

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR**

D.B. Civil Writ Petition No. 2428/2018

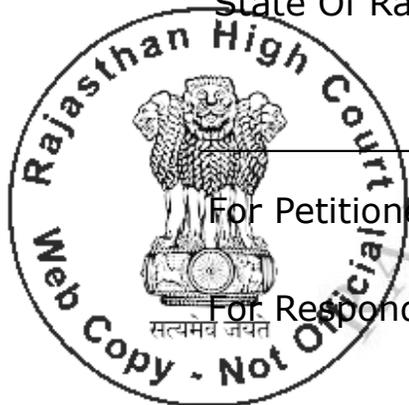
Bar Association,Rajgarh

----Petitioner

Versus

State Of Rajasthan And Ors.

----Respondent



For Petitioner(s)

: Mr.Vikas Bijarnia

For Respondent(s)

: Mr.Farzand Ali, AAG
Mr.Karan Singh Rajpurohit, AAG
Dr.Sachin Acharya
Mr.K.S.Lodha for Mr.M.S.Singhvi, AG

**HON'BLE THE CHIEF JUSTICE S. RAVINDRA BHAT
HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI**

Order

09/07/2019

This court has considered submissions of the parties.

The information provided by the State with respect to the position in Rajgarh is indicated in a tabular manner, as follows:

S.No	Reliefs	Status
1	Safety and security by establishing permanent Police Outpost and CCTV cameras at Court Premises at Rajgarh (Churu).	All the Courts of Rajgarh (Churu) have been shifted from old campus to new campus which is suitable from the security point of view also. Permanent Police Outpost has been established as noted in the Court's order dated 06.07.2018.

		CCTV cameras have been installed in the court premises of Rajgarh.
2	Provide Advocates' Chambers and other amenities for litigants and general public.	Waiting space for litigants and public toilets are available. Advocates' Chambers and Canteen are not available.
3	Video Conferencing for hearing of cases involving hardcore criminals.	Video Conferencing equipments have been installed in all outlying court complexes. ID for V.C. is being provided.



The State Government's commitments made to the Supreme Court in the ongoing *suo motu* proceedings relating to rectifying inadequacies and deficiencies in court infrastructure include the following:

- a) Court buildings will be provided to all courts by allotment of government building or by taking suitable building on rent without ceiling of rent.
- b) Residences will be provided to all judicial officers by allotment of government residences or by taking suitable building on rent without ceiling of rent.
- c) No ongoing project will be held up for want of funds.
- d) Administrative and financial sanction will be issued immediately on submission of plan for court building or residences. (such sanctions have been issued for pending proposals)
- e) Suitable land for court buildings and residences will be identified within one year and construction will be completed within five years thereafter. (Fortnightly meetings are convened between District Judge, District Collector and PWD authorities under State level monitoring).

The status report placed on the record highlights the following:

- i. In most court complexes, adequate security is not available.
- ii. Exclusive responsibility to provide safety and security in

court complexes and to the judicial officers rests with the State Government but despite repeated requests, no steps have been taken in this regard.

- iii. A road map is necessary to provide full proof safety and security in all court complexes by establishing police outposts, CCTV cameras or otherwise as per expert advise of security agencies.
- iv. In the era of increasing crime, the State Government was requested to deploy permanent guards at the residences of Principal District Judges and to provide PSO to all judicial officers. Minimum necessary safety and security measures are urgently called for.



The recent inspection of several court complexes conducted by the Chief Justice, in the districts of Alwar (including outlying courts in Kishangarh Bas and Tijara), Udaipur, Dungarpur, Banswara, Pratapgarh, Chittorgarh (including the outlying court in Nimbahera), the outlying court in Gangapur (District Bhilwara), the District Court complex at Rajsamand, District Court complex Bharatpur and District Court complex at Ajmer (and the outlying court at Pushkar) reveals serious infrastructural shortcomings. Although in some of these places (i.e Alwar, Chittorgarh, Ajmer) new court buildings are under construction, the existing infrastructure needs much to be desired. Almost without exception, public facilities such as toilets and drinking water (for litigants and counsel) was woefully inadequate- in some places, virtually non existent. The toilets in Rajsamand and Ajmer court complexes were unusable; in almost all places there very no, or extremely limited number of ladies' toilets; those which existed, were unclean and unhygienic.

These inadequacies and shortcomings are evident from the chart pointing out infrastructural facilities' position, provided by the High Court establishment. The said tabular statement reveals that in the 330 court complexes, as against availability of advocates' chambers in 113 complexes, there were 217 complexes where such chambers were not provided;

similarly, Bar rooms were available in 216 complexes; in 114 complexes there were no bar rooms. Canteen facilities were found in 112 court complexes; there are none in 218 complexes; litigant's space or waiting area (called "sheds") are available in 204 complexes, as against 126 complexes where they are unavailable. Crucially, lockup facilities are not available in 171 court complexes (as against 115 complexes where they are available). According to the statistics provided, toilet facilities are available in 265 court complexes, whereas 65 complexes lack these facilities. Water coolers are not available in 118 court complexes, as against 212 court facilities which have them. Lastly, parking facilities are absent in 159 court complexes, whereas they exist in 171 complexes.



While statistics and figures paint a grim story, the actual ground reality, it appears is worse. What statistics do not point to is the condition of facilities such as toilets, water supply, their cleanliness and most importantly, their adequacy- having regard to the footfalls (i.e. the number of people who visit courts on an average, daily). Although no census of the number of visitors in these court complexes has been carried out, for any day, on a rough conservative estimate, litigants and lawyers might account for about 150,000. If these figures are taken annually, the total number of people who visit the courts, would add up to over 4.5 crores, which is a substantial number – more than half the population of the State. The State has, in the opinion of this court, the primary responsibility of ensuring minimum hygiene and cleanliness in these public buildings, and also ensuring adequate water supply. Furthermore, the State should also ensure general cleanliness, in an appropriate manner, given that these courts fall within jurisdiction of different local bodies (municipalities, panchayats and gram sabhas, development authorities, etc).

In the light of the above discussion, this court further notices and directs as follows:

- (i) In the commitment made before Supreme Court only court

buildings and residences are included. However, no provision for other facilities like Advocates' Chambers, provision for adequate water supply (drinking and other use) Public Toilets (men and women separately), Litigants' Sheds/resting areas, canteens etc. have not been included. These facilities are essential for smooth functioning of courts.

- (ii) A road map has to be prepared in relation to all court complexes to provide all required facilities in a time bound manner. The State shall indicate this within a month, after obtaining inputs from local officials- who shall also secure inputs from members of the bar, and the judge in charge or senior most judge of the concerned district or outlying court. Each facility shall be inspected, from the angle of adequacy, cleanliness and proper maintenance.

- (iii) Every District Judge should carry out periodic inspections- at least twice a month, to ensure minimum cleanliness and hygiene in the court complexes and its environs, to ensure productivity. In this regard, each district judge shall obtain inputs from members of the bar and wherever intervention is needed urgently, get in touch with the local authorities and the state government who shall ensure that the necessary rectification is carried out, within 3 months of receipt of the intimation of deficiencies.

- (iv) The State Government is directed to immediately take steps to deploy police guards at the residences of the Principal District Judges and to make appropriate security arrangements for Judicial Officers. Suitable security arrangements for safety in Court complexes shall be made; also arrangements shall be made for posting of security guards within earliest possible time, in residence of Judicial Officers, as per assessment of the State. This is an urgent step having regard to State's own assessment of security needs of the Judicial Officers.



- (v) The High Court Administration shall provide details of all required infrastructure within a month.

List for considering the progress and for further proceedings on 26.8.2019.

(DR. PUSHPENDRA SINGH BHATI),J

(S. RAVINDRA BHAT),CJ



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