeal.

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

That the appellant, vide an application dated 11/11/2010, sought certain information under Right to Information Act, 2005 ('R.T.I.' Act' for short) from the Public Information Officer(P.I.O.)/respondent No.2. That the respondent No.2/P.I.O. did furnish the information within the time limit and as such the appellant preferred appeal before First Appellate Authority(F.A.A.)/respondent No.1. That the F.A.A. passed the order directing to release the information within 25 days from the date of receipt of the order. However, the information was not provided free of cost. Being aggrieved that information was not furnished the appellant has preferred the present appeal on various grounds as set out in the memo of appeal.

3. The respondent resist the appeal and the reply is on record and the reply of the respondent No.2 is on record. In short, it is the case of the respondent that the appellant vide his application dated 11/11/2010 requested the respondent a certified copy of fifty nine documents which are different sections as well as voluminous, as such the respondent vide his reply dated 31/12/2010 requested the appellant more time to furnish the information sought by the appellant. That inspite of that the appellant preferred appeal before First Appellate Court and by virtue of order dated 27/01/2011 the First Appellate Court disposed off the said appeal with a direction to furnish to the appellant certified copy of the documents as sought by the appellant vide his application dated 11/11/2010 on payment of necessary fees as prescribed by the said Act within a period of 25 days from the date of receipt of the order. That in view of accident taken place between the period 12/11/2010 to 6/12/2010 and the respondent was under medical treatment on sick leave, the charge was given to a different P.I.O. who was not conversant with the information requested by the appellant and the appellant was also requested to inspect the requisite files and take the information vide this office letter No.PWD/WD VI/ADM/RTI/1662 dated 31/12/2010, and as such the information could not be submitted in time. It is the case of the respondent that the appellant was also informed orally that within

90 days the information shall be delivered to him and the same was agreed by the appellant; and accordingly the same was delivered to him by post vide office letter dated 15/4/2011. In short according to the respondent that in view of the order passed by the F.A.A. the respondent submitted all the certified copies of the documents sought by the appellant and therefore nothing remains to be furnished to the appellant. According to the respondent appeal does not survive and liable to be dismissed.

4. Heard the appellant and Respondent No.2/P.I.O. According to the appellant information is furnished, however, the same is incomplete, incorrect and false.

During the course of his arguments P.I.O. submitted about voluminous nature of information, about difficulties, shortage of staff etc. He submitted that information is furnished. He also filed written submissions explaining about delays vis a vis the voluminous information and also about his absence from work/leave etc.

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 the appellant, vide application dated 11/11/2010 sought certain information. The information consisted of 59 items at sr. No.1 to 59. By letter dated 31/12/2010 the respondent No.2/P.I.O. informed the appellant that information sought is voluminous and required to be generated from various files and also needs a lot of man power to complete information and as such more time was required to furnish the information as sought. The appellant was also requested to inspect the files and take required information. The appellant being not satisfied filed the appeal before the First Appellate Authority/respondent No.1 By order dated 27/1/2011 the F.A.A./respondent No.1 observed as under :-

“As agreed by both the parties the appeal stands disposed off with the following order:-

“The respondent S.P.I.O. Executive Engineer, Works Div.VI, PWD shall furnish to the appellant certified copies of the documents as sought by him vide his application dated 11/11/2010 after providing him necessary inspection of the files if required and on payment of necessary fees as prescribed under Right to Information Act – 2005 within a period of 25 days from the date of receipt of this order.”

It is seen from record that by letter dated 15/4/2011 the information was furnished.

During the course of arguments the appellant submits that information has been furnished. According to him the same is incomplete, incorrect and false.

6. It is seen that the information was voluminous. The P.I.O./respondent No.2 informed the appellant about the same and requiring more time. It is seen that P.I.O. was sick, staff was short etc and as such there was delay. The explanation given is to be accepted. The delay appears to be not intentional. In any case in the factual backdrop of this case the same is to be condoned.

7. The appellant contends that information is incomplete, incorrect, false, misleading etc. This is disputed by respondent No.2/P.I.O. According to respondent No.2 information that is furnished is correct.

It is to be noted here that the purpose of the R.T.I. Act is per se to furnish information. Of course appellant has a right to establish that information furnished to him is false, incorrect, incomplete, 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 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 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 Sec.18 (1)(e) of the R.T.I. Act.

8. 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 the information is incomplete, incorrect, misleading etc. Hence I pass the following order.

### **ORDER**

The appeal is partly allowed. Since information is furnished no intervention of this Commission is required.

The appellant to prove that information furnished is false, incorrect, incomplete etc.

Further inquiry posted on **12/03/2012 at 10.30 a.m.**

The appeal is accordingly disposed off.

Pronounced in the Commission on this 16<sup>th</sup> day of January, 2012.

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