

**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. Sri Awanish Kumar Awasthi, Additional Chief Secretary (Home) and Additional Director General (Security) and other Officers are present. An affidavit of compliance sworn by Sri Awanish Kumar Awasthi has also been filed. An Exemption Application has been filed on behalf of Director General of Police, U.P., Lucknow stating that due to some personal reasons, he is not in position to come and, therefore, personal appearance has been sought to be exempted.

2. On behalf of Bar Council of Uttar Pradesh, a Supplementary Counter Affidavit sworn by Sri Brijmhan, Office Superintendent has been files. Besides, an application accompanied by an affidavit has been filed on behalf of District Bar Association, Bijnor through its Secretary, Navdeep Kumar Singh.

3. We have heard Sri Manish Goyal, Additional Advocate General assisted by Sri Syed Ali Murtaza, learned A.G.A. and Smt. Akansha Sharma, learned Standing Counsel for State and Sri Ashish Mishra, Advocate, appearing for High Court.

4. Additional Chief Secretary (Home) briefly in his affidavit of compliance filed today has said as under:

(A) CCTV Cameras and other security equipments have been installed in 63 District Courts and to operate the same, 1397 personnel have been deputed. These Districts are:

01	Varanasi	02	Ghazipur	03	Jaunpur
04	Chandauli	05	Azamgarh	06	Ballia
07	Mau	08	Mirzapur	09	Sonbhadra

10	Maharajganj	11	Deoria	12	Balrampur
13	Gonda	14	Basti	15	Siddharth Nagar
16	Prayagraj	17	Fatehpur	18	Pratapgarh
19	Hamirpur	20	Mahoba	21	Banda
22	Kanpur Nagar	23	Kanpur Dehat	24	Itawah
25	Kannauj	26	Auraiya	27	Jhansi
28	Jalaun	29	Lalitpur	30	Lucknow
31	Hardoi	32	Kheri	33	Unnao
34	Sitapur	35	Ayodhya	36	Barabanki
37	Ambedkar Nagar	38	Bareilly	39	Pilibhit
40	Shahjahanpur	41	Rampur	42	Amroha
43	Agra	44	Firozabad	45	Mainpuri
46	Aligarh	47	Etah	48	Hathras
49	Bulandshahar	50	Ghaziabad	51	Baghpat
52	Gautambudh Nagar	53	Hapur	54	Saharanpur
55	Muzaffar Nagar	56	Budaun	57	Moradabad
58	Bijnor	59	Gorakhpur	60	Kushi Nagar
61	Kaushambi	62	Chitrakoot	63	Sultanpur

(B) In 9 Districts, Installation of CCTV Cameras and other Security equipments are under way.

(C) As per report submitted by District Verification Committee, CCTV Cameras and other security equipments were found functional in 53 Districts and in the following Districts, same were not found functional:

(1) Azamgarh, (2) Jaunpur, (3) Siddharth Nagar, (4) Banda, (5) Etawah, (6) Unnao, (7) Sitapur, (8) Sultanpur

(D) A letter has been issued by State Government on 14.01.2020 directing Nodal Agency to remove the defect and make system functional in the aforesaid 8 Districts.

(E) Quick Response Teams (hereinafter referred to as "QRT") have been deputed to all District Courts. As per D.I.G. (Security)'s letter dated 30.04.2019, 463 Inspectors/Sub-Inspectors/Head Constables/Constables in QRT have been deputed in 74 District Judgeships. There is no Court premises at Amethi, hence QRT has not been deployed thereat.

(F) A Standard Operating System (hereinafter referred to as “SOP”) has been prepared and submitted by Additional Director General (Security) to Director General of Police, U.P. (hereinafter referred to as "D.G.P., U.P.") for his approval on 13.01.2020. D.G.P., U.P. has submitted aforesaid SOP on 16.01.2020 to State Government for its approval and implementation.

(G) On 08.01.2019, a letter was issued by D.G.P., U.P. to all District Officials directing:

(i) Police Force deputed at District Court Premises for security shall not be deputed for any other duty.

(ii) Police Squad and Pilot shall be provided to Hon’ble Chief Justice and other Judges of Allahabad High Court in compliance of earlier circulars/orders.

(iii) In order to prevent entry of unauthorized persons and criminals in District Courts premises, vehicles of only Judicial Officers, employees and staff of District Judgeships shall be allowed to enter the Court premises.

(iv) After having consultation with the learned District Judges/Administrative officers and office bearers of the Bar Associations, entry of litigants shall be permitted only after due verification.

(v) Entry points/gate to District Court premises may be minimized for the purpose of better security arrangement.

(vi) No persons should be allowed to meet accused persons, brought from Jail.

(vii) Proper arrangements be made for protection of witnesses.

(viii) Proper arrangement for monitoring Electronic Security Instruments should be made and time to time rehearsals and mock drills should also be conducted.

(ix) Assessment of security of Judicial Officers at their residences be made and appropriate action be taken.

(H) State Government vide Office Memorandum dated 01.01.2020 has nominated Electronic Corporation of India Limited (hereinafter referred to as "ECIL") for technical verification of CCTV Cameras and other security equipments installed at District Judgeships. A Technical Committee has been constituted at District Level, headed by Senior Superintendent of Police/ Superintendent of Police and it includes nominated Members of ECIL and a Radio Inspector of concerned District.

(I) Special Security Force is being constituted to protect District Courts premises and other vital installations of State. Process of recruitment shall be completed by U.P. Police Recruitment and Promotion Board and thereafter training shall be imparted to the Members selected and appointed. For this purpose, two months period is required for formation and two years for recruitment, training, deployment and posting. D.G.P., U.P. vide letter dated 24.12.2019 has directed for training of Police Personnel already deputed for security in District Judgeships.

(J) Home Department vide letter dated 11.01.2020 has requested Principal Secretary (Law) to coordinate with Registrar General of this Court in respect of preparation of plan for gate-pass to litigants in District Court premises. In turn, Registrar General has required the concerned District Judges to submit proposal/status for gate-pass.

(K) For operating CCTV Cameras and other security equipments, 111 technically qualified personnel have been deputed in 59 District Judgeships through different Nodal Agencies.

(L) ECIL vide letter dated 13.01.2020 has conducted

verification of CCTV Cameras and other security equipments in 27 Districts Courts and report in respect to 10 Districts has been submitted. The aforesaid report has been filed as Annexure 11 to the affidavit.

(M) In 36 Districts Courts, CCTV Cameras and other security equipments have been handed over.

(N) On 06.01.2020, report from all District Magistrates, Senior Superintendent of Police and Superintendent of Police was called regarding status report of security, entry gate, security deployment of technical personnel, training, entry of litigants etc. in District Judgeship concerned. On the basis of information report, a chart was prepared (filed as Annexure-14) but it shows lot of defects etc. Government has directed U.P. Rajkiya Nirman Nigam (hereinafter referred to as "UPRNN") to remove all defects and infirmities pointed out in such reports.

(O) In 57 Districts, 1455 Police personnel have been given training in first phase and in the second phase for remaining 15 Districts, Police personnel shall be provided training.

(P) With regard to preparation of Biometric Cards, Gate Automation, Access Control, Smart Cards etc., ECIL has submitted financial proposal and for approval two months period is required.

(Q) By letter dated 15.01.2000 all District authorities have been informed to ensure that no firearm, ammunition or other weapon is allowed to be taken in the Court premises.

(R) A request has been made to District Judges to place trial against the accused of District Court, Bijnor's incident before Fast Track Court.

(S) Gate No.-1 at Bijnor has been opened dividing it in two parts, i.e., Gate No. 1A and 1B. 38 CCTV Cameras, 4 DFMD, 7 HHMd and 1 X-ray Bag Scanner have been installed at Bijnor.

(T) An incident has happened at Mainpuri District Judgeship on 06.01.2020 in the Court of 4<sup>th</sup> Additional District Judge, Mainpuri. The report of Superintendent of Police, Mainpuri shows that checking/frisking of accused Manish, his wife and maternal uncle was not done by Police personnel posted at entry gate. In respect to the aforesaid incident, Case Crime No. 12 of 2020 under Section 211, 353, 504, 506, 120B I.P.C. read with Section 7 Criminal Law Amendment Act at P.S. Kotwali, District Mainpuri has been registered against Manish Yadav, Head Constable Ramakant Upadhyay, Head Constable (LIU) Vijay Singh, Constable Satveer Singh, Constable (LIU) Dilip Kumar, Lady Constable Kusum Chahar, Constable Yogendra Chaudhary and Constable Pradep Raja. 7 Police Constables, 2 Inspectors, 1 Sub-Inspector have been suspended by Superintendent of Police, Mainpuri. 4 HHMD, 1 X-ray Baggage Scanner, 20 CCTV Cameras have installed at District Judgeship, Mainpuri.

(U) New postings of Police personnel has been made. One Control Room has been established for monitoring CCTV Cameras and one Wireless Operator and one Constable have been posted. Further half section PAC has also been deputed.

(V) With regard to construction of boundary wall, it is said that out of 40 District Courts, boundary walls are complete in 14 and in remaining 26 District Courts, same are not complete. Reasons given in this regard In Annexure-20 are as under:

1	हमीरपुर	निर्माण कार्य में नीम का वृक्ष बाधा पहुंचा रहा है जिसको हटाने हेतु मा0 जनपद न्यायाधीश से मौखिक निवेदन 15 दिसम्बर 19 को किया गया था। मा. जनपद न्यायाधीश द्वारा दिनांक 5.1.2020 को पेड को बचाते हुए बाउंड्री निर्माण का निर्देश दिया गया। कार्यदायी संस्था द्वारा 29.02.2020 तक कार्य पूर्ण करने का समय मांगा गया।
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2	बांदा	फरवरी 2017 मार्च 2018 तक कार्य अवरूद्ध रहा। पुनरीक्षित दि० 20.09.19 को प्राप्त। स्वीकृत हेतु दि० 10.1.2020 को बैठक में प्रस्तुत। दि० 15.1.2020 को पैरा 94 के अनुपालन हेतु पत्रावली मा० मंत्री जी के पास प्रेषित है।
3	सीतापुर	अधिवक्ताओं के चैम्बर के कारण व्यवधान उत्पन्न हो रहा है। 25.12.19 को अतिक्रमण हटाने का प्रयास किया गया था, परन्तु अधिवक्ताओं द्वारा 27.12.2019 को कार्य पुनः बंद करा दिया गया। इस संबंध में कार्यदायी संस्था द्वारा दिनांक 14.1.2020 को मा जिला जज एवं जिलाधिकारी को तथा दिनांक 9.1.2020 को प्र०स० न्याय द्वारा जिला जज एवं जिलाधिकारी को तथा 15.1.2020 को मा० महानिबंधक को, व्यवधान दूर करने हेतु पत्र प्रेषित। मुख्य सचिव उ०प्र० शासन द्वारा 15.01.2020 संबंधित जिला मजिस्ट्रेट / पुलिस अधीक्षक को व्यवधान हटवाने हेतु पत्र प्रेषित किया गया। कार्यदायी संस्था द्वारा बाधा दूर होने पर 31.1.2020 तक निर्माण कार्य पूर्ण करने का आश्वासन दिया गया।
4	रायबरेली	अधिवक्ताओं के चैम्बर / तथत / दुकान होने के कारण व्यवधान उत्पन्न हो रहा था। न्याय विभाग द्वारा दिनांक 6.9.19 को अतिक्रमण हटवाया गया, तब जाकर 100 मीटर बाउंड्री वाल का निर्माण पूर्ण कर लिया गया है। अवशेष 89.59 मीटर का अतिक्रमण न्याय विभाग द्वारा 13.01.2020 को हटवाया गया। वर्तमान में निर्माण कार्य प्रगति पर है। कार्यदायी संस्था द्वारा 15.02.2020 तक कार्य पूर्ण करने का समय मांगा गया।
5	गौतमबुद्धनगर	चाहरदीवारी की ऊंचाई बढ़ाये जाने / एनजीटी के आदेश से अक्टुबर 19 से 9.12.19 तक कार्य बंद रहा। दो माह कार्य बंद रहा। जिसके कारण निर्माण में विलम्ब हुआ। वर्तमान में कार्यदायी संस्था द्वारा निर्माण कार्य 31.1.2020 तक पूरा करने का समय मांगा गया है।
6	फर्रुखाबाद	अधिवक्ताओं के चैम्बर के कारण व्यवधान उत्पन्न हो रहा है। कार्यदायी संस्था द्वारा 12.11.19 एवं 4.1.20 को जिला जज से निवेदन किया कि कार्यस्थल उपलब्ध कराये। इस सम्बन्ध में दिनांक 9.1.2020 को प्र०स०

		न्याय द्वारा मा. जिला जज एवं जिलाधिकारी को तथा दिनांक 15.01.2020 को मा0 महानिबंधक को, व्यवधान दूर करने हेतु पत्र प्रेषित । मुख्य सचिव उ0प्र0 शासन द्वारा, 15.01.2020 संबंधित जिला मजिस्ट्रेट / पुलिस अधीक्षक को व्यवधान हटवाने हेतु, पत्र प्रेषित किया गया।
7	वाराणसी	बाउंड्री वाल की लंबाई के कारण पुनरीक्षित आगणन 20.11.2017 को प्रेषित किया गया था। वित्त व्यय समिति की आगामी बैठक में प्रश्नगत आगणन को लोक निर्माण विभाग की वर्ष 2018 की दर पर आकलित कर कार्यवाही की जायेगी।
8	अमेठी	रिवाइज्ड आगणन प्राप्त होने के पश्चात दिनांक 20.8.19 को बैठक में प्रस्तुत। दि0 15.1.2020 को पैरा 94 के अनुपालन हेतु पत्रावली मा0 मंत्री जी के पास प्रेषित है।
9	सुल्तानपुर	पुरानी चाहरदीवारी ध्वस्त कर निर्माण कार्यस्थल उपलब्ध नहीं कराया गया है। इस संबंध में दिनांक 9.1.2020 को प्र0स0 न्याय द्वारा जिला जज एवं जिलाधिकारी को तथा दिनांक 15 01.2019 को मा0 महानिबंधक को व्यवधान दूर करने हेतु पत्र प्रेषित। मुख्य सचिव उ0प्र0 शासन द्वारा 15.01.2020 संबंधित जिला मजिस्ट्रेट / पुलिस अधीक्षक को व्यवधान हटवाने हेतु पत्र प्रेषित किया गया।
10	बरेली	अधिवक्ताओं के चैम्बर के कारण व्यवधान उत्पन्न हो रहा है। इस सम्बन्ध में दिनांक 9.1.2020 को प्र0स0न्याय द्वारा जिला जज एवं जिलाधिकारी को तथा दिनांक 15.01.2020 को मा0 महानिबंधक को, व्यवधान दूर करने हेतु पत्र प्रेषित। मुख्य सचिव उ0प्र0 शासन द्वारा 15.01.2020 संबंधित जिला मजिस्ट्रेट / पुलिस अधीक्षक को व्यवधान हटवाने हेतु पत्र प्रेषित किया जा रहा है।
11	भदोही	अवरोध स्थल के अलावा बाकी कार्य पूर्ण। मा उच्च न्यायालय का स्टे / सम्प्रति डी एम व अन्य सम्बन्धित को स्टे बैकेट किये जाने हेतु प्र0स0 न्याय द्वारा दिनांक 9.1.2020 को पत्र प्रेषित।
12	बिजनौर	निविदा आमंत्रित की जा चुकी है।
13	बलरामपुर	निविदा आमंत्रित की जा चुकी है।



14	सिद्धार्थनगर	बाउंडीवाल की लाईन में 13 नग मोटे पेड / एवं 5 पोल हाईटेंशन लाईन होने के कारण निर्माण समय से पूरा नहीं हो पाया। इस सम्बन्ध में दिनांक 9.1.2020 को प्र0स0 न्याय द्वारा जिला जज एवं जिलाधिकारी को तथा दिनांक 15.01.2020 को मा0 महानिबंधक को, व्यवधान दूर करने हेतु पत्र प्रेषित। मुख्य सचिव उ0प्र0 शासन द्वारा, 15.01.2020 संबंधित जिला मजिस्ट्रेट / पुलिस अधीक्षक को व्यवधान हटवाने हेतु पत्र प्रेषित किया गया।
15	गाजियाबाद	मानचित्र संशोधन एवं पुरानी चाहरदीवारी को तोड़कर नीलाम करने के पश्चात कार्यस्थल 02.12.19 को प्राप्त हुआ। कार्यदायी संस्था द्वारा 31.03.2020 तक कार्य पूर्ण करने का समय मांगा गया है।
16	रमाबाईनगर	संयुक्त निबंधक मा0 उच्च न्यायालय लखनऊ द्वारा धन अवमुक्त नहीं किया गया है। शासनादेश दिनांक 13.12.19 को जारी, प्र0वि0 द्वारा धन आबंटन भी कर दिया गया।
17	बदायूं	कार्य प्रगति पर।
18	हापुड	कार्य प्रगति पर।
19	हरदोई	अधिवक्ताओं के चैम्बर के कारण व्यवधान उत्पन्न हो रहा था। दिनांक 25.12.19 को कोर्ट बंद होने के उपरांत व्यवधान दूर कर कार्यस्थल प्राप्त करा दिया गया है। कार्यदायी संस्था द्वारा 31.01.2020 तक कार्य पूर्ण करने का समय मांगा गया।
20	मैनपुरी	कार्य प्रगति पर।
21	मथुरा	पुरानी चाहरदीवारी ध्वस्त कर निम्नण कार्यस्थल उपलब्ध नहीं कराया गया है। इस सम्बन्ध में दिनांक 9.1.2020 को प्र0स0 न्याय द्वारा जिला जज एवं जिलाधिकारी को तथा 15.01.2020 को मा0 महानिबंधक को व्यवधान दूर करने हेतु पत्र प्रेषित। मुख्य सचिव उ0प्र0 शासन द्वारा 15.01.2020 संबंधित जिला मजिस्ट्रेट / पुलिस अधीक्षक को व्यवधान हटवाने हेतु पत्र प्रेषित किया गया।
22	मेरठ	अधिवक्ताओं के चैम्बर के कारण व्यवधान उत्पन्न हो रहा है। कार्यदायी संस्था द्वारा 2.7.19 को शेष निर्माण हेतु कार्यस्थल उपलब्ध कराने का अनुरोध जिला जज से किया गया। इस सम्बन्ध में दिनांक 9.1.2020 को प्र0स0

		न्याय द्वारा जिला जज एवं जिलाधिकारी को तथा दिनांक 15.01.2020 को मा0 महानिबंधक को, व्यवधान दूर करने हेतु पत्र प्रेषित। मुख्य सचिव उ0प्र0 शासन द्वारा, 15.01.2020 संबंधित जिला मजिस्ट्रेट / पुलिस अधीक्षक को व्यवधान हटवाने हेतु पत्र प्रेषित किया गया। कार्यदायी संस्था द्वारा अतिक्रमण हटाने के उपरान्त कार्य पूरा करने हेतु 3 माह का समय मांगा गया है।
23	प्रतापगढ़	पुरानी चहारदीवारी ध्वस्त कर भूमि प्राप्त करना शेष। कार्यदायी संस्था निविदा का कार्य प्रारम्भ कर दिया गया है। इस सम्बन्ध में दिनांक 9.1.2020 को प्र0स0 न्याय द्वारा जिला जज एवं जिलाधिकारी को तथा 14.01.2020 को मा0 महानिबंधक को व्यवधान दूर करने हेतु मुख्य सचिव उ0प्र0 शासन द्वारा, संबंधित जिला जज को निर्देशित किये जाने हेतु पत्र प्रेषित किया गया।
24	जालौन	पुरानी चाहरदीवारी तोड़ने की अनुमति विलम्ब से 18 सितम्बर 19 में प्राप्त हुई। कार्यदायी संस्था द्वारा 31.03.2020 तक कार्य पूरा करने का समय मांगा गया है।
25	बाराबंकी	निविदा आमंत्रित की जा चुकी है।
26	अम्बेडकरनगर	कार्यस्थल उपलब्ध नहीं है। कार्यदायी संस्था द्वारा 9.1.2020 को मा जिला जज से कार्यस्थल उपलब्ध कराये जाने का निवेदन किया इस सम्बन्ध में दिनांक 9.1.2020 को प्र0स0 न्याय द्वारा जिला जज एवं जिलाधिकारी को तथा दिनांक 15.01.2020 को मा0 महानिबंधक को, व्यवधान दूर करने हेतु पत्र प्रेषित। मुख्य सचिव उ0प्र0 शासन द्वारा, 15.01.2020 संबंधित जिला मजिस्ट्रेट / पुलिस अधीक्षक को व्यवधान हटवाने हेतु पत्र प्रेषित।

1	Hamirpur	Neem tree is creating obstruction in the construction work; for removal of which, an oral request was made to the learned District Judge on 15th December, 2019. The District Judge on 5.1.2020 issued direction for construction of boundary wall, while saving the tree. Time until 29.02.2020 was sought by the executing firm.
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2	Banda	From February 2017 to March 2018, work was discontinued. Revised received on 20.9.19. Placed in the meeting dated 10.1.2020 for sanction. For compliance of para 94, the file stands submitted to the Hon'ble Minister on 15.1.2020.
3	Sitapur	Due to advocates' chambers obstruction is being faced. On 25.12.19 effort was made to remove encroachment but the work was on 27.12.2019 caused to be stopped by the advocates. In this respect, a request has been made on 14.01.2020 to the learned District Judge by the executing firm. In this respect, letter was sent by the Principal Secretary, Nyaya to the District Judge and District Magistrate on 09.01.2020 and to learned Registrar General on 15.1.2020 for removal of obstruction. A letter was sent on 15.1.2020 by the Chief Secretary to the concerned District Magistrate/ Superintendent of Police seeking removal of obstruction. Assurance was given to get the work completed by 31.01.2020 subject to removal of obstructions.
4	Raebareli	Obstruction was being caused due to presence of chambers/wooden platforms/stalls of advocates. The encroachment was got removed by Nyaya Vibhag on 06.09.2019; only thereafter, the construction of 100-metre long boundary has been completed. Encroachment on the remaining 89.59 metre part was got removed by the Nyaya Vibhag on 13.01.2020. The work is currently in progress. The executing firm has sought time until 15.02.2020 to complete the work.
5	Gautambudh Nagar	Due to the boundary wall being heightened and due to an order given by the NGT, the work was not carried from October 2019 to 01.12.2019. The work remained suspended for two months.

		This caused delay in constructions. At present, the executing firm has sought time until 31.01.2020 for completing the construction work.
6	Farrukhabad	The obstruction is being caused due to presence of chambers of the advocates. The executing firm requested the learned District Judge on 12.11.19 and 04.01.20 that work space be made available to them. In this respect, letters to learned District Judge and District Magistrate on 09.01.2020 and also to learned Registrar General on 15.01.2020 were given by the Principal Secretary, Nyay seeking removal of the obstructions. A letter to District Magistrate/ Senior Superintendent of Police was sent by the Chief Secretary, Government of UP, on 15.01.2020 seeking removal of obstructions.
7	Varanasi	Due to increase in the length of boundary wall, the revised computation was sent on 20.11.2017. Action shall be taken in the next meeting of the Finance Expenditure Committee by assessing the computation in question at the rate determined by the Public Works Department for the year 2018.
8	Amethi	After receipt of the revised computation presented in the meeting dated 20.08.2019. For compliance with para 94, the file stands submitted to the Hon'ble Minister on 15.01.2020.
9	Sultanpur	The construction site has not been made available by demolishing old boundary wall. In this connection, a letter by the Principal Secretary (Nyay) to the District Judge and the District Magistrate on 09.01.2020 and another letter to the learned Registrar General on 15.01.2020 was sent seeking removal of the obstructions. On 15.01.2020, a letter was sent by the Chief Secretary, Govt. of Uttar Pradesh to the concerned District Magistrate/ Police Superintendent

		seeking removal of obstructions.
10	Bareilly	The obstruction is being caused due to chamber of advocates. In this regard on 9.1.2020 letter was sent to the District Judge and the District Magistrate and on 15.1.2020 to the learned Registrar General for removal of obstruction. On 15.1.2020, letter has been dispatched by the Chief Secretary of Government of U.P. to the concerned Magistrate/ Superintendent of Police for the removal of obstruction.
11	Bhadohi	Except on the obstructed area, the rest of the construction work has got completed. Stay order passed by the Hon'ble High Court/letters sent by the Principal Secretary, Nyay on 09.01.2020 to the current DM and other concerned for getting the stay vacated.
12	Bijnor	Tender has been invited.
13	Balrampur	Tender has been invited.
14	Siddharth Nagar	The construction could not be completed within time due to 13 big trees and five poles of High tension lines above the boundary wall. In this regard on 9.01.2020 letter was dispatched by Principal Secretary (Nyay) to the District Judge and the District Magistrate and to the Learned Registrar General on 15.1.2020 for removal of obstruction. On 15.1.2020, letter was dispatched to the concerned District Magistrate / the Superintendent of Police for removal of obstruction by the Chief Secretary, Government of U.P.
15	Ghaziabad	After the auction by making alteration in site-map and demolishing the boundary, workplace was handed over on 02.12.19. Time till 31.03.2020 was sought by the executing firm to complete the work.
16	Ramabai Nagar	Fund has not been released by the Joint Registrar, Hon'ble High Court, Lucknow Bench. Fund also has been allotted vide G.O. dated 13.12.19 by Pra.Vi.

17	Budaun	Work in progress
18	Hapur	Work in progress
19	Hardoi	Obstruction was caused due to chamber of advocates. As the court was closed on 25.12.19, workplace has been made available by removing the obstruction. Time till 31.01.2020 has been sought by the executing firm to complete the work.
20	Mainpuri	Work in progress
21	Mathura	The workplace has not been made available after demolishing the old boundary. In this regard, letter was sent to District Judge and District Magistrate on 4.1.2020 and on 15.01.2020 to Registrar General by Principal Secretary Nyay for removing the obstruction. Letter was sent to concerned District Magistrate/Police Superintendent on 15.01.2020 by Chief Secretary, Government Uttar Pradesh to remove obstruction.
22	Meerut	Obstruction is being created due to the chambers of the advocates. On 2.7.19 the executing firm had requested the District Judge to make available the work place for the remaining construction. Regarding this, on 9.1.2020, Principal Secretary (Nyay) sent letter to the District Judge and the District Magistrate and on 15.1.2020 to the Registrar General for removal of obstructions. On 15.1.2020 the Chief Secretary Government of Uttar Pradesh sent letter to the District Magistrate/ superintendent of Police for removal of obstructions. For the completion of work, three months' time was sought by the executing firm after removal of encroachment.
23	Pratapgarh	Acquisition of the land after demolition of the old boundary, is still pending. Work of tenders has been initiated by the executing firm. In this relation a letter has been dispatched by Principal Secretary (Nyay) to the learned Registrar

		General and the District Judge and the District Magistrate on 9.1.2020 and 14.1.20 respectively for removal of obstructions, and letter has been dispatched to the concerned District Judge by the Chief Secretary Government of Uttar Pradesh for directions.
24	Jalaun	Letter for the sanction of the demolition of old boundary was received belatedly on 18 September 2019. Time upto 31.3.20 has been asked for the completion of work by the executing firm.
25	Barabanki	Tender has been invited.
26	Ambedkar Nagar	Work area is not available. The executing firm on 9.1.2020 too has requested the District Judge to provide the work area. In this regard a letter has been dispatched by Principal Secretary (Justice) on 9.1.2020 to the District Judge and the District Magistrate and to the Registrar General on 15.1.2020 for the removal of the obstructions. Letter has been dispatched by the Chief Secretary Government of Uttar Pradesh on 15.1.2020 to the concerned District Magistrate/Superintendent of Police for the removal of the obstructions.

*(English Translation by Court)*

(W) The aforesaid chart shows that in most cases, project of boundary wall was approved as long back as in 2012, 2015 and 2016 but still work is not complete. This situation cannot be appreciated. In Districts Hamirpur, Farrukhabad, Siddharth Nagar, Ghaziabad, Mathura (Chhata), Pratapgarh, Ambedkar Nagar, Pratapgarh permission for demolition of old boundary wall has not been granted, hence new boundary wall work is hampered. In Sitapur, Bareilly, Meerut and Hardoi, boundary walls could not be completed as Advocates have constructed their Chambers at the site of construction. Request has been

made to District Judges concerned to get the encroachment removed with the assistants of District Administration, if required.

(X) In most cases, period of completion of boundary wall was not given and delay is mostly due to non availability of land and encroachment.

(Y) With respect to Outlines Courts, which are 31 in number, work of boundary wall is complete in six. Here also we find lot of delay after finalization of project. In Bhadohi Judgeship boundary wall could not be completed due to interim order passed in Writ Petition (Writ-C) No. 1084 of 2016 (Rajesh Kumar Vs. State of U.P. and others) and Writ Petition (Writ-B) No. 11122 of 2004 (Bal Mukund Vs. State of U.P. and others). With regard to Sultanpur District, it is said that construction work of Outline Court of Musafirkhana, has been completed and handed over and budget has been made available to Nodal Agency on 09.01.2020 for construction of boundary wall of Kadipur Outline Court. At Meerut, boundary wall could not be completed due to encroachment but directions have been given for early construction. Nodal Agency has informed that the work shall be completed within three months after removing obstructions.

(Z) In Ambedkar Nagar, Barabanki and Chitrakoot, it is said that construction work of boundary wall shall be completed by 31.01.2020. In respect to Hathras, Sambhal, it is said that land shall be acquired for construction of Court's building within two months. However, it is said that for Sambhal and Sonbhadra, State Government has not received any proposal for acquisition of land from this Court. Further in para 62 it is said that some further time be granted to comply the directions.

5. With regard to the directions issued to District Judges, we do



not find any information supplied to this Court though Registrar General should have coordinated with them and filed an affidavit. Sri Ashish Mishra, Advocate, is present and stated that he shall file affidavit placing requisite information within ten days.

6. After hearing the matter, it appears that lot of Departments of Government are involved in the matter and Additional Chief Secretary (Home) was not able to give any response in respect to the matters which are within the domain of other Departments. Hence instead of calling Secretaries of different Departments, in our view since it is the State Government as a whole which has to look into the matter, let Chief Secretary himself should be here to take care of the entire matter since how the matter has to be dealt with intra-Departments, that is the concern of State Government and our anxiety is that whatever is required for the security of Subordinate District Courts and this Court, that must be executed and completed without any further delay.

7. We also find that for one or other reasons, different explanations and pretexts are available but ultimately it is the cause of security, which is suffering. No amount of explanation, in our view, may be allowed to dominate when objective is security of judicial works in the District Judgeships as that has to be given paramount importance. Therefore, whether it is availability of requisite funds or observance of bureaucratic procedure or execution of work the ultimate responsibility is upon State and it has to ensure completion of requisite work necessary for security purpose in District Judgeships within a reasonable time which cannot be extended to suit the laxity of system. How and in what manner it shall be done, let it be planned, processed and executed by State Government. We, However, direct Chief Secretary, U.P., Lucknow to look into the matter and make appropriate assessment and submit an affidavit ensuring completion of work in this regard as per our directions given in earlier orders and

also to disclose the time within which it shall be done. He shall also explain as to in what manner, security shall be ensured till the aforesaid work is completed for the reason that the matter of security is pending for several years and it is high time that matter now be attended at war level. Appropriate action must be visible on the ground without any further delay to avoid any unhappy and unforeseen incident in any Judgeship. We, therefore, permit 10 days time for the aforesaid purpose and direct the matter to be listed on 28.01.2020.

8. In the meantime, we also require District Judges concerned, where some work is being obstructed or hampered due to some encroachment etc. by Advocates, to explain as to why no appropriate action in the matter has been taken and further give details of those Advocates after informing them who are creating these obstructions so that appropriate action may be taken by this Court at this end. We reiterate that no person including an Advocate, shall be and should be, allowed to do something which is not authorized and also create obstruction in observance of security in District Judgeships. It is in larger interest, hence individual or collective obstructions shall not be allowed to continue.

9. With regard to installation of CCTV Cameras, we do not find whether in the Court Rooms in District Judgeships, the same have been installed or not. If not installed, the same shall be installed and report will be submitted to this Court by 15.02.2020. If they are installed, report about their functioning shall be submitted and it shall also be informed as to when they were installed and whether they have been working throughout or not. We also direct that executing Agencies which have not been working properly or have been blacklisted or have been found inefficient in completion of work in time and also to maintain quality, they shall not be deployed for undertaking the work in District Judgeships and instead State

Government should allow open competitive bidding by all concerned Agencies, whether personal or Governmental, so as to ensure qualitative speedy work. The open competitive bidding in private and public sector and departments will also take care of interest of public revenue. Further, wherever security systems have been installed, regular maintenance fund should also be provided and for this purpose, separate arrangements should be made and this shall be informed to this Court in the affidavit, which shall be filed by Chief Secretary, as directed above.

10. With regard to Bar Council's affidavit, suffice is to mention that it has already issued letters to all concerned Bar Associations requesting Member of Associations to cooperate with system for security purposes.

11. On the affidavit filed on behalf of District Bar Association, Bijnor, we direct State of U.P. as also Registrar General of this Court to file their reply. Report in this regard shall also be submitted by the District Judge, Bijnor and Superintendent of Police, Bijnor. Principal Secretary (Law) and Legal Remembrance shall also file an affidavit to disclose as to what has been done in the matter of making available requisite funds for carrying on and completion of security work as directed by this Court in its earlier orders and this order.

12. List this matter on 28.01.2020 on which date, Chief Secretary, U.P., Lucknow, Additional Chief Secretary (Home) and Principal Secretary (Law) and Legal Remembrance shall remain present.

**Order Date :- 17.01.2020**

PS

**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.**

**Order on Intervention Application:**

1. This is an application filed on behalf of Sri Aleemuddin, son of Sirajuddin, father of Shahanawaz, who died in the incident happened on 17.12.2019 in District Judgeship, Bijnor.
2. For the issue which we are dealing with in this matter, we do not find that any individual need be heard.
3. The application is rejected.

**Order Date :-** 17.01.2020

PS

**Court No. - 34**

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**Respondent :-** State of U.P.

**Counsel for Petitioner :-** Suo Moto

**Hon'ble Sudhir Agarwal, J.**

**Hon'ble Suneet Kumar, J.**

**Order on Exemption Application:**

1. The is an application filed on behalf of Sri Om Prakash Singh, Director General of Police, U.P. for exempting his appearance for today.
2. Heard.
3. Allowed.

**Order Date :-** 17.01.2020

PS