

HON'BLE THE ACTING CHIEF JUSTICE C.PRAVEEN KUMAR

AND

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

WRIT PETITION (PIL) NO.135 of 2019

ORDER: (Per Hon'ble The Acting Chief Justice C. Praveen Kumar)

Visakha Civil Liberties Union, represented by its President Sri N.H.Akbar, an Advocate, filed the present writ petition, in the form of Public Interest Litigation, seeking the following relief:

- (a) Immediate installation of CCTV Cameras at
 - (1) Central Crime station (CCS), Visakhapatnam including II Town Police Station and Maharanipeta Police station
 - (2) I town Police Station
 - (3) III town Police Station including MVP Colony police station
 - (4) IV town Police Station including Dwaraka Zone Police Station
 - (5) IV Town Police Station including Dwaraka Zone Police Station
 - (6) V Town Police Station including Airport Zone Police Station
 - (7) Gopalapatnam Police Station, various police stations in and around Visakhapatnam and
 - (8) Sabbavaram Police Station

and those are to be linked up with Google or National Informatics Centre (NIC), Government of India to be

viewed by the general public for transparency and accountability of the Police Department to save the life and limb of the persons approaching the police stations and to protect the Fundamental Rights guaranteed under the Constitution of India;

- (b) Further to direct the Commissioner of Police, VSP city and the Superintendent of Police (Rural), Visakhapatnam District to submit their report about the installation of CCTV Cameras in Police Stations under their control and the details about linked up with any website to view by the general public.
2. The petitioner places reliance on the judgment of the Apex Court in ***Shri Dilip K. Basu vs State of West Bengal & Ors***¹. According to him, though the State is bound to implement the directions of the Apex Court, they are apathetic in doing so. In spite of the petitioner taking various steps for implementation, there was no proper action from any of the respondents and as such the present writ petition came to be filed.
3. It would be appropriate to extract the relevant portion of the judgment of the Apex Court referred to supra, which is as under:

To sum up:

1. The States of Delhi, Himachal Pradesh, Mizoram, Arunachal Pradesh, Meghalaya, Tripura and Nagaland shall within a period of six months from today set up State Human Rights Commissions for their respective territories with or without resort to provisions of Section 21(6) of the Protection of Human Rights Act, 1993.
2. All vacancies, for the post of Chairperson or the Member of SHRC wherever they exist at present shall be filled up by the State Governments concerned within a period of three months from today.

¹ CRL.M.P.No.16086 of 1997 in CRL.M.P.4201 of 1997 decided on 24th July, 2015

3. Vacancies occurring against the post of Chairperson or the Members of the SHRC in future shall be filled up as expeditiously as possible but not later than three months from the date such vacancy occurs.
 4. The State Governments shall take appropriate action in terms of Section 30 of the Protection of Human Rights Act, 1993, in regard to setting up/specifying Human Rights Courts.
 5. The State Government shall take steps to install CCTV cameras in all the prisons in their respective States, within a period of one year from today but not later than two years.
 6. The State Government shall also consider installation of CCTV cameras in police stations in a phased manner depending upon the incidents of human rights violation reported in such stations.
 7. The State Governments shall consider appointment of non-official visitors to prisons and police stations in terms of the relevant provisions of the Act wherever they exist in the Jail Manuals or the relevant Rules and Regulations.
 8. The State Governments shall launch in all cases where an enquiry establishes culpability of the persons in whose custody the victim has suffered death or injury, an appropriate prosecution for the commission of offences disclosed by such enquiry report and/or investigation in accordance with law.
 9. The State Governments shall consider deployment of at least two women constables in each police station wherever such deployment is considered necessary having regard to the number of women taken for custodial interrogation or interrogation for other purposes over the past two years.
4. In the present writ petition, the petitioner is mainly concerned with failure of the authorities in implementing clause (6).
5. The learned Government Pleader for Home would submit that the State Government is considering the issue of installation of CCTVs in a phased manner, taking into consideration the judgment of the Apex Court. He pleads that, if reasonable time is given, they would definitely comply with the orders of the Apex Court.

6. The Petitioner, appearing in person, would submit that he has given a list of police stations wherein incidents of human rights violation have occurred. At least, even after giving the list of police stations, where human rights violations have occurred, the authorities should have acted immediately in installation of CCTVs so as to prevent any further incidents.

7. It is no doubt true that no steps have been taken for implementation of the directions of the Honourable Apex Court regarding installation of CCTVs in all police stations. But, at the same time, it is also to be noted that CCTVs have already been installed in several police stations and steps are being taken to complete installation in all the police stations, where human rights violations have occurred, in a phased manner.

8. The Writ Petitioner would further contend that mere installation of CCTVs in police stations would not serve any purpose, unless they are linked with Google or National Informatics Center(NIC), Government of India so that every individual may have access to view the same.

9. The learned Government Pleader for Home would submit that it would be very difficult to link up CCTVs to Google or National Informatics Centre (NIC) as claimed by the Writ Petitioner, for many a reasons including security. In view of the above, we feel that the request of the State in this

regard is reasonable. However, mere installation of CCTVs without being monitored by higher echelons would be an empty formality. Thus, the State shall take steps to connect the CCTVs installed at Police Stations to their respective Police Headquarters, to be monitored, without disturbing the daily work of the officers concerned.

10. Having regard to the above, this Writ Petition is disposed of directing the Authorities to take steps for implementation of Clause (6) of the Judgment of the Apex Court referred to supra, in its true letter and spirit, as early as possible, preferably within a period of one year and connect them to Police Headquarters, at least of that District, to be monitored, without disturbing the daily work of the officers concerned. The authorities shall deal with the applications, if any, filed under Right to Information Act, seeking clippings of CCTV footage, in accordance with law.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

C. PRAVEEN KUMAR,ACJ

M. SATYANARAYANA MURTHY,J

Date: 16.09.2019
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