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

+ W.P.(C) 11521/2018 & C.Ms.No.44540-41/2018

VISHAKHA GUPTA

..... Petitioner

Through: Petitioner in person with Mr.Yash
Mishra, Mr.Akhil Hasija, Ms.Srishti
Mishra, Mr.Pronoy Chatterjee,
Advocates

Versus

RAILTEL CORPORATION OF INDIA LTD. & ORS. .. Respondents

Through: Mr. Ashok Singh, Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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26.10.2018

The Petitioner has filed this petition in public interest and challenges the proposed tender floated by the respondent Corporation, in procuring video surveillance system to be installed in various railway stations for the purpose of security, *inter alia*, contending that by installing the video cameras, citizens of the country and their privacy would be invaded inasmuch as the system of surveillance introduces a facial recognition technology, the same watches and recognizes every person through its surveillance and retains information regarding their identities on the basis of face recognition. This, according to the Petitioner, violates the right of

privacy and in total disregard to the law laid down by the Constitution Bench of the Hon'ble Supreme Court with regard to the privacy as laid down in the case of *K.S. Puttaswamy & Anr. vs. Union of India & Ors.* (2017) 10 SCC 1. It is stated that the facial recognition technology proposed to be installed through the CCTV cameras at railway stations across the country would invade the individual privacy of a citizen.

2. Having heard the learned counsel for the Petitioner and on going through the records, we find that the installation of CCTV cameras equipped with facial recognition software is for the purpose of keeping a watch and surveillance to help the daily commuters for the purpose of reducing incidents of pick pocketing, theft and damage to public property. The surveillance and the face recognition software is primarily to be used for recognizing known criminals, already identified and whose criminal antecedents and data are already available and who are habitually indulging in such illegal acts in various railway stations. The data to be stored and the evaluation of the same through the proposed system is only for the purpose of surveillance vis-à-vis the persons indulging in such illegal activities and the evaluation test for FRC technology is fundamentally used only for the purpose of identifying the faces of persons enlisted in the category of habitual criminals. We find that the system is formulated for the purpose of keeping a surveillance and addressing the illegal activities going on in the railway stations particularly with regard to the pick pocketing, theft and damage to public property. It is in no way interferes with the right of privacy available to a citizen.

3. We find no reason to make indulgence into the matter. There is no illegality, arbitrariness or violation of any right to privacy of an individual. The petition, being devoid of merit, stands dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

OCTOBER 26, 2018
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