

In the High Court of Judicature at Madras

Dated : 15.9.2020

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Contempt Petition No.739 of 2020 & Sub.A.No.321 of 2020

CHANGE india, rep.by its
Director A.Narayanan

...Petitioner in Contempt
Petition/ Sub Application

Vs

1.Mr.K.Shanmugam, IAS, Chief
Secretary to Government,
Government of Tamil Nadu,
Secretariat, Chennai-9.

2.Mr.S.Prabakar, IAS, Principal
Secretary to Government,
Department of Home, Prohibition
& Excise, Chennai-9.

3.Mr.J.K.Tripathy, IPS, Director
General of Police, Dr.Radhakrishnan
Salai, Chennai-4.

...Respondents in Contempt
Petition/ Sub Application

PETITION under Section 11 of the Contempt of Courts Act, 1971 for willful disobedience and non compliance of the order of this Court dated 24.4.2015 in W.P.No.28106 of 2014.

Sub Application filed under Section 151 CPC to issue a direction to respondents 1 to 3 to produce all Records inter alia lock ups in each Police Station installation of CCTV Cameras, its location and its features present status, maintenance schedule collection and storage of data, Archive of data collected from the CCTV Cameras, person responsible for the maintenance of these Cameras.

For Petitioner : Mr.A.Yogeshwaran

For Respondents : Mr.M.Elumalai, SGP

Order of the Court was made by T.S.Sivagnanam,J

We have heard MrA.Yogeshwaran, learned counsel for the petitioner and Mr.M.Elumalai, learned Special Government Pleader accepting notice for the respondents.

2. The above contempt petition has been filed alleging willful disobedience of the order passed by this Court dated 24.4.2015 in

W.P.No.28106 of 2014.

3. The petitioner organization, which has been registered under the provisions of the Companies Act, filed the said writ petition, styled as a public interest litigation, seeking to direct the respondents to install and maintain best quality high resolution CCTV Cameras equipped with night-vision feature and necessary uninterrupted power supply inverter back-up in all the rooms corridors lock-ups and frontage of all the Police Stations in Tamil Nadu and link them at appropriate levels through inter-net facility for surveillance storage documentation and supervision within a time frame fixed by this Court.

4. Another writ petition in W.P.No.27908 of 2014 has been filed by one Mr.Veangai I.Prakash Raj (a) I.Prakash Raj seeking to direct the respondents to take necessary steps to install CCTV (closed circuit television) to record footage of the happenings and enquiries conducted inside all the police stations throughout Tamil Nadu and also to record the footage of the activities of the persons called for enquiry waiting outside all the police stations throughout Tamil Nadu.

5. Both the writ petitions were heard together and by a common order dated 02.2.2015, the Hon'ble First Bench of this Court took on record an affidavit filed by the Director General of Police and noting the submissions made therein, directed the Principal Secretary to Government, Department

of Home, Prohibition & Excise to file an affidavit setting out the schedule for completion of the task of installation of CCTV cameras in 251 police stations as envisaged by G.O.Ms.No.483 dated 11.7.2013 as also the schedule for the remaining police stations. Certain ancillary directions were also issued in the said order. Further, the matters were directed to be listed on 09.3.2015 for reporting compliance. Though the matter was heard on 09.3.2015, the matter stood adjourned to 24.4.2015.

6. In the meantime, common affidavits were filed by the Inspector General of Police (Admn.), Mylapore, Chennai-4. The writ petitions were heard on 24.4.2015, in which, the Hon'ble First Bench recorded their appreciation for the comprehensive response given by the Inspector General of Police (Administration) in response to the queries raised by the Hon'ble First Bench in their order dated 09.3.2015, on which date, a direction was issued to the Inspector General of Police, Administration to file an affidavit to clarify certain aspects pointed out in that order.

7. The Court recorded the substance of what has been stated in the affidavits of the Inspector General of Police (Administration) and closed the proceedings. The Court noted that the Government of India had reduced the grant under the Modernization of Police Force (MPF) Scheme. An observation was made by the Court that this aspect needed examination by

the Union of India. The Court further called upon the learned Assistant Solicitor General to look into the matter as a proposal was stated to have been sent by the State Government.

8. The importance of the need of modernization of the police force, both qua the manner, in which, they were equipped as also the use of technology for detection of crimes and to maintain law and order, was emphasized. For better appreciation, the order dated 24.4.2015 is quoted herein below :

“We do appreciate the comprehensive response filed by the Inspector General of Police (Administration) in response to the queries raised by us in our order dated 09.3.2015. In substance, what is stated is as follows :

1. A phased manner of installation of CCTVs in the remaining police stations over a period of five years at an estimated cost of Rs.6.3 crores per year;

2. The explanation for the delay in the first phase was the factum of it being new project and thus, deliberations over technology and the methodology taking some time;

3. Police stations sanctioned in future will also be provided with such CCTVs;

4. Three cameras will be installed in each

police station covering the frontage of police station, reception area, hall and lock up;

5. The recording facility will be available in DVR recorders, which can be copied to a separate storage device for future reference;

6. Uninterrupted power supply through inverters;

7. Night recording feature being available in CCTV system;

8. Details of specifications of cameras installed have been submitted in the affidavit;

9. Recordings available in DVR storage will be copied in a separate DVD/hard disk for further reference.'

2. We are, however, surprised to note the stand that the Government of India has reduced the grant under the Modernization of Police Force (MPF) Scheme. This is a matter, which, thus, needs examination by the Union of India. For that reason, we have called upon the learned Assistant Solicitor General to have a look into this matter, as a proposal is stated to have been sent by the State Government. We need not emphasize the importance of dire need of modernization of the police force, both qua the manner in which they are equipped, as also the use of technology for detection of crimes and to maintain the law

and order. In fact, over a period of time, old methods are yielding to more current scientific methods and every force must endeavour to modernize within times to meet the challenges.

3. We close the proceedings accordingly.”

9. The petitioner has come forward with this contempt petition stating that the respondents failed to install the CCTV cameras covering all rooms of police stations including lock ups and that recording from the CCTVs were not available for future reference.

10. There are other such averments set out in paragraph 5 of the affidavit filed in support of the contempt petition. A reading of the affidavit in its entirety shows that the petitioner has been inspired to file the above contempt petition in the light of the incident, which took place in Sathankulam Police Station and would rely upon the report submitted by the Judicial Magistrate-1, Kovilpatti alleging that recording of CCTV videos was not available.

11. In our considered view, the issues, which have been pointed out in the affidavit filed in support of the contempt petition, are vague. That apart, we do not find any wilful disobedience of an order or direction for initiating proceedings for contempt. In fact, in the order dated 24.4.2015, the Court placed on record their appreciation for the comprehensive response filed by

the Inspector General of Police (Administration). Therefore, in the given facts and circumstances of the case, as projected by the petitioner in the affidavit in support of the above contempt petition, we find no grounds to initiate any contempt proceedings.

12. After we have heard the learned counsel for the petitioner for a considerable length of time, we were informed that the contempt petitioner filed a review application to review the order and directions issued in W.P.No.28106 of 2014 dated 24.4.2015 and it is submitted that several grounds have been raised in the review application for the consideration of this Court to review the order passed in the writ petition. However, the review application is yet to be numbered and it is in the SR stage in R.A.SR.No.49910 of 2020, as it appears that there is a delay in filing the review application.

13. While holding that there is no ground to initiate contempt proceedings against the Chief Secretary to Government, the Home Secretary and the Director General of Police, we would be inclined to take up the review application, which was heard by another Division Bench on 03.9.2020, on which date, the Registry has been directed to post the matter before this Bench along with Sub.A.No.294 of 2020.

14. The Registry is directed to list WMP.No.12997 of 2020 in R.A. SR.No.49910 of 2020 for hearing after obtaining orders from Mylord The Honourable The Chief Justice.

15. With the above observation, the contempt petition is closed. Consequently, the connected Sub-application is also closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

rs

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

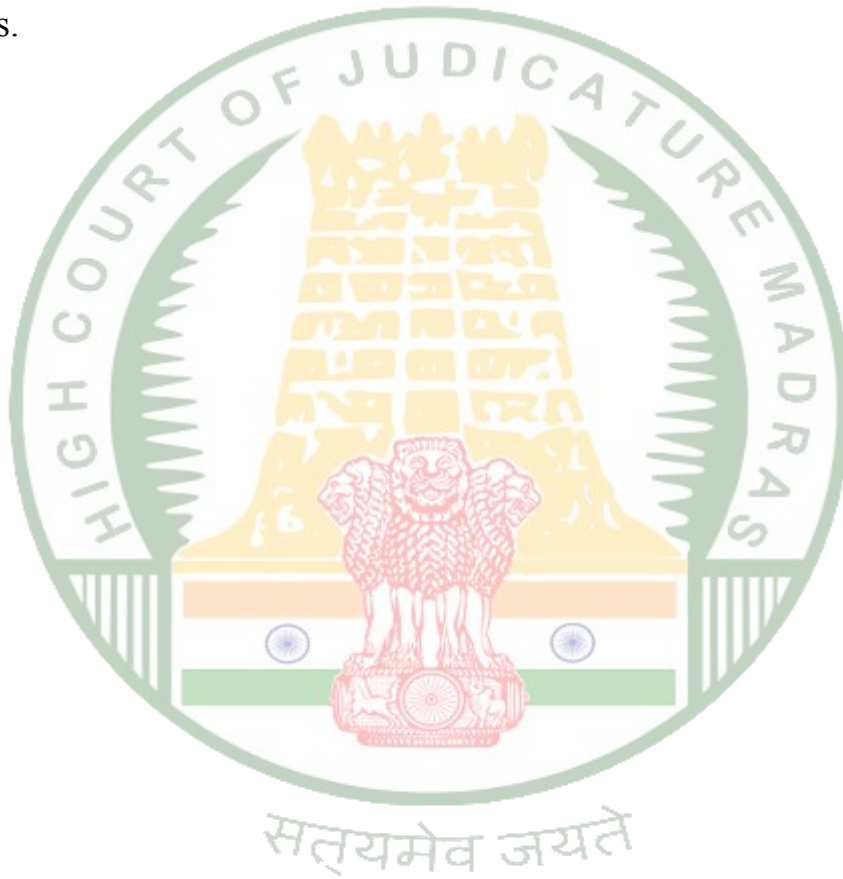
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SMI/06.10.2020

To

1. The Chief Secretary to Government,
Government of Tamil Nadu,
Secretariat, Chennai-9.
2. The Principal Secretary to Government,
Department of Home, Prohibition
& Excise, Chennai-9.

3. The Director
General of Police, Dr.Radhakrishnan
Salai, Chennai-4.
4. The Section Officer,
Writ Section,
High Court,
Madras.



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