

IN THE HON'BLE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)
PUBLIC INTEREST LITIGATION

WRIT PETITION (CIVIL) No. _____ OF 2019

-1-

(A Petition under Article 32 of the Constitution of India praying for a Writ of Mandamus or any other appropriate writs regarding issuance of specific guidelines and/or directions in respect of Special Security measures and for dedicated Security Force for the protection of judges, litigants, advocates and the persons involved in the justice delivery system of Court premises in all Indian Courts)

IN THE MATTER OF:

Karunakar Mahalik

....Petitioner

Versus

Union of India & Ors.

...Respondents

With

I.A. No. _____ OF 2019

APPLICATION FOR EXEMPTION FROM FILING OFFICIAL
ENGLISH TRANSLATION

PAPER BOOK

(FOR INDEX PLEASE SEE INSIDE)

ADVOCATE FOR THE PETITIONER: DURGA DUTT

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LISTING PROFORMA

IN THE SUPREME COURT OF INDIA

SECTION-PIL

The case pertains to (Please tick/check the correct box):	Civil
Central Act: (Title)	Constitution of India
Section:	Art. 32
Central Rule: (Title)	N/A
Rule No.(s):	N/A
State Act: (Title)	N/A
Section :	N/A
State Rule: (Title)	N/A
Rule No.(s):	N/A
Impugned Interim Order : (Date)	N/A
Impugned Final Order/Decree; (Date)	N.A.
High Court: (Name)	N/A
Names of Judges:	N/A
Tribunal/Authority: (Name)	N/A
1. Nature of Matter:	Civil
2. (a) Petitioner/appellant No.1:	Karunakar Mahalik
(b) e-mail ID:	N/A
(c) Mobile Phone number:	N/A
3. (a) Respondent No.1:	Union of India & Ors.
(b) E-mail ID:	N/A
(c) Mobile phone number:	N/A
4. (a) Main category classification:	18 Civil Matter
(b) sub classification:	1801 others
5. Not to be listed before:	N/A
6. (a) Similar Disposed of matter with Citation, if any, and case details:	No similar disposed of matter
(b) Similar Pending matter with	No similar pending matter

case details:	
7. Criminal Matters:	NO
(a) Whether accused/convict has surrendered:	N/A
(b) FIR No.	N/A
(c) Police Station:	N/A
(d) Sentence Awarded:	N/A
(e) Sentence Undergone:	N/A
8. Land Acquisition Matters:	NO
(a) Date of Section 4 notification:	N/A
(b) Date of Section 6 notification:	N/A
(c) Date of Section 17 notification:	N/A
9. Tax Matters: State the tax effect:	N/A
10. Special Category (first petitioner/appellant only):	N/A
Senior Citizen > 65 years	N/A
SC/ST	N/A
Woman/Child	N/A
Disabled	N/A
Legal Aid Case	N/A
In custody	N/A
11. Vehicle Number (in case of Motor Accident Claim Matters):	N/A

-7-

DURGA DUTT

Advocate-On-Record for Petitioner

Code No.:2460

E-Mail-dddutt1@gmail.com

New Delhi

Date: 22/11/2019

Mob. No.-9811723914

SYNOPSIS & LIST OF DATES

That the present Writ Petition under Article 32 of the Constitution of India is being filed by the Petitioner, raising a very important issue. The Petitioner is public spirited individual, and is a practicing Advocate-On-Record of this Hon'ble Court. The Petitioner is a deep believer in the upliftment of democratic values, judicial independence and promotion and protection of Rule of Law and individual and institutional freedom as enshrined in Constitution of India.

That the issues raised herein for the kind consideration of this Hon'ble Court in the wake of large number of mishappenings/crimes of violence, firings in court premises and even in Courtrooms, whereby the lives of the Lawyers/Public/Litigants, Court Officials and Judges have been in danger. Citizens have the right to sufficient security in Courts, as such uniform guidelines for security measures across the country is being sought to provide "foolproof" security at all Court premises.

This is a Public Interest Petition seeking special arrangement and enhancement of security and safety measures in the District/Trial Courts, High Courts of the country and this Hon'ble Court as the judicial institutions are being increasingly targeted by terrorists and anti-social elements and thereby for enforcement of Fundamental Rights as guaranteed under Article 21 of the Constitution of India as everyone has the right to life, liberty and the security. The right to life is undoubtedly the most fundamental of all rights. It has been also pointed out the incidents of anti-social elements entering into court premises with arms, creating an insecure atmosphere in the court premises across the country. The guidelines are sought to be issued after looking at the report from the authorities on the prevailing security arrangements in

District and High Courts and this Hon'ble Court. It has become expedient to improve the existing conditions of security measures in courts premises across the country in view of the several instances of attacks which took place in many District and High Courts in the last decade including the murder of U.P. Bar Council's first woman Chairperson, Darvesh Yadav in the court premises and the latest being the Police firing against the lawyers and subsequent clashes which resulted in complete standstill of the Courts' Proceedings in District Courts of Delhi and other Courts across the Country. There have been various incidents of attacks against advocates, policemen, under trial prisoners, accused persons, witnesses, and people visiting the Courts. The violent incidents and attacks in Court premises have infringed the life, liberty, security and dignity among advocates, litigants, court officials and the Presiding officers. Such incidents affect the right to life and security of the people coming to the courts all across India. Hence, for the sake of promoting the need for security measures, the petitioner submits that the security of those working and those visiting the courts is vital for conserving the sanctity of justice delivery system. *"In order to protect the integrity of our judicial system, there must be a feeling of security, safety, life and liberty established for the people visiting and working at the courts. Security is not a one-time achievement. It is a serious and continuous goal and requires constant vigilance. Further, it must be the number one priority every single day for all those interested and involved in the process of Justice Delivery System."*

While making a case for the need for improved security managed in highly professional manner in courts, the petitioner has also made certain references like bringing security measures in District Courts at par with those at High Courts, three-level security placement, fitting of CCTV cameras, metal detectors etc., fixed entry and exit points, entry pass system for visitors in Court, and deployment of a dedicated highly trained security personnel in Courts and Court premises who are abreast with the Court procedure and its functioning, among other things.

There is crying need to replace the police with the dedicated/special security system who are dedicated to protect and provide full scale security to all the persons related to the Courts and Tribunals including the litigants and the witnesses, so

that the problems in regard to safety and security are addressed in a better way in consultation with the specialized agencies.

That the Special Security Agencies dedicated for the Courts' Security would be aptly suitable to provide all kinds and round the clock security to the Court Complex and preventing unwanted people to enter into the Court premises.

That the security of court premises & persons related to the justice delivery system, is essential part of courts' integrity & sovereignty. Sovereignty of Courts is not limited only to its justice delivery system but also to its security and the security of Courts cannot be compromised not only to the aspect of morality but also the tangible aspect.

“Courthouses must be a safe harbor to which members of the public come to resolve disputes that often are volatile. Once courthouses themselves are perceived as dangerous, the integrity and efficacy of the entire judicial process is in jeopardy.” Hon. Ronald M. George, Chief Justice of California, 1996-2010.

That specialized and dedicated security of an institution is not new to the system. There is existence of specialized Railway Protection Force for the protection of Railways property and the passengers and it comes under direct control of Railway Board and not under the Ministry of Home Affairs. The “Railway Protection Force (RPF)” is a security force, established by the Railway Protection Force Act, 1957 ; enacted by the Indian Parliament for "the better protection and security of railway property". It has the power to search, arrest, investigate and prosecute, though the ultimate power rests in the hands of the Government Railway Police. The force is under the authority of the Ministry of Railways.

That this is noteworthy to mention that there is also special Security Police i.e. “Marshal of the United States Supreme Court” answerable to the Court itself. The Marshal of the United States Supreme Court is appointed by the Supreme Court. The Marshal and the Supreme Court Police are authorized by Title 40 Section 6121 of the U.S. Code. The security force for the United States Supreme Court was established with name “Supreme Court of the United States Police”. The Supreme Court of the United States Police is a small U.S. Federal Law enforcement agency whose

mission is to ensure the integrity of the constitutional mission of the U.S. Supreme Court by protecting the Supreme Court building, the justices, employees, guests, and visitors.

That it is further mention that the South Australian Legislation also passed the Sheriff's Act 1978 and the objective of the act is to provide for the appointment of the sheriff for providing security and maintaining order at courts and other places. The Tasmanian Legislation in Australia also passed "The Court Security Act, 2017, which conferred power to the Registrar of the Court to appoint the Sheriff and the Sheriff would appoint the Security Officers for the Supreme Court in Tasmania.

That it is further apt to state herein that the Central Industrial Security Force i.e. CISF, a para military force under Ministry of Home Affairs, instead of Local Police, is already providing security to the Madras High Court and this Hon'ble Court on November 4, 2015, refused to interfere with the Order of Madras High Court, directing the CISF to guard the court premises, replacing the Tamil Nadu Police.

A dedicated Court Security System must not only ensure the security of Judges but also of litigants, lawyers, employees of the Courts and the general public visiting the court premises with utmost responsibilities and in accordance with the alarming changing scenario of security challenges in the last decade and the emerging challenges of Global Terrorism etc.

That in India there are various States which are inflicted by the menace of Terrorism, Naxalism and Insurgent activities viz. Jammu & Kashmir, Chhattisgarh, Bihar, Jharkhand, Orissa, Andhra Pradesh, North Eastern States and so on and prone to large scale violence and upheaval. Hence, the safety and security of people at large involve in the Justice Delivery System in these regions are of paramount importance and require serious overhauling of security at the Courts' premises. The present security system/forces are not trained and sometime there is excessive use of force and other abuses in Courts' premises and the Petitioner vide this petition ensures that all Courts to provide safe and secure environment to the Litigants, Advocates, Judicial Officers, other officers coming to Court premises, Staff of the

Courts, etc. Hence, the unified dedicated/specialized security system for all Courts of the country is the need of hour.

It is pertinent to take note of the most notorious incident happened in the history of judiciary in Nadiad, Gujarat, wherein five police personnel of Gujarat Police had brutally beaten and handcuffed an incumbent Magistrate, the case of which was reported in the landmark judgement of this Hon'ble Court, titled as "Delhi Judicial Service Vs. State of Gujarat and others Etc. Etc." as reported in 1991 AIR 2176 and 1991 SCC (4) 406.

That as per the Constitution of India, there is provision of Parliamentary form of government and an independent judiciary, which is separate in terms of powers and areas of responsibility from the legislature and the executive. Even though the governance system is relatively federal in nature, the Constitution of India designed a unified judicial system for the entire nation.

The Dedicated Security System for Courts' Security needs to be unified with all India Character and the personnel need to be trained to handle sensitive and specialised job of Courts' security, Courts compound, parking, crowd management, witness protection, protection of child witness, women, most vulnerable and should carry appropriate arms, ammunitions and should be expert in search and seizures.

It is often seen that the deployment of security cannot disregard basic human rights. They are not mutually exclusive. In fact, in an ultimate sense, the object of security is to guarantee basic human rights, including safety of the human being. It is necessary to work towards a strategic reconciliation of the need for security and the imperative of upholding human rights. Furthermore, it is imperative to note that policing court premises is different from policing nuclear installations, airports, seaports, power plants, sensitive government buildings and heritage monuments which have controlled access and routes and there are already secured by the specialised agencies viz. CISF, Indian Coast Guard etc.

That it is most humbly submitted that the police forces of respective states involved in the maintenance of law & order are already overburdened and not in a position to provide full-proof specialized security and safety to the Judges and persons involved

in the Justice Delivery System. The Police personnel discharge a range of functions related to: (i) crime prevention and response (e.g., intelligence collection, patrolling, investigation, production of witnesses in courts), (ii) maintenance of internal security and law and order (e.g., crowd control, riot control, anti-terrorist or anti-extremist operations), and (iii) various miscellaneous duties (e.g., traffic management, disaster rescue and removal of encroachments). Each police officer is also responsible for a large segment of people, given India's low police strength per lakh population as compared to international standards. Therefore, an average policeman ends up having an enormous workload and long working hours, which negatively affects his efficiency and performance.

That it is most humbly submitted that the local police who provides the security to the District/Trial Courts are not equipped with the arms and not trained to handle the Court security and there is conflict of interest as the local police are also part of the maintenance of Law & Order, crime prevention and investigation and also part of the Prosecution including Court and Judges security which gives local Police in different roles which are contradictory and conflicting.

It is noteworthy that the Central Government maintains various central armed police forces and paramilitary forces, for guarding India's borders and to perform specialised tasks viz. *Assam Rifles (AR)*: Guards India's borders with Myanmar, *Border Security Force (BSF)*: Guards India's borders with Pakistan and Bangladesh, *Indo Tibetan Border Police Force (ITBP)*: Guards the border with China, *Sashastra Seema Bal (SSB)*: Guards India's borders with Nepal and Bhutan. The *Central Industrial Security Force (CISF)* provides security to critical infrastructure installations, such as airports, atomic power plants, defence production units and oil fields. The *Central Reserve Police Force (CRPF)* is generally deployed for law and order, counter-insurgency, anti-naxal and communal violence operations and additionally a dedicated Railway Protection

Force (RPF) for protection of Railway Property and safety and security of people at Railway premises.

It is thus, the humble submission of the petitioner that there ought to be a specialized security forces for the safety and security of the Hon'ble Judges, Presiding Officers, Advocates, Court Officials, Litigants, Witnesses and the premises of courts for betterment of the judicial security. It is also a concern that lack of safety and security in court premises demands implementation of the Advocates Protection Act as the Advocates are the most important in the Justice Delivery System and most vulnerable.

List of Dates & Events

- 1867 That the very first time the “Marshal of the United States Supreme Court” a security police answerable to the court itself, was created by a statute in USA. The Marshal of the United States Supreme Court is appointed by the Supreme Court. The Marshal and the Supreme Court Police are authorized by Title 40 Section 6121 of the U.S. Code.
- 1935 The security force for the United States Supreme Court was established with name “Supreme Court of the United States Police”. The Supreme Court of the United States Police is a small U.S. Federal Law enforcement agency whose mission is to ensure the integrity of the constitutional mission of the U.S. Supreme Court by protecting the Supreme Court building, the justices, employees, guests, and visitors.
- 1950 The Constitution of India came into effect and Art. 50 of the Constitution of India provides separation of Judiciary from Executive.
- 1957 That the Railway Protection Force (RPF) was established by the Railway Protection Force Act, 1957 “for the better protection and security of railway property”.

- 1977 That the National Police Commission appointed by the government in 1977 felt that “far reaching changes have taken place in the country” since independence but “there has been no comprehensive review of the police system after independence despite radical changes in the political, social and economic situation in the country”. The government’s response to the core recommendations of the National Police Commission was unfortunately negative.
- 1978 That the Sheriff’s Act 1978 passed by the South Australian Legislation. The objective of the act is to provide for the appointment of the Sheriff and other officers and for their duties and powers, including duties and powers relating to security and maintaining order at courts and other places.
- 1989 That in a very notorious incident in Nadiad, Gujarat, five police personnel of Gujarat Police brutally beat and handcuff an incumbent Magistrate, the case of which has been reported in the landmark judgement of this Hon’ble Court, titled as “Delhi Judicial Service Vs. State of Gujarat and others Etc. Etc.” as reported in 1991 AIR 2176 and 1991 SCC (4) 406.
- 1993 That after the Sheriff’s Act, 1978, Court Administration Act, 1993 was passed by South Australian Legislation which is complementary to the Sheriff’s Act, 1978 and the appointment of the Sheriff is done under this Act.
- 18.11.1997 That an unfortunate incident, which had taken place in the courtroom and chambers of Sri D.N. Barai, 1st additional District & Sessions Judge at Bhagalpur, Bihar on 18.11.1997, when several Police Officials in pre-planned and calculated manner had made murderous attack on him and

consequently a Contempt Proceeding was initiated by the Hon'ble Patna High Court in the matter of "B.K. Pandey, Vth Additional.... Vs. A. Natrajan, Superintendent of Police", as reported in '1998 (2) BLJR 1125. -

- March,2003 That a Committee on Reforms of Criminal Justice System Government of India, Ministry of Home Affairs under the Chairmanship of Dr. Justice V.S. Malimath also suggested some reforms on better administration of Criminal Justice viz. to tackle the problems of perjury and to ensure protection and better treatment to witnesses, restoring the confidence of the people in the Criminal Justice System and so on.
- 2005 That in 2005, a Committee i.e. Police Act Drafting Committee (PADC) under Soli J. Sorabjee was set up by Ministry of Home Affairs who submitted a draft Model Police Act. The Act provided for social responsibilities of the police and emphasizes that the police would be governed by the principles of impartiality and human rights norms, with special attention to protection of weaker sections including minorities.
- 2009 That one Hon'ble Judge of the Madras High Court was injured as the Police resorted to lathicharge to quell the violence in which unspecified number of police personnel and Advocates including some women were injured, some of them seriously. Four wheelers parked inside the Madras High Court premises were damaged while some two-wheelers set ablaze in the clashes.
- 07.09.2011 That a terror attack took place in the premises of the Hon'ble Delhi High Court and many people were killed and several persons were injured in the ghastly and brutal attack.
- 2015 That Central Industrial Security Force i.e. CISF, a para military force under Ministry of Home Affairs

instead of Local police, was/is providing the security to the Madras High Court. In this regard, this Hon'ble Court on November 4, 2015, refused to interfere with the Order of the Hon'ble Madras High Court directing the CISF to guard the court premises, replacing the Tamil Nadu Police.

2017 The Tasmanian Legislation in Australia passed "The Court Security Act, 2017, which conferred power to the Registrar of the Court to appoint the Sheriff and the Sheriff would appoint the security officers for the Supreme Court in Tasmania.

February, 2018 That some unidentified men opened fire at a judge inside court premises in Bhagalpur district in Bihar. The incident took place at a lower court in Naughachia when the judge, Santosh Kumar, an Additional Chief Judicial Magistrate was out for a morning walk when some unidentified men opened fire at him.

07.12.2018 That the Hon'ble High Court of Allahabad passed some directions in a PIL bearing No. 15895 of 2015 and one of the directions is: "*The Government of Uttar Pradesh shall file a detailed report with regard to all the steps taken by it to ensure security at different Court premises and the protection provided to the litigants, Advocates, Judicial Officers, other Officers coming to the Court premises, staff of the Courts, etc.*"

11.01.2019 That the Hon'ble High Court of Allahabad passed detailed order in a PIL bearing No. 15895 of 2015 and given various directions and sought compliance regarding safety, security of Court premises and to provide various facilities from the competent Authorities and to consider it at the earliest.

May, 2019 That on 24.04.2019 clash occurred and several persons including lawyers were injured in the incident when police allegedly entered the Howrah

Court premises, without requisite permissions and baton charged to control the mob and consequently there were complete cease work in various courts in West Bengal and only on May 24, 2019 the Lawyers call off strike. -

- 09.07.2019 That the Hon'ble High Court of Judicature for Rajasthan at Jodhpur also passed order in a D.B. Civil Writ Petition No. 2428 of 2018 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 the assessment of the State. This is an urgent step having regard to State's own assessment of security needs of the Judicial Officers.
- 02.11.2019 A clash between the two heralds of law took place in the Tis Hazari Court premises, i.e. the lawyers and the Delhi Police. This unwanted clash degraded the image of legal fraternity and police in general public.
- 05.11.2019 The Delhi Police Constables and other officers protested in front of their Head Quarter at ITO, Delhi. Some police personnel carried a placard in their hands showing their unofficial demands which was unconstitutional and the same was also circulated on social media viz. Police protection for judges of all level should be withdrawn, Non-cooperation with lawyers in court, Police protection should be completely removed from the Courts etc.
- 22.11.2019 Hence this Petition.

IN THE HON'BLE SUPREME COURT OF INDIA

(CIVIL ORIGINAL JURISDICTION)

PUBLIC INTEREST LITIGATION

WRIT PETITION (CIVIL) NO. _____ OF 2019

(A Petition under Article 32 of the Constitution of India praying for a Writ of Mandamus or any other appropriate Writs regarding issuance of specific guidelines and/or directions in respect of Special Security measures and for dedicated Security Force for the protection of judges, litigants, advocates and the persons involved in the justice delivery system of Court premises in all Indian Courts)

IN THE MATTER OF:

Karunakar Mahalik, Advocate-On-Record, Supreme Court of India, S/o.- Late Sh. Ramakant Mahalik, Age about 45 years, Chamber No. 327, New Lawyers' Chamber, M.C. Setalvad Block, Supreme Court of India, New Delhi- 110001.

....Petitioner

VERSUS

1. Union of India Through Secretary,
Ministry of Home Affairs,
North Block, Raisina Hills,
New Delhi-110001
2. The Secretary,
Ministry of Law & Justice,
Shashtri Bhawan, Rajendra Prasad Road,
New Delhi-110001
3. Bar Council of India (BCI),
through its Chairman, Rouse Avenue,
New Delhi-110001.
4. Supreme Court of India,
Through Secretary General,
Supreme Court Compound,
Tilak Marg, New Delhi-110001
5. Government of Andhra Pradesh,

- Through Chief Secretary,
1st Block, 1st Floor
A.P. Secretariat Office,
Velagapudi- 522503
6. Government of Arunachal Pradesh,
through Chief Secretary,
Civil Secretariat,
Itanagar- 791111
7. Government of Assam
Through Chief Secretary
Block- C, 3rd Floor, Assam
Sachivalaya, Dispur- 781006,
Guwahati.
- 8 . Government of Bihar,
Through Chief Secretary,
Main Secretariat,
Patna- 800015
- 9 . Government of Chhattisgarh,
Through Chief Secretary,
Mahanadi Bhawan, Mantralaya,
Naya Raipur, Raipur- 492002
- 10 . Government of Goa,
Through Chief Secretary,
Secretariat, Porvrim,
Bardez, Goa- 403521
11. Government of Gujarat,
Through Chief Secretary,
1st Block, 5th Floor,
Sachivalaya, Gandhinagar- 382010
12. Government of Haryana,
Through Chief Secretary,
4th Floor, Haryana Civil
Secretariat, Sector- 1
Chandigarh- 160019
13. Government of Himachal Pradesh,

- Through Chief Secretary,
H. P. Secretariat, Shimla- 171002
14. Government of Jharkhand
Through Chief Secretary
1st Floor, Project Building, Dhurwa,
Ranchi- 834004
15. Government of Karnataka,
Through Chief Secretary,
Room No.- 320, 3rd Floor
Vidhan Soudha, Bengaluru- 560001
16. Government of Kerala,
Through Chief Secretary,
Secretariat, Thiruvananthpuram- 695001
17. Government of Madhya Pradesh,
Through Chief Secretary,
M.P. Mantralaya, Vallabh Bhavan,
Bhopal-462004
18. Government of Maharashtra
Through Chief Secretary
C.S. Office Main Building,
Mantralaya, 6th Floor,
Madame Cama Road,
Mumbai- 400032
19. Government of Manipur
Through Chief Secretary
South Block, Old secretariat,
Imphal- 795001
20. Government of Meghalaya,
Through Chief Secretary
Main Secretariat Building, Room No 316
Shilong- 793001
21. Government of Mizoram
Through Chief Secretary,
New Secretariat Complex,
Aizwal- 796001

22. Government of Nagaland
Through Chief Secretary & Finance
Commissioner, Civil Secretariat,
Kohima-797004
23. Government of Odisha
Through Chief Secretary
General Administration
Department Odisha Secretariat,
Bhubneswar- 160001
24. Government of Punjab,
Through Chief Secretary,
Civil Secretariat, Sector-1,
Chandigarh- 160001
25. Government of Rajasthan
Through Chief Secretary,
Secretariat, Jaipur- 302005
26. Government of Sikkim,
Through Chief Secretary,
New Secretariat,
Gangtok- 737101
27. Government of Tamil Nadu,
Through Chief Secretary,
Government of Tamil Nadu Secretariat,
Chennai- 600009
28. Government of Telangana,
Through Chief Secretary,
Block C, 3rd Floor, Telangana Secretariat
Khairatabad, Hyderabad,
Telangana
29. Government of Tripura,
Through Chief Secretary,
New Secretariat Complex
Secretariat, Agartala West Tripura- 799010
30. Government of Uttar Pradesh,
Through Chief Secretary,

1st Floor, Room No. 110, Lalbahadur
Shastri Bhawan, Uttar Pradesh
Secretariat, Lucknow- 226001

31. Government of Uttarakhand,
Through Chief Secretary,
4, Subhash Road, Uttarakhand
Secretariat, Dehradun- 248001

32. Government of West Bengal,
Through Chief Secretary,
Nabanna, 13th Floor, 325, Sarat Chatterjee
Road, Mandirtala Shibpur,
Howrah- 711102

.....Respondents

All respondents are contesting respondents

WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION
SEEKING ISSUANCE OF SPECIFIC GUIDELINES AND/OR IN
RESPECT OF SPECIAL SECURITY MEASURES AND FOR
DEDICATED SECURITY FORCE FOR THE PROTECTION OF
JUDGES AND SECURITY OF COURT PREMISES IN ALL
INDIAN COURTS

TO

THE HON'BLE THE CHIEF JUSTICE

AND HIS OTHER COMPANION JUSTICES

OF THE HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE PETITIONER

ABOVE NAMED

MOST RESPECTFULLY SHOWETH THAT:

1. That the present Writ Petition under Article 32 of the
Constitution of India is being filed by the Petitioner to

enforce fundamental rights, particularly the Right to Life (Article 21) & Right to Equality (Article 14) guaranteed by the Constitution. The Petitioner is a public spirited individual, and is a practicing as an Advocate-On-Record of this Hon'ble Court. The Petitioner is a deep believer in the upliftment of democratic values, judicial independence and promotion and protection of Rule of Law and individual and institutional freedom as enshrined in Constitution of India.

ARRAY OF PARTIES

- 1.1 The Petitioner is a citizen of India, practising as an Advocate-On-Record (CC No. 2200) in this Hon'ble Court, S/o.- Late Sh. Ramakant Mahalik, Age about 45 years, Chamber No. 327, New Lawyers' Chamber, M.C. Setalvad Block, Supreme Court of India, New Delhi- 110001, ID Proof: Aadhar No. 557115856834, also residing at Address House No. D-1-A, Molarband village, Molar Bank, South Delhi, Delhi-11004.
- 1.2 The Petitioner does not have any personal interest or any personal gain or private motive or any other oblique reason in filing this Writ Petitioner in Public Interest. The Petitioner has not been involved in any other civil or criminal or revenue litigation, which could have legal nexus with the issues involved in the present Petition.
- 1.3 The Respondent No. 1 is the Union of India, represented by Ministry of Home Affairs, which is the appropriate ministry dealing with safeguarding the fundamental rights of the citizens.

1.4 The Respondent No. 2 is the Ministry of Law and justice, represented by its Secretary, the appropriate authority concerned with law making and justice.

1.5 The Respondent No. 3 is the is the Bar Council of India (BCI), through its Chairman is a statutory body created by Parliament to regulate and represent the Indian bar and prescribing standards of professional conduct and etiquette and by exercising disciplinary jurisdiction over the bar for the lawyers and the bar in India.

1.6 The Respondent No. 4 is this Hon'ble Court (Administrative side), which is the highest Court of India through its Secretary General.

1.7 The Respondent Nos. 5 to 32 are the states of the Union of India who are the constitutional authority and have the constitutional mandate to provide safety and security to the people and to maintain the law and order in their respective jurisdiction.

2. That the concerned government authority was not moved for any relief sought in this Petition, since the issue involved herein concerns to the independence, impartiality and safety and security of Court premises and the people involved therein. Therefore, it was not feasible to move the representation to the concerned government department for an immediate and effective relief. Thus, this Hon'ble Court is moved through this present Petition.

3. FACTS OF THE CASE

The brief facts that give rise to the present Writ Petition are as follows:

- I. The Petitioner firmly believes that the Indian constitution guarantees life and liberty, justice and equality for all persons. The present petition pertains to the ongoing incidents of security lapses and attacks on lawyers and also regarding the safety and security concern of the court officials and litigants at large throughout the country. The petitioner seeks certain guidelines from this Hon'ble Court to have a peaceful working atmosphere inside Court and the people involved in the Justice delivery systems including the litigants.

- II. That the petitioner vide the instant petition seeks arrangement and enhancement of security measures in the district trial courts as well as in High Courts of the country. Lack of safety in court premises demands implementation of the Advocates Protection Act. It is also to be pointed out that anti-social elements get into court premises with arms, creating an insecure atmosphere in the court premises. Besides requests for constant guidelines for the security measures in courts, the petitioner is also banking upon Centre and States to implement those guidelines. The guidelines are sought to be issued after looking at the report from the authorities on the prevailing security arrangements

in District and High Courts and this Hon'ble Court. There are various instances of attacks which took place in many District and High Courts in the last decade, the newest incident being the murder of U.P. Bar Council's first woman President, Darvesh Yadav. The other incidents of attacks have been against advocates, policemen, under trial prisoners, accused persons, witnesses, and people visiting the Courts. Violent incidents and attacks in Court premises have introduced a sense of fear among advocates. Such incidents violate the right to life and security of the people coming to the courts all across India. Promoting the need for security measures, the petitioner says that the security of those working at and visiting the courts is vital for conserving the integrity of the judicial system. *"In order to protect the integrity of our judicial system, there must be a feeling of security established for the people visiting and working at the courts. Security is not a one-time achievement. It is a serious and continuous goal and requires constant vigilance. Further, it must be the number one priority every single day for all those interested and involved in the process."*

- III. That the Judiciary has a very important role to play in a democracy. Prof. Willoughby went so far as to claim that this is the "primary function of

Government.” However, it has no control on the police force and no control over the purse strings of the state, yet its moral importance is very great. The strength of the Judiciary lies in the command that it has over the hearts and minds of men it is the guardian of the conscience of the people as well as of the laws of the land. Its advantage lies in the fact that it stays detached from the stresses and storms of politics. It is manned by men of high integrity and moral stature possessed of deep learning and love for fairness.

‘Everyone has the right to life, liberty and the security of person.’ The right to life is undoubtedly the most fundamental of all rights. All other rights add quality to the life in question and depend on the pre-existence of life itself for their operation. As human rights can only attach to living beings, one might expect the right to life itself to be in some sense primary, since none of the other rights would have any value or utility without it.

IV. That Independence of the Judiciary is the sine qua non of democracy. The purpose of democracy is not served merely by getting laws enacted by democratically constituted body. A machinery for the just interpretation of laws thus enacted is exceedingly necessary. An independent judiciary alone can fulfil this task. With increasing volume of laws and with

their growing complexity, judicial independence is of considerable value. In a country like India where we have to establish traditions of democracy, independence of the judiciary is of basic importance. Our constitution rightly cherishes the ideal of independent judiciary.

V. That for upholding the Rule of Law in any Democratic country, it is of utmost importance that the individual judges and the judiciary as a whole should be independent of all external pressures and of each other so that those who appear before them and the wider public can have confidence that their cases will be decided fairly and in accordance with the law.

VI. India has done everything possible to protect the Judges against any influence, whether political or personal, so essential, for effectively securing impartiality and independence of judiciary, through a number of Constitutional and statutory provisions. With the passage of Constitutional Reform Act of 2005 in United Kingdom, a stricter separation of powers has been achieved between the judiciary and other two organs of the government, which is an important step towards achieving greater independence of judiciary. However, in any country governed by the Rule of Law, every organ of the State, whether Executive, Legislature or Judiciary must be made accountable to the citizens of the country. Every attempt for ensuring the accountability in the institution of judiciary

should not be viewed as antithetical to the concept of judicial independence. Rather the independence of Judiciary should be perceived as a means to an end, i.e., impartiality, instead of an end in itself. -

VII. That it is the constitutional obligation of the State to provide impartial and efficient Police Service safeguarding the interests of vulnerable sections of society and responding to the democratic aspirations of citizens and such functioning` of the police personnel needs to be professionally organised, service oriented, free from extraneous influences and accountable to law. It is expedient to redefine the role of the police, its duties and responsibilities, by taking into account the emerging challenges of policing and security of State, the imperatives of good governance, and respect for human rights.

VIII. That it is essential to appropriately empower the police to enable it to function as an efficient, effective, people-friendly and responsive agency.

IX. That this is most humbly submitted that the very first time the “Marshal of the United States Supreme Court” a Security Police answerable to the court itself was created by a statute. The Marshal of the United States Supreme Court is appointed by its Supreme Court. The Marshal and the Supreme Court Police are authorized by Title 40 Section 6121 of the U.S. Code. This is noteworthy to mention here that in the United

States of America i.e. USA there is Special Security system and there is security Marshals for the security of the Supreme Court judges. A True Typed Copy of the Title 40 Section 6121 of the U.S. Code is annexed and marked as **Annexure P/1 (Page Nos. to)**.

X. That the security force for the United States Supreme Court was established with name "Supreme Court of the United States Police". The Supreme Court of the United States Police is a small U.S. Federal Law enforcement agency whose mission is to ensure the integrity of the constitutional mission of the U.S. Supreme Court by protecting the Supreme Court building, the justices, employees, guests, and visitors. In accordance with Title 28, Section 672 of U.S. Code. A true typed Copy of the Title 28, Section 672 of the U.S. Code is annexed and marked as **Annexure P/2(Page Nos. to)**.

XI. That there have been number of incidents of mishappenings/crimes of violence within the court and the court premises thus endangering the lives of the Lawyers/Public/Litigants and Court Officials present over there. People of India have the right to sufficient security in courts and its premises, seeking uniform guidelines for security measures in all courts across the country.

XII. That it is pertinent to mention that there is already a specialized Railway protection Force working for the protection of Railways property and the passengers

and it comes under direct control of Railway Board and not under the Ministry of Home Affairs. The “Railway Protection Force (RPF)” is a security force, established by the Railway Protection Force Act, 1957; enacted by the Indian Parliament for "the better protection and security of railway property". It has the power to search, arrest, investigate and prosecute, though the ultimate power rests in the hands of the Government Railway Police. The force is under the authority of the Indian Ministry of Railways. True typed copy of the “Railway Protection Force (RPF)” is a security force, established by the Railway Protection Force Act, 1957 is annexed and marked as **Annexure P/3 (page Nos. to)**.

XIII. That even in one of the states of Australia, the Sheriff's Act was passed in 1978 by the South Australian Legislation. The objective of the Act is to provide for the appointment of the sheriff and other officers and for their duties and powers, including duties and powers relating to security and order at courts and other places. True Copy of the Sheriff's Act, 1978 passed by the South Australian Legislation is annexed and marked as **Annexure P/4 (page Nos. to)**.

XIV. That consequently the Court Administration Act, 1993 was passed by South Australian Legislation which is complementary to the Sheriff's Act 1978. The appointment of the sheriff is done under this act. True

Copy of the Court Administration Act, 1993 passed by South Australian Legislation is annexed and marked as **Annexure P/5 (page Nos. to)**.

XV. That an unfortunate incident, which had taken place in the courtroom and chambers of Sri D.N. Barai, 1st additional District & Sessions Judge at Bhagalpur, Bihar on 18.11.1997, when several Police Officials in pre-planned and calculated manner had made murderous attack on him and consequently a Contempt Proceeding was initiated by the Hon'ble Patna High Court in the matter of "B.K. Pandey, Vth Additional.... Vs. A. Natrajan, Superintendent of Police", as reported in '1998 (2) BLJR 1125. A true copy of Contempt Proceeding of Patna High Court in the matter of "B.K. Pandey, Vth Additional.... Vs. A. Natrajan, Superintendent of Police", as reported in '1998 (2) BLJR 1125 is annexed and marked as **Annexure P/6 (page Nos. to)**.

XVI. That one Hon'ble Judge of the Madras High Court was injured as the Police resorted to lathicharge to quell the violence in which unspecified number of police personnel and Advocates including some women were injured, some of them seriously. Four wheelers parked inside the Madras High Court premises were damaged while some two-wheelers set ablaze in the clashes. A true copy of news report by India Today regarding Lawyers Police Clash at madras High Court in

February, 2009 is annexed and marked as **Annexure P/7 (page Nos. to)**.

XVII. That in 2011 there was dastardly terrorist attack in the premises of the Hon'ble Delhi High Court and many people were killed and several injured. A true copy of news report by India Today regarding terrorist attack in the premises of the Hon'ble Delhi High Court is annexed and marked as **Annexure P/8 (Page Nos. to)**.

XVIII. That it is further apt to state here that the Central Industrial Security Force i.e. CISF, a para military force under Ministry of Home Affairs is already providing the security to the Madras High Court in place of Local Police and this Hon'ble Court on November 4, 2015, refused to interfere with the Madras High Court order directing the CISF to guard the court premises, replacing the Tamil Nadu Police. A court security system whether manned by Tamil Nadu State Police or the CISF, must not only ensure the security of judges but also of litigants, lawyers and the general public. A true copy of the newspaper report regarding security to the Madras High Court manned by CISF is annexed and marked as **Annexure P/9 (page Nos. to)**.

XIX. That noteworthy to mention that the Tasmanian Legislation passed "The Court Security Act, 2017, which conferred power to the registrar of the Court to appoint the Sheriff and that Sheriff will appoint the

security officers for the Supreme Court in Tasmania.

A true copy of the “The Court Security Act, 2017, passed by the Tasmanian Legislation is annexed and marked as **Annexure P/10 (page Nos. to)**.

XX. That the Hon’ble High Court of Allahabad also passed detailed order in a PIL bearing No. 15895 of 2015 and given various directions and sought compliance regarding safety, security of Court premises and to provide various facilities at the Court premises from the competent Authorities and to consider it at the earliest. However, the Hon’ble High Court of Allahabad categorically mentioned as one of the direction in the said P.I.L. bearing No. 15895 of 2015, “*The Government of Uttar Pradesh shall file a detailed report with regard to all the steps taken by it to ensure security at different Court premises and the protection provided to the litigants, Advocates, Judicial Officers, other Officers coming to the Court premises, staff of the Courts, etc.* A true copy of the order dated 11.01.2019 in P.I.L. bearing No. 15895 of 2015 filed before the Hon’ble High Court of Allahabad is annexed and marked as **Annexure P/11 (page Nos. to)**.

XXI. That some unidentified men opened fire at a judge inside court premises in Bhagalpur district in Bihar. The incident took place at a lower court in Naughachia when the judge, Santosh Kumar, an Additional Chief Judicial Magistrate was out for a morning walk when some unidentified men opened

fire at him. A true copy of news report as published in DNA and updated on February 21, 2018 is annexed and marked as **Annexure P/12 (page Nos. to)**.

XXII. That on 24.04.2019 clash occurred and several persons including lawyers were injured in the incident when police allegedly entered the Howrah Court premises, without requisite permissions and baton charged to control the mob and consequently there were complete cease work in various courts in West Bengal and only on May 24, 2019 the Lawyers call off strike. A true copy of news report as published in Business Standard with caption as “Lawyers Call off strike after month long shutdown” dated May 24, 2019 is annexed and marked as **Annexure P/13 (page Nos. to)**.

XXIII. That the Hon’ble High Court of Judicature for Rajasthan at Jodhpur vide it’s order dated 09.07.2019 in D.B. Civil Writ Petition No. 2428 of 2018, titled as “Bar Association, Rajgarh Vs. State of Rajasthan & others” also 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 the assessment

of the State. This is an urgent step having regard to State's own assessment of security needs of the Judicial Officers. A true copy of the order dated 09.07.2019 in D.B. Civil Writ Petition No. 2428 of 2018 filed before the Hon'ble High Court of Judicature for Rajasthan at Jodhpur is annexed and marked as **Annexure P/14 (page Nos. to)**.

XXIV. That the recent mishappenings/clashes between the Police and the lawyers at the Tishazari Court complex also is an eye opener for the need for special security system dedicated for the purpose of Court Security and it's property. That pursuant to the incident, there was complete strike and abstaining of court works from all the district courts of Delhi which raises serious concern for the establishment for the special Judicial Security forces. A true copy of the newspaper reports regarding the mishappenings/violence at the Tishazari Court complex is annexed and marked as **Annexure P/15 (page Nos. to)**.

XXV. That in the aftermath, there is Dharna and demands by the Delhi Police Officials not to co operate the Court proceedings and to take back the security of various Court premises and to abstain from the security of judges, which is a matter of great concern. A true translated copy of the news with pamphlet by the Delhi Police Officials widely circulated in social media is annexed and marked as **Annexure P/16 (page Nos. to)**.

4. In light of the aforesaid facts, the following issues have arisen:

- i. The term “Court Security” is generally focused on the protection of the courthouse and its occupants, with the components necessary to achieve “Court Security” generally entailing law- enforcement functions, the concept of “court security” has come to focus as well on the protection of all of the elements of court operations that are fundamental to maintaining the independence and integrity of the judicial process and to ensure its continuity and that of the rule of law.
- ii. The concept of “Court Security” has traditionally involved two essential components: first, the procedures, staffing, physical environment, and related resources necessary to protect the functioning and integrity of the judicial process and, second, measures to ensure the physical safety and freedom from intimidation of courthouse users and occupants. Within this framework, the nature and dimensions of the activities and resources required to provide adequate court security have expanded significantly, as have the measures used to assess the adequate court security have expanded significantly, as have the measures used to assess the adequacy of court security provided and the range of agencies that need to be involved in its provisions.

- iii. These generally entailed ensuring that points of entry, particularly those for the public, were limited and well monitored; installing weapon-screening mechanisms; and developing circulation patterns for courthouse users, with separated circulation areas for judges and court staff, detained defendants, and the general public.
- iv. Since last one decade, however, a marked shift has developed in both the scope of the concept of court security and in the recognition of the agencies and officials who need to be responsible for its provision.
- v. “Court Security” required a focus outside of the Court building as well as within, and that the court, as both a facility and an institution, was vulnerable to terrorist threats and attacks unrelated to any particular litigation that might be occurring within the courthouse.
- vi. By a perpetrator who had no direct connection to a particular court proceeding that could be flagged as a potential security threat triggered a major rethinking of the nature and extent of functions necessary to provide adequate court security. Two issues that quickly became of major concern were the nature of restrictions needed on access to parking both within court facilities and in proximity to them, and the nature of protective measures that were needed to protect the courthouse from exterior attack.

vii. In support of the Importance of Court Security, “which underscored the critical nexus between “court security” and the preservation of the rule of law. In pertinent part, it provided: -

a) WHEREAS, open access to secure, safe courts promotes a sense of confidence in the stability of civil government; and

b) WHEREAS, it is vital that citizens feel confident and safe in seeking access to their courts and that court personnel feel safe in the performance of their duties.

5. GROUNDS:

I. Because the rights of life and personal liberty of the litigants, Advocates, Court Officials, judicial officers and judges are prime importance as they are the persons directly involved in the Justice delivery system and protection and promotion of just and democratic society with Rule of Law.

II. Because independence of judiciary is one of the basic tenets and a fundamental requirement of the Constitution of India Art. 50 safeguards the independence and separation of the judiciary from the executive.

III. Because this Hon'ble Court has already taken note of the notorious incident happened in the history of judiciary in Nadiad, Gujart, where five police personnel of Gujarat Police had brutally beaten and handcuffed an incumbent Magistrate. The case

relating to the said incident, has been reported in the landmark judgment of this Hon'ble Court, titled as "Delhi Judicial Service Vs. State of Gujarat and others Etc. Etc." as reported in **1991 AIR 2176 and 1991 SCC (4) 406**.

- IV. Because there is a need for improved security in courts like bringing security measures in District Courts at par with those at High Courts, three-level security placement, fitting of CCTV cameras, metal detectors etc., fixed entry and exit points, entry pass system for visitors in Courts, and deployment of a highly trained workforce in Courts, among other things. It's the right approach and very quickly such type of threefold level check-in is to be set-out as permanent at every court complex and unwanted people should not be allowed into court premises.
- V. Because there is crying need to replace the local police with the para-military, or special security force/system which are dedicated for the safety and security of Court premises and its people to protect and provide full scale security to all the Courts and Tribunals to deal with the problem in a better way.
- VI. Because specialized and dedicated security of an institution is not new to the system. There is existence of specialized Railway Protection Force for the protection of Railways property and the passengers and it comes under direct control of Railway Board and not under the Ministry of Home

Affairs. The "Railway Protection Force (RPF)" is a security force, established by the Railway Protection Force Act, 1957; enacted by the Indian Parliament for "the better protection and security of railway property". It has the power to search, arrest, investigate and prosecute, though the ultimate power rests in the hands of the Government Railway Police. The force is under the authority of the Ministry of Railways.

VII. Because the CISF is already providing the security to the Madras High Court in place of Local Police and this Hon'ble Court on November 4, 2015, refused to interfere with the Madras High Court's order directing the CISF to guard the court premises, replacing the Tamil Nadu Police.

VIII. Because it is often seen that the Police personnel stationed on Court premises stare aimlessly, fiddling with their phones or chatting amiably. When active, they are seen shooing away peanut vendors or roughing up pavement dwellers. This is evidence of lack of both training and of role clarity.

IX. Because Police forces have the authority to exercise force to enforce laws and maintain law and order in a state. However, this power is misused in several ways. For example, in India, various kinds of complaints are made against the police including complaints of unwarranted arrests, unlawful searches, torture and custodial rapes. To check

against such abuse of power, various countries have adopted safeguards, such as accountability of the police to the political executive, internal accountability to senior police officers, and independent police oversight authorities.

- X. Because both the central and state police forces come under the control and superintendence of the political executive (i.e., central or state government). The Second Administrative Reforms Commission (2007) has noted that this control has been abused in the past by the political executive to unduly influence police personnel, and have them serve personal or political interests. This interferes with professional decision-making by the police (e.g., regarding how to respond to law and order situations or how to conduct investigations), resulting in biased performance of duties.
- XI. Because a dedicated Court Security system must not only ensure the security of Judges but also of litigants, lawyers and the general public, with utmost responsibilities and in accordance with the alarming changing scenario of security challenges in the last decade and the emerging challenges of Global Terrorism etc.
- XII. Because the Dedicated Security Force for Courts' Security needs to be unified with all India Character and the personnel need to be trained to handle sensitive and specialised job of Courts'

security and should carry appropriate arms, ammunitions and equipments.

XIII. Because as per the Constitution of India, there is provision of Parliamentary form of government and an independent judiciary, which is separate in terms of powers and areas of responsibility from the legislature and the executive. Even though the governance system is relatively federal in nature, the Constitution of India designed a unified judicial system for the entire nation.

XIV. Because in India there are various States which are suffering with the menace of Terrorism, Naxalism and Insurgent activities viz. Jammu & Kashmir, Chhattisgarh, Bihar, Jharkhand, Orissa, Andhra Pradesh, North Eastern States and so on and prone to large scale violence and upheaval. Hence, the safety and security of people at large involve in the Justice Delivery System in these regions are of paramount importance and require serious overhauling of security at the Courts' premises. The present security system/forces are not trained and sometime there is excessive use of force and other abuses in Courts' premises and the Petitioner vide this petition ensures that all Courts to provide safe and secure environment to the Litigants, Advocates, Judicial Officers, other officers coming to Court premises, Staff of the Courts, etc.

- XV. Because various experts have recommended that the political executive's power of superintendence over police forces be limited. The Second Administrative Reforms Commission has recommended that this power be limited to promoting professional efficiency and ensuring that police is acting in accordance with law. Alternatively the National Police Commission (1977-81) suggested that superintendence be defined in the law to exclude instructions that interfere with due process of law, or that influence operational decisions, or that unlawfully influence police personnel transfers, recruitments, etc. The Supreme Court has also issued directions to states and the centre in 2006 in this regard.
- XVI. Because the deployment of security in the Court premises cannot disregard basic human rights. They are not mutually exclusive. In fact, in an ultimate sense the object of security is to guarantee basic human rights, including safety of the persons involve in justice delivery system. It is necessary to work towards a strategic reconciliation of the need for security and the imperative of upholding human rights.
- XVII. Because the police forces are already overburdened and not in a position to provide fool proof specialized security and safety to the Judges and persons involve in the Justice Delivery

System. Police personnel discharge a range of functions related to: (i) crime prevention and response (e.g., intelligence collection, patrolling, investigation, production of witnesses in courts), (ii) maintenance of internal security and law and order (e.g., crowd control, riot control, anti-terrorist or anti-extremist operations), and (iii) various miscellaneous duties (e.g., traffic management, disaster rescue and removal of encroachments). Each police officer is also responsible for a large segment of people, given India's low police strength per lakh population as compared to international standards. While the United Nations recommended standard is 222 police per lakh persons, India's sanctioned strength is 181 police per lakh persons. After adjusting for vacancies, the actual police strength in India is at 137 police per lakh persons. Therefore, an average policeman ends up having an enormous workload and long working hours, which negatively affects his efficiency and performance.

XVIII. Because the local police who provides the security to the District/Trial Courts are not equipped with the arms and not trained to handle the Court security and there is conflict of interest as the local police are also part of the maintenance of Law & Order, crime prevention and investigation and also part of the Prosecution including Court and Judges

security which gives local Police in different roles which are contradictory and conflicting.

- XIX. Because an ambitious plan would be to provide the court campus with a Special Jurisdiction Police force. The security forces of the court may be divided into the outer perimeter at the gates and compound walls, and the inner perimeter around each block.
- XX. Because there may also be a ring around each sensitive court hall. The court security officers should be specially trained to deal with situations in the midst of crowds and in enclosed spaces. They should be adept at unarmed combat and close quarter battle to minimise the use of lethal weapons.
- XXI. Because to ensure proper implementation of the provisions of the Article 50 of the Constitution of India which cannot be implemented unless there is Special/Dedicated Security System for Judiciary to protect its interest.
- XXII. Because, the events of the past several years have shaped a wider appreciation of what “Court Security” entails and who must be involved in its provision. The earlier focus on law-enforcement functions, hardware-screening mechanisms, and some facility design considerations has been significantly expanded to include a much broader concept of protecting the health and safety of both

the users and occupants of the courthouse as well as safeguarding the full range of resources and judicial system activities necessary to sustain the functioning of the court system and the integrity of the judicial process.

XXIII. Because Article 32 read with Article 142 of the Constitution empowers this Hon'ble Court to issue such directions, as may be necessary for doing complete justice in any cause or matter. All authorities are mandated by Article 144 to act in aid of the orders passed by this Hon'ble Court. The decision in **"Vineet Narain Case, as reported in (1998)1 SCC 226** notes various decisions of this Hon'ble Court where guidelines and directions to be observed were issued in the absence of legislation and implemented till the legislatures pass appropriate legislations.

6. That the Petitioner has filed this Petition for directions to protect and safeguard fundamental rights viz. safety and security of litigants, lawyers, judges and officials involve in the delivery of justice system under Article 21 and 14 of the Constitution, since the Petitioner has no alternate efficacious remedy but to approach this Hon'ble Court under Article 32 of the Constitution of India for the reliefs prayed for herein.
7. The Petitioner has for the first time filed this Petition in respect of the subject-matter, i.e., for issuance of directive in respect of safeguarding fundamental rights

under Article 21 and 14 of litigants, lawyers, judges and officials involve in the delivery of justice system, against the aforesaid Respondents in India.

8. That this Hon'ble Court has the jurisdiction to entertain and try this Petition.
9. That the Petitioner craves leave to alter, amend or add to this Petition.
10. That the Petitioner seeks leave to rely on documents, a list of which, along with true typed copies has been annexed to this Petition.
11. That the instant petition is being filed before this Hon'ble Court because of the large-scale safety and security issue involved in the matter. This Hon'ble Court being empowered under Article 142 of the Constitution of India, to pass any order or direction as is necessary for doing complete justice and the said order or direction shall be enforceable throughout the territory of India.
12. That this Petition has been made bona fide and in the interest of justice.
13. That the Petitioner has not filed any other Petition before this Hon'ble Court or before any other Court seeking the same relief.

PRAYER

In the facts and circumstances, it is most respectfully prayed that your Lordships may graciously be pleased to:

- a) Issue a Writ, Order, or Direction in the nature of Mandamus or any appropriate Writ directing the Union of

India and State Governments to consider enacting/legislating Law to provide dedicated Security Forces for Judiciary i.e. Supreme Court of India, all High Courts and Trial Courts in all over India; -

- b) Issue a Writ, Order, or Direction in the nature of Mandamus or any appropriate Writ directing the Government of India to bring out mechanism providing fullproof Security system specialized for the protection of judicial bodies and it's property on the lines of the Railway Protection Force directly comes under the jurisdiction of this Hon'ble Court/Competent Authority;
- c) Issue a Writ, Order, or Direction in the nature of Mandamus or any appropriate Writ by framing guidelines/directions for appropriate security and safety to the Courts and their branches and the security will be controlled and managed by a nodal agency under the overall supervision of this Hon'ble Court till the new legislation is enacted by the Legislature(s);
- d) Pass such other orders as may be deemed fit in the facts and circumstances of this case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN AND FILED BY

DURGA DUTT

Drawn on: .11.2019 Advocate for the Petitioner

Filed On: 22.11.2019

Place : New Delhi

IN THE HON'BLE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)
PUBLIC INTEREST LITIGATION
WRIT PETITION (CIVIL) NO. _____ OF 2019

IN THE MATTER OF:

Karunakar Mahalik ...Petitioner

Versus

Union of India & Ors. ...Respondents

AFFIDAVIT

I, Karunakar Mahalik, Advocate-On-Record, Supreme Court of India S/o.- Late Ramakant Mahalik, Age about 45 years, Chamber No. 327, New Lawyers' Chamber, M.C. Setalvad Block, Supreme Court of India, New Delhi- 110001 do solemnly affirm and state as under:

1. That I am the petitioner in the above mentioned Writ Petition and as such am fully conversant with the facts of the case and competent to swear this affidavit.
2. That the present petition is being filed as a Public Interest Litigation.
3. That I have gone through the Supreme Court of India (Public Interest Litigation) Rules, 2010 and do hereby affirm that the present Public Interest Litigation is in conformity thereof.
4. That I have no personal interest in the litigation and neither myself nor anybody is interested would in any manner benefit from the relief sought in the present litigation save a member of General Public. The petition is not guided by self-

gain or gain of any person, institution, body and there is no motive other than of public interest in filing this petition.

5. That I have not moved any other similar petition before this Hon'ble Court or any other High Court.
6. That I have gone through the accompanying writ Petition containing Pages 1 to 34, para 1 to 13 and list of dates and synopsis containing pages 'B' to 'L' and the accompanying applications. The same have been drafted by my counsel as per my instructions and I say that the same to be true to the best of my knowledge and belief.
7. That the annexures accompanying this Writ Petition are true and correct copies of their respective originals.
8. That I have read the contents of the present petition and accompanying applications and the present affidavit and the same is true and correct to the best of knowledge and belief.

DEPONENT

VERIFICATION

I, the above named deponent do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 21 day of November, 2019.

DEPONENT

IN THE HON'BLE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)
PUBLIC INTEREST LITIGATION

I. A. NO. OF 2019

IN

WRIT PETITION (CIVIL) NO. OF 2019

IN THE MATTER OF:

Karunakar Mahalik ...Petitioner
Versus
Union of India & Ors. ...Respondents

APPLICATION FOR EXEMPTION FROM FILING THE
OFFICIAL TRANSLATION

TO

HON'BLE THE CHIEF JUSTICE OF INDIA

AND HIS COMPANION JUDGES OF THE

SUPREME COURT OF INDIA

The humble application of the
Applicant/petitioner above named,

MOST RESPECTFULLY SHOWETH:

1. That the present Writ Petition under Article 32 of the Constitution of India is being filed by the Petitioner to enforce fundamental rights, particularly the Right to Life (Article 21) & Right to

Equality (Article 14) guaranteed by the Constitution. The Petitioner is a public spirited individual, and is a practicing as an Advocate-On-Record of this Hon'ble Court. The Petitioner is a deep believer in the upliftment of democratic values, judicial independence and promotion and protection of Rule of Law and individual and institutional freedom as enshrined in Constitution of India.

2. That in the accompanying Writ Petition under Article 32 of the Constitution of India the petitioner has already set out in detail the facts and circumstances leading up to the filing of the instant Writ Petition under Article 32 of the Constitution of India. In order to avoid repetition and for the sake of brevity, the petitioner seek indulgence of this Hon'ble Court to permit him to refer and rely upon the same at the time of hearing of the instant application.
3. That the petitioner is filing this application for exemption from filing the official translation of the annexure which is in vernacular language.
4. That the matter is urgent and official translation will take time so the petitioner is filing the translation done by an advocate, hence the

petitioner could not file the official translation of the annexure P/13.

5. That it is in the interest of justice the applicant/petitioner be exempted from filing the official translation.

P R A Y E R

In the above premises, it is prayed that this Hon'ble Court may be pleased to:

- a. Allow the present application and exempt the applicant/petitioner from filing the official translation of annexure P-13; And / or
- b. To pass such other orders and further orders as may be deemed necessary on the facts and in the circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN & FILED BY:

DURGA DUTT

Drawn on: .11.2019 Advocate for the Petitioner

Filed On: 22.11.2019

Place : New Delhi