

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Complaint No.11/SIC/2012**

Shri Rudresh S. Naik  
Radha Bldg., 2nd Floor,  
Bernard Guedes Road  
Near Market, Panaji – Goa

... Complainant

V/s.

The Public Information Officer,  
Office of the Dy. Collector & S.D.O.,  
Ponda Sub Division,  
Opp. Court Building,  
Ponda - Goa

... Opponent

Complainant absent. His Adv. Y. Naik present  
Opponent present

**ORDER**  
(28/05/2012)

1. The Complainant, Shri Rudresh S. Naik has filed the present complaint praying that the records and proceeding before the opponent be called for; that opponent be directed to furnish the information sought by the complainant in accordance with his application dated 8/12/2011; that opponent be held under disciplinary action for malafidely providing wrong information to the application and obstructing access to the information as sought by the complainant; that opponent be imposed with penalty in terms of Section 20(2) of the R.T.I. Act.

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

That the complainant, vide his application dated 8/12/2011, sought certain information under Right to Information Act, 2005

(‘R.T.I. Act for short’) from the Public Information Officer(P.I.O.)/opponent. That the opponent has tried to mislead the complainant by providing misleading information as the opponent has provided certified copies of documents not at all related to the complainant’s application dated 8/12/2011 thus obstructing the access of the information as sought by the Complainant. That the opponent has failed to exercise his jurisdiction and perform his duties vested in him thereby acting in an arbitrary manner by not entertaining the application of the complainant in an irresponsible manner and has illegally withheld the information sought by the complainant. Being aggrieved the complainant has filed the present complaint.

3. The case of the opponent is fully set out in the written statement which is on record. In short it is the case of the opponent that the complaint filed is untenable in law and not as per spirit of legislation as no complaint can be entertained by the State Information Commission until and unless all the remedies available before the complainant are exhausted by him. That the complainant has skipped provisions of legislation and has directly filed a complaint without exploring the avenue of first appeal and hence this court cannot try and entertain application. On merits, it is the case of the opponent that the office of opponent has indeed received a request of complainant seeking for certain information under the Right to Information Act which was marked to the dealing hand U/s.5(4) of the R.T.I. Act, 2005. That the dealing hand instead of giving precise information to the complainant which is by reading his name in relation to the matter of illegal conversion carried out by him in property bearing Sy. No.41/2 of village Vaghurme of Ponda taluka. That at the relevant point of time, that was the only the record available with him in respect to the name of the complainant. That the information was supplied within the stipulated time i.e. on 13/1/2012 after receipt of the money for supplying the information. That on or about 20/1/2012 his office received precise information from the Mamlatdar of Ponda pertaining to property bearing Sy. No.50/6 of village Vaghurme i.e.

much after supply of information to the complainant. It is the case of the opponent that due to misunderstanding of the subject matter and precision of the information sought, information supplied was different. This was on account of wrong understanding and due to inadvertence. That the opponent nor his dealing hand never had any intention to mislead or misinform the complainant on the information sought for by him. That the relevant and precise information has been received belatedly which can now be supplied to the complainant, but in any case the same was not supplied earlier because of its non availability. It is further case of the opponent that opponent has not committed any mischief as he had no intention of such a nature. According to the opponent the complaint is liable to be dismissed as the relevant information is already furnished to the complainant free of cost.

4. Heard Adv. Shri Yogesh Naik, representative of the Complainant and the opponent.

Adv. Shri Naik submitted in detail as to how misleading information was furnished. He also submitted that correct information has now been furnished.

During the course of his arguments, the opponent explained the circumstances as to how information was furnished. According to him at the relevant time there was no information before them but the dealing hand committed mistake only on reading the name of the complainant. He also submitted about maintainability of the complaint. Opponent also submitted that full information has been furnished free of cost.

5. I have carefully gone through the records of the case and also considered 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 initially some information was furnished. However, it was not correct information. According to the opponent when he came to know about same subsequently correct information was furnished. It is to be noted here that at the relevant time, the information sought was not with the opponent. The opponent has explained in detail as to how mistake has occurred. Adv. Shri Naik submitted information is furnished. His only grievance is about giving misleading information.

6. It is pertinent to note that the purpose of R.T.I. Act is per se to furnish information. Information correct to the core. Providing incomplete information or misleading information is against the spirit of R.T.I. Act. and not acceptable and as such punishable. However in the instant case the intention of the P.I.O. is not to withhold the information as the moment information was available the same was sent to the complainant. This act clears the P.I.O. from any malafide intention. Besides explanation given in the written statement sounds logical.

However, I must say that P.I.O. should be more careful in matters of R.T.I. in future. A more responsive attitude is required in dealing with R.T.I. matters. Otherwise it creates necessary harassment to an information seeker which is not permissible under R.T.I. In any case, as records disclose, P.I.O. appears to be not responsible as dealing hand has created the problem in his enthusiasm to furnish the information.

7. Regarding delay it is seen that reply was promptly sent. Besides Adv. Y. Naik does not press for the same.

8. Regarding maintainability of the complaint. I do agree with the opponent when he contends that one can not skip section 19 and come under Sec.18. However in the instant case, this complaint is mainly for furnishing misleading information. The same comes within purview of section 18 (1)(e) and therefore complaint is maintainable.

8. In view of the above, I pass the following order.

**ORDER**

No intervention of this Commission is required. The complaint is disposed off.

The complaint is accordingly disposed off.

Pronounced in the Commission on this 28<sup>th</sup> day of May, 2012.

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