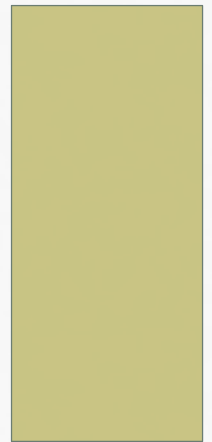
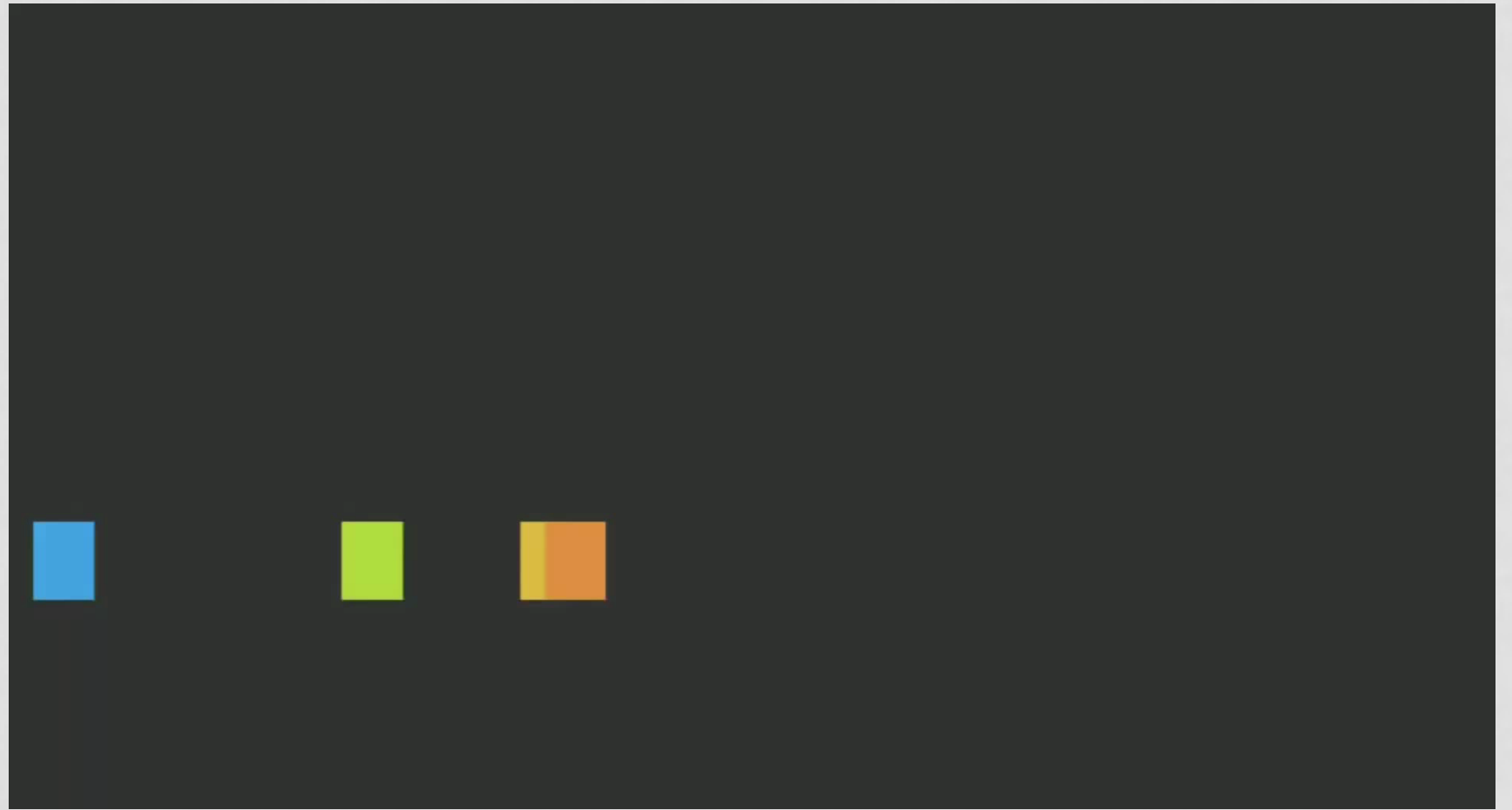


JUDICIAL AND COURTROOM SECURITY





A bomb went off outside Delhi High Court causing death to 15 people and injuring 79 on 7th September, 2011.



Bomb blast in Ara Court premises by a female suicide bomber killing herself and injuring 15 others on 23rd January, 2015



Explosives, carried by a lady exploded inside court premises in Chhapra, Bihar on 18th April, 2018.



In a dramatic incident, three undertrial prisoners escape from police custody in East Midnapore, West Bengal on 3rd October, 2018

IMPORTANCE OF SECURITY IN JUSTICE DELIVERY: FREEDOM FROM FEAR

- The judges must impart justice without fear of physical and psychological harm to the stakeholders, i.e. –
 - Judges,
 - Court staff,
 - Witnesses,
 - Accused persons,
 - Legal Professionals.
- Judicial process should not be deterred with the thoughts of after-effects on the stakeholders.

What is the role of a judge in security matters?

- a. facilitator.
- b. principal role.
- c. no role.

JUDGE AS A FACILITATOR

- To supervise the formulation and implementation of a security plan in consultation with law enforcement agencies by –
 - Explaining the security issues and situations to the agencies.
 - Initiating dialogue with stakeholders and law enforcement agencies to facilitate cooperation, information sharing and resource allocation.

SECURITY IS NOT STATIC- IT IS A CONTINUOUS GOAL WHICH REQUIRES CONSTANT VIGILANCE.

- Continuous supervision and review of court security plans is imperative to meet -
 - Evolving vulnerabilities of stakeholders and
 - Confronting emerging exigencies arising out of ground realities.

HYPOTHETICAL PROBLEM 1

- Some members of the audience shout slogans in court and one of them throw a projectile at the accused when a trial proceeding is in progress. The miscreants are removed from court.

What steps are you going to take to prevent the recurrence of such incident?

- a. Order 'in camera' proceeding
- b. Enhance surveillance and regulate entry
- c. Warn the audience not to repeat/indulge in disruptive activities.

HYPOTHETICAL PROBLEM 2

- A parcel from an unknown source is sent as a birthday gift to a judge trying/managing a high profile terrorist case?

What should the judge do?

- accept
- refuse
- any other course of action.

HYPOTHETICAL PROBLEM 3

- A defence counsel in a terrorist case seeks protection from court complaining that he is being followed to and from work. Judge declines to entertain his prayer stating that it is a matter between him and his client.
- Is the judge correct?

HYPOTHETICAL PROBLEM 4

- A bomb blast takes place in a busy market. Number of people are killed. Soon thereafter, a social media message is circulated by a banned terrorist organization claiming responsibility. They also threaten to liquidate witnesses. A child saw the incident. He is with his grandmother as his parents were killed in the incident. Some shopkeepers saw some miscreants running away. They witnesses apply to court seeking protection.

What steps the judge may take to ensure their protection-

- a. pre-trial?
- b. during trial?

KING COUNTY COURTHOUSE SECURITY.

MODEL SECURITY PLAN

- Surveillance of Court precincts.
- Security of Court rooms.
- Security of Judges' Chambers.
- Security Control room.
- Security to Judges beyond court premises
- Protection of witness.

SURVEILLANCE OF COURT PRECINCTS.

- Regular patrol by police – even when the court is not functioning.
- Sufficient lightning - around the perimeter of the court and CCTV cameras be set up.
- Designate a main entrance for public equipped with metal detectors, etc. Seal other points of entry.
- Authenticated cards/ Gate passes for entry.
- Review landscaping around court precincts.

SECURITY OF COURT ROOMS

- Regulate entry – gate passes + frisking people.
- CCTV cameras outside court rooms and if necessary inside the courtroom with the prior permission of the judge.
- No entry of prohibited items like knife, scissors etc. Display list of such items outside courtroom.
- Movement of accused through different entry point – video linkage with correctional home.
- Checking and monitoring of accused including his family members and associates.
- Security alarm accessible – exclusively accessible to judge.

SECURITY AT JUDGE'S CHAMBER

- Entry regulated and security personnel posted at the gate.
- CCTV cameras outside and with permission inside the chamber.
- “Panic button” in chamber to alert security personnel.

SECURITY CONTROL ROOM

- Security control room be set up in every court precinct to monitor security devices.
- Two security personnel to check video footage 24x7 and report suspicious circumstances.
- Video footage be preserved for two years.
- Entry to security room be restricted.

SECURITY TO JUDGES-BEYOND COURT PRECINCTS

- Security at residence at all times.
- Judges should be made aware of security and emergency procedures including emerging threat perceptions arising out of any suspicious activity.
- In cases of emergency, judges may vary their routes to and from work and special surveillance be provided to their family members especially children
- Judges should have 24X7 access to law enforcement agencies

PROCEDURE OF PROTECTION OF WITNESSES: 'EYES AND EARS OF JUSTICE'

- On application by witness/prosecution or on own motion, Court may call upon investigating agency to submit a '**Threat Analysis Report**'.
- '**Threat analysis report**' –
- (i) Categorizes nature of threat to witnesses:
 - Category A – Threat to life.
 - Category B – Threat to property/reputation.
 - Category C- Moderate threat of harassment/intimidation.
- (ii) Assesses reality and imminence of threat.
- (iii) Propose appropriate 'witness protection orders' to the prosecution.

Witness Protection Orders:

Protecting Identity-

- a) By ensuring the witness does not come face to face with the accused.
- b) Vulnerable witness rooms be set up with video links, one way mirrors and screens, option to modify the image and voice of the witness' - separate passages for witnesses and accused.
- c) Redaction of name and other identifiable particulars police/court records.
- d) Change of identity / relocation of witness
- e) Identity to be kept hidden so long threat perception continues.

Protecting life and property-

- a. Mails and telephone calls be monitored.
- b. Residence be protected – patrolling and security devices installed.
- c. Emergency contact numbers be made available.
- d. Police escorts to and from courts
- e. In- camera trial
- f. Expeditious recording of deposition on a day to day basis – support person.

Other measures-

- a. Financial aid/assistance including victim compensation - medical and psychological therapy. from the Victim Compensation Fund/ Witness Protection Fund.

- **Review:**

- Periodic action taken reports be filed by investigating agency and upon review of such reports protection/identity orders may be continued/varied.

Punishment – up to 3 years

TAKE HOME ISSUES.

- **Security and Witness Protection Committee** be set to lay down and monitor:-
 - a) **Complete security plan** for court premises.
 - b) **Witness protection measures** in sensitive cases.
- **Victim compensation schemes/ Witness Protection Fund** be utilised for meeting expenses incurred in implementing witness protection orders.
- **Witness Protection Cell:** Police administration in the state may be requested to set up such cells.

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**Better to be Safe
than *Sorry***