



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

247

CWP-20505-2022 (O&M)

Date of decision: 27.09.2024

Rajinder Kaur Bhattal

...Petitioner

VERSUS

Union of India and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Anirudh Gupta, Advocate for
Mr. Amitabh Tewari, Advocate for the petitioner.

Mr. Satya Pal Jain, Addl. Solicitor General of India
(through V.C.) with
Ms. Saigeeta Srivastava, Senior Panel Counsel,
for respondent-UOI.

Ms. Niharika Sharma, AAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of the order dated 12.05.2022 vide which the office of the Additional Director General of Police (Security), Punjab has ordered to downgrade the security of the petitioner from category 'Z' to category 'Y'.
2. Learned counsel for the petitioner contends that the petitioner is a senior politician of the State of Punjab and was elected as a Member of Legislative Assembly from the Constituency of Lehra Gaga in 1992 and at that point of time the Khalistan Liberation Force was actively involved in



extremist activities. He submits that various incidents of violence took place in the State of Punjab and under the said circumstance, the petitioner assumed the post of Education Minister in the year 1994 and introduced major reforms in the educational system in rural areas of the State. It is further submitted that the petitioner was sworn as 1st Female Chief Minister on 21.11.1996 after the unfortunate killing of the then Chief Minister Sardar Beant Singh on 13.08.1995. During her tenure as Chief Minister, she received multiple threats as she was actively involved in tackling the terrorist situation in the State of Punjab and certain explosions also took place at the Lehra Railway Station causing death of 34 persons and injuries to 63 persons as well. Learned counsel for the petitioner argues that during the period from 1994 to 2017 there have been numerous terrorist incidents within and nearby the Lehra Gaga Assembly Constituency to which the petitioner represented and during the last 25 years, she has received multiple threat of elimination.

3. Considering the totality of circumstances, the Additional Director General of Police (Security), Punjab had directed that the 'Z' Category security be provided to the petitioner, however, the said security was downgraded from 'Z' Category to 'Y' Category vide memo No.19348-52/DDSB dated 12.05.2022. The petitioner submitted a representation to the Director General of Police, Punjab qua the need for upgrading her security to the security that has been already provided to her, however, the needful having not been done, the petitioner approached this Court.

4. A short reply by way of affidavit dated 15.03.2023 of Mr.



Satinderpal Singh, PPS, Assistant Inspector General of Police, Security, Punjab was filed wherein the respondent-State has averred as under:-

“3. That it is humbly submitted that the norms and guidelines for providing security to individual protectees have been laid down in the State Security Policy, which was notified by the Punjab Government on 02.09.2013, in pursuance of the directions of the Hon'ble Supreme Court in SLP No. 25237 of 2010 in case titled Abhay Singh v/s State of UP and others. The respondents are bound by the norms and guidelines laid down in the State Security Policy.

4. That the State Security Policy stipulates that "Police officers are recruited, trained and maintained at a huge cost borne by the taxpayer, and are, therefore, meant to be deployed for the protection of the community. Providing police officers to individuals for their protection at the cost of the taxpayer is not the function of the State or the government and that "personal protection at State expense was always meant to be an exception, and not the rule". Further according to the 'Yellow Book issued by the Ministry of Home Affairs, New Delhi, "The tendency to continue with security arrangements even in the absence of real threat should be avoided."

5. That according to the State Security Policy, personal security cover to an individual may be provided



either on the basis of position held by him/her or on the basis of an assessment of threat perception The evaluation of threat is carried out on the basis of an elaborate threat assessment exercise, which involves an objective appraisal of latest threat inputs received from the State Intelligence Wing, local police, and in certain cases, from the Central agencies as well. The office of the respondent i.e. Addl. Director General of Police, Security. Punjab, is the competent authority for carrying out assessment of threat perception and for the deployment/withdrawal of security cover accordingly.

6. *That a meeting of the State Protection Review Group was held on 29.04.2022, under the Chairmanship of Special DGP, Intelligence, Punjab, at Punjab Police Headquarters, Sector-9, Chandigarh, which was attended by the Special Director, Subsidiary Intelligence Bureau, Chandigarh, the Additional Director General of Police, Security, Punjab, the Additional Director General of Police, Internal Security, Punjab, and Special Secretary, Home Affairs & Justice, Punjab, to review the security categorization of the existing Categorized protectees (Z+, Z, Y+ and Y). The State Protection Review Group Committee has thoroughly discussed and decided that the security of the petitioner along with some others protectees has to be scaled down/de-categorized/up-grade on the basis of the latest threat*



perception inputs. In this meeting of the State Protection Review Group Committee the Security of 45 protectees was reviewed. Out of these 45 protectees the security of 06 protectees has been de-categorized, the security of 04 protectees has been scaled down (including the petitioner), and security of the 03 protectees has been scaled up due to threat perception. The petitioner was earlier "Y+" Categorized protectee and now her categorization has been scaled down by the State Protection Review Group. Now the petitioner is a "Y" Category protectee and as per norms of "Y" Category and threat basis additional security personnel (total 12) have already been provided to the petitioner i.e. Smt. Rajinder Kaur Bhattal.

7. *That now again fresh assessment of threat perception in respect of the petitioner has been carried out by the office of Additional Director General of Police, Security, Punjab, as per the guidelines prescribed in the State Security Policy. In accordance thereof, fresh threat perception reports have been obtained from the Under Secretary, Govt. of India, Ministry of Home Affairs, New Delhi, the State Intelligence Wing and the local police.*

8. *That an objective assessment and appraisal of latest threat perception reports obtained from the concerned quarters i.e. the Under Secretary, Govt. of India, Ministry of*



Home Affairs, New Delhi has stated that on account of her high political/public stature and political affiliation and prevailing Law & Order situation in the State, a general threat to her from his political rivals, various inimical elements, specifically from the extremists/fundamentalists and radical elements cannot be ruled out. The State Intelligence Wing has stated that the petitioner remained MLA, Constituency Lehra for five times and also remained as CM Punjab. She remained rhetoric against terrorism during militancy period in Punjab through media. According to the field unit report and office record, at present, there is no specific threat input Indicating any threat to the security of the petitioner from any terrorist/militant/gangster outfits operating in the country. However, being former CM, Punjab and her rhetoric stance against terrorism during militancy period in Punjab, threat to her from terrorist organizations cannot be ruled out. The Sr. Supdt. of Police, Sangrur has further stated that the petitioner is having residence in village Changaliwala. Chhajli-Lehra main road District, Sangrur and also has residence at Sector-8, Kothi No. 20. Chandigarh and house No. 17. Indrapuri Sirhind Road, Patiala. She belongs to family of freedom fighter. During Punjab Vidhan Sabha Election-2022 she contested as Congress candidate from Lehra Constituency and she has lost the election.



Furthermore, there is no specific threat from any terrorist separatists or from any gangster to the petitioner i.e. Smt. Rainer Kaur Bhattal. In view of the above, it is recommended to be provided security cover as per the norms to the petitioner.

9. *That according to the State Security Policy, personal security cover to an individual may be provided either on the basis of position held by her/him or on the basis of assessment of threat perception. Security cover beyond positional norms can be provided on the basis of the assessment of threat perception. The petitioner is now former CM, Punjab and in last Punjab Vidhan Sabha Election-2022, also she has again lost her seat from Constituency Lehra, District Sangrur. At present 12 security personnel are already deployed with her. The petitioner is "Y" Category protectee (norms of "Y" category is = 08 security personnel) and additional security has been deployed with her as per the basis of threat and are continuing with the petitioner. The petitioner is no longer holding the said elected position, due to the above mentioned reason the security cover of the petitioner has been reduced by the Competent Authority as per the security norms, which is within the framework of the State Security Policy and as per the guidelines of "Yellow Book." However, keeping in view the threat perception reports*



pertaining to the petitioner received from the Central Agencies, the State Intelligence Agency as well as local police, it has been decided by this office to reconsider the case of petitioner regarding enhancement/down grading of the petitioner's security in the forthcoming Protection Review Group meeting.

In the light of the above facts and circumstances, it is respectfully prayed that the present writ petition may kindly be dismissed / disposed, of in the interest of justice.”

5. Learned State counsel further informs that even though as per the aforesaid reply, the norms for ‘Y’ Category was 8 Security Personnel, however, additional 04 Security Personnel have been deployed with her and that the said security deployment is based upon an assessment of threat perception and is sufficient to counter any apprehension that the petitioner may have.

6. Even though the said reply was filed on 15.03.2023, however, no counter to the same has been filed. The above reply thus remains undisputed.

7. Based on the submissions from both parties, I find no basis to disagree with the competent authority's conclusions regarding the security needs of the petitioner. The authority conducted a thorough assessment of the perceived threats and concerns. Therefore, at this stage, there is insufficient material to reach at a different conclusion. Twelve security personnel have already been deployed with the petitioner and this Court does



not find any aggravated circumstances on the basis whereof conclusion can be drawn that the above security deployment is not sufficient to ward off any apprehensions the petitioner may have. Finding that the security arrangements made by the respondent-State is based upon objective appraisal of latest threat inputs received from various authorities, I feel that there is no arbitrariness in the action of the respondent-State and the decision is based upon the assessment of inputs and material available with them. Under the given circumstances, no further directions are required to be issued for up-gradation of security of the petitioner from ‘Y’ Category to ‘Z’ Category.

8. **The present writ petition is accordingly disposed of.**
9. The petitioner may, if so advised, submit any other material that she may have in her possession with the respondents to carry out an appropriate assessment thereof in accordance with law.

27.09.2024

Mangal Singh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(VINOD S. BHARDWAJ)

JUDGE