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

+ **W.P.(C) 4196/2024 & CM APPL. 17151/2024**

GANGA SARAN

..... Petitioner

Through: Ms. Deepti Gupta, Advocate

versus

THE COMMISSIONER OF POLICE

..... Respondent

Through: Mr. Santosh Kumar Tripathi,
Standing Counsel (Civil) with Mr.
Rishabh Srivastava and Mr. Kartik
Sharma, Advocates along with ASI
Jagbir Singh [PCR], SI Ashok
Sharma and Insp. Sunil Kumar

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Date of Decision: 20th March, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

CM APPL. 17151/2024(for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

W.P.(C) 4196/2024

1. Present petition filed under Articles 226 and 227 of the Constitution of India as a Public Interest Litigation ('PIL'), seeks issuance of direction to the Respondent i.e., Commissioner of Police for removal of Interactive



Voice Response (IVR) and other computer-generated voice prefixed in Emergency Helpline No. 112.

2. The Petitioner states that IVR is disabling the public at large to connect with the emergency helpline during any kind of contingency. The Petitioner states that IVR runs for a few seconds and requires the caller to press '8' in order to lastly connect to the operator. It is contended that in case of failure to press '8' the call gets automatically disconnected.

3. The Petitioner states that the IVR in Emergency Helpline No. 112 is unnecessary, and the same is discouraging the public to reach helpline directly.

4. The Petitioner had earlier filed a WP(C) No. 13397/2023 for removal of the IVR and other computer-generated voice prefixed in Emergency Helpline No. 112. The learned Single Judge issued notice in the said matter on 11th October, 2023. The said petition was disposed of as withdrawn, with liberty to file a Public Interest Litigation (PIL) on 06th December, 2023. Hence, the present PIL is filed.

5. Learned counsel for the Petitioner states that though the emergency helpline number system is followed in various countries such as United States of America (USA), but there is no prefixing of IVR in those jurisdictions. She states that the relief being sought in the petition is only limited to the removal of the IVR.

5.1 She states that the reason behind bringing in the said IVR system as stated by the Respondent in its counter affidavit filed in WP(C) No. 13397/2023 is the enormous amount of fake and prank calls which were being received. She states that every call on Emergency Helpline No. 112 is



required to be entertained and no filtration mechanism like the IVR can be put in place.

5.2 She states that instead of bringing in place system like IVR to tackle with the problem of fake and prank calls, the Respondent can instead train its officers/operator to identify such fake and prank calls and deal with them accordingly.

5.3 She states that currently when a caller dials Emergency Helpline No. 112, he/she hears the IVR, which calls upon the caller to press '8'. She states that with the smart watches, this option cannot be availed as on a smart watch there is no keypad. She states that therefore the caller necessarily would have to use mobile phone for calling Emergency Helpline No. 112.

6. In reply, learned standing counsel for the Respondent states that the Indian scenario is completely different from the rest of the world. He states that the Emergency Helpline No. 112 was setup to address the need for a Nationwide Unified Emergency Response System. He states that this was also the recommendation of Justice J.S. Verma Committee in its report dated 23rd January, 2013.

6.1. He states that Emergency Helpline No. 112 is a Pan-India Single Emergency Response Number to address all kinds of distressed calls such as Police, Fire, Ambulance etc. He states that 112 was formally inaugurated on 25th September, 2019 and operates round the clock.

6.2. He states that in the smart and generic phones used by the members of the public has a facility to trigger a call to a pre-defined Emergency Helpline No. 112. He states that this leads to unintentional auto-dialing, pocket dialing from the mobile phones to Emergency Helpline No. 112. He states that the adverse consequence of this facility on the mobile phones has



resulted in large number of unintentional calls to Emergency Helpline No. 112.

6.3. He states illustratively in view of the Nationwide operation, 8.2 to 8.5 lakhs calls hit Emergency Helpline No. 112 Delhi system on a daily basis. He states out of these only 16000-18000 calls are by intended callers who consciously press '8' on the IVR. He states therefore, 97.5% of the total calls do not even press '8' and are filtered out at the IVR stage. He states that the IVR has been consciously placed to ensure that the emergency lines are not choked with blank calls and are kept open for genuine callers.

6.4. He states that upon dialing Emergency Helpline No. 112, the caller hears the IVR and upon pressing '8' the caller is instantly connected with the operator. He states that the IVR message asking the caller to press '8' plays out for a total of 11 seconds.

6.5. He states that with the IVR in place the operators are handling daily 16000-18000 calls. If the IVR is removed the operators will have to receive 8.2 to 8.5 lakhs per day. The peril of genuine caller not finding access is a very high possibility. He states that the infrastructure and manpower required for handling 8.5 lakhs calls would be enormous.

6.6. He has handed over a note prepared by Deputy Commissioner of Police, Communications dated 16th November, 2023 with the comments for averments made in W.P.(C) 13397/2023. The same is taken on record.

7. We have heard the learned counsel for the parties and perused the record.

8. As recorded above, a caller upon dialing Emergency Helpline No. 112 immediately hears the IVR, calling upon him/her to press '8'; and if the call has been placed intentionally, the caller upon pressing '8' is immediately



connected to operator. The IVR message plays out for 05 seconds and upon pressing '8' the caller is connected. These facts are not disputed by the Petitioner.

9. The Respondent has explained that the IVR system acts as filtration inasmuch as unintentional calls placed on Emergency Helpline No. 112 get filtered inasmuch as if the caller does not press '8' for up to 9 seconds after the IVR message is played, the call disconnects and is not received by the operator. The unintentional calls include pocket dials and automatic dials from the mobile handsets. The Petitioner has not disputed the veracity of the data referred to by the Respondent with respect to 97.05% unintentional or prank calls received on Emergency Helpline No. 112.

10. We are of the considered opinion that the data placed by Respondent shows an alarming rate of unintentional or prank calls received at Emergency Helpline No. 112. We find merit in the submission of the Respondent that receiving 8.5 lakhs calls as against the intended 18000 genuine calls could lead to a breakdown of the system and lead to neglect of the genuine caller. In view of the population of the country and the large number of mobile handset users in the country the figures submitted by the Respondent appear to be correct.

11. The Respondent has explained that the time taken in placing a call at Emergency Helpline No. 112 through the IVR takes 05 seconds if the caller is serious and presses '8'. We are of the opinion that the said time taken cannot be said to be unreasonable. Further, if a caller uses a landline or a mobile handset to place a call on Emergency Helpline No. 112, pressing '8' immediately thereafter cannot pose any hindrance to the caller.



12. We are of the opinion that the system in place is best in the current scenario even though it may not be perfect as the Petitioner hopes for. Maybe after the current system has stabilized, the need for IVR may not remain.

13. We accordingly, find no grounds for issuing the directions sought in the present petition and accordingly, the present petition along with applications are dismissed.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MARCH 20, 2024/hp/sk