

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No. 87/SCIC/2011

Mr. Pedro Castanha,
H. No. 647/2, Moll Sao Jose de Areal,
Salcete - Goa Appellant

V/s.

1) Public Information Officer,
Secretary Village Panchayat,
Sao Jose de Areal,
Salcete - Goa Respondent.

Appellant in person.
Respondent absent.

J U D G M E N T
(24.10.2011)

1. The Appellant, Shri Pedro Castanha, has filed the present Appeal praying that correct information be furnished and that penal action be taken against the Public Information Officer for giving incomplete information.

2. The brief facts leading to the present Appeal are as under:-
That the Appellant, vide application dated 11.01.2011 sought certain information under the Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer (PIO)/Respondent No. 1. That the Appellant received a letter on 03.03.2011 through ordinary post in which there was letter dated 09.02.2011. That it appears that Appellant preferred Appeal before First Appellate Authority and by order dated 21.03.2011 PIO was directed to furnish the information free of cost. It is the case of the Appellant that the information furnished is incomplete and incorrect and hence the present Appeal.

3. The Respondent resists the Appeal and the reply of the Respondent is on record. In short, it is the case of the Respondent that the Appellant filed an application under the RTI Act on 11.01.2011. That the earlier PIO Shri S. K. Phadte sent a letter dated 09.02.2011 by post. That the Appellant has made Appeal before BDO dated 24.02.2011. That the FAA

passed order dated 21.03.2011 directing the PIO to provide information free of cost within seven days. That the PIO Shri S. K. Phadte has furnished the information to the Appellant as per the Order of FAA on 23.03.2011 within the time period.

4. Heard the arguments of the Appellant. It is seen that on 22.09.2011 and 17.10.2011 the Respondent remained absent.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the Appellant. It is seen that by application dated 11.01.2011 the Appellant sought certain information. The information consisted of 1 to 15 items, i.e. Sr. No. 1 to 15. It is seen from the record that by letter dated 09.02.2011 the Appellant was requested to collect the information by paying necessary fees as the information was ready. It appears the Appellant preferred the Appeal before the FAA. By Order dated 21.03.2011 the Respondent was directed to provide the information free of cost within 7 days. It is seen that by letter dated 23.03.2011 the information is furnished.

6. During the course of his arguments the Appellant submits that information is furnished. However the same is incomplete, incorrect and false.

7. Considering the letter dated 09.02.2011 the same appears to be in time. In any case I need not refer to this aspect as information is furnished in time in pursuance to the Order of FAA and that too, free of cost.

8. It is contended by the Appellant that information is incorrect, incomplete, false, etc. It is to be noted here that the purpose of RTI 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, however, 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 RTI Act would be defeated. It is pertinent to note that mandate of RTI 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 Appellant must be given an opportunity to substantiate that information given to him is incomplete, incorrect, false, etc. as provided in section 18(1) (e) of the RTI Act.

9. In view of the above, since information is furnished no intervention of this Commission is required. The Appellant should be given an opportunity to prove that information is incomplete, incorrect, false, etc. Hence, I pass the following Order:

ORDER

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

The Appellant to prove that information furnished is incomplete, incorrect, false, etc.

Further enquiry posted on 28.11.2011 at 10:30a.m.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 24th day of October, 2011.

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

