

288 (3 cases)

CRM-M-26326-2019

RAJAN KAPUR VERSUS STATE OF PUNJAB

Alongwith:

CRM-M-27425-2019; and CRM-M-34051-2019

Present Mr. Arjun Kapur, Advocate and  
Mr. V.P. Goyal, Advocate  
for the petitioner(s).

Mr. Arjun Sheoran, DAG, Punjab

Mr. H.S. Oberoi, Advocate  
for the complainant.

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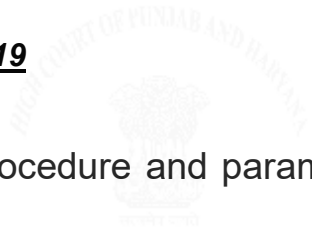
Pursuant to order dated 03.05.2024, learned State Counsel has filed an affidavit dated 13.05.2024 of Mr. Gaurav Yadav, IPS, DGP, Punjab, which is taken on record. Copy thereof has been supplied to the opposite side.

**[2]** Registry to do the needful.

**[3]** In the aforesaid affidavit, answers to the queries put by this Court have been given, but it nowhere mentions about any Rules/Regulations/Guidelines framed by the Govt. of Punjab as regards the charging of payment from the individuals who are being provided security by the State under threat perception.

**[4]** Faced with the above, learned State Counsel, on instructions, informs that an SOP in this regard shall be prepared and presented on or before the next date of hearing and thus, prays for short accommodation. The SOP at bare minimum shall cover following points regarding providing security to private individuals under threat perception:

- i. Procedure related to assessment of threat perception and its scope and the procedure pursuant thereto according to the scope of threat perception.

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- ii. The procedure and parameters to determine an individual's liability for covering the costs incurred by the state in providing security including the points of consideration while determining the liability of the individual and the competent authority responsible for making such determination. It is also made clear that this Court is not averse to granting security to individuals free of cost or on part payment under compelling circumstances when the person cannot afford the same and the threat being expressed to him is real. If the state considers extending security to individuals outside traditionally identified threatened categories, whether on a complimentary or partially subsidized basis, it is imperative that the eligibility criteria be clearly defined. Not only the ambiguity should be minimized, but at the same time the standards should be transparent and easily comprehensible. It has been brought to the notice of this Court that such a policy is already in existence in Maharashtra.
  - iii. If an individual is provided security due to their association with a political party, religious organization, or similar entity as well as persons associated with entertainment industry, SOP shall have consideration regarding cost being recoverable from said political party or religious organization and the subjective criteria for determining such political party/religious organization/ or other similar entities.
  - iv. It has also come to the knowledge of this Court that state police personnel are also involved in the security of individuals who are resident of other states or live in other

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states for a considerable period of time, this factor should also be addressed, while framing the SOP.

**[5]** Considering the fact that the issue in hand affects not only an individual but society at large covering the State of Haryana and UT, Chandigarh, thus, in the given circumstances, Mr. Rajeev Sidhu, DAG Haryana as well as Mr. Manish Bansal, PP, UT Administration, are requested to accept notice and inform the Court about policies/guidelines/rules/SOP regarding providing security to individuals against threat perception and also about charges payable against it, by way of affidavit(s). Mr. Manish Bansal, learned PP for UT Administration, is also requested to produce “Yellow Book” titled “Security Arrangements for the Protection of Individuals” in a sealed cover on the next date of hearing.

**[6]** List on **16.05.2024**.

**[7]** Also, learned counsel representing the State of Punjab to inform as to whether any Rules have been framed in exercise of powers under Section 80 of the Punjab Police Act, 2007. He will also respond about the necessary steps taken in pursuance to decision dated 22.08.2022 passed in case ***CWP No. 11872 of 2022***, titled “***Om Prakash Soni Versus State of Punjab and others***”.

**[8]** A photocopy of this order be placed on the file(s) of connected case(s).

**May 14, 2024**

*'dk kamra'*

**( HARKESH MANUJA )  
JUDGE**