

ITEM NO.15

COURT NO.8

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 (CrI.) 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. 26113/2021 - CONDONATION OF DELAY IN FILING
IA No. 90624/2020 - CONDONATION OF DELAY IN FILING COUNTER**

AFFIDAVIT

**IA No. 8919/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 12227/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 91778/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 12159/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 32158/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 11296/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 26672/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 63144/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 25280/2021 - EXEMPTION FROM FILING O.T.
IA No. 20846/2021 - EXEMPTION FROM FILING O.T.
IA No. 117574/2020 - EXEMPTION FROM FILING O.T.
IA No. 11232/2021 - EXEMPTION FROM FILING O.T.
IA No. 11064/2021 - EXEMPTION FROM FILING O.T.
IA No. 63139/2020 - EXEMPTION FROM FILING O.T.
IA No. 10314/2021 - EXEMPTION FROM FILING O.T.
IA No. 26111/2021 - EXEMPTION FROM FILING O.T.
IA No. 118616/2020 - INTERVENTION APPLICATION
IA No. 28732/2021 - INTERVENTION APPLICATION
IA No. 63148/2020 - PERMISSION TO FILE ADDITIONAL**

DOCUMENTS/FACTS/ANNEXURES)

WITH

W.P.(CrI.) No. 79/2021 (X)

**(IA No. 17363/2021 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL
VAKALATNAMA/OTHER DOCUMENT**

IA No. 17356/2021 - GRANT OF INTERIM RELIEF)

W.P.(CrI.) No. 10/2021 (X)
(IA No. 1829/2021 - EX-PARTE AD-INTERIM RELIEF
IA No. 1833/2021 - EXEMPTION FROM FILING AFFIDAVIT)

CONMT.PET.(C) No. 731/2022 in SLP(CrI) No. 3543/2020 (II-B)
(FOR ADMISSION)

Date : 18-04-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE VIKRAM NATH

Amicus Curiae Mr. Siddhartha Dave, Sr. Adv.
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Mr. Bharat Bagla, Adv.

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

1. In pursuance of the order dated 21.02.2023, Shri Siddharth Dave, learned Amicus Curiae, has filed Report No.7. As per the Report, the learned Amicus Curiae also gave details in a tabulated form about the affidavits filed by the Union of India, various State Governments/Union Territories.
2. The Report would reveal that two Union Territories i.e. Union Territory of Andaman and Nicobar and Union Territory of Ladakh as well as the States of Mizoram and Goa have fully complied with the directions issued by this Court i.e. making budgetary allocations as well as actual installation of the CCTV cameras
3. However, insofar as Union of India and other 26 State Governments/Union Territories are concerned, the Report would show that either there is non-compliance with both the aspects or non-compliance with one of them.

4. In so far as States of Kerala, Rajasthan, Sikkim, Union Territory of Dadra and Nagar Haveli & Daman & Diu and Union Territory of Lakshadweep are concerned, they have not even filed the affidavits pointing out the present status.

5. Vide our order dated 21.02.2023 we had specifically directed all the State Governments as well as the Union Territories to file their respective affidavits prior to 29.03.2023, we had also warned that if such affidavits are not filed, we shall be constrained to take serious view of the matter.

6. Insofar as the State of Rajasthan is concerned, Dr. Manish Singhvi, learned Additional Advocate General, submits that out of 892 police stations CCTV cameras have actually been installed in 888 police stations. Insofar as the State of Sikkim is concerned, the learned counsel states that the CCTV cameras have been installed in all the 34 police stations. Insofar as state of Telangana is concerned, it is stated that there is change in counsel and as such the orders could not be complied with. It is stated by the learned counsel appearing for the Union Territory of Lakshadweep that they have also filed the affidavit.

7. This is not an adversarial litigation. When this Court had issued directions, in order to maintain transparency at the police station and the officers of the investigating agencies, the Union of India and the State Governments/Union Territories ought to have complied with the said directions.

8. In any case, we are not inclined to take a stricter action at this stage. However, we grant three months' time, by way of last chance, to the Union of India and all the State Governments/Union

Territories to comply with the directions issued by this Court.

9. All the State Governments/Union Territories and Union of India are directed to file their respective affidavits prior to 18.07.2023 stating therein that the compliance, in effect, has been made.

10. We further direct that the Chief Secretary/Administrator of such of the State Government/Union Territory, who fails to comply with the directions and not file the required affidavit prior to 18.07.2023 shall personally remain present in this Court on the next date of hearing, to show cause as to why an action for committing contempt should not be taken against them.

11. We clarify that a fresh compliance affidavit needs to be filed by the Union of India and all the State Governments/Union Territories, even if they have already filed it, after supplying a copy thereof to the learned Amicus Curiae.

12. It is disheartening to note that insofar as Union of India is concerned, out of seven investigating agencies no steps of sincere nature have been taken in case of four investigating agencies.

13. We direct the Union of India also to comply with the aforesaid directions in respect of its agencies prior to the aforesaid date and file an affidavit of compliance, prior to 18.07.2023.

14. In case the Union of India does not comply with the aforesaid directions and does not file an affidavit, as aforesaid, the Secretary (Home), Union of India, shall remain personally present before the Court on the next date of hearing, to show cause as to why an action for committing contempt should not be taken against them.

15. Leaned counsel appearing for the applicants, in I.A. No.79898 of 2023, seeks permission to withdraw the application with liberty to take such steps as are permissible in law.

16. I.A. No.79898 of 2023 is, therefore, permitted to be withdrawn, with the liberty sought for.

17. Stand over to 25.07.2023.

(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)