

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Complaint No. 27/2022/SCIC

Smt. Priyanka P. Vaigankar,
Ex. Deputy Director,
Apna Ghar,
H.No. 1341/A, "Aditri Niwas",
St. Barbara, St. Cruz,
Tiswadi, North-Goa.

.....Complainant

V/S

1. The Public Information Officer,
Apna Ghar Mercedes-Goa,

2. Shri. Girish Sawant,
The First Appellate Authority,
Dy. Director, Apna Ghar,
Merces-Goa.

.....Opponents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 17/08/2022

Decided on: 12/01/2023

ORDER

1. The Complainant, Smt. Priyanka P. Vaigankar, r/o. H.No. 1341/A, "Aditri Niwas", St. Barbara, St.Cruz, Tiswadi-Goa by her application dated 18/05/2022 filed under sec 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Apna Ghar, Merces, Tiswadi-Goa.
2. The said application was not responded by the PIO within stipulated time, deeming the same as refusal, the Complainant filed first appeal before the Directorate of Women & Child Development at Panaji on 22/06/2022 being the First Appellate Authority (FAA).
3. The FAA by its order dated 18/07/2022 allowed the first appeal and directed the PIO to furnish the information by charging appropriate fee as per letter No. AGM/RTI/2022-23/318 dated 17/06/2022.

4. Feeling aggrieved and dissatisfied with the order of the FAA dated 18/07/2022, the Complainant landed before the Commission by this complaint proceeding with the prayer that she may be provided with the information free of cost.
5. Notices were issued to the parties, pursuant to which, the PIO Smt. Sumedha Belorkar appeared and filed her reply on 30/09/2022. The FAA duly served opted not to appear in the matter.
6. I have perused the pleadings, reply, rejoinder and scrutinised the material on records.
7. On perusal of record, it revealed that the Complainant has filed application under Section 6(1) of the Act on 18/05/2022, which is duly inwards in the office of public authority on 19/05/2022.
8. Under Section 7(1) of the Act, the PIO is required to dispose the request of the information seeker within the 30 days, therefore the information was required to be furnished / rejected on or before 18/06/2022 being the 30th days. However, in this case, the information sought by the Complainant was ready with the PIO on 17/06/2022, but dispatched the information through speed post on 21/06/2022 and which was delivered to the Complainant on 22/06/2022 i.e on 34th day. Therefore it is established that the delay in the present case in furnishing the reply / information is of 4 days.
9. On the perusal of the reply filed by the PIO dated 29/09/2022, it is admitted that, reply was actually delivered to the Complainant on 22/06/2022 by the speed post.
10. It is the consistent stand of the Complainant that, the PIO has violated the period of 30 days as specified under Section 7(1) of the Act and therefore she is entitled for the information free of cost under Section 7(6) of the Act.

11. Therefore it is relevant to go through the Section 7(6) of the Act, which reads as under:-

" 7. Disposal of request.____

(6) Notwithstanding anything contained in sub-section (5), the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in sub-section (1)."

From bare perusal of the above provision, it is clear that, where the public authority fails to comply within the prescribed time limit, the person making the request shall be provided the information free of cost.

12. In the present case the PIO, Smt. Sumedha Belorkar appeared and placed on record her reply on 30/09/2022, however neither appeared for hearings on 14/12/2022, 21/12/2022, 09/01/2023 and on 12/01/2023, nor rebutted the contention of the Complainant inspite of ample opportunities. The PIO has miserably failed to explain as to why there was delay in dispatching the reply. I therefore, find force in the argument of the Complainant that the approach of the PIO was causal and trivial in nature.

13. Since the provision of the RTI Act is a beneficial piece of legislation in my opinion, it should receive a liberal interpretation and not a technical one. A useful reference needs to be made to the judgement of Hon'ble Supreme Court in the case of **Union of India v/s Prabhakaran Vijaya Kumar & Ors. (2008 ACJ 1895)** it is held that:-

"12. It is well settled that if the words used in a beneficial or welfare statute are capable of two constructions the one which is more in consonance with the object of the Act and for the benefit of the person

for whom the Act was made should be preferred. In other words, beneficial or welfare statute should be given a liberal and not literal or strict interpretation.”

14. The Commission is more concerned about the furnishing the information as sought for, having regards to the above, I am of the considered opinion that the Complainant is entitled to get relief.

15. I therefore allow the complaint proceeding and direct the PIO to furnish the information to the Complainant as per her RTI application dated 18/05/2022 free of cost, within the period of **FIFTEEN DAYS** from the receipt of the order.

- Proceeding closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner