

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No.199/SCIC/2011

R. G. Joshi,
R/o.5, Suvihar Society,
Near Power House,
Pontemol, Curchorem, Goa

... Appellant.

V/s.

The Chief Officer/PIO,
Curchorem Cacora,
Municipal Council,
Curchorem, Goa

... Respondent

Appellant present.
Respondent absent.

J U D G M E N T
(26/03/2012)

1. The Appellant, Shri R. G. Joshi, has filed the present appeal praying that the appellant be provided with documents alongwith appropriate compensation under the provisions of the Act for the delay inclusive of expenses incurred in the process.

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

That the appellant had filed application dated 20/4/2010, under the Right to Information Act, 2005 ('R.T.I. Act' for short) to the Public Information Officer(P.I.O.)/Chief Officer, Curchorem, Cacora, Municipal Corporation. However the P.I.O. did not provide information under Right to Information Act. That the appellant made 2nd appeal on 29/6/2010 before the Commission U/s.19(3) of the R.T.I. Act against the P.I.O. That by Judgement and order dated 31/3/2011 the commission transferred the appeal to the First Appellate Authority(F.A.A.) to dispose the same. That by order dated 22/7/2011 the F.A.A. ordered the P.I.O./respondent to

furnish the documents asked without cost before 1st August, 2011. That the respondent ignored the order and has not complied with the same.

3. In pursuance of the notice, Shri Diptesh Desai, Jr. Engineer, represented the respondent. Various opportunities were given to the respondent to file their say and advance arguments. However, they did not remain present.

4. Heard the appellant. Appellant has also filed the application dated 19/1/2012 reiterating all the facts. It is further the case of the appellant that on 12/9/2011 the appellant referred the matter back to the Goa State Information Commission for denial/non compliance of the order of the F.A.A. That the information which was denied earlier and not supplied was however partly supplied on 16/12/2011. In short, according to the appellant the information furnished is incomplete. The appellant also submitted that there is delay in furnishing the information.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The respondent did not even file the reply and as such I proceed on the basis of records. It is admitted that this Commission by Judgement and Order dated 31/3/2011 sent the matter back to the F.A.A. as appellant had directly come before the Commission in 2nd Appeal. It is seen that F.A.A passed the order dated 22/7/2011. By the said order, the F.A.A directed the respondent to furnish the detail information specific to the 4 issues raised within a period of 10 days without charging fees. It appears from record that information is furnished only on 16/12/2011. The main contention of the appellant that there is delay in furnishing information and secondly the information furnished is incomplete.

6. It is seen that application is dated 20/4/2010. Information has been furnished on 16/12/2011. Apparently there is delay.

However, the respondent/P.I.O. is to be given an opportunity to explain about the same.

7. It was next contended that the information furnished is incomplete and misleading. 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 incomplete and misleading. 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 incomplete and misleading. 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, misleading etc as provided in Sec.18 (1)(e) of the R.T.I. Act.

8. In view of all the above, since information is furnished, no intervention of this Commission is required. Regarding delay, the respondent is to be heard. The appellant has to be given an opportunity to prove that the information furnished is incomplete. Hence I pass the following order :-

ORDER

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

Issue notice U/s.20(1) of R.T.I. Act to the respondent to show cause why penalty action should not be taken against him for causing delay in furnishing information. The explanation if any should reach the Commission on or before **30/04/2012**. The P.I.O./respondent shall appear for hearing.

The appellant to prove that information furnished is incomplete.

Further inquiry posted on **30/04/2012** at **10.30 a.m..**

The appeal is accordingly disposed off.

Pronounced in the Commission on this 26th day of March.
2012.

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