

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL SUO MOTU PUBLIC INTEREST LITIGATION NO.1 OF 2015

High Court on its own Motion.	..Petitioner
Vs.	
The State of Maharashtra & ors.	..Respondents

None for Petitioner.

Mrs. P.P. Shinde, APP for the State.

Mr. Shehzad Naqvi, for the Respondent No. 4.

Ms. K.V. Mirza, for the Respondent No. 6.

Mr. S.J. A. Nadeem a/w. Mr. S.K. Ali i/b. A. Siddiqui, for the Respondent No. 22.

**CORAM : R. M. SAVANT, J &
SMT.SADHANA S. JADHAV,J
DATE : 24th JULY, 2017**

P.C.

1 In pursuance to our Order dated 3/7/2017, learned APP Mrs. Shinde has submitted the report of the Additional Commissioner of Police, South Region, Mumbai. The said report was directed to be submitted in the context of the children participating in the Muharram Procession and causing injury to themselves. We had therefore, directed the Additional Commissioner, South Region to call a joint meeting of the concerned, so that the Muharram Procession is completed without any such incident.

2 To the said report is annexed the letter dated 24/1/2017 of the Special Inspector General of Police, Law and Order. In the said letter, the instructions to the Police Commissionerates and the Superintendents of Police as regards the conditions which can be imposed whilst granting the permission for Muharram procession have been mentioned.

3 In the body of the report reference is made to the letter dated 24/1/2017 containing the instructions to all the Police Commissionerates and the District Superintendents of Police. In the said report, it is mentioned that a meeting was held on 8/7/2017 of the leaders of Shia Sect to consider the issue of children taking part in the Muharram Procession and the issue of injuries inflicted upon the children was discussed. It is mentioned that the said leaders have agreed that the children would not injure themselves by sharp weapons and various precautions would be taken for the safety of children so that the children are not injured.

4 The said report thereafter refers to one more meeting held on 21/7/2017 with the members of the Shia Sect and more especially the All India Idara-e-Tahafuz-e-Hussainiat and it was assured in the meeting that the Muharram Procession will be performed peacefully. In paragraph-5 of the report, the important points that was discussed and agreed upon in the meeting have been mentioned. The same are to the following effect :

- (i) Minors (Children) will not be allowed to carry out any weapons or other sharp objects in the procession
- (ii) Minors will not be forced to injure themselves while participating in the procession.
- (iii) Nobody else in the procession shall injure children participating in the Muharram Procession.
- (iv) Cooperation of the members of Shia Sect will be given as and when necessary.
- (v) Necessary precautionary measures will be taken in the Muharram Procession.
- (vi) Law and Order will be maintained during the Muharram Procession.
- (vii) Muharram Procession will be video-graphed from start to end.

5 The said report therefore, discloses that the Additional Commissioner of Police, South Region has had a meaningful and fruitful discussion and interaction with the leaders of the Shia Sect represented by All India Idara-e-Tahafuz-e-Hussainiath.

6 We hope and trust that the commitment given by the leaders of the Shia Sect would be adhered to at the ensuing Muharram, as also the Muharrams in the future.

7 We direct the Additional Commissioner of Police, South Region, Mumbai to personally supervise Muharram Procession and see to it that the commitment given by the leaders is put into actual practice.

8 For the future Muharram procession, the instructions given vide clause (5) of the letter dated 24/1/2017 of the Special Inspector General of Police, Law and Order be made part of the application form for the Muharram Procession.

9 We make it clear that the aforesaid directions ought not to be construed as any impediment for the children to participate in the Muharram Procession, which would be undoubtedly subject to the safeguards as above.

10 The above Criminal Suo Motu Public Interest Litigation to accordingly stand disposed of. The report of the Additional Commissioner of Police, South Region is taken on record and marked as X for identification.

[SMT.SADHANA S. JADHAV,J]

[R.M.SAVANT, J]