

GOA STATE INFORMATION COMMISSION

Suhas Belekar
Tarun Bharat
Susheela Building
Panaji

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Complainant

V/s
Secretary
Goa Board of Secondary and
Higher Secondary Education,
Porvorim

..

Respondent

CORAM: Shri A. Venkataratnam, State Chief Information Commission (SCIC)
Shri G. G. Kambli, state Information Commissioner (SIC)

(Per A Venkataratnam)

Complainant in person
Adv. J. P Mulgaonkar with Adv M. Kaisulkar for the Respondent

U/s 18 (1) of the Right to Information Act, 2005 (Central Act 22 of 2005)

ORDER

This disposes off the Complaint dated 8/6/06 against the Respondent who is alleged to have given false information to the Complainant. Initially, the Complainant has approached the Directorate of Education for certain information under the right to information Act, 2005 (Central Act No. 22 of 2005) ,hereinafter, referred to as “The RTI Act”. The Directorate of Education forwarded the complaint to the Respondent, who has requested the Appellant to pay the fee as prescribed under the RTI Act which was paid by the complainant in the office of the respondent. The Respondent thereafter forwarded his reply to the Deputy Director of Education instead of the complainant/applicant with a copy to the complainant. The specific question for which the Respondent is said to have given false information to the Complainant is as follows:

“Whether it is true that the responsibility of preparing syllabus of the text books of std I to VII is given to Goa Board of Secondary and Higher Secondary Education. If yes, under which Act you have done so ?”

Respondent has forwarded the answer as follows :

“The responsibility of preparing the syllabus and the text books of Std. I to VII is not entrusted to Goa Board.”

The Complainant believes this to be false information for the following reasons:

- i. That the Respondent has issued a press note dated 2/6/06 describing a procedure for distribution of text books from St. I to XII to the book sellers in which he has invited the book sellers to place their orders with the Board for the books for classes from Std. I to VII;
 - ii. That the Complainant has come across two text books for Std. VI in Hindi and mathematics subjects which clearly show that they are published by the Respondent institution. The complainant produced copies of both the documents.
2. Notices were issued to both the parties who appeared before the Commission. The Complainant argued in person and the Respondent was represented by Adv. J. P Mulgaonkar with Adv. M Kaisulkar.
3. The Respondent has filed the written reply on 26/6/06 followed by an Affidavit on 4/7/06. While denying that he has given false information to the Complainant the respondent has clearly stated that the Board does not have the responsibility of preparing the syllabus and text books of Std. I to VII as per the legal provisions of the Act under which it functions, namely, The Goa Secondary & Higher secondary Education Act. He further added that the responsibility is that of Directorate of Education. In the Affidavit however, he did not mention that the responsibility vests with the Directorate of Education. His stand is that the Complainant is confused the printing and distribution of books which the Board has been doing for Directorate of Education at their behest with the responsibility to prepare the syllabus for the classes I to VII. He has no explanation for the documents produced by the complainant.
4. The copy of the cover of the mathematics text books for class VI clearly states the following:

- i) that the Board acknowledges the permission and support by the National Council of Educational Research and Training New Delhi for allowing it to publish the text books.;
- ii) That it is published by the Respondent Board and that it has the copy right for the contents of the Book in as much as that no part of the book can be reproduced, stored or transmitted in any form without prior permission of the publisher
- iii) That price mentioned on the book cannot be revised by any trader/seller.
- iv) That the book has to be sold in the State of Goa only.
- v) That it is printed by Holy Faith International Pvt. Ltd. at Shahi babad, U. P.

In his fore word, the Chairman of the G. B.S & H.S.E. mentioned

- i. That it is decided by the Government & Goa Board to adopt/adapt the NCERT syllabus bearing in mind qualitative improvement in education as one of the major goals;
- ii. That the NCERT text books will be supplemented with additional material incorporating specific content upon recommendation of the Board of studies in all subjects.

Besides, there is also a circular ,on record ,Number DIE/Pro.Printing/546/VIII/91./Pt-VI/1230 dated 29/5/06 of the State Institute of Education, Porvorim, sent to all Government/Non-Government Primary Schools, middle schools and high schools. This clearly mentions that the books from Std. I to VII are published by the GBSHSE.

6. During the arguments, the learned Advocate for Respondent while denying vehemently that false information was given by the Respondent states that the Respondent is responsible for preparing of syllabus of the secondary and higher secondary classes namely from Std. VIII to XII.only. He offered to give additional information if the complainant wants by making a proper application. He did not agree even that the information given by the Respondent is incomplete. Regarding the press note/text books covers and the other material given by the Complainant he categorically mentioned that it does not amount to the responsibility of preparing the syllabus and the

law entrusts the Board with the responsibility of preparing the syllabus for the St VIII to XII only.

7. It is clear from the material supplied by the Complainant that the Respondent is definitely responsible for the contents of the books published by the GBSHSE even for the Std. from I to VII. Otherwise there is no meaning of holding copy right over the contents of the books and publishing a warning that the contents as well as price of the publication should not be altered without their permission. The legal provision of the responsibility for the syllabus of only the Secondary and Higher Secondary classes does not exclude the taking up of the additional responsibility by the Board entrusted to it by the government by any other means, be it administrative or otherwise. The Question as framed by the Complainant regarding the preparation of syllabus does not restrict to only the legal responsibility of the Board but the responsibility undertaken under any authority be it under the provision of law or which was entrusted by the Government. Taking shelter under the provision of law is not going to help the respondent from the allegation of the complainant.

8. The Respondent intimated the Dy Director of education vide their letter no.GBSHE/ACAD/1374 dt 5/5/06 with a copy to the complainant that the responsibility of preparing the syllabus for St. I to VII is not entrusted to the Board. If this is so, we fail to understand how the Goa Board has been associated with and further took the decision of adapting/adopting the syllabus of NCERT of Standard VI with modifications. It is clearly evident from the Foreword of the Chairman of the Goa Board that was actively involved in preparing the syllabus and text books at least of Standard VI which the respondent now denies. The RTI Act shifts the responsibility to the respondent to prove that the information given by him to the complainant is not false. We are of the considered opinion that the respondent was not successful in proving so. Though the Respondent has magnanimously invited the Complainant to approach him for additional information, it is clear that the information already supplied by him is incomplete if not misleading and false.

9. The complainant has requested to impose penalty on the respondent for giving false information to him. We are convinced that this is a fit case and are inclined to take

up the penalty proceedings under Sn 20 of the Act. We, therefore, direct the Respondent to show cause why penalty of Rs 10000 (Rupees ten thousand only) should not be imposed on him for giving false information to the complainant. This order itself should be treated as a show cause notice. His reply should be furnished to the commission by 24th July 2006 and remain present at 1100 hrs before the commission for personal hearing on the penalty. As the penalty proceedings are between the commission and the respondent, the complainant need not remain present if he chooses so. There is also no bar if he wishes to attend the hearing, as these are open proceedings. However, the copies of this order should be served on both the parties.

10. The matter will come up on 24/07/06 at 11 a. m. for further hearing.

(A. VENKATARATNAM)

State Chief Information Commissioner

(G. G. KAMBLI)

State Information Commissioner