

# GOA STATE INFORMATION COMMISSION

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## Appeal No. 165/2024/SCIC

Mrs. Vilma Natalia Cardoso e Fernandes,  
R/o.105/4, Ambeaxir,  
Sernabatim, Colva,  
Salcete – Goa 403703.

..... Appellant

v/s

1. The Public Information Officer,  
Deputy Suptd. of Police,  
South Goa, Margao Goa.

2. The First Appellate Authority,  
O/o. Superintendent of Police,  
South Goa, Margao Goa.

..... Respondents

**Shri Aravind Kumar H. Nair - State Chief Information Commissioner**

### FACTS EMERGING FROM THE APPEAL

RTI application filed on	- 16-05-2023
PIO replied on	- 14-06-2023
First Appeal filed on	- 25-06-2024
First Appellate order on	- 15-07-2024
Second appeal received on	- 05-02-2024
Decision of the Second Appeal on	- 08-01-2025

### Information Sought and Background of the Appeal:


1. Mrs. Vilma Natalia Cardoso e Fernandes filed an RTI application dated 16/05/2024 seeking information on 17 points (a-q) pertaining to her complaint dated 12/05/2024 to the Police Inspector, Colva Police Station against Mr. Vikas Sharma, Police Personnel and three other Police Constables of Colva Police station for causing harassment and torture and application dated 14/05/2024 addressed to the Police Inspector, Colva Police Station requesting to release her mobile phone and other items which was seized by the Colva Police Station on May 12, 2024.
2. In response to the RTI application, PIO (SDPO), Margao South Goa) vide letter dated 17/05/2024 replied as under:

*"In this regard, it is to inform that, your RTI application dated 16/05/2024 does not cover under Section 7(1) of the RTI Act, 2005.*

*Reply to your RTI application will be processed and information will be furnished to you within stipulated time limit as per RTI Act, 2005".*

3. Aggrieved over the reply of the PIO, appellant filed first appeal dated 22/05/2024 to the First Appellate Authority (S.P. South Goa, Smt. Sunita Sawant, GPS).
4. During the hearing (13/06/2024) in first appeal by the FAA, the PIO (SDPO, Margao) stated that upon receipt of the information from the APIO/P.I, Colva Police Station, reply to the RTI application was prepared and the intimation letter vide No. SDPO/MRG/RTI/666/2024 dated 14/06/2024 was sent to the appellant through Colva Police Station for service.
5. When Adv. A. V. Da Silva for the appellant made an oral submission that the Appellant has not received information from the PIO/SDPO, Margao, Satish Podwalkar, P.I of Colva Police Station submitted that the reply to Appellant's RTI application is ready and agreed to furnish after appellant depositing an amount of Rs. 4/-.
6. After hearing both the parties, their oral submission and Colva Police Station agreeing to furnish reply to the RTI application dated 16/05/2024 of the appellant, FAA (Smt. Sunita Sawant, GPS/S.P. South Goa) dismissed the first appeal vide order dated 15/06/2024.
7. As Colva Police Inspector submitted before the FAA on 13/06/2023, PIO/SDPO, Margao vide letter No. SDPO/MRG/RTI/667/2024 dated 14/06/2024 furnished reply to the Appellant covering all points except point No. 'q' (CCTV. Footage), which was denied u/s. 8(1) (j) of the RTI Act, 2005.



8. Subsequently, the appellant re-approached the FAA vide appeal dated 24/06/2024 stating that the Respondent PIO refused to furnish information sought for at point q, i.e. CCTV footage record of the entire day of the Colva Police Station of 12/05/2024 & 13/05/2024 citing information sought is not sustainable in the eyes of law.
9. FAA heard the parties on 09/07/2024, wherein PIO/SDPO, Margao submitted that the request of the Appellant to get CCTV footage (point q) was refused under Section 8(1)(j) of RTI Act, as the said footage also contain details of the persons/members of the public and providing information may cause unwarranted invasion into the privacy of the individual who visit the police station.
10. Appellant's advocate submitted that since the appellant's phone was taken by the police, CCTV footage is vital and he relied upon the Judgement dated 22/03/2018 of the Central Information Commission in **Case No. CIC/Posts/A/2017/107942, J. B. Narola V/s. Department of Posts**. Advocate also made an oral submission before the FAA that information with regard to point 'f' and 'g' of RTI application dated 16/05/2024 also not provided by the PIO. Colva PI, Shri Satish Podwalkar, however agreed to furnish information pertaining to point 'f' and 'g'. But refused to furnish CCTV footage terming it as a 'privileged document' and involves information of others who are visiting police station.
11. FAA vide order dated 15/07/2024 directed the PIO to furnish information with regard to point 'f' and 'g', to the Appellant within TEN days of the receipt of the order and appeal in respect of point 'q' is rejected.
12. Aggrieved over FAA's order rejecting appeal to furnish information to point 'q' in her RTI application, Appellant preferred second appeal dated 02/08/2024 before the Commission praying for:
- (i) Direction to the Respondents to furnish complete information especially sought at point 'q'
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(ii) Order dated 15/07/2024 passed by the FAA be quashed and set aside

(iii) Respondents be directed to pay compensation to the Appellant as envisaged under the RTI Act, 2005.


### **FACTS EMERGING IN COURSE OF HEARING**

13. On receipt of the Second appeal, parties were notified and heard the matter on 20/12/2024 wherein the appellant's advocate insisted for getting the CCTV footage citing the Central Information Commission's decision in ***J.B. Narela v/s. Department of Posts on March 22, 2018.*** According to him, in this case, the CIC directed the Respondent Authority to provide CD with required CCTV footage.

14. The Respondent PIO submitted that he has furnished all information other than CCTV footage as it contains details of the person/members of the public and providing information may cause unwarranted invasion of the privacy of the individual who visit police station.

### **DECISION**

During the final argument today i.e. 08/01/2025, Police Inspector of Colva Police Station Shri Ritesh Tari, who appeared on behalf of the PIO/SDPO, Margao agreed to provide the CCTV footage, as per the directions of the Commission. Accordingly, Commission directed the P.I, Colva Police Station to allow the appellant alongwith one of her family members to view the CCTV footage of May 12 & 13, 2024, as sought by the appellant at Colva Police Station on 13/01/2025 at 10.00 a.m. and then, provide the required portion only from the said CCTV footage to the Appellant by the Colva Police Inspector in a pendrive because the Appellant treats the CCTV footage vital to her in the matter subjudice to JMFC Court, Margao. The Appellant should not videograph or photograph the CCTV footage, while viewing it and choose or identify the one which she is looking for or sought and inform the



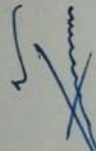


P.I Colva, who will provide the same. P.I Colva is directed to provide necessary arrangement to comfortably view the CCTV footage of the above said two days by the Appellant, Mrs. Vilma N. Cardoso e Fernandes.

With this order, Commission quashed and set aside the order dated 15/07/2024 of the FAA in the said appeal.

Both the Appellant and Respondent are directed to submit compliance report to the Commission within a week.

- Proceedings stands closed.
- Pronounced in the open court.
- Notify the parties.



( **ARAVIND KUMAR H. NAIR** )  
State Chief Information Commissioner, GSIC