

2023 SCeJ 292
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Supreme Court of India

*Before : Justice S. Ravindra Bhat, Justice
Dipankar Datta*

PRADYUMAN BISHT v. UNION OF INDIA
& ORS.

WRIT PETITION (CRL.) NO. 99/2015
11.08.2023

**Courts - Security Meaatures -
Digitisation of Judicial Infrastructure -
Directions.**

*Petitioner Counsel: PETITIONER-IN-PERSON,
Respondent Counsel: VANSHAJA SHUKLA, ABHINAV
MUKERJI, MISHRA SAURABH, MUKESH KUMAR
MARORIA, MOHAN KUMAR, RAJIV NANDA (Dead /
Retired / Elevated)*

JUDGEMENT

1. Would not hope for the litigants who visit the temples of justice dwindle, if the very halls of justice lack the shield of security? How can the litigants secure justice for them when those entrusted to render justice are themselves insecure? These are questions which disturb us to no end, considering certain recent happenings involving firing of gun shots within the precincts of courts in India.

2. It is appalling that court premises in the national capital itself, in the past year or so, have witnessed at least three major incidents of gunfire. Preserving the sanctity of a court as a space where justice is administered and the rule of law upheld being non-negotiable, it is critical that judicial institutions take comprehensive steps to safeguard the well-being of all stakeholders. Such incidents, that too in court premises, are deeply concerning and pose significant risks to the safety of not only judges but lawyers, court staff, litigants and the general public.

3. We are also not oblivious of another incident of not too distant an origin. On 28th July, 2021, tragically, an Additional Sessions Judge posted at Dhanbad in the

state of Jharkhand was hit by an auto-rickshaw while taking a morning walk and he succumbed to his injuries. It is suspected that the incident is not merely a hit and run incident, but there is something more than what meets the eyes. However, since the proceedings are not finally concluded, we refrain from dilating on such incident. Suffice it to note that lives of judges, off the court, of late are also not entirely safe and secure.

4. Countless incidents of lapses in court security have occurred where the safety of witnesses and court records have been jeopardized. It is, therefore, essential that security protocols and measures be implemented and strictly enforced to prevent such incidents from occurring in the first place.

5. We are also conscious of the fact that lapses in court security have often occurred in court complexes despite such courts having modern security measures in place including CCTV cameras. This is indicative of the fact that systemic measures are necessary to maintain the faith of all stakeholders in the judicial system. To our mind, mere installation of CCTV cameras may not be enough and something more is required in public interest to check activities which compromise the safety and security of all stakeholders of the justice delivery system, particularly in court complexes. However, this does not undermine the importance of immediate measures that need to be carried out by the relevant authorities to address immediate issues while the wheels of long-term solutions are set in motion.

6. We are presently seized of a contempt petition filed by the petitioner arising out of alleged wilful and deliberate violation of this Court's orders Dated 28th March, 2017, 14th August, 2017, 23rd November, 2017, 13th February, 2018, and 5th April, 2018 in Writ Petition (Criminal) No. 99/2015, whereby various directions were issued by this Court related to the installation of CCTV cameras in court

complexes. It is noted that the writ petition is pending.

7. We are concerned with the following two issues which have been posed before us by the petitioner by instituting the writ petition in public interest:

- a) Installation of CCTV cameras and other measures to ensure security within court premises; and
- b) Audio-visual facility to record evidence and testimonies during trial.

8. The issues raised, in the present-day scenario, are indeed serious and have far-reaching consequences. We have heard several learned senior counsel and counsel appearing on behalf of parties. Various suggestions/status reports from the High Courts and other stakeholders across the country, which have since been received, were looked into. We have also taken on record the report submitted to us by the Amicus Curiae Mr Siddharth Luthra, learned senior counsel, who has by his painstaking efforts prepared a comprehensive report considering the concerns and comments of various stakeholders.

9. It was, inter alia, suggested that there is a need to establish a consistent dialogue with the respective State Governments in order to ensure timely disbursement of funds and other assistance; these are underlying systemic concerns, and if left unaddressed, will stall the implementation of security measures. Further, several security measures such as the issuance of court identity cards, installation of CCTV cameras and baggage scanners, regulation of footfall in court complexes, deployment of security personnel/relevant officers, and introducing other emergency measures were also suggested.

10. Since safety and security of stakeholders in the judicial process is non-negotiable, we deem it appropriate considering the aforesaid suggestions and having regard to the concerns and their larger ramifications which have been highlighted above, to lay down the following guidelines in the interest of

justice in furtherance of the previous orders of this Court referred to above:

Security Measures

a) There ought to be a security plan in place, in line with the recommendations herein, to be prepared by the High Courts in consultation with the Principal Secretaries, Home Departments of each State Government and the Director Generals of Police of the States/Union Territories or the Commissioners of Police wherever a court complex is within the jurisdiction of a Police Commissionerate, as the case may be, which should be timely implemented at the state & district levels covering District Headquarters and other courts in outlying areas as well.

b) The security plan may include proposal for setting up of permanent Court Security Unit(s) in each complex, indicating the strength and source of drawing of manpower including armed/unarmed personnel and supervisory officer(s) for each such unit, the minimum term and mode of deployment of such manpower, list of duties and additional financial benefits for such manpower, as may be offered to secure their willingness to serve in such Units, special modules for training and sensitizing such manpower in matters of Court security, and miscellaneous matters related to such Units;

c) The schematics of CCTV camera installation will have to be laid down on a district-wise basis where the respective State Governments should provide the requisite funds for the execution of such a plan in a timely manner.

d) In newly constructed court complexes, there appears to be a lack of consistency regarding the installation of CCTV cameras, whether it should be done before or after inauguration. We emphasize that the installation of CCTV cameras should be an integral part of the construction project of courts, and therefore should be prioritized.

e) To address concerns regarding data and privacy, as rightly highlighted by Mr Luthra, the High Courts may take

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appropriate measures or draft necessary guidelines in this regard.

f) Further, upon the finalisation of the security plan, the High Courts may entrust the responsibility of installation and maintenance of the CCTV cameras with the concerned District and Sessions Judges for a more realistic analysis of local requirements.

g) Keeping in mind the lax security measures at entry-exit points within several court complexes, we deem it necessary to recommend that these points may be secured by constant monitoring with the help of adequate security equipment. In this regard, the courts may consider putting in place security measures such as deployment of adequate police personnel, security stickers for vehicles, frisking, metal detectors, baggage scanners, court-specific entry passes, and biometric devices to enhance overall security. Other security measures may include regulating the use of court premises as thoroughfares, if necessary, even by way of total prohibition.

h) There have been various concerns regarding the operation of various shops and vendors within court premises which may result in potential security lapses. In this regard, the relevant authorities may keep a strict check on the relevant permissions required for their continued operations.

i) It may be ensured that emergency measures like ambulances, medical facilities and firefighting services are immediately available and modernised within court complexes and unimpeded access of such vehicles to the premises is assured at all times. This includes ensuring unhindered movement and keeping the court complex vicinity free from traffic and parking congestion.

11. We now turn to digitisation of judicial infrastructure.

Digitisation of Judicial Infrastructure:

a) This Court has, on multiple occasions, stressed the need for digitisation of judicial infrastructure, particularly at district levels. We have been apprised that at present,

there are many courts which lack facilities to live stream court proceedings as well as facilities to record trials. We desire that these issues are looked into, in the right earnest by the High Courts.

b) With a futuristic vision, we need to progress with implementing fresh and innovative ideas so that the possibility of any untoward incident in any court premises is avoided. Initiatives like Audiovisual (AV) technology/Videoconferencing (VC) facility for recording of evidence and testimonies in trial, live-streaming of court proceedings at all levels, establishing e-SEWA Kendras, particularly in remote areas may also be considered accordingly.

12. We leave it to the discretion of the Chief Justices of the High Courts to decide, looking at the concerns related to safety and security within Court complexes, if the matter of addressing such concerns is to be delegated to the respective State Court Management Systems Committee or to a specially constituted committee with members drawn from various quarters (such as judges/judicial officers, the civil and police administration, the municipal corporations/municipalities, the members of the bar, the members of the registry and the staff, etc.), as the case may be. It has not escaped our notice that many of these court management system committees, which were envisaged to ensure better management of courts and cases, have largely been dysfunctional. While we are not presently called upon to scrutinise the functioning of the court management system committees, we nonetheless deem it expedient to observe that the services of these committees could be of utility since it is court management which is under consideration.

13. While the pandemic caused by COVID-19 has accelerated the penetration of technology in courts, considerable work needs to be yet accomplished, particularly at the district and the taluka levels. Hopeful of the aforesaid recommendations paving the way for securing the safety of all

stakeholders as well as facilitating safe environment for fair, free and effective access to justice and progress of trial without any party/witness being under fear of being harmed, we impress upon the High Courts to prioritize these issues and take appropriate measures at the earliest, if not already taken.

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14. It is trite to mention that various High Courts and other court complexes have already in place several measures including installation of CCTV cameras at all tiers. We, therefore, make it clear that these recommendations are only meant for those courts which are yet to put in place adequate measures for tackling any untoward incident.

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15. We are also very well aware that there have been multiple directions issued by this Court on several previous occasions. However, failure in their timely implementation has given rise to the incidents noted at the beginning of this order. Resultantly, we find it necessary to reiterate our recommendations, however broadly, in order to expedite enforcement of suitable security measures including the installation of CCTV cameras within court premises as well as the long-pending issue of digitization of the courts.

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16. Copies of this order shall be furnished by the registry to the Registrar General of each of the High Courts for being placed before the respective Chief Justices. Further, the High Courts shall ensure that periodic monthly reports are placed before the Chief Justice regarding availability of the measures and their updated status for timely corrective intervention.

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17. Preliminary action-taken reports on the aspect of security measures as well as digitisation in line with the aforesaid guidelines may be filed by the High Courts by 10th October, 2023.

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18. List the writ petitions together with the contempt petition and other connected matters for further consideration on 12th October, 2023.

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