P L D 2016 Lahore 94

Before Muhammad Farrukh Irfan Khan, J

Dr. YASIN ZIA---Petitioner

Versus

GOVERNMENT OF PUNJAB and others---Respondents

Writ Petition No.13202 of 2015, decided on 2nd July, 2015.

Constitution of Pakistan---

----Art. 199---Constitutional petition---Installation of CCTV cameras in police stations---Petitioner was Chairman of a welfare organization and sought indulgence of High Court for installation of CCTV cameras at public places including police stations and hospitals---Petitioner had also sought direction of High Court to provide ambulances and medical facilities to his organization---Validity---Installation of CCTV cameras in each police station and its monitoring at District Headquarters as per its own policy, had become essential to be undertaken in the minimum possible time in improving working of police and to a great extent, help in minimizing instances of illegal detention. abuse of inmates, verbal and physical torture of inmates and persons inside police stations---Such installation could also help develop confidence of public at large who had to go to police stations for redressal of their grievance---Petitioner was unable to refer any rule or regulation on the basis of which a welfare organization could claim facilities from the government---Constitutional jurisdiction of the High Court was meant for enforcement of a right and not for its creation---High Court turned down request of petitioner as the same was devoid of any force---Petition was dismissed in circumstances.

Petitioner in person.

Siraj-ul-Islam Khan, Addl.A.G. along with Sohail Ashraf, Addl. Secretary (Police) Home Department and Ishtiaq Butt, Section Officer, Manzar Shah L.O.

Ms. Rabia Saleem, Inspector Legal.

ORDER

MUHAMMAD FARRUKH IRFAN KHAN, J.---The petitioner who is the Chairman of a welfare organization through this writ petition seeks direction to the respondents for provision of ambulances to his organization as well as installation of CCTV Cameras and other security equipments at public places including Police Stations, Hospitals etc.

2. Notices were issued to the respondents. According to report and parawise comments of respondents Nos.1 and 2 various steps are being undertaken for the security of public at large in particular religious places, schools and hospitals etc. Relevant paras read as under:-

> "3. The project of Integrated Command and Control Center is being developed on the lines of Command and Control Centers of London Metropolitan Police and Turkish National Police. 1800 sites have been selected .for initial installment of CCTV Cameras in Lahore. Following considerations were identified for sites selection.
> a. All routes of Muharram Processions.
> b. All entry and exit points.
> c. Iconic/important buildings.
> d. Crime patterns/analysis
> e. Traffic Signals.
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> Objectives to be achieved on each site.
> 4. In year 2012, Punjab Government took an initiative to develop model police stations in the 36 Districts of Punjab. The buildings of Model Police Stations have been designed to cater for the process of investigation through modern technology. The total number of model police stations equipped with necessary hardware and software today stands at 213.
> 5. Functions of these model police stations are people friendly policing, service delivery at door steps, quick action on complaints, proactive policing, complaint redressal system and use of modern technology including automation between MPS and Central Police Office, NADRA Verisya biometric system and CCTV Cameras with the back and services of CRO of the District. Government of Punjab is taking different steps to modernize all the police stations for improving thana culture."

3. To maintain law and order situation and to protect lives of the public at large is the domain of the government. From the above report it is clear that the government is cognizant of its duty and various initiatives are being undertaken to cope with the prevailing law and order situation. Further it is the sole prerogative of the executive to formulate its policies to discharge its Constitutional obligation of providing protection of law, treatment in accordance with law, to prevent actions detrimental to the life, liberty, person (body) of a citizen. From preventing from or being hindered in doing what is not prohibited by law and to do what the law does require him to do. However, it is now well known to every one as has been admitted in their report and parawise comments by respondents Nos.1 and 2, that thana culture exists in its most brutal form in the province. Thana culture has far reaching implications and meanings. It is a ground reality that an ordinary citizen is afraid to enter into police station for redressal of his grievance. The police stations are located far away and it is not possible for the Senior Police Officers to supervise them physically at each and every moment, therefore, generally a SHO considers himself to be the king of the area and on selective occasions exceeds its authority. However, by the use of technology 'thana' can be better controlled/supervised. Therefore, installation of CCTV cameras in each police station and its monitoring at district headquarters, as per its own policy, has become essential to be undertaken in the minimum possible time in improving working of the police and

to a great extent help in minimizing the stances of illegal detention, abuse of inmates, verbal and physical torture of the inmates and persons inside the police stations. This may also help develop confidence of the public at large, who have to go to the police stations for redressal of their grievance.

4. It is, therefore, directed that the Provincial Government of Punjab will endeavour to complete the process of installation of CCTV cameras in the police stations of the whole province within a period of six months. CCTV cameras are to be installed at conspicuous places in each of the police station. These are to be installed in such a way that areas like the entrance, corridors, lock ups and main reception halls are to be covered at each of the police station with twenty four hours surveillance each day which is to be recorded in sound and picture form at the police station and the District Headquarters levels. The CCTV data would be preserved at the respective police station as well as district police headquarter and also in an archive to preserve the said data at the police headquarter. SHO of the concerned police station would be responsible to preserve the said record at the police station level and also to ensure that each and every camera is operational throughout while the responsibility at the district headquarter would be that of DIG/DPO of each district. The most important responsibility would of the Inspector General of Police, Punjab, who shall ensure that each camera which should record sound and picture is functioning in every police station and record is maintained at least for a period of three years, both at the police station and district headquarters. After installation of CCTV cameras within six months, the IG will continue to submit report to this Court on quarterly basis giving details of each and every police station as to how many cameras are installed in a police station along with site map showing placement thereof and confirmation that each and every camera is functional.

5. As far as request of the petitioner for provisions of ambulances and medical facilities to his organization is concerned, the petitioner is unable to refer any rule or regulation on the basis of which a welfare organization could claim such facilities from the Government. Constitutional jurisdiction of this Court is meant for enforcement of a right and not for its creation, therefore, this request of the petitioner being devoid of any force is turned down.

6. This writ petition is disposed of in the above terms. A copy of this order shall be transmitted to the Secretary, Home Department for compliance immediately.

MH/Y-3/L Order accordingly.

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