SECTION-IIB

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL(CRL.) DIARY NO. 13346 of 2020

PARAMVIR SINGH SAINI ... PETITIONER

VERSUS

BALJIT SINGH & ORS. ... RESPONDENT

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 16.07.2020, when the Court was pleased to pass the following order:

> **"Permission to file special leave petition is granted.**
>
> **Delay in filing the special leave petition is condoned.**
>
> **Issue notice having regard to the larger question, viz., the question of audio-video recordings of section 161 statements as is provided by section 161 (3) proviso, aswell as the larger question as to the installation of CCTV cameras in police stations generally.**
>
> **This Court had issued certain directions in 'Shafhi Mohammad v. State of Himachal Pradesh'(2018) 5 SCC 311, as follows:**
>
> **10.Thus, we are of the considered view that notwithstanding the fact that as of now investigating agencies in India are not fully equipped and prepared for the use of videography, the time is ripe that steps are taken to introduce videography in investigation, particularly for crime scene as desirable and acceptable best practice as suggested by the Committee of the MHA to strengthen the Rule ofLaw. We approve the Centrally Driven Plan of Action prepared by the Committee and the timeline as mentioned above. Let the consequential steps for implementation thereof be taken at the earliest.**
>
> **11.We direct that with a view to implement the Plan of Action prepared by the Committee, a Central Oversight Body (COB) be set up by the MHA forthwith. The COB may issue directions from time to time. Suggestions of the Committee in its report may also be kept in mind. The COB will be responsible forfurther planning and implementation of use of videography. We direct the Central Government to givefull support to the COB and place**

necessary funds at its disposal. We also direct that the COB may issue appropriate directions so as to ensure that use of videography becomes a reality in a phased manner andin first phase of implementation by 15th July, 2018 crime scene videography must be introduced at leastat some places as per viability and priority determined by the COB.

12.We place on record the suggestion of the learned Amicus Curiae that funding for this project may be initially by the Centre to the extent possible and acentral server may be set up. These suggestions maybe considered by the COB. We also note that law andorder is a State subject.

13.We may also refer to a connected issue already dealt with by this Court in D.K. Basu versus State of West Bengal and Ors. (2015) 8 SCC 744. This Court directed that with a view to check human rights abuse CCTV cameras be installed in all police stations as well as in prisons. There is need for a further direction that in every State an oversight mechanism be created whereby an independent committee can studythe CCTV camera footages and periodically publish report of its observations. Let the COB issue appropriate instructions in this regard at the earliest. The COB may also compile information as to compliance of such instructions in the next three months and give a report to this Court.

14.Compliance with above directions may be ensured by the Secretary, Ministry of Home Affairs in the Central Government as well as Home Secretaries of all the State Governments. An affidavit of progress achieved may be filed by the Oversight Body on or before 31-7-2018. Put up the matter for further consideration on 1-8-2018.

The follow up to these directions is important.

We, therefore, issue notice to the Union of India-Ministry of Home Affairs.

Standing counsel to be served in addition.

We appoint Shri Siddharth Dave, learned senior counsel,as Amicus Curiae to assist us on the larger questions.

Issue notice to the official respondents viz.,Respondent Nos. 3 to 5."

It is submitted that since Counsel for the petitioner has not filed spare copies required for issuance of show cause notice. The show cause notice could not be issued to the respondent nos. 3 to 5, Union of India-Ministry of Home Affairs and its Standing Counsel. Name of Mr. Siddharth Dave, Sr. Advocate Amicus Curiae has been updated in computer data and shown through supplementary list. As confirmed telephonically by his office a copy of SLP has been served on Mr. Siddharth Dave, Learned Senior Advocate Amicus-Curiae.

It is submitted that Ms. Jaspreet Gogia, Advocate has on 04.08.2020 filed Vakalatnama/Memo of Appearance on behalf of respondent nos. 3 to 5.

Service is complete on respondent nos. 3 to 5.

The matter above mentioned is listed before the Hon'ble Court with this office report.

DATED this the 4th Day of August, 2020.

ASSISTANT REGISTRAR

COPY TO:

Mr. Bankey Bihari, Advocate
Ms. Jaspreet Gogia, Advocate

ASSISTANT REGISTRAR