

219 CWP-22634-2022

RAM SINGH V/S STATE OF HARYANA AND OTHERS

Present :- Mr. Munish Khangwal, Advocate for  
Mr. Parvinder Singh, Advocate for the petitioner.

Mr. Vivek Saini, Addl. A.G. Haryana and  
Mr. Pankaj Mulwani, DAG, Haryana.

Mr. S.S. Narula, Advocate,  
for the respondent No.4-S.P. Panipat  
with Sh. Varinder Singh, the then Incharge,  
CIA-II, Panipat in person.

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The present petition has been filed for seeking directions for constituting a Special Investigation Team consisting of Senior Police Officers of the State or in the alternative for directing respondent No.2 to inquire into the incident dated 02.08.2022, whereby 15 year old minor Grandson of the petitioner was illegally detained and tortured at Police Station CIA-2, Anaj Mandi, Panipat, for extracting information regarding his father, who has allegedly been falsely implicated in FIR No.381, dated 07.07.2022, registered under Sections 148, 149, 323, 506, 454, 380 and 307 of IPC, and Section 25 of the Arms Act, 1959, at Police Station Israna, Distt. Panipat. The compensation was also prayed for illegal detention, torture, beating and threat extended to the minor boy at the premises of Police Station CIA-2, Anaj Mandi, Panipat.

It is informed that the amount of Rs. 50,000/-, as directed by this Court on the last date of hearing, has already been paid through a Demand Draft bearing No.008509 dated 22.05.2024 to the petitioner, in his name.

Learned counsel for the petitioner had placed reliance on the complaints filed by the petitioner with the respondent authorities and also on the Medico-Legal Examination Report (MLR) of the minor i.e. Suraj-grandson of the petitioner, which reflects injuries and even in the medico-legal examination, the history of physical assault at the premises of Police Station CIA-2, Anaj Mandi, Panipat has been referred. The photographs of injuries which are otherwise simple in nature have also been appended as Annexure P-15.

During the course of the hearing, allegations and specific averments/statements was made by the counsel for the petitioner apprehending tampering/destruction of the evidence i.e. the CCTV footage, whereupon the following order was passed on 24.04.2024:-

***“Prayer in the present petition is for constituting a Special Investigation Team consisting of Senior Police Officers of the State or in the alternative for directing respondent No.2 to inquire into the incident dated 02.08.2022, whereby 15 year old minor Grandson of the petitioner was illegally detained and tortured at Police Station CIA-2, Anaj Mandi, Panipat, for extracting information regarding his father, who has allegedly been falsely implicated in FIR No.381, dated 07.07.2022, registered under Sections 148, 149, 323, 506, 454, 380 and 307 of IPC, and Section 25 of the Arms Act, 1959, at Police Station Israna, Distt. Panipat.***

***Learned counsel appearing for the petitioner contends that Suraj, the minor grandson of the petitioner, was taken in***

*unauthorized detention by the Incharge of Police Station CIA-2, Panipat-respondent No.6 and he was badly beaten on 02.08.2022. The photographs of the incident have been appended as Annexure P-15. He submits that a complaint in this regard was given on 05.08.2022 i.e. immediately on third day of the incident (appended as Annexure P-17). He contends that as per the documents appended by the respondents themselves as Annexure R-6, the matter was inquired into and it was concluded that there was no assault on the minor Suraj, but they acknowledge having called him at police station.*

*It is submitted by learned counsel that not only did the respondents acknowledge the receipt of the complaint but also that the issue was inquired into by the Senior officer, however, no effort was made by the officers to preserve the CCTV footage. So much so that there is no mention of the CCTV footage being examined, in the proceedings undertaken by senior officers. He further makes a reference to the inquiry conducted by the Deputy Superintendent of Police (Annexure R-8) after issuance of notice, as per which two CCTV cameras were installed in the premises. However, they offered an explanation that the storage capacity of the CCTV camera installed in the premises was only 50 days and that the same is no more available.*

*It is submitted by learned counsel for the petitioner that notice in the present writ petition was issued on 29.09.2022 and a direction was issued to the respondents to preserve the CCTV footage but they have chosen to allow destruction of the evidence notwithstanding the directions given by the Hon'ble Supreme Court in the matter of Paramvir Singh Saini Vs. Baljit Singh, 2021 (1) SCC (Cri) 470, as per which the CCTV footage is required to be stored and saved for a minimum period of 6 months and that compliance of the said direction was required to be done within 6 weeks from the passing of the said direction on 02.12.2020. He further submits that in a contempt petition initiated against the respondent-State, an affidavit has been filed by the respondents in CRWP-5521-2021, wherein the State has claimed to be in compliance of the above order passed by the Hon'ble Supreme Court. It is thus, submitted that prima facie the respondents have allowed destruction of the evidence which could have finally determined the allegations levelled by the petitioner on the respondents.*

*I find that the reply of the respondents is prima facie misleading and an attempt is being seemingly made by the respondent-State to save its officers instead of filing correct and true particulars. It would be unacceptable that an officer at the rank of Superintendent of Police, Panipat, would file an affidavit, which shows that the respondent-State is in violation*

*of an order passed by the Hon'ble Supreme Court as well as before this Court. I, thus, deem it appropriate at the first instance to initiate contempt proceedings against the respondent-Superintendent of Police, Panipat, Station House Officer, Panipat and Incharge, CIA-2, Anaj Mandi, Panipat.*

*Let the officers be served through the Director General of Police, Haryana. They shall also remain present in Court on the next date of hearing.*

*The District Judge, Panipat, is also directed to conduct a fact finding inquiry into the claim raised regarding the CCTV footage being destroyed. He shall examine the original tender condition, the modification therein, service charges, data storage period agreed into between the parties and such documents that will determine the storage capacity. Let a report be also filed on or before the next date fixed after associating the parties.*

*Adjourned to 10.05.2024.*

*Let a copy of this order be also handed over to the parties as well as be sent to District & Sessions Judge, Panipat, for compliance.”*

Pursuant to the order dated 24.04.2024, the District & Sessions Judge, Panipat, conducted a surprise inspection of the Police Station CIA-II, Anaj Mandi, Panipat. The relevant extract of the report reads thus:

“XXXX

Kindly refer to Hon'ble High Court letter No.3778 (W-

1/Writs) dated 30.04.2024, on the subject cited above.

In compliance of Hon'ble High Court order dated 24.04.2024 passed in CWP No.22634 of 2022, titled as "Ram Singh Vs. State of Haryana and others", I have the honour to submit that on 04.05.2024 at about 9:50 AM., the undersigned alongwith Sh. Prateek Jain, CJM, Panipat, Sh. Gagandeep Singh, Superintendent, Sh. Mohit Kashyap, CIS Computer Clerk and Sh. Deepak Kumar, System Assistant, had made a surprise visit at CIA-2, Anaj Mandi, Panipat. ***When the official car bearing registration No.HR60 GV 1111 of the undersigned, entered the premises of CIA-II, Panipat, the main iron door of premises was found open, but when the official of CIA - II Panipat saw the official car of the undersigned, he hurriedly closed the said main iron door. Thereafter, Sh. Sunil Kumar, PSO of the undersigned knocked the door several times and CIA staff opened the door after waiting of 7/8 minutes. MHC Praveen Kumar No.865, ASI Jaibir No.336, SPO Jai Prakash, ASI Arun No.1054 and HC Vikas No.32, were found present there. On inquiry, MHC Praveen Kumar No.865 stated that he is posted as MHC since December 2022 and prior to him, MHC Ankush was posted as MHC in CIA-II, Panipat, who had already expired. MHC Praveen Kumar also stated that SI Sourabh is Incharge of CIA- II, Panipat, since 15.03.2024. ASI Jaibir 336 stated that he is posted in CIA-II, Panipat, since 2019. He further stated***

*that the Incharge sahib had gone to Court. But after some time, he again stated that Incharge Sahib had gone to Kaithal for some official work, with the prior permission of Superintendent of Police, Panipat. Thereafter, the undersigned asked MHC to put up the Rojnamcha Register to check the entry of Rawangi of Incharge, but no entry in this regard was found in the Rojnamcha Register. Sh.Deepak Kumar, System Assistant has taken the photographs of the Rojnamcha Register (copy enclosed as Annexure- A). It is further submitted that Sh.Mohit Kumar, CIS Computer Clerk and Sh. Deepak Kumar, System Assistant checked the CCTV System installed in the room of MHC of CIA-II, Panipat. On inquiry, MHC Praveen Kumar stated that CCTV Cameras were installed in CIA-II, Panipat, since 28.11.2017. In this regard, he furnished the photocopy of bill bearing Invoice No.1245 dated 28.11.2017 amounting to Rs.9971/- (Copy enclosed as Annexure B). He further stated that all the papers regarding CCTV Cameras installed in CIA-II, Panipat are being dealt with by TASI (Technical Assistant Sub Inspector) Sh.Lillu Ram. Sh.Mohit Kashyap, CIS Computer Clerk and Sh. Deepak Kumar, System Assistant inspected the DVR of said CCTVs which was found dusty but the hard disk of the DVR was found neat and clean, which shows that the old hard disk was replaced with new one, recently.*

It is further submitted that MHC Praveen Kumar was directed to appear before the undersigned at Judicial Court Complex, Panipat and THC Lilu Ram, Police Line, Panipat was called telephonically to appear before the undersigned at Judicial Court Complex, Panipat. In compliance thereof, both the Police officials appeared before undersigned. Statements of MHC Praveen Kumar and THC Lilu Ram (copy annexed as Annexure-C and Annexure-D) were recorded. MHC Praveen Kumar stated that he is posted as M.H.C., at CIA-II, Panipat since 01.12.2022. Prior to him, HC Ankush was posted as MHC. When he was posted in CIA-II, at that time, HC Ankush had gone to attend training at Madhuban. Now, HC Ankush had expired due to heart failure. At present, P.S.I. Saurav Singh is posted as Incharge of CIA-II, Panipat. Today i.e. on 04.05.2024, P.S.I Saurav Singh has gone to Kaithal after taking permission from the Superintendent of Police. The entry in this regard, has not been made in the daily diary register and the same was to be done by him. There are two CCTV cameras installed at CIA-II, Panipat. The monitor and other instruments of the CCTV cameras are installed in his room. He have the responsibility to look after the CCTV cameras and other instruments. There is no U.P.S. installed at the entire system of CCTV cameras. Electricity goes out of order sometimes. Data of CCTV footage of about 50 to 55 days is remained stored in hard disc of CCTV cameras. If CCTV camera goes out of order,



then he gets repaired the same. Except this, the documents regarding purchase of CCTV cameras and other instruments are lying with TASI. The office of TASI situated at Police Line. CCTV cameras and other instruments were installed on 28.11.2017 in CIA-II, Panipat. He produced the copy of bill. ***On 04.02.2024, CCTV cameras and other instruments suddenly went out of order and thereafter, he called mechanic namely Sunny from Krishanpura and he took the DVR with him to check the same. He told him that there was problem in hard-disc and he replaced the hard-disc. Sunny did not return the old hard-disc. He has made payment of Rs.4400/- of this hard-disc to Sunny. Sunny had not given any bill of new hard-disc. The payment of Rs.4400/- was made by collecting from all the staff members posted in CIA-II, Panipat. They had not prepared any official report or contingency bill for new hard-disc. He had also informed the Incharge regarding the condition of the hard-disc. In CIA-II, Panipat, if any article or item goes out of order, then all the officials posted in CIA-II, Panipat, collect the expenses for the same. No information regarding replacement of hard-disc was given either to TASI or to I.T. Cell under the supervision of the Superintendent of Police, Panipat. They did not take any action for taking back the old hard-disc from Sunny mechanic. When CIA Incharge namely SI Saurav Singh goes on leave or at any official tour, ASI Jaibeer No.336, CIA-II,***

*Panipat works as Incharge in his absence. On 15.03.2024, SI Saurav Singh had joined his duties as Incharge, CIA-II, Panipat. In the month of August 2022, Inspector Virender Singh was posted as Incharge, CIA-II, Panipat and he was transferred from CIA-II, Panipat in the month of September 2023 and he does not know as to where Inspector Virender is posted now a days. He has given the information about the facts whatever he knew during his posting at CIA-II, Panipat.*

*THC Lilu Ram stated that he is posted as T.H.C. since July 2023. His work is to get purchased any article/item, maintenance/repairing etc. in Police department. He used to get conducted the maintenance and repair work of the CCTV cameras installed either in the office of the Superintendent of Police, Panipat, any Police Station or CIA etc. of Police department. In the year 2017, CCTV cameras were installed in the premises of CIA-II, Panipat. The Police department gave annual maintenance contract for maintenance and repair of CCTV cameras, every year. The AMC work was given to Gulati Security Services, Village Salwan, District Karnal. No work has been done through AMC by the department, during the year 2023-2024. He has not received any application or telephonic message from Incharge or MHC of CIA-II, Panipat, with regard to repairing/non working of CCTV cameras. Neither, he has any information regarding change of hard-disc of CCTV cameras installed at*

***CIA- II, Panipat, nor he is aware about the same. As per his record, on 09.04.2022, the AMC of the above-said CCTV cameras was got done. Except this, he is not aware about the fact that any repair or maintenance of the above-said CCTV cameras was got done or not. Even there is nothing in this regard in his record. As per record, no written application or telephonic message was ever been received from CIA-II, Panipat for maintenance or repair of the CCTV cameras either on 02.08.2022 or thereafter. It is not mentioned in his record that any UPS was installed or not at the time of installation of CCTV cameras in CIA-II, Panipat in the year 2017. But, there is no UPS. He has given the statement according to whatsoever information he had.***

It is further submitted that Sh. Mohit Kashyap, CIS Computer Clerk and Sh. Deepak Kumar, System Assistant, were directed to submit their report with regard to inspection of CCTV Cameras System installed in CIA-II, Panipat. In compliance thereof, they have submitted their report (copy annexed as Annexure-E), wherein they submitted that on the directions of undersigned, on 04.05.2024 at about 09:50 AM, they visited the CIA-II, Panipat to investigate the CCTV system installed in CIA-II, Panipat. They visited the CCTV system room in CIA-II Panipat. At that time, MHC Praveen Kumar was found present on duty, they asked to MHC Praveen Kumar about the CCTV system, upon which, he informed that the

CCTV system was installed in CIA- II, Panipat since 2017. *He further informed that the data of said CCTV Cameras can be stored upto 50 to 55 days. He further informed that 04.02.2024 a short- circuit was happened in CCTV Camera system, due to which, the same had stopped working, therefore the same got repaired immediately from a local engineer namely Sunny whose Mobile no. is 7015144086. They inspected the DVR of said CCTVs which was found dusty but the hard disk of the DVR was found neat and clean, which shows that the old hard disk was replaced with new one, recently. On the directions of undersigned they had taken the said DVR in their custody and brought it in the Panipat Court, for its investigation. On investigation, it was found that the said hard disk was replaced and CCTV footage for the period from 18.03.2024 to 04.05.2024 was found stored in new - hard disk. It is further found that the storage capacity of new hard disk is 500 GB. Thereafter, the said DVR was returned to MHC Praveen, CIA-II, Panipat, under proper receipt. They have made a call to Sh. Sunny, on his mobile No.7015144086 and inquired about the replacement of old hard disk of DVR installed at CIA-II, Panipat, who said that he had replaced the old hard disk of said DVR with new one, but he did not know about the old hard disk.*

In view of the above discussed facts and statements as recorded and discussed hereinabove, I am of the considered

opinion that the officials of CIA-II have intentionally attempted to conceal some material facts, while getting disposed of the old hard disk of the CCTV camera installed in the premises of CIA-II since while getting changed the said hard disk, no prescribed official procedure has been followed by them in the manner without intimating the office of Superintendent of Police, Panipat and without seeking any formal permission from competent authority in this regard and they have got changed the same at their own by incurring the requisite expenses from their own pocket. Even the whereabouts of old hard disc are not known and the data required for 02.08.2022 is not available now. In absence of the old hard disc, the storage capacity of the said hard disc also could not be known. Further, despite asking, the officials of the CIA-II could not produce any agreement showing original tender conditions, modifications therein, service charges, data storage period or storage capacity, except producing tax invoice showing the capacity of the hard drive to be of 320 GB.

This is for kind information and necessary action, please.”

***(emphasis supplied)***

A perusal of the same shows that the hard-disk had been changed and an attempt at concealment of the same from the Inquiry Officer deputed by this Court was made. An attempt was also made to stall the

inquiry. The Sentry at the out-post of the Police Station CIA-II shut the main gate and did not allow the District & Sessions Judge, Panipat to enter the premises. The above report was noticed by this Court in its order dated 10.05.2024 and noticing that the police officials had *prima facie* committed contempt by stalling an inquiry by the District & Sessions Judge, Panipat despite issuance of directions by this Court amounting to an interference in the administration of justice and that a *prima facie* case of contempt was made out, learned State counsel sought time to make necessary compliance and to assist this Court.

It was thereafter that the hard-disk was delivered to the District & Sessions Judge, Panipat, after having secured the same. The above said conduct establishes that the action of the respondents in withholding the hard-disk was deliberate and has been used for erasing the material which could have been essential for the determination of the allegations levelled by the petitioner against the authorities.

On the resumed hearing, learned counsel for the respondent State was confronted with the expression used in the affidavit dated 13.05.2024 filed by the Superintendent of Police, Panipat, wherein it was informed that the installation of CCTV cameras in the premises of the Crime Investigating Agency-II, Panipat, was in furtherance to the judgment passed by this Court in CRWP-488-2017 titled as 'Nafe Vs. State of Haryana and others' and that its storage capacity was of 50 days only and that too at the entry and exit points of all Police Stations/CIAs with CCTV surveillance and there was no specific direction with respect to any storage capacity and duration. A reference was thereafter made to the judgment of Paramvir

**Singh Saini Vs. Baljit Singh and others** reported as **2021 (1) SCC (Cri.) 470** and it was submitted that the necessary progress report is being continuously furnished before the Hon'ble Supreme Court in SLP (Cri.) 3543 of 2020 and before this Court in CRWP-5521-2021. It was also stated that priority was given to the installation of the CCTVs at all the Police Stations and Police Posts. Both the cases are still pending and the work of installation of CCTVs is under continuous monitoring of the Hon'ble Supreme Court as well as this Court in CRWP-5521-2021 and that an affidavit had been filed on 05.10.2023 by Sh. Kamal Deep, IPS, Assistant Inspector General of Police(H), Panchkula, in CRWP-5521-2021 as per which CCTV cameras at 216 Police Stations and 303 Police Posts have been installed. However, all the CCTV cameras were not in working condition and recording was not available as the system was in testing stage. The duration of CCTV camera recording on installation would be 18 months and as per the agreement, the operation and maintenance of CCTV cameras for a period of 5 years was executed with M/s Broadcast Engineering Consultant India Ltd. The copy of the affidavit dated 05.10.2023 and the status report by way of the affidavit dated 05.01.2024 filed in CRWP-5521-2021 are appended with the affidavit dated 13.05.2024.

Learned counsel for the respondents were confronted with the specific averments contained in the above said affidavit in reference to the installation of CCTV cameras in compliance with the directions passed in **CRWP-488-2017** titled as **Nafe Vs. State of Haryana and others**, wherein it was specifically meant that the directions were for the Police Stations/CIAs, however, while dealing with compliance to the directions

passed in the matter of **Paramvir Singh Saini** (supra), the respondents averred that the expression used is only the Police Stations and Police Posts and not the CIAs or other places of investigation, which may not be notified as 'Police Stations' for any defined geographic area within the mandate of the Criminal Procedure Code. They were confronted with the affidavit dated 05.01.2024, wherein they specifically stated that the CCTV cameras have already been installed in all the Police Stations and Police Posts and that the Haryana Police Housing Corporation has allotted the work contract to M/s Broadcast Engineering Consultant India Ltd., Noida, for the implementation of the CCTV Project in all the Police Stations and Police Posts.

On being confronted with the above said statement, learned State counsel sought time to inform this Court as to whether the CCTV Cameras were also being installed under the above said project in other places where investigations were being conducted by the State Police. The following order was thus passed on 21.05.2024:-

***“The issue at hand now has two-fold dimensions required to be examined currently. While one aspect relates to the allegations pertaining to torture of a juvenile at CIA Police Station, the second aspect relates to lack of the installation of CCTV cameras and non-compliance of the directions given in the judgment by the Hon'ble Supreme Court in the matter of “Paramvir Singh Saini versus Baljit Singh and others” reported as 2021 (1) SCC 184.***

***In the case at hand, an affidavit had been filed by the Superintendent of Police, Panipat referring and claiming that***



*the CCTV cameras have already been installed in all Police Stations and the Police Posts, in compliance to the directions given by the Hon'ble Supreme Court in Paramvir Singh Saini's case (supra) mandating the minimum preservation of the CCTV footage for a period of six months and that the said aspect was being undertaken centrally by the Police Headquarters.*

*Further, a reference is also made to the compliance affidavit filed by the Office of the Director General of Police before this Court in CRWP-5521-2021.*

*Counsel for the respondent-Superintendent of Police, Panipat has been confronted with the directions issued by the Hon'ble Supreme Court in Para 19 of the judgment in the matter of Paramvir Singh Saini (supra) which mandated that the CCTV cameras are also required to be installed at the premises under use and occupation by any other agencies which carry out interrogation and that the affidavit filed by the Superintendent of Police is misleading on the said aspect and is rather worded in a manner so as to give semblance of compliance of the judgment of the Hon'ble Supreme Court notwithstanding that the said officials were conscious that the CCTV installation, in purported compliance to the judgment of the Hon'ble Supreme Court, had not been undertaken in the premises of the CIA and they were non-compliant of the mandate.*

*When confronted with the same, Counsel for the Superintendent of Police submits that the respondents-Police Department was under the impression that the CCTV cameras are to be installed only at Police Stations and Police Posts. Ex facie, I find that such an explanation is wholly fallacious as the judgment of the Hon'ble Supreme Court was self explanatory leaving no iota of doubt. In any case, it is not up to the respondents to misread a judgment of the Hon'ble Supreme Court and to select or elect the places where they intended to install the CCTV Cameras. Their lapse is compounded by filing an affidavit of compliance notwithstanding that despite being aware of the fine distinction, yet they chose to make a claim of compliance of the judgment and directions issued in the matter of Paramvir Singh Saini (supra). The Government; office of DGP or office of Superintendent of Police cannot plead lack of awareness more-so when huge legal assistance is at their disposal.*

*Counsel for the Superintendent of Police, Panipat contends that before proceeding further in the matter against the officials, one opportunity be granted to them so as to set things right and to put them in clear perspective.*

*As a fair opportunity, the matter is being adjourned to 24.05.2024 to enable the respondent-State, to file an affidavit of Home Secretary, Haryana, specifying the time lines within which the order of the Hon'ble Supreme Court shall be*

*complied with and specifications of CCTV cameras to be installed at all places of investigation and premises notified or used by the Haryana Police for such purpose.*

*Insofar as the second issue pertaining to the allegations of beatings caused to the juvenile by calling him to the Police Station are concerned, it is evident from perusal of the record that the incident in question took place on 02.08.2022 and a complaint with respect to the same was furnished on 05.08.2022. The same was thereafter received by the CIA Incharge on 11.08.2022 and a report was furnished on 28.08.2022. Another complaint was also submitted which was also responded to by the Incharge of the CIA on 07.09.2022. While the first complaint was filed within a period of 03 days of the incident and was registered with the respondents within 09 days, the second complaint was also enquired into and a report was furnished within a period of less than 40 days. Even though, as per the affidavit filed by the respondents, the CCTV footage was secured for a period of 50-55 days, yet, the authorities chose not to preserve the said CCTV footage especially when the grouse was being espoused again and again by the petitioner herein. The report on both these occasions does not even make a reference to the CCTV footage. They ensured that the CCTV footage gets deleted or is erased from the service record as may be inferred from a perusal of the report received from the District and Sessions*

***Judge, Panipat establishing that the hard disk of the DVR had been changed. (Even though the claim is that the change was later).***

***While keeping the matter for further consideration on 24.05.2024, it is deemed expedient and in the interest of justice that respondent No.6 pays an interim compensation to the petitioner to the tune of Rs.50,000/- on or before the next date of hearing. The aforesaid compensation is without prejudice to the rights of the petitioner to pursue his alternative remedies that may be available to him in law.***

***Sh. Varinder Singh, the then Incharge, CIA-II, Panipat who is present in the Court submits that the interim compensation so directed shall be paid before the next date of hearing.***

***Let the affidavit be filed on or before the next date.”***

On resumed hearing, an affidavit dated 24.05.2024 of the Additional Chief Secretary to Government of Haryana, Department of Home, has been filed wherein it has been stated that the CCTV cameras are being installed only at the Police Stations/GRP Police Stations and Police Post and that the same is likely to ‘Go-Live’ and become operational by June. It was further averred that the Hon’ble Supreme Court is monitoring the project and the progress report is being furnished before the Hon’ble Supreme Court from time to time. With respect to the aspect of installation of CCTV cameras at the premises other than the notified Police Stations and where the investigations are being conducted, the affidavit has been evasive

and refers to para No.16 of the judgment in the matter of **Paramvir Singh Saini** (supra).

During the Course of arguments, learned State counsel has submitted that the directions with respect to the installation of CCTV cameras and recording in the pen-drive in respect of any other agency which carries out investigation/interrogation and having power of arrest is only in relation to Union of India and that with respect to the State, the direction is only to install the CCTV cameras at Police Stations and not at the places of investigation or interrogation by the Police. It is stated that State would be severely prejudiced in investigation if CCTV is installed in premises of Investigating agency

It is in the said background of the aforesaid stand taken by the respondents that the matter has evinced further examination.

The issue with respect to taking appropriate measures for protecting the rights of detenu(e)s was taken up by the Hon'ble Supreme Court in the matter of **D.K. Basu Vs. State of West Bengal**, reported as **1997(1) SCC 416**, after a letter was addressed by the Executive Chairman of the Legal Aid Services, West Bengal, to examine the issues pertaining to custody jurisprudence and to formulate modalities for awarding compensation to the victims/family members as the Investigating Agency usually make strenuous efforts to hush up the matters of the lockup deaths and thus the crime goes unpunished and flourishes.

Considering the issue to be of larger public interest, the same was treated as a writ petition. The specific concerns flagged by the Hon'ble Supreme Court and the background in which the law was evolved needs to

be adverted to. The relevant extract of the judgment passed in the matter of **D.K. Basu** (supra) reads thus:

*“9. The importance of affirmed rights of every human being need no emphasis and, therefore, to deter breaches thereof becomes a sacred duty of the Court, as the custodian and protector of the fundamental and the basic human rights of the citizens. Custodial violence, including torture and death in the lock ups, strikes a blow at the Rule of Law, which demands that the powers of the executive should not only be derived from law but also that the same should be limited by law. Custodial violence is a matter of concern. It is aggravated by the fact that it is committed by persons who are supposed to be the protectors of the citizens. It is committed under the shield of uniform and authority in the four walls of a police station or lock-up, the victim being totally helpless. The protection of an individual from torture and abuse by the police and other law enforcing officers is a matter of deep concern in a free society. These petitions raise important issues concerning police powers, including whether monetary compensation should be awarded for established infringement of the Fundamental Rights guaranteed by Articles 21 and 22 of the Constitution of India. The issues are fundamental.*

*10. "Torture" has not been defined in Constitution or in other penal laws. 'Torture' of a human being by another*

*human being is essentially an instrument to impose the will of the 'strong' over the 'weak' by suffering. The word torture today has become synonymous with the darker side of human civilisation.*

*“Torture is a wound in the soul so painful that sometimes you can almost touch it, but it is also so intangible that there is no way to heal it. Torture is anguish squeezing in your chest, cold as ice and heavy as a stone paralyzing as sleep and dark as the abyss. Torture is despair and fear and rage and hate. It is desire to kill and destroy including yourself.*

*Adriana P. Bartow”*

*11. No violation of any one of the human rights has been the subject of so many Conventions and Declarations as 'torture'- all aiming at total banning of it in all forms, but in spite of the commitments made to eliminate torture, the fact remains that torture is more widespread now than ever before. "Custodial torture" is a naked violation of human dignity and degradation which destroys, to a very large extent, the individual personality. It is a calculated assault on human dignity and whenever human dignity is wounded, civilisation takes a step backward-flag of humanity must on each such occasion fly half-mast.*

*12. In all custodial crimes that is of real concern is not only*

*infliction of body pain but the mental agony which a person undergoes within the four walls of police station or lock-up. Whether it is physical assault or rape in police custody, the extent of trauma, a person experiences is beyond the purview of law.*

*13. "Custodial violence" and abuse of police power is not only peculiar to this country, but it is widespread. It has been the concern of international community because the problem is universal and the challenge is almost global. The Universal Declaration of Human Rights in 1948, which marked the emergence of a worldwide trend of protection and guarantee of certain basic human rights, stipulates in Article 5 that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Despite the pious declaration, the crime continues unabated, though every civilised nation shows its concern and takes steps for its eradication.*

*14. In England, torture was once regarded as a normal practice to get information regarding the crime, the accomplices and the case property or to extract confessions, but with the development of common law and more radical ideas imbibing human thought and approach, such inhuman practices were initially discouraged and eventually almost done away with, certain aberrations here and there notwithstanding. The police powers of arrest, detention and*



*interrogation in England were examined in depth by Sir Cyril Philips Committee- 'Report of a Royal Commission on Criminal Procedure' (Command - Papers 8092 of 1981). The report of the Royal Commission is, instructive. In regard to the power of arrest, the Report recommended that the power to arrest without a warrant must be related to and limited by the object to be served by the arrest, namely, to prevent the suspect from destroying evidence or interfering with witnesses or warning accomplices who have not yet been arrested or where there is a good reason to suspect the repetition of the offence and not to every case irrespective of the object sought to be achieved.*

*17. Fundamental rights occupy a place of pride in the Indian Constitution. Article 21 provides "no person shall be deprived of his life or personal liberty except according to procedure established by law". Personal liberty, thus, is a sacred and cherished right under the Constitution. The expression "life or personal liberty" has been held to include the right to live with human dignity and thus it would also include within itself a guarantee against torture and assault by the State or its functionaries. Article 22 guarantees protection against arrest and detention in certain cases and declares that no person who is arrested shall be detained in custody without being informed of the grounds of such arrest and he shall not be denied the right to consult and defend*

*himself by a legal practitioner of his choice. Clause (2) of Article 22 directs that the person arrested and detained in custody shall be produced before the nearest Magistrate within a period of 24 hours of such arrest, excluding the time necessary for the journey from the place of arrest to the court of the Magistrate. Article 20(3) of the Constitution lays down that a person accused of an offence shall not be compelled to be a witness against himself. These are some of the constitutional safeguards provided to a person with a view to protect his personal liberty against any unjustified assault by the State. In tune with the constitutional guarantee a number of statutory provisions also seek to protect personal liberty, dignity and basic human rights of the citizens. Chapter V of Criminal Procedure Code, 1973 deals with the powers of arrest of a person and the safeguards which are required to be followed by the police to protect the interest of the arrested person. Section 41, Cr. P.C. confers powers on any police officer to arrest a person under the circumstances specified therein without any order or a warrant of arrest from a Magistrate. Section 46 provides the method and manner of arrest. Under this Section no formality is necessary while arresting a person. Under Section 49, the police is not permitted to use more restraint than is necessary to permitted to use more restraint than is necessary to prevent the escape of the person. Section 50 enjoins every police officer arresting*

*any person without warrant to communicate to him the full particulars of the offence for which he is arrested and the grounds for such arrest. The police officer is further enjoined to inform the person arrested that he is entitled to be released on bail and he may arrange for sureties in the event of his arrest for a non-bailable offence. Section 56 contains a mandatory provision requiring the police officer making an arrest without warrant to produce the arrested person before a Magistrate without unnecessary delay and Section 57 echoes Clause (2) of Article 22 of the Constitution of India. There are some other provisions also like Section 53, 54 and 167 which are aimed at affording procedural safeguards to a person arrested by the police. Whenever a person dies in custody of the police, Section 176 requires the Magistrate to hold an enquiry into the cause of death.*

*18. However, inspite of the constitutional and statutory provisions aimed at safeguarding the personal liberty and life of a citizen, growing incidence of torture and deaths in police custody has been a disturbing factor. Experience shows that worst violations of human rights take place during the course of investigation, when the police with a view to secure evidence or confession often resorts to third degree methods including torture and adopts techniques of screening arrest by either not recording the arrest or describing the deprivation of liberty merely as a prolonged interrogation. A reading of the*

*morning newspapers almost everyday carrying reports of dehumanising torture, assault, rape and death in custody of police or other governmental agencies is indeed depressing. The increasing incidence of torture and death in custody has assumed such alarming proportions that it is affecting the creditability of the Rule of Law and the administration of criminal justice system. The community rightly feels perturbed. Society's cry for justice becomes louder.*

*30. How do we check the abuse of police power?*

*Transparency of action and accountability perhaps are two possible safeguards which this Court must insist upon. Attention is also required to be paid to properly develop work culture, training and orientation of the police force consistent with basic human values. Training methodology of the police needs restructuring. The force needs to be infused with basic human values and made sensitive to the constitutional ethos. Efforts must be made to change the attitude and approach of the police personnel handling investigations so that they do not sacrifice basic human values during interrogation and do not resort to questionable forms of interrogation. With a view to bring in transparency, the presence of the counsel of the arrestee at some point of time during the interrogation may deter the police from using third degree methods during interrogation.*

*31. Apart from the police, there are several other*

*governmental authorities also like Directorate of Revenue Intelligence, Directorate of Enforcement, Coastal Guard, Central Reserve Police Force (CRPF), Border Security Force (BSF), the Central Industrial Security Force (CISF), the State Armed Police, Intelligence Agencies like the Intelligence Bureau, R.A.W, Central Bureau of Investigation (CBI) , CID, Traffic Police, Mounted Police and ITBP which have the power to detain a person and to interrogate him in connection with the investigation of economic offences, offences under the Essential Commodities Act, Excise and Customs Act, Foreign Exchange Regulation Act etc. There are instances of torture and death in custody of these authorities as well. In re Death of Sawinder Singh Grover [1995 Supp (4) SCC, 450], (to which Kuldip Singh, J. was a party) this Court took suo moto notice of the death of Sawinder Singh Grover during his custody with the Directorate of Enforcement. After getting an enquiry conducted by the Additional District Judge, which disclosed a prima facie case for investigation and prosecution, this Court directed the CBI to lodge a FIR and initiate criminal proceedings against all persons named in the report of the Additional District Judge and proceed against them. The Union of India/Directorate of Enforcement was also directed to pay a sum of Rs. 2 lacs to the widow of the deceased by way of ex-gratia payment at the interim stage. Amendment of the relevant provisions of law to protect the*

*interest of arrested persons in such cases too is a genuine need.*

*32. There is one other aspect also which needs our consideration. We are conscious of the fact that the police in India have to perform a difficult and delicate task, particularly in view of the deteriorating law and order situation, communal riots, political turmoil, student unrest, terrorist activities, and among others the increasing number of underworld and armed gangs and criminals. Many hard core criminals like extremists, the terrorists, drug peddlers, smugglers who have organised gangs, have taken strong roots in the society. It is being said in certain quarters that with more and more liberalisation and enforcement of fundamental rights, it would lead to difficulties in the detection of crimes committed by such categories of hardened criminals by soft peddling interrogation. It is felt in those quarters that if we lay too much of emphasis on protection of their fundamental rights and human rights, such criminals may go scot-free without exposing any element or iota of criminality with the result, the crime would go unpunished and in the ultimate analysis the society would suffer. The concern is genuine and the problem is real. To deal with such a situation, a balanced approach is needed to meet the ends of justice. This is all the more so, in view of the expectation of the society that police must deal with the criminals in an*

*efficient and effective manner and bring to book those who are involved in the crime. The cure cannot, however, be worst than the disease itself.*

*34. There can be no gainsaying that freedom of an individual must yield to the security of the State. The right of preventive detention of individuals in the interest of security of the State in various situations prescribed under different statutes has been upheld by the Courts. The right to interrogate the detenues, culprits or arrestees in the interest of the nation, must take precedence over an individual's right to personal liberty. The latin maxim *salus populi est suprema lex* (the safety of the people is the supreme law) and *salus republicae est suprema lex* (safety of the state is the supreme law) co-exist and are not only important and relevant but lie at the heart of the doctrine that the welfare of an individual must yield to that of the community. The action of the State, however must be "right, just and fair". Using any form of torture for extracting any kind of information would neither be 'right nor just nor fair' and, therefore, would be impermissible, being offensive to Article 21. Such a crime-suspect must be interrogated - indeed subjected to sustained and scientific interrogation determined in accordance with the provisions of law. He cannot, however, be tortured or subjected to third degree methods or eliminated with a view to elicit information, extract confession or derive knowledge*

*about his accomplices, weapons etc. His Constitutional right cannot be abridged except in the manner permitted by law, though in the very nature of things there would be qualitative difference in the methods of interrogation of such a person as compared to an ordinary criminal. Challenge of terrorism must be met with innovative ideas and approach. State terrorism is no answer to combat terrorism. State terrorism would only provide legitimacy to 'terrorism'. That would be bad for the State, the community and above all for the Rule of Law. The State must, therefore, ensure that various agencies deployed by it for combating terrorism act within the bounds of law and not become law unto themselves. That the terrorist has violated human rights of innocent citizens may render him liable for punishment but it cannot justify the violation of his human rights except in the manner permitted by law. Need, therefore, is to develop scientific methods of investigation and train the investigators properly to interrogate to meet the challenge.*

The issue was examined yet again by the Hon'ble Supreme Court in the matter of D.K. Basu Vs. State of West Bengal, reported as 2015 (8) SCC 744, and it was held that a large number of matters with respect to violation of human rights were being reported from different States and a recommendation for installation of CCTV cameras in Police Stations and Prisons was mooted and apart from conceptualizing an agency to oversee implementation of such measures and for making random surprise



inspection. All the States in their affidavits supported the recommendation for installation of the CCTV cameras in all the Police Stations and Prisons. The State of Haryana filed its specific affidavit about the installation of CCTV cameras in all Police Stations especially at the entrance and the lockups as was noted in paragraph No.32 thereof. The Hon'ble Supreme Court left the matter to be considered by the State Governments having regard to the effect that various State Governments had already taken action in relation to installation of CCTV cameras in the prisons, it was observed that there is no reason why the States should not do so, as the same will help go a long way in preventing violation of human rights of those undergoing incarceration in jails.

Thereafter, the said matter was considered by the Hon'ble Supreme Court in the matter of **Shafi Mohd. V. State of H.P.**, reported as **2018 (5) SCC 311**. The use of videography in Police investigation was examined by the Court and a report of the Committee constituted by the MHA was also examined. The second option suggested by the Committee was noticed by the Hon'ble Supreme Court requiring that each State Police/Central Investigating Agency may designate a Senior Officer for implementation of CCTV and use of videography in investigation. Paragraph No. 13 thereof reiterated the necessity for installation of CCTV cameras and for a direction to every State that an oversight mechanism be created whereby an independent Committee can study the CCTV camera footages and periodically publish report of its observations. The directions were thus issued for constitution of such oversight bodies to ensure that videography becomes a reality in a phased manner and that the first phase be

implemented by 15.07.2018.

The matter was thereafter examined again by the Hon'ble Supreme Court in the matter of Paramvir Singh Saini (supra) arising out of a judgment passed by this Court in the matter of Baljit Singh V. State of Punjab, reported as 2016 SCC Online P& H 18931. The Hon'ble Supreme Court proceeded further from the order dated 03.04.2018 passed in the matter of Shafi Mohd. (supra) and in continuity of the directions issued in the matter of D.K. Basu (supra), reported in the said judgment that all the State and Union Territories had been impleaded as a party vide order dated 16.09.2020 to find out the exact position of installation of the CCTV cameras qua each Police station and that pursuant thereto compliance affidavits were filed by various States. The relevant extract of the judgment passed in the matter of Paramvir Singh Saini (supra) reads thus:

***“14. The duty and responsibility for the working, maintenance and recording of CCTVs shall be that of the SHO of the police station concerned. It shall be the duty and obligation of the SHO to immediately report to the DLOC any fault with the equipment or malfunctioning of CCTVs. If the CCTVs are not functioning in a particular police station, the SHO concerned shall inform the DLOC of the arrest / interrogations carried out in that police station during the said period and forward the said record to the DLOC. If the SHO concerned has reported malfunctioning or non-functioning of CCTVs of a particular Police Station, the DLOC shall immediately request the SLOC for repair and***

*purchase of the equipment, which shall be done immediately.*

*15. The Director General/Inspector General of Police of each State and Union Territory should issue directions to the person in charge of a Police Station to entrust the SHO of the Police Station concerned with the responsibility of assessing the working condition of the CCTV cameras installed in the police station and also to take corrective action to restore the functioning of all non-functional CCTV cameras. The SHO should also be made responsible for CCTV data maintenance, backup of data, fault rectification etc.*

*16. The State and Union Territory Governments should ensure that CCTV cameras are installed in each and every Police Station functioning in the respective State and/or Union Territory. Further, in order to ensure that no part of a Police Station is left uncovered, it is imperative to ensure that CCTV cameras are installed at all entry and exit points; main gate of the police station; all lock-ups; all corridors; lobby/the reception area; all verandahs/outhouses, Inspector's room; Sub-Inspector's room; areas outside the lock-up room; station hall; in front of the police station compound; outside (not inside) washrooms/toilets; Duty Officer's room; back part of the police station etc.*

*17. CCTV systems that have to be installed must be equipped with night vision and must necessarily consist of audio as well as video footage. In areas in which there is*

*either no electricity and/or internet, it shall be the duty of the States/Union Territories to provide the same as expeditiously as possible using any mode of providing electricity, including solar/wind power. The internet systems that are provided must also be systems which provide clear image resolutions and audio. Most important of all is the storage of CCTV camera footage which can be done in digital video recorders and/or network video recorders. CCTV cameras must then be installed with such recording systems so that the data that is stored thereon shall be preserved for a period of 18 months. If the recording equipment, available in the market today, does not have the capacity to keep the recording for 18 months but for a lesser period of time, it shall be mandatory for all States, Union Territories and the Central Government to purchase one which allows storage for the maximum period possible, and, in any case, not below 1 year. It is also made clear that this will be reviewed by all the States so as to purchase equipment which is able to store the data for 18 months as soon as it is commercially available in the market. The affidavit of compliance to be filed by all States and Union Territories and Central Government shall clearly indicate that the best equipment available as of date has been purchased.*

*18. Whenever there is information of force being used at police stations resulting in serious injury and/or custodial deaths, it is necessary that persons be free to complain for a*

*redressal of the same. Such complaints may not only be made to the State Human Rights Commission, which is then to utilise its powers, more particularly under Sections 17 and 18 of the Protection of Human Rights Act, 1993, for redressal of such complaints, but also to Human Rights Courts, which must then be set up in each District of every State/Union Territory under Section 30 of the aforesaid Act. The Commission/Court can then immediately summon CCTV camera footage in relation to the incident for its safe keeping, which may then be made available to an investigation agency in order to further process the complaint made to it.*

*19. The Union of India is also to file an affidavit in which it will update this Court on the constitution and workings of the Central Oversight Body, giving full particulars thereof. In addition, the Union of India is also directed to install CCTV cameras and recording equipment in the offices of:*

- (i) Central Bureau of Investigation (CBI)*
- (ii) National Investigation Agency (NIA)*
- (iii) Enforcement Directorate (ED)*
- (iv) Narcotics Control Bureau (NCB)*
- (v) Department of Revenue Intelligence (DRI)*
- (vi) Serious Fraud Investigation Office (SFIO)*
- (vii) Any other agency which carries out interrogations and has the power of arrest.*

*As most of these agencies carry out interrogation in their office(s), CCTVs shall be compulsorily installed in all offices where such interrogation and holding of accused takes place in the same manner as it would in a police station.*

*20. The COB shall perform the same function as the SLOC for the offices of investigative/enforcement agencies mentioned above both in Delhi and outside Delhi wherever they be located.*

*21. The SLOC and the COB (where applicable) shall give directions to all Police Stations, investigative/enforcement agencies to prominently display at the entrance and inside the police stations/offices of investigative/enforcement agencies about the coverage of the concerned premises by CCTV. This shall be done by large posters in English, Hindi and vernacular language. In addition to the above, it shall be clearly mentioned therein that a person has a right to complain about human rights violations to the National/State Human Rights Commission, Human Rights Court or the Superintendent of Police or any other authority empowered to take cognizance of an offence. It shall further mention that CCTV footage is preserved for a certain minimum time period, which shall not be less than six months, and the victim has a right to have the same secured in the event of violation of his human rights.*

***22. Since these directions are in furtherance of the fundamental rights of each citizen of India guaranteed under Article 21 of the Constitution of India, and since nothing substantial has been done in this regard for a period of over 2½ years since our first Order dated 03.04.2018, the Executive/Administrative/police authorities are to implement this Order both in letter and in spirit as soon as possible. Affidavits will be filed by the Principal Secretary/Cabinet Secretary/Home Secretary of each State/ Union Territory giving this Court a firm action plan with exact timelines for compliance with today's Order. This is to be done within a period of six weeks from today.***

***23. We record our gratitude to Shri Siddhartha Dave, learned Amicus Curiae, for rendering his services to this Court.”***

The said matter is pending before the Hon'ble Supreme Court and the State of Haryana had filed an affidavit that it is now compliant with the mandate given and CCTV cameras are being installed at all Police Stations and Police Posts in the State of Haryana.

Much emphasis had been laid by the learned State counsel on the directions to the respondent-State to install the CCTV cameras at any other agency and that the mandate in the paragraph No.16 and to ensure that the CCTV cameras are installed at Police Stations and at no other place. Hence, there was no direction issued by the Hon'ble Supreme Court to

install the CCTV cameras in the premises of any other agency which carries out interrogation and has the power of detention and thus the State is not mandated by the Hon'ble Supreme Court in the judgment of **Paramvir Singh Saini** (supra) to install the CCTV cameras in the Police Premises/Agency of Investigation.

Having considered the arguments advanced by the respondent-State in light of the precedents referred to above, I find that the respondent-State has deliberately chosen to resort to a restrictive reading of the judgments passed by the Hon'ble Supreme Court and has chosen an armour to shield itself from the 'letter' used by the Hon'ble Supreme Court in the said judgment.

The law requires no elaboration that the judgments are not to be read as statutes and have to be read in the context in which the same is rendered. The respondent-State has chosen to selectively confine itself to a restricted interpretation of the said judgment by confining to paragraph No.16 and the expression 'Police Station' used therein. It has thus applied the above said principle and resorted to interpretation of the expression 'Police Station' within the confines of the definition of Police Station contained in the Criminal Procedure Code and thus conveniently taking out all such cells/special investigation units and premises of the special investigating agencies or task forces constituted by the State or cells/wings of the State Investigating Agency from the obligation to comply with the mandate of the judgment in the matter of **Paramvir Singh Saini** (supra). The only reason given is that the State would suffer prejudice in relation to investigation and crime and criminals which such contention had been



noticed and rejected by the Hon'ble Supreme Court in the judgment rendered in the matter of **D.K. Basu Vs. State of West Bengal** reported as **1997 (1) SCC 416** giving precedence to the rights under Article 21 of the Constitution of India. It rejected the use of force and custodial torture in the name of security and highlighted the need to reign in Police from becoming a ruler unto itself. The above said interpretation averred by the State is evidently absurd considering that the Hon'ble Supreme Court has directed installation of the CCTV cameras even in the premises of the Central Agencies namely, Central Bureau of Investigation, National Investigation Agencies, Directorate of Enforcement, NCB, DRI, SFIO etc. which deals with the offences of much higher degree, criminals who pose danger to the sovereignty of the State and have immense resources at their command. Further, the SLOC had been empowered in Para No.21 to issue directions to all Police Stations, Investigative/Enforcement Agencies to prominently display at the entrance and inside the Police Stations/Offices of Investigative/Enforcement Agencies about the coverage of premises concerned by CCTV cameras. The said paragraph makes it clear that the SLOC i.e. the State Level Oversight Committee was thus not only required to give directions for installation of CCTV cameras at Police Stations but also at the premises of Investigative/Enforcement Agencies, not only at the entrance and inside the Police Station but also at the premises of the Investigative/Enforcement Agencies. Reading of the above said leaves no doubt that the expression 'Police Station' use in paragraph No.16 was a generic expression and not restricted expression used in Cr.P.C. The Hon'ble Supreme Court was not examining the issue pertaining to definition of a

Police Station under Section 2(s) of the Cr.P.C. and was rather delineating the necessity of protection of right to life enshrined under Article 21 of the Constitution of India. The State cannot be permitted to bypass the guaranteed fundamental rights under Article 21 of the Constitution of India by preferring to selectively misread and give restricted interpretation to the generic expression used by the Hon'ble Supreme Court while dealing with the constitutional matter and rights granted under Article 21 of the Constitution of India. While importing the expression of Police Station from the Cr.P.C., an attempt has been made by the respondent-State to curtail the generic expression used by the Hon'ble Supreme Court and to defeat the intent and object of the judgment. Any such attempt as would allow the State to skirt around the object and defeat the purpose of incorporation of such directions or mandate deserves to be scuttled. If the interpretation as sought to be given by the respondent-State is accepted, the very object of installation of CCTV cameras can be defeated merely by changing the seat of interrogation and investigation to premises other than the Police Station. The same definitely was never the intent or object behind the judgments that have been passed by Hon'ble Supreme Court and compliance whereof is being sought.

The effort of the State has been to whittle down the direction of the Hon'ble Supreme Court of India and to deliberately misread and misapply the same notwithstanding that the very same arguments were already rejected by the Hon'ble Supreme Court in the matter of **D.K. Basu** (supra). The State cannot place its Investigating agency at any higher pedestal than the Central agencies that have been brought under the ambit of

CCTV surveillance and claim immunity of the places that have highest rate of custodial torture and unlawful detention. What shocks the judicial conscience is the belief of Senior Police authorities in the use of brute and unbridled force instead of improving skill of investigation. Such belief is a roll back of all advancement of civilized society and imposes rod wielding police for the rule of law. The reforms ushered in are being forced back as will of Police did not prevail.

It is also evident that the entire project of installation is being undertaken by the Police and through the agencies of Police. The DNIT and scope of work has thus been qualified by the authorities in the State Police, over and above the order of the Hon'ble Supreme Court of India.

I find that the aforesaid attempt on the part of the respondent-State is *per se* an attempt at wilful disobedience of the orders passed by the Courts and by the purposive misinterpretation of the mandate. The Officers/Officials are *prima facie* are in contempt of the orders passed by the Hon'ble Supreme Court.

Accordingly, I hereby issue contempt notices to the Director General of Police, Haryana and the then as well as the incumbent Superintendent of Police, Panipat, to show cause as to why contempt proceedings be not taken against them for wilful disobedience of the orders passed by the Hon'ble Supreme Court.

At the same time, let this order be also brought to the notice of the Bench dealing with **CRWP-5521-2021** wherein the respondent-State has filed compliance affidavit(s) with respect to the installation of CCTV Cameras by the State of Haryana for its knowledge.

The respondent-State may file their response/affidavit as to why further proceedings under the Contempt of Courts Act, be not initiated against them on or before the next date of hearing.

Adjourned to 19.07.2024.

**24.05.2024**

*Mangal Singh*

**(VINOD S. BHARDWAJ)  
JUDGE**