

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
Civil Appeal Nos. 18759-18761 of 2017
(arising out of SLP (C) Nos. 23984-23986 of 2017)

STATE OF JAMMU AND KASHMIR

Appellant

VERSUS

SUMIT NAYYAR & ORS.

Respondents

O R D E R

Delay in filing and refiling the special leave petitions is condoned.

Leave granted.

Despite service of notice, there has been no appearance on behalf of the respondents.

We have heard Dr. Rajeev Dhavan, learned senior counsel alongwith Mr. Shoeb Alam, learned counsel, appearing for the appellant.

Present appeals by special leave assail orders dated 14.3.2016, 28.11.2016 and 17.2.2017 passed by the High Court of Jammu and Kashmir. As the facts would reveal, certain public interest litigation petitions were filed, pertaining to the infrastructure of Courts. Another PIL petition was filed for granting general security in Courts.

It is submitted by Dr. Dhavan that as far as the general security in Courts is concerned, the State shall provide the same. As far as the direction to provide security to sitting Judges and the retired Judges, which includes the Chief Justices/former Chief Justices of the High

Court, former District & Sessions Judges and former Advocate Generals, the direction given by the High Court is absolutely broad and, therefore, requires to be modified. On a query being made, Dr. Dhavan said wherever there will be a threat perception, the Security Review Coordination Committee shall deal with the same and provide the security in accordance with the "Yellow Book".

In our considered opinion, the said Committee should review the entire scenario within a period of four weeks and do the needful, so that no one should feel that despite there being a threat perception, he has not been provided the security. We have stated this, as we are disposed to think that the High Court in a sweeping manner could not have issued such a direction to State Government to provide security to all categories. The entitlement of security has to rise on a specific principle and that principle is 'threat perception'.

In view of the above, the impugned orders passed by the High Court are modified to the extent indicated above. The appeals are accordingly disposed of. No order as to costs.

.....CJI.
[Dipak Misra]

.....J.
[Dr. D.Y. Chandrachud]

New Delhi;
November 14, 2017.

ITEM NO.8

COURT NO.1

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) Nos. 23984-23986/2017

(Arising out of impugned final judgment and orders dated 14-03-2016 in OWP No. 406/2004, 28-11-2016 in MP No. 2 of 2016 in WPPIL No. 38/2013 and 17-02-2017 in MP No. 1 of 2016 WPPIL No. 38/2013 passed by the High Court Of Jammu and Kashmir at Jammu)

STATE OF JAMMU AND KASHMIR

Petitioner(s)

VERSUS

SUMIT NAYYAR & ORS.

Respondent(s)

(IA No.77596/2017-CONDONATION OF DELAY IN FILING and IA No.77598/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.77597/2017-CONDONATION OF DELAY IN REFILING)

Date : 14-11-2017 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s)

Dr. Rajeev Dhawan, Sr. Adv.
Mr. M. Shoeb Alam, AOR
Mr. Fauzia Shakil, Adv.
Mr. Ujjwal Singh, Adv.
Ms. Priyanshi Jaiswal, Adv.
Mr. Rah US Tanwani, Adv.
Mr. Mojahid Karim Khan, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay in filing and refiling the special leave
petitions is condoned.

Leave granted.

The appeals are disposed of in terms of the signed order.

Pending interlocutory applications, if any, also stand disposed of.

(Deepak Guglani)
Court Master

(H.S. Parasher)
Assistant Registrar

(Signed order is placed on the file)