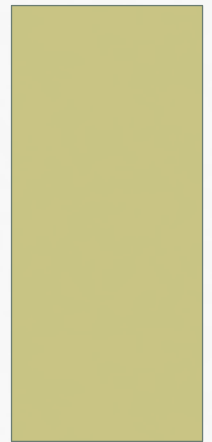


JUDICIAL AND COURTROOM SECURITY





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

Additional district judge Uttam Anand died after being hit by an auto-rickshaw in Dhanbad, Jharkhand, on 28 July, 2021. According to the CBI, the incident seems more of an intentional murder case against an accident case.

The Jharkhand High Court in *Court on its own motion v. The State of Jharkhand through the Chief Secretary and others (2021 SCC OnLine Jhar 515)* took suo moto cognizance and directed transfer of the case to CBI for effective investigation in the matter.



A turf war broke out inside a crowded Rohini courtroom on 24th September 2021 between two rival gangs in which jailed gangster Jitender Maan alias Gogi and his two assailants posing as lawyers were killed in the dramatic shootout that also saw police fire bullets in retaliation. Another blast occurred in Rohini court on 9 December, 2021, which left one policeman injured.

The Delhi High Court in *Deepa Joseph v The Commissioner of Police and Anr.(W.P.(C) 11024/2021)* and *Court On Its Own Motion v The Commissioner of Police and Others (W.P. (C) 11191/2021)* took *suo moto* cognizance of the incident and issued guidelines.

DISCLAIMER

On December 23, 2021 an explosion took place in a washroom on the second floor of the District and Sessions court complex in Ludhiana at around 12.22 p.m. While the alleged bomber died, the blast in the court left six others injured.

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?



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 vulnerability of stakeholders and
 - Confronting emerging exigencies arising out of ground realities.

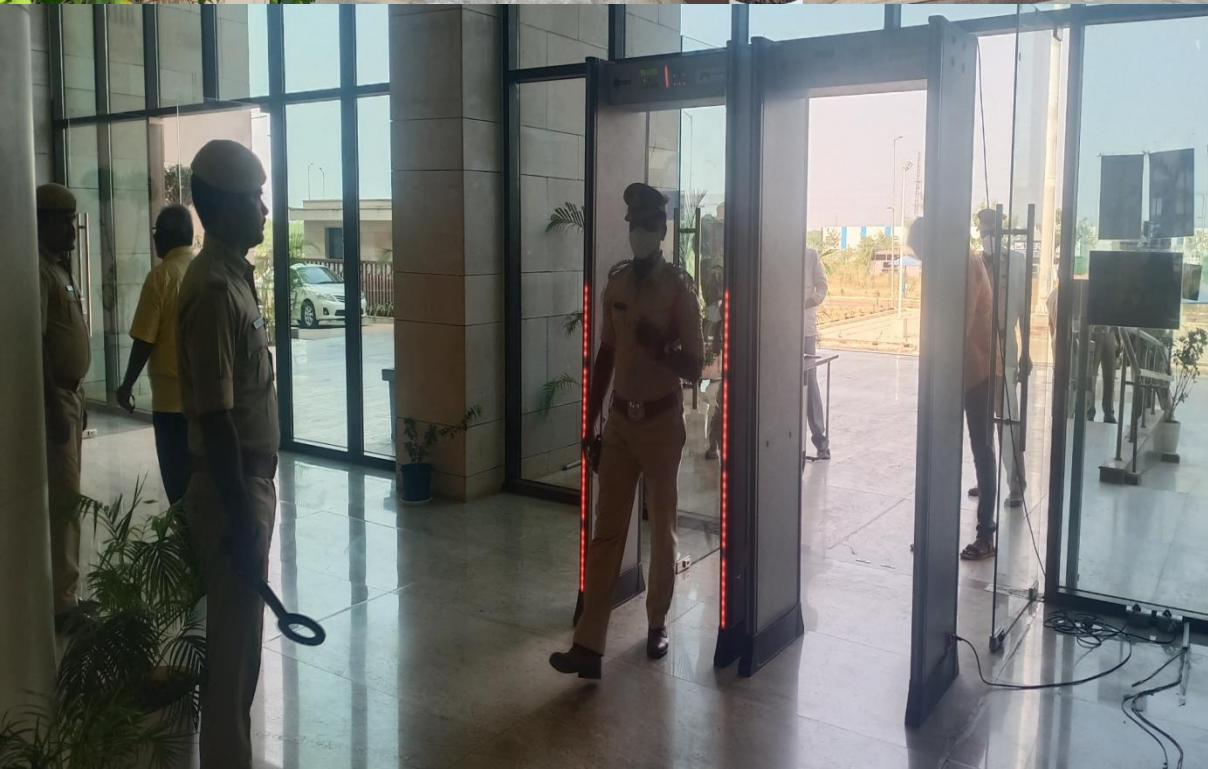
KING COUNTY COURTHOUSE SECURITY.

High Court of Andhra Pradesh at Amaravati Security System



Court Entrance

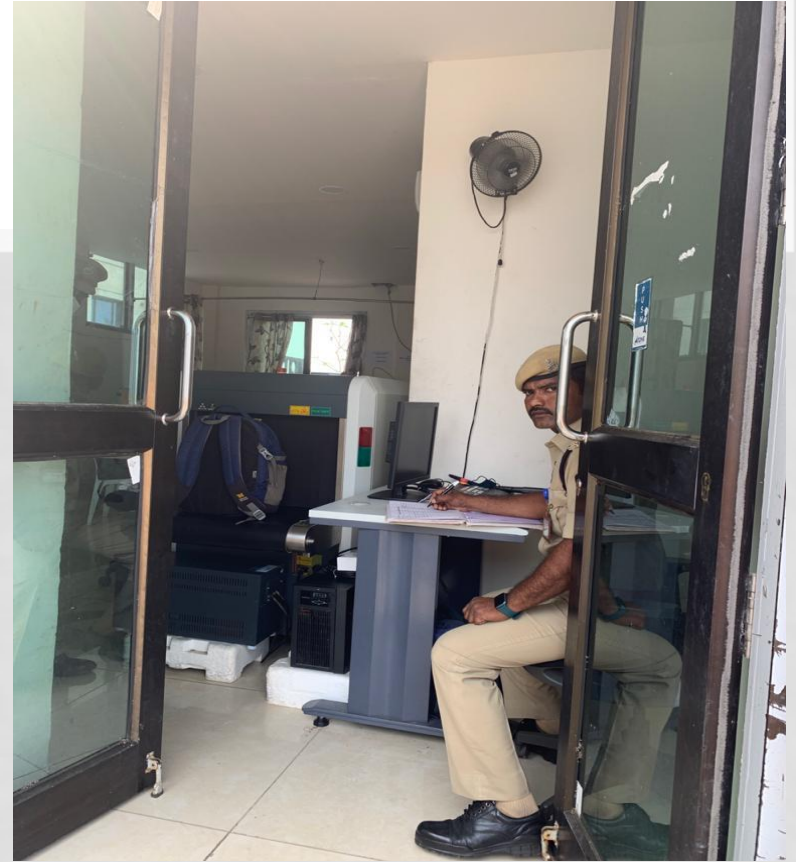
**Notice Board displaying
security requirements
Example - ID Cards**



Metal Detectors



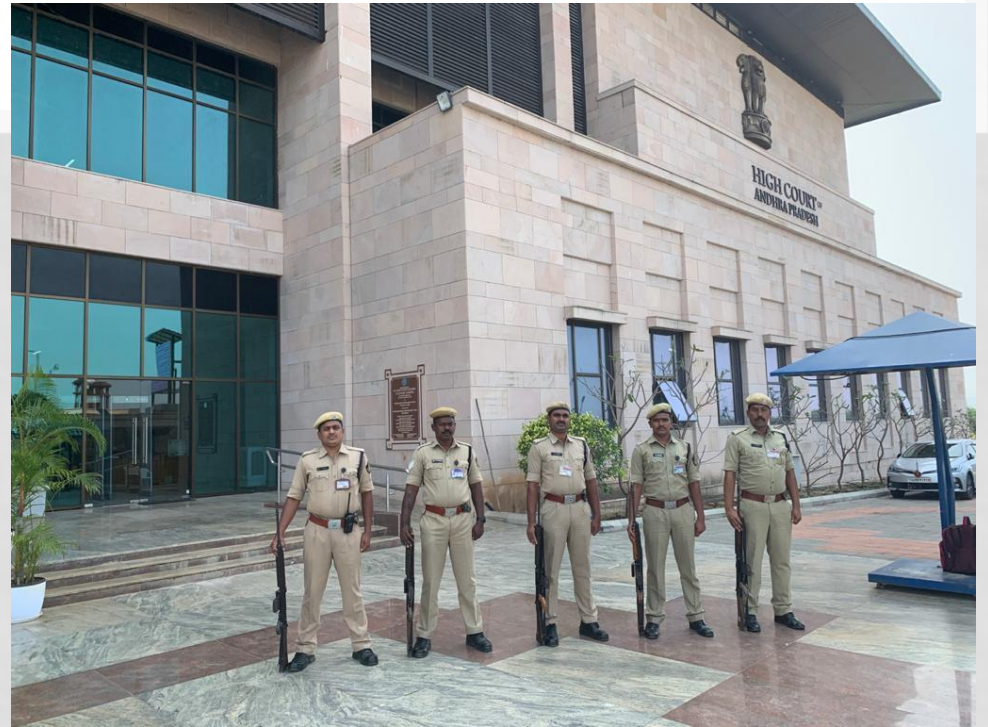
**Frisking
by use of
metal
detection
Hand
machine**



Baggage Check and Gate Pass check

CENTRAL POLICE CONTROL ROOM





Quick Reaction Team and Static Guard Duty



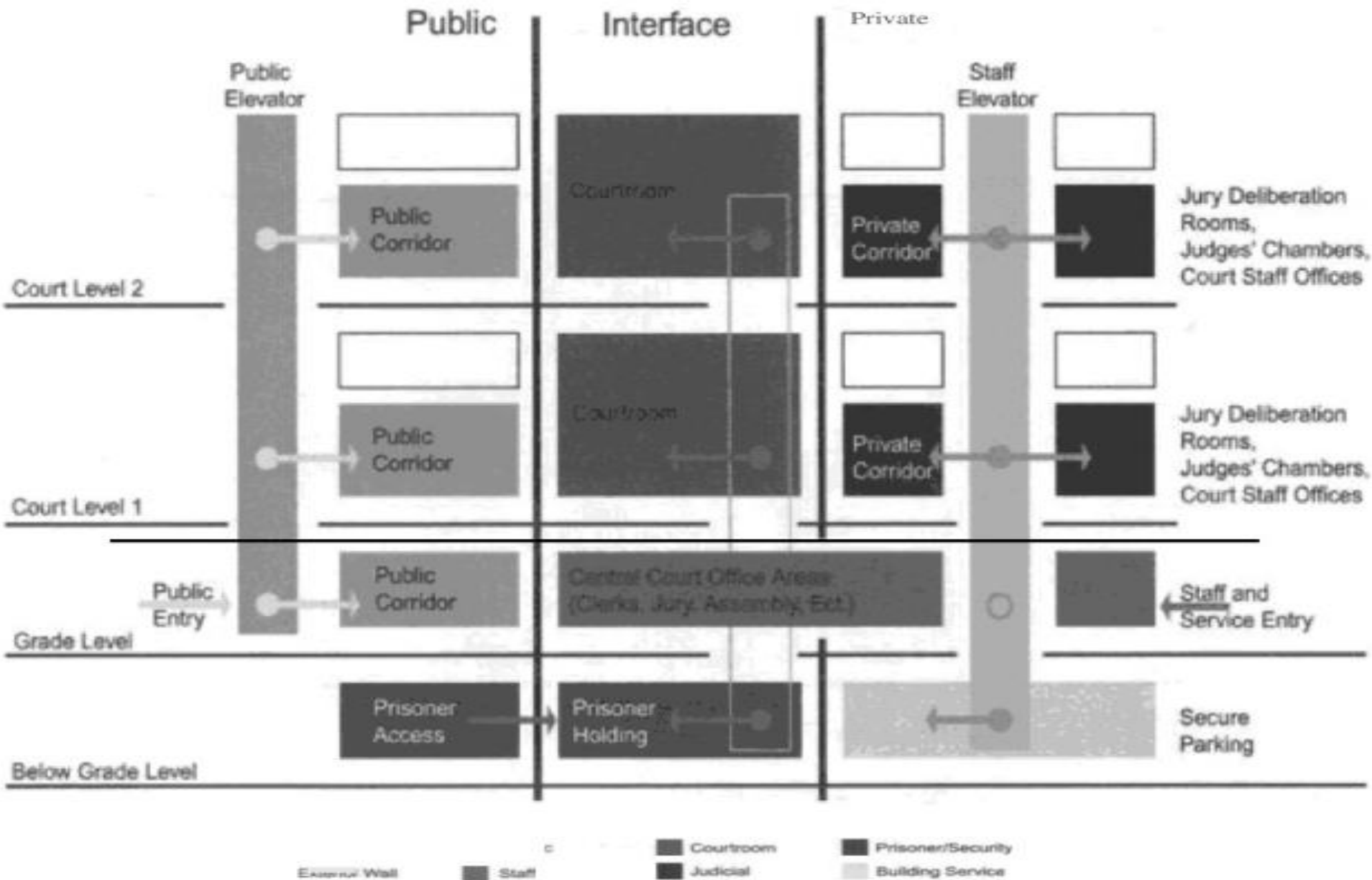
CCTV and Fire Alarm with Fire Extinguisher



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.

**FIGURE 1
COURTHOUSE SECTION**



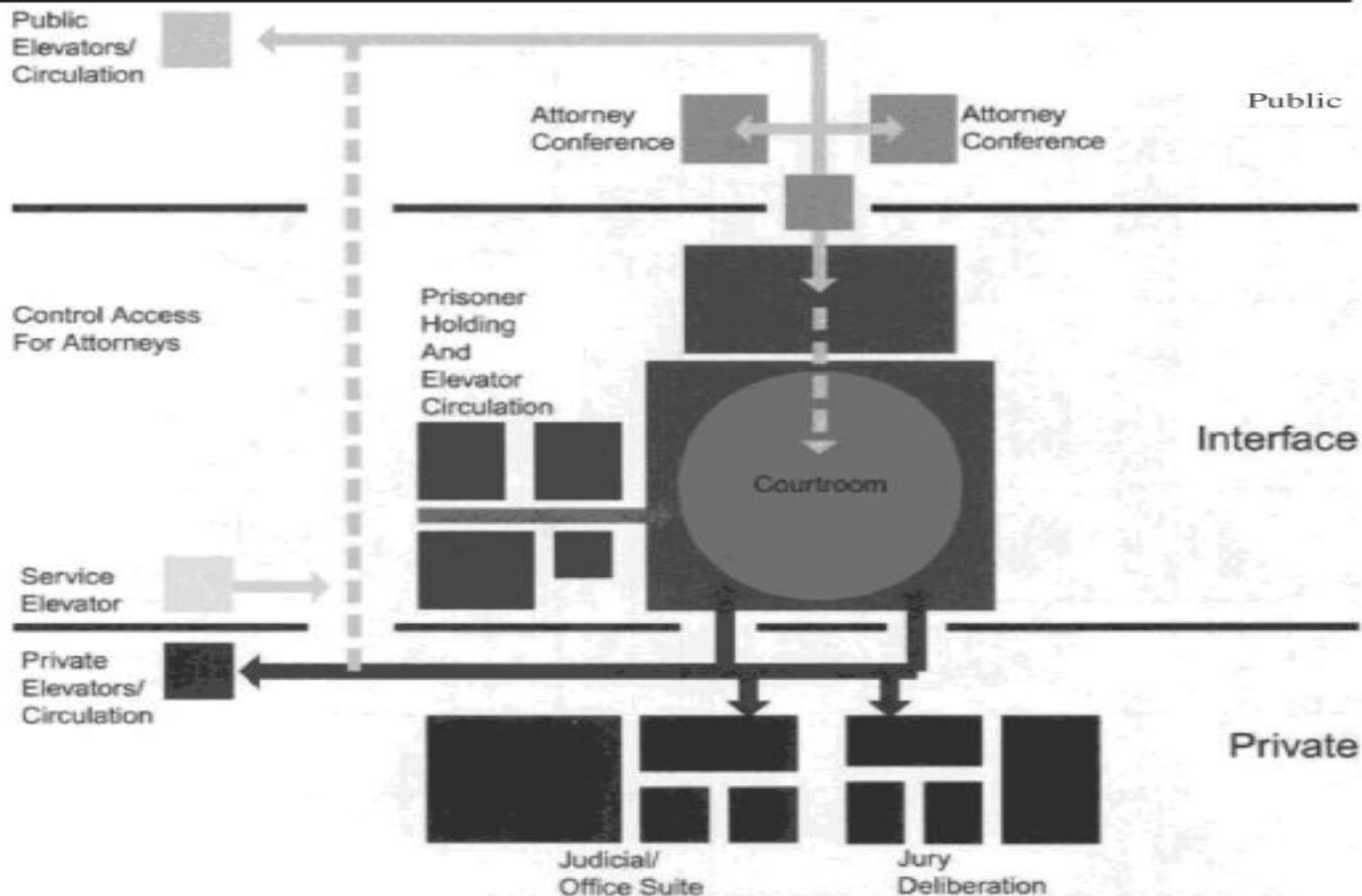
SURVEILLANCE OF COURT PRECINCTS.

- Law enforcement officers must conduct **regular and periodic patrols** of the court precincts even when the court is not functioning.
- **Sufficient lightning** be provided around the perimeter of the court and **CCTV cameras** be set up to capture movements and events in and around court precincts.
- Main entrance should be equipped with **metal detectors**, and if possible with screening wards and explosive trace detectors.
- Entry be regulated by **issuing authenticated cards** to judges, court staff, legal professionals and daily gate passes to visitors.

SURVEILLANCE OF COURT PRECINCTS.

- Except for the main entrance, **other entrances shall ordinarily be inaccessible to general public** and may be accessed only by authorized persons.
- **Landscaping (trees, bushes, shrubs, etc.) should be reviewed** to eliminate sheltered spots from which explosive devices could be thrown or shots fired into the court house without detection.

**FIGURE 2
TYPICAL COURT MODEL PLAN**



Legend

- | | | | |
|---------------|--------|-----------|-------------------|
| Site/Parking | Public | Courtroom | Prisoner/Security |
| Exterior Wall | Staff | Judicial | Building Service |

SECURITY OF COURT ROOMS

- Entry to the court room must be regulated by **proper checking of gate passes** and frisking of people including the family members of the accused by security personnel
- **CCTV cameras** be set up outside the court rooms and if necessary inside the courtroom with the prior permission of the judge
- The court security officers must **check for prohibited items** and ask them to be deposited before entering the courtroom.
- **A list of prohibited items be displayed outside the courtroom** to make people aware of things they cannot carry inside the courtroom.

SECURITY OF COURT ROOMS

- **Proper security arrangements be made to escort accused** to and from the courtroom through a different route of entry. If production of accused in open court is a security hazard, trial may be held via video linkage or 'in camera'.
- The **accused must be thoroughly checked** by the security officers to prevent them from carrying prohibited items inside the court room.
- **The accused and his family members must be carefully monitored** throughout the court proceeding.
- There must be a **security alarm underneath the judge's desk** in order to alert security personnel during an emergency.

SECURITY AT JUDGE'S CHAMBER

- There must be a **security personnel at the entrance to the chamber at all times**, to regulate the entry of persons.
- Individuals entering the chamber of the judge must be frisked to **check for prohibited items** and be made to sign a logbook at the time of entry.
- **CCTV cameras** be set up outside of the chamber and if necessary, inside the chamber with due permission of the judge.
- **Mails, parcels and any communication** reaching the Judge's chamber **should be thoroughly checked and processed**.
- There should be **'panic button' in the chamber of the judges** to enable him to alert the security staff in the event of an emergency.

SECURITY CONTROL ROOM

- There must be a **security control room set up in every courthouse** for the monitoring of security devices in and around the courthouse.
- The control room must have a **minimum of two security personnel charged with the duty of regulating the CCTVs** throughout the day and reporting any suspicious activity detected by such cameras.
- **The security devices must record and store the database for at least two years** to verify circumstances and provide evidence leading to a security breach.
- **Entry into the security control room** must be strictly monitored.

SECURITY TO JUDGES-BEYOND COURT PRECINCTS

- **Security personnel must be present outside the judge's residence at all times** to prevent any form of breach of security.
- **Judges must be made aware of the basic security and emergency procedures** to be taken in case of an emergency.
- **In cases of emergency**, judges may vary their routes to and from work and special surveillance be provided to their family members especially children .

SECURITY TO JUDGES-BEYOND COURT PRECINCTS

- **Judges should be made aware of threat perception arising out of any suspicious activity noticed e.g. unknown vehicle or person moving around their house etc.**
- **Judges should have 24X7 access to law enforcement agencies.**

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

Witness Protection under Section 44 of the Unlawful Activities Protection Act, 1967 –

1. 'In Camera' Proceedings
2. Measures for "Protection of Witnesses" whose lives are in danger" –
 - (a) Directions for keeping Identity of the Witness secret.
 - (b) Names and other particulars not to be disclosed in orders/judgments and records accessible to public.
 - (c) Restrain publication of proceedings.

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

- On receipt of application by a witness seeking protection, or on its own motion, Court may call upon investigating agency to submit a **'Threat Analysis Report'**.
- Prosecution may also seek similar relief for witnesses enclosing 'Threat analysis report'.
- 'Threat analysis report' shall contain an analysis of the threat perception and –
 - (i) **Categorize witnesses** in:
 - Category A – Threat to life.
 - Category B – Threat to property/reputation.
 - Category C- Moderate threat of harassment/intimidation.

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

- (ii) **Determine the reality of such threat** on the basis of its imminence and capacity of perpetrators
- (iii) Propose appropriate '**witness protection orders**' to the prosecution.

Witness Protection Orders:

Upon considering threat analysis report and hearing the parties, the court may pass the following witness protection orders:

Protecting Identity-

- a. By ensuring the witness does not come face to face with the accused during investigation or trial;

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

- b. By **not disclosing the identity of witness** in any police/court records including the application for witness protection. He shall be referred in police/court records by a pseudonym/alphabet.
- c. **Name/parentage/occupation/address/digital footprint of the witness shall be protected so long threat perception continues.** Telephone numbers be changed or the witness shall be given an unlisted number.
- d. **In extreme cases, identity of the witness may be changed by giving him a new identity,** i.e. name, address, profession, parentage, etc. with the help of government agencies.

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

- e. Similarly, **witnesses may be relocated** to a different location if exigency demands.
- f. **A specially designed vulnerable witness court rooms may be used** which have special arrangements like live video links, one way mirrors and screens, including an option to modify the image of face of the witness and to modify the audio feed of the witness' voice, so that he/she is not identifiable, apart from separate passages for witnesses and accused.

Protecting life and property-

- a. Mails and telephone calls of the witnesses may be monitored.
- b. Security devices such as security doors, CCTV, alarms, fencing, etc. may be installed in the witness's residence.

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

- c. Witness must be provided with particulars of **emergency contact** persons.
- d. **Witness's residence** must have close protection with regular patrolling by the security personnel.
- e. **A temporary change of residence** of the witness to a relative's house or nearby town may be made if exigency demands.
- f. The **witnesses shall be escorted to and from the court** and provision of government vehicle or a State funded conveyance for the date of hearing must be made.
- g. The court may direct '**In-camera trials**' to be held in emergency situations.
- h. A **support person** may be allowed to remain present during the recording of statement and deposition.
- i. An expeditious **recording of deposition during trial** on day to day basis must be made without adjournments.

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

Other measures-

- a. **Awarding prompt financial aid/assistance** including victim compensation and free medical and psychological therapy to vulnerable witnesses particularly victims from the Victim Compensation Fund or Witness Protection Fund, if any.
 - b. **Punishment** extending to imprisonment for three years and fine may be meted out **to the person convicted of threatening the witness** or any person in relation to the witness with violence or wrongful restraint.
- Review:
 - **Periodic action taken reports** be filed by investigating agency and upon review of such reports protection/identity orders may be continued/varied.

TAKE HOME ISSUES.

* **A Security and Witness Protection Committee** be set up in every district comprising of the District Judge, Head of Police and Head of Prosecution to lay down and monitor in consultation with the Judge and other stakeholders:-

- A **complete security plan** for every court premises.
- **Witness protection measures** in sensitive cases.

* The State/Union Territory may be approached to set up a **Witness Protection Fund**, from which the expenses incurred during the implementation of Witness Protection Order shall be met. Costs imposed by the court may be directed to be deposited in the Fund.

* Police administration in the state may be requested to set up **Witness Protection Cell** for the protection of witnesses and implementation of protection orders.

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