

**GOA INFORMATION COMMISSION**  
Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Penalty Case No. 2/2007  
In  
Appeal No. 98/2006/FES

Shri Prakash M. Parab  
Asstt. Divisional Officer,  
District Fire Station (South),  
Aquem, Margao - Goa.

..... Appellant.

V/s.

1. Public Information Officer  
Dy. Director (Admn.),  
Directorate of Fire & Emergency Services,  
St. Inez, Panaji - Goa.
2. First Appellate Authority  
The Director,  
Directorate of Fire & Emergency Services,  
St. Inez, Panaji - Goa.

..... Respondents.

**CORAM:**

Shri A. Venkataratnam  
State Chief Information Commissioner  
&  
Shri G. G. Kambli  
State Information Commissioner

(Per A. Venkataratnam)

Dated: 28/06/2007.

Respondent No. 1 alongwith her Adv. I. Agha present.

**ORDER**

In this case, an order was passed on 15/5/2007 based on which a show cause notice was issued to the Respondent No. 1, Public Information Officer, as to why penalty should not be levied on her for giving wrong information to the Appellant. In response to the query by the Appellant, the Respondent No. 1 has mentioned that the Department of Fire and Emergency Services does not have any motor jeeps for allotment to the Asst. Divisional Officers. The Appellant, on the other hand, contended that the Department has motor jeeps and that the reply given to him is wrong and misleading. In support of his claim, the Appellant submitted photocopies of registration certificates of 3 jeeps, GA-01/G-7597; GA-01/G-1606; and GA-01/G-0101. First two vehicles have been classified as Tata Sumo and the last one as Maruti Gypsy by the registering authority. Confronted with this evidence, the Respondent No. 1 submitted in a written statement to the show cause notice that the information

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was supplied to her by the technical section of her Department and she merely passed on the information to the Appellant. Further, she has also submitted that the vehicle No. GA-01/G-7597 was described earlier by the Appellant himself in the correspondence with the head office as "MPU 3" (acronym for multipurpose unit pump). She has, therefore, prayed that the penalty proceedings against her may be dropped.

2. There is no doubt in our minds that the vehicles as registered and classified by the registering authority are known as "motor jeeps". Their rechristening as MPU is an invention by the department itself. The only point to be seen is whether the Respondent No. 1 has been able to establish that she gave the incorrect and misleading information "knowingly". The burden of proving that she has acted reasonably and diligently is on the Respondent No. 1 herself as per the second proviso to Section 20 of the Right to Information Act. We are satisfied that the incorrect information was merely passed on by the Respondent No. 1, without application of her mind, and it was not deliberate. Accordingly, we warn her to be more careful in future and withdraw the show cause notice.

3. The penalty proceedings started against the Public Information Officer are dropped. Parties may be informed.

(A. Venkataratnam)  
State Chief Information Commissioner

(G. G. Kamblī)  
State Information Commissioner