

**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.Gurvinder Singh, SP(Operation) Ferozepur- Sh.Deepak Singh, DSP  
(Cyber Crime Office)- Sh.Lakhvinder Singh, ASI O/o ADGP(Tech) 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 a 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 Kulgari 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 3<sup>rd</sup> by invoking section 11(1) of the RTI Act.

The respondent has mentioned that the appellant has sought a copy of the rojnamcha of police station Kulgarhi from 04.04.2022 to 07.04.2022 alongwith copies of the logbook 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.

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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.”

The case again came up for hearing on **11.05.2022**, through video conferencing at DAC Ferozpur. The respondent Sh.Jaswant Singh, SHO Police Station, Kulgarhi, the SP Head Quarter, Ferozpur in reply to the order of the Commission to provide the CCTV footage claimed that the CCTV footage cannot be provided, because as per the SOP, the footage automatically gets deleted after 30 days.

The SP-Head Quarter, Ferozpur was directed to appear personally at the hearing through video conferencing on 12<sup>th</sup> May 2022 at 11.00 AM in the office of Deputy Commissioner, Ferozpur.

The case came up for hearing last on **12.05.2022**. **The order is reproduced hereunder:**

“The case has come up for hearing today through video conferencing at DAC Ferozpur. Sh. Dalbir Singh, SP-Headquarter, Ferozpur is present and reiterated the earlier claim of being unable to provide the CCTV footage, since. as per the SOP, the footage automatically gets deleted after 30 days.

The respondent has, however, provided a copy of the logbook of two vehicles to the appellant during the hearing and the appellant has received the same.

The matter before the commission is whether to accept the Ferozpur police’s version of being unable to provide the sought CCTV footage on the grounds that it is over 30 days old and as per their SOP, the footage older than thirty days is deleted from the system.

It is pertinent to mention here that when the appellant sought the information on 21.04.2022 under Section 7(1) of Life and Liberty, the footage existed in the records as the sought footage was for dates 4th, 5th, and 6th and 7th April, which the police denied under section 11(1) of the RTI Act.

**Decision-**

Since there is prima facie evidence that illegal detention could have taken place at police station Kulgarhi in Ferozpur district, every attempt should be made to retrieve the footage, which the police should have ideally preserved once an RTI had been filed for the footage. There are enough advances and instances in technology where CCTV footage, even if erased or overwritten within the stipulated time, can be recovered.

To explore all possibilities to retrieve the footage the following is ordered.

- 1) The PIO, SSP Ferozpur is directed to preserve the hard drive immediately from the time this order has been pronounced in the open court.
- 2) Since the district Police, Ferozpur via the SP headquarter has claimed technical inability to attempt to retrieve the footage from the hard drive, I am directing ADGP(Technical) and Inspector General Cyber Crime to constitute a team of experts to explore the possibility of retrieving the CCTV footage of police station Kulgarhi in Ferozpur district for the dates 4th, 5th, 6th and 7th April. PIO, SSP Ferozpur to coordinate this exercise. If the footage is retrieved, the appellant be provided with the footage as per the RTI application.
- 3) This order will be uploaded on the Commission's website promptly, and the SP-HQ Ferozpur who had appeared on behalf of the PIO, is directed to ensure that the order of the Commission is delivered to ADGP (Technical ) and IG Cyber Crime for its prompt implementation and coordination. The case is also marked to the Commission's deputy registrar to have this order delivered to the ADGP (Technical) and IGP Cybercrime by 5 Pm, 12.05.2022.
- 4) A full report on the compliance of this order will be submitted to the Commission by 19<sup>th</sup> May 2022 at 11.00 AM.
- 5) The case is to come up for hearing on 19th May 2022 at 11 AM. SP-Head Quarter to appear on the date with the entire details.”

**Hearing dated 19.05.2022:**

The case has come up for hearing today through video conferencing at DAC Ferozpur. As per the respondent present from the office of IGP(Cyber crime), the data can be retrieved and a technical team from the office of the IGP Cyber Crime has been sent to Ferozpur district to retrieve the data from the said CCTV camera of police station, Kulgarhi.

Sh.Gurvinder Singh, SP(Operation) Ferozpur present on behalf of the PIO (SSP Ferozpur) has informed that the data has been retrieved. The SP (Operation ) at the hearing has assured the commission that the police will fully comply with the order of the 10th May 2022 i.e to provide the sought CCTV footage to the appellant .

**Directions –**

The order was reserved till 5 Pm (time of closing of the commission) to ensure compliance , and the appellant was asked to inform the commission that whether the appellant had received the CCTV footage or not?

The PIO was directed to provide the retrieved CCTV footage to the appellant today itself and report.

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This order is being written at 5 Pm where the appellant has informed the commission (around 4 PM) that the police has not provided the CCTV footage as well as information on point 8 (the complete log book details ) as sought in the RTI application .

Since this order has not been complied with , the commission is keeping the case open for compliance and for further necessary action.

The order be uploaded on the PSIC website today itself, and all parties be informed via post, email and telephone to appear at the next date.

To come up for compliance on **23.05.2022 at 11.00 AM**.

**Chandigarh**  
**Dated: 19.05.2022**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commission**

- CC to 1. SP-Head Quarter, Ferozepur**
- 2. ADGP(Tech), Pb, Chandigarh**
  - 3. IGP(Cyber Crime), Pb Chandigarh/Mohali**
  - 4. Deputy Registrar, PSIC, Chandigarh**