



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

Mr. Rajendra S. Deshmukh, Senior Counsel i/by Mr.

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

Mr. Mayur V. Salunke Advocate h/f. 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 : 12th AUGUST 2025

DATE OF PRONOUNCING ORDER : 20th AUGUST 2025

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

1. In view of our order dated 4th August 2025, further hearing has taken place. By this order, we had directed the learned Public Prosecutor to get the instructions in writing from the Finance Department as to when the proposal in respect of

meeting that was held on 9th July 2025, was received and when the Finance Department is going to release the said amount. In view of these directions, the communication to the learned Public Prosecutor dated 11th August 2025, by the Deputy Secretary, Government of Maharashtra, from the Finance Department has been placed on record, wherein it is stated that the said proposal was received by the Finance Department on 21st July 2025 and after scrutiny it was observed that the said proposal lacks details and clarity and hence, through observations in said file the Law and Judiciary Department was requested to resubmit the proposal after examining issues raised therein and file was returned to the Law and Judiciary Department on 28th July 2025. The learned Public Prosecutor also places on record a communication by the Desk Officer from the Law and Judiciary Department, addressed to him on 7th August 2025, giving the details, as to what objections the Finance Department has raised and then it is stated that since the proposal for providing services of 8282 security personnel was prepared by police persons in Home Department and the various Court Authorities working under the Law and Judiciary Department, the Law and Judiciary Department has informed the fact about objections to the Home Department by letter dated 4th August 2025 and as no

explanation was received till 7th August 2025, reminder was also sent on 7th August 2025. After such explanation is received from Home Department, the proposal would be resubmitted to the Finance Department.

2. Perusal of these communications thus would show that various departments of the State Government are saddling the responsibility on one another. Taking into consideration the objections those have been raised, as it is stated by the Finance Department that the proposal lacks details and clarity, we wonder, as to whether the Finance Department is sitting like an appellate authority. This Court in order dated 9th January 2025, had stated that the data should be collected and respondent Nos.3 and 4 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. Later on, further directions were given by various orders. We had also indicated in order dated 21st February 2025, that the 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. Now it appears that the Home Department and Law

and Judiciary Department representatives had not called the Principal Secretary, Finance Department. By order dated 5th May 2025, we had repeated the said directions. If the Principal Secretary, Finance Department would have been involved, the present situation could have been avoided.

3. The question still remains, as to whether the Finance Department can give such directions to the committee consisting of the Principal Secretary, Home Department and the Principal Secretary, Law and Judiciary Department, as to what to do or the directions that they should do a particular act before submitting the proposal. The Finance Department has informed that :-

“1) मा. उच्च न्यायालयाच्या आदेशानुसार राज्यातील न्यायालये व न्यायाधीशांची निवासस्थानांना सुरक्षितता उपलब्ध करून देणेबाबत सामाईक धोरण ठरवून त्याचे निकष निश्चित करण्याची विभागाने प्रथम कार्यवाही करावी.”

4. This is in the nature of directions. Then the clarification has been sought which we can understand. Since large financial implications are involved, clarification may be necessary. Point Nos. 2) and 4) are justifiable. Point No.3) is again in the nature

of directions. Point No.5) is without considering the estimate for other equipments which are necessary. Point No.7) is justifiable, as the Finance Department wants to know if there is a regular recruitment of guards or police personnel, then for taking the personnel from Maharashtra State Security Corporation, would whether be cost saving or not. Point No.8) is almost repetition of Point No.1), which is in the nature of direction. Before we reach to the conclusion that the step taken by the Finance Department is to avoid making the funds available, we want to give a chance to the concerned departments to set the things in order and as per the directions given by this Court, and to avoid just transferring the responsibility from one department to another department. We want to then give the timeline to the Home Department as well as the Law and Judiciary Department for giving the clarifications. The Deputy Secretary, Finance Department, in his letter dated 11th August 2025, has stated that whenever the revised proposal is received from the Law and Judiciary Department, the Finance Department would convey their comments within one week. So the said statement would be then taken as an undertaking.

5. Before we finally give the time schedule, one more aspect

on which we wanted the response from the Government was, as to whether as a stop-gap arrangement at the Principal Seat and the Benches at Nagpur and Aurangabad, the personnel from State Reserve Police Force (S.R.P.F.) can be deployed. It appears that the Special Director General of Police (Law and Security), has given his response by communication dated 11th August 2025, thereby informing that, as per the Master Development Order dated 7th May 2007, the services of S.R.P.F., to be used as per the guidelines and the guidelines state that it can be used as QRT/ Strike Force/Reserve. They are not given the training as security guards and those personnel are used only for controlling the riot and against Naxalite. He has specifically stated that the personnel from S.R.P.F., cannot be made available for the security of the High Court. The same message has been conveyed by the communication dated 11th August 2025, by the Desk Officer, Home Department to the learned Public Prosecutor. It appears that the Home Department has not understood the intention behind the said query by this Court. When the said police force is a reserve police force, then why it cannot be used for the security, was the question. It is stated that those personnel are not given training as security guards. From the experience as well as the fact, a question arises as to

whether any special training is given to the present police persons who are deployed for the security of the building of this Court at Principal Seat and both the Benches and the residences of the Hon'ble Judges of this Court. Furthermore, now the training can be given and those persons can be trained. The only requirement is the desire of the superiors, which is lacking in the present case. The State Government either will have to then increase the number of the police personnel for providing security to all the Courts including this Court, District Courts and the Taluka Courts and the residences of the Hon'ble Judges. We need not repeat that it is the State's responsibility to provide such security, but it appears that the Finance Department, especially, is required to remind about the obligation of the State, as the way in which the matter has been handled. We may not insist for personnel from S.R.P.F., but then the State Government should come up now with the road map as well as the finance. While drawing the road map, the State Government may consider, taking into consideration the availability of finance, to provide the security in phased manner i.e. firstly to the High Court (Principal Seat and the Benches at Nagpur and Aurangabad). We may also take note of the fact that the Circuit Bench at Kolhapur is functional since 18th August 2025 and

therefore, necessary provision for the security of the same should also be made. In the second phase the State may consider of providing security to the District Courts and the other Courts at the Headquarter in every District and thirdly to all the Taluka Courts. It should not be mistaken that we are thereby disturbing the existing security that has been provided. These orders are in respect of a permanent solution to the security problem. Further, the State may also consider a special recruitment or increasing of the numbers of the police by recruitment with an intention to provide the duty as security guards for the various Courts. With these observations, we pass following order:-

ORDER

(I) The Home Department to respond to the communication from the Law and Judiciary Department dated 4th August 2025 and the reminder dated 7th August 2025, on or before 9th September 2025. We are giving a longer date in view of the coming festivals and the holidays.

(II) Before resubmitting of the proposal through the Law and Judiciary Department, we direct that the Principal Secretary, Home Department and the

Principal Secretary, Law and Judiciary Department to hold meeting/meetings in order to have a proper resubmission of the proposal, between 19th September 2025 to 22nd September 2025 and then submit the revised proposal to the Finance Department, on or before 30th September 2025. In those meeting/meetings, they should consider the observations in this order regarding phased-wise security and the security at the Circuit Bench at Kolhapur.

(III) We once again grant permission for the involvement of the Principal Secretary, Finance Department, at a later stage of decision making, before the resubmission of the proposal.

(IV) Upon receipt of the revised proposal, as per the undertaking by Mr. Santosh Deshmukh, Deputy Secretary of the Finance Department by letter dated 11th August 2025, the comments be given within one week.

(V) Up-till now, filing of the affidavits as per the orders of this Court has been avoided by the Home Department as well as the Law and Judiciary Department. However, we direct that the Principal Secretary, Home Department as well as the Principal Secretary, Law and Judiciary Department should file the affidavits, and not to delegate the authority to any subordinate officer, regarding the

steps taken. So also, there should be an affidavit from the Finance Department, of the officer not below the rank of Deputy Secretary, to be filed on or before 9th October 2025. Copy of the same be given to the other side in advance.

(VI) The State cannot refuse providing security to the Courts, Court complexes and at the residences of the Judges only on the ground of lack of finance.

(VII) Place the matter for further consideration on 15th October 2025, at 2.30 p.m.

(VIII) Authenticated copy of this order be provided to all the parties.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/AUG25