

ITEM NO.4 Court 3 (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.) No. 10/2021 (X)
 (FOR ADMISSION and IA No.1829/2021-EX-PARTE AD-INTERIM RELIEF and
 IA No.1833/2021-EXEMPTION FROM FILING AFFIDAVIT
 IA No. 1829/2021 - EX-PARTE AD-INTERIM RELIEF
 IA No. 1833/2021 - EXEMPTION FROM FILING AFFIDAVIT)

W.P.(Cr1.) No. 79/2021 (X)
 (FOR ADMISSION and IA No.17356/2021-GRANT OF INTERIM RELIEF and IA
 No.17363/2021-APPLICATION FOR EXEMPTION FROM FILING ORIGINAL
 VAKALATNAMA/OTHER DOCUMENT)

Date : 02-03-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
 HON'BLE MR. JUSTICE B.R. GAVAI
 HON'BLE MR. JUSTICE HRISHIKESH ROY

Amicus Curiae

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Ms. Vandana Hooda, Adv.

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Mr. Ajay Pal, Adv.

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Mr. Hussain Ali, Adv.

Mr. Shekhar Raj Sharma, Adv.
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Mr. B. K. Satija, AOR

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Mr. Satish Pandey, AOR
Mr. Salim Ansari, Adv.

Ms. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.

Ms. Mukti Chaudhry, AOR

Mr. V. N. Raghupathy, AOR

Mr. C. K. Sasi, AOR

Mr. Saurabh Mishra, AAG
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Ms. Rati Tandon, Adv.

Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.

Mr. Pukhrambam Ramesh Kumar, AOR
Ms. Anupama Ng, Adv.
Mr. Karun Sharma, Adv.

Mr. Mahfooz A. Nazki, AOR
Mr. Polanki Gowtham, Advocate
Mr. Shaik Mohamad Haneef, Advocate
Mr. T. Vijaya Bhaskar Reddy, Advocate
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Ms. Ruchira Goel, AOR
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Mr. Raj Bahadur Yadav, AOR
Mr. V. G. Pragasam, AOR
Mr. Mrigank Prabhakar, AOR
Ms. Liz Mathew, AOR

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

We have heard Sh. Tushar Mehta, learned Solicitor General, and have pointed out to him that there was no warrant for asking for an adjournment once again. Paragraph 19 of our order dated 02.12.2020 has not yet been followed. We direct the Union of India to file an affidavit within three weeks from today, stating exactly how much financial outlay is required, and the timeline within which they are going to carry out the directions contained in the second sentence, in particular, of Paragraph 19 of the aforesaid order.

We have taken on record Report No. 4 of the learned Amicus Curiae on the compliance affidavit/action taken report in compliance of the directions of this Court *vide* various orders that have been passed. This Report is dated 01.03.2021 and will form part of this order. There is also a revised chart that has been furnished by the learned Amicus Curiae, which will be annexed to and form part of this order.

I. State of Haryana

The first State in this revised chart is the State of Haryana. Except for stating what the figures of estimated cost are and giving a timeline of 1 ½ years, nothing has been done. We direct the State of Haryana to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of four months after the period prescribed for budgetary allocation, i.e. within five months from today. Our orders should have been followed in letter and spirit.

II. State of Telangana

So far as the State of Telangana is concerned, nothing has been done, except to state that the budgetary proposal has been sought from the Commissioner. We direct the State of Telangana to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of four months after the period prescribed for budgetary allocation, i.e. within five months from today. Our orders should have been followed in letter and spirit. We reiterate that these are the matters of utmost importance concerning the citizens of this country under Article 21 of the Constitution of India.

III. State of Karnataka

So far as the State of Karnataka is concerned, all that is stated is that there is an administrative approval for Rs. 18.5 crores and that Cabinet approval has been sought. No timeline has

been given thereafter. The State of Karnataka is refusing to implement our orders in letter as well as in spirit. Therefore, we direct the State of Karnataka to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of four months after the period prescribed for budgetary allocation, i.e. within five months from today. Our orders should have been followed in letter and spirit.

IV. State of Uttar Pradesh

So far as the State of Uttar Pradesh is concerned, we have read the affidavit filed on behalf of the State and heard Sh. Vinod Diwakar, learned Additional Advocate General. While it is true that the State of Uttar Pradesh stands apart in its size and the number of Police Stations, we still find that the affidavit does not address what exactly we wished for, and the timeline that is stated is too long. Given the above, we, therefore, direct the State of Uttar Pradesh to complete budgetary allocation for all Police Stations within the State within a period of three months from today. So far as the implementation and installation of cameras is concerned, we grant a further period of six months after the budgetary allocation takes place i.e. 9 months from today. Having considered that the State is a big one and that the number of Police Stations are many, we have deviated from the timeline that has been granted so far as other States are concerned.

V. State of Himachal Pradesh

So far as the State of Himachal Pradesh is concerned, we note that a sum has been released for installation of some additional CCTV cameras, and some estimated cost for updating existing CCTV cameras has been indicated, however, no timeline within which implementation has to take place, has been indicated. We direct the State of Himachal Pradesh to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of four months after the period prescribed for budgetary allocation, i.e. within five months from today. Our orders should have been followed in letter and spirit.

VI. State of Gujarat

So far as the State of Gujarat is concerned, estimated project costs have been indicated and there has been partial implementation of our orders. However, the timeline of 1 ½ years, as indicated, continues to be far too long. We, therefore, direct the State of Gujarat to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of four months after the period prescribed for budgetary allocation, i.e. within five months from today. Our orders should have been followed in letter and spirit.

VII. State of Madhya Pradesh

As far as the State of Madhya Pradesh is concerned, nothing seems to have really been done in implementation of our orders and the State appears to be dragging its feet, stating that it requires

till the end of Financial year 2022-2023 for implementation of our orders. Given the fact that Madhya Pradesh is also territorially a very large State, in which there are a large number of Police Stations, therefore, we direct the State of Madhya Pradesh to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of six months after the period prescribed for budgetary allocation i.e. seven months from today. Our orders should have been followed in letter and spirit.

VIII. State of Tripura

So far as the State of Tripura is concerned, it being a small State, there is no excuse for non-implementation within the timeline that has been set out. We direct the State of Tripura to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of four months after the period prescribed for budgetary allocation, i.e. within five months from today. Our orders should have been followed in letter and spirit.

IX. State of Maharashtra

So far as the State of Maharashtra is concerned, we have gone through the affidavit filed by the State. Sh. Rahul Chitnis, learned counsel, who appears for the State is sanguine and feels that by March, 2021, our orders are going to be implemented in letter and spirit. We do not share Sh. Chitnis's optimism. The concerned Secretary of the State is directed to file an affidavit

of compliance stating in exact particulars as to what has been done Police Station-wise in the State, and what remains to be implemented. This shall be done within a period of six weeks from today.

X. State of Chhattisgarh

So far as the State of Chhattisgarh is concerned, having gone through the Affidavit, we direct the State to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of four months after the period prescribed for budgetary allocation, i.e. within five months from today. Our orders should have been followed in letter and spirit.

XI. State of Meghalaya

So far as the State of Meghalaya is concerned, their affidavit appears to be in conformity with our orders and it is stated that they will take about three months to complete installation and comply with other directions in our order. An affidavit be filed by the State within three months from today indicating the extent of compliance.

XII. State of Bihar

So far as the State of Bihar is concerned, nothing has been indicated as to amounts to be allocated for the project despite which a timeline of 24 months to complete the project has been indicated. We are most displeased with this affidavit. It shows a complete lack of any regard for the citizens' Fundamental Rights under Article 21 of the Constitution of India and for our orders.

We make it clear that within an extended time frame having regard to the complexity and size of the State, compliance is mandated. Therefore, we direct the State of Bihar to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of eight months after the period prescribed for budgetary allocation, i.e. within nine months from today. Our orders should have been followed in letter and spirit.

XIII. Union Territory of Andaman & Nicobar Islands

So far as the Union Territory of Andaman & Nicobar Islands is concerned, it is unfortunate that they have not given any amount of estimated cost, and have given an extended time frame till January, 2022. Considering the size of the Union Territory of Andaman & Nicobar Islands, we direct the Union Territory to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of four months after the period prescribed for budgetary allocation, i.e. within five months from today. Our orders should have been followed in letter and spirit.

XIV. Union Territory of Chandigarh

So far as the Union Territory of Chandigarh is concerned, we direct them to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of four months after the period prescribed for budgetary allocation, i.e. within five months from today. Our orders should have been followed in

letter and spirit.

XV. State of Jharkhand

So far as the State of Jharkhand is concerned, the affidavit filed speaks of phases and estimated budgets for installation, whereas nothing seems to have really been done to carry out our order either in letter or in spirit. The three phases are to end in 2022-2023, which are completely unrealistic timelines given the subject matter of what we are dealing with. Therefore, we direct the State of Jharkhand to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of four months after the period prescribed for budgetary allocation, i.e. within five months from today. Our orders should have been followed in letter and spirit.

XVI. State of Kerala

So far as the State of Kerala is concerned, Mr. C. K. Sasi, learned counsel appears and submits that the budgetary allocation has already been made, and in the vast majority of the Police Stations, CCTV cameras are being set up in accordance with our orders. We are informed that there are elections to be held for the Legislative Assembly in the State. Given this fact, we direct the State to allocate funds for the purposes mentioned in our orders within a period of four weeks from 01.06.2021. Thereafter, the timeline for compliance will be fixed at a period of three months after the period prescribed for budgetary allocation in order to implement our orders in letter and spirit.

XVII. State of West Bengal

So far as the State of West Bengal is concerned, Sh. Rakesh Dwivedi, learned senior counsel, appears and states that the administrative personnel are caught up in the elections that have to take place in March-April, 2021. Given this special exigency, we grant time to the State of West Bengal till 30.06.2021 to complete budgetary allocation and a period of six months thereafter, in order to implement our orders in letter and spirit.

XVIII. State of Goa

So far as the State of Goa is concerned, we direct the State to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of four months after the period prescribed for budgetary allocation, i.e. within five months from today. Our orders should have been followed in letter and spirit.

XIX. State of Punjab

So far as the State of Punjab is concerned, Ms. Jaspreet Gogia, learned counsel appearing for the State has informed us that given the fact that in Punjab, all Police Stations have been fitted with CCTV cameras since 2018, but not in conformity with the directions of this Court, which requires much longer duration for recording, night vision, audio recording etc. the State will have to re-tender. Therefore, we direct that budgetary allocation must be completed within one month from today and our order be conformed with within four months after budgetary allocation i.e., five

months from today. Given the special situation in the State of Punjab, completion in letter and spirit must take place within five months.

XX. State of Arunachal Pradesh

So far as the State of Arunachal Pradesh is concerned, we take on record the affidavit filed by the State. We direct the State to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of four months after the period prescribed for budgetary allocation, i.e. within five months from today. Our orders should have been followed in letter and spirit.

XXI. State of Assam

So far as the State of Assam is concerned, the learned counsel has stated that the State is going into elections and they will only be able to actually allocate the funds after 30.06.2021. This being the case, we direct the State to allocate funds for the purposes mentioned in our orders within a period of four weeks from 01.07.2021. Thereafter, the timeline for compliance will be fixed at a period of six months after the period prescribed for budgetary allocation.

XXII. State of Manipur

So far as the State of Manipur is concerned, we direct the State to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of four months after the

period prescribed for budgetary allocation, i.e. within five months from today. Our orders should have been followed in letter and spirit.

XXIII. State of Rajasthan

So far as the State of Rajasthan is concerned, we direct the State to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of six months after the period prescribed for budgetary allocation. This is on account of the size of the State. Our orders should have been followed in letter and spirit.

XXIV. State of Sikkim

So far as the State of Sikkim is concerned, we direct the State to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of four months after the period prescribed for budgetary allocation, i.e. within five months from today. Our orders should have been followed in letter and spirit.

XXV. Union Territory of Jammu and Kashmir

So far as the Union Territory of Jammu and Kashmir is concerned, we may indicate that, unfortunately, nothing has been indicated to show compliance either in letter or in spirit. We direct the Union Territory of Jammu and Kashmir to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be

fixed at a period of four months after the period prescribed for budgetary allocation, i.e. within five months from today. Our orders should have been followed in letter and spirit.

XXVI. Union Territory of Ladakh

So far as the Union Territory of Ladakh is concerned, we direct them to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of four months after the period prescribed for budgetary allocation, i.e. within five months from today. Our orders should have been followed in letter and spirit.

XXVII. State of Andhra Pradesh

So far as the State of Andhra Pradesh is concerned, we have heard Mr. Mahfooz Nazki, learned counsel. Mr. Kumar Vishwajit, Principal Secretary to the Govt., Home Department, is also present through Video Conferencing. Time is granted to complete what has already been done to a fraction of the Police Stations in the State. We direct the State to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of six months after the period prescribed for budgetary allocation. Our orders should have been followed in letter and spirit.

XXVIII. State of Tamil Nadu

So far as the State of Tamil Nadu is concerned, we have heard Mr. M. Yogesh Kanna, learned counsel. Mr. S.K. Prabhakar, Additional Chief Secretary, is also present through Video

Conferencing. Things seem to have moved since our last order and time is required till December, 2021 to complete installations and follow other directions in accordance with our order. Given the fact that elections are to be held in the State, we accept the Secretary's affidavit and direct completion by 31st December, 2021.

XXIX. State of Nagaland

So far as the State of Nagaland is concerned, we have heard Ms. Enatoli Sema, learned counsel. Mr. Abhijit Sinha, Principal Secretary to the State, is also present through Video Conferencing. We direct the State to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of four months after the period prescribed for budgetary allocation, i.e. within five months from today. Our orders should have been followed in letter and spirit.

XXX. State of Uttarakhand

So far as the State of Uttarakhand is concerned, we have heard Mr. J. S. Rawat, learned counsel. Mr. Nitesh Kumar Jha, Secretary, Home Department, is also present through Video Conferencing. Mr. Rawat informs us that the latest affidavit states that out of 160 Police Stations, 158 have been provided with CCTV cameras already and that efforts are on, on a war footing, to comply with our orders. Considering that the latest affidavit discloses that substantial compliance does seem to have taken place, time is given of another four weeks to state in an additional affidavit as to exactly what has been done, and as to comply with all directions of

our earlier orders.

XXXI. State (NCT of Delhi)

So far as State (NCT) of Delhi is concerned, Mr. Sanjay Jain, learned Additional Solicitor General, has appeared. Mr. Bhupinder S. Bhalla, Principal Secretary, Home, is also present through Video Conferencing. Mr. Sanjay Jain states that some parts of our orders have been complied with, and requires time till December, 2021 to completely follow all the directions of our order. Considering that Delhi is otherwise small, compliance be reported to this Court within a period of four months from today.

XXXII. Union Territory of Lakshadweep

So far as the Lakshadweep is concerned, we direct them to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of four months after the period prescribed for budgetary allocation, i.e. within five months from today. Our orders should have been followed in letter and spirit.

XXXIII. State of Odisha

So far as the State of Odisha is concerned, we have heard Mr. Tushar Mehta, learned Solicitor General. Mr. Sanjeev Chopra, Additional Chief Secretary, Home Department, is also present through Video Conferencing. We direct the State to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of four months after the period prescribed for

budgetary allocation, i.e. within five months from today. Our orders should have been followed in letter and spirit.

XXXIV. Union Territories of Dadra & Nagar Haveli and Daman and Diu

So far as the Union Territories of Dadra & Nagar Haveli and Daman and Diu are concerned, unfortunately our order has not been complied with in letter and spirit. We direct them to allocate funds for the purposes mentioned in our orders within a period of four weeks from today. Thereafter, the timeline for compliance will be fixed at a period of four months after the period prescribed for budgetary allocation, i.e. within five months from today. Our orders should have been followed in letter and spirit.

XXXV. Union Territory of Puducherry

So far as the Union Territory of Puducherry is concerned, elections are to be held in the Union Territory, we direct the Union Territory to allocate funds for the purposes mentioned in our orders within a period of four weeks from 01.06.2021. Thereafter, the timeline for compliance will be fixed at a period of four months after the period prescribed for budgetary allocation in order to implement our orders in letter and spirit.

XXXVI. State of Mizoram

So far as the State of Mizoram is concerned, we have heard Mr. Siddesh Kotwal, learned counsel. Mr. Sangchhin Chinzah, Secretary, Home Department is also present through Video Conferencing. We direct them to allocate funds for the purposes mentioned in our orders within a period of four weeks from today.

Thereafter, the timeline for compliance will be fixed at a period of four months after the period prescribed for budgetary allocation, i.e. within five months from today. Our orders should have been followed in letter and spirit.

We record our appreciation to Mr. Siddhartha Dave, learned Amicus Curiae, for his untiring efforts bestowed on this case.

List the matter on 06.04.2021 for compliance of the Union of India qua Paragraph 19 of our order dated 02.12.2020.

(JAYANT KUMAR ARORA)
COURT MASTER

(NISHA TRIPATHI)
BRANCH OFFICER