

PUNJAB STATE INFORMATION COMMISSION
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Smt.Sukhwinder Kaur
S/o Sh.Sewak Singh,
Village Khanpur, PO Patel Nagar,
Distt.Ferozepur.

... Appellant

Versus

Public Information Officer,
O/o SSP Ferozepur.

First Appellate Authority,
O/o IGP Ferozepur Range,
Ferozepur.

...Respondent

Appeal Case No. 2067 of 2022

PRESENT: Smt.Sukhwinder Kaur as the Appellant
Sh.Jaswant Singh, SHO Police Station Kulgarh for the Respondent

ORDER:

The appellant through an RTI application dated 21.04.2022 has sought information on 09 points under Life and Liberty regarding Roznamcha from 04.04.2022 to 07.04.2022 of Police Station Kulgarhi – a copy of register No.19, CCTV footage dated 04.04.2022, 05.04.2022, 06.04.2022 & 07.04.2022 – a copy of logbook of govt vehicles and inspection rights of original record as enumerated in the RTI application concerning the office of SSP Ferozepur. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority (DIG Ferozepur Range) on 23.04.2022 which did not take any decision but directed the concerned PIO (letter dated 27.04.2022) to look into the matter and provide the information as per the provisions of the RTI ACT. The PIO subsequently denied the information under Section 11 (1) of the RTI Act terming it as third party.

The case came up for hearing on 10.05.2022 and the proceedings of the hearing were as follows-

“The respondent present pleaded that they received the RTI application on 25.04.2022 which they forwarded to the Kulgarhi police station, and after not receiving any information from the concerned police station, a reply was sent to the appellant vide letter dated 27.04.2022. In the reply, it was stated that since the information has not been received from the concerned police station, it cannot be provided, and will be provided once it has been received.

Given the above, the appellant thereafter filed a first appeal with the First Appellate Authority-cum-DIG Ferozepur Range, Ferozepur which directed the SSP to provide the information as per the provisions of the RTI Act, Ferozepur (27.04.2022). As per the respondent after collecting the facts from the concerned police station, a fresh reply was sent to the appellant vide letter dated 04.05.2022 in which the information was denied 3rd by invoking section 11(1) of the RTI Act.

The respondent has mentioned that the appellant has sought the copy of rojnamcha of police station Kulgarhi from 04.04.2022 to 07.04.2022 alongwith copies of log book of govt vehicles. However, since the FIR No.43 dated 04.04.2022 filed u/s 363, 366-A, 120-B and 4 Posco Act in police station Kulgarhi (adding section 376, 056, 323) is under investigation and the appellant Sukhwinder Kaur is neither a complainant or accused in the case, the information cannot be provided u/s 11(1) of the RTI Act.

The appellant has alleged that she was illegally kept in police custody even though she has nothing to do with the case. She pleaded that her human rights have been violated and she needs this information to protect her life and liberty, which has been violated through illegal detention by the police.

Having gone through the RTI application and the contents of the hearing, the Commission observes that there is prima-facie evidence that a human rights violation has taken place via illegal detention of the petitioner. The purpose of hearing a case under life and liberty is that the petitioner can be immediately provided with that information, possession of which, can help the petitioner protect their life and liberty in case it is under threat or has been violated or there is a chance that it can be violated further.

Incidentally, the Supreme Court of India in order on 20th December 2020 directed the installation of CCTV cameras in police stations across India. The spirit behind this order was to check any sort of police brutality at the police stations.

Given the above facts, the denial of information by the police is incorrect and the PIO is directed to provide all information from points three to eight, which includes CCTV images and details of the logbooks.

However, since it is a case which involves section 376 of the IPC, and involves a minor girl, that part of the CCTV image shall be blurred in which there is an image of the victim.

The information is to be provided before the hearing on 11th May, at 4 PM.”

Hearing dated 11.05.2022:

The case has come up for hearing today through video conferencing at DAC Ferozepur. As per the respondent Sh.Jaswant Singh, SHO Police Station, Kulgarhi, the SP Head Quarter, Ferozepur in reply to the order of the Commission to provide the CCTV footage has claimed that the CCTV footage cannot be provided, because as per the SOP, the footage automatically get deleted after 30 days.

The SP-Head Quarter, Ferozepur is directed to appear personally at the hearing through video conferencing on 12th May, 2022 at 11.00 AM in the office of Deputy Commissioner, Ferozepur.

The case to come up for hearing on 12th May, 2022 at 11 AM.

Chandigarh
Dated: 11.05.2022

Sd/-
(Khushwant Singh)
State Information Commission

CC to SP-Head Quarter, Ferozepur