

ITEM Nos. 12 and 17 Court 2 (Video Conferencing) SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 3543/2020

(Arising out of impugned final judgment and order dated 22-11-2016 in CRWP No. 1245/2016 passed by the High Court Of Punjab & Haryana At Chandigarh)

PARAMVIR SINGH SAINI

Petitioner(s)

VERSUS

BALJIT SINGH & ORS.

Respondent(s)

IA No. 63144/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 63139/2020 - EXEMPTION FROM FILING O.T.

IA No. 63148/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

with

W.P. (Cr1.) 10 of 2021

(for admission and ex-parte ad-interim relief and exemption from filing affidavit)

Date : 27-01-2021 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE K.M. JOSEPH

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UPON hearing the counsel the Court made the following
O R D E R

Various States and Union Territories have, pursuant to our order dated 02.12.2020, given affidavits to this Court. Sh.Siddharth Dave, learned Amicus Curiae appointed by this Court, has given a detailed Report, being Report No. 3, in which he details the extent of compliance/non-compliance with the 18 points set out succinctly by him, gleaned from our order dated 02.12.2020. This Report, which is filed with the Registry on 25.01.2021, is taken on record and shall form part of the record of this case. A chart indicating the status of compliance, which has been taken from Sh. Siddharth Dave's Report, is annexed to this order. It is obvious that the first thing which stares us in the face is that, finances

have to be made over and budgetary allocations made in order that our orders be complied with in letter and spirit.

We, therefore, direct each of the States/Union Territories mentioned in this Chart to file an affidavit within a period of three weeks from today as to what concrete steps have been taken towards financial/budgetary allocation, including exact amounts so that our directions can be carried out. This is to be done by the concerned Secretaries of the State Governments/Union Territories.

We may also indicate that though we have not gone into details, it is clear that the time lines that have been given by some States for compliance are far too long. In the affidavit(s) to be filed on the next occasion, they may have a re-look at some of these time lines, and the States/Union Territories which have not provided any time lines for compliance may do so.

We find that so far as the States of Andhra Pradesh, Tamil Nadu, Nagaland, Mizoram, Odisha, Uttarakhand, Delhi, Dadra and Nagar Haveli and Lakshadweep are concerned, they have not, till date, filed any affidavits of compliance. The Principal Secretaries of each of these States/Union Territories to remain present at the next visual hearing before this Court for necessary action to be taken, considering that the attitude of least concern does not

commend itself to this Court, given the fact that the citizens Fundamental Rights under Article 21 are involved.

Mr. Tushar Mehta, learned Solicitor General, seeks time for another four weeks to file the requisite affidavit pursuant to our order dated 02.12.2020. He is given three weeks' time to do so.

List on 02.03.2021.

(JAYANT KUMAR ARORA)
COURT MASTER

(NISHA TRIPATHI)
BRANCH OFFICER

PS : As per the directions of the Hon'ble Court, Chart indicating status of compliance is scanned and annexed with this Record of Proceeding.

Directions as listed in the Amicus' Report

1. Compliance affidavit to be filed by Principal/Cabinet/Home Secretary indicating firm action plan with exact timelines
2. Total number of Police Stations
3. Total number of CCTVs
4. Positioning of CCTVs
5. Working Condition of CCTVs
6. Recording/Storage capacity
7. Oversight Committee
8. Allocation of adequate funds
9. DGP to issue directions to person in charge of police station
10. To ensure no part of station is left uncovered
11. CCTV must have night vision and audio recording
12. Internet and Electricity
13. Storage in digital video recorders and/or network recorders
14. Mandatory for all states to purchase CCTV with 18 month recording system
15. States must indicate that best available equipment was purchased
16. Human Rights Courts
17. SLOC and COB directions to display large posters
18. Complaint mechanism

Chart indicating status of compliance

Note: Compliance Affidavit has not been filed by the following States and Union Territories (as of 25.01.2021):

1. State of Andhra Pradesh
2. State of Tamil Nadu
3. State of Nagaland
4. State of Mizoram
5. State of Odisha
6. State of Uttarakhand
7. Delhi
8. Dadra & Nagar Haveli
9. Lakshadweep

S. No.	Name of State/UT (Page range as per report of Amicus dtd. 25.01.2021)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	Comments
1.	Haryana [Page 144 to 150]	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	×	☑	☑	☑	1 ½ years required for approvals, formulation of a procurement plan and instalment
2.	Telangana [Page 138 to 144]	Partly [Timeline has not been provided]	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	×	☑	☑	☑	×	☑	×	Budgetary proposals for CCTVs sought from Commissioner and DSPs
3.	Karnataka [Page 33 to 40]	×	☑	☑	☑	☑	☑	☑	☑	☑	Partly [4 CCTVs at important areas; DLOC will furnish list	☑	×	☑	☑	×	×	☑	×	DGP has given administrative approval for 18.50 crores for procuring and updating CCTVs (on 21.01.2021) – <u>cabinet approval</u>

S. No.	Name of State/UT (Page range as per report of Amicus dtd. 25.01.2021)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	Comments	
											of required locations]										has been sought for
4.	Uttar Pradesh [Page 150 to 156]	☑	☑	☑	☑	☑	☑	☑	☑	☑	*	*	*	*	☑	*	☑	*	*	*	250 to 300 crores will be required for the project which will have to be spread across <u>3 financial years</u> ; Project will require hiring of Consultants, for which sanction of 42.30 lakh has been provided on 20.01.2021 [will be hired in 3 weeks and preparation of DPR & RFP will take 3 months
5.	Himachal Pradesh [Page 156 to 162]	*	☑	☑	☑	☑	☑	☑	☑	☑	*	Partly [No audio or 18 month storage backup]	☑	*	*	*	☑	*	*	*	Demand for 757 additional CCTVs and updating 651 existing CCTVs has been made – <u>financial implication will be 4.14 crore</u> (Finance department will be expeditiously approached)
6.	Gujarat [Page 81 to 89]	☑	☑	☑	☑	☑	*	☑	*	☑	Partly [CCTVs installed]	☑	*	*	☑	*	*	☑	*	*	Installation in remaining 122 stations will be

S. No.	Name of State/UT (Page range as per report of Amicus dtd. 25.01.2021)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	Comments
											at various spots but not installed in inspector's room, SI's room, outside washrooms – will be completed in 2 years]									completed <u>within 2 years</u> along with upgrading of existing CCTVs
7.	Pondicherry [Page 1 to 8]	Partly [affidavit not filed by specified Secretary]	☑	☑	×	×	×	☑	×	☑	×	☑	☑	☑	☑	×	×	☑	☑	Installation will be completed in 6 months
8.	Madhya Pradesh [Page 103 to 109]	Partly [affidavit not filed by specified Secretary]	☑	☑	☑	☑	☑	☑	☑	☑	×	×	×	×	☑	☑	×	×	×	An average of 13 CCTVs have been proposed under a project report which <u>will require 140.03 crore and has been forwarded for approval of the Government</u> Process of installing CCTVs in all stations <u>likely to be concluded by FY 2022-23</u>
9.	Tripura	Partly	☑	☑	☑	×	☑	☑	☑	×	×	☑	×	×	×	☑	☑	×	×	DGP has informed that

S. No.	Name of State/UT (Page range as per report of Amicus dtd. 25.01.2021)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	Comments	
	[Page 110 to 115]	[No timeline provided]																			administrative approval for installation has been given and sufficient funds are available
10	Maharashtra [Page 73 to 81]	Partly [affidavit not filed by specified Secretary]	☑	☑	☑	×	☑	☑	☑	☑	Partly [areas outside washroom , rear side of police station, duty cabin, special branch, armoury are not covered – instructions given after SC Order]	Partly [No audio feature – additional cost will be incurred and will vitiate existing tender process]	Partly [surveillance network not connected to centralized location through internet for data security]	☑	☑	×	×	Partly [Signs in Marathi will be put up under the existing project – any further additions will vitiate tender process]	Partly [victim's right to procure has not been mentioned]		CCTV project ongoing and expected to be completed by <u>March, 2021</u>
11	Chhattisgarh [Page 134 to 138]	×	☑	☑	☑	☑	☑	☑	☑	☑	×	×	×	×	×	×	☑	×	×		Special Director General of Police on 14.12.2020 has forwarded proposal for sanction of <u>₹</u> crores for installing CCTVs
12	Meghalaya [Page 124 to 129]	☑	☑	☑	☑	×	☑	☑	☑	×	×	×	×	×	×	×	×	×	×		24.83 lakh and 77.96 lakh sanctioned for repair and installation

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																				respectively on 18.01.2021; Process is expected to be finished in 3 months
13	Bihar [Page 95 to 103]	*	☑	☑	☑	☑	☑	☑	*	*	Partly [sample survey has been carried out]	Partly [no in-built audio capturing – purchase of additional mics required]	*	*	Partly [12 month back-up]	☑	*	*	*	No indication
14	Andaman & Nicobar [Page 14 to 20]	Partly [timelines not provided]	☑	☑	☑	*	☑	☑	*	*	*	*	*	*	☑	*	☑	*	*	No indication
15	Chandigarh [Page 89 to 95]	Partly [timelines not provided]	☑	☑	☑	☑	☑	☑	Partly [request made to finance department]	*	*	*	*	*	*	*	☑	*	*	Request made to finance department
16	Jharkhand [Page 115 to 120]	☑	☑	*	*	*	*	☑	☑	*	☑	*	*	*	☑	*	*	*	*	Estimated budget for all stations is <u>about 52.22 crore and will be carried out in 3 phases ending in 2023-2024</u>
17	Kerala [Page 20 to 26]	*	☑	☑	☑	☑	☑	☑	*	*	*	*	*	*	*	*	*	*	*	No indication
18	West Bengal [Page 26 to 33]	Partly	☑	☑	☑	☑	*	☑	*	*	*	*	*	*	☑	*	*	*	*	Budgetary constraints due to elections – 5 year

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		[timelines not provided]																		<u>action plan</u> proposed
19	Goa [Page 59 to 67]	Partly [timelines not provided]	☑	☑	☑	☑	☑	☑	✗	✗	Partly [does not cover all areas mentioned in Order]	✗	✗	✗	✗	✗	✗	✗	✗	No indication
20	Punjab [Page 40 to 46]	✗	☑	☑	☑	✗	☑	☑	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	No indication
21	Arunachal Pradesh [Page 67 to 73]	Partly [affidavit not filed by specified secretary]	☑	✗	✗	✗	✗	☑	☑	✗	✗	☑	✗	✗	☑	✗	✗	✗	✗	Government has approved release of 1.22 crore for installation of 8 CCTVs in 91 stations – work will be completed within a period of 6 months
22	Assam [Page 120 to 124]	Partly [no timelines provided]	✗	☑	☑	✗	✗	☑	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	No indication
23	Manipur [Page 129 to 134]	Partly [no timelines provided]	☑	✗	✗	✗	✗	☑	☑	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	45 lakh was sanctioned by the Government. But under existing specifications, a total of 5.81 crore <u>will be required – will be examined by SLOC.</u>
24	Rajasthan [Page 55 to 59]	Partly	☑	✗	✗	✗	✗	✗	☑	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	50% of 8.40 crore was to be sanctioned for

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		[no timelines provided]																			2019-2020 – delay due to COVID, bids are being invited
25	Sikkim [Page 8 to 14]	<input checked="" type="checkbox"/>	x	Partly [No. of stations and total CCTVs not given]	x	x	x	<input checked="" type="checkbox"/>	x	x	x	x	x	x	x	x	x	x	x	x	On receipt of details from IT department, SLOC will approach the finance department. Principal Secretary, Home will move a separate file to finance department
26	UT of J&K [Page 50 to 55]	x	x	<input checked="" type="checkbox"/>	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	No indication
27	Union Territory of Ladakh [Page 46 to 50]	Partly [affidavit not filed by specified secretary]	x	x	x	x	x	Partly [Steering committee is formed]	x	x	x	x	x	x	x	x	x	x	x	x	No indication