

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. In the wake of criminal incidents taken place in the campus of District Judgeships and recently, in the Court room of Chief Judicial Magistrate, Bijnor, this Bench was constituted by Hon'ble the Chief Justice taking suo motu cognizance. In the first sitting on 18.12.2019, we suggested some steps for ensuring security in District Judgeships mentioned in para-6 of the order as under:-

“6. In the meantime, we also find it appropriate to suggest some steps for ensuring security in the District Judgeships as under:-

(1) Advocates' Role in District Judgeships should be made forthwith so that Advocates appearing in District Judgeship are registered in appropriate manner and their identity is known to Court staff as well as security personnel.

(2) Litigants entry in District Judgeships should be allowed with an entry pass for which necessary arrangements shall be made in District Judgeships.

(3) Advocates be requested to carry their I-cards throughout while they are in Court campus and must show to the security personnel as and when demanded. There should not be any issue of ego or prestige on this aspect since it is a matter of their own security.

(4) A specialized well-trained force be provided for the purpose of maintaining security in District Judgeships throughout the State of U.P. and whenever required, personnel from that Force may also be deployed in this Court along with existing security provided by C.R.P.F., if necessary.

(5) There should be proper arrangement for safe entry of accused who are brought to Court.

(6) Entry of Advocates and litigants should be separate.”

2. Consequently, order was passed to communicate the directions contained in our order dated 18.12.2019 to various District Bar Associations through concerned District Judges as also to U.P. Bar Council and Bar Associations of Allahabad High Court and Lucknow so that they may give their suggestions in respect of security arrangement of respective Courts.

3. Thereafter, matter was heard on 20.12.2019. In the light of informations received from some Bar Associations of District Judgeships as also learned counsel appearing on behalf of this Court and Sri Manish Goyal, learned Additional Advocate General, we passed a detailed order as under:-

“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 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. मा0 न्यायालय परिसर में एक ही गेट, गेट नं0-1 (मुख्य प्रवेश द्वार) अधिवक्ताओं/ वादकारियों/कर्मचारियों व अन्य कार्य से आने वाले व्यक्तियों के निर्धारित रहेगा। मण्डावर रोड स्थित छोटा गेट नं0-3 तत्काल पूर्णतया बन्द कराया जाये। किसी भी स्थिति या किसी भी विरोध पर ये गेट नहीं खुलने चाहिए। गेट नं0-03 को पूर्णतया बन्द कराने हेतु मा0 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 अटेण्डेन्स सिस्टम के द्वारा करने एवं अधिवक्ताओं के वाहनों पर आई डी स्टीकर की व्यवस्था कराने हेतु मा0 जिला न्यायालय, बिजनौर से अनुरोध किया गया है।

3. मा0 जिला न्यायालय में वादकारियों की प्रविष्ट हेतु 01 प्रवेश पास के साथ अनुमति दिये जाने हेतु मा0 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 गार्डलाईन जारी करने हेतु मा0 न्यायालय से अनुरोध किया गया है।

5. मा0 न्यायालय परिसर की सुरक्षा व्यवस्था में डेढ सेक्शन पी0ए0सी0 व्यवस्थापित है। मा0 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 मा0 न्यायालय में सुरक्षित रूप से प्रवेश कराये जाने की उचित व्यवस्था की गयी है।

7. वर्तमान व्यवस्था के अन्तर्गत मा0 न्यायालय परिसर में प्रवेश हेतु गेट नं0-1 (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-फिस्किंग 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 न्याया परिसर में विभिन्न सीनों पर कुल 38 सी०सी०टी०वी कैमरा स्थापित किये गये हैं। इन संसाधनों की क्रियाशीलता को 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 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 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 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.”

4. Pursuant to this Court's order dated 20.12.2019, today 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 are present. An affidavit sworn by Chief Secretary, Government of U.P., Lucknow has also been filed.

5. Sri Manish Goyal, learned Additional Advocate General assisted by Sri Syed Ali Murtaza, learned Additional Government Advocate and Ms. Akansha Sharma, Advocate have appeared on behalf of State, Sri Anand Kumar Singh, Advocate has put in appearance on behalf of U.P. Bar Council and Sri Ashish Mishra, Advocate for High Court and District Judgeships is present to assist the Court.

6. Affidavit of compliance sworn by Sri Rajendra Kumar Tiwari, Chief Secretary, Government of U.P. has stated in para-5 that after verification status report of boundary walls is as under:-

(a) Construction of boundary walls in 29 Districts have completed and details of Districts are given in Annexure-1 which refers to District Judgeships at Agra, Amroha, Auraiya, Baghpat, Basti, Ballia, Gorakhpur, Maharajganj, Muzzarfarnagar, Saharanpur, Shamli, Bulandshahar, Chandauli, Etawah, Faizabad, Firozabad, Ghazipur, Gonda, Jaunpur, Jhansi, Kasganj, Kaushambi, Lalitpur, Lucknow, Mahoba, Mau, Mirzapur, Rampur, Shahjahanpur.

(b) In 14 Districts, i.e., Pilibhit, Azamgarh, Kushinagar, Deoria, Unnao, Bahraich, Lakhimpurkhiri, Prayagraj, Etah, Sant Kabir Nagar, Kannauj, Kanpur Nagar, Moradabad, Shravasti, boundary walls have been completed and inventory has been sent to District Judges of concerned District.

(c) In 24 Districts, i.e., Hamirpur, Banda, Sitapur, Raibareilli, Gautambudhnagar, Farrukhabad, Varanasi, Amethi, Sultanpur, Bareilli, Bhadohi, Bijnor, Balrampur, Siddharthanagar, Ghaziabad, Ramabainagar, Budaun, Hapur, Hardoi, Mainpuri, Mathura, Meerut, Pratapgarh, Jalaun, admittedly, boundary walls are incomplete and construction work is going on.

(d) In respect of Bhadohi, it is said that boundary wall has not completed as there is an interim order. As and when, interim order is vacated, within two months thereafter, it shall be completed.

(e) In respect of Sultanpur, it is said that land is not available and whenever land is available, within nine months thereafter, it shall be completed.

(f) In respect of Meerut, it is said that there is an

encroachment and as soon as encroachment is removed, within three months thereafter, it shall be completed.

(g) In respect of Banda and Varanasi, it is said that Executing Agency has submitted a revised report which is pending.

(h) In respect of Ambedkarnagar and Barakanki, it is said that fund has been released on 28.12.2019 for construction of boundary walls.

(i) With regard to Chitrakoot, a query has been made by Department of Project Formulation and Analysis Division which shall be resolved shortly.

(j) It is said that for Aligarh and Fatehpur, there is no proposal for construction of boundary wall.

(k) Further for Hathras and Sambhal, proceeding of land acquisition is in progress.

(l) In respect of Sonebhadra, Court is functioning in the building of Collectorate.

7. Another affidavit of compliance has been filed which is sworn by Sri Awanish Kumar Awasthi, Additional Chief Secretary (Home), Government of U.P. Lucknow and the facts stated therein, broadly, are as under:-

(A) State Government has constituted a Technical Committee for conducting technical inspection of CCTV Cameras and other security equipments. Said Technical Committee was entrusted to ensure that all CCTV Cameras and other security equipments installed in District Courts are functioning as per norms. In this regard, Office Memorandum dated 27.12.2018 has been issued by State Government and a copy thereof has been annexed as Annexure-1 to the affidavit.

(a) Aforesaid Technical Committee consists of five members as under:-

(i) Deputy Inspector General of Police, Security Headquarter, Lucknow - Chairman

(ii) Inspector, Modernization of District concerned – Member

(iii) Radio Inspector of District concerned – Member

(iv) Project Manager / Additional Project Manager, U.P. R.N.N. of District concerned – Member

(v) All members of Technical Committee constituted at District Level – Member

(b) Further at Zonal Level, a Committee has been constituted and it also consists five members as under:-

(i) Inspector General/ Deputy Inspector General of Police of Zone concerned – Chairman

(ii) Inspector, Modernization of District concerned – Member

(iii) Radio Inspector of District concerned – Member

(iv) Project Manager / Additional Project Manager, U.P. R.N.N. of District concerned – Member

(v) All members of Technical Committee constituted at District Level – Member

(c) Besides above, Deputy Inspector General of Police, Security Headquarter, Lucknow has been nominated as Nodal Officer, who shall coordinate with all Committees.

(B) Letters dated 21.12.2019 and 26.12.2019 have been issued by State Government directing all District Magistrate/ Senior Superintendent of Police/ Superintendent of Police in the State to conduct joint inspection of security installations installed in District Courts of the State. As per letter dated 25.12.2019 of District Magistrate, Etawah, it has been informed

that CCTV Cameras and other security equipments installed in Court campus were not functional since no Operator was posted. Now, it has been informed vide letter dated 26.12.2019 that an Operator has been posted in District Court, Etawah. Police personnels have been deputed to monitor CCTV Cameras, handle Door Frame Metal Detectors, Hand Held Metal Detectors and X-Ray Baggages Scanners in District Court, Etawah.

(C) With regard to installation of CCTV Cameras and other security equipments :-

(i) CCTV Cameras and other security equipments wherever installed and made functional will be checked by Expert Body constituted/nominated by State Government.

(ii) Electronic Corporation of India Limited, Hyderabad, Andhra Pradesh (*hereinafter referred to as "ECIL"*) has been nominated by State Government for the purpose of verification and technical inspection of CCTV system and other security equipments installed in High Court as well as District Courts. ECIL has submitted a schedule for inspection of 41 District Courts and for remaining Districts, schedule will be intimated shortly.

(iii) A Committee consisting of Superintendent of Police, Radio Inspector and ECIL team has been constituted for further inspection of security equipments vide Government Order dated 01.01.2020.

(D) Formation of Specialized Security Force:-

(i) State Government has proposed to establish Uttar Pradesh Special Security Force so as to entrust duty to maintain security of this Court at Allahabad and Lucknow, all District Judgeships and other Courts notified by State Government. Aforesaid Force shall also maintain security

of other installations and institutions, establishments or individuals notified by State Government for this purpose. Till formation of aforesaid Force, presently a SOP has been prepared for checking of personnel deployed in Court security by Senior Officers. State Government has proposed to conduct special training course in all districts of State and train security personnel deputed in District Courts. Instruction, in this regard, has been given by State Government to Additional Director General (Security), U.P. Consequently, Director General of Police, U.P., Lucknow has issued letter dated 24.12.2019 to all Senior Superintendent of Police / Superintendent of Police for conducting three days Training of Trainers' Orientation Training. Director General of Police vide letter dated 31.12.2019 has issued directions to conduct fourteen days follow-up training of police personnel deployed for security of District Courts in two phases. Training programme will interalia include behavioural aspects of policemen towards Advocates and litigants as well as train them for frisking of Advocates and litigants with least inconvenience to them.

(E) With regard to preparation of Biometric Identity Cards, Gate Admission and Access Cards, it has been stated that Department of Home, U.P. had written a letter dated 27.12.2019 to Additional Director General of Police (Technical Services), U.P. Lucknow and requested him to submit report for preparation of the same by 31.12.2019. In compliance of said letter, Additional Director General of Police (Technical Services), U.P. Lucknow has submitted report dated 31.12.2019 in respect of issue mentioned in letter dated 27.12.2019. A Preliminary Report has been submitted by Committee about the financial implications, based on estimate submitted by ECIL, to

Security Headquarters about Gate Automation and preparation of Biometric cards for this Court. It has also been informed that a detailed proposal with financial implications will be submitted to this Court within one month.

8. Having gone through the aforesaid affidavit, we find that many things have been said on paper but what actually is done at ground level, nothing has been said. We have already observed that matter of security is under consideration for the last more than 10 years and umpteen meetings have been held from time to time but still no effective progress; security arrangement are almost negligible; progress is highly unsatisfactory and at ground level due to lack of effective security, incidents in Court campuses are happening from time to time. In the recent incident, in Court room itself, criminals have dared to commit double murder. We are constrained to record our serious dissatisfaction to the situation.

9. When we enquired from Sri Awanish Kumar Awasthi, Additional Chief Secretary as to what road-map, he has for providing full-proof and effective security system for entire judiciary in the State which actually has not come forth before us. He said that he will submit a complete road-map ensuring that such road-map is actually given effect to in a reasonably short period and for that purpose, he requested two weeks' time. However, he pointed out that some aspects need immediate attention of this Court. Firstly, many Advocates, their Clerks etc., have been found entering Court premises with weapons and, therefore, a clear authority is required so that no person shall be allowed to enter Court premises carrying any weapon. He further said that sometimes, whenever State Authorities or District Authorities, who are responsible for security, require some information or feedback from District Court, they do not get proper response from concerned District Judges. At District level, there is a committee which monitor security, headed by Chief Judicial Magistrate, but

Minutes of said meeting are not prepared in the presence of all members and also not signed by them but it is prepared and signed only by Chief Judicial Magistrate concerned which many a times have found lacking of references to some aspects which were discussed in the meeting but not reflected in Minutes.

10. With regard to District Judgeship, Bijnor, Sri Awasthi, Additional Chief Secretary has specifically stated in paras- 10 to 16 of compliance affidavit that Charge-sheet No. 826 of 2016, under Sections 302, 307 and 34 IPC has been submitted on 28.12.2019 against accused Sahil, Akraj and Sumit. The fourth accused Jabbar son of Abdul Gafur was arrested on 24.12.2019 and he is in District Jail, Bijnor.

11. With regard to boundary walls and other security installations at Bijnor, he has said that boundary walls of District Court premises are already in existence; 38 CCTV Cameras, 4 DFMD, 7 HHMD and 1 X-ray Bag Scanner have been installed and all are in working condition. Police personnel have been deputed to operate aforesaid security equipments and training has also been given to them. Further, Circle Officer (City), Bijnor and Inspector Incharge, District Court Security, Bijnor have been instructed to impart training to the police personnel deputed at District Court, Bijnor and three days' training would be given to them at every sixth month. It is further pointed out that Gate No. 3 at District Judgeship, Bijnor has been closed on a decision taken in the meeting of District Judge, District Magistrate, Superintendent of Police and President Bar Association soon after the incident on 17.12.2019 but later it has caused a call to go on strike by District Bar Association demanding opening of Gate No. 3.

12. Learned Counsel appearing for U.P. Bar Council stated that Bar Council has also issued a letter to all Bar Associations in the State requesting them to cooperate with the Authorities for ensuring security arrangements and not to create any issue on the matter of

disclosure of identity cards, if required by security personnel, or other aspects.

13. Further, in regard of directions which are concerned with District Judges, we find no feedback or compliance report therefrom. This situation is very unfortunate and cannot be appreciated. Therefore, we direct all District Judges to show more concern on security aspects of District Judgeships and act promptly whenever any direction has been issued by this Court or information is required to be given, else we will be constrained to take appropriate action.

14. At present, we find it appropriate to give time to Additional Chief Secretary (Home), as requested by him, to submit a road-map of full-proof Security Plan of District Courts in the State of U.P. but in the meantime, we also find it appropriate to issue following directions:-

(i) Completion of all boundary walls of District Judgeships was directed by 31.12.2019. Chief Secretary, U.P. has said that directions could not be complied with by Executing Agencies and needs further time but no reason has been disclosed as to why boundary walls could not be completed by 31.12.2019. We also wanted to know as to what was the time initially given for completion of boundary wall and how much time, has lapsed and what are the obstructions which have resulted in non-completion of boundary walls by Executing Agencies. These details and the name of Agencies as also in-charge of Agencies to whom aforesaid job was assigned, shall also be given for the reason that in case, we find that reasons given for non-completion of boundary walls within time, as directed by this Court, are flimsy, unreasonable or wholly unsatisfactory, appropriate action would be taken against them.

(ii) Further, we direct that all boundary walls in District Judgeships shall be completed by 31.01.2020. Aforesaid

directions would apply to all District Judgeships where boundary walls are not complete except Bhadohi, Sultanpur, Meerut, Chitrakoot, Hathras and Sambhal.

(iii) So far as Bhadohi District Judgeship is concerned, details of the case in which interim order passed be given and Authorities concerned are directed to take action for early disposal of the matter and inform us on the next date.

(vi) For Sultanpur, Chief Secretary, Government of U.P., Lucknow is directed to take appropriate steps for getting the land available within one month and, thereafter, boundary walls shall be constructed within two months.

(v) With regard to encroachment in District Judgeship, Meerut, we direct concerned District Judge as also District Magistrate to inform, who has made encroachment, why encroachment has not been cleared and what action has taken in the matter. Report, in this regard, shall be submitted by the next date.

(vi) In respect of District Judgeships of Ambedkarnagar, Barabanki and Chitrakoot, whatever may be the administrative obstruction, it is for State Authorities to remove it but we direct that they shall ensure construction and completion of boundary walls by 31.01.2020.

(vii) In respect of District Judgeships of Hathras and Sambhal, acquisition of land shall be completed within two months and compliance affidavit shall be filed by Chief Secretary, Government of U.P., Lucknow.

(viii) Similarly, for Sonebhadra also, land shall be acquired for construction of Court's building within two months and compliance report shall be submitted by Chief Secretary, U.P.

15. With respect to directions contained in paras- 10(4) and 10(5) of our order dated 20.12.2019, District Judges were to comply with the

same and submit compliance report. In this regard, we may clarify things as under:-

(i) Steps for preparation of Advocates' Roll in the same manner, as was prepared in the High Court, shall be initiated by District Judges concerned and process shall be completed by 15.02.2020. They shall ensure that Advocates, who are included in Advocates' Roll, initially, shall be on provisional basis and it shall be subject to verification of their testimonials from Bar Council of State of U.P. Therefore, time for preparation of Advocates' Roll is extended upto 15.02.2020 and the same would apply to directions contained in para- 10(5) of our order dated 20.12.2019.

16. We also direct District Judges to issue a public notice to Advocates and their Clerks to get prepared an Identity Card, to be issued under the signature of concerned District Judge, valid for five years and renewable thereafter. For preparation of Identity Cards through appropriate Agency, District Magistrate of concerned Districts are directed to cooperate with District Judges. In this regard, a fee of Rs. 100/- may be required to be paid by concerned Advocate and his Clerks for each Identity Card. Process of issue of Identity Cards shall be completed by 15.02.2020 and compliance report shall be submitted to this Court. Till then, Advocates shall be allowed to enter Court premises on production of their Identity Cards issued by U.P. Bar Council and/or if any issued by respective Bar Association of concerned District Judgeship.

17. The Advocate's Clerks shall carry a Certificate of Association with concerned Advocate, giving details of Advocate's name, his enrollment number in Bar Council etc., and production of Identity Card, like, Aadhar Card or Pan Card or Driving Licence carrying his photo.

18. The system of issue of Gate Pass to litigants, in consultation

with Registrar General, shall be installed, in the manner similar to system available in this Court. Requisite funds shall be made available to concerned District Judgeship by State Government through District Magistrate concerned by 31.01.2020. The execution of work shall be completed by 15.02.2020. Thereafter, litigants shall not be allowed to enter Court premises, unless they possess prescribed Pass issued by District Judgeship concerned.

19. For the time being, four wheeler and two wheeler vehicles of Advocates and their authorized Clerks may be allowed to enter Court premises, if no parking arrangement has been made outside the Court premises. But for that purpose, they shall apply and obtain a Pass issued by District Judge concerned. The format of Pass and the manner of its preparation, shall be determined by Registrar General of this Court and communicated to all District Judges within two weeks. The restriction of vehicles, in the above manner, shall be applied on and after 15.02.2020. However no vehicle shall be allowed entry without checking by Security personnel deployed in the Judgeship.

20. No person including Advocates, their Clerks and litigants shall be allowed to enter Court premises carrying any weapon. If any person is found with weapon, the matter shall immediately be reported giving details of such person to District Judge as also to Registrar General of this Court so that appropriate action may be taken against such person but in no case, any person carrying weapon shall be allowed to enter into the Court premises. This direction would not apply to security personnel deputed in Court premises as also Police personnel on duty, accompanying accused persons coming to Court to attend their cases.

21. In respect of Trial of accused where charge sheet has been submitted in relation to Bijnor incident, State is given liberty to request District Judge for placing matter in a Fast Track Court so that trial may complete expeditiously.

22. Minutes of District Level Security Committee, which is headed by Chief Judicial Magistrate, shall be prepared in presence of all members and shall be signed by them.

23. District Judges are directed to give requisite information necessary in connection with security arrangement in District Judgeship as desired by District Officials or State Government Officials.

24. List this matter on 17.01.2020 at 02:00 PM for further hearing.

Order Date :- 2.1.2020

Siddhant Sahu

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.

In Re: Civil Misc. Modification Application No. 1 of 2019

1. This is an application seeking modification in our order dated 20.12.2019 wherein in para-10(2), we have directed that checking shall be made by an Expert Body 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. It is said that Officer in the rank of Senior Superintendent of Police in all the Districts with qualification/expertise as provided in para-10(2) of order dated 20.12.2019 may not be available, therefore, compliance of this direction is practically difficult.

2. We accordingly modify the same and provide that any responsible Officer, who is actually technically qualified to verify quality, standards and specification and their functioning, may be in the Expert Body as referred to para- 10(2).

3. Accordingly, application stands dispose of.

Order Date :- 2.1.2020

Siddhant Sahu