

GSIC/Complaint No.467/SIC/2010 | 1407
Goa State Information Commission
Shrama Shakti Bhavan, Gr. Floor,
Patto Plaza, Panaji-Goa

18.01.2011

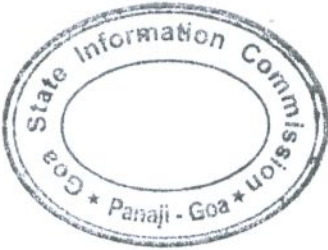
To

1. Shri Solano Da Silva,
Alto Porvorim,
Bardez - Goa
- ✓ 2. Public Information Officer,
Goa University,
Taleigao Plateau,
Tiswadi - Goa

Sub: Complaint No. 467/SIC/2010.

Sir,

I am directed to forward herewith copy of the Order dated 13.01.2011 passed by the Commission in the above referred Complaint for information and necessary action at your end.



Yours faithfully,

A handwritten signature in black ink, appearing to read "Pratap Singh Meena".

(Pratap Singh Meena)
Secretary

Encl: As above.

Recd:
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20/1/11
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**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No. 467/SIC/2010

Shri Solano Da Silva,
Alto Porvorim,
Bardez – Goa

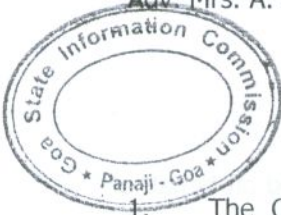
... Complainant

V/s

Public Information Officer,
Goa University,
Taleigao Plateau,
Tiswadi – Goa

... Opponent.

Complainant alongwith Adv. Yatish Naik.
Adv. Mrs. A. Agni for Opponent.



O R D E R
(13.01.2011)

1. The Complainant, Solano Da Silva, has filed this Complaint praying that Opponent be directed to furnish the information sought by the Complainant vide his request dated 19.06.2010 and that action be taken for furnishing incomplete and misleading information.

2. It is the case of the Complainant that, vide application dated 19.05.2010, he sought certain information under Right to Information Act, 2005 ('R.T.I. act' for short) from the Public Information Officer ('P.I.O.)/Opponent herein. That by reply dated 18.06.2010 the Opponent furnished the information. It is the case of the complainant that the Opponent furnished incomplete and misleading information. That this act of giving incomplete information is bad in law and against the mandate of R.T.I. Act. Hence, the present Complaint.

3. The case of the Opponent is set out in the written statement which is on record. It is the case of the Opponent that the Complaint is not maintainable and ought to be dismissed. That there is no refusal to accept the application nor grant the information and that provisions of section 18 are not attracted. On merits it is

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the case of the Opponent that the application was received seeking information and the reply/information was furnished in time. That the information given is correct and that the same is not misleading. Opponent denies that fully incomplete information given and that P.I.O. has acted with an oblique motive to misguide the Complainant. It is also the case of the Opponent that Complaint is not maintainable as no appeal is preferred. It is further the case of the Opponent that the Complainant had filed three applications dated 26.02.2010 seeking information and information was furnished to the Complainant by reply dated 13.03.2010, 22.03.2010 and 27.03.2010. In short according to the Opponent the information available is furnished and the same is true and correct.

4. Heard the arguments. The learned Adv. Shri Yatish Naik argued on behalf of the Complainant and the learned Adv. Ms. A. Agni argued on behalf of the Opponent. Both sides advanced elaborate arguments.

Advocate for the Complainant referred to the facts of the case in detail. According to him application is dated 18.05.2010 and the reply is dated 18.06.2010. According to him information furnished is incomplete and misleading. He next submitted that documents exist but they have not produced the same.

Advocate for the Opponent during the course of her arguments submitted that true and correct information is furnished and that it is in time. She referred to the application and reply and submitted that complete information is furnished. She also referred to previous applications. Advocate for the Opponent next submitted that the Complaint is not maintainable. According to her burden to prove oblique motive is on the Complainant.

6. I have carefully gone through the records of the case and also considered the arguments advanced by the learned Advocates for the parties. The point that arises for my consideration is whether the relief prayed is to be granted or not?

It is seen that the Complainant, vide his application dated 19.05.2010 sought certain information. The information sought was in the nature of certain queries. By reply dated 18.06.2010 the Opponent furnished the information. This is in time. It is seen that information is furnished. The only grievance of the Complainant is that the information that is furnished is incomplete and misleading.

Since information is furnished no intervention of this Commission is required.

6. Advocate for the Complainant contends that information is incomplete, incorrect and misleading. This is disputed by the Advocate for the Opponent. According to Advocate for Opponent information furnished is correct.

It is to be noted here that purpose of the R.T.I. Act is per se to furnish information. Of course Complainant has a right to establish that information furnished to him is false, incorrect, misleading, etc. but the Appellant has to prove it to counter Opponent's claim. The information seeker must feel that he got the true and correct information otherwise purpose of R.T.I. Act would be defeated. It is pertinent to note that 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 Complainant must be given an opportunity to substantiate that information given to him is incomplete, misleading, etc. as provided in section 18(1) (e) of the R.T.I. Act.

7. Advocate for Opponent submitted about maintainability of the present

Complaint. The Complaint is essentially for incomplete information. Therefore, the Complaint is maintainable.

8. - In view of the above, since the information is furnished no further intervention of this Commission is required. The Complainant should be given an opportunity to prove that information is incomplete, misleading, etc. Hence, I pass the following Order:

ORDER

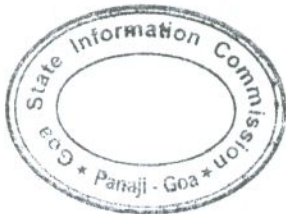
No intervention of this Commission is required as information is furnished.

The Complainant to prove that information furnished is incomplete, incorrect, misleading, etc.

Further inquiry posted on 16.02.2011 at 10:30 a.m.

Complaint is accordingly disposed off.

Pronounced in the Commission on this 13th day of January, 2011.



Sd/-
(M. S. Keny)
Chief Information Officer