

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Appeal No.52/SCIC/2012**

Shri Ramchandra Palekar  
Assistant, Goa Legislature,  
Secretariat, Porvorim, Goa

... Appellant.

V/s.

1. The First Appellate Authority  
N. B. Sudbhedar,  
Secretary,  
Goa Legislature, Secretariat,  
Porvorim - Goa
  2. The Public Information Officer,  
Smt. Ligia Godinho,  
Goa Legislature, Secretariat,  
Porvorim - Goa
- ... Respondents

Appellant present.  
Respondent No.1 absent.  
Respondent No.2 present

**J U D G M E N T**  
**(24/07/2012)**

1. The Appellant, Shri Ramchandra Palekar, has filed the present appeal praying that the Commission to intervene in the matter so that the department provide him with the correct information, as held by it.

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

That the appellant, vide application dated 9/11/2011, 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.2. That on 6/1/2012 the appellant was provided with wrong and incomplete information by P.I.O. Being not satisfied with the information the appellant preferred an appeal before the First Appellate Authority/Respondent No.1. That by order dated 17/2/2012 the F.A.A. directed P.I.O. to provide the left

out information i.e. for the period from 1/1/2005 to 31/12/2006, however, nothing is said about the correctness of the roster points. Being aggrieved the appellant has preferred the present appeal on the grounds as set out in the Memo of Appeal.

3. In pursuance of the notice the respondent No.1 and 2 appeared. They did not file any reply as such but they advanced arguments.

4. Heard the arguments. The appellant submitted that roster points are wrong not recorded as in the main file. According to him reply is wrong i.e. full reply is wrong. He explained in detail.

During the course of her arguments the respondent No.2/P.I.O. submitted that full information is furnished. According to her information as available in the records 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 not in dispute that information is sought. It is also not in dispute that information was furnished. Again it is not in dispute that appeal was preferred and order was passed.

The only grievance of the appellant is that information furnished is false and misleading

6. Appellant contends that information furnished is false and misleading. This is disputed by the respondent No.2/P.I.O. According to the respondent No.2 information furnished is correct as available on records.

It is to be noted here that the 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,

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 the 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, I am of the opinion that no intervention of this Commission is required as information is furnished. The appellant should be given an opportunity to prove that information furnished is false, misleading etc. Hence I pass the following order:-

### **ORDER**

Appeal is allowed. No intervention of this Commission is required as far as information is concerned.

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

Further inquiry posted on 30/8/2012 at 10.30 a.m.

The appeal is, accordingly, disposed off.

Pronounced in the Commission on this 24<sup>th</sup> day of July, 2012.

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