

(2018) 07 J&K CK 0071

In the Jammu And Kashmir High Court

Case No : Other Writ Petition No..653 Of 2018, Ia No.1 Of 2018

Taranjit Singh Tony @APPELLANT@Hash State Of Jammu & Kashmir And Other

Date of Decision : 19-07-2018

Acts Referred:

Citation : (2018) 07 J&K CK 0071

Hon'ble Judges : M. K. Hanjura, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

1. The grievance of the petitioner in this petition is that he legitimately expected that his security cover would be enhanced in a duly convened

Security Review Coordination Committee (for brevity to be called as SRCC hereinafter) based upon the inputs of the various field agencies and as a

matter of fact, there was a recommendation by the former Chairman of SRCC for placing the petitioner, a political person, in "X" category of the

protected persons but recently the present incumbent-the chairman, SRCC i.e. the respondent No.4 arbitrarily and illegally by a mere stroke of pen

without going into the inputs of the field agencies and after ignoring the recommendations of the former Chairman, SRCC directed the withdrawal of

the security cover of all the protected persons in Jammu including that of the petitioner. Although the formal orders are yet to be issued by the

respondents, yet the PSOs of the petitioner have been sounded by the security lines officer to report back for further duties, hence the Petition.

2. In the objections the respondents have resisted and controverted the petition of the petitioner on the grounds, inter alia, that the petitioner was

having security cover in the Shape of 02 PSOs (being provisionally categorized as X category protectee w.e.f. 12-08-2017) prior to SRCC meeting

dated 19-02-2018, wherein the case of the petitioner was discussed in light of the threat perception report received from CID Hqrs vide letter dated 27-09-2017, which revealed that the petitioner faces no threat. As such, the petitioner was not confirmed as X-category protectee by the said committee. Moreover, it is submitted that the security cover by the Security Wing is provided to an individual on the basis of threat assessment reports as per the guidelines of Ministry of Home Affairs, Govt. of India, as laid down in Yellow Book (Classified document) and merely being in politics or contesting elections does not entitle an individual for security cover, in absence of any threat.

3. Heard the Ld. Counsel for the petitioner and considered.

4. Looking at the set of facts as projected by the petitioner in his petition what can be said at the outset is that the petition of the petitioner is bereft of any substance and devoid of merit. It is within the area and authority of the SRCC to assess and evaluate the threat perception meted out to a particular person and to take a policy decision accordingly based on the inputs received from the agencies. Such a decision of the SRCC is not amenable to the writ jurisdiction of the court for the simple reason that it is not within the domain of and power of this court to sit on the policy evolved on the subject and devise a substitute to it. It is the SRCC that has the expertise to delve and trowel on such a Question and this court does not have the dexterity, ability and the teeth to do so. It is the absolute prerogative of the SRCC to screen each and every case referred to it and to find out whether any security cover is required to be extended in such cases depending upon a variety of factors to be considered by the SRCC.

5. In view of the preceding analysis the writ petition along with the connect MP and the contempt petition do not have any merit in them.

These entail dismissal and are accordingly dismissed.Â