

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Appeal No.266/SCIC/2011**

Venkatesh R. Gawde,  
R/o.H. No.666/1, Pursabhat,  
Manaswada, Kundaim,  
Ponda, Goa ... Appellant.

V/s.

1. The Public Information Officer,  
Dy. Director of Education (Planning),  
Directorate of Education,  
Panaji - Goa ... Respondent

Appellant present.

Respondent absent.

Shri D. Chaudikar representative of the respondent present.

**J U D G M E N T**  
**(04/06/2012)**

1. The Appellant, Shri Venkatesh R. Gawade, has filed the present appeal praying that the information be furnished correctly; that the respondent be dealt with according to law for not giving information and for abusing the provisions of the Act and that the appellant be compensated and provided with the remedies enshrined and empowered under the Act.

2. The brief facts leading to the present appeal can be summarized as under:-

That the appellant, vide his application dated 11/7/2011, sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer(P.I.O.)/respondent. That after applying for information the

present appellant visited the said office at Panaji at least 3 to 4 times inquiring about the progress of information sought but concerned staff was totally unaware and failed to provide status of the application. That information sought was coming within scope of the Act, the respondent was duty bound to furnish the said information to the appellant within prescribed period. That the appellant waited for sufficient time thinking that the respondent will be providing the information but the efforts went in vain as the P.I.O. failed to give information. Being not satisfied the appellant preferred an appeal before the Director of Education/First Appellate Authority. By order dated 25/10/2011 the F.A.A. allowed the appeal thereby directing the P.I.O. to furnish the information within 15 days from the date of the order. That as per the order, the appellant received the information from the P.I.O. but the said information supplied is wrong/misconceived and incomplete as is apparent on the face of record. That the P.I.O. did not provide correct information and it is incomplete, false and manipulated and the answers given are not clear but ambiguous. Being aggrieved the appellant has preferred an appeal on various grounds as set out in the memo of appeal.

3. In pursuance of the notice issued Shri D. Chaudikar appeared as representative of the respondent. He did not file any reply as such, however, he advanced arguments.

4. Heard the arguments. Adv. Shri B. R. Parab argued on behalf of the appellant. Shri D. Chaudikar, representative of respondent argued on behalf of the respondent.

Adv. Shri Parab submitted that information in respect of point No.4, 12 and 13 is not complete. He next submitted that there is delay in furnishing the information. He also submitted that some of the information furnished is false and referred to call letter.

Shri D. Chaudikar submitted that full information is furnished.

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 letter dated 11/7/2011 the appellant sought certain information consisting of 15 points, Sr. No.1 to 15. According to appellant no information was furnished and hence he preferred an appeal before First Appellate Authority. By order dated 27/10/2011 the F.A.A. observed as under:-

“The appeal is allowed with the directions to the P.I.O. to furnish the requisite information to the appellant within 15 days with free of cost.”

If the appellant is dissatisfied still, he is at liberty to proceed to the State Information Commission. The issue of the delay involved could also be raised with that body. In view of the above, I , pass the following order :-

“The appeal is disposed off”

It is seen that by letter dated 3/11/2011 the P.I.O. informed the appellant that with reference to his letter dated 11/7/2011 and First Appeal dated 27/10/2011 to find the information sought in respect of questions raised. Alongwith the same letter dated 16/8/2011 was enclosed. In short the information is furnished.

6. The main grievance of the appellant is that the information in respect of point No.4, 12 and 13 is incomplete.

I have perused point at Sr. 4, 12 and 13 and also the replies which are on record. It appears that some details are missing. In any case the P.I.O. will have to furnish the full and complete information.

7. Now it is to be seen regarding delay. It is the contention of the Adv. for appellant that there is delay in furnishing the information. According to Shri D. Chaudikar there is no delay in furnishing the information.

It is seen that First Appeal was filed as information was not furnished. There is also mention of delay in the order of F.A.A. In any case the P.I.O. should be given an opportunity to explain about the same in the factual backdrop of this case.

8. It was next contended by Adv. for appellant that some of the information that is furnished is false and incorrect. This is disputed by Shri D. Chaudikar. According to him, correct information is furnished.

It is to be noted here that 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, etc. but the appellant has to prove it to counter opponent'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 false and incorrect. 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, false etc as provided in Sec.18 (1)(e) of the R.T.I. Act..

9. In view of the above, respondent has to furnish complete information to point No.4, 12 and 13. The respondent is to be heard on the aspect of delay. The appellant should be given an opportunity to prove that the information is incorrect, false etc. Hence, I pass the following order :-

**ORDER**

The appeal is allowed. The respondent is hereby directed to furnish complete information to point at Sr. No.4, 12 and 13 within 20 days from the receipt of this order.

Issue notice U/s.20(1) of R.T.I. Act to the respondent/Public Information Officer to show cause 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 **13/07/2012**. The P.I.O./respondent shall appear for hearing.

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

Further inquiry posted on **13/07/2012** at **10.30 a.m..**

The appeal is accordingly disposed off.

Pronounced in the Commission on this 4<sup>th</sup> day of June, 2012.

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