



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO. 15 OF 2020

Sanjay s/o Bhaskarrao Kale .. Petitioner

versus

The Union of India & others .. Respondents

Ms. P. S. Talekar, Advocate for the Petitioner.

Mr. A. G. Talhar, DSGI for Respondent Nos. 1 and 2.

Mr. A. B. Girase, GP for Respondent Nos. 3 to 7 and 9.

Mr. S. V. Mundhe, Advocate for Respondent No. 8.

Mr. V. D. Hon, Senior Advocate instructed by Mr. A. V. Hon,
Advocate for Respondent No. 10.

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

Reserved on : 9th May, 2024.

Pronounced on : 12th July, 2024

ORDER (Per Ravindra V Ghuge, J)

1. In this Public Interest Litigation, one issue raised by the Petitioner is with regards to providing adequate security to the shrine/temple of Shree Saibaba at Shirdi. The Petitioner is seeking a direction to engage CISF/CRPF for securing the temple and upgrade the existing security system.

2. The Petitioner claims to be a resident of Kopargaon and a devotee of Lord Saibaba. According to him, Shree Saibaba Sansthan

(for short 'the Sansthan') is well known SHRINE and huge number of devotees throng Shirdi every day, from all over the world. It is claimed that almost 50,000 to 60,000 people seek *darshan* of Lord Saibaba and the said number is ever increasing. It is claimed that about 3000 rooms are available in the *Bhaktniwas*, apart from more than 100 hotels established in the area catering to the need of the devotees. The Petitioner also states that about 30,000 people used to take food in the *Prasadalaya*. So also, not less than 1000 patients are treated in the hospital of the Sansthan, every day. In short, it is sought to be highlighted that this shrine is now on the world map and the faith of the people all round the world leads to a huge daily presence of the devotees in Shirdi.

3. The Petitioner has sought to draw the attention of the Court to the law and order situation in the premises on account of the increase in the criminal activities in the area of Shirdi. Attention of the Court is also drawn to the fact that around the temple, there is a mushroom growth of the constructions having commercial interests, by ignoring the important aspect of security of the temple. Without following the requisite norms, permissions are granted by the local authorities for such constructions. It is also claimed that

police authorities as well as the local administration, have called upon the Sansthan authorities to improvise the security around the temple by taking various measures including guarding the windows by fixing iron grills and monitoring the entries of the persons visiting the hotels, lodges etc. by verifying and recording their identities.

4. The Petitioner has made a specific reference to the communication made by him, as well as one of the then trustees of the Sansthan, in order to highlight instances of crimes being committed even in the premises of the Sansthan. One such example is that five live bullets being found in the donation box in the year 2007, as also receiving threats to blow up the shrine. The Petitioner claims that as back as on 22.06.2012, the PSI of Shirdi Police Station has informed the Petitioner about the steps being taken for the installation of CCTV etc. But inspite of there being threats from terrorists, no adequate, much less serious steps were taken. He contends that, instead of engaging CISF or CRPF, the Sansthan has entrusted the work of security to the private security agencies. It is claimed that in response to the communication addressed by one of the trustees, it was opined in the communication dated 19.01.2019, that there should be security of CISF or CRPF for the temple. With

these and other averments, a direction is sought that the security of the temple be entrusted to either of these organisations.

5. The learned AGP representing the Respondent/State submits that this is not adversarial litigation. An affidavit-in-rely has been filed placing certain facts on record. The said affidavit is filed by the Chief Executive Officer of the Sansthan, wherein it is claimed that the issue of security of the temple has not been ignored. It is claimed that the issue about engaging services of CISF was discussed by the trustees in their meetings and appropriate communications were also made to the concerned authorities. By referring to a letter dated 14.02.2014, it is stated in respect of the request for deployment of CISF at the Sansthan, that the Home Ministry responded by contending that "The Government of Maharashtra may continue to provide security to the temple and the Central Armed Police Forces could be requisitioned for assisting the State Government in law and order duties for a specific short period as and when required". It is informed that security is provided to the temple through the Government of Maharashtra police department and private security agencies.

6. It is specifically claimed in the said affidavit that, in order to ascertain the security arrangements made in various other devasthan/temples in India such as (1) Shri Kashi Vishwanath Temple, Varanasi (2) Shri Somnath Trust, Dist. Girsomnath (GJ) (3) Shri Vitthal Rukmini Mandir Samiti, Pandharpur (4) Shri Siddhivinayak Temple, Mumbai (5) Shri Mahalaxmi Temple, Kolhapur (6) Shri Tuljabhavani Mandir, Tuljapur (7) Shri Swami Narayan Akshardham, New Delhi (8) Shri Swami Narayan Akshardham, Gandhinagar (GJ), (9) Shri Tirupati Tirumala Devasthanam (TTD), Tirupati (AP), a communication was made to them to obtain information with regard to security arrangements in these holy shrines. In this regard, it is found that in almost all these temples/trusts, security arrangements are made through the State Police and their own security employees and that the Central Government Security service has not been availed.

7. The record indicates that pursuant to the order dated 03.08.2023, passed by this Court, information was sought from Tirupati Tirumala Devasthan (TTD) in respect of its security arrangements. The said information is provided as a classified information, which we have read and the same is now preserved in a

sealed packet with the Registrar Judicial of this Court. The said report is marked as '**Z**' for identification and we hereby direct the Registry to keep the said report in sealed condition, not to be opened without a specific order of this Court. No certified copy of this document is to be issued to any one. We, therefore, do not wish to divulge the said information in this order, though we record that we have kept the information in mind, while delivering this order.

8. We have carefully perused the written notes of submissions filed on behalf of the Petitioner as well as the Respondents, as also the documents on record.

9. There cannot be any dispute with regard to the genuineness of the concern shown by the Petitioner towards the need of the safety and security of the temple as well as the people visiting the shrine. Though the Petitioner has claimed that more than 50,000 devotees visit Shirdi every day, it is informed to us that now the said number has increased multiple times, mounting tremendous pressure on the local administration as well as the trust authorities while manage the affairs of the Temple. Be that as it may, the question before us is as to whether, on the basis of the available

material, there is a need for deployment of CISF for the purpose of securing the Samadhi of Lord Saibaba at Shirdi.

10. The CISF, CRPF and prime internal security agencies in the country, come under the direct control of the Government of India. In appropriate cases, it is even open for the Central Government to call upon these security forces to secure/protect any establishment. However, in order to take such step it must be satisfied that an extra-ordinary situation has arisen on account of the failure of securing the law and order situation, or that the situation is beyond the control of the local Administration and the Police. It is necessary to note the fact that in respect of the security of the temple, there is no apathy shown by the Trust or concerned Police Authority. The minutes of meetings held by trustees from time to time indicate that discussions have taken place in the meetings of the trustees on the said issue. The minutes of the meeting No. 11/2016 dated 16.08.2016, indicate that Subject No. 4 for discussion, was about considering deployment of the Maharashtra State Security Guard Board for maintaining the security of the temple. During the said discussion, reference is made to the communication dated 14.02.2014, suggesting that it would not be

appropriate to engage CISF for security, except as and when required.

Relevant part of the said communication is reproduced as under :-

“The Government of Maharashtra may continue to provide security to the temple and the Central Armed Police Forces could be requisitioned for assisting the State Government in law and order duties for a specific short period as and when required.”

11. In the minutes of the meeting dated 09.10.2016, it is recorded that there was a consultation with the CISF, regarding security measures to be taken in the temple premises. Subject No. 6 shows that the suggestions made by the CISF were duly considered and purchase of the security instruments was approved. The minutes of the meeting dated 15.06.2017, further throw light on the steps taken by the trust for installation of baggage scanners and other security instruments. The documents on record further show that the Sansthan has always kept in mind the security of the temple to be of paramount importance for it. No doubt, it would always be the financial liability of the Sansthan when it came to acquiring security equipments.

12. The learned Advocate for the Petitioner, has canvassed that there is an increase in the crime rate in Shirdi and directions

issued by the police and the local authorities are not being complied with. A reference can also be made to the report of the Principal District Judge, Ahmednagar / Chairman of Adhoc Committee of the Sansthan, indicating that the ex-trustees and local persons from Shirdi had hijacked the temple premises and the religious ceremonies during the Ram Navmi celebration, sending the security system topsy-turvy. It is also claimed that in the recent past, many hardcore criminals were arrested by the ATS from Shirdi. We do not wish to suggest that there is no substance in the contention of the Petitioner with regard to increase in the crime rate in Shirdi. However, mere increase in the crime rate in the area in general, may not mean that the security system in the shrine has failed or that the State Government police and security agencies employed by the Sansthan, are ineffective and are not able to secure the temple.

13. Our order dated 13.04.2023, with regard to the confidential report of the learned PDJ, reads thus :-

1. We have opened the confidential report submitted by the learned Principal District and Sessions Judge, Ahmednagar, who is the Chairman of the Ad-hoc Committee for the management of Shri Saibaba Sansthan Trust, Shirdi, dated 13.04.2023. Having gone through the 11 paragraphs

report, the learned Judge has brought to our notice an extremely disturbing and shocking situation.

2. Though we are not reproducing the contents of the report, which is sent in confidentiality to the Court, we deem it appropriate to record that on the occasion of the Ramnavami festival held on 30.03.2023, which is supposed to be one of the largest festivals that is conducted every year in Shirdi, large groups of people led by social workers claiming to be devotees and some of them being past office bearers of the Trust, hijacked all religious ceremonies and exhibited their unauthorized and uncontrolled dominance near the actual Samadhi, Dwarkamai and other sacred places in the temple premises, which are worshiped by devotees of Lord Saibaba. Despite huge security arrangements comprising of Temple Security Force, Police Force, Temple Management Staff and Sansthan Guards, the crowd led by such people came in mobs. Their deliberate intention to enter the shrine and hijack various religious ceremonies, was apparent. Entire security system went haywire. There was no security existing at all and the learned Principal District Judge noticed complete helplessness since the mobs of people claiming to be led by devotees/social workers, were actually instrumental in practically nullifying security system.

3. It is, therefore, strongly recommended by the learned Principal District Judge, after taking opinions of the devotees

and certain authorities, that the entire shrine area needs to be protected with security forces by deploying the Central Industrial Security Force (CISF). One of the attachment to the report indicates that the present Cabinet Agricultural Minister for the State of Maharashtra has also addressed the Union Home Ministry to handover the shrine/temple security to the CISF before any untoward incident occurs.

4. *We are marking the said report (13 pages) as "X-2" for identification.*

5. *In view of the above, prima facie, we are also of the opinion that the deployment of CISF now seems to be the only option available for ensuring the security of the shrine and importantly to ensure peaceful darshan of Lord Shri Saibaba for all devotees visiting the shrine for the said purpose.*

6. *The learned Government Pleader seeks a short accommodation to consult the highest police authorities from the Ahmednagar district and address the Court on the next date.*

7. *Since the learned Government Pleader prays for a copy of the confidential report, we would permit him to take the said copy from the office of the learned Registrar (Judicial) of this Court. For the present, we are not circulating the said*

report. We request the learned Registrar (Judicial) to preserve this report in a sealed envelope.

8. *List this petition on 21.04.2023 at 4:00 PM.*

14. The above confidential report of the learned PDJ, indicates his serious concern which could lead to the inference that the security system has been breached in the temple premises or that the security measures were neutralised, during the festivities. Earlier, in 2007, live cartridges were found in the donation box. The State Police, however, considered the said incident to be a mischief rather than a threat to the security of the temple. It cannot be ignored that after the occurrence of the said incident of 2007, a proposal was forwarded in the year 2014, for engaging the services of CISF. The CRPF had conducted a security advise drill and had specifically informed the concerned that there is no need for engaging CISF permanently. However, as and when required, depending upon the circumstances, CISF could be requisitioned.

15. We find that there are two more reports submitted by the Principal District Judge / Chairman of Adhoc Committee, dated 24.09.2023 and 27.03.2024. In the first report, he has pointed out

the incident which occurred in the premises of the temple and according to him, the security system is being hijacked on festive occasions by the local people, by ex-trustees or local leaders. In the report dated 27.03.2024, a reference is made to the incident which occurred on 01.01.2024, when security guards were assaulted.

16. However, the issue before us is as to whether there is or could be a break-down in the security system in the shrine, warranting the deployment of the CISF or the CRPF or whether CISF could be deployed closest to the shrine which is the core area in the temple premises. High rise constructions/buildings, close to the shrine, could also be a potential threat. The reports of the Principal District Judge / Chairman of Adhoc Committee do highlight certain aspects with regard to the management of the devotees inside the temple, more particularly during various festivals. But, we need sufficient material before us to believe that there is a threat perception to the temple premises or the Samadhi shrine and that the State Police or the security agencies engaged by the Sansthan are incapable of taking care of the same, lest, we would not be justified in issuing a Writ of Mandamus.

17. Having taken into account the importance and the highly sensitive issue of ensuring the security of the shrine, as well as the security of the devotees visiting the temple, we deem it appropriate to direct the State Government to constitute a Committee headed by a former Chief Secretary, to re-assess the security of the temple and its premises and to make its recommendations to this Court as to whether the CISF needs to be deployed in the entire shrine/temple premises or part thereof or only in the core area covering the building in which the holy Shrine/Samadhi of Shree Sai Baba is situated. So also, the committee may suggest a combination of options, viz. CISF with CRPF or SRP or Home guards, etc. The constitution of the committee should be as under :-

- a] A former Chief Secretary of the State of Maharashtra, who has recently retired, to be the Chairperson.
- b] A recently retired Director General of Police, State of Maharashtra, or a former Director, CBI who belongs to the Maharashtra State cadre.
- c] The Learned Principal District Judge, Ahmednagar.
- d] The District Collector of Ahmednagar.
- e] The District Superintendent of Police, Ahmednagar.
- f] Shri Sanjay Bhaskarrao Kale, the PIL Petitioner.

g] The CEO of the Shree Sai Baba Sansthan Trust, will be the convenor/secretary of the Committee.

18. The Committee shall embark upon the task entrusted to it, as expeditiously as possible and submit it's suggestions/report to the learned Registrar (Judicial) of this Bench, **on or before, 30.11.2024.**

19. In the meantime, a police officer not below the rank of Dy.S.P., having Shirdi in his jurisdiction, shall personally visit the temple once in 2 months to over-look and monitor the security arrangements in the temple and the premises and to ensure that the security system is performing at it's peak level and there is no security breach.

20. We direct the learned Registrar Judicial to place a copy of this order before the Chief Secretary, State of Maharashtra, for issuing appropriate orders for appointing the members of the Committee, on or before 31.7.2024.

21. **This PIL shall be listed before the Court, on
13.12.2024, at 4.30 pm.**

**(R. M. JOSHI)
JUDGE**

dyb

**(RAVINDRA V. GHUGE)
JUDGE**