



2026:AHC-LKO:61770-DB

AFR

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW
WRIT - C No. - 7418 of 2026**

Shobhit Kashayap

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Prin. Secy.
Administrative Reform Deptt. Lko. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s) : Suraj Kumar Nishad, Atul Raj,
Yogesh Soni
Counsel for Respondent(s) : C.S.C., Shikhar Anand

Court No. - 3

HON'BLE SHEKHAR B. SARAF, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Heard learned counsel appearing on behalf of the parties.
2. This is a writ petition under Article 226 of the Constitution of India, wherein the writ petitioner has made the following main prayers:-

"i. To issue a writ, order or direction in the nature of certiorari quashing the order dated 14-05-2026 passed by the respondent no 3/ state information commissioner hearing room no. S-5, Uttar Pradesh state information commission, Lucknow. As contained Annexure no-9.

ii. To issue a writ order or direction in the nature of Mandamus there by the commanding the respondent No. 3 to provide complete information to the petitioner in view of RTI application dated-20-03-2025 timely 11 am to 3 pm as per law.

iii. To Issue a writ order or direction in the nature of MANDAMUS commanding the respondent no. 03 to imposed maximum penalty of rupees 25000 upon the respondent no.04 as per the provision contained in section 20(1) and 2092) of right to information act, 2005.

iv. To issue a writ, a writ order or direction in the nature of mandamus commanding the respondent no. 3 and 6 to provide compensation to the petitioner for the harassment that he suffered due to the act of said respondent as per the provisions contained in

section 19 (8) (B) of right to information act 2005."

3. Learned counsel appearing on behalf of the State Information Commission has submitted that the CCTV footage contains sensitive information and falls within the exceptions contemplated under Section 8(1)(g) of the Right to Information Act, 2005 (hereinafter referred to as "the Act, 2005"). He further submits that the said footage may be provided to the Court/Commission, if so directed, but cannot be provided directly to the applicant.

4. Learned counsel appearing on behalf of the petitioner has relied upon a judgment of the Hon'ble Supreme Court in **Paramvir Singh Saini vs. Baljit Singh and others** reported in **(2021) 1 SCC 184**, to argue that preservation of CCTV footage is a right of the petitioner. The relevant paragraphs of the said judgment are delineated below:-

"18. Whenever there is information of force being used at police stations resulting in serious injury and/or custodial deaths, it is necessary that persons be free to complain for a redressal of the same. Such complaints may not only be made to the State Human Rights Commission, which is then to utilise its powers, more particularly under Sections 17 and 18 of the Protection of Human Rights Act, 1993, for redressal of such complaints, but also to Human Rights Courts, which must then be set up in each district of every State/Union Territory under Section 30 of the aforesaid Act. The Commission/Court can then immediately summon CCTV camera footage in relation to the incident for its safe keeping, which may then be made available to an investigating agency in order to further process the complaint made to it.

21. The SLOC and the COB (where applicable) shall give directions to all police stations, investigative/enforcement agencies to prominently display at the entrance and inside the police stations/offices of investigative/enforcement agencies about the coverage of the premises concerned by CCTV. This shall be done by large posters in English, Hindi and vernacular language. In addition to the above, it shall be clearly mentioned therein that a person has a right to complain about human rights violations to the National/State Human Rights Commission, Human Rights Court or the Superintendent of Police or any other authority empowered to take cognizance of an offence. It shall further mention that CCTV footage is preserved for a certain minimum time period, which shall

not be less than six months, and the victim has a right to have the same secured in the event of violation of his human rights.

22. Since these directions are in furtherance of the fundamental rights of each citizen of India guaranteed under Article 21 of the Constitution, and since nothing substantial has been done in this regard for a period of over 2½ years since our first order dated 3-4-2018 [Shafhi Mohammad v. State of H.P., (2018) 5 SCC 311 : (2018) 2 SCC (Cri) 704] , the Executive/Administrative/police authorities are to implement this order both in letter and in spirit as soon as possible. Affidavits will be filed by the Principal Secretary/Cabinet Secretary/Home Secretary of each State/Union Territory giving this Court a firm action plan with exact timelines for compliance with today's order. This is to be done within a period of six weeks from today."

5. Upon perusal of the aforesaid paragraphs of the judgment of the Hon'ble Supreme Court in **Paramvir Singh Saini's case (supra)**, it is clear that a Court/Commission has the power to call for CCTV footage and to direct preservation of the said footage.

6. In our view, the petitioner has, till date, not filed any complaint before any Court or Commission and has simpliciter sought the CCTV footage. In our view, the said footage cannot be provided to the petitioner directly, as the same is covered by the exception contained in Section 8(1)(g) of the Act, 2005.

7. In the event that the petitioner files a complaint before the appropriate Forum/Court, the said Forum/Court may very well direct preservation of the CCTV footage, as well as call for the actual footage for the purpose of verifying the complaint made by the petitioner.

8. With the above directions, the writ petition is **disposed of**.

September 2, 2026

cks/-

(Abdhesh Kumar Chaudhary,J.) (Shekhar B. Saraf,J.)