

SAKET STUDY CIRCLE
STUDY NOTES-03 of 2017
(31.05.2017 from 04:00 P.M. Onwards)

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| Topic of the day:- | Part-I:- Presentation on Standard Operating Procedure (SOP), formulated for Security of Saket Court Complex. Part-II:- Role of Local Commissioners for Recording Evidence as a Tool for Expeditious disposal of Civil Cases. |
| In chair:- | Ms. Asha Menon, Ld. District & Sessions Judge (South) |
| In co-chair:- | Mr. Girish Kathpalia, Ld. District & Sessions Judge (South-East) |
| Speaker of the day:- | Part-I - Mr. Surender, Junior Judicial Assistant, Security Cell, Saket Court Part-II- General Discussion |
| Vetted by:- | Ms. Vrinda Kumari, Spl. Judge, (PC Act) CBI (South)/ Nodal Officer, & Mr. Sushant Changotra, Metropolitan Magistrate (South)/Member, Saket Study Circle. |
| Rapporteur:- | Ms. Saloni Singh, Metropolitan Magistrate (Mahila Court)(South) Ms. Shriya Agrawal, Civil Judge (South-East) Mr. Mohit Sharma, Metropolitan Magistrate (Traffic) (South) |

This Session of the Study Circle had two parts. In the first part the Standard Operating Protocol for Security of the District Court complex as approved by the Security Committee Saket Court Complex was discussed. The protocol was presented by Sh. Surender, JJA in the Security Cell. In the second part of the Session, recording of evidence by the Local Commissioner as a step to expedite the trial of the old cases was discussed.

OPENING COMMENTS:

Ld. District & Sessions Judge, South District and Id. District & Sessions Judge, South-East District discussed the importance of recording of

evidence in civil cases by the Local Commissioner as one of the steps to expedite the trial of old cases. At the same time, it was also stressed that the judicial officer posted in Saket must be aware of the Standard Operating Protocol for security of the Saket Court Complex and the need for its constant monitoring and upgrading.

KEY POINTS:

PART - I:

PRESENTATION ON STANDARD OPERATING PROCEDURE (SOP) FORMULATED FOR SECURITY OF SAKET COURT COMPLEX

- AIM
 - This SOP for security of District Court Complex is formulated to ensure better co-operation and coordination between the different agencies responsible to maintain the premises, to fix their responsibility and to restrict/tackle any unwarranted incident in the Saket Court Complex.
 - Aim of today's presentation is to make familiar to the officers & officials who are directly or indirectly responsible for security of the complex with the aspects covered in the SOP
- ANNEXURES OF THE SOP

The SOP consists of Annexures 'A' to 'L' and aspects covered are :-

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| Management of periphery gates | - Annexure 'A' |
| Responsibility of opening/closing court rooms & branches | - Annexure 'B' |
| Management of basements of the complex | - Annexure 'C' |
| Management of lifts | - Annexure 'D' |
| Management of lights of the complex | - Annexure 'E' |
| Management of public announcement system | - Annexure 'F' |

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| Management of fire system | - Annexure 'G' |
| Communication & coordination among private security agency, police & security cell | - Annexure 'H' |
| Record of vehicles made forced entry in the complex | - Annexure 'I' |
| Responsibility of checking Delhi Police personnel at night | - Annexure 'J' |
| Protocol of command between agencies responsible for security of the complex | - Annexure 'K' |
| Vulnerable areas/ points of the Saket Court Complex | - Annexure 'L' |

• MANAGEMENT OF PERIPHERY GATES

Access control at periphery entry gates plays vital and significant role in the security of the Complex. Prime responsibility for management access control of periphery entry gates is of Delhi Police and security guards of the private security agency will assist in the management. Aspects covered in the sop are :-

- Responsibility for management of the gates
- Opening/locking time of the gates
- Responsibility of locking/opening the gates
- Management of keys of gates (record of key in/out to be maintained in a register by incharge Police Post, Saket Court Complex)

• MANAGEMENT OF GATE NO. 1

This gate is earmarked for entry of vehicles as well as employees of Court staff, other Govt. Organizations and private agencies working in the Court Complex. Highlights of this gate are :-

- Equipped with x-ray baggage scanner
- DFMD (Door Frame Mettle Detector) & HHMD.
- Inverted mirrors for checking of vehicles

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| Closing time | - | 7:00 PM |
| Locking time | - | 10:00 PM |
| Unlocking time | - | 8:00 AM |
- entry of identified/authorized vehicles is only permitted
 - prohibited articles not permitted

- MANAGEMENT OF GATE NO. 2

This gate is exclusively earmarked for entry of Advocates and their vehicles. Containers and bags of contractors/vendors working in Courts Complex are allowed entry through this gate. Highlights of this gate are :-

- Tunnel size x-ray baggage scanner for checking containers/bags
 - Hand Held Mettle Detector (HHMD)
 - Inverted mirrors for checking of vehicles
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| closing & locking time | - | 9:30 p.m. |
| unlocking time | - | 7:30 a.m. |
- entry of identified/authorised vehicles is only permitted
 - prohibited articles not permitted

- MANAGEMENT OF GATE NO. 3

This gate is earmarked for entry of litigants, common people and persons working in the Court Complex. This is exit gate for vehicles. Highlights of this gate are :-

- equipped with x-ray baggage scanner
 - DFMD (Door Frame Mettle Detector) & HHMD
 - Kept closed all time and opened in need only
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| locking time | - | 10:00 p.m. |
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- Entry of identified/authorised vehicles (pool car, ambulance) after 10:00p.m. is permitted through this gate and it will be entered in a register.
- Prohibited articles not permitted
- Entry of pedestrian after proper frisking by Delhi Police
- MANAGEMENT OF GATE NO. 4 & 5
 - These gates are earmarked as ceremonial gates and will be kept locked and will only be used/opened on the directions of district court administration.
 - Keys of both the gates will be kept with the caretaker.
- MANAGEMENT OF GATE NO. 6

This gate is earmarked for entry/exit of vehicles of judicial officers and VIPs visiting the court complex. Highlights of this gate are :-

- No security gadget held at this gate.
- Entry of judicial vehicles only after due identification/verification kept closed all time and opened in need only

locking time - 8:00 p.m.

unlocking time - 8:00 a.m.

- Entry of identified/authorised vehicles (pool car, judicial vehicles) after 8:00 PM is permitted and it will be entered in a register.
- Prohibited articles not permitted

- MANAGEMENT OF GATE NO. 7 & 8

These gates are for entry/exit of judicial officers and their vehicles residing in the judicial officers residential complex. Highlights of this gate are :-

- Entry of judicial vehicles only after due identification/verification
- Entry of guests after proper checking and entry in a register
- Kept closed all time and opened in need only
- Entry of stray dogs to be checked by security guard
- Entry of passer-by not allowed
- Proper record of persons visiting servant quarters in a register by Delhi Police

locking time - 10:00 p.m.

unlocking time - 8:00 a.m.

- MANAGEMENT OF GATE BETWEEN COURT & RESIDENTIAL COMPLEX

This gate will be managed by the security guard
Stray dogs will be checked.

passer-by will not be allowed.

locking time : 10:00 p.m.

unlocking time : 7:00 a.m.

- RESPONSIBILITY OF OPENING/CLOSING COURTS & ADMIN BRANCHES

- Courts Rooms:

Custodian of keys - caretaker

Record of keys in/out - register to be maintained by caretaker

Responsibility - chawkidar assist by supervisor & guard

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opening time - 7:30 a.m.
locking time - 5:15 p.m. or till the court is
working

- Record Rooms :

Opening/closing of record room will be managed by AO (Judicial) or senior most official, if AP(Judicial) is on leave but no relaxation in accountability

- Judges Chambers/Steno Rooms:

On disposal of the concerned Judicial Officer, responsibility may be assigned to officials posted in the Court, but not to chawkidar/security guard

- Other Common Rooms :

Seminar Hall, De-stress Room, Conference Room, Meeting Rooms and other common rooms to be managed by the Caretaker on directions/convenience of Judicial Officers

- Entry/Exit Gates of Court Building

Court Building Entry/Exit Gates will be locked/opened by the chowkidar as per the time prescribed in the SOP. Security Supervisor & Guard will assist him.

- MANAGEMENT OF BASEMENTS

Basement is a most vulnerable site for antisocial elements for sabotage of structure and also for hiding & planning overnight or days if not sensitized. All the basements viz. Court building, Lawyers' Block, Utility Block and Judges Residential Complex will be sensitized in the evening as well as in the morning by a team whose composition will be as under :-

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- Delhi Police personnel - to be detailed by the inspector, police post
- security supervisor - to be nominated by security cell
- security guard - to be nominated by the security agency
- timings for sensitization - given in the sop for each basement
- Record of checking will be maintained in a register formate given and it will be put up to the inspector security, police post daily by security supervisor and to the Officer in-charge (Security), Saket Court Complex on last working day of the month
- POINTS TO BE KEPI IN MIND WHILE SENSITIZING THE BASEMENTS
 - All rooms should be locked
 - Lift lobbies and stairs leading to Courts must be sensitized.
 - Dark corners should be searched by search light.
 - Unidentified vehicles to be reported to police post, Saket Court.
 - Garbage must not be accumulated there, if it is, report in writing to caretaker
 - any person will not stay in the basement without permission.
 - Anything which may be security hazardous will be reported to Police Chowki
- MANAGEMENT OF LIFTS OF THE COURT PREMISES
 - Lifts of the Court Complex are managed by the personnel of contractor engaged by the Executive Engineer (Electrical), PWD. Certain instructions for operation and maintenance of lifts to fix the

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responsibility in case there is any failure/happening are as under :-

- Responsibility of maintenance - Executive/ Asstt./ Junior Engineer(Electrical)
- Checking/keeping worthiness record - Asstt./Junior Engineer (electrical)
- Operational responsibility - Executive Engineer (Electrical)
- Lift operators to be deputed on all lifts during operational time.
- Cleanliness of lifts to be ensured.
- Safety/security of the items fitted inside the lift cabin to be ensured.
- Record of checking to be maintained by the PWD in a register as per format in the sop.
- Operational Timings of Lifts - as prescribed in the SOP.

Note : Lift Operators should be properly verified and their name and duty

Roster to be given to Caretaking Branch time to time by the PWD.

- MANAGEMENT OF PUBLIC ANNOUNCEMENT SYSTEM

- Through Public Announcement System important directions/instructions can be passed to all occupants at one and the same time whenever required, situation like fire hazard, attack by antisocial elements or situation warranting so.
- Responsibility of Maintenance - Executive/ Asstt./Junior Engineer(Electrical)
- Checking/keeping worthiness record - Asstt./Junior Engineer (Electrical)

(record of checking to be maintained by the PWD in a register as per format in the SOP)

- Checking :

Assistant Engineer/Junior Engineer (e) - Daily (between 8:00 a.m. to 9:00 am)

In-charge Police Post, Saket Court - first & fourth working day of week

Any member of Security Committee - every Friday

- Protocol for Making Announcement

- Chairman Disaster Management Committee/Security Committee or Senior most member of the aforesaid Committee will make necessary announcement through PA system with prior permission/intimation of the Id. District & Sessions Judge (South) or senior most Judicial Officer available in the Complex

- MANAGEMENT OF FIRE SYSTEM

- District Court Complex has an integrated Fire Management System which can control fire hazard in the complex, if it is kept in operational and worthy condition. some guide lines are laid to ensure its effective use in need.
- Control Room - Managed round the clock by PWD (Electrical)
- Responsibility of Maintenance - Executive/ Asstt./Junior Engineer(Electrical)

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- SCHEDULE OF CHECKING AND KEEPING RECORD:

- Personnel nominated by AE (Electrical) - daily 7:30 am to 8:00 am.
- Assistant Engineer/Junior Engineer (e) - First working day of week
- Any member of Security Committee - Surprise check any time
- Inspection by Delhi fire service Deptt. - half yearly (first week
July & Jan)

(Record of checking to be maintained by the PWD in a register as per format in the SOP)

- Command and control over the private security agency

- Private security agency is engaged for round the clock security of the Saket Court Complex. Certain aspects for command and control of the agency are covered in charter of duties formulated by the Id. District & Sessions Judge (South) vide order no. 41/2011 dated 30.09.2011. Responsibility of Caretaking Branch and security cell in relation to command and control on private security agency are :-
- Caretaking Branch - taking and maintenance of proper record of the attendance. Clearance of bills of the private security agency.
- Security Cell: screening and checking suitability of security guards as per terms & conditions of the agreement and PSAR Act 2005 & 2009.
- Deployment/rotation of guards for effective use.
- All operational aspects of the security agency.

- COMMUNICATION AND COORDINATION AMONG THE AGENCIES

- The agencies viz. Delhi Police, security cell and private security agency will share and communicate each and every development/problem/incident which concerns to the security of

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the Saket Courts Complex as and when required so that preventive/corrective measures can be ascertained timely. Mode of communication and responsibility for coordination amongst the agencies will be as under :-

- Communication - through mobile phone, walkie talki, inter-com or in person
 - Responsibility for Coordination amongst :-
 - Delhi Police - In-charge Police Post or Senior most Police person present
 - Security Cell - Nodal Security Officer/Branch in-charge
 - Private Security Agency - Security Officer of the private security agency
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- RECORD OF VEHICLES MADE FORCED ENTRY IN THE COMPLEX
 - It has been experienced/noticed that a few people did not cooperate with the security personnel deputed for checking of vehicles at entry gates and they do arguments/pass comments and even make forced entry in the Complex. To identify such offenders, there is a need to keep record of such persons for suitable action either by Saket Bar Association, Delhi Police or District Court Administration as the case may be.
 - In-charge of the gate (Delhi Police Personnel) will maintain a register for the purpose as per the formate given in the SOP.
 - This register will be put up to the Inspector Security, Police Post, Saket Court for suitable action against the offender.

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- RESPONSIBILITY OF CHECKING OF DELHI POLICE PERSONNEL ON DUTY AT NIGHT

- There is a Police Post established in the Saket Court Complex for round the clock security of the complex, but no officer is available in the complex at night to check and supervise the Delhi police Constable/Security Guards on duty. Therefore, responsibility for checking night duties in the premises is assigned as under :-

- SHO, Police Station, Saket.
- Duty Officer, Police Station, Saket or
- Any officer nominated by the DCP (South)
- Any officer/official nominated by the District & Sessions judge (south).
- In-charge Police Post Saket Court will maintain a register (as per formate given in the SOP) to keep record of checking of night duties which will be available at gate no. 3 of the periphery.
- This register will be put up to the officer in-charge security (Saket Court), nominated by the District Judge (South) once in a month or when required.

- PROTOCOL OF COMMAND BETWEEN THE AGENCIES RESPONSIBLE FOR THE SECURITY OF COMPLEX

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 - This register will be put up to the officer in-charge security (Saket Court), nominated by the District Judge (South) once in a month or when required.
- VULNERABLE AREAS/POINTS OF THE SAKET COURT COMPLEX
 - Unregulated entry/exit points of the basements at night. No barricade/door installed to close the entry/exit points of the basements of the Court building/Lawyers' Chamber Block & Utility Block.
 - Unverified persons of Canteen Contractor in Lawyers' Chamber Block. Persons of the contractor are unverified and are not issued any Identity Card by the Saket Bar Association and they are staying in the Complex overnight.
 - Verification of antecedents of persons staying in servant quarters. Antecedents of persons staying in the servant quarters are not verified and in this context SHO, P.S. Saket has also requested the RWA.

- Meager strength of Delhi police personnel for security of the Court Complex.
- Checking of vehicles at entry gates. Manual checking of the vehicles entering in the Court Complex is being done but it is insufficient and issue of installation of UVSS and RFID may be pursued.

• ENSUING PLANS FOR SECURITY OF THE COMPLEX

- Unregulated entry/exit points of the basements at night. Shutters installed to close the entry/exit points of the basements of the Court building/Lawyers' Chamber Block & Utility Block which will be made operational shortly.
- Checking of vehicles at periphery entry gates. Hon'ble BMCC (Saket Court Complex) has accorded approval for installation of under vehicle surveillance system (UVSS) and Radio Frequency Identification Device (RFID) at periphery gate 1, 2, & 3 and Executive Engineer (Electrical) is doing the needful for its installation.
- Introduction of entry pass system for all visitors and litigants. plan and model of entry pass system for Saket Court Complex was submitted to Hon'ble BMCC (Saket Court Complex) and it was also considered in the meeting held on 24.10.2016 and the committee was of the opinion :-
 - The lawyers should also be taken into consideration and a joint meeting should be held to introduce a uniform system in all the court complexes.
 - The committee will also visit the Saket Court Complex.

- ENSUING PLANS FOR SECURITY OF THE COMPLEX

- Raising height of the perimeter wall of the complex. The Hon'ble BMCC (Saket Court Complex) in the meeting held on 24.10.2016 has directed the PWD to raise the height 8 feet with uniformity, thereafter wire mesh tagged with concertina wire. the issue is with building maintenance cell, Saket Court.
- Installation of more CCTV cameras in the residential complex. Assessment of number of CCTV cameras to be installed to cover the whole complex and their locations is being carried out by the security cell and it will be submitted to the building maintenance cell very soon.

PART - II

"ROLE OF LOCAL COMMISSIONERS FOR RECORDING EVIDENCE AS A TOOL FOR EXPEDITIOUS DISPOSAL OF CIVIL CASES"

A wide range of issues relating to the recording of evidence by local commissioners in the civil cases were considered in a lively discussion. Various inputs and suggestions came up during the discussion. The protocol for expeditious disposal of cases in civil courts prepared by Sh. S.S. Rathi, Ld. ADJ, New Delhi District, Patiala House Courts was also referred to in the course of discussion.

It was discussed that in general, evidence may be recorded by the Local Commissioner in his Chamber or at any other place in the Court complex. He should use his own paraphernalia for the purpose of recording of evidence and taking print outs.

It was also suggested that the Local Commissioner may also be permitted to sit in the Court Room itself to record the evidence but only after the Court hours. It may be subject to mutual understanding of the parties and permission of the Court. It was further suggested that care must be taken that such recording of evidence within the Court room should not create any disturbance in the normal functioning of the Court. It was also discussed that to check the quality of evidence recorded, a date may be fixed between recording of PE and recording of DE. After recording of PE is complete, the Local Commissioner may be directed to report back to the Court. On the basis of the quality of work, the Court may consider recording of DE also by the Local Commissioner. It was further suggested that while recording the evidence, the Local Commissioner may exhibit all the documents sought to be proved by a party on record. The objection, if any, should also be recorded in detail by the Local Commissioner. The objection, however, shall be decided by the Court.

Regarding the requirement of the original file by the Local Commissioner for the purpose of recording of evidence, the order dated 21.07.2016 of Hon'ble High Court of Delhi in CM(M) 675/2016 titled as 'Ram Singh Soni vs. Raj Rani & Anr' was referred to wherein it has been observed :

"11. Hence, in view of the consent of the parties, the direction in the impugned order regarding the procedure to be adopted by the Local Commissioner for recording of evidence is partly modified. The Local Commissioner may summon the file if required by any of the parties for the purpose of recording of evidence/cross-examination. The file would be brought to the Local Commissioner by the concerned official from the court. The party requesting for the file would have to pay the costs involved for such summoning. The concerned official

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who takes the file would be entitled to a payment of Rs.750/- on account of reimbursement of expenses."

It was also discussed whether or not the Local Commissioner could insist upon a witness to answer a question in case he refuses to answer such question. It was suggested that the Local Commissioner should not insist upon such a witness to answer any question but may record the demeanor. In such a case, the Local Commissioner may record the question and refusal of the witness in writing. It was also suggested that to avoid such a situation, the Presiding Officer may call the file back from time to time to ensure overall supervision. The relevance or irrelevance of the question, however, would be decided by the Court.

It was discussed that the fee of the Local Commissioner may be a fixed one and not on hourly or day to day basis. The Court may decide the remuneration on the basis of the financial capacity of the litigants. It was discussed that such steps would go a long way in speedy disposal of the cases.

It was discussed that the Local Commissioner shall be bound by the provisions of the Code of Civil Procedure, 1908 and the directions of Hon'ble Superior Courts with respect to the basic principles required to be followed for recording of evidence as well as with regard to adjournments to be given.

The Session ended with thanks to the Chair.