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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 23rd February, 2022

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W.P.(C) 2471/2022

DR. MOHAMMAD AJAZUR RAHMAN

..... Petitioner

Through: Ms. Payal Bahl, Advocate.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Chetan Sharma, Additional Solicitor General and Mr. Anurag Ahluwalia, Central Government Standing Counsel with Mr. Vinay Yadav, Mr. Amit Gupta, Mr. Rishabh Dubey, Mr. Sahaj Garg and Mr. R.V. Prabhat, Advocates for UOI.

CORAM:**HON'BLE THE CHIEF JUSTICE****HON'BLE MS. JUSTICE JYOTI SINGH****JUDGMENT****D.N. PATEL, CHIEF JUSTICE (ORAL)**

1. Present Public Interest Litigation has been preferred seeking the following reliefs:

“A. Kindly be pleased allow the present Writ petition for Issuance of Mandamus upon the Respondents for implementation of the Whistle Blower Protection Act, 2014 through issuance of notification / rules/ regulations etc.

B. Any other relief to which this honourable Court deems fit may also be granted.”



2. We have heard learned counsels appearing on behalf of the parties and looked into the facts and circumstances of the case. Petitioner seeks directions to the Respondents by way of a Writ of Mandamus for implementation of the “Whistle Blower Protection Act, 2014”. It is contended that the said Act was published in the Gazette of India on 12.05.2014, however, Section 1(3) of the said Act empowers the Union Government to bring the Act in force by a Notification in the Official Gazette, to that effect, which has not been done so far. It is further contended that the Union of India has presented Whistle Blowers Protection (Amendment) Bill, 2015, before the Parliament to amend the Act of 2014, the Bill has expired by the end of session of the 16th Lok Sabha as no efforts were made to pass the Bill.

3. It ought to be kept in mind that enactment of law and/or issuance of Notifications/Rules/Regulations to enforce a Legislation is a Sovereign function and it is not for the Courts to issue directions through a Writ of Mandamus for carrying out the said Sovereign functions.

4. Law is nothing but the desire of the people. Parliament and the State Legislatures represent desire of the people. It is the domain of the Parliament or the State Legislatures to enact laws and notify their enforcement, The Court sitting in a judicial review, cannot substitute its wisdom for theirs.

5. Court cannot issue any direction or writ, to State or Central Government, to bring into force a law or amendment in existing law, but once the law is brought into force by State or Central Government, this Court can look into its legality, with reference to retrospectivity etc. Similarly, there are several Acts which are sought to be amended from



time-to-time, however, it is not for the Courts to direct the date from which the amendment is to be brought into force.

6. In view of the aforesaid, we see no reason to issue a writ, order or direction to the Respondents, as sought for by the Petitioner.

7. The writ petition is accordingly dismissed.

CHIEF JUSTICE

JYOTI SINGH, J

FEBRUARY 23, 2022/sn

