



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**CRIMINAL SUO-MOTO PUBLIC INTEREST LITIGATION NO.
NO.1 OF 2024**

Through Amicus Curiae

...PETITIONER

VERSUS

The Union of India
and others.

...RESPONDENTS

...

Mr. Aniruddha A. Nimbalkar Advocate, Amicus Curiae for
Petitioner.

Mr. A.G. Talhar, D.S.G.I. for Resp. Nos. 1 and 2.

Mr. A.B. Girase, Public Prosecutor for Resp. Nos. 3 and 4.

Mr. A.B. Kadethankar Advocate for Resp. No.5.

Mr. V.D. Salunke Advocate for Resp. No.6

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**CORAM: SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATE OF RESERVING ORDER : 17th FEBRUARY 2025

DATE OF PRONOUNCING ORDER : 21st FEBRUARY 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Respondent No.6 has filed affidavit-in-reply as directed in the order dated 9th January 2025. It is sworn by Chairman of the Bar Council of Maharashtra and Goa, Mr. Sangram Dattatraya Desai. The Bar Council has given its own suggestions while

supporting the cause of the Public Interest Litigation. The important suggestion is that not only to the Courts in the Maharashtra the security should be provided but it should be to the other Tribunals also which are functioning in the State. Further, there is also a suggestion of installation of CCTV cameras in the Court premises as well as the Court Halls which will then reduce the unwarranted incidences in the Court Halls. It is also highlighted that the protection of the Court Officers and the Court property is the mandatory duty of the State and also providing the modern machinery like walkie talkies to the police personnel. Supply of body scanner facility and scanning machines at the entrance should be made compulsory. Such facility is functional at the Principal Seat of this Court. An incident is also quoted when a big knife could enter the Court building though the scanning machine was installed.

2. We have further heard the matter, especially the learned Public Prosecutor, who has stated that in view of the directions given by this Court in the order dated 9th January 2025, a meeting was held at the Secretary level, on 21st January 2025. It was attended by Mr. Anup Kumar Singh, Principal Secretary (Special), Home Department and Smt. Kewale, Principal Secretary, Law and Judiciary Department. The minutes of the

meeting are provided, wherein it is stated that the Government is duty bound to provide security to all the Courts in the State and to supply the basic infrastructure for the security. It is then stated that whatever expenditure that would be incurred and the availability of the funds would be considered by the Home Department as well as the Law and Judiciary Department, however for that purpose the basic information/data would be made available by the Law and Judiciary Department. Home Department, Law and Judiciary Department and Director General of Police, Maharashtra State, Mumbai would take up the issue of inspection of Courts from the security point of view and reporting of the same to the State. In pursuant to the said decision in the meeting dated 21st January 2025, letter has been issued to the Director General of Police (DGP), Maharashtra State, Mumbai for directions to be given to the Police Commissioners and District Superintendent of Police throughout Maharashtra to conduct security audit in respect of all the Court premises and residential premises provided to the Judicial Officers. All the data has been directed to be collected regarding need of the security personnel and other measures and to submit a report to the Government on or before 7th February 2025. However, it appears that no such report has been submitted till we heard the matter. Of course, it

is a big task and could not have been conducted within the period of seven days. Learned Public Prosecutor, upon inquiry, submits that the Government has not given him instructions as to whether the report has been submitted by the DGP to the Government till 7th February 2025 or not.

3. Further, it appears that another letter came to be issued by the Law and Judiciary Department on 14th February 2025, to the Registrar General of this Court informing him about the minutes of the meeting dated 21st January 2025 and requesting him to issue directions to all the Courts in the State that they should co-operate the Police Commissioner/District Superintendent of Police in the inspection/security audit.

4. Learned Advocate Mr. Kadethankar appearing for respondent No.5 i.e. this Court through the Registrar General, is pointing out compliance report cum additional reply on behalf of respondent No.5 i.e. affidavit of Mr. Dhananjay Deshpande, Registrar (Legal and Research), High Court, Bombay. However, it is to be noted that it is filed before the issuance of letter dated 14th February 2025, by the Law and Judiciary Department. He has not made a statement that the Registrar General, in

pursuant to the said letter dated 14th February 2025, has given directions to all the Courts.

5. Thus, taking into consideration all these facts, it appears that various departments are involved in the entire process and therefore, there has to be a co-ordination between them. Necessary data will have to be made available, then only the ultimate result would be achieved.

6. Now in his additional reply, the Registrar (Legal and Research) has given the data from City Civil and Sessions Court and Court of Small Causes, Mumbai. This is in pursuant to the order passed by this Court dated 9th January 2025. Taking into consideration the said data, it appears that there is no sanctioned strength of the security personnel with City Civil and Sessions Court, Mumbai. Further, as per the strength of police personnel which are made available at City Civil and Sessions Court, Borivali Division at Dindoshi, Mumbai, we hope that the said security which is made available, is working twenty four hours in shifts, as the said data is not clear on that point. It appears that the Chief Judicial Magistrate Courts in Mumbai i.e. throughout Mumbai at different places are in better position

where all armed constables have been deployed. However, no security appears to have been given at Dadar Nyaymandir Court, which is in rented building. Whatever security is stated to be provided there, is too short and the suggestion that has been given is that they require 312 security personnel through Maharashtra State Security Corporation and the said proposal is pending with the Government. Everywhere suggestion is for better security.

7. Thus, we have further noted that there is need for strengthening the security at different Courts throughout Maharashtra.

8. At the cost of repetition, we would like to say that the security will have to be provided to each Court, that means at each Taluka level, District Headquarters whether those Courts are established in the Government premises or in rented premises, including Family Courts. Merely because the Courts are now functioning from a rented premises, is not an excuse for the State for not providing security. We take note of the positive approach taken from the Government that they are accepting that it is the Government's job to provide adequate security at

the Court premises as well as to the Judicial Officers including their residences. The data has been called, as aforesaid and therefore, we would also give a reasonable time to the State Government to collect the data and then come with a policy. Though in the communications from the Government the time limit was given, yet it appears to have not been adhered to or is found to be inadequate. We would give further directions in this respect. One thing we will have to emphasize is that the local Bar Associations and the Public Works Department will have to be involved at the local level while collecting the data and therefore, apart from whatever the communication would have been made by the learned Registrar General in pursuant to Law and Judiciary Department's letter dated 14th February 2025, we direct that while collecting the data the local Bar Association Representative and the higher Officer from Public Works Department should be involved in the process. Necessary directions would be given in this order at the end in this respect.

9. We have come across some more incidences in the Family Courts in the State. The information reveals that due to the strained relationship between the husband and wife, when they attend the dates in the Family Court premises along with their

relatives, some times some litigants loose their temper, due to which the incidents like abuses, rushing towards the person and assaults, even sometimes using some weapon, are taking place. Sometimes then there is an attack on the members of the Bar also who are representing the opposite side. Therefore, while collecting data at the District level, the Principal District and Sessions Judge should also consult and take into consideration the requirement of the security arrangements to be made at Family Courts. However, as a stop-gap arrangement, we are giving directions in this respect that certain security personnel should be deployed with immediate effect in the Family Courts throughout the State.

10. In the affidavit-in-reply on behalf of respondent No.6, the issue of parking area is raised, however, we would like to say that we are dealing with the point of security to be provided in the Court premises and not the infrastructure facilities. In some other matter, the Bar Council is at liberty to raise the said point.

11. Though the learned Public Prosecutor has made available those letters and minutes, referred above, yet has not given any reason as to why there is no compliance of paragraph No.19 of

our order dated 9th January 2025. This Court had directed respondent Nos.3 and 4 to file appropriate affidavit of either Chief Secretary or the Principal Secretary, Home Department by collecting data as well as by making use of existing data annexed along with the affidavit of respondent No.5 and to come up with the policy and the road map in respect of security at the Benches, District Court at Headquarters and all the Taluka Courts as well as Family Courts. In the meeting held on 21st January 2025, both the Principal Secretaries i.e. Home Department as well as Law and Judiciary Department could have at least considered as to how the necessary strength, which is already sanctioned at the Principal Seat as well as Aurangabad Bench and Nagpur Bench could have been made available. However, it appears that they have not taken up that issue also.

12. Taking into consideration the above discussion, we pass following order, at this stage:-

ORDER

(I) The Principal Secretary, Home Department and Law and Judiciary Department to get the data collected as per minutes of their meeting dated 21st January 2025, from the High Court (which will

also include the data transmitted by the Registrar General of this Court from all the Courts in Maharashtra and the Principal Seat as well as Bench at Nagpur and Aurangabad) on or before 28th March 2025 and thereafter hold meeting/ meetings till 15th April 2025 and come out with decision and the policy as well as road map and file an affidavit or or before 22nd April 2025. Copy of the same be given to the other side in advance.

(II) Principal Secretary, Finance Department, may also be involved at a later stage of decision making, if the Principal Secretary, Home Department and Law and Judiciary Department feel his presence is necessary.

(III) (a) Learned Registrar General, if has made a communication pursuant to the communication by the Law and Judiciary Department dated 14th February 2025, should also make further communication directing all the Principal District and Sessions Judges throughout the State to co-operate the Police Commissioner / District Superintendent of Police, for the security audit as per communication dated 14th February 2025.

(b) All the Principal District and Sessions Judges may, in turn, give similar directions to all the senior-most Judges at the Taluka Courts in the District to co-operate in getting the data.

(c) All the senior-most Judges at the Taluka level and all the Principal District and Sessions Judges at the District level to get the representation of the Bar Association and responsible senior officer from Public Works Department involved in the process of getting data.

(d) The data to be combined at the District level under the guidance of the Principal District and Sessions Judges throughout the State, who should then transmit it to the Registrar General. All the said exercise to be done on or before 21st March 2025.

(IV) All the Principal District and Sessions Judges throughout the State, while getting the data or report prepared for the District Head Quarter, should also separately get the data prepared for the security at Family Court in the respective District (if established), for which he/she may get the Principal Judge/Judge of the Family Court involved in the process.

(V) The learned Registrar General to transmit the said data to the Principal Secretary, Law and Judiciary, within four days i.e. on or before 25th March 2025.

(VI) (a) As a stop-gap arrangement, we direct all the Police Commissioners / District Superintendent of Police throughout the State that in their District / Commissionerate area if the Family Court is established, then they should provide one Gunman cum Bodyguard for the Principal Judge/Judge where there is only one Court + two male Constables + three Lady Constables to be deployed at Family Court premises with immediate effect, till the decision of this Public Interest Litigation.

(b) All the Police Commissioners / District Superintendent of Police throughout the State should also pass a standing order that in case of leave of any of such person or transfer in the same cadre at different place or on promotion, another person be provided either from Headquarter or the nearest police station.

(c) Learned Registrar (Inspection) to collect the data about compliance of this stop-gap arrangement, within a period of ten days from today and in case of non-supply, to take up the issue with the concerned Commissioner of Police / District Superintendent of Police.

(d) Compliance be reported.

(VII) Place the matter for further consideration on 29th April 2025.

(VIII) Authenticated copy of this order be provided to all the parties. The Public Prosecutor to inform all the Police Commissioners / District Superintendent of Police this order immediately, especially for the compliance of Clause No. (VI) (a) in respect of stop-gap arrangement.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/FEB25