

Suo Motu W.P.No.29197 of 2015

THE HON'BLE CHIEF JUSTICE
and
SUBRAMONIUM PRASAD, J.

This matter was listed today and we have perused the previous orders passed from time to time. We have been informed by the learned Additional Solicitor General of India and the learned Advocate General that a Public Interest Litigation in W.P.No.1635 of 2020 has been filed pertaining to common security arrangements being organised for the entire premises in and around the High Court. Let the said Public Interest Litigation be connected with this writ petition.

2.The present writ petition was instituted *suo motu* in the circumstances that are already on record.

3. For ensuring ample security measures inside the Courts, the matter has reached the Apex Court in W.P. (Civil) No.1422 of 2019, where a proposal for deploying paramilitary force (Central Industrial Security Force or like) has been mooted and is under active consideration by the Apex Court for applying such security measures

throughout the country in the High Courts. The orders passed on 27.01.2020 have been placed before us.

4.A very recent unfortunate incident has been reported by the Deputy Commissioner of Police, High Court Security, in a letter dated 30.01.2020 addressed to the Registrar General that has been placed before us. The letter reads as under:-

From

*Deputy Commissioner of Police,
High Court Security,
Greater Chennai Police,
Chennai-104.*

To

*The Registrar General,
Hon'ble High Court of Madras
High Court Campus,
Chennai-104.*

C.No.08/DC-HCS/Camp/2020

Dated 30.01.2020

Sir,

*Sub: Greater Chennai Police – High Court Security -
Unauthorised assembly & procession inside the
Hon'ble High Court premises under State Police
Control by Retired High Court Judges and
Advocates – Report sent – Reg.*

On 30.01.2010 at 10.30 a.m. has a group of advocates including seniors namely, Tmt.Vaigai, Tmt.Sudha, Tmt.Subha, Tr.Girirajan, Tr.Milton, Tr.Bharathi, Tr.Parivendhar, Tr.Patharsaith etc and Retired High Court Judges Tr.Haribaranthaman, Tr.Kannan & Tr.Akbar were assembled near Aavin parlor walked in procession to North Gate via Kuralagam, reached B2 Esplanede Gate entered inside and finished at Dr.Ambedkar Statue.

They were stopped and advised for their unauthorized

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activities. But they refused to hear the Police Officers who were on duty. The report of the Inspector of Police, High Court Security is enclosed for perusal. The video CD & Photos (CD) are also enclosed."

The said letter has already been endorsed by Chief Justice to be placed before the Security Committee, vide order dated 30.01.2020.

5. Having noticed the said incident reported, what is of more concern is that the incident involves and names three former High Court Judges of having entered the premises and joined the protest that was going on.

6. The gravity of the said incident, therefore, puts on guard the entire judicial system, as this may have a large impact on the future security measures that may be required to be undertaken by the High Court. The incident, therefore, requires an immediate concern to be taken up on the administrative side and we, therefore, request the Security Committee of the High Court to take up the matter urgently along with its suggestions and report the matter back for taking appropriate action on the judicial side or otherwise by the next date fixed.

7.The learned Additional Solicitor General of India and the learned Advocate General have also expressed their separate concerns. The learned Advocate General has urged that there are about an approximate number of 500 chambers of lawyers, where lawyers are running their offices and in order to facilitate the entry of their clients, who may not have their cases fixed on a particular date, some adjustments have to be made, as such lawyers who do not have any separate offices, run their profession only through the chambers in the High Court.

8.On the other hand, the learned Additional Solicitor General of India informs that the measures of security that have been undertaken by the Central Industrial Security Force are not being standardised on account of two zones of operation within the premises of the High Court itself. The coordination, therefore, being lacking and the same standard not being deployed may be a cause of concern in future. He, therefore, submits that the operational systems to be followed have to be synchronized in a manner that the security of the entire premises, keeping in view the threat perceptions that keep on arising and taking into concern such other incidents, have to be standardised. The learned Additional Solicitor General of India also has submitted that

the deployment of the Forces are continuing on the strength of the interim orders passed in the present proceedings. We find from the order dated 21.10.2019 that the arrangements for the continuance of the Central Industrial Security Force deployed in the High Court are to continue until further orders. The learned Additional Solicitor General of India contends that in the absence of any certainty, the Central Industrial Security Force is facing certain deployment concerns, including posting of soldiers and officers on a permanent basis. This uncertainty, therefore, should be cleared in order to ensure that the system is run on a permanent basis instead of a temporary arrangement.

9. On this, the learned Advocate General contends that the finances of the deployment of these Forces are being borne for the time being by the State Government and therefore, a long term or a permanent nature of arrangement may require a coordinated deployment and resolution of financial matters, so that this system which is continuing may be made available on a permanent basis in the High Court.

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10. Keeping in view the aforesaid concerns that have been expressed and also the incident reported and extracted hereinabove, we also request the Security Committee to deliberate upon these issues and also coordinate with the Director General of Police, State of Tamil Nadu as well as the high-ranking officials of the Central Industrial Security Force, including local Commandant, for evolving concrete suggestions in order to crystallise the security arrangements preferably on a permanent basis. The exercise may, therefore, be undertaken at the earliest.

11. The reporting agencies are instructed not to report anything beyond what is recorded in the order, so as to create any misconception or confusion.

Put up the matter on 02.03.2020, along with W.P.No.1635 of 2020.

सत्यमेव जयते

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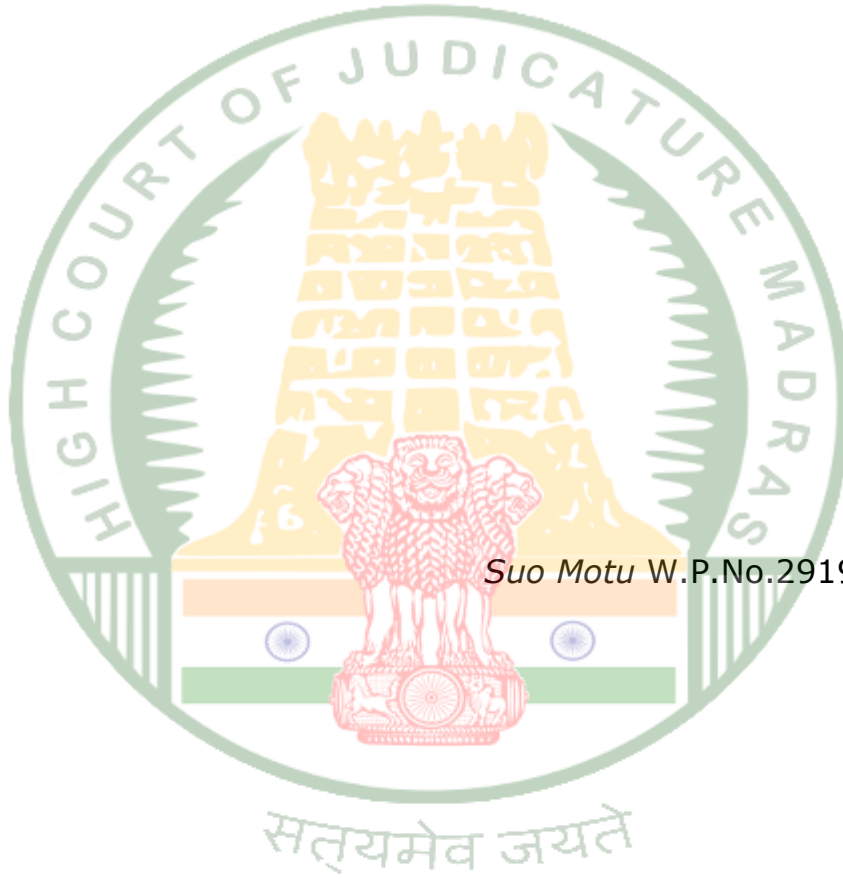
(A.P.S., CJ.) (S.P., J.)
31.01.2020

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The Hon'ble Chief Justice
and
Subramonium Prasad, J.

(sra)



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31.01.2020