

Court No. - 34

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2436 of 2019

Petitioner :- In Re Suo Moto Relating To Security And Protection In All Court Campuses In The State Of U.P.

Respondent :- State of U.P.

Counsel for Petitioner :- Suo_Moto

Hon'ble Sudhir Agarwal, J.

Hon'ble Suneet Kumar, J.

1. Pursuant to this Court's order dated 18.12.2019, today two applications seeking exemption have been filed by Sri Awanish Kumar Awasthi, Additional Chief Secretary (Home), Government of U.P., Lucknow and Sri Om Prakash Singh, Director General of Police, U. P. Lucknow stating that today being Friday and already there is lot of agitation and protest in State of U.P. in connection with certain recent legislative developments and on 19.12.2019, certain incidents of law and order have also happened in Lucknow, Sambhal and other areas, hence, considering sensitivity of serious apprehension of law and order situation, on today being Friday, on which date members of a particular community offer Friday prayer, presence of both officers at Lucknow is necessary and, therefore, they be exempted of personal appearance for today. It has been assured that they will appear on any other date fixed by this Court. However to represent them, Sri Bhagwan Swaroop, Secretary (Home) and Sri Deepesh Juneja, A.D.G. (Security) are present.

2. Sri Manish Goyal, Additional Advocate General assisted by Sri Syed Ali Murtaza, Additional Government Advocate have appeared on behalf of State. He submitted that steps have been taken by District Authorities to ensure security in Court Campuses, but as a matter of fact, Advocates are not cooperating and many a times there have been altercations between Advocates and Security Personnel and that is seriously affecting security arrangements in District Judgeships. With regard to steps taken at District Judgeship, Bijnor, he produced a copy of letter dated 18.12.2019 submitted by District Judge, Bijnor to addressed to

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Additional Chief Secretary (Home) intimating about steps taken earlier for security and also steps on which there has been an understanding between the District Judge, Bijnor, President, Bar Association and District Administration, to take following steps :

“1. मा० न्यायालय परिसर में एक ही गेट, गेट नं०-1 (मुख्य प्रवेश द्वार) अधिवक्ताओं/ वादकारियों/कर्मचारियों व अन्य कार्य से आने वाले व्यक्तियों के निर्धारित रहेगा। मण्डावर रोड स्थित छोटा गेट नं०-3 तत्काल पूर्णतया बन्द कराया जाये। किसी भी स्थिति या किसी भी विरोध पर ये गेट नहीं खुलने चाहिए। गेट नं०-03 को पूर्णतया बन्द कराने हेतु मा० न्यायालय से अनुरोध किया गया है। (संलग्नक-8) ।

2. मुख्य प्रवेश द्वार से प्रवेश करने वाले अधिवक्ताओं की उपस्थिति को पंजीकृत करने तथा अधिवक्ताओं की पहचान न्यायालय के कर्मचारियों एवं सुरक्षाकर्मियों को भी होने के सम्बन्ध में अधिवक्ताओं की उपस्थिति बायोमैट्रिक अटैण्डेन्स सिस्टम के द्वारा करने एवं अधिवक्ताओं के वाहनों पर आई डी स्टीकर की व्यवस्था कराने हेतु मा० जिला न्यायालय, बिजनौर से अनुरोध किया गया है।

3. मा० जिला न्यायालय में वादकारियों की प्रविष्ट हेतु 01 प्रवेश पास के साथ अनुमति दिये जाने हेतु मा० जिला न्यायालय, बिजनौर से अनुरोध किया गया है।

4. अधिवक्ताओं के द्वारा कोर्ट परिसर में अपने आई कार्ड के साथ आने एवं सुरक्षा कर्मियों के द्वारा मांगे जाने पर आई कार्ड दिखाने के लिये अधिवक्ताओं को गाईडलाईन जारी करने हेतु मा० न्यायालय से अनुरोध किया गया है।

5. मा० न्यायालय परिसर की सुरक्षा व्यवस्था में डेढ सेक्शन पी०ए०सी० व्यवस्थापित है। मा० न्यायालय परिसर की सुरक्षा हेतु डियूटी में लगाये गये सीनीय पुलिस कर्मियों को और अधिक प्रशिक्षित किये जाने की प्रक्रिया प्रचलित है।

6. अभियुक्तों को मा० न्यायालय में सुरक्षित रूप से प्रवेश कराये जाने की उचित व्यवस्था की गयी है।

7. वर्तमान व्यवस्था के अन्तर्गत मा० न्यायालय परिसर में प्रवेश हेतु गेट नं०-1 (मुख्य द्वार) को ही उपयोग में लाया जा रहा है। इस गेट को बैरियर लगाकर दो भागों में विभाजित कर एक भाग से अधिवक्तागण तथा दूसरे भाग से वादकारियों के प्रवेश की व्यवस्था की जा रही है।

8. जब तक उक्त व्यवस्था पूर्णतया लागू न हो तब तक अधिवक्ताओं की भी चेकिंग-फ्रिस्किंग करने के उपरान्त ही उन्हें न्यायालय में प्रवेश कराया जा रहा है।

9. मा० न्यायालय परिसर के मुख्य प्रवेश द्वार पर 04 डी०एफ०एम०डी०, 07 एच०एच०एम०डी० व 01 एक्स-रे बैगेज स्कैनर तथा मा० न्यायालय परिसर में विभिन्न सीनों पर कुल 38 सी०सी०टी०वी कैमरा स्थापित किये गये हैं। इन संसाधनों की क्रियाशीलता को समय-समय पर चेक करने हेतु 04 सदस्यीय पुलिस टीम गठित की गयी है। दिनांक 18-12-2019 को टीम द्वारा इन संसाधनों को चेक किये जाने पर सभी

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संसाधन सुचारु रूप से कार्य करना पाये गये हैं, जिनके कुशल संचालन हेतु पुलिस कर्मियों की ड्यूटियां लगायी गयी हैं। मा० न्यायालय परिसर में व्यवस्थापित सी०सी०टी०वी० कैमरे सुचारु रूप से कार्य कर रहे हैं।”

“1. In the premises of the learned court, only one gate, the gate no. 1 (main entrance), shall be open for the advocates/litigants/employees and also for others coming for other purposes. The small gate no. 3 located on the Mandawar Road may be completely closed with the immediate effect. The gate should not be opened in any circumstance or in case of any protest. A request has been made to the learned court for complete closure of the gate no. 3. (Annexure – 8)

2. For recording the attendance of the advocates entering through the main entrance gate and for making available the identities of the advocates to the employees and security personnels as well, the learned District Court, Bijnor has been requested to let the entry of the advocates take place through the biometric attendance system and also to provide ID stickers on the vehicles of the advocates.

3. Learned District Court, Bijnor has been requested for permitting the litigants' entry with '01 entry pass' into the premises of the district court.

4. Learned District Court, Bijnor has been requested to issue guidelines to advocates to come into the court premises with their I – Cards and to show the cards to security personnel on being demanded by them.

5. 1½ section of the PAC has been deployed for the security of the district court complex. The process to impart much more training to the local police personnel deployed on the court campus for security purposes is going on.

6. A proper arrangement has been developed for the safe entry of the accused into the learned court premises.

7. As per the system available currently, Gate No. 1 (Main entrance) is being used for the entry into the learned court premises. After installing a barrier at the entrance gate as a measure of bifurcation, two entry points are being developed; one, for the advocates' entry and the other, for the litigants'.

8. Until the aforesaid system gets fully operational, the advocates are being allowed to enter the court premises only after passing through checking and frisking process.

9. At the entrance gate have been set up 04 DFMD, 07 HHMD and 01 X-Ray baggage scanner, and at 38 different places on the court campus have been installed a total of 38 CCTV Cameras. A-four-member police team has been formed to check the functionality of these devices from time to time. The team, on being checked, has found all these devices to be properly functioning on 18.12.2019; and for their efficient working, the police personnel have been assigned duties. The CCTV cameras installed on the court campus are functioning properly.”

(English Translation by Court)

3. Sri Ashish Mishra, Advocate, who has appeared on behalf of High Court and District Judgeships to assist this Court, on the contrary, has informed that as per information from Registrar General, even boundary walls in all Courts in the State have not been raised till date. Out of 75 District Headquarters, only at only 29 places, boundary walls are complete as per standards, and in 38 districts, construction work is still going on. For three places, i.e. Ambedkar Nagar, Barabanki and Chitrakoot estimates sent to State Government is pending for approval. At other three places i.e. Sambhal, Hathras and Sonebhadra, even land has not been acquired for construction of District Judgeships' building, hence, question of raising boundary wall does not arise. However, nothing has been said in respect of places where these Courts are presently working, whether they have boundary walls or not. From Fatehpur Judgeship, report has not been received and for Aligarh Judgeship estimation is under process. There are 86 Outlying Courts in State of U. P. whereagainst only 52 have own campus. Only at 18 places boundary walls are complete as per standard and at 29 places construction work is still going on. For 34 Outlying Courts, land is yet to be acquired. In respect of three Outlying Courts, report is awaited and at two places estimate is under process.

4. With respect of installation of CCTV Cameras and security equipments, Sri Goyal, informed that in 35 Judgeships, installation is complete and CCTV cameras etc. are functioning, but handing over process is not complete. In 24 District Judgeships, installation is

complete, the system is working and has been handed over to District Judgeships.

5. This information, we find, is not reliable, inasmuch as, Sri Ashish Mishra, learned counsel appearing for High Court informed that just a day before, District Judge, Etawah informed that CCTV Cameras and security equipments installed at Etawah are not at all functioning.

6. When we inquired from Sri Manish Goyal, learned Additional Advocate General that Secretary (Home) and ADG (Security), who are present in Court today, whether in a position to file an affidavit that all alleged electronic surveillance system is properly functioning and we can obtain recorded sample byte of selected dated and time by Court, he said that he will require further time to verify above facts. This shows that even information given with regard to alleged functioning, is not creditworthy.

7. We have also received suggestions from Bar Associations of District Judgeships of Auraiyya, Muzaffarnagar and Rae Bareilly and also from District Judges of Auraiyya and Unnao. Broad suggestions therein are as under :

(i) Court staff must be in proper uniform.

(ii) Identity cards be issued to Advocates and their Clerks and those who produce Identity Cards and are in prescribed uniform, should be allowed to enter Court premises.

(iii) No unauthorized vendor should be allowed in Court premises.

(iv) Security Personnel posted in Court campus should be checked from time to time by Superior authorities so as to keep them alert and prepared all the time when they are on duty.

(v) Information of cases in Court should be displayed on L.E.D., to be installed outside the Court and at some prominent places in District Judgeship, so that unnecessary crowd in Court for inquiring

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about status of cases may be avoided.

(vi) Functional good quality CCTV cameras and other security equipments should be installed.

(vii) Hardcore and political accused involved in Criminal cases whenever come to Court, should not be allowed to be accompanied by other people, may be relatives or followers etc. and their entry should be restrained.

(viii) Whenever notorious hardcore criminals are to be produced in Courts, extra precaution should be taken for their protection so long as they remain in Court room and Court premises.

(ix) Proper parking facilities of vehicles should be made available.

(x) Trained Security Personnel should be deployed with requisite frisking and checking equipments like Metal Detectors etc.

(xi) In every Judgeship, a Police Chowki should be established, which should be under the control of District Judge.

(xii) Entry of litigants through Passes issued by Court should be arranged.

(xiii) No firearm or unwanted items should be allowed to be taken by anyone in Court premises.

(xiv) Separate entry and exit should be provided for Advocates, Litigants and Judges.

(xv) Vehicles entering Court premises, whether belong to Advocates or others, should be daily checked as far as possible such entry must be disallowed.

8. District Judge, Amethi, in his letter dated 19.12.2019, has informed that District Judgeship at Amethi is not functional as no Court premises is available to it. Office of District Judge, Amethi is functioning from the erstwhile Office of District Basic Education Officer situated in Gauriganj, District-Amethi. For security purposes, police force of three plus one has

been provided but it is not always available and from time to time, without information, it is removed.

9. Sri Rakesh Pandey, President of High Court Bar Association, Allahabad present in the Court stated that proper steps for security is the need of time and neither it can be overlooked nor ignored nor can be dealt with lightly, but it requires effective appropriate steps at the earliest. He also assured that Advocates shall cooperate for this purpose as it is for their benefits. Advocate representing Bar Council also stated that Bar Council shall also issue a circular/letter to all Bar Associations in State requesting its members to cooperate with System for observing proper security in District Judgeship which is in the interest of all individuals and stake holders in particular.

10. After hearing various parties, who appeared before Court today, at this stage, we find that on some aspects immediate steps need be taken and on some aspects a long term road map should be prepared by Expert Authorities on the subject, executable within a reasonable time. No one can doubt that the matter of security now cannot be deferred and prolonged further. We, therefore, at present, direct concerned authorities to comply directions as stated hereinunder, for the time being, and submit further proposals :

(1) By 31.12.2019, in all District Judgeships wherever boundary walls are under construction, the same shall be completed, maintaining due standards and quality. A compliance report shall be submitted through an affidavit to be sworn by Chief Secretary, U.P. and filed on 02.01.2020.

(2) CCTV Cameras and other security equipments, wherever installed and made functional, same shall be checked by an Expert Body constituted by State Government, which will include an Officer not below the rank of Senior Superintendent of Police, who is technically qualified to verify quality, specification and standards

of installation and their functioning. Wherever installation are not complete or functional, the same shall be completed by 31.12.2019 and a compliance report shall be submitted through an affidavit of Additional Chief Secretary (Home) on 02.01.2020.

(3) With regard to formation of specialized security personnel for looking after security of District Judgeships, creation of appropriate Specialized Force, and steps taken therefor shall be deliberated and after taking an effective decision, shall be informed to this Court by way of an affidavit of Additional Chief Security (Home) keeping in view that said formation is actually made available and deployed positively by 28.02.2020. Till then appropriate number of police personnel with due training to deal with people who normally comes to Court, shall be deployed in and their proficiency, expertise etc., shall be determined by Senior Superintendent of Police of concerned district and he shall also be personally responsible, if any, flaw is found in functioning of such personnel.

(4) Immediate steps be taken for preparation of Advocates' Roll in all districts. For this purpose within one week Registrar General shall communicate to all District Judgeships, requisite procedure which was followed by this Court for preparation of Advocates' Roll including the form etc. to be filled in by Advocates and thereafter all District Judges shall invite applications from all Advocates for enrollment on Advocates' Roll on prescribed form and due notice shall be given to Advocates' Associations as well as Public Notice Board in District Judgeships and after completion of receiving applications by 15.01.2020, Advocates' Roll shall be finalized by 31.01.2020.

(5) Similar steps shall be taken for preparation of Roll of Clerks of Advocates. A maximum of two Clerks of an Advocate shall be so registered on the certificate issued by concerned Advocate. To start with, Advocates practising in concerned District Judgeship, shall

issue requisite certificates to Clerks, on the basis whereof Clerks shall be allowed to apply for enrollment on Clerk's Roll but after preparation of Advocates' Roll, Clerks' Roll shall be rechecked and verified and only those shall be allowed to continue who are engaged with Advocates, who are enrolled in Advocates' roll.

(6) State Government shall immediately take steps for providing requisite infrastructure creating system for issuing Passes to litigants' entry into Court. For this purpose, for the time being, it shall create requisite posts for staffs to be deployed, in all District Judgeships and also computers etc., needed for issue of Passes to Litigants.

11. Advocate's and Clerks shall be issued biometric Identity Cards by concerned District Judgeships and for this purpose effective proposal shall be placed before this Court by State on 2nd January, 2020 through an affidavit sworn by Additional Chief Secretary (Home) with a clear understanding that said proposal, if approved, shall be executed and made functional by 01.02.2020. Till appropriate arrangements are made, Advocates shall keep with them their identity cards issued by their respective Bar Associations or Bar Council and Advocate's Clerk will carry with them their identity cards, issued, by Bar Association or Aadhar Card or any other card necessary for their identification. They (Advocates and Clerks) shall produce such Identity Card whenever required by security personnel or Court staff.

12. District Judges shall ensure that all staff of District Judgeships are in due uniform, displaying their identity cards. Any person who does not possess such identity card or not in uniform and also neither Litigant nor Clerk, shall not be allowed to enter or stay in Court premises.

13. List this matter for further hearing on 02.01.2020 at 02:00 PM, on which date as already directed by order dated 18.12.2019, Additional Chief Secretary (Home) and Director General of Police, U.P. Shall remain

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present.

14. Registrar General shall comply the directions relating to him as shall also send a copy of this order to all the District Judges in State of U.P. as also Chief Secretary, U.P., Lucknow; Additional Chief Secretary (Home); Director General of Police, U.P., Lucknow; Advocate General, U.P.; Government Advocates at Lucknow and Allahabad both and to High Court Bar Association, Allahabad and Awadh Bar Association, Lucknow and Bar Council of U.P. for information and compliance, if anything is to be done on their part.

Order Date : 20.12.2019
Manish Himwan/Siddhant