

GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 262/2022/SIC

Mr. Joao Pereira,
H.No. 40, Acsona,
Utorda- Majorda,
Salcete-Goa.

-----Appellant

v/s

1. The Public Information Officer,
Sub Divisional Police Officer,
Margao-Goa.

2. The First Appellate Authority,
Superintendent of Police-South,
Margao-Goa

-----Respondents

Relevant dates emerging from appeal:

RTI application filed on	: 05/07/2022
PIO replied on	: 01/08/2022
First appeal filed on	: 13/08/2022
First Appellate Authority order passed on	: 15/09/2022
Second appeal received on	: 17/10/2022
Decided on	: 14/03/2023

ORDER

1. The second appeal filed by the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') against Respondent No. 1, Public Information Officer (PIO), and Respondent No. 2, First Appellate Authority (FAA) came before the Commission on 17/10/2022.
2. The brief facts of this appeal as contended by the appellant are that, vide application dated 05/07/2022 he had sought from PIO information on two points. It is the contention of the appellant that he did not receive reply and information within the stipulated period and treating this as deemed refusal he filed appeal before FAA. That, he never received any notice from the FAA, but order was passed in the matter on 15/09/2022. Being aggrieved, he filed second appeal before the Commission.
3. Pursuant to the notice, appellant appeared and pressed for the information as well as penal action against the PIO. Shri. Therron

D'Costa, Police Inspector, Colva Police Station appeared on behalf of the PIO under authority and filed PIO's reply on 19/01/2023.

4. PIO stated that, the information sought was compiled and sent to the appellant vide letter dated 01/08/2022, within the stipulated period. PIO further submitted that, as regards to seeking of CCTV footage of Colva Police Station in CD form of 26th June 2022 between 6.00 p.m. to 09.00 p.m., the same was rejected u/s 8 (1) (j) of RTI Act 2005, as the said CCTV footage contains details of investigation conducted by Investigation Officer, footage of witnesses giving statements in investigation of cases registered at Colva P.S. including investigation conducted in crimes against women and Children. Therefore, the disclosure may pose threat to the lives of the public members including NGO's, minor victims visiting Colva Police Station to address their grievances. Hence, there is need to protect the privacy and safety of the individual.
5. PIO further submitted that, as regards to seeking of information of police personnel who maintain the records of CCTV footage of Colva P.S., it is submitted that no dedicated staff is deployed to maintain the records of CCTV footage, and the same information was furnished to the appellant.
6. Appellant stated that, PIO never bothered to reply, nor furnished any information within the stipulated period. Later, during the proceeding of the first appeal PIO prepared a backdated reply denying the information under Section 8 (1) (j) of the Act, vide letter dated 01/08/2022. That, the information has been denied to him by the PIO.
7. Appellant further stated that, the FAA did not serve notice for the hearing but stated in his order that the appellant never appeared before him, which is false observation made by the FAA. Action of the appellate authority is wrong, and that since the information qualifies as information under the Act, he prays for the same.
8. During the proceeding on 07/02/2023 arguments of both the sides were heard. Appellant argued stating that the PIO has not stated any reasoning for claiming exemption from disclosure under Section 8 (1) (j) of the Act. PIO denied the information on the first point and with respect to information on the second point stated that no dedicated staff is deployed to maintain the records of CCTV footage. Hon'ble Supreme Court in Special Leave Petition (Criminal) No. 3543 of 2020 in Paramvir Singh Saini v/s Baljit Singh & Others, have

issued directions to the Central Government and State Governments, one of those direction pertains to monitoring and maintaining CCTV footage. Above mentioned reply on second point given by the PIO is violative of the direction of the Hon'ble Supreme Court, thus appellant requests for action against the PIO alongwith the information.

9. Shri. Therron D'Costa, Police Inspector, while arguing on behalf of the PIO stated that reply was furnished and appellant received the same within the stipulated period. Information sought under first point pertains to CCTV footage at Colva Police Station on 26/06/2022 between 6.00 p.m. to 9.00 p.m. and the same was denied under Section 8 (1) (j), reasons for the denial are already stated by the PIO in his reply filed before the Commission. Police Department has been following all directions issued by the Hon'ble Supreme Court however, two cases referred by the appellant i.e. Paramvir Singh Saini v/s Baljit Singh & Others and Dilip K. Basu v/s State of West Bengal & Ors. are not relevant in the present matter. Therefore, he requests the Commission to pass an appropriate order in the matter.
10. Upon perusal it is seen that, appellant vide application dated 05/07/2022 had sought information as below:-

Sir,
Kindly furnish me all CCTV footage fitted at Colva Police Station in CD form of 26th June 2022 between 6.00 pm to 9.00 pm from the record of Colva Police Station.

Name and designation of Police Personal who maintains the records of CCTV footages of Colva Police Station.
11. Here, as held by the FAA, the Commission finds that the information sought on first point is personal information of many including minors, women, senior citizens and social workers and the disclosure of the same would cause unwarranted invasion of their privacy. Also, appellant has not requested for CCTV footage pertaining to specific case and has not established any larger public interest while seeking the disclosure of such information. Hence, PIO'S decision to deny the information on first point cannot be faulted.
12. With respect to the information on second point, PIO had informed the appellant that no dedicated staff is deployed to maintain the records of CCTV footage. Aggrieved appellant has relied on two judgments of the Hon'ble Supreme Court i.e. Special Leave Petition (Criminal) No. 3543 of 2020 in Paramvir Singh Saini v/s Baljit Singh

& Others and C.R.L. M.P.No. 16086 of 1997 in Dilip K. Basu v/s State of West Bengal & Ors.

13. The Commission has perused both the judgments and found that the Hon'ble Supreme Court in Dilip K. Basu v/s State of Bengal & Ors had issued 11 points directions in all cases of arrests or detention till legal provisions are made in that behalf as preventive measures. Whereas, in Paramvir Singh Saini v/s Baljit Singh & Others the Hon'ble Supreme Court had issued directions pertaining to installation of CCTV in Police Stations and monitoring and maintaining CCTV footage. Hence, both these matters are not relevant in the present appeal proceeding. If the appellant is aggrieved by non compliance of the directions of the Hon'ble Apex Court, he is required to approach the appropriate forum. The jurisdiction of the Commission is limited to direct the PIO to furnish the eligible information and initiate action against the PIO, if found guilty under the Act.
14. In the background of the observations and findings as mentioned above, the Commission concludes that the appellant was furnished appropriate reply by the PIO and his stand was rightly upheld by the FAA while disposing the first appeal. Hence, the appellant in the instant matter deserves no relief and the appeal is required to be disposed accordingly.
15. In the light of above discussion, the Commission finds the present appeal devoid of merit, thus the same is dismissed.

Proceeding stands closed.

Pronounced in the open court.

Notify the parties.

Authenticated copies of the order should be given to the parties free of cost.

Aggrieved party if any, may move against this order by way of a Writ Petition, as no further appeal is provided against this order under the Right to Information Act, 2005.

Sd/-

Sanjay N. Dhavalikar

State Information Commissioner
Goa State Information Commission
Panaji - Goa

