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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Reserved on: 10.07.2023***
Pronounced on: 20.07.2023

\+ W.P.(CRL) 1797/2023

NARESH SHARMA ..... Petitioner
Through: Petitioner-in-person.

versus

UNION OF INDIA & ORS. ..... Respondents
Through: Mr. Rakesh Kumar, CGSC for UOI along with Mr. Sunil, Advocate
Mr. Sanjeev Bhandari, ASC for the State along with Mr. Kunal Mittal and Mr. Saurabh Tanwar, Advocates and with Insp. Subhash Chand, P.S. Parliament Street.

\+ W.P.(CRL) 1798/2023 & CRL.M.A. 16735/2023 (exemption)

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+ W.P.(CRL) 1809/2023 & CRL.M.A. 16772/2023 (exemption)

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CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

J U D G M E N T

Index to the Judgment

SWARANA KANTA SHARMA, J.

1. In India, the judicial system is burdened with overwhelming caseload, leading to significant backlog of cases in the Courts. On one hand, there are meritorious litigants with legitimate legal claims who seek to have their rights determined through petitions or by invoking the writ jurisdiction of the High Court or the Hon'ble Supreme Court, there is also no dearth of trivial pursuits of legal remedies, wasting judicial adjudicatory time of the Court. It is evident that such frivolous and meritless litigation, which is significantly large in number, contributes to

the existing caseload. This necessitates immediate attention by all stakeholders who have responsibility of ensuring speedy and quality justice.

2. The present case is a classic example of frivolous and vexatious litigation, where this Court encounters incoherent and confusing stories in the name of facts and absurd reliefs.

3. The petitioner herein is, as disclosed from the petition, an alumni of IIT Kanpur, IIT Bombay, and has worked as an academician at IIT Delhi and Tata Institute of Fundamental Research (TIFR) Mumbai, who alleges that his fundamental right under Article 21 of Constitution of India has been infringed which extends to his 'right to have public organisations that are not criminally established'. The petitioner alleges that the respondents are involved in criminal activities, and have established various public organisations criminally, thereby infringing his fundamental right in above terms. The petitioner also claims that his 'right to have access to one's own criminal records', covered under Article 21, has also been infringed by the respondents.

4. Thus, by way of present petitions, the petitioner has sought to invoke the writ jurisdiction of this Court under Article 226 of the Constitution of India read with inherent powers under Section 482 of the Code of Criminal Procedure, 1973.

FACTUAL BACKDROP & RELIEFS SOUGHT

5. While avoiding unnecessary and confusing factual background mentioned in the petitions, briefly stated, as per petitioner, the

'protagonists of this story' are the criminals who have been masquerading as the top leaders and officials of this country but in reality, have left no stone unturned in destroying it.

(I) W.P.(CRL) 1797/2023

6. At the outset, this Court acknowledges that the persons and organisations that have been impleaded as respondents in the present petition generate curiosity and raise concern at the same time. To put things into context, the list of respondents is reproduced as under:

> R-1: Union of India
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> R-2: Delhi Police,
>
> R-3: Mumbai Police,
>
> R-4: Bengaluru Police
>
> R-5: Sir Dorabji Tata Trust,
>
> R-6: Sir Ratan Tata Trust
>
> R-7: Tata Companies including and especially Tata Sons Private Limited
>
> R-8: Public Organisations, where R.5 or 6 are involved and these include: Tata Institute of Fundamental Research, Tata Institute of Social Sciences, Tata Memorial Centre, Indian Institute of Science, National Centre of Performing Arts, International Institute for Population Sciences etc
>
> R-9: Government Ministries, Departments, organisations that colluded with or whose actions aided the Tatas in their crimes, even if without any overt connection such as by designing fake Forms, or improperly participated in the criminal situation including not revealing the names of officials who designed criminal Forms, and these include: Department of Atomic Energy, Prime Minister's Office, various Ministries, Department of Personnel & Training, Central Information Commission, Reserve Bank of India, Comptroller and Auditor General, Securities and Exchange Board of India, Indian Administrative Services, State or Union Territory Governments such as those of Maharashtra, Karnataka, Andhra Pradesh, Punjab, Assam, Ladakh etc.
>
> R-10: Appointments Committee of Cabinet consisting of the

Prime Minister and Home Minister of the country

R-11: Private organisations that colluded with or whose actions aided the Tatas in their crimes, even if without any overt connection, or improperly participated in the criminal situation and these include: Confederation of Indian Industry and Federation of Indian Chambers of Commerce & Industry

7. The case set out by the petitioner is that soon after independence, the Government of the nation had started indulging in crimes affecting the entire economy and one such crime had been committed in connivance with Tata Companies and Trusts i.e. respondent nos. 5 to 7. It is stated that these respondents commit humongous crimes in top public organisations in collusion with the Indian Government, which include crimes such as sedition and suspension of rights of its employees. It is alleged by the petitioner that the criminal economy supported by respondent nos. 5 to 7 is worth lakhs of crores of rupees.

8. In the petition, the petitioner has described his educational and professional background. It is stated that he is an alumni of IIT, Kanpur and IIT, Bombay and has also pursued his education in USA, post which he had joined IIT, Delhi from 2005-07 and thereafter, Tata Institute of Fundamental Research (TIFR) in 2007, before resigning in 2016. It is stated that in May, 2023, he had come to know that TIFR had criminally accepted his protest resignation as it was not investigating possible cheating by a student during the Ph.D qualifying exam in which he was the examiner.

9. It is further stated that this Court should examine the humongous ramifications of the criminal situation highlighted in the petition and award death penalty, rigorous imprisonment, and solitary confinement to

the criminals among the Government and Tatas, and order that the control, day-to-day operations, and properties of respondent nos.7 and 8 should be taken over by the Government to recover the loss caused to this country.

10. To elaborate his claims, petitioner has mentioned about a snare trap, which is used by Tatas, its Companies and Trusts to establish and grow its organisations. It is stated that respondent no. 5 and 6 have been committing extreme crimes against this country in collusion with the Governments for decades, in public organisations which cater to highest public aspirations such as academics and research. It is stated that certain Forms are filled by respondent no. 7 to get various permissions in the form of licences, contracts, approvals from the Government and the Government never asks any uncomfortable questions to Tatas about the crimes that they have been committing in this country for years. It is stated that this is a layered trap on public aspirations.

11. The petitioner further states that respondent no. 5 and 6 commit institutionalised crimes in many public institutions including TIFR, Tata Memorial Centre (TMC), Tata Institute of Social Sciences (TISS), etc., and these crimes include the government giving seditious guarantees to respondent no. 5 and 6 that it would not make a change in the structure of the said institutions without their consent, allowing suspension of fundamental rights guaranteed under Article 14 and 19, and allowing criminal audits in the said institutions.

12. Petitioner further states that the story of crimes committed by Tatas starts from signing the criminal TIFR Tripartite Agreement dated 18.02.1956 between the trustees of respondent no. 5, Government of

India and the Government of Bombay. It is further claimed in the petition that Tatas and the Government of India including DoPT have been stealing the rights of the employees and essentially have been trafficking the people of this country for decades and, thus, they must be prosecuted for such crimes.

13. Moving further, the petitioner has also claimed that during the India-Pakistan War starting from August, 1965 to the Tashkent Declaration in 1966, huge crimes were committed in this country by the people from within the Government which had directly or indirectly benefited Tatas. Petitioner has also stated that there are some basic conceptual problems in the structure of this country and there has been a regular supply of public money into criminal institutions like TIFR, TMC, TISS, etc.

14. The petitioner also claims that in a police complaint dated 26.01.2022, he had produced the entire evidence of fraud committed by Tatas including the contract awarded by Central Public Works Department to Tata Projects Limited for the Central Vista Project including the new Parliament building and in this regard, the petitioner has prayed that whatever has been built by them in the said project, be demolished from the very foundation so that criminals have nothing to do with the highest seat of democracy in the country.

15. Another grievance of the petitioner is that the *modus operandi* of the criminals within the government is to make statements that do not follow the scope or practice of the Right to Information Act, 2005 which amounts to sedition as they excite disaffection towards this Act, within the meaning of Section 124A of IPC.

16. In aforesaid circumstances, the petitioner has also sought the most absurd and outlandish reliefs, which read as under:

> A. that this Hon'ble Court be pleased to take appropriate action against the Respondent Nos.3-5 and other Police organisations for not acting on the various Police complaints filed by the Petitioner and Police in Punjab and Tamil Nadu for acting improperly;
>
> B. that this Hon'ble Court be pleased to order immediate, strictest criminal prosecution of the Respondent Nos.5-7, governing bodies of all the Respondent No.8 including Tata Institute of Fundamental Research, Tata Memorial Centre, Tata Institute of Social Sciences, Indian Institute of Science, National Centre of Performing Arts, and International Institute for Population Sciences; Department of Atomic Energy, Prime Minister's Office, Government organisations including Ministries that gave permissions to the Respondent No.7 to do business criminally, designed or countenanced criminal Forms based on which the Respondent No.7 do business; foreign collaborative companies that do business in India with Tatas; and the punishments should include death penalty preferably by a firing squad, rigorous imprisonment, and solitary confinement based on the evidence provided in this Petition with their sentences running consecutively and not concurrently including and especially the ones among the Ministry of Defence, who have the gall to play with the defence of this country in a most brazen way;
>
> C. that this Hon'ble Court be pleased to order and direct the Police to register the First Information Reports (FIRs) on his Police complaints mentioned in the Petition, and conduct a proper enquiry pending the hearing and final disposal of the Petition;
>
> D. that this Hon'ble Court be pleased to order and direct the Government that the matter be dealt with the provisions of the National Investigation Agency Act, 2008 (34 of 2008) because the criminal Forms designed by the Government based on which the Respondent No.7 does business are seditious under IPC 124A thereby under the scheduled offences of this Act, and the officials behind such Forms must be given exemplary punishment in the form of death penalty by a firing squad so that it sends a strong message that no one within the Government must behave with such impunity to break the law to the point of an establishment of a criminal mob so as to create such a humongous criminal situation;

E. that this Hon'ble Court be pleased to order immediate stay on the construction of the new Parliament building and order Tatas to destroy this building from its very foundations along with the debris at their own cost so that the criminals have nothing to do with the highest seat of Indian democracy;

F. that this Hon'ble Court be pleased to order that the properties and day-to-day operations of the Respondent No.7 must be confiscated by the Government pending final decision considering that these properties are stolen properties formed by duping the people of this country and dispose of such properties to recover the loss to this country;

G. that this Hon'ble Court be pleased to order the Government of India, considering the widespread and extremely big criminal situation of the Tata variety affecting almost every nook and corner of this country maintained by the henchmen of Tatas within the Government that has now reached a point where a mass upheaval does not look distant when people come to know what their Government has done to them to assess in no uncertain terms if it has the hitherto unseen capability to properly run this country, and if it does not, then it must be ordered to confess its inability openly in front of the entire country;

H. that this Hon'ble Court be pleased to order a cancellation of the registration of Respondent Nos.5 & 6 as public Trusts given their extensive criminal record against the public ;

I. that this Hon'ble Court be pleased to order an immediate, full take-over of the properties and governance of all the public organisations that have been hitherto governed by Tatas with their Rules and Bye-Laws made legal;

J. that this Hon'ble Court be pleased to take cognisance of the Police complaints mentioned in this Petition filed by the Petitioner;

K. that this Hon'ble Court be pleased to order the Government of India that the prominent names among Tatas and the Government be engraved in stone or metal in a big font with a fitting title such as 'top butchers of independent India' and displayed in a prominent public place for the benefit of posterity

(II) W.P.(CRL) 1798/2023

17. On similar lines as aforesaid, the petitioner by way of this petition also seeks to implead various respondents, the list of which is reproduced as under for reference:

R-1: Union of India

R-2: Delhi Police

R-3. Raj Kiran

R-4: Station House Officer, Sansad Marg Police Station, New Delhi

R-5:. Assistant Commissioner of Police, Sansad Marg Police Station, New Delhi

R-6: Dr. Hemant Tiwari, Additional Deputy Commissioner of Police-I, Sansad Marg Police Station, New Delhi

R-7: Deputy Commissioner of Police, New Delhi district

R-8: Lok Sabha

R-9: Rajya Sabha

R-10: President of India

R-11: Consenting Supreme Court Judges in Civil Appeal No. 6394 of 2010

R-12: Societies under the Societies Registration Act, 1860 (21 of 1860) or an equivalent Act that must follow Government orders and Government officials involved in their establishment and continuance not included among the Respondents

R-13: President's Secretariat

R-14: R. K. Sharma

R-15: Ravi Shankar

R-16: Respondents under the Right to Information (RTI) Act, 2005 (22 of 2005) from various Ministries: Law and Justice, Home Affairs, Education, Health and Family Welfare, Electronics & Information Technology; and All India Institute of Medical Sciences (AIIMS)

R-17: Ministry of Development of North Eastern Region

R-18: Ministry of Personnel, Public Grievances and Pensions

R-19: Ravi Jha

R-20: Government of Punjab

R-21: Additional Chief Secretary

R-22: Central Information Commission

R-23: Amita Pandove

R-24: Baljit Singh

R-25: Indian Institute of Technology (IIT) Kharagpur

R-26: Animesh Kumar Naskar

R-27: Tamal Nath

R-28: A. K. Mandal

R-29: Nalanda University

R-30: Public Information Officer

R-31: Jawaharlal Nehru University (JNU)

R-32: Jagdish Singh

R-33: Paulraj Rajamani

R-34: Sanjeev Kumar

R-35: Legal Cell, JNU

R-36: Sree Chitra Tirunal Institute of Medical Sciences and Technology (SCTIMST)

R-37: Dr. Maya Nandkumar. A

R-38: Prof. Bejoy Thomas

R-39: Dr. P. V. Sulochana

R-40: Academy of Scientific & Innovative Research (AcSIR)

R-41: Ashwini Mishra

R-43: Jawaharlal Institute of Post Graduate Medical Education & Research (JIPMER)

R-44: Felix Raj R

R-45: Hawa Singh

R-46: Postgraduate Institute of Medical Education And Research (PGIMER)

R-47: Vishal Sabharwal

R-48: AIIMS

R-49: Sushma Dhama Chandila

18. As per petitioner, the story in this petition is not for the faint hearted as it is the "most foul, extreme, diabolical, aesthetic, criminal story" involving the alleged criminals among the respondent nos. 8-10, and their alleged crimes since 1951, which have nearly destroyed this country. The petitioner submits that hundreds of Government

organisations including those at the top such as the institutions of national importance created by Acts of Parliament including Indian Institute of Technology (IIT), All India Institute of Medical Sciences (AIIMS), Indian Institute of Management (IIM) etc. are criminal in the extreme sense of sedition because they are Societies under the Societies Registration Act, 1860 or an equivalent Act, and there is a legal option for these organisations to disobey the Government and even join forces against the Government. It is stated that this humongous crime even spreads to many private organisations. It is further stated that the petitioner was associated with three such institutes namely IIT Kanpur, IIT Bombay, and IIT Delhi, and he feels demeaned, degraded, and outraged for he considers it his right as a citizen of this country to be provided with public institutions that are legal. In this petition, the 'snare trap' as per petitioner started working with introduction of Visva-Bharati Act, 1951 which was a criminal Act.

19. It is stated that contradictions arose when a Society under the Societies Registration Act, 1860 or an equivalent Act was brought under an arrangement where it was supposed to follow Government orders. It is stated that this creates legal problems because the Society operates as per its objects, which could be aligned with that of the Government as per the arrangement, but the Society could (re-)interpret its existing objects, make changes in such objects, and also affect other big changes including amalgamation of Societies using its internal democracy as per Section 12 of the Act. Hence, on one hand, the arrangement dictates that it must follow the Government orders and on the other hand, its structure gives the freedom to make changes affecting its decisions, which include

going against the Government orders because such orders could be deemed to be against its (new) objects. Hence, the situation provides for the Society bound to follow and to legally disobey the Government at the same time, which excites disaffection towards the Government within the meaning of Section 124A as well as 405 of IPC.

20. The petitioner states that a mere reading of the law applicable to the situation implies that the Institutions of National Importance of this country were stolen from this country directly or indirectly by the lawmakers of this country. He further states that he had approached the organisations mentioned among the respondent nos. 22-47 by filing RTI applications and appeals to know their legal status including whether they were Societies, but they did not respond properly to such a query, which invites invocation of Sections 166A(b), 167, 405 and 409 of IPC.

21. The petitioner states that it is demeaning and degrading for the bright, young minds of this country to be associated with such Institutions of National Importance without knowing that they are criminal in nature. It is stated that some of these criminal organisations affect even children such as the Central Board of Secondary Education (CBSE), National Council of Educational Research and Training (NCERT), Kendriya Vidyalaya Sangathan, Navodaya Vidyalaya Samiti, and National Institute of Open Schooling.

22. Thus, the petitioner prays for initiation of different kinds of criminal actions against the respondents for their acts, and the specific reliefs sought by the petitioner are as under:

> A. that this Hon'ble Court be pleased to order immediate, strictest criminal prosecution of the Respondents including death penalty

preferably by a firing squad, rigorous imprisonment, and solitary confinement based on the evidence provided in this Petition with their sentences running consecutively and not concurrently including and especially the ones among the Respondent Nos.8-11, some of whom were mentioned on Page 59;

B. that this Hon'ble Court be pleased to prosecute the Respondents with punishments that should be much harsher than the ones meted out to the freedom-fighters in British India for Sedition charges;

C. that this Hon'ble Court be pleased to order and direct the Respondent No.2 to register the First Information Reports (FIRs) on his Police complaints dated 18.3.2021 and 17.12.2021, and conduct a proper enquiry pending the hearing and final disposal of the Petition;

D. that this Hon'ble Court be pleased to order and direct the Respondent Nos.1 & 2 to unequivocally state if they met the requirements of Section 6 of the NIA Act, 2008 (34 of 2008) since the offences in the Police complaints dated 18.3.2021 and 17.12.2021, after following proper procedure in the case of latter, are under the scheduled offences of the NIA, and prosecute them if they did not do so;

E. that this Hon'ble Court be pleased to order the President's Secretariat to provide the names of all the Presidents of India who signed on the seditious Bills that established the Institutions of National Importance including those in response to the RTI application in Annexure "13";

F. that this Hon'ble Court be pleased to order that the properties of the Societies in the Respondent No.12 must be immediately confiscated by and their day-to-day operations taken over completely by the Respondent No.1, and then a fair delineation, particularly for the private organisations, on the properties should be made on a case-by-case basis;

G. that this Hon'ble Court be pleased to order the Respondent No.1, considering the widespread and extremely big criminal situation with the manifestations of the Respondent No.12 in almost every nook and corner of this country maintained by a regular supply of criminals within its ranks, whether intentional, to assess in no uncertain terms if it has the hitherto unseen capability to properly run this country, and if it does not, then it must be

ordered to confess its inability openly in front of the entire country;

H. that this Hon'ble Court be pleased to order the Respondent No.1 to take a critical exercise on whether its organisations including the Ministries are substandard and overstaffed, considering that such a brazen theft of public resources in its mutiny-enabled public organisations including the Institutions of National Importance has not been legally challenged before; that this Hon'ble Court be pleased to order a fair and critical analysis mentioned in Point 124;

I. that this Hon'ble Court be pleased to order an investigation if the Respondent No.1 is a front for the Western colonial powers committing mass-atrocity crimes on its own people as per Point 136 since at least 1951;

J. that this Hon'ble Court be pleased to order the withdrawal of Government recognition to those so-called freedom-fighters involved in the crimes for which this Petition has been filed and recovering the loss to the Government such as through the payment of freedom-fighter pension by all means including confiscating their properties;

K. that this Hon'ble Court be pleased to order the Respondent No.1 that the names of the main Respondents especially among the Respondent Nos.8-11 including those mentioned in the incomplete list on Page 59 be engraved in stone or metal in a big font with a fitting title such as 'top butchers of independent India' and displayed in a prominent public place for the benefit of posterity

(III) W.P.(CRL) 1809/2023

23. The petitioner, in this petition, has sought to implead as many as 87 respondents, and for the sake of brevity, a brief list of the same is provided as under:

R-1: Union of India
R-2: Delhi Police
R-3 to 5: Police officers of Central district
R-6 to 12: Police officers of Crime Branch

R-13 to 16: Police officers of Dwarka district
R-17 to 19: Police officers of East district
R-20 to 22: Police officers of IGI Airport
R-23 to 24: Police officers of Metro
R-25 to 27: Police officers of New Delhi district
R-28 to 29: Police officers of North district
R-30 to 32: Police officers of North-East district
R-33 to 36: Police officers of North-West district
R-37 to 40: Police officers of Outer district
R-41 to 42: Police officers of Outer North district
R-43 to 46: Police officers of Railway
R-47 to 50: Police officers of Rohini district
R-51 to 53: Police officers of Shahdara district
R-54 to 69: Police officers of South district
R-70 to 72: Police officers of South-East district
R-73 to 75: Police officers of South-West district
R-76 to 82: Police officers of West district
R-83 to 84: Police officers of IFSO
R-85 to 87: Police officers of Special Cell

24. It is the case of petitioner that he had asked for his criminal records from Delhi Police through an application filed under Right to Information Act, 2005, but the authorities concerned have failed to give a proper response to the same. It is stated that the Police must provide a proper response to such a query because it affects a person's right to life under Article 21 of Constitution of India as well his trampling over his right under. In other words, as per petitioner, a lack of proper response by the Police on such a query would result in violating the Constitution of India as well as giving draconian powers to the Police who could play various games in their secret records. As per petitioner, Delhi Police had

provided more than 150 replies, which the petitioner terms as "criminal replies".

25. As stated, the petitioner had filed an RTI application seeking his criminal records from the relevant authorities, which was subsequently sent to 21 Public Information Officers (PIOs), and for each case, he had also filed 23 first appeals. The petitioner had received responses to the same, and he replied with his objections that the responses had criminal connotations and could not be called proper. The petitioner had further stated that he had received phone calls and emails from unverified sources, which over time, he had decided to not take cognizance of and in some cases, he had also approached the police. The petitioner stated that he had also received many text messages for more than a year on his phone seemingly from the respondent no. 2 that conveyed various information such as an enquiry officer being (re-)assigned or an enquiry report being submitted, but he was not privy to any further details than this.

26. The petitioner states that the police is a public authority and it had committed cognizable crimes through its responses on the RTI application and its first appeal, in that case, a police complaint against such responses should have been done to ensure prosecution and retrieval of information.

27. In this background, the petitioners has prayed for as under:

> A. that this Hon'ble Court be pleased to order the respondent No.2 to provide the Petitioner with his entire criminal record, take proper steps pursuant to this record including against him if the record says so, and register a FIR against itself for not giving proper replies in its response to his RTI application;

B. that this Hon'ble Court be pleased to order immediate and strictest criminal prosecution of the Respondents based on the evidence provided in this Petition where the severity of the punishments should consider the trampling of such a basic right to life under Article 21 of the Constitution of India, and the mob-like behaviour of the Respondents, whether organised, by committing crime upon crime;

C. that this Hon'ble Court be pleased to form an opinion on Points 18 to 20, 28, 30, 33 to 35, 37, 38, 45, 47 to 49, 51 to 54, 56, and 59, and first note in point 59.11.;

D. that this Hon'ble Court be pleased to order a fair, broad, academic study of the Respondent No.2 to be provided to this Hon'ble Court for further action consisting of criminologists and academics drawn from across the country, perhaps without any representation from Delhi if this Hon'ble Court so decides for a critical study considering that we are dealing with the Police in the national capital, to understand the behaviour, composition, 89 and structure of the Respondent No.2 that makes it indulge in this kind of a criminal mob-like behaviour, and such a study could take into account the other experiences of the Petitioner in dealing with the respondent no.2 in his other complaints.

ARGUMENTS ADDRESSED BY THE PARTIES

28. The arguments addressed by the petitioner, who appeared in person, and learned counsels for Union of India and State of NCT of Delhi were heard at length by this Court. The same have been summarised in succeeding paragraphs.

(I) W.P.(CRL) 1797/2023

29. The petitioner argued that on one hand, the respondents muzzle public aspirations relating to research, education, etc., and on the other, they run scams of lakhs of crores of rupees. It was stated that the scam

highlighted by the petitioner in this petition is the biggest scam of independent India. It was also stated that respondent no. 5 and 6 hold the maximum shares of respondent no. 7 i.e. Tata companies, which exercise control over respondent no. 8 criminally and commit institutionalised crimes such as sedition and deprive their employees of their basic rights. The petitioner stated that he had filed several complaints before different investigating agencies and authorities which disclose commission of cognizable offence committed by these respondents, however, no action has been taken on the same.

30. On the issue of jurisdiction, the petitioner argues that since the majority of the alleged offences have been committed through the Union Ministries and its departments and position holders which are located in Delhi, who do not ask tough questions from Tatas and allow them to commit crimes, this Court shall have jurisdiction to decide the present petitions.

31. On the other hand, learned ASC for the State, at the outset, stated that this petition is a classic case of frivolous litigation, where baseless and defamatory allegations have been levelled against the respondents which include highest constitutional post holders in the country, without there being any evidence to support such claims. It was argued that the petitioner, under the garb of protecting some unknown fundamental right of the citizens, is seeking to maliciously prosecute respondents only because he has a personal interest in the same, as disclosed by petitioner himself in para 13 of this petition where he mentions that he had worked in Tata Institute of Fundamental Research for about nine years, before resigning from the said institute. It was submitted by learned ASC that

petitioner must first show as to what legal or fundamental right of his has been infringed, for which he has filed the present writ petition.

32. Learned CGSC appearing on behalf of Union of India also stated that petitioner has to demonstrate that he has some right as per law, which has been infringed, for which he has approached this Court.

(II) W.P.(CRL) 1798/2023

33. The petitioner argued that this petition essentially seeks to enforce the rights of citizens to have public organisations which are not criminally established. It was stated that institutes such as IITs, IIMs, AIIMS, etc. are all criminally established organisations since they as societies under the Societies Registration Act, 1860, and there is a legal option for these organisations to disobey the Government and even join forces against it. It was argued that this crime had been initiated through introduction of Visva-Bharati Act in 1951 and is continuing since then.

34. On the other hand, learned CGSC argued that this petition is prima facie not maintainable, and even a few of the persons/organisations impleaded as respondents could not have been made a party to this petition as per law/Constitution of India.

35. Learned ASC for the State also argued that this petition ought to be dismissed not only by imposing heavy costs, but appropriate orders including initiation of proceedings under Contempt of Courts Act, be also passed, especially in view of the persons impleaded in this petition and the reliefs sought against them.

(III) W.P.(CRL) 1809/2023

36. The petitioner argued that in totalitarian regimes, the Government of a country can spoil anybody's criminal records and in view of the same, he had approached the police department to get his criminal record. It was stated that his query had been sent to 21 Public Information Officers and he had received over 150 replies, but there was some problem or the other in each reply. The petitioner further stated that that there were some issues in the responses, such as in the format which indicate a certain lackadaisical attitude.

37. It was stated that the fundamental right guaranteed under Article 21 of the Constitution of India of "protection of life and personal liberty" implies that any query with the police by a person seeking his criminal record must be honoured properly and promptly because even if the criminal record was not completely false, the person must know about it so that he could seek a legal remedy to the situation, even if that meant that he would be punished by law.

ISSUES IN A NUTSHELL

38. On the basis of the factual background provided by the petitioner in the petitions and the arguments addressed by the parties, the common issues which arise for the purpose of deciding the present writ petitions are as under:

A. Whether on the basis of claims made by the petitioner in these petitions, his fundamental right under Article 21 of the Constitution of India has been violated, to invoke writ jurisdiction of this Court as prayed for?

B. Whether these petitions and the claims made by the petitioner therein would amount to frivolous and vexatious litigation?

ANALYSIS AND FINDINGS

39. In order to entertain the present petitions under Article 226 of the Constitution of India, it is imperative for this Court to ascertain the specific fundamental or legal rights of the petitioner that have been infringed as claimed by him.

40. The petitioner, through these writ petitions, seeks the enforcement of his fundamental right that he believes has been violated. The petitioner terms "right to have public organisations which are not criminally established" and "right to seek one's own criminal records", as his fundamental rights covered under Article 21 of the Constitution of India.

(I) SCOPE OF ARTICLE 21 OF INDIAN CONSTITUTION

41. Thus, the petitioner's claim to the cause of action i.e. infringement of his fundamental right is under Article 21, which reads as under:

> "21. Protection of Life and Personal Liberty: No person shall be deprived of his life or personal liberty except according to procedure established by law."

42. The recognition of the right to life and personal liberty under Article 21 is grounded in the belief that every individual possesses inherent dignity and worth. It acknowledges that human beings have a

fundamental right to exist, to be free from unwarranted interference, and to be treated with respect and fairness.

43. The Hon'ble Apex Court has time and again expanded the scope of right to life and personal liberty, and has broadened it to include the right to health and medical care (*Ref:* ***Francis Coralie Mullin v. The Administrator, Union Territory of Delhi*** *(1981) 1 SCC 608*), right to fair, just and reasonable procedure established by law (*Ref:* ***Maneka Gandhi v. Union of India*** *(1978) 1 SCC 248*), right to livelihood (*Ref:* ***Olga Tellis v. Bombay Municipal Corporation*** *1985 SCC (3) 545*), right to safe and secure working environment (*Ref:* ***Vishaka v. State of Rajasthan*** *(1997) 6 SCC 241*), right to Privacy (*Ref:* ***Justice K. S. Puttaswamy (Retd.) v. Union of India*** *(2018) 1 SCC 809*), etc.

44. The Hon'ble Apex Court has through these judgments expanded the scope of right to life and personal liberty and emphasised the inherent worth and autonomy of individuals, and the responsibilities of the state. It should be an endeavour to achieve a delicate balance between individual freedoms and societal interests.

45. Having taken an overview of the scope of Article 21 of the Constitution, this Court now proceeds to appreciate the claims made by the petitioner in each of the petitions.

(I) W.P.(CRL) 1797/2023

46. In this petition, the petitioner has primarily sought immediate criminal prosecution of the respondents including Tata companies and the Government officials for establishing organisations and institutions that are criminal in nature and which indulge in running a humongous

criminal economy and commit crimes upon the people of India at large. The first and foremost grievance of the petitioner is that no action has been taken on the police complaint filed by him on 26.01.2022 against respondent no. 7 i.e. Tata companies including Tata Sons Private Limited.

47. This Court has perused the complaint dated 26.01.2022 filed by the petitioner with the SHO, Police Station Sansad Marg against the promoters, group members, etc. of Tata companies including joint ventures which have obtained permissions from the Central and State Governments to run their businesses in India or abroad, such permissions being in relation to contracts, approvals, permits, leases, licences, etc. In the complaint, the petitioner has stated that the governments of the country, starting from the first one after the nation had got independence till the current government, have allowed respondent no. 7 to commit crimes. However, a bare reading of the complaint reveals that the same does not disclose any specific offence based on any specific incident, other than mentioning facts such as respondent no. 7 winning the contract for building the new Parliament building in New Delhi is a criminal act or stating that respondent no. 7 and its companies have been mining this country criminally and getting access to sensitive information of the people through their communication companies, fancy hotels, airlines, etc. On the basis of such allegations, the complainant/petitioner had requested the police officials to initiate strictest action against the Tatas and the colluding government officials.

48. Having perused the petition and having heard the arguments addressed by the petitioner, this Court is constrained to observe that the petitioner herein has only levelled bald allegations against respondents which include a large number of companies, trusts, not only present but even past Governments of the nation, constitutional post holders, as well as other public organisations. However, for making such tall claims and levelling allegations of such a nature against the respondents, the petitioner has not placed on record a single piece of evidence or information which would supplement or buttress his claims or arguments.

49. While also claiming that the 'criminal economy' supported by respondent no. 7 is worth more than hundreds of lakhs of crores of rupees, for which petitioner has given some self-created charts and diagrams, the petitioner has not brought on record any evidence to disclose commission of any cognizable offence committed by any of the respondents arraigned in the present petition.

50. In this background, it is also important to note that on the basis of such baseless allegations, the petitioner has sought **initiation of criminal prosecution**, **including giving punishments such as death penalty through firing squads and/or rigorous imprisonment** to respondent no. 5-7, all the governing bodies of respondent no. 8 as well as officials of the government in the Ministry of Defence. Another astonishing relief sought by the petitioner relates to **stay on the construction of new Parliament building** and **directing destruction of the same**, merely because the contract for development/construction of the same was awarded to one of the companies of respondent no. 7.

51. Another relief sought in the present petition is with regard to taking appropriate action against respondent no. 3-5 and other police organisations for not acting on the various complaints filed by petitioner as well as against police in Punjab and Tamil Nadu. Needless to say, such a prayer is devoid of any merit as this Court cannot exercise its jurisdiction over police organisations of the State of Punjab or of Tamil Nadu.

52. Moreover, the petitioner has merely averred, once or twice in the petition, that the rights of employees, working in the companies or organisation of respondent no. 7-8, are regularly violated. However, nothing has been placed on record to even substantiate such claims or to show to this Court as to how the petitioner is aggrieved by the same. The petitioner has not shown to this Court as to what fundamental right or legal right of his is being violated by the respondents so as to persuade this Court to give its indulgence to the present petition.

(II) W.P.(CRL) 1798/2023

53. This petition essentially seeks to enforce the rights of citizens to have public organisations which are not criminally established. It was stated that **hundreds of organisations and institutes of national importance such as IITs, IIMs, AIIMS, etc. are all criminally established organisations** since they are societies under the Societies Registration Act, 1860, and there is a legal option for these organisations to disobey the Government and even join forces against it.

54. An examination of this petition also reveals that the petitioner has narrated facts, pertaining to the year 1951 onwards, and then has gone

ahead to **level allegations against the then Government of India which had allegedly criminally established Viswa Bharati**, after which the aforesaid problem had started to arise. In this regard, the petitioner prays that this Court directs respondent no. 2 to register an FIR on the basis of complaint filed by him with police on 18.03.2021.

55. To appreciate this argument, this Court has gone through the contents of the said complaint which the petitioner had lodged with the SHO, Police Station Sansad Marg. In this complaint, the petitioner has requested the police to initiate action against the Government of India, all the societies registered under Societies Registration Act, and Registrar of Societies where such societies are registered either in States or in Union Territories. In the complaint, the petitioner has merely stated about establishment of several institutions of national importance through different laws passed by the Indian Parliament, which in the opinion of petitioner, had been established criminally and since such a crime as per petitioner is so widespread, the petitioner deems it fit to call the same as a 'pandemic'. Rest of the contents of the complaint are totally confusing and this Court has failed to gather any intelligible information from it.

56. The petitioner by way of this petition also **seeks registration of FIR** on the basis of complaint filed by him on 17.12.2021 **against respondent no. 11 i.e. some judges of the Hon'ble Apex Court** who had delivered the judgment in case bearing number *Civil Appeal No. 6394/2010*. A perusal of the said complaint reveals that the grievance of the petitioner is that the Hon’ble Apex Court had upheld the autonomy of a society registered under Societies Registration Act by selectively

quoting the provisions of the Act to arrive at a conclusion that a part of Tata Memorial Centre under the authority of Government should be transferred to the authority of TMC Society. As per petitioner, this is an example of disaffection towards the Government of the nation and attracts Sections 124A, 166, 167, 217, 378, and 379 of IPC as well Section 13(d) of Prevention of Corruption Act. Having gone through the contents of this complaint, suffice it to say, such allegations are not only scandalous but contemptuous in nature.

57. This Court notes that the petitioner has claimed a right which he terms as 'right to have public organisations that are not criminally established' within the ambit of Article 21 of Indian Constitution. In this regard, the petitioner was expressly requested to substantiate how his individual fundamental right had been infringed. Despite the petitioner presenting extensive arguments, he failed to convince this Court of the adequacy of facts or reasons to establish even the slightest violation of his rights.

58. It is noted that petitioner's affidavit filed along with the petition clarifies that "the facts and circumstances stated therein are true and correct to the best of my own knowledge and belief". Though the petitioner was informing by way of filing the affidavit that his reasonable belief and pleadings are based on true facts and existing law, this Court is constrained to pay attention to the fact that he was born in the year 1972 and **he states that his fundamental right was infringed by those events which happened one century earlier**.

59. Thus, in the aforesaid background, this Court is constrained to note that while claiming such a right, the petitioner has failed to point

out *firstly,* that any such right exists and is covered within the ambit of Article 21 of Indian Constitution, and *secondly*, he has also not placed on record any material whatsoever for this Court to even prima facie form an opinion that a Society registered under the Societies Registration Act, which is an Act passed by the Parliament of India, can be termed as 'organisations of criminal nature' or this Court's authority or jurisdiction to pass any order regarding the same in the present set of petitions.

(III) W.P.(CRL) 1809/2023

60. By way of this petition, the petitioner claims that he has a right to inquire about his own criminal records, and the relevant authorities are under constitutional obligation to provide him with the same.

61. As per petitioner, he had sought his criminal records from the Delhi Police through an application filed under Right to Information Act, 2005 and as per him, such criminal record would include FIRs, complaints, calls made to the police control room, etc. It is the case of petitioner that the police is bound to provide a proper response to such a query as it affects a person's right to life under Article 21 of Constitution of India as well as trampling over his rights under the RTI Act. An improper response from the police, in the opinion of petitioner, would amount to suppressing one's right to life and personal liberty under Article 21 and would invite serious criminal charges including prosecution under Section 370 IPC. It is the case of the petitioner that the relevant authorities have not acceded to his request of providing him

with his criminal record, despite several complaints and appeals being filed by him.

62. In this regard, the contents of the petition have been perused and after going through the same, this Court is of the view that the petitioner herein had filed an RTI application dated 28.06.2022 before the concerned authorities in Delhi Police. In the said application, the petitioner had claimed that he had been filing police complaints with Delhi Police on matters of extreme public interest and complaints which are against Government of India and crimes committed by the corporates, and since he has been doing so, he apprehends that false cases may have been lodged against him. He also stated that even Delhi Police may have something against him personally since they have not acted on his complaints, although he states he has no reasons as such to make this assumption, but nevertheless, he was curious. In reply to the said RTI application, the concerned public information officer of Central District, Delhi Police had informed the petitioner that as per reports, no such complaint or FIR has been registered against the RTI applicant i.e. petitioner herein. The petitioner, however, remains dissatisfied with the same.

63. During the course of arguments, the petitioner stated that he had sent his request to 21 public information officers and had received more than 150 replies, but the replies/responses were not satisfactory.

64. Upon perusal of records, as also observed in preceding paragraph, it is evident that the petitioner had filed an application under RTI Act requesting for his criminal records, and the authorities had duly responded to the application as well as all other appeals, etc. In this

regard, this Court does not find any merit in the argument of the petitioner that the replies given to him by the authorities were insufficient or in improper format. Upon careful examination of the replies given by the concerned authorities to the petitioner, it is evident that the concerned authorities through their replies have adequately addressed the issues raised by the petitioner in a fair and appropriate manner.

65. It is also strange that the petitioner is aggrieved that there was no criminal record of him, available with police. It is not understandable why he wants a criminal record to be created by police against him. There are provisions to provide such a record, but it cannot be created by police to satisfy someone's whims and fancies. Rather the authorities have shown patience and replied over 150 times as admitted by petitioner himself.

66. Therefore, the reliefs sought before this Court through *all the three petitions* unequivocally fall short and do not meet the standards of either factual or legal sufficiency. Furthermore, the language employed in the petition is deficient and does not make out a case for grant of any of the reliefs prayed for. The petitioner has failed to show that any of the fundamental rights so claimed by him within the ambit of Article 21 of Constitution i.e. "right to have public organisations which are not criminally established" or "right to seek one's own criminal records" are covered under Article 21 to further probe any violation of the same.

STRIKING BALANCE BETWEEN FREE ACCESS TO JUSTICE

AND PREVENTING ABUSE OF PROCESS OF LAW

67. Before parting with this case, it is imperative for this Court to highlight its concern over the substantial amount of judicial time devoted to comprehending the contents of these petitions, running into hundreds of annexures and thousands of pages. Ultimately, this exhaustive review revealed no valid cause of action to have arisen in favour of the petitioner. Moreover, the reliefs sought by the petitioner were inherently absurd and fell outside the scope of what this Court could grant.

68. This Court remains aware of the fact that in India, access to law and the fundamental right to seek recourse to legal remedies provided under Article 226 of Constitution of India, given the long history of judicial precedents of the Hon'ble Apex Court and the High Courts, is a valuable right. The citizens should have free access to the Courts and filing of public interest litigation or invoking writ jurisdiction as it has and will, on many occasions, result in litigants raising noble and important issues which result in evolution of law and jurisprudence with the changing societal situations. But such free access to the Courts cannot be granted to individuals who abuse this privilege by filing frivolous petitions, such as the present one.

69. While the growth of law is always welcome by way of filing PIL etc., filing of frivolous litigations without any reason, which consumes the precious time of Courts, cannot have the protection of the principle of free access to justice and is certainly not welcome.

70. Though, there may be some difficulty while drawing a line between a genuine litigation and a frivolous litigation which will not

have protection of free access to justice, litigation for no cause must come in the category of litigation abuse clogging the dockets of justice.

71. While access to justice is an individual right, it is essential to maintain a delicate balance that deters the abuse of this privilege through the filing of meritless or frivolous cases. By addressing this delicate equilibrium, the Courts can effectively uphold the principles of fairness, efficiency, and the rule of law.

72. There can be no denying that the right of providing an opportunity to be heard to the litigant and to get relief, thereby ensuring there is no violation of his fundamental Rights is crucial, but the critical concern of discouraging frivolous litigation needs greater focus. To put in other words, diverting the time spent on adjudicating such litigation to those more compelling and meritorious litigants is a key concern area. Therefore, on one hand, ensuring access to justice is crucial for safeguarding individual rights, promoting equality, and resolving disputes as it enables individuals to seek redress, however, this cherished access should not be exploited as a means to burden the courts, or manipulate the legal process.

FRIVOLOUS OR VEXATIOUS LITIGATION: MEANING AND LEGAL FRAMEWORK

73. The issue of frivolous litigations poses a significant challenge within the realm of the judicial system. Frivolous litigation and its definition as well as the need to control the same is not new to the judicial system.

74. Black Laws dictionary defines 'vexatious' as '*without reasonable or probable cause or excuse, harassing or annoying*.'

75. Although there is no specific law in India to tackle the issue of frivolous litigation, it can still be noted that the offence of making false claims in Court is covered under Section 209 of IPC, which is reproduced as hereunder:-

> "Section 209 - Dishonestly making false claim in Court -- Whoever fraudulently or dishonestly, or with intent to injure or annoy any person, makes in a Court of Justice any claim which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine."

76. Section 209 of IPC was enacted to preserve the sanctity of the Court of Justice and to safeguard the due administration of law by deterring the deliberate making of false claims. It is intended to deter the abuse of Court process by all litigants who make false claims fraudulently, dishonestly, or with intent to injure or annoy.

77. In matters pertaining to civil disputes, Section 35A of the Code of Civil Procedure provides for compensatory costs in cases involving false or vexatious claims or defences. While, Section 35A is limited to compensatory costs, Section 151 of Code of Civil Procedure takes within its ambit a much wider area of litigation which tantamounts to abuse of process of court. Section 151 therefore, enables a court to pass orders as may be necessary for the ends of justice, or to "prevent abuse of process of the court" which is beyond the "false and vexatious" litigation covered under Section 35A and are wide enough to enable the court to pass orders for full restitution.

78. Further, some States in our country have State legislations dealing with the frivolous litigation while NCT of Delhi does not have one. The State of Tamil Nadu had enacted 'The Vexatious Litigation (Prevention) Act, 1949' in a bid to curtail the undue burden imposed on the judicial system and ensure its efficient functioning.` The Hon'ble Apex Court while hearing a petition against the aforesaid legislation in ***Prabhakar Rao H. Mawle v. State of Andhra Pradesh*** *(1965) 3 SCR 743* held that the legislators are competent to enact legislation in this realm. On the same lines, the State of Maharashtra, had passed 'The Maharashtra Vexatious Litigation (Prevention) Act, 1971' to restrict the flow of vexatious claims before the Courts.

79. The Hon'ble Apex Court in ***Subrata Roy Sahara v. Union of India*** *(2014) 8 SCC 470* while highlighting the gross effect of frivolous litigation on the judicial system, had suggested the legislature to formulate a mechanism to curb such litigations, as under:

> "150. The **Indian judicial system is grossly afflicted, with frivolous litigation. Ways and means need to be evolved, to deter litigants from their compulsive obsession, towards senseless and ill-considered claims. One needs to keep in mind, that in the process of litigation, there is an innocent sufferer on the other side, of every irresponsible and senseless claim.** He suffers long drawn anxious periods of nervousness and restlessness, whilst the litigation is pending, without any fault on his part. He pays for the litigation, from out of his savings (or out of his borrowings), worrying that the other side may trick him into defeat, for no fault of his. He spends invaluable time briefing counsel and preparing them for his claim. Time which he should have spent at work, or with his family, is lost, for no fault of his. Should a litigant not be compensated for, what he has lost, for no fault? The suggestion to the legislature is, that a litigant who has succeeded, must be compensated by the one, who has lost. **The suggestion to the legislature is to formulate a mechanism, that anyone who initiates and continues a litigation senselessly, pays**

> **for the same. It is suggested that the legislature should consider the introduction of a "Code of Compulsory Costs.**"
>
> ***
>
> 153. …Every such endeavour resulted in failure, and was also sometimes, accompanied with strictures. Even after the matter had concluded, after the controversy had attained finality, the judicial process is still being abused, for close to two years. A conscious effort on the part of the legislature in this behalf, would serve several purposes. It would, besides everything else, reduce frivolous litigation. When the litigating party understands, that it would have to compensate the party which succeeds, unnecessary litigation will be substantially reduced. At the end of the day, Court time lost is a direct loss to the nation. It is about time, that the legislature should evolve ways and means to curtail this unmindful activity. We are sure, that an eventual determination, one way or the other, would be in the best interest of this country, as also, its countrymen."
>
> (Emphasis Supplied)

80. Litigation at times is expensive to resolve the disputes. These expenses are not limited to parties to a case but to the amount spent on the increasingly over burdened judiciary. The frivolous litigations are clogging the judicial system and have to be dealt with strictly so that time of the Court is not lost for others who have genuine litigations before the Court. The judicial infrastructure should not be allowed to be consumed at the cost of genuine innocent litigants waiting for their turn to have their case adjudicated upon. The Courts have unrestricted access to every citizen who can start a proceeding but those who misuse this unrestricted access needs to be restrained and the resources of the Courts cannot be wasted neither any precious time be devoted to vexatious litigants at the cost of deserving litigants.

81. Even if it is argued that frivolous litigation is not the only factor adding to the pendency of cases, it cannot be a ground for ignoring or tolerating the same without sanction.

82. The Hon'ble Apex Court has also acknowledged the plague of backlogs of cases that exists, and the role of frivolous petitions in increasing this blacklog [*Ref:* ***Kishan Lal Chawla v. State of UP*** *(2021) 5 SCC 435*].

83. The rise in pendency of cases due to Court's engagement with frivolous litigation is two-fold. *Firstly*, valuable judicial time and attention are expended on addressing meritless cases, diverting resources from other non-frivolous matters awaiting resolution. *Secondly*, the substantial utilisation of judicial time and resources in dealing with such cases contributes to the overall backlog, further magnifying the issue of pending cases.

84. Filing such cases as the present one are doubtlessly not only frivolous and vexatious but annoying and such a litigant must be subject to some kind of sanction.

SELF-REPRESENTED LITIGANTS: ETHICAL CONCERNS

85. While the Courts cannot make legislation, except for testing the constitutionality of the same as it is the legislature which has to make the law, the Courts who interpret and execute the law can, as another pillar of democracy, inform the legislature about the maladies of the system and the urgent need to address it.

86. This Court notes that it has a duty to protect the right of the citizens to access Courts and that it may not be possible to deny access to Court even to a vexatious litigant, yet there is a need to curb this tendency by not overlooking the abuse of process of law by filing frivolous and vexatious litigation. This Court also recognizes its duty to protect self-represented litigants' interests, however, it cannot be taken to such an extreme that the frivolous and multiple litigations assume overwhelming indulgence consuming time of the Court.

87. The Hon'ble Apex Court in ***T. Arivandandam vs T.V. Satyapal*** *(1977) 4 SCC 467* had acknowledged the role which could be played by the Bar Council of India, in limiting the filing of frivolous litigation as under:

> "…The pathology of litigative addiction ruins the poor of this country and the Bar has a role to cure this deleterious tendency of parties to launch frivolous and vexatious cases.
>
> ***
>
> The trial court in this case will remind itself of s. 35-A C.P.C. and take deterrent action if it is satisfied that the litigation was inspired by vexatious motives and altogether groundless. In any view, that suit has no survival value and should be disposed of forthwith after giving an immediate hearing to the parties concerned. We regret the infliction of the ordeal upon the learned Judge of the High-Court by a callous party. We more than regret the circumstance that the party concerned has been able to prevail upon one lawyer or the other to present to the court a case which was disingenuous or worse. **It may be a valuable contribution to the cause of justice if counsel screen wholly fraudulent and frivolous litigation refusing to be beguiled by dubious clients. And remembering that an advocate is an officer of justice he owes it to society not to collaborate in shady actions. The Bar Council of India, we hope will activate this obligation. We are constrained to make these observations and hope that the co-operation of the Bar will be readily forthcoming to the Bench for spending judicial time on worthwhile disputes and avoiding the distraction of sham litigation such as the one we are disposing of**…"

(Emphasis Supplied)

88. However, the observation made by the Hon'ble Apex Court was in regards to the conduct of Advocates, and limiting the filing of frivolous litigation by them. This Court is of the view that a similar obligation exists on the part of the litigant appearing in person, since when a litigant appears in person, he is essentially standing in the shoes of an officer of a Court, and he is under similar obligation to apprise the Court with the correct facts of the case and not mislead the Court in any regard.

89. Self-represented litigants bear certain responsibilities when presenting their case before the Court. While they may lack legal training, they are still expected to fulfil certain duties to ensure a fair and efficient judicial process. They have a duty to critically assess the merits of their claims and consider whether there is a reasonable legal basis for their case. Since frivolous litigation burdens the Court system, wastes judicial resources, and hinders the administration of justice, it is the responsibility of the self-represented litigants to ensure that their case has a genuine legal basis, supported by relevant facts and legal principles.

90. While there are ethical restrictions on advocates, there are none on self-represented litigants. The Courts often experience abusive and frivolous litigation which results in an enormous amount of wastage of time. While the code of ethics exists for lawyers, the same does not exist in case of litigants appearing in person, which is a barrier in itself for the justice delivery system.

91. This **embargo of absence of ethical conduct needs to be addressed by the Bar Council of India, and some guidelines for establishment of ethical code for self-represented litigants need to be framed**. This ethical grounding will play a crucial role in minimising the flow of frivolous litigation, and thus reduce the burden of Courts.

DETERRING FRIVOLOUS LITIGATION

92. The citizens of the country rely heavily on the Courts to adjudicate their claims and disputes and enforcement of their fundamental rights. Frivolous litigation adds to the figures demonstrating a distorted picture of litigation-related problems.

93. The judiciary faces a significant and pressing challenge in the form of frivolous litigation. False claims and meritless cases chokes the judicial system, consuming valuable time and resources that could be better utilised for legitimate and deserving causes. While in a democratic society, there may not always be consensus on all issues, there can be no dispute regarding the need to address this problem by way of rule of law.

94. While this Court is sensitive that the doors of the Courts are open to every citizen who seeks redressal in good faith, the **Courts cannot suffer in silence**, the unending filing of baseless claims unsupported by any document against every possible past and present, Government and Private authority of our country, every public institute, the leaders who have passed away including the freedom fighters and past and present Supreme Court Judges. This Court does not deem it appropriate that the Government and other authorities should even be burdened with the task

of defending the petition or this Court being troubled for adjudicating the frivolous petition.

95. A substantial amount of judicial time is consumed to hear such litigant, as the litigant has a right to come to the Court and file a case seeking remedy for his grievance, even if the petition needs to be heard on its maintainability or merit, the judge is occupied with a substantial amount of judicial time disposing of the case after going through the file which may run into thousands of pages. While some of such litigation will reveal that the litigant used it as an outlet for petty grievance, some may go beyond and rest on vindictiveness or hypersensitivity. **At the same time, there can be no denying that a frivolous claimant wants the judge to examine the case arguing that the claim and the grievance have to be examined as it lies in the eyes of the beholder, i.e. the petitioner. It is time to recognize that the real price of such abuse of the process of law is paid by the litigants who have meritorious claims**.

96. It is imperative and justifiable to establish robust measures that serve as a strong deterrent to discourage the filing of frivolous cases. By curbing the filing of such cases, the judicial system can allocate its time and resources more effectively, reducing the burden of pending cases and promoting a more efficient administration of justice.

97. The Hon'ble Apex Court in ***Vinod Seth v. Devinder Bajaj*** *(2010) 8 SCC 1* had highlighted the intended goal for having the provision of costs, as under:

> "23. The **provision for costs is intended to achieve the following goals**:
> **(a) It should act as a deterrent to vexatious, frivolous and**

> **speculative litigations or defences. The spectre of being made liable to pay actual costs should be such, as to make every litigant think twice before putting forth a vexatious, frivolous or speculative claim or defence.**
> (b) Costs should ensure that the provisions of the Code, Evidence Act and other laws governing procedure are scrupulously and strictly complied with and that parties do not adopt delaying tactics or mislead the court.
> (c) Costs should provide adequate indemnity to the successful litigant for the expenditure incurred by him for the litigation. This necessitates the award of actual costs of litigation as contrasted from nominal or fixed or unrealistic costs.
> (d) The provision for costs should be an incentive for each litigant to adopt alternative dispute resolution (ADR) processes and arrive at a settlement before the trial commences in most of the cases. In many other jurisdictions, in view of the existence of appropriate and adequate provisions for costs, the litigants are persuaded to settle nearly 90% of the civil suits before they come up to trial.
> (e) The provisions relating to costs should not however obstruct access to courts and justice. Under no circumstances the costs should be a deterrent, to a citizen with a genuine or bonafide claim, or to any person belonging to the weaker sections whose rights have been affected, from approaching the courts."
>
> (Emphasis Supplied)

98. The Hon'ble Apex Court has not only emphasised the significance of imposing costs but has also shed light on the underlying intention behind this provision. One of the primary rationales for incorporating the provision of cost is to serve as a deterrent against vexatious, frivolous, and speculative litigations or defences. The rationale behind imposing costs is rooted in the need to discourage parties from engaging in unnecessary or baseless legal actions. Frivolous litigations and defences place a burden on the judicial system, waste valuable court resources, and delay the resolution of genuine disputes. By deterring such conduct through the imposition of costs, the court aims to maintain the integrity and efficiency of the legal process. The potential liability for costs acts

as an incentive for parties to carefully evaluate the merits of their case, undertake reasonable research, and approach the court in good faith.

99. Furthermore, the provision of cost acts as a safeguard to protect the interests of genuine litigants. It ensures that those who genuinely require access to justice are not impeded or burdened by the unwarranted actions of others. By discouraging the filing of frivolous litigations or defences, the court allocates its limited resources to matters that are genuine and bona fide.

100. Even in a case of self-representation, it cannot be only the ground for protection. There can be no fixed rule to test frivolous litigation, the docket space cannot be allowed to be encroached upon by such litigation and financial sanction, and cost can serve as a retributive function leading to effective deterrents. Furthermore, encouraging judicial discretion in determining costs for frivolous litigations can act as a deterrent against abuse. This discretion should be exercised judiciously, taking into account the facts, circumstances, and intentions of the parties involved.

101. In cases such as the present one where notices are yet to be issued and the case was not found even fit to issue notice being frivolous, the respondents have appeared on advance notice. The sheer magnanimity of the absurdness and irrational pleading have been found to be an abuse of process of law by this Court. Our country itself has been degraded; the judicial education institutes that have found their place in the first hundred in the world have been maligned. This Court cannot tolerate such abuse of the process of law. This Court believes that mere reprimand is not an acceptable sanction in the facts of the present case.

102. While the Courts have consistently demonstrated patience in dealing with such meritless litigations, instances of costs being imposed in proportion to the volume of frivolous cases filed in our country have been limited. The reluctance of the Courts to impose costs on frivolous litigants, particularly those representing themselves, remains evident, despite the few and infrequent instances where costs have been imposed.

103. One cannot prescribe any mechanism efficient enough to eliminate nuisance claims, as the citizens in India have a fundamental right to free access to justice. This however, does not deter the Courts to strike the pleadings at the threshold and impose penalty on patently meritless claims. Since the Courts have a duty to promote a harmonious approach striking balance between right to free access to justice and striking out frivolous litigation at the threshold, putting such litigants to cost for wastage of time, resources and causing inconvenience to a meritorious claimant will ensure an efficient judicial process.

104. In these circumstances, **this Court sincerely hopes that the Bar Council of India** will readily and positively come forward to help the Bench, spend more judicial time on adjudicating meritorious disputes speedily and efficiently, than being bothered and overburdened with flagrant misuse of magnanimity of the courts of law while dealing with malicious, vexatious and frivolous litigations. The Courts will have time to meaningfully deal with meritorious litigation placed before it rather than going through such frivolous litigation as a judge has to go through contents of every petition placed before it even for the purpose of exercising its power to examine that the legal and valid grounds exist

and the pleadings fulfil the ingredients of law under which the petitions have been filed.

105. It will be a valuable contribution to the cause of speedy and efficient justice and help achieving goal of encouraging meaningful and creative advocacy which is possible only if the frivolous litigation is got rid of, and instead of distracting one's time to such litigation, the Courts are able to perform more meaningful judicial function of disposing of meaningful and meritorious litigation.

CONCLUSION

106. In the present case, the writ petitions were fueled by an unknown purpose or motive which demonstrated a perversion to the Government, the process of the Court, the policies, the leaders past and present and all the Government authorities and institutions as well as the judicial system since the Supreme Court Judges of the past have also been targeted. The jurisdiction of this Court has been invoked to claim justice to meet ends which it is not designed for.

107. The facts as disclosed from the petitions which are confusing, incoherent, without basis, and being shorn of any material to support the same, invoked annoyance even to examine the same, given their absurdity and contemptuousness.

108. To conclude, this Court observes the following with regard to the merits of the petitions filed before this Court:

1. No facts or material has been pleaded or placed on record which was capable of supporting the claim of infringement of

fundamental right under Article 21 of the petitioner for the purpose of passing any order or issuance of writ as prescribed under law.

2. The petitioner could not set out any facts or material on which he raises his claim to seek relief and, thus, the petition did not disclose either a reasonable cause or ground to invoke writ jurisdiction of this Court.

3. This Court found the petitions to be frivolous and vexatious as it challenged, demeaned, criticised and used language which is undeniably embarrassing and scandalous.

4. It was also devoid of any real issue being set out in intelligible form.

5. The pleadings, reliefs and declarations sought from this Court were impossible to respond to for the sheer magnanimity of their absurdness.

109. Due to the above reasons, this Court finds that filing of these writ petitions is certainly an abuse of process of law.

110. While the Courts are trying to do their best by reforming and modernising access to justice, it is time to also explore ways of dealing with frivolous litigation-related issues and find appropriate responses through new policies while the law reforms are taking place in our country. Frivolous litigation should also be one of the focal points in the journey of judicial reforms as it will go a long way in achieving the major goal of ensuring a speedy and effective justice system.

111. The general public may just get glimpses of the data of a large number of pendency of cases before the Courts and, at times, may express their anguish about such pendency. But the phenomenon of litigation explosion, which includes the large number of frivolous and vexatious litigation, may not come to the notice in the public domain.

112. What one needs to focus on is also the fact that it cannot only be the responding party in the litigation but it is the public at large also who is affected by such abuse of the system. While a judge will be in a dilemma as the frivolous litigant will have to be heard as the Court has inherent jurisdiction and duty to hear a person who files a writ petition arguing that he is aggrieved, and though the self-represented vexatious litigant are a minute minority, their cases cannot be summarily rejected as they have a right to be heard. In any case, judicial orders in such cases are required to prevent future abusive proceedings. While imposing costs may be one way to tackle such litigation, there may be cases where the unpaid cost orders become another ground for seeking further indulgence from the Court.

113. While there can be no assumption that petitioner's claim in the writ petition is malicious prosecution, it is only after hearing the parties and going through its contents, which involves spending judicial time which is more often than not beyond court hours since judges spend time reading the files before they start the hearings the next date, can be better invested for a better cause.

114. The petitioner in the present case is an alumni of IIT, Delhi and Bombay and has rather remained associated with IIT, Delhi, for long. It is stated that he has himself drafted the petition and was fully cognizant

of his decision to proceed as a petitioner in person. Moreover, he demonstrated a sound understanding of the purpose and legal basis upon which he approached the court, assuming full responsibility for the contents of the petition and possessing relevant and substantiated materials within his possession and control. He was given a choice of being assisted by a counsel, but he refused to be assisted.

115. In this Court's opinion, reasonable sanctions and imposing the cost would go a long way in deterring such litigants before pursuing frivolous litigation.

116. It is made clear that this Court, by way of the present judgment, should not be taken to be laying down the law putting any restriction on the right of a citizen to access the Court or to curb noble and creative advocacy which may stunt the growth of jurisprudence or contributing meaningfully to the growth of law and ensuring implementation of fundamental rights in case of such violation but deter and de-clog the legal system of such frivolous litigation by fear of financial sanction and deter them from filing unfounded litigation.

117. **While judicial restraint is a virtue, it has its limits** and this Court can observe that these petitions have tested the said virtue. Still the present case tries to initiate a meaningful debate to balance the competing rules of protecting the right of a person to freely access and pursue legal remedies in the Court and also redress the abusive process of frivolous litigation.

118. Given the volume of frivolous litigation staring hard at the overburdened judiciary, it is the right time for taking action against such litigants. The resolute stance expressed by this Court through this

judgment endeavours to initiate a new paradigm and a debate calling for appropriate rules or law to deal with such limitations.

119. For the observations made and reasons recorded in the preceding discussion, this Court finds no merit in the aforesaid petitions.

120. Accordingly, the petitions are dismissed along with pending applications, being frivolous and devoid of merit, with cost of Rs.30,000/- in each petition.

121. The aforesaid cost imposed upon the petitioner shall be deposited in the following manner within a period of two weeks and compliance thereof shall be filed with the Registry:

(a) In W.P. (Crl) 1797/2023, the cost of Rs.30,000/- be deposited with Delhi High Court Bar Association Lawyers' Social Security & Welfare Fund, New Delhi.

(b) In W.P. (Crl) 1798/2023, the cost of Rs.30,000/- be deposited with Delhi High Court Bar Association Employees Welfare Fund, New Delhi.

(c) In W.P. (Crl) 1809/2023, the cost of Rs.30,000/- be deposited with Civil & Session Courts Stenographers Association, Delhi.

122. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JULY 20, 2023/ns