

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

OWP No. 989/2017
IA No. 1/2017

Sumit Nayyar

...Petitioner(s)

Through: None

v/s

State of J&K and others

....Respondent(s)

Through: None

Coram: HON'BLE MR. JUSTICE RAJESH BINDAL, JUDGE

ORDER

1. The petitioner, who is a practicing Advocate in this Court, had filed the present petition way back in the year 2017, praying for the following relief :

“An appropriate writ, order or direction in the nature of writ of mandamus commanding upon the respondents to not to withdraw and restore the security/PSO provided to the petitioner in view of threat perception to the petitioner as per the field report of the Senior Superintendent of Police [CID) Special Branch (SB) Jammu dated 22.3.2016 and also as per the verification got conducted by the respondent No. 3 at their own level.”

2. The ground on which the protection was sought is that the petitioner had filed a Public Interest Litigation in this Court pertaining to security of the Hon'ble retired Judges and the Court complexes. On that basis, he apprehended threat to his life. He relied on the report dated

22.03.2016 from Senior Superintendent of Police (CID) Special Branch (SB) to Additional Director General of Police, CID, J&K, mentioning therein that there may be threat to his life. On that basis, vide order dated 08.04.2017, the petitioner was provided one PSO for a period of one month. Subsequently, vide order dated 15.05.2017 again, on the request of Senior Superintendent of Police, Deputy Superintendent of Police, DAR DPL, Jammu was asked to provide security to the petitioner provisionally for a period of one month. Thereafter, the petitioner did not allow the competent authority to review threat perception but rushed to this Court seeking continuation of the security already provided, as if the expertise to provide security cover or assess threat perception to any person is available with the Court.

3. On 22.06.2017, while issuing notice to the respondents, the arrangement already given vide order dated 08.04.2017 and 15.05.2017, was directed to continue. Thereafter, as usual practice, neither the petitioner nor respondents were interested to pursue the present matter because the petitioner got final relief by way of an interim order and the respondents either keep quite or are made to sleep over. This is established from the fact that the respondents have not even taken care to file objections till date.

4. Security cover to any person is provided at the state expense for which contribution is made by the tax payers. It is not a luxury to be provided to any person as a status symbol.

5. Though the counsel had been regularly appearing in Court in different matters before the lockdown was imposed on account of COVID-19 Pandemic and even thereafter but never thought of getting the present matter listed as he was happy with the interim order passed. This is not a

case in isolation where the matters are not listed after interim orders are passed. Earlier also number of matters were listed before the Court where security cover was sought by the petitioners therein on flimsy grounds and after the interim orders were passed, the same were never pursued. The facts in those cases and the case in hand have compelled this Court to seek information from the Home Secretary and the Director General of Police regarding the security cover provided to private or political persons and retired employees and the assessment of the threat perception to them. The Court be also apprised of the policy in this regard and periodic review made for the purposes.

6. Let a copy of this order be sent to the Chief Secretary, Government of Jammu and Kashmir for information.

7. A copy of this order be also sent to Home Secretary, Government of Jammu and Kashmir and the Director General of Police, Jammu and Kashmir for compliance.

8. Adjourned to 24.09.2020.

9. To be shown in the admission cause list.

(RAJESH BINDAL)
JUDGE

Jammu
17.08.2020
SUNIL-I