

Very important Supreme Court Judgement delivered on 03.12.2020

Matter: The larger bench of the Hon'ble Supreme court orders all Investigation Agencies, including DRI/ NCB/ED/NIA/CIA, having the power to interrogate and arrest, to install CCTV camera and recording equipment and record the same when interrogation takes place.

The Highlights of the judgement:

1. The Court in its order dated 03.04.2018 ordered to set up Central Oversight Body (COB) by Ministry of Home Affairs
2. The court in that order further held that there was a need for further directions that in every State an oversight mechanism be created whereby an independent committee can study the CCTV camera footages and periodically publish a report of its observations thereon.
3. This Court further directed that the COB may issue appropriate directions from time to time so as to ensure that use of videography becomes a reality in a phased manner, the first phase of which be implemented by 15.07.2018. The crime scene videography ought to be introduced at least at some places as per viability and priority determined by the COB.
4. COB was constituted by the Ministry of Home Affairs on 09.05.2018
5. This Court, vide Order dated 16.09.2020, impleaded all the States and Union Territories to find out the exact position of CCTV cameras qua each Police Station as well as the constitution of Oversight Committees.
6. Pursuant to the said directions of this Court, Compliance Affidavits and Action Taken Reports were filed by 14 States (till 24.11.2020), namely, West Bengal, Chhattisgarh, Tamil Nadu, Punjab, Nagaland, Karnataka, Tripura, Uttar Pradesh, Assam, Sikkim, Mizoram, Madhya Pradesh, Meghalaya, Manipur; and 2 Union Territories, namely, Andaman & Nicobar Islands and Puducherry.
7. The majority of the Compliance Affidavits and Action Taken Reports fail to disclose the exact position of CCTV cameras qua each Police Station.
8. The court has directed to give the details like total number of CCTV cameras installed in each and every Police Station; the positioning of the CCTV cameras already installed; working condition of the CCTV cameras; whether the CCTV cameras have a recording facility, if yes, then for how many days/hours, have not been disclosed. Further, the position qua constitution of Oversight Committees in accordance with the Order dated 03.04.2018, and/or details with respect to the Oversight Committees already constituted in the respective States and Union Territory. **The compliance affidavits has to be filed within 6 weeks from the date of this order.**
9. 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 concerned Police Station 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

10. The CCTV cameras should cover all the parts of police station and proper power backups and internet systems has to be installed.
 11. The data should be preserved for a period of 18 months if possible immediately but provision for minimum one year recording to be kept immediately and gradually progress to 18 months recording.
 12. Any person taken in custody and resulting in serious injury and / or custodial death, the person be free to complain for redressal to not only Human Rights Commission but Human Rights Court. 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.
 13. 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.
 14. 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.
 - 15. 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**
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