

STANDARD OPERATING PROCEDURE (SOP) FOR ISSUANCE OF RFID CARDS TO LEGAL FRATERNITY IN THE STATE OF MADHYA PRADESH

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A BRIEF BACKGROUND, AND THE NEED FOR AN SOP

The recent attack on an undertrial inside a Trial Court in Rohini (Delhi) by two assailants dressed up as Advocates, is a harbinger of our worst nightmare coming true. Similar attacks have taken place, several times in the District Courts in Madhya Pradesh where security and security consciousness is zero. The difference between the incidents that have taken place in our District Courts and the Rohini episode is the manner of execution. In MP, the assailants enter the District Court complex as members of the public and execute their plan. In Rohini, the assailants entered as Advocates, and that made all the difference.

“Advocates, the Print spoke to said there is no frisking at the entry points, ID cards are not checked, cars are not inspected and the metal detectors don’t work. All one needs to enter the premises is a black coat and a white shirt...” (extracted from the Print from an article on the Rohini incident).

As in the past, our wisdom dawns *ex post facto*. It is in this backdrop that we feel it is essential for the courts in Madhya Pradesh to introduce an RFID based identification system for Advocates, which can verify their identity seamlessly, without necessitating them to stop and prove their credentials while entering the court premises. This SOP is being drawn up to put in place a discipline to be followed by the learned members of the legal profession so as to ensure their own safety and security and also assist in making the courts a safer place. The security of the Courts can be described in alliterative phraseology as the 3P’s; **Perimeter, Proximate and Personal.**



Perimeter security deals with the first stage where the probable assailant is attempting to enter the Court premises. **Proximate security** is the second stage where the assailant has breached the first stage and has access to the court complex. **Personal security** deals with the security of the judge and the staff inside the Court room which is provided with an armed PSO for the judge, if need be. In this SOP we are only concerned with the first stage i.e., Perimeter security.

As a precursor to the SOP, a meeting of the Special Committee, headed by Honourable the Chief Justice, Shri Justice Mohammad Rafiq, constituted to oversee the matter relating to security in Court premises was held on 28.9.2021 with the stakeholders, through video conferencing. The meeting was attended by Honourable Shri Justice Prakash Shrivastava, Honourable Shri Justice Sheel Nagu, Honourable Shri Justice Sujoy Paul, Honourable Shri Justice Rohit Arya, Honourable Shri Justice Atul Sreedharan, Honourable Shri Justice Vivek Rusia, Honourable Shri Justice Vijay Kumar Shukla and Honourable Shri Justice Rajeev Kumar Shrivastava. The following representatives of the Bar Associations and office of the Advocate General also attended the meeting through Video Conferencing mode.

- Dr Vijay Chaudhary, Chairman, State Bar Council of Madhya Pradesh;
- Mr R.K. Verma, Additional Advocate General of the State of Madhya Pradesh, Jabalpur;
- Mr Ankur Modi, Additional Advocate General of the State of Madhya Pradesh, Gwalior;
- Mr Raman Patel, President, M.P. High Court Bar Association, Jabalpur;
- Mr Manoj Sharma, President, High Court Advocates Bar Association, Jabalpur;
- Mr Veer Kumar Jain, Convener, High Court Bar Ad-hoc Committee, Indore;

- Mr M.P.S. Raghuvanshi, President, M.P. High Court Bar Association, Gwalior;
- Mr Aditya Adhikari, Secretary, Senior Advocate's Counsel, Jabalpur;
- Mr Harpreet Singh Ruprah, Secretary, High Court Advocates Bar Association, Jabalpur;
- Mr Manish Tiwari, Secretary, High Court Bar Association, Jabalpur;

There was consensus in the meeting with regard to the implementation of the system of RFID card for the Advocates and the Court staff.

SOP FOR THE MADHYA PRADESH STATE BAR COUNCIL

- (1) The Madhya Pradesh State Bar Council (hereinafter referred to as Bar Council) shall be the sole authority to issue personal RFID cards to the Advocates on their rolls.
- (2) Bar Council shall, at the earliest, prepare a computer sheet based integrated application form for personal RFID. The application shall be simple but require mandatorily, details relating to (a) the name and parentage of the applicant, (b) the registration number of the applicant with the Bar Council, (c) his/her mobile number, (d) his photograph and (e) address proof.
- (3) The completed form shall be entertained by the Bar Council only if the application is verified by the Bar Association of which the applicant is member and endorsed by the authorised office bearer.
- (4) The Bar Council shall make arrangements to receive the digital copy of the completed application form through e-Mail and/or a mobile app, compatible with both android and iOS operating systems.
- (5) A machine generated receipt with a reference number shall be issued to the applicant for follow up.

- (6) The application shall be verified by confirming the identity of the applicant by ensuring that the name, photograph, registration number and parentage of the applicant are synchronised with the data available with the Bar Council.
- (7) After verifying the identity of the applicant, the Bar Council shall issue the RFID card (personal) to the applicant upon payment of such fees as may be determined by the Bar Council.
- (8) Once the card is issued in favour of the applicant, the registration number of the applicant must be blocked to prevent the issuance of a second RFID card, unless loss or damage to the card is reported to the Bar Council by the applicant and he/she applies for a fresh RFID card.
- (9) The Bar Council shall have a helpline number dedicated to report issues relating to the RFID card, including loss or damage to the card.
- (10) In the case of a loss or damage to the card being reported, the Bar Council shall take immediate steps to permanently block the RFID card issued to the applicant reporting loss or damage.
- (11) All future applications for registration with the Bar Council, an ID with integrated RFID (personal) may be considered as suggested by Justice Prakash Shrivastava.
- (12) See S. No. 3 of "SOP for Vehicles".

SOP FOR THE ADVOCATES

- (1) The advocate shall fill up the application form given by the Madhya Pradesh State Bar Council for the purposes of getting the RFID cards.
- (2) The information given in the application form must be endorsed as correct by President of Bar Association or authorised office bearer after verification with Membership Register.



- (3) The completed applications to be uploaded through e-mail/mobile app as provided by the State Bar Council.
- (4) The receipt and registration number to be retained by the advocate till he receives the RFID card.
- (5) The RFID card issued to an advocate is non-transferable and entry into court premises without the RFID card would necessitate physical frisking of that Advocate to which he shall not object and he shall have to produce his identity card issued by the State Bar Council. In such situation, the production of the identity card is in addition to the physical frisking by the security staff from which the advocate shall not be exempted if he seeks entry into the Court premises without the RFID card issued to him.
- (6) Advocates from outside the State, who are to appear before the courts in Madhya Pradesh, if engaged by a local Advocate with an RFID card, shall also be extended the privilege of entry into the court premises without physical frisking, upon being so identified by the local Advocate. However, an entry of the outstation Advocate shall be made by the security staff at the point of entry in the Register maintained for the purpose.
- (7) Outstation Advocates, who are engaged by the local clients and who cannot be identified by a local Advocate, will be physically frisked by the security staff at the entrance.
- (8) Loss of or damage to the RFID card (personal or vehicle) shall be immediately intimated to the State Bar Council on its helpline so that the lost card can be disabled.
- (9) The advocate applying for RFID card shall bear the cost of the card as may be determined by the Bar Council of Madhya Pradesh from time to time.



SOP FOR HIGH COURT, DISTRICT AND TAHSIL BAR ASSOCIATIONS

- (1) When the completed forms are placed before it, the office bearer concerned of the Bar Association shall verify its details and endorse the same with his signature and official seal. The endorsement by the Bar Association shall mean that the application has been verified at its level and the details given therein are found to be correct and that the applicant is indeed a member of the local Bar Association.
- (2) After uploading the digital version of the application form (by the applicant), the physical form shall be retained by the local Bar Association for one year.

SOP FOR VEHICLES

- (1) Recognised Bar Associations by the Bar Council shall be sole authority to issue vehicular RFID cards to its member advocates registered with the Bar Council of Madhya Pradesh for vehicles.
- (2) Only vehicles registered in the name of Advocates or his family members *i.e.* wife, son or daughter will be eligible for issuance of RFID stickers.
- (3) Only vehicles having RFID stickers will be allowed entry into designated parking area for Advocates in the court premises.
- (4) Application on computer forms issued by the Bar Association for vehicle sticker RFID shall be filled up by the advocate. The form should provide options for four-wheelers and two-wheelers. The design of the RFID stickers would be different in both the cases. Along with the application form, the copy of the registration card of the vehicle showing the same to be registered in the name of the advocate or his family members *i.e.* wife, son or daughter along with the advocate registration number with the Bar Council will also be submitted.

(5) At the entrance gate for vehicles, automatic boom barriers shall be fixed (with manual override by security) providing for seamless entry of vehicles having the RFID stickers.

(6) Advocates whose vehicles bear the RFID stickers shall ensure that the vehicle is not borrowed by anyone, except on days when the court is closed or after the court-working hours.

(7) If non-advocates are passengers in the vehicles of the advocate with RFID sticker, it shall be the duty of the advocate possessing the RFID card to record the names of such persons in the relevant Register at the entrance so that they may be physically frisked.

(8) Electric vehicles (mostly scooters with motors of less than 250 watts of power) **which do not require registration**, do not qualify for RFID stickers and shall not be permitted into the Court premises and shall be parked outside the Court perimeter in such places designated for it. However, electric vehicles with registration numbers qualify for issuance of an RFID sticker and requirement in S. No. 3 shall be applicable.

(9) Advocates coming on bicycles shall not require an RFID sticker on their bicycles but entry of bicycles into the Court premises of such Advocates shall only be after the bicycle is checked (especially under the saddle) by the security staff.

SOP FOR EMPLOYEES OF THE HIGH COURT AND DISTRICT COURTS

(1) The Registrar General of the Madhya Pradesh High Court shall be the sole authority to issue RFID cards and vehicle stickers to the employees of the High Court for the Principal Bench at Jabalpur.

(2) The Principal Registrar of the Benches at Indore and Gwalior respectively shall be the authority to issue RFID cards and vehicle stickers to the employees of the Bench at Indore and Gwalior respectively.

(3) The RFID cards (personal) shall be issued to all employees on the rolls of the High Court, without the requirement of an application.

(4) The RG's office shall maintain a record of the RFID's issued to all the employees of the High Court at the Principal Bench and the Principal Registrars of the benches at Indore and Gwalior shall maintain a record likewise. They shall also maintain a permanent help line number for issues relating to the RFID cards.

(5) The District Judge shall be in charge of issuing the RFID cards to all the employees of the District Court and the Tahsil Courts. The DJ shall maintain a record of those receiving the RFID cards.

(6) "SOP FOR VEHICLES" will apply *mutatis mutandis*, to the employees of the High Court and the District Courts. Applications will be addressed to the RG, the Principal Registrar at the benches and the District Judge. S. No. 3 of SOP for Vehicles be strictly complied with before issuing the RFID sticker for vehicles.

(7) In cases of loss or damage to RFID card (personal or vehicle) the employee shall forthwith inform the loss of or damage to the card on the helpline number to disable the card.

(8) The benches shall also make provision for issuing temporary RFID cards for three months to interns/law clerks posted at the various courts.

SOP FOR SUBORDINATE COURTS

(1) The SOP made by the High Court of Madhya Pradesh shall be *mutatis mutandis* applicable to all the stakeholders of the subordinate Courts.

(2) Each Principal District Judge/ Principal Family Court Judge/ Senior most Judge of the respective districts/Tahsils

shall have exclusive authority to take decision as per the requirement of the place & situation subject to following SOP.

- (3) All the stakeholders of judicial fraternity shall adhere to the strict compliance of SOP.
- (4) Each Principal District Judge/ Principal Family Court Judge/Senior most Judge of the respective districts/Tahsils shall nominate responsible staff members to oversee the safety norms by carrying regular inspection on daily basis in their respective Court premises.
- (5) All the judicial officers of subordinate Courts shall ensure that advocates and the staff members practising/working in their courts adhere to this SOP.
- (6) Each Principal District Judge/Principal Family Court Judge/Senior most Judge of the respective districts/Tahsils shall ensure adherence of SOP by Bar Association of the respective districts.
- (7) The entry of all the Advocates/litigants in the Court complex will be permitted with due observance of SOP.
- (8) The Principal District Judge/Principal Family Court Judge/Senior most Judge of the District/Tahsil Court shall allocate designated place for parking of Advocate's vehicles.
- (9) The Court premises including Bar Association building/chambers shall remain open on all Court working days between 09:30 AM to 06:30 PM only or subject to the orders of the Principal District Judge/Principal Family Court Judge/Senior most Judge of the District/Tahsil Court.
- (10) Each Principal District Judge/Principal Family Court Judge/Senior most Judge of the respective districts/Tahsils shall ensure the compliance of SOP with the help of Chief Judicial Magistrate and District Registrar of their respective districts.



(11) Each Principal District Judge/Principal Family Court Judge/Senior most Judge of the respective districts/Tahsils shall define the entry & exit gates and shall also regularly supervise the proper functionality of security set up which shall be as under:-

- (i) The Advocates are requested to carry their RFID at the entry point positively;
- (ii) Each entry & exit doors shall have metal detectors installed. No person shall be permitted to enter inside the Court premises unless screened through metal detectors.
- (iii) All the articles carried by Advocates/litigants/police personnel/staff or any other person shall be screened through radio x-ray screening machine.
- (iv) Apart above, no person shall be permitted to enter the Court premises unless identified either by the Advocate or any other authorized person.

For smooth implementation of SOP following measures are recommended:-

- Boundary walls of height around 7-8 feet with barbed wire should be constructed around the outer periphery of Court campus. Watch tower should also be constructed on boundary walls.
- Special security forces as CISF etc. should be deployed at the district Court premises as well as at residential accommodations of judicial officers.
- Police outposts/chowkies with skeleton armed police personnel should be set up in every court premises.
- Watch towers with sufficient height should be erected in the High Court campuses at Jabalpur, Indore and Gwalior and also in all the District Court premises.
- CCTV cameras should be installed at Court campus with centralized control & monitoring system.

- Cloakrooms should be made and provided to the litigants & police personnel for depositing their firearms and other articles before entering into the Court campus.


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