

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Complaint No. 125/SCIC/2011**

Shri Geetesh R. Shetye,  
R/o. H. No. 38, Gimaywada,  
Morlem,  
Sattari – Goa

.... Complainant

V/s.

Secretary,  
Village Panchayat,  
Morlem,  
Sattari – Goa

... Opponent.

**Complainant in person.**  
**Adv. K. L. Bhagat for Opponent.**

**ORDER**  
**(11.06.2012)**

1. The Complainant, Shri R. L. Shetye, has filed the present Complaint praying that that Opponent be summoned to remain present; that the present Complaint be allowed and that Opponent be tried under Section 20 of RTI Act and accordingly prosecuted as per law for intentionally not providing complete and proper information.

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

That the Complainant vide application dated 15.06.2011 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 in response to the said application incomplete information was provided on 13.07.2011. That the Opponent/P.I.O. has deliberately furnished incomplete and improper information which is not at all to the satisfaction of this Complainant. That the Complainant has asked about annual source of income of the Panchayat including different grants from Government, donations, taxes, fees received from local residents and also about income and expenditure of the Panchayat which has not been correctly furnished. That the complainant also asked about details of works undertaken for the period 2008-2011, and also details of works under "NEGRA", "ROZGAR H.Y" for the year 2008-2011. However, the same has not been provided properly. That the Complainant has asked about so many annual source of

income of Panchayat including grants from Government, donation and tax fees. However, correct reply has not been given. That the Complainant had issued reminder-cum-notice to the Opponent which is dated 28.07.2011 calling upon the Opponent to furnish complete and proper information within 7 days from the receipt of notice but inspite of that Opponent had not furnished desired information as prayed for and hence have made himself liable to be tried and punished under Section 20 of the RTI Act. It is the case of the Complainant that the Opponent has intentionally not furnished details of some construction work undertaken in Ward No. II. That this Commission has jurisdiction to try this Complaint as it is covered under Section 18 (e) of RTI Act. Hence, the present Complaint praying for the above mentioned reliefs.

3. Opponent resists the Complaint and the reply of the Opponent is on record. In short it is the case of the Opponent that the present Complaint is not maintainable as it has been filed against Secretary of Village Panchayat Morlem, Sattari-Goa and not against the P.I.O. of V.P. Morlem, Sattari-Goa. That this Commission has no jurisdiction to entertain and decide the Complaint. On merit it is the case of the Opponent that the Complainant vide application dated 15.06.2011 sought certain information under provisions of RTI Act. That the P.I.O. vide his letter dated 13.07.2011 supplied to the Complainant all the information sought by the Complainant as per the records available with the Panchayat. That the Opponent denies about malfunctioning in the Panchayat administration. The Opponent also denies that incomplete information was provided to the Complainant. That the information has been supplied to the Complainant as sought by him and as per the records available with the Panchayat. That in pursuance of the Order passed by the First Appellate Authority some clarifications as regards source of income and income and expenditure for 2007-2008 to 2010-2011 have been furnished to the Complainant. That in the original application the Complainant did not specify his request properly and, therefore, clarification subsequently furnished to him could not be incorporated in the letter dated 13.07.2011. The Opponent denies that he has furnished incomplete and improper information and or that the P.I.O. deliberately suppressed vital information asked by the Complainant. That the Opponent denies the contents of para 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 specifically. In short,

according to the Opponent all the information sought by the Complainant has been fully and correctly furnished to the Complainant and that the Complainant is not at all entitled for the relief sought in the present Complaint.

4. Heard the arguments. The Complainant/Adv. G. R. Shetye advanced arguments and Adv. K. L. Bhagat argued on behalf of Opponent.

According to the Complainant information is furnished however the same is incorrect and improper.

During the course of his arguments Adv. Shri Bhagat submitted that all information has been furnished. He submitted that whatever information was available has been furnished. According to him correct information has been 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 the Complainant vide application dated 15.06.2011 sought certain information. It is seen that by letter dated 13.07.2011 information was furnished. It is seen from record that Complainant sent a notice/reminder regarding furnishing of inadequate information though there is no date on the same yet the same was received in the office of Opponent on 28.07.2011. It is seen that by letter dated 01.08.2011 the P.I.O./Opponent informed the Complainant that he has furnished the information as asked and as per the record of the Panchayat. It appears that First Appeal was preferred. I need not refer to this aspect as Complainant submits that he has received the information. Adv. Shri Bhagat also submits that full information has been furnished.

6. The only grievance of the Complainant is that information furnished to him is incomplete, incorrect, etc. As pointed above this is disputed by the Advocate for the Opponent. According to him the available information is furnished.

It is to be noted here that the purpose of RTI is per se to furnish information. Of course the complainant has a right to establish that information furnished to him is false, incorrect, misleading etc. but the complainant has to prove it to counter opponent's claim. The information

seeker must feel that he got the true and correct information. Otherwise the purpose of 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 complainant 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 Complainant 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. Regarding the aspect of delay. It is seen that application is dated 15.06.2011 and reply is furnished on 13.07.2011. The same is in time.

8. In view of the above no intervention of this Commission is required as information is furnished. The Complainant should be given an opportunity to prove that the information furnished is incomplete, incorrect, misleading, etc. Hence, I pass the following Order:-

### **ORDER**

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

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

Further inquiry posted on 04.08.2012 at 10.30 am.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 11<sup>th</sup> day of June, 2012.

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

