

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR  
CIVIL APPELLATE JURISDICTION

**PUBLIC INTEREST LITIGATION [ST.] NO. 1956 OF 2026**

Kolhapur District Bar Association and Others. ...Petitioners.

**Versus**

The State of Maharashtra and Others. ...Respondents.

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*Mr. Tejpal Ingale, Mr. Shrikrishna Ganbavale, Mr. Umesh Mankapure, and Mr. R. B. Mandlik i/b Mr. Swaroop M. Karade for the Petitioner.*

*Mr. Rajiv Chavan, Senior Advocate along with Mr. Satyavrat Joshi appointed as Amici Curiae.*

*Dr. Milind Sathe, Advocate General along with Mr. Shishir Hiray, Chief PP, Ms. Neha Bhide GP and Ms. Tejas Kapre, AGP for the Respondent-State..*

*Mr. Vijay Killedar, Mr. Rahul Rote and Mr. Shivraj Jagdale for UOI.*

*Mr. Shekhar Jagtap and Mr. Sanket Khandagale for BCI.*

*Dr. Uday Warunjkar and Mr. Prashant Kamble for BCMG.*

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**Coram : Madhav J. Jamdar &  
Pravin S. Patil, JJ.**

**Date : May 8, 2026.**

**P. C. :**

1. At the outset, Mr. Ingale and Mr. Ganbavale, learned Counsel appearing for the PIL Petitioners state that they may be granted leave to delete the Petitioner Nos.3 and 4 and further they may be granted leave to implead "Bombay High Court Kolhapur Bench Bar Association" as Petitioner No. 3. Leave as sought is granted. Necessary amendment be carried out forthwith. Re-verification is dispensed with.

2. The circumstances in which the present PIL was filed and Criminal

*Suo Motu* Contempt Petition No.1 of 2026 was initiated has been set out in earlier orders. The said contempt petition has already been disposed of by order dated 6<sup>th</sup> May 2026. As far as the PIL is concerned, the following issues are raised:

- (i) Security in the Kolhapur District Court complex.
- (ii) Measures to be taken by the State Government for protection of advocates from violence, harassment, coercion, criminal intimidation, etc.

**3.** Mr. Tejpal Ingale, Mr. Ganbavale, Mr. Rajendra Mandlik, learned counsel appearing for the Petitioners have relied on the Telangana Protection of Advocates Act, 2026 particularly on the definition of “violence” as contained in the said Act. All of them submit that in the State of Maharashtra assaults on advocates are on the rise as also various actions as envisaged by the aforesaid acts of violence are increasing.

**4.** As the issue involved is very important, we have appointed Mr. Rajiv Chavan, learned Senior Advocate as also Mr. Satyavrat Joshi, Advocate as *amici curiae* in the matter. Both of them have submitted that there is a need to enact such a law and requested the Court to pass appropriate directions till the time such a law is enacted. To substantiate their contention, they have relied on the judgment of the

Kerala High Court in the case of *Shobha Gopalkrishnan v. State of Kerala*<sup>1</sup>. They have also relied on the judgment of Madras High Court in the case of *Chief Secretary, Government of Tamil Nadu v. The Director of Archaeological Survey of India, New Delhi*<sup>2</sup>. It is submitted by them that the advocates are the officers of the Court and assault on advocates affects the administration of justice. It is therefore submitted that the ordinary provisions in the Indian Penal Code, 1860 or the Bhartiya Nyaya Sanhita, 2023 are inadequate to tackle the situation. Both of them therefore submitted that till the appropriate legislation is enacted, this Court should issue certain directions for the protection of advocates.

5. Mr. Rajiv Chavan, learned Senior Counsel has submitted a note making some suggestions. The said note reads as under :

“Some suggestive guidelines and directions for Guidelines by this Hon’ble Court, which may be directed to be binding in law until suitable legislation is enacted to occupy the field, are as under:

**1. Duty of the State and public authorities:**

It shall be the duty of the State, all police authorities, and all public authorities concerned to ensure that Advocates, who are the officers of the court, are able to discharge their professional duties freely, fairly, and without fear, intimidation, harassment, or interference.

**2. Protection against coercive action:**

No coercive action, including arrest, search, seizure, or summoning of an Advocate in respect of acts done in the course of professional duties, shall be undertaken by any police or investigating agency without prior intimation to, and scrutiny by, a competent judicial authority. In exceptional cases where immediate action is unavoidable, reasons therefor shall be recorded in writing and placed before the jurisdictional court at the earliest opportunity.

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1 2019 SCC OnLine Ker 739.

2 Judgment dtd. 2-6-2023 in Review Application (Writ) Nos. 169 & 179 of 2021.

**3. Privileged communication:**

No Advocate shall be compelled by any authority to disclose any communication, document, or information protected by professional privilege, including client instructions, legal advice, consultation records, notes, or other confidential material, except in accordance with law and under the supervision of a competent court.

**4. Grievance redressal mechanism:**

There shall be an Advocate Protection Committee for every district which should be headed by the District Collector of that district and shall comprise of

- a. District Superintendent of Police
- b. District President of the Bar
- c. One Female appointed by the Law and Judiciary Department of the state in consultation with the Principal Secretary of Law and Judiciary Department
- d. One Local Bar Council Member appointed in consultation with the Bar Council of Maharashtra & Goa

The District Collector shall, within a reasonable period, establish the Committee for receiving and addressing complaints from Advocates relating to threats, intimidation, obstruction in the discharge of professional duties, assault, damage to property or papers, or malicious prosecution. Such complaints shall be inquired into and disposed of in a time-bound manner.

**5. Police protection on credible threat:**

Upon receipt of a complaint disclosing a credible threat to an Advocate on account of professional work, the jurisdictional police shall forthwith conduct a threat assessment and, where warranted, provide appropriate protection for such duration as may be necessary, subject to periodic review.

**6. Prohibition on intimidation and retaliation:**

No Advocate shall be subjected to any form of threat, coercion, boycott, physical assault, verbal abuse, or retaliatory action for appearing on behalf of any party, irrespective of the nature of the case, the identity of the client, or the popularity or unpopularity of the cause.

**7. Investigation of offences against Advocates:**

All cases involving assault, criminal intimidation, obstruction of professional work, destruction of case materials, or damage to the property of an Advocate shall be investigated by an officer not below the rank of Deputy Superintendent of Police. Such investigation shall be conducted expeditiously and, wherever necessary, under the supervision of the jurisdictional court.

**8. No victimization in account of professional conduct:**

No Advocate shall be subjected to vexatious complaint, false implication, malicious prosecution, or disciplinary harassment merely because he or she has acted in the discharge of professional duties, taken a legal stand adverse to a party, or appeared in a matter involving sensitive issues.

- 9. Compensation and consequential action:**  
In cases where an Advocate is found to have been subjected to violence, intimidation, or malicious prosecution arising out of professional duties, the competent court shall be at liberty to award appropriate compensation, in addition to directing initiation of criminal proceedings and, where applicable, departmental action against the erring persons.
- 10. Unimpeded professional access:**  
All courts, police stations, lock-ups, detention centres, prisons, and other public authorities shall ensure that Advocates are able to meet their clients, access records, consult case papers, and discharge their professional duties without obstruction, harassment, or undue interference, subject only to lawful regulation.
- 11. Sensitisation of police and court staff:**  
The State Government, the Director General of Police, the Registrar General of the High Court, and the Heads of all concerned institutions shall ensure periodic sensitisation of police officers, court staff, and other relevant personnel regarding the role of Advocates in the justice delivery system and the need for respectful and lawful conduct towards them.
- 12. Confidentiality and privacy:**  
All authorities shall ensure strict confidentiality in relation to consultations between Advocates and their clients, and no material protected by professional privilege shall be used, disclosed, or retained except in accordance with law and by due judicial process.
- 13. Complaint protection for witnesses and complainants:**  
No complaint made in good faith by an Advocate regarding intimidation, assault, or obstruction shall be met with retaliation, administrative disadvantage, or abuse of process. Witnesses and complainants in such matters shall also be protected from intimidation or pressure.
- 14. Time-bound action on complaints:**  
Complaints relating to threats or attacks on Advocates shall be assigned priority and dealt with on an urgent basis. Where police protection is sought, the matter shall be examined forthwith and the decision communicated without avoidable delay.
- 15. Bar Council coordination:**  
The Bar Council of India and the State Bar Councils shall cooperate with the High Courts and State authorities in the implementation of these directions and may, where required, nominate representatives for consultation, monitoring, and review.
- 16. Reporting and monitoring:**  
The High Courts shall call for periodic reports from the State authorities and Bar Councils regarding complaints received from Advocates, the action taken thereon, the protection granted, and the preventive measures adopted. Compliance with the present directions shall be monitored on the administrative side.

**17. Legal aid and assistance:**

Where an Advocate facing threat or violence is unable to secure immediate legal or practical assistance, the concerned Bar Association and Bar Council shall extend all possible support, including access to legal aid, counselling, and necessary liaison with the authorities.

**18. Awareness and publication:**

These directions shall be widely circulated to all police stations, courts, district administration offices, prisons, Bar Associations, and Bar Councils so that all concerned are made aware of the protections available to Advocates and the duties cast upon public authorities.

**19. Third-party interference:**

Where any threat, obstruction, or assault upon an Advocate is caused by a party, litigant, relative, agent, or any third person, the authorities concerned shall take immediate preventive and corrective steps, including registration of offence where warranted, to ensure that the dignity and safety of the profession are maintained.

**20. Continuity of protection:**

The protection contemplated herein shall not be treated as a mere formality. It shall be real, effective, and responsive to the circumstances of each case, so that Advocates may discharge their professional functions fearlessly, independently, and with dignity.

**21. Consequence of non-compliance:**

Failure to comply with the aforesaid directions shall be viewed seriously. Any wilful disobedience or neglect on the part of any authority or officer shall render such person liable for appropriate action in accordance with law, including proceedings for contempt of court, apart from such disciplinary or other action as may be warranted. The concerned courts shall be at liberty to pass such further orders as may be necessary to secure compliance with these directions.”

6. Mr. Satyavrat Joshi, learned *amicus* also relied on the judgment of the Supreme Court in the case of ***Satwant Singh Sawhney v. D. Ramarithnam***<sup>3</sup> and submitted that till the legislation is enacted, appropriate directions can be issued.

7. Dr. Warunjikar, learned Counsel appearing for the Bar Council of Maharashtra and Goa and Mr. Shekhar Jagtap, learned Counsel appearing for the Bar Council of India supported the above stand.

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<sup>3</sup> 1967 SCC OnLine SC 21.

8. On the other hand, Mr. Sathe, learned Advocate General and Mr. Killedar, learned Counsel appearing for Union of India submitted that concerning the same subject, the Bill has been forwarded by the Union of India to the Law Commission and the Law Commission is examining the said Bill. It is submitted that as the said Bill is being examined by the Law Commission, the Court may not issue any directions in the matter. To substantiate their contention, the reliance is placed on the judgments of the Supreme Court in the case of *Union of India v. K. Pushpavanam*<sup>4</sup> and *Dr. Ashwani Kumar v. Union of India*<sup>5</sup>.

9. As very important issue is raised considerable time will be required for hearing all the learned counsel on this issue, and as today is the last working day before the summer vacation, we defer the hearing on this PIL to 18<sup>th</sup> June 2026.

10. As far as the issue regarding enhancement of security at Kolhapur District Court Complex is concerned, all the learned counsel, more particularly Mr. Mandlik, the President of Kolhapur Bar Association and Mr. Rane, Ex-President of Kolhapur District Bar Association, state that adequate steps have been taken and are being taken for enhancing the security at District Court complex, Kolhapur by the Police Authorities.

11. Ms. Kapre, learned AGP submitted that adequate measures are taken and in fact the Executive Engineer, PWD has submitted a proposal

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4 (2023) 20 SCC 736.

5 (2020) 13 SCC 585.

for construction of Police Chowki in Kolhapur District Court Complex. She further submits that further necessary steps will be taken to enhance the security at Kolhapur District Court Complex.

**12.** Thus, it is clarified that the only issue which requires consideration in this PIL is concerning measures to be taken by the State Government for protection of advocates from violence, harassment, coercion, criminal intimidation, etc. including enactment of the Advocate Protection Bill.

**13.** Stand over to 18<sup>th</sup> June 2026 at 2.30 p.m.

**[Pravin S. Patil, J.]**

**[Madhav J. Jamdar, J.]**