

PIL

State Gov
B-14, Legala (adn)
mob. 9538112250
Haripur Road
Cuttack

IN THE HIGH COURT OF ORISSA: CUTTACK

W.P.(C) (PIL) No. 23051 / 2011

CODE No.

Smt. Jayanti Das Petitioner.

-- VERSUS --

State of Orissa and others Opp. Parties.

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Cuttack
Date:

By the Petitioner through

Advocate

IN THE HIGH COURT OF ORISSA: CUTTACK

W.P. (C) (PIL) No. / 2011

CODE No.

IN THE MATTER OF:

An application under Article 226 & 227 of the Constitution of India.

And

IN THE MATTER OF:

An application seeking direction to protect the Safety, Security of the Judiciary, Advocates, General Public and all other professions linked with the court procedures.

And

IN THE MATTER OF:

Smt. Jayanti Das, aged about 46 years, W/o.Sri. Kumuda Bandhu Das, At.-Mahamadia Bazar, Dakhini Sahi, Po:- Chandinichowk, P.s:-Lalbag, Town/Dist:-Cuttack.

..... Petitioner.

-- Versus --

1. State of Orissa, represented through its Chief Secretary, Secretariat Building, Bhubaneswar, Khurda,
2. Secretary, Home Department, Bhubaneswar, Khurda.
3. Director General of Police, At/P.o.-Buxi Bazar, Dist.-Cuttack.
4. Commissioner of Police, Bhubaneswar, Dist.Khurda.
5. Deputy Commissioner of Police, Cuttack.
6. Inspector-in-Charge, Lalbag Police Station, Chandinichowk, Cuttack.

..... Opp. Parties.

The matter out of which this writ application arises was never before this Hon'ble Court in any form what so ever.

To

The Hon'ble Shri V. Gopala Gowda, B.Sc., LL.B., the Chief Justice of Orissa High Court and His Lordship's Companion Justices of the said Hon'ble Court.

The humble petition of the above named petitioner.

MOST RESPECTFULLY SHEWETH:

1. That, the present petition Under Article 226 & 227 of the constitution of India is being filed by way of Public Interest Litigation for seeking direction to protect the Safety, Security of the Judiciary, Advocates, General Public and all other professions linked with the court procedures.
2. That, the petitioner is a citizen of India and resided within the territorial jurisdiction of this Hon'ble court and the cause of action arises within the jurisdiction of this Hon'ble Court.
3. That, the petitioner being a peace loving and law abiding citizen considers it as her right as well as her duty to bring the notice of this Hon'ble court by way of public interest. The petitioner has no personnel interest and the petitioner is filing the present petition on her own and not at the instance of some one else.
4. That, the petitioner has files this Writ petition in the form of PIL for the Safety, Security and protection of the Judiciary, Advocates, General Public and all other professional linked with the Court Procedures and the cause of action arises from the incident of Bomb blast on 07.09.11 near the Delhi High Court, Gate No.5 at 10A.M which is the peak hour as published in daily Oriya News paper "The Samaj" dt.08.09.11 and different news channels broad cast.

The true copy of the News published in "The Samaj" dt.08.09.11 is annexed herewith as Anneure-1 for kind perusal of this Hon'ble court.

5. That, it is also pertinent to mention here that there is also apprehension of same event to occur incase of judiciary in Orissa where in the Hon'ble High Court of Orissa the security measures taken except some guards deployed near the main gate and some police staff on duty inside court premises which is not at all adequate in nature to prevent such type of incident to avoid.
6. That, it is also necessary to bring to the notice of the court that although around one month time passed the State Administration has not taken any stringent preventive measures to avoid such radical steps of any terrorist and criminal attack on the court to derail the judicial structure and faith of common people on the system.
7. That, the petitioner has approached the D.G Police, Cuttack, Orissa regarding the action taken so far and their proposed action to prevent any future incident of such nature dated 28.09.11 and DCP, Cuttack to provide the copy of action taken as preventive measure in this direction related to safety, security, protection of the court, its employees, staff member and advocates and their clients.

The true copy of the letter dt.28.09.11 is annexed herewith as **Annexure-2.**

8. That, from the news publication both in press and electronic media it is sure that most of the injured and dead persons are clients who wanted to attend the court proceedings and gone to the Hon'ble High court to get some relief and one of the dead person belongs to Orissa.
9. That, it observed that there is total chaos and this management of the State Govt. in handling the matter of court premises, and there is no check and balance system, there is no record of person entering the court premises and existing, no verification of the persons, their identity, purpose of visits inside the court, full freedom of hawkers and beggars inside the court premises, no rule for parking of vehicles out side and inside the court premises touching the boundaries of Hon'ble High court, no security arrangement for the vehicles parked either CMC or police

staff to keep an eye over them, there is every chance of mishandling of the vehicles by terrorist to make an attempt to derail the system and create panic and the motive of creating disturbance socially, psychologically, economically is possible only because of our unpreparedness and casual attitude of leaving everything on the mercy of God without a serious attempt to take precautionary measure to avoid the mishap.

10. That, the petitioner humbly submits that she wants to bring to the notice of Hon'ble court to take into account to prevent any unwanted mishap in around court premises to the Advocates, clients, staffs and other employees associated with the court for their livelihood and get justice and the State Govt. to take appropriate steps for the safety and protection of judiciary, Advocates, clients and others to install C.C. TV in all gates, parking lots, metal detector and Body scanners in all gates of High court, District court and Lower courts which will prevent unwanted and unnecessary elements enter to the court, the vehicles parked inside/outside court premises to be under security with number of coupons mentioning time of entry and exist with vehicle number and police personnel's to be in charge, the court area to be sanitized and only Advocates, Court staff and clients to enter to the courts and with proper I Card and Punch machine near the gate where the persons entering to the court will leave thumbs impression and timing automatically which will be in computerized form easier for further dealings during crisis, restrictions on entry to the court premises regarding visitors, only who has case or who will file cases to be allowed and the record to be maintained near the Gate where the security will enter name of Advocates, clients, the person's entry time and exist time to be recorded.
11. That, the opposite parties may be directed to provide the plan of action and time frame needed to accomplish the same in the interest of larger section of the court staff and Advocates whose daily routine and livelihood is closely dependent on the safety linked and reciprocal in nature.

12. That, the State should insure the High court, District court and Lower courts buildings and its accessories and the State also make provision for payment of extra stamp duty fixed on every petition filed in the courts and burden of this should be on clients to pay extra for the security and well being of their Advocates.
13. That, the state to be directed to provide the details that till today what plans and steps have been taken for the welfare of Advocate fraternity of Orissa against any odds like Terrorist Attacks on courts as the Advocates have no permanent and fixed source of income although they are into this justice source of income although they are into this justice delivery system and there is no guarantee of the future practice of the advocates as Govt. employee like pension, PPF and others. The old age of the advocates and any damage due to the untoward incidents occurred due to the faulty planning and inaction of State Govt. is to be accounted for all assurance from State Govt. to the Advocate fraternity who are part and parcel of 3rd pillar of Democracy is a must with time limit declared.
14. That, the State may be directed that why it should not spend money in preventive measures to stop the damage instead of paying few cash in the form of compensation. The same or less amount of money can make the life and stature of the Advocates and other staffs related to court on a routine basis more beautiful and prosperous than damage control and happy and contented life for this beautiful professionals.
15. That, there being no other speedy and efficacious alternative remedy available petitioner begs to invoke the extraordinary jurisdiction of this Hon'ble court under Article 226 & 227 of the Constitution of India.

P R A Y E R

In this facts and circumstances the petitioner humbly prays that this Hon'ble court may kindly be pleased to issue rule NISI calling up on the opp. parties to show cause as to why the State shall not give Safety, Security and Protection of the Judiciary, Advocates, General Public and all other professions linked with the court procedures and also to install C.C. TV in all gates, parking lots, metal detector and Body scanners in all gates of High court, District court and Lower courts which will prevent unwanted and unnecessary elements enter to the court, the vehicles parked inside/outside court premises to be under security with number of coupons mentioning time of entry and exist with vehicle number and police personnel's to be in charge, the court area to be sanitized and only Advocates, Court staff and clients to enter to the courts and with proper identity card and punch machine near the gate where the persons entering to the court will leave thumbs impression and timing automatically which will be in computerized form easier for further dealings during crisis, restrictions on entry to the court premises regarding visitors, only who has case or who will file cases to be allowed and the record to be maintained near the gate where the security will enter name of Advocates, clients, the person's entry time and exist time to be recorded, if the opp. parties fail to show cause or shown insufficient cause to make the rule absolute;

And may further be pleased to pass any other order(s) as deemed fit and proper;

And for this act of kindness the petitioner as in duty bound shall ever pray.

Cuttack

By the Petitioner through

Date :

Advocate

AFFIDAVIT

I Sri Smt. Jayanti Das, aged about 46 years, W/o.Sri. Kumuda Bandhu Das, At.-Mahamadia Bazar, Dakhini Sahi, Po:- Chandinichowk, P.s:-Lalbag, Town/Dist:-Cuttack, do hereby solemnly affirm and state as follows;

1. That, I am the petitioner in the above case.
2. That, the facts stated above are true to best of my knowledge and belief.

Identified by

Advocate

Deponent

CERTIFICATE

Due to non-availability of cartridge papers this matter typed out on blue thick papers.

Place: Cuttack

Dt. :

Advocate.

ପ୍ରଥମ ପୃଷ୍ଠାର ଅବଶିଷ୍ଟାଂଶ

ଦିଲ୍ଲୀ ଥରିଲା...

ଲାଲକୃଷ୍ଣ ଆଡ଼ୱାଣୀ ଘଟଣାକୁ ନିନ୍ଦା କରିବା ସହିତ ଏଭଳି ପରିସ୍ଥିତିରେ ସରକାରକୁ ବିରୋଧୀ ସମସ୍ତ ସହଯୋଗ ଓ ସମର୍ଥନ କରିବ ବୋଲି ସେ କହିଛନ୍ତି । ଏପରିକି ଆତଙ୍କବାଦ ବିରୋଧୀ ଲଢେଇରେ ସରକାରକୁ ସମସ୍ତ ବିରୋଧୀ ପୂର୍ଣ୍ଣ ସମର୍ଥନ ଦେବେ ବୋଲି ଶ୍ରୀ ଆଡ଼ୱାଣୀ ପୁନଃପ୍ରତିଶ୍ରୁତି ଦେଇଛନ୍ତି । ଅନ୍ୟପକ୍ଷରେ ଆତଙ୍କବାଦୀ ବିଦ୍ରୋହକୁ ସବୁ ମହଲରୁ ନିନ୍ଦା କରାଯାଇଛି । ଦୁଇଦିନିଆ ବାଂଲାଦେଶ ଗସ୍ତରେ ଥିବା ପ୍ରଧାନମନ୍ତ୍ରୀ ମନମୋହନ ସିଂହ ବିଦ୍ରୋହକୁ ଆତଙ୍କବାଦୀଙ୍କ ଭାରତୀୟ କାର୍ଯ୍ୟ ବୋଲି ଅଭିହିତ କରିଛନ୍ତି । ଏଭଳି ପରିସ୍ଥିତିରେ ଦେଶବାସୀଙ୍କୁ ଯୈର୍ଯ୍ୟ ଓ ସାହସର ସହ କାମ କରିବାକୁ ସେ ପରାମର୍ଶ ଦେଇଛନ୍ତି । ଆତଙ୍କବାଦୀଙ୍କ ପ୍ରତି କୌଣସି ପ୍ରକାର କୋହଳ ମନୋଭାବ ପୋଷଣ କରାଯିବନାହିଁ । ଏହି ଅଭିଯାନକୁ ଜୋରଦାର କରି ଉଗ୍ରବାଦୀଙ୍କୁ ମୂଳୋତ୍ସାଦନ କରାଯିବ ବୋଲି ତାକାଠାରେ ପ୍ରଧାନମନ୍ତ୍ରୀ ତଥା ସିଂହ ଗଣମାଧ୍ୟମ ପ୍ରତିନିଧିଙ୍କୁ ସୂଚନା ଦେବା ସହ ପରିସ୍ଥିତିର ଅନୁଧ୍ୟାନ ପାଇଁ ବୁଧବାର ସନ୍ଧ୍ୟାରେ ସ୍ୱଦେଶ ଫେରୁଛନ୍ତି । ପୋଟାସିୟମ ଓ ଆମୋନିୟମ ନାଇଟ୍ରେଟ୍ ଭଳି ଶକ୍ତିଶାଳୀ ବିଦ୍ରୋହକ ପଦାର୍ଥ କରିଆରେ ଏହି ବିଦ୍ରୋହ ଘଟାଯାଇଥିବା ଗୃହ ସଚିବ ଆର.କେ.ସିଂହ ଆଶଙ୍କା କରିଛନ୍ତି । ବିଦ୍ରୋହ ଏତେ ଶକ୍ତିଶାଳୀ ଥିଲା ଯେ ଘଟଣାସ୍ଥଳରେ ଏକ ୪୫୫ ଓସାର ଓ ୩୩୫ ଗଜାର ଗର୍ଭ ସୃଷ୍ଟି ହୋଇଛି । ପ୍ରତ୍ୟେକଦର୍ଶୀଙ୍କ କହିବାନୁଯାୟୀ, ବିଦ୍ରୋହ ଅତ୍ୟନ୍ତ ଶକ୍ତିଶାଳୀ ଓ ପ୍ରଚଣ୍ଡ ସୃଷ୍ଟି କରିଥିଲା । ବ୍ରିଟିଶ୍ କେମ୍ବ୍ରିଜ୍ ଭିତରେ ଏହି ବୋମାଟିକୁ ଉଗ୍ରବାଦୀ ଜଣକ କୋର୍ଟର ୫ ନମ୍ବର ଫାଟକ ନିକଟରେ ଛାଡ଼ି ଚାଲିଯାଇଥିଲେ । ଏହି ଫାଟକଟି ରିସେପ୍ସନ୍ କାଉଣ୍ଟର ନିକଟରେ ଅବସ୍ଥିତ । ଫଳରେ ଏଠାରେ ସବୁବେଳେ ରହୁଛି ଜମିଆଏ । ବୁଧବାର ସକାଳେ ଲୋକମାନେ କୋର୍ଟକୁ ପ୍ରବେଶ କରିବା ପାଇଁ ଏଠାରୁ ଏହି ପାସ୍ ନେବା ପାଇଁ ଲମ୍ବା ଧାଡ଼ିରେ ଠିଆ ହୋଇଥିଲେ । ବିଦ୍ରୋହ ସମୟରେ ସେଠାରେ ୨୦୦ରୁ ଉର୍ଦ୍ଧ୍ୱ ଲୋକ ଉପସ୍ଥିତ ଥିବା କୁହାଯାଉଛି । ବିଦ୍ରୋହ ପରେ ସମଗ୍ର ଅଞ୍ଚଳଟିକୁ ନିକାସ କରାଯାଇ ଭାରତୀୟ ଆର୍ମି, ଏନଏସି କମାଣ୍ଡୋ ଓ ପୋରେନ୍ସିକ୍ ଫଳ ରହି ଯାଅ କରୁଛନ୍ତି । ପରିସ୍ଥିତି ସଂକ୍ରାନ୍ତରେ ସମାକ୍ଷା କରିବାକୁ ଗୃହ ସଚିବ ଶ୍ରୀ ସିଂହଙ୍କ ଅଧିକାରୀ ସ୍ୱରାଷ୍ଟ୍ର ମନ୍ତ୍ରାଳୟର ଜରୁରୀ ବୈଠକ ବସିଛି । ସୂଚନାଯୋଗ୍ୟ, ମେ ୨୫ ତାରିଖରେ ଦିଲ୍ଲୀ ହାଇକୋର୍ଟ ସମ୍ମୁଖରେ ଏକ ଉଗ୍ରବାଦୀ ବିଦ୍ରୋହ ଘଟିଥିଲା । ପୂର୍ବ ବିଦ୍ରୋହ ଅପେକ୍ଷା ବୁଧବାର ପୂର୍ବାହ୍ନ ବିଦ୍ରୋହ ଅଧିକ ଭୟଙ୍କର ଓ ଶକ୍ତିଶାଳୀ ଥିଲା । ଅନ୍ୟପକ୍ଷରେ ଦିଲ୍ଲୀ ହାଇକୋର୍ଟ ବିଦ୍ରୋହ ପରେ ସମଗ୍ର ସହରରେ ପୁଲିସ୍ ହାଇଆଲର୍ଟ ଜାରି କରିଛି । ଏହି ବିଦ୍ରୋହକୁ ସବୁ ମହଲରୁ ନିନ୍ଦା କରାଯାଇଛି ।

Speed Post

Cuttack
28/9/11

A-2

To

The DG, Police
Oussa Police Head quarter
(Cuttack-1)

To

The DCP, Cuttack

Sr,

Sub:- Action taken by the Police for
the safety, security, and protection of
Oussa Judiciary, Advocates, court staff
and clients against any terrorist strike like
Delhi High Court.

1. With regard to the above mentioned issues
I would like to know about the steps taken
by the Oussa State Police in this regard
so far after 21 days of the incident.
2. Kindly provide me a copy of the action
taken so far and the measures would be taken
(the blue print) and devices to be installed
to monitor and regulate the activities to
prevent and detect the offenders.
3. As it is a question of dignity of Judiciary
and life and livelihood of Advocates is concerned
and common public life is also at stake, the
precautionary measures taken and would be taken with a
time limit is necessary to be made public.
A reply is anticipated.

Yours faithfully
Jayant Das