

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Appeal No. 12/SIC/2011**

Shri I. S. Raju,  
H. No. 706/A, Acsona,  
Pendolpem, Benaullim,  
Salcete – Goa ..... Appellant.

V/s.

Public Information Officer,  
Health Officer,  
Primary Health Centre,  
Cansaulim-Goa ..... Respondent.

**Appellant in person.  
Respondent in person.**

**J U D G M E N T**  
**(05.04.2012)**

1. The Appellant, Shri I. S. Raju, has filed the present Appeal praying that information furnished is incorrect, incomplete and misleading and that penalty be imposed on the P.I.O.

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

That the Appellant, vide his application dated 26.10.2010, sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer (P.I.O.)/Health Officer, Primary Health Centre, Cansaulim/the Respondent. That the P.I.O./Respondent failed to furnish the information within the statutory period of 30 days which is deemed refusal under the provisions of the RTI Act. Being not satisfied the Appellant preferred an Appeal before the First Appellate Authority (F.A.A.). That the reply was furnished to the Appellant only after a period of sixty three days after filing an appeal to the Director of Health Services/F.A.A. It is the case of the Appellant that incorrect incomplete and misleading information has been furnished and that there is delay.

3. The P.I.O./Medical Officer, Primary Health Centre, has filed the reply which is on record. The P.I.O. mentions about site inspection carried out as well as notice issued to Shri Anthony D'souza, P/A. of Smt. Maria D'Souza and inquiry conducted, etc. That N.O.C. for occupancy was given by Dr. Edgar Menezes on 15.10.2009. That when the Appellant made an application dated 08.10.2010 and 26.10.2010 Dr. Ashok Paes was the Health Officer at that time.

4. Various applications of the Appellant are on record.

5. Heard the arguments of the Appellant and Respondent i.e. the present P.I.O.

According to the Appellant information is incorrect and incomplete and besides, there is delay in furnishing information.

6. 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 26.10.2010 the Appellant sought certain information i.e. about action taken on the letter. It appears that no reply was furnished so the Appellant filed Appeal before the F.A.A. on 29.11.2012. By order dated 29.12.2010 the F.A.A. passed the order. The relevant part is as under:-

“The Appellant states that information/reply requested by him vide his application 26.10.2010 was not supplied by the P.I.O. within stipulated time of 30 days which P.I.O./Health Officer has agreed.

Considering the averments of both the parties, the Health Officer/P.I.O. was directed to reply to the Appellant's letter dated 26.10.2010 immediately and the P.I.O. replied the said letter on 29.12.2010 in presence of First Appellate Authority and orders passed accordingly.

With this the appeal stands disposed off.”

It is seen that by letter/reply dated 29.12.2010 the information was furnished.

7. The contention of the Appellant is twofold:- firstly, there is delay in furnishing the information and secondly the information furnished is incorrect, incomplete and misleading.

Now it is to be seen whether there is delay in furnishing the information. It is seen that application seeking information is dated 26.10.2010. The reply is furnished on 29.12.2010. Apparently there is delay. Besides, order of F.A.A. also states so. In any case, to my mind the P.I.O./Respondent should be given an opportunity to explain about the same in the factual matrix of this case.

8. The next contention of the Appellant is that information furnished is incorrect, incomplete and misleading.

It is pertinent to note here that purpose of 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, 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 the purpose of RTI Act would be defeated. It is pertinent to note that mandate of RTI 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 RTI Act.

9. In view of the above, since information is furnished no intervention of this Commission is required. The Respondent is to be heard on the aspect of delay. 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.

Issue notice under Section 20(1) of the RTI Act to Respondent/Public Information Officer why penal action should not be taken against him for causing delay in furnishing information. The explanation, if any, should reach the Commission on or before 26.06.2012. Public Information Officer/Respondent shall appear for hearing.

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

Further inquiry posted on 26.06.2012 at 10:30a.m.

Appeal is accordingly disposed off.

Pronounced in the Commission on this 05<sup>th</sup> day of April, 2012.

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

