

**Sr. No. 222**

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

**CWP No.23167 of 2015 (O&M)  
Date of Decision: 20.02.2019**

Balbir Singh Miani

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM:- HON'BLE MR. JUSTICE ARUN MONGA**

Present:- None for the petitioner.

Ms. Ambika Sood, DAG, Punjab.

**ARUN MONGA, J.(ORAL)**

Present writ petition has been filed for issuance of a writ in the nature of mandamus directing the respondents to forthwith restore the Security Cover, which was earlier provided to the petitioner.

2. Petitioner states that he is a former MLA and in the wake of grave and imminent threat to his life and liberty, he is vulnerable to attack by militants. Therefore, the Security Cover provided to him has been wrongly withdrawn.

3. Per contra, learned State counsel has drawn my attention to Notification dated 02.09.2013 (Annexure P-1). Whereby the Norms for providing the Security Cover to the persons under threat have been provided. She particularly relies on the head note "Positional Security" wherein it has been stated

that Positional Security would be removed on the completion of term or tenure of constitutional functionaries/public representatives. It shall not be extended beyond six months of completion of tenure or retirement unless the individual is facing an actual threat to his life on the basis of current threat assessment. In case of public representatives (MP/ MLA), such positional security, though on a reduced scale, can continue for a period of 3 to 5 years, on the basis of current threat perception.

4. Learned State counsel submits that the tenure of the petitioner, as MLA, finished in 2007. As per the Security Norms, a former MLA is entitled to positional security cover comprising of maximum of 2 PSOs for a period of 3 to 5 years. She states that thereafter the same can be provided on the basis of threat assessment only. She states that it is now almost 8 years since the term of the petitioner expired as an MLA. As per the affidavit dated 15.03.2016 filed by the Deputy Superintendent of Police, Security, Government of Punjab, there is complete absence of perception of any specific or imminent threat.

5. She further states that the petitioner even otherwise does not fall within the four corners of the Security Policy (Annexure P-1) and as such is not entitled for any Security Cover. She further relies on the reports received from the Intelligence Wing of Punjab which reveal that there is no threat to the life and liberty of the petitioner. She states that the security of the petitioner is being covered and shall continue to be covered by the local police by way of patrolling from time to time.

6. In view of the submissions of learned State counsel as noted above, I am of the view that no interference of this Court, under Article 226 of the Constitution of India, is called for.
7. Writ petition is, accordingly, dismissed.

20.02.2019  
vandana

(ARUN MONGA)  
JUDGE

Whether speaking/reasoned  
Whether Reportable

Yes/No  
Yes/No