

GOA STATE INFORMATION COMMISSION

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Appeal No. 51/2023/SCIC

Mr. Prashant M. Vast,
H. No. 187, Kalavati Niwas,
Behind Union Bank of India,
Vasco Da-Gama, Goa 403802

.....Appellant

V/s

1.The Public Information Officer (PIO),
Office of Dy. SP of Police,
Vasco Police Station,
Vasco Da Gama, Goa 403802.

2. The First Appellate Authority (FAA),
Superintendent of Police,
Margao Police Station,
Margao-Goa

..... Respondents

Shri. Vishwas Satarkar, State Chief Information Commissioner

Filed on: 02/02/2023

Decided on: 18/01/2024

ORDER

1. Appellant, Shri. Prashant M. Vast, resident of House No. 187, Kalavati Niwas, Behind Union Bank of India, Vasco, Goa, vide his application dated 28/07/2022 filed under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as Act), sought certain information from the Public Information Officer (PIO), Office of Deputy Superintendent of Police, Vasco Police Station, Vasco, Goa.
2. Said application was responded by the PIO on 25/08/2022 in the following manner:

Sr. No.	Question	Answer
1	Kindly provide me the CCTV footage of duty officer room and Police Inspector Office Room (cabin) of dated 26/04/2022 and dated 23/06/2022 timing 6.30 p.m. to 8.30 p.m. of Vasco Police Station	<p>The applicant has not mentioned for which purpose/incident he requires. The CCTV footage is a privilege documents and involves other personal information who are visiting police station for their complaints/grievances</p> <p>Furthermore, several female/minor girls visits the police station and providing the CCTV footage to the applicant may disclose the identity of the minor girls/ female personals. Hence the information is rejected U/s. 8(1)(g) and U/s 8(1)(j) of RTI Act, 2005.</p>

3. Being aggrieved and not satisfied with the reply of the PIO, the Appellant filed first appeal before the Superintendent of Police (South), Margao Goa on 18/10/2022, being the First Appellate Authority (FAA).
4. The FAA, vide its order, upheld the reply of the PIO and dismissed the first appeal on 10/11/2022.

5. Being aggrieved and dissatisfied with the order of the FAA dated 10/11/2022, the Appellant preferred this second appeal before the Commission under Section 19(3) of the Act, with the prayer to direct the PIO to provide the CCTV footage of Vasco Police Station.
6. Notices were issued to the parties, pursuant to which the Appellant appeared in person on 13/03/2023, the representative of the PIO, Shri Ganesh Matonkar appeared and placed on record the reply of the PIO dated 08/03/2023, the FAA, duly served, opted not to appear in the matter.
7. Perused the pleadings, reply, rejoinder, scrutinized the documents on record and considered the arguments of the Appellant through his Learned counsel Adv. A. Naik.
8. It is the case of the Appellant that, he sought the CCTV footage of Duty Officer Room and Police Inspector Room (cabin) dated 26/04/2022 and dated 23/06/2022 between 6.30 p.m. to 8.30 p.m. of Vasco Police Station. However, the PIO denied him the information by invoking section 8(1)(g) and 8(1)(j) of the Act which, according to the Appellant, is arbitrary and illegal and therefore, he is entitled for the information.
9. Refuting the contention of the Appellant, the PIO through his reply dated 08/03/2023 submitted that CCTV footage is a privilege document and involves personal information who are visiting Police Station including female/minor girls therefore providing CCTV footage to the stranger may disclose the identity of minor girls/female personals. Hence, the information is rejected under Section 8(1)(g) of the Act.

Further, according to the PIO, disclosure of CCTV footage to the Appellant would not serve any larger public interest, on the contrary supplying such information would cause unwarranted invasion of the privacy of the individual, therefore said information is exempted under Section 8(1)(j) of the Act.

10. Considering the rival contention of the parties, it is relevant to refer to the provisions of Section 8(1)(g) and 8(1)(j) of the Act, which 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, _*

*(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.*

*(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 exemption is attracted when the disclosure of information would endanger the life of physical safety of any person.

So also disclosure of personal information is exempted when there is no relationship of information requested, to any public interest or activity or which would cause unwarranted invasion of the privacy of the individual.

11. Adv. A. Naik appearing on behalf of the appellant argued that on 23/06/2022, one person namely Chandrashekar Vast was called at the Vasco Police Station over a civil dispute arising out of the property and during the inquiry, he was threatened and abused with filthy language by Police authority and in order to initiate appropriate legal proceeding against the erring Officer, he is calling for the said information. However, this fact is neither pleaded in the appeal memo nor it is reflected in RTI application.
12. It is matter of fact that, the Appellant is seeking the CCTV footage of Duty Office Room and Police Inspector Office Room of dated 26/04/2022 and 23/06/2022 between 6.30 p.m. to 8.30 p.m. of Vasco Police Station. The Appellant neither disclosed the reason for seeking the footage of CCTV Camera nor has been able to establish as how the disclosure of the information has got relation with public interest or Public activity.
13. Though, Section 6(2) of the Act provides that information seeker is not required to give reason for requesting the information, but purpose becomes relevant in order to

determine the fact, whether the information sought involves larger public interest or activity. Apart from that, the Appellant failed to establish that the said CCTV sought for is pertaining to the Appellant.

14. Hon'ble Central Information Commission in the case **K. Kaliaperumal V/s Pondicherry University (CIC (PONDU/A)/2018/100089)**, the Commission observed 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 provide evidence in case crimes do occur and help the law enforcement agencies. However, while such system 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 concern."

15. Hon'ble CIC in the case **Mohamad Shakeel Ahmad V/s (PIO, Archaeological Survey of India (CIC/SH/A/2015/001336))**, the Commission observed that:

" The Commission has not been in favour of unconditional provision of footage of CCTV camaras 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 pertinent to the applicant himself."

16. Considering the nature of information sought for by the application dated 28/07/2022, I find that, disclosure of information does not appear to be very practical proposition particularly when Appellant has not established any larger public interest in such disclosure. The disclosure of CCTV footage may result in unwarranted intrusion of privacy of individual. In balancing the competing interest, the disclosure of information must appear to justify public interest and will not cause harm to the public institution.

17. Hon"ble High Court of Andra Pradesh in **Kunche Durga Prasad Anr. v/s Public Information Officer of Chief Manager (HR), Oil & Natural Gas Corporation Ltd. (2010 (3) ALL MR (JOURNAL) 11)** has held that:

"9. It is not a place of mention that Parliament was very much aware of the necessity to strike a decent balance between making the information available to the citizenry, to promote public interest and efficiency, on the one hand, and, preservation of confidentiality of sensitive information, on the other hand. The statement of objectives of the Act emphasizes the need to harmonize these two conflicting interest.

10. The right to information is treated as a facet of the fundamentals rights guaranteed under Articles 19 and 21 of the Constitution of India. That, however, would be in respect of the information which related to the functioning of the Government

and public activity. The information which relates to an individual cannot be compared with, or equated to, the one of public activity. On the other hand, disclosure of the information in relation to an individual, even where it is available with the Government, may amount to invasion of his privacy or right to life which in turn is also referable to Article 21 of the Constitution of India. It is also possible to treat the privilege of an individual not to be compelled to part with any information available with him, as an essential part of the Article 19(1)(a) of the Constitution of India. Even while exercising his right of freedom of speech and expression, an individual can insist that any information relating to him cannot be furnished to others unless it is in the realm of public activity or is required to be furnished under any law, for the time being in force. 11..... The freedom of an individual to have access to the information cannot be projected to such an extent as to invade the rights of others. Further, Section 6(2) of the Act cannot be read in isolation, nor can be interpreted to mean that an applicant can seek every information relating to any one. Just as he cannot be compelled to divulge the purpose for which he needs the information, he must respect the right of the other man to keep the facts relating to him, close to his chest.”

The Act has sought to harmonise two conflicting interests essentially for preserving democracy. One is to bring about transparency and accountability by providing

access to information and another is that actual practice does not conflict with other public interest which includes efficient functioning of Government and preservation of confidentiality of sensitive information.

18. I have perused the judgment relied upon by Adv. A. Naik i.e. Judgement of Hon'ble Supreme Court in the case **Paramvir Singh Saini V/s Baljit Singh and Ors. ((2021) 1 Supreme Court Cases 184)**, which is squarely not applicable, as in the said case, the Hon'ble Supreme Court directed the Director General/Inspector General of Police of each state and Union Territory to install CCTV cameras to each and every Police station, so that the investigation agency can check the force being used at Police Stations resulting in serious injury and/or custodial deaths. Therefore, said judgment is irrelevant and distinguishable.

19. In the result, no case is made out by the Appellant, the Appeal being devoid of merits, hence dismissed.

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

Sd/-
(Vishwas R. Satarkar)
State Chief Information Commissioner