

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Appeal No.233/SCIC/2011**

Shri J. T. Shetye,  
C/o. Mapusa Jana Jagruti Samiti  
H. No.35, Ward No.11,  
Khorlim, Mapusa – Goa

... Appellant.

V/s.

1. The Public Information Officer,  
V. P. Secretary,  
Village Panchayat of Latambarcem,  
Bicholim-Goa
2. The First Appellate Authority,  
Block Development Officer,  
O/o.BDO Bicholim - Goa

... Respondents

Appellant present.

Respondent No.1 present.

Respondent No.2 absent.

Shri M. Kudnekar representative of respondent No.2 present.

**J U D G M E N T**  
**(22/06/2012)**

1. The Appellant, Shri J. T. Shetye, has filed the present appeal praying that the P.I.O./respondent No.1 be directed to furnish the complete and correct information as per the records available and that penalty be imposed for providing incomplete and misleading information.

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

That the appellant, vide an application dated 16/08/2011, sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer(P.I.O.)/respondent No.1. That the P.I.O./Respondent No.1 failed to provide any information nor rejected the information within stipulated period of 30 days and, therefore, the appellant

preferred first appeal before First Appellate Authority (F.A.A.)/respondent No.2. That the hearings were held on 4/10/2011 before the authorized representative of First Appellate Authority and after hearing both the parties the P.I.O./Respondent No.1 was directed to send the information by registered post since information sent by ordinary post was not received by the appellant for which Rs.4/- was taken from the applicant. That the appellant has scrutinized the information supplied to him by the P.I.O. vide his letter dated 14/9/2011 and states that he is not satisfied with this information because the information is incomplete and totally misleading and therefore the present second appeal is filed.

3. The respondent No.1 resists the appeal and reply of the respondent No.1 is on record. In short, it is the case of the respondent No.1 that the appellant, vide his application dated 16/8/2011 had sought information of point No.1 to 6 from the office of the respondent No.1. That the said application was disposed by letter dated 14/9/2011. That the reply was sent by ordinary post. It is the case of respondent No.1 that information as available on record was furnished. That appellant has not shown how the information is incomplete and misleading.

Respondent No.2 in his reply states about hearing the appeal and passing the order.

4. Heard the appellant and the respondent No.1. According to the appellant incomplete and misleading information is furnished.

During the course of arguments the respondent No.1 submitted that information as available on record was furnished.

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 by application dated 16/8/2011 the appellant sought certain information consisting of 5 points Sr. No.1 to 6. By reply dated 14/9/2011 the information was furnished. However, the same was sent by ordinary post. It appears that the same was not received by appellant and hence he preferred first appeal. In any case the information was furnished. According to the complainant also information is furnished.

There is no dispute about information being received. The only grievance of the appellant is that information furnished is incomplete and misleading.

6. According to the appellant information furnished is incomplete and misleading. This is disputed by the respondent No.1/P.I.O. According to the respondent No.1 available information is furnished.

It is to be noted that purpose of the R.T.I. 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 purpose of the 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 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.

7. In view of the above, no intervention of this Commission is required as information is furnished. The appellant should be given an opportunity to prove that information furnished is

incomplete, incorrect, misleading etc. Hence, I pass the following order.:-

**ORDER**

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

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

Further inquiry posted on **23/07/2012** at **10.30 a.m.**

The appeal is accordingly disposed off.

Pronounced in the Commission on this 22<sup>nd</sup> day of June, 2012.

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