

**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

**Counsel for Respondent :-** Vivek Mishra, Anand Kumar Singh, Bhuvnesh Kumar Singh, Krishna Mohan Garg, M J Akhtar, Mohd. Farooq, Siddhartha Srivastava, Swetashwa Agarwal

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

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

1. Shri Jai Prakash Singh-II, Principal Secretary (Law) and Legal Remembrancer, Government of U.P., Lucknow, Shri Bhagwan Swaroop, Secretary (Home) and Shri Sameer Verma, Secretary P.W.D. are present. Besides, Sri Deepak Juneja, Additional Director General (Security) is also present.
2. Two applications have been filed supported by affidavits on behalf of Sri Rajendra Kumar Tiwari, Chief Secretary, U.P. Government Lucknow and Sri Awanish Kumar Awasthi, Additional Chief Secretary (Home). In both the applications it is stated that there is a meeting of Central Zonal Council, scheduled today itself at Naya Raipur, Chhatisgarh, which has been convened by Director, Inter-State Council Secretariat, Ministry of Home Affairs, Government of India, New Delhi vide communication/letter dated 3<sup>rd</sup> and 6<sup>th</sup> January 2020 and officers having already conveyed their consent to participate in the meeting, have to attend the said meeting and therefore, are not able to attend Court today and it is assured that on the next date, whatever fixed by the Court, they shall appear.
3. An affidavit of compliance sworn by Sri Rajendra Kumar Tiwari, Chief Secretary, U.P. Government Lucknow, has been filed.
4. Another affidavit of compliance sworn by Sri Jai Prakash Singh-II, Principal Secretary (Law) and Legal Remembrancer, Government of U.P., Lucknow has also been filed.

5. Registrar General has filed an affidavit and two bulky paper books containing copies of reports received from District Judges as Part-I and Part-II in respect of directions issued to them and progress made thereon till the date of submission of reports.

6. Sri Manish Goyal, learned Additional Advocate General has appeared on behalf of State of U.P. and its authorities, and, Sri Ashish Mishra, Advocate has put in appearance on behalf of Court.

7. An intervention application has also been filed on behalf of Meerut Bar Association, Meerut through its Secretary, Sri Naresh Dutt Sharma and District Bar Association Meerut through its President Ravindra Kumar Singh and they are represented through Sri Rakesh Pandey, learned Senior Advocate assisted by Sri Swetashwa Agarwal and Sri Akash Tomar, Advocates.

8. A counter affidavit has been filed sworn by Sri Rajendra Pratap Singh, Special Secretary (Home) replying intervention application filed on behalf of District Bar Association, Bijnor in respect whereof vide order dated 17 January 2020 we have directed authorities to file affidavits with regard to complaint made by Members of District Bar Association, Bijnor regarding closer of Gate No. 3, Mandawar Road at District Judgeship Bijnor.

9. We have also received a report from Registrar (Protocol) approved by Registrar General with respect to some security issue which has arisen in this Court campus due to banners and posters raised by Advocates in the light of election of office bearers of High Court Bar Association. It is complained that similar problems arose whenever elections of any such body are held, whether that of Advocates or employees of this Court. It is said that these banners and posters, obstruct and cover CCTV cameras, obstructing visual reporting and recording and ultimately compromising with security arrangements made in this Court.

10. Besides, learned counsels who have appeared on behalf of State and its authorities, we have also heard Sri V.C. Misra, Sri Rakesh Pandey, Sri V.M. Zaidi and Sri Anil Kishore Sharma, learned Senior Advocates, who made their submission and suggestion on various issues raised before us.

11. First of all, we deal with exemption applications filed on behalf of Sri Rajendra Kumar Tiwari, Chief Secretary, U.P. Government Lucknow and Sri Awanish Kumar Awasthi, Additional Chief Secretary (Home). Considering the facts and circumstances disclosed in the application and also the fact that compliance affidavits have been filed, at least for today, we find no hurdle in our proceedings and dispense with their personal appearance. Hence, exemption applications of aforesaid two officers are allowed. Their personal appearance for today is exempted.

12. Now, we come to the issue raised by Registrar (Protocol) with regard of posters and banners raised by Advocates in the Court campus obstructing functioning of CCTV cameras and also compromising with security arrangement. We appreciate, on this aspect, the stand taken by learned Senior Counsels appearing on behalf of Bar Association etc. They all unanimously agree that elections of various bodies whether Advocates or employees, who are part and parcel of this Court, should be held in a very peaceful and clean manner. Same should be an example to show that elections of the bodies of stake holders in a judicial institutions can be held without indulging in large fanfare, high rise banners and posters and other such activities. In fact they should definitely be prohibited in the Court campus. We also raised issue with regard to distribution of handbills/ pamphlets by candidates to the voters as these handbills/ pamphlets are thrown in Court premises, galleries etc. creating a very bad scene and also become a concern with regard to cleanliness in Court premises. Initially on this aspect there was some reservation but ultimately learned counsels unanimously proposed that handbills etc. shall not be distributed in Court's premises but shall be confined to the area of

Bar Association or the place where polling is held. Similar measures can be adopted in respect of elections of other bodies also. It was also agreed that after election is over, the body whose election is conducted shall be responsible for getting the entire area cleaned within 48 hours of declaration of result at its own expenses.

13. In these circumstances, the issue raised by Registrar (Protocol) with respect of obstruction due to banners and posters, is disposed of with following directions:

(A) No candidate, his agent or any person interested in such candidate or otherwise, shall affix, raise etc., any banner, posters etc. in the entire Court premises and there will be no exception on this aspect. Banners and posters of any person, if found affixed in this Court premises on and after 31<sup>st</sup> January 2020 shall be treated to be a deliberate defiance and disobedience of this order amounting to criminal contempt and appropriate action will be taken up. We also make it clear that such candidate(s) who himself has got such banners and posters installed or for whose benefit the same is installed or if such banner and posters is installed by a person even unconnected with election, his candidature shall be liable to be cancelled in such election. In matters of defiance, this Court may also pass order banning entry in Court premises for such period as it deem fit and proper.

(B) The distribution of handbills and its use shall be confined only in respect of Advocates, to the premises of respective Bar Association. In respect of employees it is completely prohibited in Court premises. In respect of any other body of individuals working in the institution, if any elections etc. are held, they are also prohibited from using and distributing any handbills or affixing or raising banners, posters etc. in Court premises. Any defiance shall

be treated to be deliberate defiance liable for criminal contempt and imposition of fine.

(C) Registrar General and Registrar (Protocol) shall themselves ensure compliance of directions, as above, and may also depute officials to keep close watch and defiance, if any, shall be reported to Court.

(D) Banners and posters, if any, presently installed in the Court premises, shall be removed by concerned candidates or their agents by 29 January 2020, 5:00 P.M. Thereafter Registrar (Protocol) shall deploy requisite staff for removal of such posters and banners and same shall be confiscated.

14. Now coming to the issue of closer of gate at District Judgeship Bijnor, grievance of learned counsels is that only one gate is opened, which has been trifurcated to be used by all, i.e. Advocates, their clerks and litigants and this is causing a lot of hardship to Advocates particularly during rush time. It is also said that the gate which has been allowed to be opened, is on a highway which is a very busy road and also not safe for Advocates.

15. On this aspect, Shri Manish Goyal, learned Additional Advocate General and other officials of State Government stated that matter shall be re-examined in consultation with District Judge concerned as also the President and Secretary, Bar Association of District Judgeship Bijnor and every possibility will be worked out which may do away difficulty of Advocates while simultaneously security aspect is not compromised. We are told that matter shall be deliberated in the next ten days and report shall be submitted on the next date fixed in this matter.

16. We order accordingly.

17. Coming to the application submitted on behalf of Bar Association of District Judgeship, Meerut, we are told that District Judgeship and Collectorate at Meerut have common premises and boundary wall which is proposed to bifurcate District Judgeship from Collectorate is such that number of chambers of Advocates practising in District Judgeship will get separated from District Judgeship premises and after creation of boundary wall they will not be able to enter District Judgeship from their chambers. A map prepared in this regard has been placed and we have perused the same.

18. We find that broadly Collectorate offices and Courts in District Judgeship are separately situated though there is no visible demarcation or partition in the two premises. It is now proposed by a boundary wall, shown by green line in the map. Broadly we do not find anything wrong in raising the aforesaid boundary wall. However, if a number of Advocates' chambers are situate in the premises of Collectorate though they are also practising in District Judgeship are get separated, unless there is a special reason, a restricted entry through the said boundary wall may be made available, for entry of Advocates to District Judgeship from Collectorate side, subject of course of maintenance /observance of security measures like production of I-Cards, frisking etc.. Whether creation of such entry point is feasible or not without compromising with security aspect, is a matter need be examined by authorities concerned. Hence we direct concerned District Judge to deliberate over the matter along with District Administration Officials responsible for maintenance of security, and President and Secretary of respective Bar Associations. District Judge shall submit report on the next date when the matter is listed. However, we reiterate that no obstruction in construction of boundary wall shall be allowed to perpetuate and the pretext that Advocates' chambers are coming in the way of boundary wall will not be a ground not to complete boundary wall. Wherever necessary, such

obstruction(s) shall be removed without any selective or discriminatory approach.

19. Now coming to compliance affidavits submitted by Chief Secretary and Principal Secretary (Law), we find that much work has yet to be done. The report submitted by District Judges placed before us by Registrar General also shows that at some places some work has been done but in most places, much has to be done.

20. Sri Manish Goyal, learned Additional Advocate General, at this stage, stated that Court may grant some reasonable time so that the work which is going on at great pace may be considerably completed since State Government has also assured no paucity of funds, necessary for making arrangement for security in Courts.

21. We thus find appropriate to defer any consideration on this aspect in detail at this stage. We allow a month's time to authorities concerned to make considerable progress in the work as assured and submit a comprehensive report. This shall be done by the next date, which with the consent of parties, we fix on 27 February 2020.

22. List this matter accordingly on 27 February 2020 at 2.00 pm, on which date the concerned officials and in particular Chief Secretary Government of U.P., Lucknow, Additional Chief Secretary (Home), Principal Secretary (Law), Director General of Police, Lucknow, Additional Director General (Security), Lucknow, Principal Secretary, (P.W.D.) and Secretary (Finance) shall remain present.

**Order Date :- 28.1.2020**

Mukesh Kr.