

**GOA STATE INFORMATION COMMISSION**

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**Appeal No.85/2021/SCIC**

Mr. Epiphanio D'Souza,  
H.No. 526/1, Arpora Baga,  
Bardez-Goa. 403516

.....Appellant

V/S

1. The Public Information Officer,  
Office of the Sub-Divisional Police Officer,  
Mapusa, Bardez-Goa.

2. The First Appellate Authority,  
Office of the Superintendent of Police (North),  
North District, Headquarters,  
Porvorim-Goa.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 07/04/2021**

**Decided on: 28/10/2021**

**ORDER**

1. Appellant, Mr. Epiphanio D'Souza, H.No. 526/1, Arpora, Baga, Bardez-Goa. 403516 by his application dated 18/01/2021 filed under sec 6(1) of the Right to Information Act, 2005 (hereafter to be referred as 'Act') sought information from Public Information Officer (PIO), Sub-Divisional Police Officer, Mapusa Goa, Respondent No. 1 herein viz.

"Kindly furnish me with certified copies of the CCTV Police Station from 16/12/2020 to 22/12/2020".

2. The said application was responded by PIO herein on 01/02/2021 interalia stating that:-

"As per P.I. Anjuna, required information is Nil, as CCTV camera installed at Anjuna Police Station premises are not working since long period."

3. According to Appellant, the information as sought was not furnished and hence the Appellant filed first appeal to Superintendent of Police (North) at Porvorim, Bardez-Goa being the First Appellate Authority (FAA).
4. The FAA by order dated 12/03/2021 dispose of the said appeal.
5. Aggrieved by the order of FAA, Appellant preferred this second appeal before this Commission under sec 19(3) of the Act with the following prayers:-
  - a. that directions may be given to Director General of Police /SP North / SP South that to order all the police stations in Goa to have CCTV cameras.
  - b. To submit the report on the number of Police Stations having cameras or otherwise.
  - c. That if cameras are not in working conditions in the Police Station then direction may be given to DGP, SP North, SP South to repair the same within stipulated period and the compliance report may be submitted to your good office.
  - d. Any deemed and fit necessary action.”
6. Notice was issued to the parties, pursuant to which they appeared. The representative of PIO, Suraj Gawas, Police Inspector of Anjuna Police Station appeared and filed his reply through entry registry on 19/07/2021. Mrs. Anita D’Souza appeared on behalf of Appellant, FAA duly served opted not to appear and file his reply in the matter.
7. Perused the appeal memo, reply, rejoinder scrutinised the documents on record, heard the submissions of parties.
8. According to the Appellant, he is a senior citizen and was assaulted

on 16/12/2020 by one Cleophus Fernandes at Baga, Bardez-Goa following which a complaint and FIR was filed. In order to produce an evidence in the court, he filed application for CCTV camera footage of the lobby area of Anjuna Police Station. However PIO replied him that CCTV cameras installed at Anjuna Police Station premises was not in working condition at the relevant time and therefore information sought is replied as 'Nil'.

9. The entire grievance of the Appellant is that the FAA, while disposing the first appeal by Superintendent North Goa did not issue direction to PIO to maintain the CCTV cameras in working condition in near future and as head of Anjuna Police Station, APIO has miserably failed in his duty to honour the observation of Hon'ble Supreme Court. He also produced on record some articles appeared in news network to substantiate his case.
10. According to PIO, the available information was duly furnished to the Appellant by reply dated 01/02/2021, within time limit as specified under the Act.
11. On going through the prayer clause as mentioned hereinabove at Para No. 5, it indicates that, Appellant sought that, Commission should give direction to Director General of Police, Superintendent of Police North/ South to install CCTV cameras in all Police Station in Goa and direction to repair the same time to time and accordingly compliance report may be sought from them.

As far as above relief is concerned, the Commission has no jurisdiction within the provision of the Right to Information Act, 2005. This Commission is constituted under the said Act, with powers more particularly described under sec 18, 19 and 20 of the Act. Such powers consists of issuing direction to furnish existing information held in any form and in case of non compliance of the

said mandate, without reasonable cause, to penalise the PIO. No powers are entrusted to the Commission to deal with such a grievance.

The Hon'ble High Court of Gujarat in **Gokalbhai Nanabhai Patel v/s Chief Information Commissioner (AIR 2008 Guj. 2)** has held that:-

*"The impugned order is passed without any power, jurisdiction and authority vested in Chief Information Commissioner under RTI Act. The order of removal of encroachment passed by Chief Information Commissioner is absolutely illegal and dehors the provisions of RTI Act. Whether there is encroachment or not, is a civil dispute. It cannot be decided by Chief Information Commissioner."*

If the Appellant feels that any official is not performing his duty in proper manner or doing something that is contrary to law, he can approach the concerned competent authority on the basis of information furnished to him. The Commission has no powers to direct the Director General of Police to install CCTV cameras in all Police Stations in the State of Goa. There are other forums where the Appellant can have his grievance redressed. This view is fortified by Hon'ble High Court of Allahabad in case of Subhash Chandra Vishwakarma v/s Chief Information Commissioner U.P & Ors. in case No. Misc. Bench No. 69/2016.

12. During the course of hearing alongwith reply, the PIO placed on record a notesheet dated 02/07/2019 and 09/02/2021 which indicates that he has brought to the notice of his superior officer about non functioning of CCTV cameras and has requested to replace the CCTV DVR of the Anjuna Police Station.
13. In the course of argument, APIO, Police Inspector of Anjuna

Police Station Mr. Suraj Gawas submitted that new CCTV cameras have been installed at Anjuna Police Station. However representative of Appellant raised doubt about it. In order to confirm the said fact, Commission directed the PIO to file documents/ affidavit on record to that effect. Accordingly PIO filed his affidavit in reply on 14/10/2021 stating that 15 CCTV cameras have been installed at Anjuna Police Station and all are functioning.

14. This cannot be a matter under consideration of this Commission and the issue raised by Appellant does not come within the purview of the Act. However RTI application filed by Appellant resulted in to installation of new 15 CCTV cameras at Anjuna Police Station and that they are fully functioning.

- In view of above discussion, appeal is dismissed.
- Proceedings closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner