

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 16 OF 2004**

Janhit Manch & Ors.

... Petitioners

V/s.

Union of India & Ors.

... Respondents

**WITH
CIVIL APPLICATION (St.) NO. 7993 OF 2018
IN
PUBLIC INTEREST LITIGATION NO. 16 OF 2004**

Mr. Bhagvanji Raiyani, Petitioner-in-person is present.

Mr. Y. R. Mishra for Respondent No.1.

Mr. P. P. Kakade, GP a/w Mr. O. A. Chandurkar, Add. GP and Ms.
R. A. Salunkhe, Addl. GP for Respondent No.2.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

RESERVED ON : 12th JANUARY, 2024

PRONOUNCED ON : 29th JANUARY, 2024

P.C.: (PER ARIF S. DOCTOR, J.)

1. At the outset, we regret to note that this is yet another vague, generalized and omnibus Petition stated to be filed in the public interest in which the Petitioners have sought the following multifarious reliefs viz.

- "(a) To stop forthwith the recruitment by the army through an injunction of this Hon'ble Court, the recruitment of the candidates as commissioned officers for training them as Pandits, Granthis, Buddhist Monk or for any other priesthood for the devotee soldiers as advertiesed in the Indian Express dated 29-11-2003 at Ex.N.*
- (b) To file the accounts before the Hon'ble Courts for last 3 years on the amounts spent as grant, subsidies or aid in cash or kind to the pilgrims of different faiths and also the amounts spent for and during Kumbh Melas and such other festivals for improving intrastructure and maintaining law and order.*
- (c) To stop forthwith the subsidies for Haj or Mansarovar Pilgrimage or for any other pilgrimage.*
- (d) To stop funding for creating special infrastructure for the festivals like Kumbha Melas or such other religious celebrations except for maintaining law and order.*
- (e) To stop state functionaries from remaining present in the official capacity for inauguration of religious rituals of any faith or performing bhoomi puja or such other rites.*
- (f) To stop the use of public premises for installing any idol or picture of any deity except that of the Father of Nation or performing any sort of pujas or performance of any such rites.*
- (g) To stop the Respondents Union Government and the states in the Indian federation from funding any religious activities or from the management of any religious shrines except as required under the maintenance of monuments under the archaeological departments of the governments.*
- (h) To dissolve the state managed temple trusts or boards*

and handover the temples under their control to the trust made by the followers of the respective faith.

- (i) To introduce compulsory subject of secularism, humanism and rationalism in the schools at middle level in lieu of the constitutional provision under Art.51-A(h).*
- (j) Pass such other and further orders as this Hon'ble Court may deem proper and necessary in the public interest."*

2. Given the reliefs sought, we asked Mr. Raiyani, appearing in person on behalf of the Petitioners as to how such a Petition was maintainable. Mr. Raiyani stated that the contents of the Petition itself would make the same clear. He then proceeded to read out the entire Petition from one end to the other. We then asked Mr. Raiyani to make legal submissions to support the reliefs which had been sought for and not merely read out the Petition. In response Mr. Raiyani went on to state that the grant of subsidies for the purposes of religion/religious activities and/or performance of religious pilgrimages etc. was unconstitutional and then proceeded to give a general discourse which we are afraid, we were quite unable to follow. Mr. Raiyani then tendered written submissions and additional written submissions for our consideration.

3. Mr. Mishra Learned counsel appearing on behalf of Respondent No. 1 - the Union of India submitted that this Petition was not maintainable given the very nature of reliefs sought for. At the very outset he pointed out that no act of Respondent No.1 was in any manner non secular in nature in either letter or spirit. He then invited our attention to the Affidavit in Reply filed by Respondent No. 1 and pointed out therefrom that Respondent No. 1 merely provided the necessary assistance and infrastructure to various pilgrims etc. only to ensure *inter alia* safe passage to the pilgrims, facilitation of Indian citizens going to pilgrimage and consolidate international relations. He thus submitted that the same fell squarely within the provisions of Article 282 of the Constitution of India and were not in any manner in violation of Article 25 (2) and 27 of the Constitution. He submitted that therefore no religious element or non-secular activities could be ascribed to Respondent No.1

4. Mr. Mishra then submitted that the Petitioners were unnecessarily misconstruing what was being done by Respondent No. 1 as being to promote religion and thus not secular when infact that same was only part of foreign policy and international

relations. He submitted that the Hon'ble Supreme Court, had in several judgements held that the States action to support such secular activities was not violation of Article 27 of the Constitution of India and was permissible under Article 282 of the Constitution of India. Basis the above, he submitted that the petition was entirely without merit and thus deserved to be dismissed.

5. We have heard Mr. Raiyani at length, Mr. Mishra for Respondent No.1 and gone through the pleadings and after giving our careful consideration to the same, we find that the present Petition deserves to be dismissed for the following reasons, viz.

- A. As already noticed above, the Petition is entirely vague, omnibus and seeks multifarious and disconnected prayers. We find that such a Petition is not one which ought to be entertained by a Court either as a Public Interest Litigation or even otherwise. We must note that the Hon'ble Supreme Court had in the case of ***S.P. Anand, Indore vs. H.D. Deve Gowda & Others***¹ specifically held as follows, viz.

1 (1996) 6 SCC 734

"18. Before we part, we cannot help mentioning that on issues of constitutional laws, litigants who can lay no claim to have expert knowledge in that field should refrain from filing petitions, which if we may say so, are often drafted in a casual and cavalier fashion giving an extempore appearance not having had even a second look. This is the impression that one gets on reading the present petition. It is of utmost importance that those who invoke this Court's jurisdiction seeking a waiver of the locus standi rule must exercise restraint in moving the Court by not plunging in areas wherein they are not well-versed. Such a litigant must not succumb to spasmodic sentiments and behave like a knight-errant roaming at will in pursuit of issues providing publicity. He must remember that as a person seeking to espouse a public cause, he owes it to the public as well as to the court that he does not rush to court without undertaking a research, even if he is qualified or competent to raise the issue. Besides, it must be remembered that a good cause can be lost if petitions are filed on half-baked information without proper research or by persons who are not qualified and competent to raise such issues as the rejection of such a petition may affect third party rights"

(emphasis supplied)

We cannot help but note how apposite the above observations are to the Petitioners in the present case.

- B. Additionally, and crucially, we must note that the only grounds raised in the Petition to support the reliefs prayed for are the following, viz.

- "(i) People pledged on 26th Jan. 1950 to adopt and enforce secularism in all aspects of life and thus directed the government to implement the same in letter and spirit.*
- (ii) The respondent govts. Allowed the state properties, movable and immovable to be misused for keeping the sectarian groups and the employees happy giving go bye to the sacrosanct mandate of secularism enshrined in the constitution of the Indian republic.*
- (iii) Managing temples and using state fund and machinery is against the law of the land and the government is duty bound not to involve itself in such management.*
- (iv) It is also against the law for any state functionary to perform any pooja or allow such pooja for commencing or inaugurating any project.*
- (v) It is also wrong to allow any portraits or statues of any gods, goddesses, historical character, national or party leaders except the Father of the Nation which is customary in all world countries.*
- (vi) It is again illegal for the Defence Ministry to maintain and construct religious shrines of different faiths as well as maintain priests and recruit new at state expense.*
- (vii) Religion is a personal matter of a person and the management thereof is the right and obligation of the group or section of the people following the same.*
- (viii) The state has failed to educate its citizens on scientific temper humanism, enquiry and reform as directed under Art. 51-A of the constitution.*

- (ix) *The Petitioners state that cause of action has arisen in the whole of the country, including the State of Maharashtra and therefore this Hon'ble Court has jurisdiction to hear and adjudicate the case.*
- (x) *That the human greed surpasses the scriptural edicts and customs for turning a real pilgrimage into a pleasure trip.*
- (xi) *That there is a scramble for Haj after the commencement of state subsidy and the number of Hajis increased five fold over the last decade.*
- (xii) *That the Islamic laws and customs forbids such type of Hajs sponsored on state funds.*
- (xiii) *That the policy of funding Haj creates enmity and disharmony among the followers of other faiths who do not receive such financial assistance from the state for their own pilgrimages.*
- (xiv) *That the said Haj subsidy policy and the grant to Mansarovar pilgrims are violative of the constitutional provisions.*
- (xv) *That the governments are spending colossal amount every year to keep ruling parties' vote banks intact.*
- (xvi) *That the amount so spent should have been fruitfully spent in this poor country for human resource development, infrastructural development and alleviation of poverty."*

As can be seen above, the same are entirely general in nature and read more like the Petitioners *ipse dixit*. None of the grounds even remotely suggest, much less expressly set out, which provisions of the Constitution of

India stand violated. Infact, the only reference to any Constitutional provision is to be found in ground (viii) which merely make a mention of Article 51 – A which provides for the Fundamental Duties of every citizen of India and thus it is unclear why the same has even been alluded to in the present Petition.

6. Before parting with this order, we must note the observations made by a coordinate Bench of this Court, in its judgement dated 19th July, 2023 passed in Public Interest Litigation (L) No. 41119 of 2022² which was also filed by Petitioner No. 2, Mr. Raiyani, in which this Court observed as follows, viz.

“12. We place on record our disapproval of the numerous poorly drafted and haphazardly presented petitions persistently filed by this Petitioner, subjecting the Court to a monologue, thereby consuming valuable judicial time and resources. It is essential to exercise prudence and diligence in preparing and presenting petitions before the Court, ensuring that they are well-founded and supported by adequate research and compelling arguments, avoiding using intemperate language. It is crucial to maintain respect and professionalism in all legal pleadings, regardless of the nature of the case or the parties involved. The PIL Petitioner must try to understand the relevant legal principles, administrative and constitutional law, and

2 Bhagvanji Raiyani Vs. The State of Maharashtra and Another

the scope of writ jurisdiction, and if they cannot do so, seek legal assistance. That is so because the judicial system operates with limited time and resources, and frivolous or poorly presented PILs burden the Court and hinder the resolution of other genuine and urgent cases.”

We find that the above observations apply on all fours to the present Petition as well.

7. For the reasons stated above, the petition is dismissed.

8. In view of the above order, Civil Application (St.) No. 7993 of 2018 does not survive and is accordingly disposed of.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)