

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. **CWP No.11872 of 2022**

Date of Reserve: 05.08.2022

Date of Decision: 22.08.2022

Om Prakash SoniPetitioner

Vs

State of Punjab and othersRespondents

2. **CWP No.16277 of 2022**

Harchand KaurPetitioner

Vs

Union of India and othersRespondents

3. **CRWP No.4593 of 2022**

Ravinder Singh RaviPetitioner

Vs

State of Punjab and othersRespondents

4. **CWP No.7529 of 2022**

Baljeet Singh PahraPetitioner

Vs

State of Punjab and othersRespondents

5. **CWP No.8032 of 2022 (O&M)**

Dalbir Singh Sekhon and anotherPetitioners

Vs

State of Punjab and othersRespondents

6. **CWP No.8680 of 2022**

Abhishek SharmaPetitioner

Vs

State of Punjab and othersRespondents

7. CWP No.10494 of 2022 (O&M)

Parminder Singh PinkiPetitioner
Vs
Union of India and othersRespondents

8. CWP No.11114 of 2022 (O&M)

Hans Raj JosanPetitioner
Vs
State of Punjab and othersRespondents

9. CWP No.11171 of 2022

Navtej Singh CheemaPetitioner
Vs
State of Punjab and othersRespondents

10. CWP No.11358 of 2022

Kewal Singh DhillonPetitioner
Vs
State of Punjab and othersRespondents

11. CWP No.11477 of 2022

Kamal Deep SinghPetitioner
Vs
State of Punjab and othersRespondents

12. CWP No.11830 of 2022

Shiv Karan SinghPetitioner
Vs
State of Punjab and othersRespondents

13. CWP No.11917 of 2022

Veer Singh LopokePetitioner
Vs
State of Punjab and othersRespondents

14. CWP No.12666 of 2022

Rajbir Singh BhullarPetitioner

Vs
State of Punjab and othersRespondents

15. CWP No.12938 of 2022

Balwinder KumarPetitioner

Vs
State of Punjab and othersRespondents

16. CWP No.13059 of 2022

Des Raj DhuggaPetitioner

Vs
State of Punjab and othersRespondents

17. CWP No.13082 of 2022

Karun KauraPetitioner

Vs
State of Punjab and othersRespondents

18. CWP No.13115 of 2022

Balbir Singh SidhuPetitioner

Vs
State of Punjab and othersRespondents

19. CWP No.13138 of 2022

Gurcharan Singh BoparaiPetitioner

Vs
State of Punjab and othersRespondents

20. CWP No.13252 of 2022

Gulzar Singh RanikePetitioner

Vs
State of Punjab and othersRespondents

21. CWP No.13460 of 2022

Surinder Singh HeerPetitioner

Vs
State of Punjab and othersRespondents

22. CWP No.13491 of 2022

Raminder Singh Awla and anotherPetitioners
Vs
State of Punjab and othersRespondents

23. CWP No.13522 of 2022

Tarlochan SinghPetitioner
Vs
State of Punjab and othersRespondents

24. CWP No.13796 of 2022

Barjinder Singh Brar @ Makhan BrarPetitioner
Vs
State of Punjab and othersRespondents

25. CWP No.13838 of 2022 (O&M)

Rajiv Kumar @ MannaPetitioner
Vs
State of Punjab and othersRespondents

26. CWP No.14114 of 2022 (O&M)

Kuldip SinghPetitioner
Vs
State of Punjab and othersRespondents

27. CWP No.14179 of 2022

Lakhbir Singh DhillonPetitioner
Vs
State of Punjab and othersRespondents

28. CWP No.14406 of 2022

Rajinder Pal Singh RandhawaPetitioner
Vs
State of Punjab and othersRespondents

29. CWP No.14415 of 2022

Arshdeep Singh @ Michael GagowalPetitioner

Vs
State of Punjab and othersRespondents

30. CWP No.14690 of 2022

Nasib Singh Sandhu @ Nasib SinghPetitioner

Vs
State of Punjab and othersRespondents

31. CWP No.14851 of 2022

Harjinder Singh @ Harjinder Singh Thekedar.....Petitioner

Vs
Union of India and othersRespondents

32. CWP No.15525 of 2022

Sohan Singh ThandalPetitioner

Vs
State of Punjab and othersRespondents

33. CWP No.15271 of 2022

Inderjit Singh DhaliwalPetitioner

Vs
State of Punjab and othersRespondents

34. CWP No.15765 of 2022

Kali ThaparPetitioner

Vs
State of Punjab and othersRespondents

35. CWP No.15580 of 2022

Mohinder Kaur JoshPetitioner

Vs
State of Punjab and othersRespondents

36. CWP No.15820 of 2022

Vardev Singh MaanPetitioner

Vs
State of Punjab and othersRespondents

37. CWP No.16055 of 2022

Prince SidhuPetitioner
Vs
State of Punjab and othersRespondents

38. CWP No.16233 of 2022

Joginder PalPetitioner
Vs
State of Punjab and othersRespondents

39. CWP No.16431 of 2022

Sanjeev SinghPetitioner
Vs
State of Punjab and othersRespondents

40. CWP No.16669 of 2022 (O&M)

Parkash Chand GargPetitioner
Vs
State of Punjab and othersRespondents

41. CWP No.16679 of 2022

Mohinder Kumar RinwaPetitioner
Vs
State of Punjab and othersRespondents

42. CWP No.16863 of 2022

Ajaib Singh Mukhmailpur and anotherPetitioners
Vs
State of Punjab and othersRespondents

43. CWP No.16963 of 2022

Sucha Singh Sandhu @ Sucha Singh ChhottepurPetitioner
Vs
Union of India and othersRespondents

44. CWP No.16971 of 2022

Bhai Manjit SinghPetitioner
Vs
Union of India and othersRespondents

45. CWP No.17227 of 2022

Joginder Singh JinduPetitioner
Vs
State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Madhu Dayal, Advocate
Mr. Lalit Singla, Advocate with
Ms. Varsha Sharma, Advocate
Mr. Ranbir Singh Sekhon, Advocate
Mr. Deepak Sabherwal, Advocate
Mr. Ajay Pal Singh Jangu, Advocate
Mr. Karanjit Singh, Advocate
Mr. Jasraj Singh, Advocate
Mr. C.M. Munjal, Advocate
Mr. Vivek K. Thakur, Advocate
Mr. Himmat Singh Sidhu, Advocate
Mr. Gagan Pradeep S. Bal, Advocate
Mr. Suvir Sidhu, Advocate with
Mr. Arun Kumar, Advocate
Mr. Prateek Sodhi, Advocate with
Mr. Manoj Singla, Advocate
Mr. Deep Indu Singh Walia, Advocate
Mr. Krishan Kanha, Advocate
Mr. Naresh Kumar, Advocate
Mr. Sahil Gambhir, Advocate for
Mr. Kanwalvir Singh Kang, Advocate
Mr. Gurpartap Singh Bhullar, Advocate
Mr. Amardeep Singh Mann, Advocate and
Mr. Sahil Gambhir, Advocate
Mr. Naveen Bawa, Advocate
Mr. Rakesh Nehra, Sr. Advocate with
Mr. Judgpreet Singh Warring, Advocate
Ms. Anupam Bhanot, Advocate
Mr. R.S. Bains, Sr. Advocate with
Mr. Navraj Singh, Advocate and
Mr. Vishesh Chandhok, Advocate
Mr. Bhupinder Singh Randhawa, Advocate
Mr. Kamal Deep Singh Sidhu, Advocate
Mr. Piyush Sharma, Advocate

Mr. Parvinder Singh, Advocate
Mr. Sumeet Puri, Advocate for
Mr. G.S. Ghuman, Advocate
Mr. Harpal Singh Sidhu, Advocate
Mr. Tarun Sharma, Advocate for
Mr. R.S. Bajaj, Advocate
Mr. Ashwani Kumar Antil, Advocate
Mr. R.S. Manhas, Advocate
Mr. Naresh Singh, Advocate
Mr. Premjit Singh Hundal, Advocate
for the petitioner(s).

Mr. Satya Pal Jain, Additional Solicitor General of
India with Ms. Saigeeta Srivastava Sr. Panel counsel
for the Union of India.

Mr. Vinod Ghai, Advocate General, Punjab with
Mr. Gaurav Garg Dhuriwala, Sr. D.A.G., Punjab.

RAJ MOHAN SINGH, J.

[1]. Vide this common order, CWP Nos.11872, 16277, 7529, 8032, 8680, 10494, 11114, 11171, 11358, 11477, 11830, 11917, 12666, 12938, 13059, 13082, 13115, 13138, 13252, 13460, 13491, 13522, 13796, 13838, 14114, 14179, 14406, 14415, 14690, 14851, 15525, 15271, 15765, 15580, 15820, 16055, 16233, 16431, 16669, 16679, 16863, 16963, 16971 and 17227 of 2022 along with CRWP No.4593 of 2022 are being decided. Since identical issues are involved in the aforesaid bunch of writ petitions, therefore, for brevity, the facts are being culled out from CWP No.11872 of 2022.

[2]. The issue arising in all these writ petitions is in respect of withdrawal, pruning, downgrading and de-categorization of

the security of the protectees vide common orders passed by the respondent-State of Punjab. The protectees have assailed the impugned action of withdrawal and de-categorization of their security cover on the ground that the impugned action is against the principles of natural justice and the same is in utter disregard to the policy of the State and without conducting fresh assessment after affording due opportunity of hearing to the protectees. The impugned action of withdrawal or de-categorization of security has been brought under the public domain which has further aggravated the threat perception of the protectees. The protectees have alleged that withdrawal and de-categorization of the security cover is a result of populist action being taken by the Government, instated of assessment of actual serious threats to the lives of the protectees.

[3]. In the lead case i.e. CWP No.11872 of 2022, petitioner-Om Prakash Soni was having security cover of 'Z' category and the same has been de-categorized. He is a former Deputy Chief Minister of Punjab till recent elections held in the month of February 2022. He has alleged that he was elected as Member of Legislative Assembly in Punjab for five consecutive terms from 1992 till 2022. Earlier to 1992, he was elected as Mayor of Amritsar as a Congress candidate and remained as Mayor of Amritsar till 1996. During the period 1991-1996, he was elected

as Chairman of All India Council of Mayors for the period from 1994 to 1996. Petitioner-Om Prakash Soni also remained as Chairman of Punjab Agro Foodgrains Corporation and also remained as the Chairman of Punjab State Industrial Development Corporation. He had sworn as Cabinet Minister during the period 2017 to 2022 and held the portfolios of Department of School Education, Environment, Medical Education and Freedom Fighters. He had sworn as Deputy Chief Minister of Punjab on 20.09.2021 and was given security for protection of his life and family members under the comprehensive security scheme. He was 'Z' category protectee.

[4]. By referring to the aforesaid political rank, petitioner-Om Prakash Soni has demonstrated some events during his political life where he was attacked by some anti-social elements and he was saved by security guards. Even FIR was registered in respect of an incident on the statement of his security guard namely Sulakhan Singh i.e. FIR No.5 dated 11.01.1999 (registered for the offences under Sections 307, 382, 186, 332, 333, 353, 148, 149 IPC and Sections 25/54/59 of the Arms Act). The accused in the said case were convicted.

[5]. On an earlier occasion the security cover of the petitioner-Om Prakash Soni was withdrawn by the earlier government in the year 2007. Taking advantage of the said

withdrawal of security cover, anti-social element opened fire at the residence of the petitioner-Om Prakash Soni. Petitioner filed CRM-M No.47903 of 2007 in the High Court and State had to admit the incident of firing outside the house of the petitioner. The said petition was ultimately disposed of on the statement of learned State counsel with some observations regarding filing of a representation regarding threat perception and consideration thereupon by the State on defined parameters. On that premise, the said petition was disposed of vide order dated 04.04.2008 with some directions regarding, disposing of the representation within 30 days from the date of filing of representation. In the event of passing of any adverse order, the petitioner was held entitled to knock the door of the Court through fresh petition. Thereafter petitioner-Om Prakash Soni moved a representation for providing adequate security at his residence. The representation was rejected by the State Government by passing a non-speaking order dated 14.05.2008.

[6]. The said order was challenged by the petitioner-Om Prakash Soni vide CRM-M No.19097 of 2008. The said petition was disposed of by the High Court vide order dated 29.09.2008. The order reads as under:-

“The petitioner is a sitting MLA and filed this petition for direction to the respondent to provide adequate

security. The grievance of the petitioner is that earlier he was having some security, which has been withdrawn. The counsel further points that the house of the petitioner was attacked and accordingly he filed this petition seeking direction as aforementioned. Learned State counsel on instructions and on the basis of reply would contend that four PSOs have been provided to the petitioner. According to the counsel this is as per norms. Learned counsel for the petitioner would say that threat perception to the life of the petitioner is required to be appreciated and then adequate measures would be taken in the matter. Let the ADGP Intelligence in consultation with SSP, Amritsar look into the threat perceptions to the petitioner and pass an appropriate order in accordance with law. If they find that the petitioner is under any threat and is required to be provided security at his residence, then the necessary order shall be made. If the petitioner still feels aggrieved against such order then he would be at liberty to approach this court. The present petition is accordingly disposed of.”

[7]. Following the direction of the High Court, threat perception of the petitioner-Om Prakash Soni was reviewed and security was enhanced till holding of election in Punjab. Petitioner was 'Z' category protectee.

[8]. It has been alleged that under the new political dispensation, the security covers of the protectees/petitioner(s), 184 Ex.Ministers and former MLAs have been withdrawn on pick and choose basis without assessing the threat perception. The security of the petitioner-Om Prakash Soni was de-categorized by reducing earlier security cover of 38 to 18 security personnel

with different assignments. Different orders have been passed by the Additional Director General of Police in different lots, thereby pruning, withdrawing and de-categorizing the security covers of the protectees. The grievance of the petitioners(s)/protectees is that while passing the impugned orders, no notice was issued to them and their inputs have not been considered while passing the impugned orders.

[9]. Notice of motion was issued to the respondents. In some of the cases, a provision was made to provide additional security personnel as per norms applicable to the protectees. In lead case i.e. CWP No.11872 of 2022, notice of motion was issued on 30.05.2022 by passing the following order:-

“Learned counsel for the petitioner contends that decategorization of the security of the petitioner is not on account of any individual assessment made by the committee on the basis of any inputs. The de-categorization has been done without issuing any show cause notice to the petitioner and associating the petitioner in connection with any information. Learned counsel further submits that the security of number of persons has been withdrawn vide common order dated 11.05.2022.

Notice of motion for 02.06.2022.

On the asking of the Court, Mr. Gaurav Dhuriwala, Sr. DAG, Punjab accepts notice on behalf of the State and Ms. Saigeeta Srivastava, Advocate accepts notice on behalf of Union of India.

Learned State counsel is directed to bring relevant

material in a sealed cover for perusal of the Court in order to see whether withdrawal/down-gradation/de-categorization of security of beneficiaries has been done on the basis of some objective data. Information in respect of order dated 11.05.2022 being available in public domain be also brought on record. Relevant information as to whether the order has become public on account of any RTI information or leakage or in collusion of someone having access to the order in question be also brought on record by the adjourned date.

To be listed after the urgent list.”

[10]. Similar notices were issued in other cases and a provision was made that the respondent-Department shall ensure that at least one security guard is provided to the protectees, who were earlier having security covers and their securities have been withdrawn, downgraded/de-categorized vide the impugned action of respondent-State. The arrangement was without prejudice to the rights of the parties in the case. The interim arrangement was ordered to remain in force till the next date of hearing without creating any equitable consideration in favour or against any of the parties. As of now the protectees are having security covers except the petitioner(s) in CWP Nos.17227 of 2022, 16679 of 2022, 16669 of 2022, 16963 of 2022 and 16971 of 2022. All the aforesaid cases were also kept reserved to be decided along with the aforesaid bunch matters.

[11]. I have heard learned counsel for the parties and have perused the material brought on record by the parties.

[12]. On perusal of the record, it can be seen that a meeting of State Security Review Committee was held on 02.02.2022. The cases of 557 protectees were considered. Status quo was maintained in respect of 215 protectees. The security covers of 107 protectees were withdrawn partially and security covers of 235 protectees were withdrawn. In case of MLA etc. the aforesaid security review was not leaked. The State Security Review Committee again met on 29.03.2022 in which cases of 283 protectees were considered. *Status quo* was maintained in respect of 104 protectees. Security covers of 5 protectees were partially withdrawn. Security covers of 174 protectee were withdrawn completely.

[13]. Learned State counsel has provided list of protectees viz.-a-viz. numbers showing the status of protectees as on 05.08.2022. The details have been given on the basis of security review dated 02.02.2022 and 29.03.2022. Details of security viz. existing security after de-categorization and passing of interim orders by this Court have also been given in tabulated form. The same is reproduced as under:-

Sr. No.	Writ No., Name of the Petitioners and their Address.	Security Review	Detail of security provided
1.	CWP No.10494 of 2022 filed by Sh. Parminder Singh Pinki Ex-MLA of Ferozepur Urban Constituency, s/o Shamsheer Singh r/o Sant Lal Road, Ferozepur Cantt, Now at Village Kansal, Distt. Mohali vs Union of India & other. Filed on 17.05.2022	Protection Review Group on 29.04.2022	<ul style="list-style-type: none"> ● Positional/Ex MLA/Z category ● 04 PSOs provided ● 02 PSOs as per norm ● 02 PSOs as per Court orders
2.	CWP No.11171 of 2022 filed by Sh. Navtej Singh Cheema s/o Sh. Gurmail Singh Cheema r/o village Bussowal, Tehsil Sultanpur Lodhi, Distt. Kapurthala v/s State of Punjab & others. (Reply is being filed) Filed on 23.05.2022	Protection Review Group on 29.04.2022	<ul style="list-style-type: none"> ● Positional/Ex MLA/Y+ Category ● 04 PSOs provided ● 02 PSOs as per norm ● 02 PSOs as per Court order
3	CWP No.11872 of 2022 filed by Sh. Om Parkash Soni s/o Sh. Jagat Mitter Soni r/o # 115, Rani Ka Bagh, Amritsar v/s State of Punjab and others. Filed on 24.05.2022	Protection Review Group on 29.04.2022	<ul style="list-style-type: none"> ● Positional/Former Dy. C.M./Z Category ● 18 PSOs as per norm
4.	CWP No.11358 of 2022 filed by Sh. Kewal Singh s/o Late Sh. Sajjan Singh Dhillon r/o House No.301, Sector-9, Chandigarh v/s State of Punjab & others. Filed on 25.05.2022.	Protection Review Group on 29.04.2022	<ul style="list-style-type: none"> ● Positional/Ex MLA/Y+ Category (2007-12) ● 04 PSOs deployed ● No norm ● 04 PSOs as per Court orders
5.	CWP No.13115 of 2022 filed by Sh. Balbir Singh Sidhu , Ex-MLA, Kharar, Distt. SAS Nagar v/s State of Punjab and others. Filed on 30.05.2022.	Security Review Committee vide dated 02.02.2022	<ul style="list-style-type: none"> ● Positional/Ex Minister ● 04 PSOs as per norm
6.	CWP No.13138 of 2022 filed by Sh. Gurcharan Singh Boparai Ex-MLA , r/o Raikot, # 18, Harnam Singh Nagar, Sua Road, Threekay, Distt. Ludhiana v/s State of Punjab & others. Filed on 01.06.2022.	Security Review Committee vide dated 02.02.2022	<ul style="list-style-type: none"> ● Positional/Ex MLA (2012-17) ● No norm ● 02 PSOs as per Court orders
7.	CWP No.13491 of 2022 filed by Sh. Raminder Singh Awla (Congress) and former MLA, Jalalabad (West), Distt. Fazilka v/s State of Punjab & others. Filed on 01.06.2022.	Security Review Committee vide dated 02.02.2022	<ul style="list-style-type: none"> ● Positional/Ex MLA ● Norm 1-2 ● 1 PSO as per Court orders

8.	CWP No.13460 of 2022 filed by Sh. Surinder Singh Heer r/o Hoshiarpur v/s State of Punjab & others. Filed on 06.06.2022	Security Review Committee vide dated 02.02.2022	<ul style="list-style-type: none"> ● Positional/Ex MLA ● No norm ? ● 1 PSO as per Court order
9.	CWP No.14690 of 2022 filed by Sh. Nasib Singh Sandhu @ Nasib Singh s/o Sh. Jarnail Singh r/o village Mullawala, Tehsil and Distt. Ferozpur v/s State of Punjab & others. Filed on 16.06.2022.	Security Review Committee vide dated 02.02.2022	<ul style="list-style-type: none"> ● Threat based ● No specific threat ● No norm ● 1 PSO as per Court order
10.	CWP No.12666 of 2022 filed by Sh. Rajbir Singh Bhullar s/o Sh. Jasbir Singh Bhullar r/o Valtaha, Varnala, Distt. Tarn Taran v/s State of Punjab & Others. Filed on 20.06.2022.	Security Review Committee vide dated 02.02.2022	<ul style="list-style-type: none"> ● Threat based ● No specific threat ● No norm ● 02 PSOs as per Court orders ● At present 04 PSOs
11.	CWP No.13796 of 2022 filed by Sh. Barjinder Singh Brar @ Makhan Singh Brar s/o Late Sh. Tota Singh r/o House No.1603, Sector 18-D, Chandigarh v/s State of Punjab & others. Filed on 29.06.2022	Security Review Committee vide dated 02.02.2022	<ul style="list-style-type: none"> ● Political Family ● No norm ● 01 PSO as per court orders
12.	CWP No.14406 of 2022 filed by Sh. Rajinder Pal Singh Randhawa @ Rana, Chairman, Improvement Trust, Kartarpur and General Secretary PPCC, s/o Sh. Bachitter Singh r/o Vill. Randhawa, Masanda, PS Maqsuda, Distt. Jalandhar v/s State of Punjab & others. Filed on 14.07.2022.	Security Review Committee vide dated 02.02.2022	<ul style="list-style-type: none"> ● Positional/Chairman ● No norm ? ● 01 PSO as per court orders
13.	CWP No.15271 of 2022 filed by Sh. Inderjit Singh Dhaliwal v/s State of Punjab & others	Security Review Committee vide dated 02.02.2022	<ul style="list-style-type: none"> ● Threat based ● No specific threat ● No norm ● 01 PSO as per Court orders
14.	CWP No.14851 of 2022 filed by Sh. Harjinder Singh @ Thekedar s/o Late Sh. Harbhajan Singh r/o House no.2721, Gali Attar Singh Ward No.12, Amritsar. Now r/o House no.9, Taylor Road, Amritsar v/s Union of India & others. Filed on 07.10.2021.	Security Review Committee vide dated 02.02.2022	<ul style="list-style-type: none"> ● Positional/Ex MLA (2002-07) ● No norm ● 01 PSO as per Court orders

15.	CWP No.7529 of 2022 filed by Sh. Baljit Singh Pahra s/o Sh. Gurmeet Singh Pahra r/o village Pahra, Distt. Gurdaspur v/s State of Punjab & others. Filed on 01.04.2022.	Security Review Committee vide dated 29.03.2022	<ul style="list-style-type: none"> ● Threat based/political family ● No specific threat ● No norm ● 05 PSOs + 1 Vehicle
16.	CWP No.11917 of 2022 filed by Sh. Veer Singh Lopoke s/o Sh. Chanan Singh Distt. President Shiromani Akali Dal, Amritsar Rural, R/o Village Lopoke, Distt. Amritsar v/s State of Punjab & others. Filed on 02.05.2022.	Security Review Committee vide dated 29.03.2022	<ul style="list-style-type: none"> ● Political/Ex MLA (1997-2007) ● No norm ● 02 PSOs as per Court orders.
17.	CWP No.11830 of 2022 filed by Sh. Shiv Karan Singh Kahlon s/o Sh. Nirmal Singh Kahlon (Ex. Speaker, Punjab) r/o # 649, Basant Avenue, Distt. Amritsar v/s State of Punjab & others. Filed on 24.05.2022.	Security Review Committee vide dated 29.03.2022	<ul style="list-style-type: none"> ● Threat based/Political family ● Threat based ● No norm ● 04 PSOs
18.	CWP No.12938 of 2022 filed by Sh. Balwinder Kumar Babba s/o Sh. Dharpal r/o House No.2252/11, Katra Moti Ram, Amritsar-1, Distt. Amritsar v/s State of Punjab & others. Filed on 27.05.2022.	Security Review Committee vide dated 29.03.2022	<ul style="list-style-type: none"> ● Political/BJP ● No norm? ● 01 PSO as per Court orders
19.	CWP No.13059 of 2022 filed by Sh. Desh Raj Dhugga Ex-MLA , S/o Sh. Bhula Ram, r/o Dhugga Kalan, PS Gardiwal, Tehsil Dasuya, Distt. Hoshiarpur v/s State of Punjab & others. Filed on 02.06.2022.	Security Review Committee vide dated 29.03.2022	<ul style="list-style-type: none"> ● Positional/Ex MLA (2012-17) ● No norm ● 01 PSO as per Court orders
20.	CWP No.13522 of 2022 filed by Sh. Tarlochan Singh, IFS, (Retd) s/o Late Sh. Chaudhary Jagat Ram Soondh, Former Minister Punjab, r/o Soondh, PS Behram, NRI Colony, Banga, PS City Banga, Distt. SBS Nagar, now r/o # 617-A, Phase-3, SAS Nagar v/s State of Punjab & others. Filed on 09.06.2022.	Security Review Committee vide dated 29.03.2022	<ul style="list-style-type: none"> ● Positional/Ex MLA (2002-07, 2012-17) ● No norm ● 01 PSO as per court orders

21.	CWP No.13513 of 2022 filed by Sh. Tarlochan Singh, IFS, (Retd) s/o Late Sh. Chaudhary Jagat Ram Soondh, Former Minister Punjab, r/o Soondh, PS Behram, NRI Colony, Banga, PS City Banga, Distt. SBS Nagar, now r/o # 617-A, Phase-3, SAS Nagar v/s State of Punjab & others. Filed on 13.06.2022.	Security Review Committee vide dated 29.03.2022	<ul style="list-style-type: none"> ● Positional/Ex MLA (2002-07, 2012-17) ● No norm ● 01 PSO as per court orders
22.	CWP No.15580 of 2022 filed by Smt. Mahinder Kaur Josh Ex-MLA , w/o Late Sh. Gurmeet Singh r/o Piplanwala, Distt. Hoshiarpur v/s State of Punjab and others	Security Review Committee vide dated 29.03.2022	<ul style="list-style-type: none"> ● Political/Ex MLA ● No norm ● 01 PSO as per Court orders.
23.	CWP No.15525 of 2022 filed by Sh. Sohan Singh Thandal Ex-Minister S/o Sh. Jagat Ram r/o Village Thandal PS Mehtiana Distt. Hoshiarpur v/s State of Punjab & others	Security Review Committee vide dated 29.03.2022	<ul style="list-style-type: none"> ● Political/Ex MLA (2012-17) ● No norm ● 01 PSO as per Court orders
24.	CWP No.13252 of 2022 filed by Sh. Gulzar Singh Ranike s/o Sh. Gurmukh Singh Ranike r/o Village Ranike, Tehsil Attari, Distt. Amritsar v/s State of Punjab & others	Security Review Committee vide dated 29.03.2022	<ul style="list-style-type: none"> ● Political/Ex Minister (2007-17) ● No norm ● 01 PSO as per Court orders
25.	CWP No.13838 of 2022 filed by Sh. Rajiv Kumar alias Manna s/o Sh. Surinder Kumar Sharma r/o 3075, Chaura Bazar, Jandiala, Distt. Amritsar.	Security Review Committee vide dated 29.03.2022	<ul style="list-style-type: none"> ● Threat based (new) ● No specific threat ● No norm ● 01 PSO as per Court orders
26.	CWP No.11477 of 2022 filed by Sh. Kamaldeep Singh v/s State of Punjab & others.	Security Review Committee vide dated 29.03.2022	<ul style="list-style-type: none"> ● Threat based ● No specific threat ● No norm ● 01 PSO as per Court orders
27.	CWP No.16277 of 2022 filed by Smt. Harchand Kaur v/s State of Punjab & others.	Security Review Committee vide dated 29.03.2022	<ul style="list-style-type: none"> ● Political/Ex MLA ● No norm ● 01 PSO as per Court orders
28.	CWP No.13082 of 2022 filed by Sh. Karan Kaura, Editor in Chief, Sky News Punjab Channel, r/o plot No.362, Industrial Area, Phase-1, Chandigarh v/s State of Punjab & others. Filed on 30.05.2022.	Cases not covered by aforementioned 3 security reviews	<ul style="list-style-type: none"> ● Threat based ● No specific threat ● No norm ● 01 PSO as per Court orders

29.	CWP No.14114 of 2022 filed Sh. Kuldip Singh S/o Sh. Mithu Singh r/o Ward No.9, Tehsil Sardulgarh, District Mansa v/s State of Punjab and others. Filed on 04.07.2022.	Cases not covered by aforementioned 3 security reviews	<ul style="list-style-type: none"> ● Threat based ● No specific threat ● No norm ● 01 PSO as per Court orders
30.	CWP No.14415 of 2022 filed by Sh. Arshdeep Singh alias Michael Gagowal s/o Sh. Jagsir Singh s/o Sh. Sher Singh r/o New Court Road, Gagowal, Street Mansa, Distt. Mansa v/s State of Punjab & others. Filed on 06.07.2022.	Cases not covered by aforementioned 3 security reviews	<ul style="list-style-type: none"> ● Threat based/Political family ● No specific threat ● No norm ● 01 PSO as per Court orders
31.	CWP No.8032 of 2022 filed by Sh. Dalbir Singh Sekhon s/o Sh. Pirthi Pal Singh r/o # 31/6, Near Govt. Girls Senior Sec. School, Tehsil Patti, Distt. Tarn Taran and Jagmeet Singh Bhullar s/o Sh. Suchet Singh r/o Near Preet Palace, Behind HDFC Bank, Tehsil Patti, Distt. Tarn Taran, Punjab & State of Punjab & others. Filed on 19.04.2022.	Cases not covered by aforementioned 3 security reviews	<ul style="list-style-type: none"> ● Threat based ● No specific threat ● No norm ● 01 PSO each as per Court orders
32.	CWP No.15065 of 2022 filed by Sh. Pritpal Singh Bobby s/o Sh. Balwant Singh r/o Flt. No.705/7, Prime Rose Tower, Sector-70, SAS Nagar v/s State of Punjab and others. Filed on 11.07.2022.	Cases not covered by aforementioned 3 security reviews	<ul style="list-style-type: none"> ● Threat based ● No specific threat ● No norm ● 03 PSOs by SSP/SAS Nagar
33.	CM No.8414 of 2021 in CWP No.11114 of 2021 filed by Hans Raj Josan s/o Sh. Menga Ram r/o Village Chak Sotrian Tehsil Jalalabad Distt. Fazilka v/s State of Punjab and others. (Reply filed)	Cases not covered by aforementioned 3 security reviews	<ul style="list-style-type: none"> ● Political/Ex MLA (2002-07) ● No norm ● 01 PSO as per Court orders
34.	CRWP No.4593 of 2022 filed by Sh. Ravinder Singh Ravi , State Secretary Youth Congress Punjab r/o Village Singpura, PS Sadar Kurali, Distt. SAS Nagar v/s State of Punjab & others. (Reply is filed by SSO, SAS Ngr)	Cases not covered by aforementioned 3 security reviews	<ul style="list-style-type: none"> ● Threat based ● No specific threat ● No norm ● 01 PSO as per Court orders?

35.	CWP No.8680 of 2022 filed by Sh. Abhishek Sharma s/o Sh. Ashwani Sharma r/o House No.55, Street No.2, Muslim Ganj, Shivala Colony, Distt. Amritsar v/s State of Punjab and others.	Cases not covered by aforementioned 3 security reviews	<ul style="list-style-type: none"> ● Threat based ● No specific threat ● No norm ● 01 PSO as per Court orders?
36.	CWP No.16055 of 2022 filed by Sh. Prince Sidhu r/o Village Bungal Distt. Pathankot v/s State of Punjab & others.	Cases not covered by aforementioned 3 security reviews	<ul style="list-style-type: none"> ● Threat based ● No specific threat ● No norm ● 01 PSO as per Court orders
37.	CWP No.15820 of 2022 filed by Sh. Vardev Singh Maan r/o v/s State of Punjab & others	Cases not covered by aforementioned 3 security reviews	<ul style="list-style-type: none"> ● Political ● No norm ● 01 PSO as per Court orders
38.	CWP No.9662 of 2022 filed by Sh. Gurjit Singh r/o Ludhiana v/s State of Punjab & others	Cases not covered by aforementioned 3 security reviews	<ul style="list-style-type: none"> ● Threat based ● No specific threat ● No norm ● 01 PSO as per Court orders
39.	CWP No.14179 of 2022 filed by Sh. Lakhbir Singh Dhillon r/o Gurdaspur v/s State of Punjab & others	Cases not covered by aforementioned 3 security reviews	<ul style="list-style-type: none"> ● Threat based ● No specific threat ● No norm ● 01 PSO as per Court orders
40.	CWP No.15765 of 2022 filed by Sh. Kali Thapar r/o Jalandhar v/s State of Punjab & others	Cases not covered by aforementioned 3 security reviews	<ul style="list-style-type: none"> ● Threat based ● No specific threat ● No norm ● 01 PSO as per Court orders
41.	CWP No.16233 of 2022 filed by Sh. Joginder Pal Singh v/s State of Punjab & others	Cases not covered by aforementioned 3 security reviews	<ul style="list-style-type: none"> ● Political/Ex MLA ● No norm ● 01 PSO as per Court orders
42.	CWP No.16431 of 2022 filed by Sh. Sanjeev Singh R/o Hoshiarpur v/s State of Punjab & others	Cases not covered by aforementioned 3 security reviews	<ul style="list-style-type: none"> ● Threat based ● No specific threat ● No norm ● 01 PSO as per Court orders

[14]. The aforesaid table contains the details of those protectees whose security has been de-categorized, withdrawn and even those whose cases are not covered in any of the security reviews. Report of security reviews cannot be reproduced in the order, being privileged documents as secrecy is involved in respect of members of protection review groups and security review committee. Different meetings were held by the protection review groups and security review committees having different compositions of police officers. Reports were produced before the Court in sealed cover. After perusal of the reports, the reports have been sealed again.

[15]. Evidently, the State security review held by the Committee on 02.02.2022 in respect of 557 protectees has not been leaked. The State security review done by the Committee on 29.03.2022 has come under the public domain and so as the later security reviews. This Court has seen the minutes of the meeting with reference the recommendations made by the Review Committee in respect of different protectees having different categories of security covers. Security issue is not a static phenomenon, rather it is a dynamic process. The security reviews have to be done on periodical basis by assessing the security threat of the protectees with the passage of time on the basis of official inputs provided by the different agencies

including State and Central agencies.

[16]. In the instant case(s), as per norms, the number of police personnel for the former Deputy Chief Minister are 1 Security Incharge, 6 PSO, 3 Escort and 8 house Guards and 1 Escort vehicle i.e. 18 police security personnel in total. The Government of India, Ministry of Home Affairs has issued 'Yellow Book' which pertains to the security arrangement for protection of individuals and the same is codified categorization of protectees. In **Ramveer Upadhyay vs. R.M. Srivastava and others, 2013(7) Scale 564**, the Hon'ble Apex Court has observed in the following manner:-

“7. However, in our experience, we have hardly seen any security of 'Z' or 'Y' category provided to any ordinary citizen howsoever, grave the threat perception or imminent danger may be to the person concerned. The petitioner, however, has claimed it obviously as a 'privileged class' by virtue of being an ex-minister which at times, may be justified even to an exminister or any other dignitary, considering the nature and function of the duties which he had discharged, which could facilitate the assessment of his threat perception even after laying down the office. But what exactly is his threat perception and whether the same is grave in nature, obviously will have to be left to be decided by the authorities including the authorities of the State or the Centre which may include even the Intelligence Bureau or any other authority concerned which is entitled to assess the threat perception of an individual. But in so far as the Court of law is concerned, it would obviously be in a

predicament to come to any conclusion as to whether the threat perception alleged by a person claiming security is grave or otherwise which would hold him entitled to the security of a greater degree, since this is clearly a question of factual nature to be dealt with by the authorities entrusted with the duty to provide security after assessing the need and genuineness of the threat to any individual.”

[17]. The aforesaid judgment of the Hon'ble Apex Court was relied upon by the Division Bench of the Allahabad High Court in **Abhishek Tiwari vs. State of U.P. and others** passed in Misc. Bench No.10867 of 2021 decided on 04.08.2021. Para Nos.16, 17, 18, 19, 20, 29, 30 and 31 of the aforesaid judgment are necessary to be quoted hereasunder:-

“16. A large number of private persons are being provided personal security. Many would consider it a wastage of taxpayers' money. To a parliamentary question, Minister of State (Home) replied that security for the President, Vice-President and the Prime Minister was provided according to the 'Blue Book'. Though not stated in so many words, it was clear from the context that the security was given ex-officio, that is, by virtue of the offices they held. It was told that Union Ministers, State Chief Ministers and Judges of the Supreme Court and High Courts were provided positional/statutory security cover to facilitate impartial decision-making process. The security arrangements for other political personalities were made after careful assessment of the threats emanating from terrorists/militants/fundamentalists outfits and organized criminal gangs, and that the mechanics of security

arrangements was prescribed in the 'Yellow Book'. The degree of threat varies from individual to individual, depending on factors such as the nature of activities, status, and likely gains for the terrorists, etc. Accordingly, categorized security cover (Z+, Z, Y & X) is provided to them on the basis of gravity of the threat. Thus, threat perception is assessed on the basis of threats emanating from various terrorists, militants, fundamentalists outfits and organized criminal gangs for some work done by the protectees in their public life and, in national interest.

17. A person or political personality cannot claim security on the ground that he faces threats from his enemies because of some private dispute with them. There could not be any dispute about security for the President, Vice-President and Prime Minister, or Union Ministers, State Chief Ministers and Judges of the Supreme Court and High Courts, because they represent the core functioning and authority of the Indian State. There would be other political personalities, who hold public office and might have *यमेव* real threat from the terrorists/militants/fundamentalists outfits and organized criminal gangs for the work done or being done in the interest of nation by such political personality. These persons, on the basis of real threat perception, can claim security at state expense and, if they were to be harmed by such elements, it would affect the prestige of the government and authority of the State and, it would adversely create an impression in the minds of the people that if, the government cannot protect high dignitaries and, the people who work for nation and society, how would it ever protect the common men and, this would lead to the insecurity in the minds of the public in general and diminish

the State Authority. It would also make an impact on the decision making process impartially or boldly in detriment to the public and national interest.

18. *In a country governed by the rule of law and democratic polity, a class of privileged persons should not be created by the State. India got its written Constitution in 1950 and, as per the preamble, the goal of the Indian Democratic Republic is to secure justice to all citizens (socially and economically and politically) liberty of thought, expression etc. and equality of status and of opportunity. The State cannot be seen as creating a privileged class in the society as it would amount abdication of the very principle of justice and equality enshrined in the preamble of the Constitution. There may be cases where public interest demand to provide personal security but same should be done in a transparent and fair manner and, the State should be able to justify its decision if the same is challenged in the Court of law.*

19. *In the case of M.A. Khan Chaman v. State of U.P., 2004 SCC Online All 373 , it was said that the petitioner, M.A. Khan Chaman was not having a right to enjoy the privilege of security ad infinitum. The Court noted that on flimsily grounds people exercise undue influence and manage to secure gunners and security at State expenses and at taxpayers cost. In fact acquisition of a gunner has begun to be treated as a status symbol. This practice must be brought to an end. It has been further held that the security can be provided to an individual provided it is needed in fact and there is a threat perception to the life of the applicant or any of his family members.*

20. *Case of providing security should be decided*

objectively by the authority taking into account all relevant factors and security should not be provided merely to enhance the status of the applicant. The competent Authority would be required to review the threat perception from time to time. Whether the applicant would be required to pay the expenses of the gunner or not would depend upon the recommendation of the Reviewing/Assessing Authority.

21. *A person is entitled to get security as per the Government Order/policy if he comes within the parameters based upon the real threat perception.*

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29. *As a matter of principle, private individuals should not be given security at State cost unless there are compelling transparent reasons, which warrant such protection, especially if the threat is linked to some public or national service they have rendered and, the security should be granted to such persons until the threat abates. But, if the threat perception is not real, it would not be proper for the Government to grant security at the cost of taxpayers money and to create a privileged class. In a democratic country governed by rule of law and written Constitution providing security at State expense ought not to become an act of patronage to create a coterie of 'obliged' and 'loyal' persons. The limited public resources must be used carefully for welfare schemes and not in creating a privileged class. From a report of Bureau of Police Research and Development (BPR&D), police think tank of the Ministry of Home Affairs (MHA), more than 20,000 additional policemen than the sanctioned strength were deployed in VIP protection duty in the year 2019. As*

per the report, Data on Police Organizations, 2019, as many as 66,043 policemen were deployed to protect 19,467 Ministers, Members of Parliament, Judges, Bureaucrats and other personalities and, thus number is growing up in every year.

30. *In the case of Rajinder Saini v. State of Punjab and others, C.W.P. No.19453 of 2015 relying upon the judgment in the case of Ramveer Upadhyay v. R.M. Srivastava and others (supra), it was observed that the politicians and holders of party offices just to show their might were seeking security and, the same could not be provided merely on asking. If there is actual threat then only concerned authority can consider the case and make recommendation to the Government at their own level for providing security. The Court cannot determine as to whether the petitioner has any threat perception and required security urgently.*

31. *In the case of Randeep Singh Surjewala v. Union of India and others, CWP No.13266 of 2016 , the Punjab and Haryana High Court denied inclusion of Surjewala's name as a categorized protectee in the Central list in Delhi as there was no specific input regarding threat perception to him, either from any terrorist, militant, outfit or fundamentalist groups.”*

[18]. The norms and guidelines for granting security cover to individuals have been laid down in State Security Policy which has been notified by the respondent-State of Punjab on 02.09.2013 in view of directions issued by the Hon'ble Apex Court in **SLP No.25237 of 2010 titled 'Abhay Singh vs. State**

of U.P. and others'. As per State Security Policy, the police officers are recruited, trained and maintained at a huge cost to be borne by the taxpayers. These trained police officers/officials are to be deployed for the protection of the community. Provision for granting security covers of police officers to individuals for their protection at the cost of taxpayers has to be viewed as an exception and not as a rule. While exercising jurisdiction under Article 226 of the Constitution of India, this Court cannot substitute itself in place of the competent authority and cannot substitute its decision for that of competent authority in respect of threat perception entertained by a protectee or individual. The threat perception has to be real, based on intelligence reports from different quarters. The demand of security cannot be on the basis of displaying an authority of symbol or to flaunt the status as a very important person. No privileged class can be created on the State's expense by using money of taxpayers. Personal security cover cannot be claimed as a matter of right and in perpetuity. The security threat has to be assessed on the basis of intelligence inputs from different agencies and if the protectee has a real threat, his threat perception in the form of inputs can also be considered by the competent authority in order to rule out any such real threat if at all exists as per perception of the protectee. The view point of the protectee has also to be analyzed on the basis of defined

parameters as per State Security Policy. The reference can be made to the Division Bench judgment of this Court in **LPA No.2165 of 2017** titled '**Jaskirat Singh Chahal vs. State of Punjab and others**' decided on 28.03.2022.

[19]. The gravity of threat in view of prospective apprehension of an individual(s)/protectees has to be analyzed periodically by the competent authority in order to rule out any such unfounded apprehension or otherwise. The competent authority has also to analyze the material to be supplied by the protectee or individual, claiming security cover, enhancement in the security cover already provided in addition to the security cover already provided.

[20]. In the present bunch of cases, it is true that security is a State subject and the competent authority has to evaluate the threat, if any, faced or perceived by an individual/individuals and protectee(s). This exercise has to be left to the competent authority for making lawful assessment of threat on the basis of inputs to be provided by the State/Central agencies. The impugned action in withdrawing the security cover of the protectees in lots can be viewed from the view points of both the parties. One thing is common that after withdrawal of security cover by the State Security Review Committee on different occasions, the same has come under public domain and that

fact has aggravated the perceived threat of the protectees. The issue of analysis may give rise to a very subjective notion. The protectee having a security cover on being subjected to withdrawal of security cover may suffer at the hands of his enemies promptly or with the passage of time. This Court cannot lose sight of the fact that in a given case, de-categorization of security may sometime prompt the inimical anti-social elements to take drastic step to overcome the de-categorized security in order to attack the protectee. All these events are subjective in nature and no general opinion can be formed at this stage as the same is the State subject for which the competent authority is to form an opinion on the basis of different inputs.

[21]. In order to ward off the continued apprehension of the protectees in view of bringing the issue of withdrawal of security under public domain, this Court is of the opinion that the competent authority should make fresh assessment in respect of security threats of protectees after considering the available inputs from different agencies including State and Central agencies. The competent authority should also consider the inputs to be provided by the individuals/protectees by giving them adequate notice. The impression which has been given by bringing the impugned action under public domain can only be

cured by undertaking fresh security review in accordance with law and that too by appreciating and considering various inputs of the State and Central agencies as well as the inputs to be provided by the individuals/protectees at the time of such assessment.

[22]. For the reasons recorded hereinabove, I am of the considered opinion that the security covers of the protectees/individuals in the aforesaid bunch of writ petitions be analyzed afresh in terms of their threat perceptions on the parameters as laid down in the preceding part of the order and the existing security cover provided to the petitioner(s) /individuals/protectees even under the orders of the Court shall remain in force till fresh assessment is made by the competent authority. Qua the petitioner(s), who have not been provided any protection, the respondent-State shall form an opinion on the basis of threat perceptions of the individuals and shall act in accordance with law. Till such time, one security personnel shall be provided to them as well. The arrangement made vide order dated 22.07.2022 passed in one of cases i.e. CWP No.11114 of 2021 shall also apply in those cases as well.

[23]. The provision for security covers under the orders of the Court till fresh assessment to be conducted by the competent authority shall not be construed to be an opinion on

merits of individual cases. The interim arrangement shall remain in force specifically till fresh assessment is conducted as per State Security Policy without creating any equitable right of consideration in favour or against the protectees.

[24]. Let the needful be done by the competent authority at the earliest in an independent manner without being influenced by any fact statement recorded hereinabove.

[25]. With the aforesaid directions, all these writ petitions are disposed of. A photocopy of this order be placed on the files of connected cases.

August 22, 2022

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No

**(RAJ MOHAN SINGH)
JUDGE**

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