

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/WRIT PETITION (PIL) NO. 153 of 2018**

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BHAUTIK VIJAYBHAI BHATT

Versus

DIRECTOR GENERAL OF POLICE & 1 other(s)

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Appearance:

MR YN RAVANI(718) for the Applicant(s) No. 1

MR KAMAL TRIVEDI ADVOCATE GENERAL WITH MS AISHWARYA
GUPTA AGP for the Opponent(s) No. 1,2

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CORAM: **HONOURABLE THE ACTING CHIEF JUSTICE ANANT S. DAVE**

and

HONOURABLE MR.JUSTICE BIREN VAISHNAV

Date : 07/05/2019

ORAL ORDER

(PER : HONOURABLE THE ACTING CHIEF JUSTICE ANANT S. DAVE)

1 Heard learned counsels for the parties.

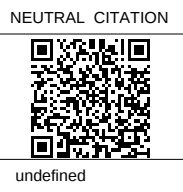
2 The petitioner, a social worker, has filed this Writ Petition [PIL] by taking up a cause based on various instances, which took place in the near past in the State of Gujarat, for which reference is made, and the basic issue is about adhering to the guidelines laid down by the Apex Court in the case of **D.K.Basu v. State of West Bengal [(1997)1 SCC 416]**. The petitioner has prayed for the following main reliefs:



"[A] Issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus directing the respondent authorities to issue appropriate circular and/or instructions not to take out procession of accused persons by handcuffing them or by tying their hands with rope and beat such accused persons in public place by strictly complying with the directions of the Hon'ble Apex Court in the case of D.K.Basu Vs. State of West Bengal, reported in (1997)1 SCC, 416.

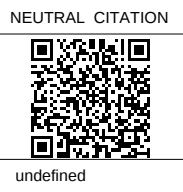
[B] Pending admission, hearing and/or final disposal of this petition, Your Lordships may be pleased to direct the respondent authorities to strictly comply with the directions and/or instructions given by the Hon'ble Apex Court in the case of D.K.Basu Vs. State of West Bengal, reported in (1997)1 SCC, 416 and also submit a report in that regard to this Hon'ble Court".

3 Mr. Y.N.Ravani, learned counsel for the petitioner, submits that the issue touches freedom of individual as guaranteed under the Article 21 of the Constitution of India and the State is duty bound to ensure that such right is protected so that life and liberty of citizens can be protected as envisaged by framers of the Constitution of India. Besides, such instances reveal the manner in which law and order is implemented and that vigilance required at the end of law enforcing agency to see that timely



action is taken against the violators of guidelines issued in the case of **D.K.Basu [supra]** and further to see no such incident is repeated in future by undertaking preventive measures such guidelines can be implemented in toto.

4 As against the above, the Deputy Inspector General, Gandhinagar Range, Gandhinagar has filed affidavit in reply and Mr. Sanjay Srivastava, Additional Director General of Police [Law and Order], Police Bhavan, Gandhinagar filed further affidavit in reply, in which, action taken report is submitted qua 10 instances to which petitioner has made reference. In addition to the above, in paras 6 to 11, it is averred about the procedure to be followed at the time of arrest of an accused and requirement of observance of guidelines laid down in the case of **D.K.Basu [supra]** by sensitizing police personnel at every rank and cadre along with proposed draft instructions to be issued to all concerned to be strictly adhered at the time of arrest and post arrest by not parading them in public at large or giving any maltreatment and to see that they are protected from mob violence and to be taken to the police station or Magistrate, as the case may be, in a dignified manner by protecting their individual status.



5 Accordingly, we are satisfied that at this stage no further direction is required to be issued in the matter. It will be open for the respondent authorities to issue the Circular to all concerned officers within a period of one week from today to see that the decision in the case of D.K.Basu [supra] and subsequent decisions of the Apex Court and guidelines contained therein are strictly complied with and no breach is noticed, failing which it will be open for the petitioner to seek liberty to revive the petition with the prayer made therein.

6 With the aforesaid, this Writ petition [PIL] stands disposed of. Notice discharged.

(ANANT S. DAVE, ACJ)

(BIREN VAISHNAV, J)

P. SUBRAHMANYAM