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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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+ W.P.(C) 11024/2021

DEEPA JOSEPH

..... Petitioner

Through: Mr. Robin Raju, Advocate.

versus

THE COMMISSIONER OF POLICE & ANR. Respondents

Through: Mr. Arun Panwar, Advocate for
Mr.Santosh Kumar Tripathi, Standing Counsel for
GNCTD.

Mr. Mohit Mathur, Senior Advocate (President)
and Mr. Abhijat, Advocate (Hony. Secretary) &
Mr. Shaashwat Jindal and Mr. Arpit Kumar Singh,
Advocates, DHCBA.

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+ W.P.(C) 11191/2021

COURT ON ITS OWN MOTION

..... Petitioner

Through: Court on its own motion.

Versus

THE COMMISSIONER OF POLICE AND ORS. Respondents

Through: Mr. Chetan Sharma, Additional
Solicitor General with Mr. Ajay Digpaul, Central
Government Standing Counsel and Mr. Kamal R.
Digpaul, Advocate for UOI.

Mr. Arun Panwar, Advocate for Mr. Santosh
Kumar Tripathi, Standing Counsel for GNCTD.

Mr. Mohit Mathur, Senior Advocate (President)
and Mr. Abhijat, Advocate (Hony. Secretary) &
Mr.Shaashwat Jindal and Mr. Arpit Kumar Singh,
Advocates, DHCBA.

Mr. K.C. Mittal and Mr. Yugansh Mittal,
Advocates for R-13.

Mr. Preetpal Singh, Advocate for Bar Council of
India.

Mr. Sunil Dalal, Senior Advocate with Mr. Amit Sahni, Mr. Deepak Vohra and Mr. Manjeet Mathur, Advocates for Rohini Court Bar Association.

Mr. Arun Sharma and Mr. Siddharth, Advocates for Rouse Avenue District Bar Association.

Mr. Ajayinder Sangwan and Mr. Siddharth Gill, Advocates for Bar Council of Delhi.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **24.11.2021**

1. On account of a firing incident, which took place on 24.09.2021 in the District Court Complex at Rohini, New Delhi, wherein three lives were lost, this Court took *suo moto* notice and cognizance of the said incidence and accordingly W.P. (C) No. 11191/2021 was registered as a Public Interest Petition. Another writ petition being W.P.(C) No. 11024/2021 was filed by Ms. Deepa Joseph seeking directions to the concerned Respondents to take requisite measures to ensure safety and security in the District Courts at Delhi. On account of the similitude of the issues in both the writ petitions, they were heard together and a common order is passed.

2. The genesis of W.P.(C) 11191/2021 is a firing incident which occurred on 24.09.2021 and an intimation received with respect thereto on 24.09.2021 by the learned Registrar General of this Court from Principal District and Sessions Judges, Rohini Courts. The letter contained a detailed narrative of the shooting incident in Court Room No.207, Rohini Court Complex, Delhi in the Court of Sri Gagandeep Singh, Learned Special Judge, NDPS Act.

3. As per the intimation, two assailants, who had disguised themselves in the attire of advocates, shot at Jitender @ Gogi, who was an accused in Case bearing FIR No.295/2010, PS Alipur and was also a high risk prisoner. The incident of firing occurred shortly after Jitender was produced in the Court, accompanied by police personnel, considering that he was a high risk prisoner.

4. In response to the firing initiated in the Court Room, a police team of 3rd Battalion, Special Cell as well as local police swiftly fired upon the two assailants and neutralized the threat in a controlled manner. In the said firing, a lady advocate suffered injuries, while escaping from the place of incident while the Court staff, including Stenographers, Personal Assistants etc., had a miraculous escape.

5. The aforesaid unfortunate incident occurred at a time when the Principal District & Sessions Judge, North-West District, Rohini Courts, as well as other Judges were in the Court Complex and looking at the time of the incident, it needs no gainsaying that several lawyers, litigants, court staff etc. were also within the Court Complex and were at risk. The intensity and the gravity of the situation cannot be aptly described in words. In this backdrop and keeping in view the urgent and imminent necessity of reviewing the security arrangements at the ground level of not only the Rohini Courts but all other Courts in Delhi, this Court took *suo moto* cognizance of the matter.

6. While taking *suo moto* cognizance on 30.09.2021, this Court issued notice to the following Respondents:-

- (i) The Commissioner of Police – Respondent No.1.
- (ii) Government of NCT of Delhi – Respondent No.2.

- (iii) Bar Council of India – Respondent No.3.
- (iv) Bar Council of Delhi – Respondent No.4.
- (v) Ministry of Law & Justice – Respondent No.5.
- (vi) Ministry of Home Affairs – Respondent No.6.
- (vii) Delhi High Court Bar Association – Respondent No.7.
- (viii) Co-ordination Committee of All District Courts – Respondent No.8.
- (ix) Rohini Court Bar Association – Respondent No.9.
- (x) Delhi Bar Association – Respondent No.10.
- (xi) Dwarka Court Bar Association – Respondent No.11.
- (xii) Shahdara Bar Association – Respondent No.12.
- (xiii) Saket Bar Association – Respondent No.13.

7. In W.P. (C) No. 11024/2021 notice was issued on 29.09.2021 to the following Respondents:-

- (i) The Commissioner of Police – Respondent No.1
- (ii) Bar Council of Delhi – Respondent No.2.

8. We have heard learned Senior Counsels as well as other learned counsels appearing for the parties. Several submissions and suggestions have been rendered by the Respondents in the two writ petitions in the form of affidavits/status reports/suggestions.

9. Vide order dated 30.09.2021 in W.P.(C) No. 11191/2021, after considering the submissions made by learned counsels appearing on behalf of the Respondents and the learned Additional Solicitor General, this Court, had suggested some interim measures with a view to ensure that such incidences do not recur. We had also invited suggestions from the various stakeholders, such as, the Bar Associations of the Delhi High Court and

District Courts, the Law Enforcement Agencies, concerned Ministries of the Central Government and the Bar Council of India as well as Bar Council of Delhi. Suggestions have been received on behalf of the Delhi Police as well as some of the Bar Associations. Status reports have been filed by the Bar Council of India and the Delhi Bar Council suggesting various measures/steps which would help and aid in strengthening the safety and security of the District Court Complexes in Delhi as well as this Court.

10. A detailed status report dated 04.10.2021 was filed on behalf of the Delhi Police bringing forth that security of all the seven District Courts has been taken over by the Security Unit, a specialised Unit of the Delhi Police and that necessary security arrangements were being made and more police personnel were being deployed. Various measures were suggested to revamp the existing security set up. On 25.10.2021 the learned Additional Solicitor General informed the Court that apart from the measures and steps enumerated in the status report dated 04.10.2021, certain other substantial steps have been taken by the Delhi Police and time was sought to place the details thereof on record.

11. In so far as the Rohini Court Bar Association and Dwarka Court Bar Association are concerned, a stand was taken before the Court on 08.11.2021 that having perused the suggestions given by the other Respondents, the two Associations did not intend to file any additional suggestions. On the same date while the Coordination Committee of all District Courts had sought time to file certain suggestions, however, no suggestions were tendered.

12. We may at this stage note that initially the Delhi Police had filed a status report enumerating certain suggestions to strengthen the security

measures in the Court Complexes. Subsequently, another Status Report dated 26.10.2021 was filed bringing on record the steps taken, based on the assessment at the ground level and meetings with the concerned Bar Associations as well as conducting a detailed joint security review of all the seven District Courts by seven Security Unit's team headed by an Officer of the level of ACP. The Status Report reveals that in fact several measures have been put in place which includes deployment of a higher number of security police personnel for access control in all the Courts with extra support by the Central Paramilitary Forces ('CPMF'), installation of different security gadgets such as Door Frame Metal Detectors, Hand Held Metal Detectors, X-ray Scanners including demand for more gadgets such as X-ray Scanners, CCTVs, etc. It is also brought out in the Report that steps have been initiated to ensure that sufficient number of CCTV cameras, Under Vehicle Surveillance Systems ('UVSS'), etc. are installed and sufficient manpower for the purpose of checking all those entering the Courts as well as the vehicles, is deployed. This Court appreciates the efforts of Delhi Police and the CPMFs and is sanguine that the Delhi Police with the cooperation and assistance of the stakeholders shall continue to implement the security measures and steps initiated for extra manpower or installation of gadgets, shall be taken to their logical conclusion and would become a reality soon.

13. We have looked into the issues brought before us concerning the safety and security of the Court Complexes in Delhi as well as the suggestions tendered by the various stakeholders. Keeping in mind the sensitivity of the issues involved and the imminent necessity of reviewing and revamping the security arrangements, which is the need of the hour, we

hereby issue the following directions to the concerned Respondents:-

- I. Commissioner of Police, Delhi shall constitute a team of experts to undertake the exercise of security audit of Delhi High Court Complex as well as all the District Court Complexes at Delhi. Keeping in mind and in the background, the features and factors, peculiar to each Court Complex, including but not limited to location, number of exit and entry points, number of court rooms as well as their respective topography, the team so constituted would take a considered decision on the various security-related aspects such as number of police personnel required to be deployed, number of CCTV cameras to be installed, etc.
- II. Status Report of Delhi Police does bring forth certain measures having been put in place. However, a one-time measure or exercise would not suffice. Commissioner of Police shall, based on the audit, undertake periodical review of the security arrangements and depending on the given situation, required number of security personnel shall be deployed and requisite gadgets shall be installed.
- III. The police personnel so deployed shall scrupulously check all the vehicles entering the Court Complexes. Only authorised vehicles with stickers shall be permitted inside the Court Complexes, which would include vehicles of staff, advocates and Judges. Apart from CCTV cameras, efforts shall be made by the concerned Authority to install high quality UVSS at the entry gates. Stickers for the vehicles used by advocates shall be

devised by the Bar Council of Delhi, in consultation with the Bar Associations and the Police Department, preferably with Radio Frequency Identification (RFID).

- IV. All persons entering the Court Complexes will be checked by the security personnel. Checking/frisking shall be undertaken at two check points, namely, the entry gates of the Court Complexes and the entry points to the buildings housing the Courtrooms. Lady police personnel shall be deployed at the entry points for checking/frisking the lady advocates, staff and litigants. In order to ensure that the mechanism of checking/frisking is thorough and at the same time quick and efficient, Delhi Police shall ensure that latest technology in metal detection and baggage scanning, etc. is employed. No baggage shall be permitted inside the Court premises without scanning. It shall be ensured that all scanners and other gadgets meant for checking and frisking are in a working condition. The scanners and the detectors shall be manned and a backup shall be maintained in each Court Complex in case of any equipment failure.
- V. Respective Bar Associations shall devise a mechanism to issue ID Cards with QR Code/Bar Code/smart chip to all advocates who are members of these Associations. For those advocates who are enrolled with the Bar Council of Delhi but are not members of any Bar Association, similar ID Cards shall be issued by the Bar Council of Delhi. The ID Cards shall be non-transferrable and should be capable of being used in all Court

Complexes, at the time of entry. Valuable suggestions shall be invited from the Delhi Police in this regard, more particularly, with respect to devising a suitable software. Similar ID Cards shall also be issued by the concerned Authorities in the respective Courts for use of their officials and staff as well as by the Bar Associations for the registered clerks.

- VI. Installation of automated gates, like the ones installed at Metro Stations, be considered to tackle the huge footfall in the Courts. Advocates shall render complete cooperation with the security personnel at the time of checking, frisking and baggage scanning.
- VII. There should be round-the-clock monitoring of the Court buildings through CCTV cameras and it shall be ensured that the cameras are in a working condition, without fail. Steps shall be taken to install, as far as possible, CCTV cameras with high resolution and adequate storage capacity, covering as much area as possible, more particularly, the areas surrounding the lock-ups in the District Courts.
- VIII. As regards, high-risk Under Trial Prisoners (UTPs), as far as possible, their appearance may be secured through virtual mode. Wherever or whenever there is a necessity to produce such UTPs physically abundant care and precautions shall be taken in terms of providing adequate police escort and checking/frisking etc.
- IX. Concerned Principal District Judges, in consultation with the Office Bearers of the respective District Court Bar Associations

and Delhi Police, shall work out the minute details and finer niceties of the security arrangements and issues such as number of entry and exit points required to be operated, regulation of the licensed shops/kiosks, within the Court Complexes and the timings of opening and closing the chambers.

- X. In so far as the Delhi High Court Complex is concerned, learned Registrar General of this Court shall also take inputs/suggestions from Delhi Police and Delhi High Court Bar Association (DHCBA) to streamline the security arrangements and the report shall be periodically placed before the BMCC, Delhi High Court, to enable the Committee to take necessary decisions and devise measures to implement the security measures.
- XI. While the police authorities shall be primarily responsible for regular and continuous security-audit of all the Court Complexes, deployment of adequate personnel, monitoring through CCTV cameras etc., the Government of NCT of Delhi shall be responsible for making budgetary allocation for purchasing security-related devices, as suggested and recommended by the Delhi Police in its Status Report. Since, Delhi Police has the necessary expertise in the field of security, the security-related devices shall be procured directly by them, under intimation to the Court Administration and Government of NCT of Delhi. As and when the devices are procured, the necessary funds shall be made available by the Government of NCT of Delhi, without any delay.

14. The aforesaid directions shall be scrupulously followed by all concerned. Needless to state if any stakeholder desires to seek an amendment/review/addition to any of the directions given by the Court, appropriate application can be filed in that regard.

15. List on 18.04.2022.

CHIEF JUSTICE

JYOTI SINGH, J

NOVEMBER 24, 2021

N/rk