

GOA STATE INFORMATION COMMISSION AT PANAJI

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

Complaint No. 06/2010/SCIC

1. Mr. Ulhas Naik,
B-25, La Campala Colony,
Miramar, Panaji - Goa.
2. Mr. Kashinath Shetye,
R/o Bambino Building,
Alto Fondvem, Ribandar,
Tiswadi – Goa.
3. Adv. Ajitsingh Rane,
St. Inez, Panaji - Goa.
4. Adv. Atish Mandrekar,
Taleigao, Goa.

..... Complainants.

V/s.

Public Information Officer (Adm.),
Goa Housing Board,
Porvorim, Goa.

..... Opponent/Respondent.

Shri Kashinath Shetye, Complainant No. 2 in person.

Adv. Shri H. D. Naik for Opponent.

ORDER **(31-03-2010)**

1. Four Complainants have preferred this Complaint praying (i) that the information as requested by the Complainant be furnished to them correctly and fully; (ii) penalty may be imposed; (ii) compensation may be given and (iv) information be given free of cost as per section 7(6) of RTI Act.

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

That the Complainant by an application dated 08/12/2009 sought certain information under the Right to Information Act, 2005 ('RTI' Act for short). That the application was complete in all respects. That the reply to the above says that the birth certificate of State Public Information Officer, Mrs. D. M. P. Luis and Mrs. Janaki Kossambe are not available in

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the file. It is also the case of the Complainant that the inspection of records are not given. In short, there are violation of RTI Act and hence, the present Complaint.

3. The Opponent resist the Complaint and their say is on record. It is the case of the Opponent that the Complaint is not maintainable in law, that the Complainant ought to have filed appeal before Appellate Authority and that the present Complaint is not maintainable and ought not have been entertained. On merits it is the case of the Opponent that by letter dated 08/12/2009, the Complainant sought certain information. That the Opponent duly considered the said application and provided whatever information was available in the office of the Goa Housing Board by preparing annexures in each of the category of information in which the Complainant has sought. In short according to the Opponent all the available information has been provided. That the very fact First Appeal is not preferred shows that all the information has been furnished. The Respondent denied the case of the Complainant as set out in the Complaint. According to the Respondent, the Complaint ought to have been dismissed.

4. Heard the arguments. Shri Kashinath Shetye argued on behalf of Complainant and Adv. H. D. Naik argued on behalf of Opponent. Shri Shetye states that information has been furnished, however, the same is misleading and incorrect. According to him Complaint is filed mainly for this. He also submitted that anyone can file appeal.

Advocate for Opponent advanced number of submissions. According to him the Complaint is not maintainable as the same is not signed properly. On merits he submitted that full information has been

furnished and that too in time.

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 information is furnished or not. It is seen that the application is dated 08/12/2009. It is seen from the records that the information has been furnished as per the receipt Exhibit 'A' on record dated 07/01/2010 and it is mention as supply of documents under Right to Information Act, 2005 vide letter N. GHB/Adm./1139/2010 dated 05/01/2010. It appears that the information is given apparently in time. It is submitted by Shri Shetye that information has been furnished and he has no dispute on that. According to him, the present Complaint was filed as the information given was false, incorrect and misleading. The main thrust of the argument of Shri Shetye centers on this aspect.

6. During the course of his arguments, Advocate for the Opponent contends that the application was signed only by some and that clarification was sought. He also argued on maintainability of Complaint as well as non filing of First Appeal.

I need not refer to this aspect as the same would be purely academic as the information has been already furnished. Now it is to be seen whether information given is incomplete, incorrect, misleading etc. as contended by the Complainant. According to the Complainant it is so. According to the advocate for the Opponent it is not so as available information has been furnished.

7. It is to be noted here that purpose of RTI Act is per se to furnish information. Of course Complainant/Applicants has a right to establish that

the information furnished to him is false, incorrect, misleading etc. but the Complainant has to prove it by means of some sort of documentary evidence to counter the Opponent's claim. The information seeker must feel that he got the 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 Complainant to establish that what he has received is incorrect and incomplete.

In the light of the above, it is seen that the information is furnished and in view of submission made no intervention is required, however, the Complainant should be given an opportunity to prove that the information is incomplete, incorrect, misleading etc. Hence, I pass following Order –

No further intervention in the Complaint is required.
The Complainant is given opportunity to prove that the information furnished is false, incorrect, misleading etc.

The Complaint is accordingly disposed off.

Further inquiry is posted on 28/4/2010 at 10.30 a.m.

Pronounced in the Commission on this 31st day of March, 2010.

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

