

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO. 23 OF 2015

Bombay Lawyers' Association. .. Petitioner
Vs
State of Maharashtra and Others. .. Respondents

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Shri Satyaparakash Sharma i/b Abdi & Co for the Petitioner.
Ms. Geeta Shastri, Additional Government Pleader for the Respondent
Nos.1 and 2.
Shri Sudam Kale for the Respondent No.3.
Shri S.M. Kamtam for the Intervenor.
Ms. Ranjan J. Rajgor for the Intervenor.
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CORAM : A.S. OKA & P. D. NAIK, JJ
DATED : 22ND MARCH 2016

PC.

1. Heard learned counsel appearing for the Petitioner, the learned counsel appearing for the Bar Council of Maharashtra and Goa and the Intervenor. The only substantive prayer in this PIL is prayer clause (a) which reads thus:

“(a) This Hon'ble Court be pleased to issue appropriate writ or direction or order to the Respondents to make provision for Bar Room with Law Library for the use of all advocates without any restriction, in the building of the all Courts in Maharashtra with fixture, furniture and other infrastructure and its maintenance out of State funds.”

2. The Petitioner is relying upon the representation dated 1st July 2014 submitted by it to the Secretary of Law and Justice Department. The contention of the Petitioner appears to be that in the Bar Rooms in every Courts in the State, entry of every member of the Bar who is not a member of the concerned local Bar Association should not be restricted. The other grievance seems to be that the members of the Bar who are not the members of the concerned Bar Associations are very often denied the use of library facility available in the Bar Rooms.

3. There is no specific grievance made in this Petition that a particular member of the Bar was denied an entry in any Bar room on the ground that he or she is not a member of the local Bar Association or a member of the Bar practicing in that particular Court. If there are cases where members of the Bar are denied entry in the Bar room on the ground that they are not the members of the local Bar Association, the Petitioner is free to make a representation to the appropriate authority pointing out the specific instances.

4. As far as the Bar library is concerned, the contention of the Petitioner seems to be that every member of the Bar must be permitted to use the facility of the Bar library in each Court free of cost. Maintenance of the library involves a lot of cost. Law books and law reports are costly. The library is required to have computers, printers

as well as copying machines. Even procurement of periodical updated versions of legal software involve lot of cost. Therefore, no member of the bar can claim a right to have library facility free of cost in every Court.

5. The learned counsel appearing for the Bar Council of Maharashtra and Goa has tendered a copy of the Government Resolution dated 12th August 2014 which provides that out of the funds available at the disposal of the members of the Legislative Assembly, every year, fund of Rs.50,000/- will be provided to the lawyers' library in the District and other Courts. It provides that the fund of Rs.2,00,000/- every year shall be provided to the Advocates' library in the High Court. It appears that certain funds are being made available from the funds at the disposal of the members of the Parliament.

6. A writ of mandamus as prayed for cannot be issued. At this stage, the Intervenor contend that there are instances where in some Bar rooms, the staff/employees of the Bar Associations deny the entry to the Bar rooms to members of the Bar on the ground that they are not the members of the local Bar Association. No Bar Association can deny entry to any member of the Bar in the Bar room on the ground that he or she is not a member of the local Bar Association. If there are specific instances of members being denied entry in the Bar rooms on the

ground that the concerned member of the Bar is not a member of the local Bar Association, the Petitioner is free to make a representation to the appropriate authority of the Bar Council of Maharashtra and Goa. If the entry of an Advocate is prevented by other members of the Bar Association, such aggrieved member can always approach the Bar Council of Maharashtra and Goa which can take an appropriate action.

7. Subject to what is observed above, no relief can be granted to the Petitioner. The Petition is disposed of accordingly.

(P. D. NAIK, J)

(A.S. OKA, J)