

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

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Appeal No.353/2019/CIC

Shri. Anup Verlekar,
E 308, Saldanha Business Tower,
Mapusa Goa.403507

.....Appellant

V/S

1. The Public Information Officer,
Civil Registrar cum Sub Registrar,
Mapusa-Goa.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 18/12/2019

Decided on: 27/08/2021

FACTS IN BRIEF

1. The facts as pleaded by Appellant are that the Appellant herein by his application, dated 12/09/2019 filed under section 6(1) of the Right to Information Act, 2005 (Act for short) sought the following information from Public Information Officer of Sub-Registrar office of Mapusa Goa.

"1. Kindly furnish CCTV Camera Footage of all the Camera's installed in Mapusa Sub-Registrar officer for dates on 09/09/2019, 11/09/2019, 12/09/2019."

2. Said application is responded by the PIO on 03/10/2019 stating that, purported information does not fall within the meaning of information as defined under sec 2(f) of RTI Act, 2005 as the same is not maintained under any law for time being in force. PIO further replied that requested information is exempted under sec 8(1)(g) and 8(1)(j) of the Act due to security purpose and also it is related to personal information the disclosure of which has no relationship to any public interest and the same would cause unwarranted invasion of privacy of individual visiting in the office of public authority.

3. Appellant being aggrieved by the said reply of PIO, preferred first appeal on 15/10/2019 before the State Registrar at Panaji being the First Appellate Authority (FAA).
4. FAA by its order dated 25/11/2019 held that the information sought by the Appellant being attracted under sec 8(1)(g) same is rejected. Aggrieved with the order of FAA, Appellant has landed before this Commission in the second appeal under sec 19(3) of the Act on 18/12/2019 with the prayer that information sought for be provided to him; disciplinary action to be initiated and penalty of Rs. 250/- per day may be imposed against PIO from the date of expiring of mandatory period of 30 days till the information is furnished.
5. Notice was issued to the parties, pursuant to which the PIO appeared through his counsel Adv. K.L. Bhagat and filed reply on 01/07/2021.
6. I have perused the pleadings of both the parties, scrutinized the record and considered the submissions.
7. Appellant contended that he sought information of CCTV footage of the office area and the same is not covered under any personal information of any individual and PIO has denied the information with malafide intention to conceal the true fact with the fear that his wrong doing were exposed.

The Appellant argued that the information sought by him falls very much within the purview of Section 2(f) of the Act, as it provide scope for information in electronic form. He further argued that Section 8(1) (g) cannot be squarely made applicable here. He further contended that, CCTV footage does not capture any written documentation as the camera is at particular height.

The CCTV cameras installed in the office of PIO are monitoring the movement of individual and do not infringe any

ones private papers, names or documents of individuals.

8. On the other hand learned Adv. K.L. Bhagat argued that the then PIO Shri. Tushar Kunkalkar replied the application of Appellant on 03/10/2019, within the stipulated time. According to him Appellant was informed the reason for not furnishing the information as regards to CCTV footage and requested information is exempted under sec 8(1)(g) and 8(1)(j) of RTI Act, due to security purpose and said information relates to personal information of third parties.
9. He further contented that during hearing before FAA, then PIO objected the admission of photographs produced by the Appellant being they were fake and fabricated.

According to Adv. K.L. Bhagat, office of sub-Registrar at Mapusa, Goa is always remains crowded and different types of public attending the office of PIO for multiple reasons and if footage of CCTV camera is made public it may be misused by third person thus causing unwarranted invasion of privacy of individual visiting the office and staff working in the said office who are also covered under footage of CCTV camera.

He further contented that Appellant has not demonstrated larger public interest warranting the disclosure of CCTV footage and in his application he has not sought information pertaining to himself.

10. According to Appellant, the PIO has failed to furnish information and denied the information by taking the shelter to sec 8(1)(g) and 8(1)(J).

Sec 8(1)(g) and 8(1)(J) of the Act reads as under:

***“8.Exemption from disclosure of information. _____
(1) Notwithstanding anything contained in this Act, there***

shall be no obligation to give any citizen,____

(a).....

(b).....

(c).....

(d).....

(e).....

(f).....

(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purpose;

(h).....

(i).....

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person."

From the reading of the above provision, it is clear that, even though right of the citizen is statutorily recognised the same is not absolute but reasonably restricted. Limitations are also provided in the Act itself and therefore PIO is not obliged to furnish all information held by him or under its control for the reasons mentioned therein.

11. In the present case, Appellant wanted to have CCTV camera footage of particular days. The details in the appeal memo, point out that the Appellant had sought information on the details of the air conditioners installed in the office of the PIO, which was replied falsely according to the Appellant. It appears that the Appellant is trying to prove this point through the present application by seeking a CCTV camera footage. The allegation is that the PIO, Sub-Registrar, Mapusa has installed air conditioner in his chamber illegally which was later removed when the Appellant filed RTI application seeking details of air conditioners. He also produced two photographs indicating allegedly that a photograph having air conditioners installed on wall and the second photograph reflecting removal of said air conditioner from the wall.
12. As per Appellant, he had also produced said photographs before FAA in first appeal; however FAA in its order dated 25/11/20219 failed to refer to the said photographs specifically nor any findings given therein as required. Also according to him, the letter dated 25/11/2019 produced by the PIO alongwith reply before Commission is an afterthought and manufactured as a piece of evidence only to defend his case.
13. It is admitted fact that, the office of PIO, Sub-Registrar cum Civil Registrar, Mapusa has installed CCTV cameras. It is also fact that the said office is a public office, with various people frequenting office for public activities like Marriage Registration, Registration of Sale Deeds, Gift Deeds, Agreement, correction of records, birth certificate, death certificate, Nil encumbrance certificate etc and all these activities are coming under the scanner of CCTV cameras. The ladies staff working in the office are also come under scanner of CCTV cameras. Sometimes notice is displayed in public office indicating that, CCTV cameras are

installed in an area for surveillance. This is to caution the person that the activities are being recorded.

Be that as it may, the recordings may contain activities which may not warrant attention of a stranger, or even person visiting such office. There is no public interest involved here unless there is a crime or violation which warrants investigation. Office of the PIO is also the registering office of land records which involves important commercial dealings, and such activities cannot be disclosed to a third party which may endanger the safety of the person involved which will amount to unwarranted invasion of privacy of individual.

14. Adv. K.L. Bhagat relied upon the Judgement of CIC in **K. Kaliaperumal v/s Pondicherry University** dated 27/05/2019 in said judgement it is held that:

"The Commission observes that the purpose of installing CCTV cameras in public places is to ensure surveillance, so as to keep a vigil on the anti-social elements and illicit happenings like vandalism etc., to check crime and facilitate a quick response during an emergency. These are related to the maintenance of law and order. CCTV footage can also be provide evidence in case crimes do occur and help the law enforcement agencies. However, while such systems continue to enjoy general public support they do involve intrusion into the lives of ordinary people as they go about their day to day business and can raise wider privacy concerns."

15. Another decision of CIC in **Md. Shakeel Ahmad v/s CPIO** which states:-

"The Commission has not been in favour of

unconditional provision of footage of CCTV cameras to RTI applicants as it could endanger the security of the premises, where those cameras are installed. However the Commission has directed provision of limited CCTV footage in cases where it pertained to the applicant himself."

In Case No. CIC/SM/A/2013/000411 & 412 of **Shri. Assem Takyar v/s CPIO Supreme Court of India and CPIO High Court of Delhi**, the CPIO of the Hon'ble S.C. had refused to disclose the CCTV footage by claiming exemption under Section 8(1)(g) of the R.T.I. Act. The Hon'ble Central Information Commission held "*that the details of the CCTV cameras installed to protect the Supreme Court of India and the High Court have clear security angle. The knowledge about those cameras such as whether they are functioning or not and the footage from those cameras can be misused and might compromise the security of the Courts, as such no such information should be disclosed*".

In Case No. CIC/YA/A/2016/002188 of **J. Prakash v/s CPIO, Steel Authority of India Ltd., (SAIL)-Visvesvaraya Iron & Steel Plant (VISL), Bhadravati** and in Case No. CIC/SH/A/2015/001336, the Central Information Commission has observed that:-

"The information sought by the Appellant attracts the bar of Section 8(1)(j) and (g) of the RTI Act. The Commission has not been in favour of unconditional provision of footage of CCTV Cameras to RTI applicants as it could endanger the security of the premises, where those cameras are installed. However, the Commission has directed provision of limited CCTV footage in cases where it pertained to the applicant himself."

16. Considering the principles laid down in the various judgments and the averments put forth by the Appellant, there is no sufficient ground to disclose the CCTV footage.

The applicant has produced photographs to prove his allegation, however this in no way indicate that the applicant is involved in the event to justify the disclosure of CCTV footage to him, nor does the Appellant has alleged that any crime has occurred on the days mentioned by the Appellant, which require CCTV footage for investigation.

17. On perusal of records it is seen that the application dated 12/09/2019 under section 6(1) of the Act, was replied by PIO on 03/10/2019, that is within the stipulated time as provided in the Act.

18. Considering the above facts and circumstances, the Commission finds that the denial of information by PIO is reasonably justified, therefore there is no ground to either direct the PIO to furnish information or invoke power under sec 20 of the Act.

19. I therefore dispose the present appeal with the following:-

O R D E R

The appeal is dismissed.

Proceedings closed.

Pronounced in the open court.

Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner