

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Appeal No. 42/SCIC/2011

Shri G. D. Phadte,
898, Nila Niwas, Alto Torda,
Porvoriim - 403 521

.... Appellant

V/s.

1) Public Information Officer,
Secretary,
Penha de Franca, V.P. Britona,
Bardez - Goa

.... Respondent No. 1.

2) Block Development Officer,
Bardez,
Mapusa - Goa

.... Respondent No. 2.

Appellant in person.

Adv. Shri A. Mandrekar for Respondent No. 1.

J U D G M E N T **(18.06.2012)**

1. The Appellant, Shri G. D. Phadte, has filed the present Appeal praying that the Public Information Officer be directed to provide the information sought; that penalty, fine be imposed on the Public Information Officer for false, incomplete or misleading information; that disciplinary action be initiated and compensation be granted to the Appellant.

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

That the Appellant vide application dated 08.12.2010 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. gave false information to point (A) and incomplete or misleading information to points (B) and (C). Being not satisfied the Appellant preferred First Appeal. That the First Appellate Authority ('F.A.A.)/Block Development Officer dismissed the Appeal without speaking order on untenable oral submissions of P.I.O. which is contrary to RTI query. Being aggrieved the Appellant has preferred the present Appeal.

3. In pursuance of notice issued the Respondent appeared alongwith Adv. Shri A. Mandrekar. The Respondent did not furnish any reply as such. However, Adv. Shri Mandrekar advanced arguments.

4. Heard the Appellant as well as Learned Adv. Shri A. Mandrekar. Written say of the Appellant is also on record. According to the Appellant information furnished is misleading and false.

During the course of his arguments Adv. Shri Mandrekar submitted that information that is furnished is as available on record.

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 application dated 08.12.2010 the Appellant sought certain information consisting of 4 points i.e. A, B, C and D. By reply dated 13.12.2010 the P.I.O./Respondent No. 1 furnished the information. Being not satisfied with the said information the Appellant preferred an appeal before F.A.A./B.D.O. By Order dated 01.02.2011 the F.A.A. found that the response given is satisfactory and the Appeal was dismissed.

6. The only contention of the Appellant is that information that is furnished is false, incomplete and misleading. This is disputed by Adv. Shri Mandrekar for the Respondent No. 1. According to him correct information has been furnished.

7. It is pertinent to note here that purpose of the RTI Act is per se to furnish information. Of course Appellant has a right to establish that information furnished to him is incomplete, incorrect, misleading, etc. But the Appellant has to prove it to counter Opponent's claim. The information seeker must feel that he got true and correct information otherwise purpose of the RTI Act would be defeated. It is pertinent to note that the 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 incomplete 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 improper and false, etc. as provided under section 18(1) (e) of the RTI Act.

8. In view of the above I am of the opinion that Appellant should be given an opportunity to prove that the information furnished is false and incomplete or misleading information. 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 false, incomplete or misleading.

Further inquiry posted on 19.07.2012 at 10:30a.m.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 18th day of June, 2012.

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

