

\$~23 to 25

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7927/2012

COURT ON ITS OWN MOTION

..... Petitioner

Through: Ms. Meera Bhatia, Amicus Curiae.

versus

UNION OF INDIA THR. SECRETARY MINISTRY OF HOME
AFFAIRS AND ANR. Respondents

Through: Mr. Sanjay Jain, ASG with Mr.
Rakesh Kumar, CGSC for UOI.
Mr. Ajay Verma with Mr. Anuj
Chaturvedi and Ms. Diviani Khanna,
Advocates for DDA.
Ms. Swati Maliwal, Chairperson,
DCW with Mr. Javedur Rahman,
Advocate for Intervener, DCW.
Ms. S.K. Sethi and Ms. Dolly
Sharma, Advocates for DSLSA.
Mr. Rajesh Mahajan, Advocate for
State.
Mr. Anuj Aggarwal with Ms.
Deboshree Mukherjee, Advocates for
GNCTD.

+ W.P.(C) 3686/2013 & CM No.16194/2014

NANDITA DHAR

..... Petitioner

Through: Ms. Meera Bhatia, Amicus Curiae.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Ms. Swati Maliwal, Chairperson,
DCW with Mr. Javedur Rahman,

Advocate for Intervener, DCW.
Ms. S.K. Sethi and Ms. Dolly
Sharma, Advocates for DSLSA.
Mr. Jasmeet Singh, CGSC for Union
of India with Ms. Gayatri Aryan,
Advocate.
Mr. Anuj Aggarwal with Ms.
Deboshree Mukherjee, Advocates for
GNCTD.

+ W.P.(C) 10268/2017

AJAY GAUTAM

..... Petitioner

Through: Petitioner in person.

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

%

11.12.2017

1. In furtherance to the previous order, Delhi Police is represented by four senior officers i.e. three Special Commissioners of Police and a Joint Commissioner of Police. It is informed by the learned counsel that the Commissioner of Police could not be present on account of other pressing engagements.

2. During the course of hearing, the Court was informed that the results and observations in respect of the pilot project involving 10

police stations is in the process of compilation and that in 2003-04, 108 police stations, were equipped with CCTVs (without recording facilities) and an appropriate attempt would be made to procure CCTVs with the facility of recording for all 192 Police Stations.

3. The Court is of the opinion that, while at the stage of procurement and operationalization, the Delhi Police should also ensure that CCTV footage of the cameras, installed in these police stations, is saved with reasonable archivable time of 1 to 3 months.

4. The Court was informed that, in addition, there are 42 police chowkis, which are treated as police stations.

5. In view of these facts, Delhi Police shall take appropriate steps to also install similar upgraded CCTV facilities with the storage capability in the police chowkies.

6. The Delhi Police is directed to indicate the time-frame for such procurement on or before the next date of hearing.

7. Learned counsel appearing for the Public Interest Litigants informed that till date, no steps have been taken to install CCTVs in 44 vulnerable areas identified by the Delhi Police.

8. The order of 23.09.2015 had recorded the submissions of the Govt. of NCT that the CCTVs would be procured and installed at the relevant spots/places identified by the police. Today, the Court was informed that the procurement process is underway for the purchase of 1.4 lakhs cameras. It is stated that these cameras also have the

recording facility with storage possibility of a month (30 days).

9. Directions are, hereby, issued to the Delhi Government (through the concerned Department, i.e. PWD and any other agency, which may be mandated to carry out the task) and the Delhi Police to coordinate upon this issue. The Delhi Police shall indicate or prepare a list of the areas/spots where the CCTV cameras are to be installed for this purpose.

10. The Government of NCT of Delhi shall ensure that the procurement of CCTV cameras is completed and the CCTV cameras are installed in the vulnerable areas in coordination with the Delhi Police within eight weeks from today.

11. Learned counsel for the parties have informed that appropriate orders are also necessary to ensure that there are no dark spots in the city.

12. Learned counsel for the Delhi Police stated that the process of identifying such dark spots, in various areas, is a dynamic one – and submitted in this regard that the concerned Municipal agencies are notified about this aspect on daily basis by the concerned PCRs.

13. Here, the Court is of the opinion that the Government of NCT of Delhi and the Delhi Police should coordinate and set up a forum or an agency to appropriately map and display all areas and indicate clearly which portion falls under the jurisdiction of which concerned agencies. For instance, if in a particular agency, the Government of

NCT and the Municipal Corporations have same elements of control, the relevant demarcation should be indicated. This ought to be done conveniently in every locality and placed in the public domain, as well on the website of the Delhi Government and the Delhi Police.

14. In addition, the Government of NCT of Delhi and the Delhi Police should coordinate and ensure the creation of one nodal agency which can be notified by the concerned parties i.e. the Police, Municipal Agency or the members of public in the eventuality of malfunction of public lighting. This Body or agency should also ensure the replacement/repair of such a public utility within the time frame of, say, 72 hours.

15. All agencies are, hereby, directed to ensure that the existing dark spots, are removed (lit up) having regard to the information received within the timeframe.

16. A report in this regard shall be filed by the Government of NCT of Delhi in consultation with all the concerned agencies. The concerned Municipal Corporations, i.e. the South Delhi Municipal Corporation, North Delhi Municipal Corporations, East Delhi Municipal Corporation, NDMC, the Delhi Cantonment, Delhi Development Authority, the PWD, Irrigation and Flood Control Department are hereby directed to coordinate and cooperate with the Delhi Government/Delhi Police in this regard for the preparation of the report and implementation of this direction.

17. So far as augmentation of the force is concerned, it is informed

on behalf of the Union Government that proposal to augment the police force is being examined by the High-Level Committee in terms of certain parameters such as justification, development pattern, posts created during the last 10 years, money spent on upgradation of the Delhi Police and other schemes such as CCTNS implemented by MHA. It is stated that the status of the Delhi Police in terms of area of responsibility, population, etc. per policeman “is below the national average of police of other States.”

18. This Court notices that the issue of augmenting the police force has constantly engaged the attention of the parties as well as the Court and the repeated orders have been made. As against the initial proposal for creation of 66,000 additional posts, ex-facie clearance was mooted for 14,753, of which, ultimately, 12,000 posts have been proposed by the Ministry of Home Affairs but not yet cleared by the Ministry of Finance. Earlier, 4,227 posts were sanctioned and the process of filling them is underway.

19. Having regard to the facts that the proposal for augmenting of the police force has been shuttling back and forth between the Union Home Ministry on the one hand and the Union Finance Ministry, on the other hand, the Court is of the opinion that, within the next six weeks, concerted efforts, with all individual inputs and involvement of all the concerned personnel/officials, should be undertaken at the highest departmental level, i.e. the Secretary level of the two Ministries and a final decision should be indicated as expeditiously as possible and not later than six weeks from today.

20. During the course of hearing, it was informed by the counsel for the Delhi Police that a Special Committee including four Special Commissioners was constituted on 08.12.2017 to deliberate upon the specific issues such as creation of a special cell/department to monitor the cases of crime against women from inception till the completion of the cases and to suggest appropriate remedial measures. Although, no time has been indicated by the said order constituting the Committee, we hope that the Committee will complete its task and finalize its recommendations within six weeks.

21. On the next date of hearing, the Delhi Police shall indicate the location, by description, of the CCTV cameras to be installed in the police stations and ensure that public areas are also covered.

22. List on 14.12.2017.

23. Order *Dasti* under the signatures of the Court Master.

S. RAVINDRA BHAT, J

SANJEEV SACHDEVA, J

DECEMBER 11, 2017

st