

ITEM NO.14

COURT NO.11

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Criminal) No(s). 99/2015

PRADYUMAN BISHT

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR STAY APPLICATION ON IA 10142/2015 FOR GRANT OF INTERIM RELIEF ON IA 10713/2015 and IA No.67042/2017-CLARIFICATION/DIRECTION and FOR ON IA 5353/2017 and IA No.16856/2018-INTERVENTION APPLICATION and IA No.21604/2018-INTERVENTION APPLICATION)

Date : 13-02-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

Mr. Sidharth Luthra, Sr.Adv.(A.C.)

Ms. Supriya Juneja, Adv.

Ms. Sakshi Kakkar, Adv.

Mr. Simon Benjamin, Adv.

Ms. Dirshti Harpalani, Adv.

Dr. Arun Mohan, Sr. Adv. (A.C.)

Ms. Ritu Chopra, Adv.

For Petitioner(s) Mr. Abhijeet Shah, Adv.

Mr. Om Prakash Parihar, Adv.

Petitioner-in-person

For Respondent(s) Ms. Pinky Anand, ASG.

Mr. R. Bala. Adv.

Mr. Rishabh Jain, Adv.

Mr. Hemant Arya, Adv.

Mr. Kamal K. Jain, Adv.

Mr. G.S. Makkar, Adv.

Mr. Mukesh Kumar Maroria, AOR

Mr. Gopal Singh, AOR

Mr. Kumar Milind, Adv.

Mr. Rituraj Biswas, Adv.

Mr. Rajiv Nanda, AOR

Mr. Mohan Kumar, AOR

Mr. Mishra Saurabh, AOR

Mr. Ankit Kumar Lal, Adv.

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

1. The issue considered in this petition is the installation of CCTV cameras in Courts and Tribunals.

2. Vide order dated 28.03.2017, this Court directed as follows:-

"We direct that at least in two districts in every State/Union Territory (with the exception of small States/Union Territories where it may be considered to be difficult to do so by the concerned High Courts) CCTV cameras (without audio recording) may be installed inside the courts and at such important locations of the court complexes as may be considered appropriate. Monitor thereof may be in the Chamber of the concerned District and Session Judge. Location of the district courts and any other issues concerning the subject may be decided by the respective High Courts. We make it clear that the footage of the CCTV camera will not be available under the R.T.I. and will not be supplied to anyone without permission of the concerned High Court. Installation may be completed within three months from today.

The report of such experiment be submitted within one month of such installation by the Registrar Generals of the respective High Courts to the Secretary General of this Court who may have it tabulated and placed before the Court."

3. The matter was thereafter considered on 14.08.2017 when the following order was passed:-

"11. We direct the Union of India, Ministry of Information and Technology in consultation with E-Committee of this Court to lay down technical specifications and other modelities, including price range and sources of supply for installation of CCTV cameras in Courts. This may be done within a period of one month from today and such information may be

provided to all the High Courts. The duration for which audio and video recordings may be retained may normally be three months, unless otherwise directed by any High Court."

4. This Court also considered the issue of CCTV cameras in Tribunals where open hearing takes place like Courts. It was further directed that CCTV cameras may be installed in all subordinate courts in phased manner.

5. Thereafter, vide order dated 23.11.2017, it was directed as follows:-

"The authorities may consider provision for terminal availability with appropriate superior authority of Court/Tribunal with regard to places which are not manned by appropriate higher rank authority at the place where CCTV Camera is installed. Decision in this regard may be taken at the level of High Court with regard to Courts and concerned coordinating Ministry with regard to Tribunals."

6. Again, on 11.12.2017, following order was passed:-

"Ms. Pinky Anand, learned Additional Solicitor General, seeks further time to furnish information about the Tribunals from whom the information has not so far been received and also whether terminal of the CCTV can be available with the supervising authority, particularly, the High Courts in respect of the subordinate courts and the Tribunals under their jurisdiction.

The High Courts are free to examine this aspect and if it is found viable, the High Courts may have such terminals which may be perhaps useful for the vigilance and oversight of the courts and the Tribunals functioning within their jurisdiction under Articles 227/235 of the Constitution of India."

7. Learned Additional Solicitor General has placed on record status of installation of CCTV cameras in the Tribunals as on

12.02.2018. The said status report shows that substantial work has been done in this regard.

8. Only further issue that survives is whether installation of CCTV cameras can be considered in State Tribunals and Quasi Judicial Authorities, including the Executive Magistrate and Revenue Courts and availability of a terminal with oversight bodies. As far as Central Quasi Judicial Authorities are concerned, the Ministry of Law & Justice may consider this aspect within four weeks. As far as State Tribunal and State Quasi Judicial Authorities are concerned, we request the High Courts to consider this aspect on the Administrative/Judicial side.

Question whether the terminal of CCTV cameras can be available with the oversight bodies may also be considered by the Central Government/concerned High Courts.

9. It has been pointed out by learned Additional Solicitor General that the Ministry of Electronic and Information Technology, National Informatics Centre after detailed study has prepared draft of technical specifications. The same was submitted to the E-Committee as per orders of this Court but according to the E-Committee, the issue was beyond the mandate of the said Committee. Accordingly, we clarify that the matter need not to be submitted to the E-Committee. All the specifications as well as the price range and sources of supply may be placed by the Ministry of Law & Justice on its website so that uniform standard approach can

be adopted at all places. This may also be cost-effective and obviate the need for a tender process to save time.

10. Dr. Arun Mohan, learned senior Advocate appearing as Amicus has drawn our attention to the publication titled "Justice, Courts and Delays", Chapter 24, suggesting technical specifications and operation of CCTV cameras. The same may be considered by the concerned Ministries and the High Courts on merits and as per viability.

11. Sh. Sidharth Luthra, learned senior counsel appearing as Amicus has submitted that certain concerns may need to be addressed such as identity of victims in sexual offences/protected witnesses appearing in MCOCA, UAPA etc. This aspect may also be considered by the High Courts/Central Government and necessary instructions may be issued from time to time as may be found appropriate.

To consider the matter further, list on 5th April, 2018.

(SWETA DHYANI)
SENIOR PERSONAL ASSISTANT

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER