

\$~

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 12.06.2020

+ W.P.(C) 3449/2020 & C.M. No.12224/2020 (stay)

ARJUN AGGARWAL

..... Petitioner

Through: Mr. Apratim Animesh Thakur, Mr.
Sugam Kumar Jha and Ms. Nikita
Chitale, Advocates.

versus

UNION OF INDIA AND ANR

....Respondents

Through: Ms. Maninder Acharya, ASG with
Mr. Jasmeet Singh, CGSC, Mr.
Srivats Kaushal and Mr. Viplav
Acharya, Advocates for UOI.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

SUBRAMONIUM PRASAD, J

1 The instant Public Interest Litigation (PIL) challenges the order dated 30.05.2020 bearing No.40-3/2020-DM-I, issued by the Government of India, Ministry of Home Affairs. By the impugned order, in exercise of powers under Section 6 (2) (i) of the Disaster Management Act, 2005, the Government of India has extended the lockdown which had initially been issued by an order bearing the same number, dated 25.03.2020 for containment of COVID-19 in

the country up to 30.06.2020, in containment zones and to reopen activities in a phased manner outside containment zones.

2 In the wake of the spread of COVID-19 pandemic, by an order dated 16.03.2020, Government of India ordered closure of educational institutions, shopping malls, theatres, gyms etc. in the entire country. In furtherance of the endeavour to stop the spread of COVID-19 pandemic, the Government of India by an order dated 25.03.2020 bearing No.40-3/2020-DM-I announced a 21 days lockdown w.e.f. 25.03.2020 till 14.04.2020. Pursuant to this announcement, the entire country came to a standstill. All offices Government and private, all industries, construction activity and all other activities in the country were shutdown/stopped. All means of transport i.e. air, rail and roads were closed. The country came to a grinding halt.

3 The 21 days period ended on 14.04.2020. The Government of India announced extension of the lockdown from 14.04.2020 till 30.04.2020. However, some relaxations were given in areas in which the COVID-19 disease had not spread. The said lockdown was to end on 30.04.2020.

4 The lockdown was further extended till 15.05.2020 by an order dated 01.05.2020. By the said order, the country was divided into red (hot spot), orange and green zones based on the spread of the pandemic. Certain relaxations were given for activities depending upon the zones in which the area fell.

5 The lockdown was further extended to 31.05.2020 by an order dated 17.05.2020. There were further relaxations for opening up certain more activities depending on the spread of COVID-19. The relevant portion of the guidelines read as under:-

"Guidelines on the measures to be taken by Ministries/Departments of Government of India, State/ UT Governments and State/UT Authorities for containment of COVID-19 in the country upto 31st, 2020.

{As per Ministry of HHome Affairs (MHA) Order No.40-3/2020-DM-I (A) dated 17th May, 2020}

1. Lockdown shall continue to remain in force upto 31st May, 2020.

2 ***The following activities shall continue to remain prohibited throughout the country:***

(i) All domestic and international air travel of passengers, except for domestic medical services, domestic air ambulance and for security purposes or purposes as permitted by MHA;

(ii) Metro rail services;

(iii) Schools, colleges, educational and training/coaching institutions; will remain closed. Online/ distance learning shall continue to be permitted and shall be encouraged.

(iv) Hotels, restaurants and other hospitality services, except those meant for housing health/police/Government officials/healthcare workers/ stranded persons including tourists and for quarantine facilities, and running of canteens at bus

depots, railway stations and airports. Restaurants shall be permitted to operate kitchens for home delivery of food items.

(v) All cinemas, shopping malls, gymnasiums, swimming pools, entertainment parks, theaters bars and auditoriums, assembly halls and similar places. Sports complexes and stadia will be permitted to open, however, spectators will not be permitted.

(vi) All social, political/sports/entertainment/academic/cultural/religious functions/other gatherings and large congregations.

(vii) All religious places/places of worship shall be closed for public. Religious congregations are strictly prohibited.

3 The following activities shall be permitted with restrictions, except in the Containment Zones.

(i) Inter-State movement of passenger vehicles and buses, with mutual consent of the State(s)/ UT (s) involved.

(ii) Intra-State movement of passenger vehicles and buses, as decided by the States and UTs.

(iii) Standard Operating Procedures (SOPs) for movement of persons, as mentioned in Annexure I, shall continue to operate.

4 National Directives for COVID-19 Management.

National Directives for COVID-19 Management, as specified in Annexure II, shall be followed throughout the country.

5 Containment, Buffer, Red, Green and Orange Zones.

(i) The delineation of Red, Green and Orange Zones will be decided by the respective State and UT Governments, after taking

into consideration the parameters shared by the Ministry of Health & Family Welfare (MoHFW), Government of India (GoI).

(ii) Within the Red and Orange Zones, Containment Zones and Buffer Zones will be demarcated by the District authorities, after taking into consideration the guidelines of MoHFW.

(iii) In the Containment Zones, only essential activities shall be allowed. There shall be strict perimeter control to ensure that there is no movement of people in or out of these zones, except for medical emergencies and for maintaining supply of essential goods and services. Guidelines of MoHFW shall be taken into consideration for the above purpose.

(iv) In the Containment Zones, there shall be intensive contact tracing, house-to-house surveillance, and other clinical interventions, as required.

XXXXXXXXXX

8 All other activities will be permitted, except those which are specifically prohibited.

However, in Containment Zones, only essential activities shall be allowed, as mention in para 5 (iii) above.

Further, States/UTs, based on their assessment of the situation, may prohibit certain other activities in the various zones, or impose such restrictions as deemed necessary.

6 On 30.05.2020, Government of India issued the impugned guidelines which were framed as '*Guidelines for Phased Reopening in lockdown-I*'. The relevant portion of the phased reopening read as under:-

"1 Phased re-opening of areas outside the Containment Zones. *In areas outside Containment Zones, all activities will be permitted, except the following which will be allowed, with the stipulation of following Standard Operating Procedures (SOPs) to be prescribed by the Ministry of Health and Family Welfare (MoHFW), in a phased manner.*

Phase I

The following activities will be allowed with effect from 8 June, 2020:

- (i) Religious place/places of worship for public.*
- (ii) Hotels, restaurants and other hospitality services.*
- (iii) Shopping malls.*

Ministry of Health and Family Welfare (MoHFW) will issue Standing Operating Procedures (SOPs) for the above activities, in consultation with the Central Ministries/Departments concerned and other stakeholders for ensuring social distancing and to contain the spread of COVID-19.

Phase II

Schools, colleges, educational/training/coaching institutions etc., will be opened after consultations with States and UTs. State Governments/UT administrations may hold consultations at the institution level with parents and other stakeholders. Based on the feedback, a decision on the re-opening of these institutions will be taken in the month of July, 2020.

MoHFW will prepare SOP in this regard, in consultation with the Central Ministries/Departments concerned and other stakeholders, for ensuring social distancing and to contain the spread of COVID-19.

Phase III

Based on the assessment of the situation, dates for re-starting the following activities will be decided:

- (i) International air travel of passengers, except as permitted by MHA*
- (ii) Metro Rail.*
- (iii) Cinema halls, gymnasiums, swimming pools, entertainment parks, theatres, bars and auditoriums, assembly halls and similar places.*
- (iv) Social/political/sports/entertainment/academic/cultural/religious functions and other large congregations.*

XXXXXXXX

4 Lockdown limited to Containment Zones.

- (i) Lockdown shall continue to remain in force in the Containment Zones till 30 June, 2020.*
- (ii) Containment Zones will be demarcated by the District authorities after taking into consideration the guidelines of MoHFW.*
- (iii) In the Containment Zones, only essential activities shall be allowed. There shall be strict perimeter control to ensure that there*

is no movement of people in or out of these zones, except for medical emergencies and for maintaining supply of essential goods and services. In the Containment Zones, there shall be intensive contract tracing, house-to-house surveillance and other clonical interventions, as required. Guidelines of MoHFW shall be taken into consideration for the above purpose.

(iv) States/UTs may also identify Buffer Zones outside the Containment Zones, where new cases are more likely to occur. Within the buffer zones, restrictions as considered necessary may be put in place by the District authorities."

7 Along with the guidelines, directives were also issued to ensure that adequate precautions are taken to avoid spread of COVID-19 which read as under:-

"National Directives for COVID-19 Management.

- 1. Face coverings:*** *Wearing of face cover is compulsory in public places; in workplaces; and during transport.*
- 2. Social distancing:*** *Individuals must maintain a minimum distance of 6 feet (2 gaz ki doori) in public places.*

Shop will ensure physical distancing among customers and will not allow more than 5 persons at one time.

- 3. Gatherings:*** *Large public gatherings/congregations continue to remain prohibited.*

Marriage related gatherings: Number of guests not to exceed 50.

Funeral/last rites related gatherings: Number of persons not to exceed 20

4 *Spitting in public places* will be punishable with fine, as may be prescribed by the State/UT local authority in accordance with its laws, rules or regulations.

5 *Consumption of liquor, paan, gutka, tobacco etc. in public places* is prohibited.

Additional directives for Work Places

6 *Work from home (WfH):* As far as possible the practice of WfH should be followed.

7 *Staggering of work/business hours* will be followed in offices, work places, shops markets and industrial and commercial establishments.

8 *Screening & Hygiene:* Provision for thermal scanning, hand wash and sanitizer will be made at all entry and exit points and common areas.

9 *Frequent sanitization* of entire workplace, common facilities and all points which come into human contact e..g door handles, etc., will be ensured, including between shifts.

10 *Social distancing:* All persons in charge of work place will ensure adequate distance between workers, adequate gaps between shifts, staggering the lunch breaks of staff, etc."

8 The writ petitioner has averred that he is a 5th year student of B.A. LLB (Hons.) course, studying in Guru Gobind Singh Indraprastha University and has the means to pay, if any cost is imposed by the Hon'ble Court. The instant writ petition challenges the guidelines on the ground that phased reopening will result in rampant spread of COVID-19 in the country. It is contended in the

writ petition that the impugned Notification will deprive the citizens of their basic fundamental rights such as life and it ignores the health of its citizens by exposing them to the threat from COVID-19. It is stated in the writ petition that the reopening has been done only keeping in mind economic considerations while endangering its citizens to the extent of succumbing to a contagious disease in the absence of any proven medical cure for it. It is stated that there was no need or justification for reopening the prohibited activities.

9 Mr. Thakur would contend that opening of activities in the country would lead to the spread of COVID -19 pandemic; that the Government has driven only by economic considerations at the costs of lives of people; that opening up of economic activities will force labour to go for work thereby exposing them to COVID-10 for which no cure has been found; that it is impossible to enforce social distancing norms in malls; finally that the guidelines for observing social distancing norms were put up on the website of the respondent much after the impugned Notification was issued.

10 We have heard Mr. Apratim Animesh Thakur, learned counsel for the petitioner.

11 This Court can take judicial notice of the fact that the lockdown has resulted in loss of jobs for several lakhs of people. Scores of people were forced to walk considerable distance during the lockdown and stand in long queues at Food distribution centers just to have two square meals a day. Several have

gone hungry and were not able to get one meal. Many were left shelterless. Several lakhs of migrant labour had to walk on foot and go back to their native places. The economic situation of the country has taken a terrible hit due to the lockdown. In fact, many analysts have opined that the lockdown has caused more human suffering than COVID-19 itself. Economists have forecasted that Indian economy will shrink as a result of the steps taken to contain Corona virus pandemic. Indian economy virtually came to a standstill during nationwide lockdown. Production in the country came to a grinding halt during the lockdown period. Construction activities in the country have stopped. People have become unemployed which raises grave concerns regarding the law and order situation in the country.

12 A series of orders have been passed starting from the month of March, 2020 to tackle the situation and decisions have been taken by the Government to ensure minimum hardship to the people. Several economic packages have been announced to regenerate the economy. This Court can also take judicial notice of the fact that world over, the trend is now to reduce the restrictions which were imposed due to lockdown and to return to normal life. In order to ensure a proper balance between containing the spread of COVID-19 pandemic and at the same time make certain that people are not forced to starvation the Government has issued the impugned order. The re-opening has been directed in a phased manner and is not a decision that appears to have been taken in

haste. The Government is expected to remain cognizant of the situation and evaluate it closely. If it is found that the rate of infection is going up, they can always review their decision and impose curbs, depending upon the situation.

13 The scope of judicial review of Government policies is well known. Courts do not and cannot act as an appellate authority examining the correctness, suitability and appropriateness of the policy; nor are courts advisors to the executive in matters of policy which the executive is entitled to formulate. Courts cannot interfere with the policy either on the ground that it is erroneous or on the ground that a better or a wiser alternative is available. Illegality of the policy and not the wisdom and soundness of the policy is the subject matter of judicial review. (see: *Union of India v. J.D. Suryavanshi*, (2011) 13 SCC 167 and *Directorate Of Film Festivals & Anr. vs Gaurav Ashwin Jain & Ors*, (2007) 4 SCC 737.)

14 It is also well settled that judicial review of a policy framed by the Government is not an appeal from a decision but a review of the manner in which the decision has been made. The Supreme Court in *Centre for Public Interest Litigation Vs. Union of India and Others* (2016) 6 SCC 408 has held as under:-

21. Such a policy decision, when not found to be arbitrary or based on irrelevant considerations or mala fide or against any statutory provisions, does not call for any interference by the courts in exercise of power of judicial review. This principle of law is ingrained in stone

which is stated and restated time and again by this Court on numerous occasions. In Jal Mahal Resorts (P) Ltd. v. K.P. Sharma [Jal Mahal Resorts (P) Ltd. v. K.P. Sharma, (2014) 8 SCC 804] , the Court underlined the principle in the following manner:

“137. From this, it is clear that although the courts are expected very often to enter into the technical and administrative aspects of the matter, it has its own limitations and in consonance with the theory and principle of separation of powers, reliance at least to some extent to the decisions of the State authorities, specially if it is based on the opinion of the experts reflected from the project report prepared by the technocrats, accepted by the entire hierarchy of the State administration, acknowledged, accepted and approved by one Government after the other, will have to be given due credence and weightage. In spite of this if the court chooses to overrule the correctness of such administrative decision and merits of the view of the entire body including the administrative, technical and financial experts by taking note of hair splitting submissions at the instance of a PIL petitioner without any evidence in support thereof, the PIL petitioners shall have to be put to strict proof and cannot be allowed to function as an extraordinary and extra-judicial ombudsman questioning the entire exercise undertaken by an extensive body which includes administrators, technocrats and financial experts. In our considered view, this might lead to a friction if not collision among the three organs of the State and would affect the principle of governance ingrained in the theory of separation of powers. In fact, this Court

in *M.P. Oil Extraction v. State of M.P* (1997) 7 SCC 592 , at p. 611 has unequivocally observed that:

‘41. ... The power of judicial review of the executive and legislative action must be kept within the bounds of constitutional scheme so that there may not be any occasion to entertain misgivings about the role of judiciary in outstepping its limit by unwarranted judicial activism being very often talked of in these days. The democratic set-up to which the polity is so deeply committed cannot function properly unless each of the three organs appreciate the need for mutual respect and supremacy in their respective fields.’

138. However, we hasten to add and do not wish to be misunderstood so as to infer that howsoever gross or abusive may be an administrative action or a decision which is writ large on a particular activity at the instance of the State or any other authority connected with it, the Court should remain a passive, inactive and a silent spectator. What is sought to be emphasised is that there has to be a boundary line or the proverbial “Laxman rekha” while examining the correctness of an administrative decision taken by the State or a Central authority after due deliberation and diligence which do not reflect arbitrariness or illegality in its decision and execution. If such equilibrium in the matter of governance gets disturbed, development is bound to be slowed down and disturbed specially in an age of economic liberalisation wherein global players are also involved as per policy decision.”

- **22.** *Minimal interference is called for by the courts, in exercise of judicial review of a government policy when the said policy is the outcome of deliberations of the technical experts in the fields inasmuch as courts are not well equipped to fathom into such domain which is left to the discretion of the execution. It was beautifully explained by the Court in Narmada Bachao Andolan v. Union of India (2000) 10 SCC 664 and reiterated in Federation of Railway Officers Assn. v. Union of India, (2003) 4 SCC 289 in the following words: (SCC p. 289, para 12)*

“12. In examining a question of this nature where a policy is evolved by the Government judicial review thereof is limited. When policy according to which or the purpose for which discretion is to be exercised is clearly expressed in the statute, it cannot be said to be an unrestricted discretion. On matters affecting policy and requiring technical expertise the court would leave the matter for decision of those who are qualified to address the issues. Unless the policy or action is inconsistent with the Constitution and the laws or arbitrary or irrational or abuse of power, the court will not interfere with such matters.”

23. *Limits of the judicial review were again reiterated, pointing out the same position by the courts in England, in G. Sundarrajan v. Union of India (2013) 6 SCC 620 in the following manner: (SCC p. 646, para 15)*

“15.1. Lord MacNaughten in Vacher & Sons Ltd. v. London Society of Compositors , 1913 AC 107 : (1911-13) All ER Rep 241 (HL) has stated: (AC p. 118)

‘... Some people may think the policy of the Act unwise and even dangerous to the community. ... But a judicial tribunal has

nothing to do with the policy of any Act which it may be called upon to interpret. That may be a matter for private judgment. The duty of the court, and its only duty, is to expound the language of the Act in accordance with the settled rules of construction.'

15.2. In *Council of Civil Service Unions v. Minister for the Civil Service*, 1985 AC 374 : (1984) 3 WLR 1174 : (1984) 3 All ER 935 (HL) (AC p. 414 : All ER p. 954), it was held that it is not for the courts to determine whether a particular policy or particular decision taken in fulfilment of that policy is fair. They are concerned only with the manner in which those decisions have been taken, if that manner is unfair, the decision will be tainted with what Lord Diplock labels as "procedural impropriety".

15.3. This Court in *M.P. Oil Extraction v. State of M.P.* (1997) 7 SCC 592 held that unless the policy framed is absolutely capricious, unreasonable and arbitrary and based on mere ipse dixit of the executive authority or is invalid in constitutional or statutory mandate, court's interference is not called for.

15.4. Reference may also be made of the judgments of this Court in *Ugar Sugar Works Ltd. v. Delhi Admn.* (2001) 3 SCC 635, *Dhampur Sugar (Kashipur) Ltd. v. State of Uttaranchal* (2007) 8 SCC 418 and *Delhi Bar Assn. v. Union of India* [*Delhi Bar Assn. v. Union of India*, (2008) 13 SCC 628] .

15.5. We are, therefore, firmly of the opinion that we cannot sit in judgment over the decision taken by the Government of India, NPCIL, etc. for setting up of KKNPP at Kudankulam in view of the Indo-Russian Agreement."

*24. When it comes to the judicial review of economic policy, the courts are more conservative as such economic policies are generally formulated by experts. Way back in the year 1978, a Bench of seven Judges of this Court in *Prag Ice & Oil Mills v. Union of India* (1978) 3 SCC 459, AIR 1978 SC 1296 : 1978 Cri LJ 1281 carved out this principle in the following terms: (SCC p. 478, para 24)*

“24. We have listened to long arguments directed at showing us that producers and sellers of oil in various parts of the country will suffer so that they would give up producing or dealing in mustard oil. It was urged that this would, quite naturally, have its repercussions on consumers for whom mustard oil will become even more scarce than ever ultimately. We do not think that it is the function of this Court or of any court to sit in judgment over such matters of economic policy as must necessarily be left to the government of the day to decide. Many of them, as a measure of price fixation must necessarily be, are matters of prediction of ultimate results on which even experts can seriously err and doubtlessly differ. Courts can certainly not be expected to decide them without even the aid of experts.”

*25. Taking aid from the aforesaid observations of the Constitution Bench, the Court reiterated the words of caution in *Peerless General Finance and Investment Co. Ltd. v. RBI*, (1992) 2 SCC 343 with the following utterance: (SCC p. 375, para 31)*

“31. The function of the Court is to see that lawful authority is not abused but not to appropriate to itself the task entrusted to that authority. It is well settled that a public body invested with statutory powers must take care not to exceed or abuse its power. It must keep within the limits of the authority committed to it. It must act in good faith and it must act reasonably. Courts are not to interfere with economic

policy which is the function of experts. It is not the function of the courts to sit in judgment over matters of economic policy and it must necessarily be left to the expert bodies. In such matters even experts can seriously and doubtlessly differ. Courts cannot be expected to decide them without even the aid of experts.”

26. It cannot be doubted that the primary and central purpose of judicial review of the administrative action is to promote good administration. It is to ensure that administrative bodies act efficiently and honestly to promote the public good. They should operate in a fair, transparent, and unbiased fashion, keeping in forefront the public interest. To ensure that the aforesaid dominant objectives are achieved, this Court has added new dimension to the contours of judicial review and it has undergone tremendous change in recent years. The scope of judicial review has expanded radically and it now extends well beyond the sphere of statutory powers to include diverse forms of “public” power in response to the changing architecture of the Government [[See: Administrative Law: Text and Materials (4th Edn., Oxford University Press, New York, 2011) by Beatson, Matthews, and Elliott.]] . Thus, not only has judicial review grown wider in scope; its intensity has also increased. Notwithstanding the same,

“it is, however, central to received perceptions of judicial review that courts may not interfere with exercise of discretion merely because they disagree with the decision or action in question; instead, courts intervene only if some specific fault can be established—for example, if the decision reached was procedurally unfair”.

27. The raison d’être of discretionary power is that it promotes the decision-maker to respond appropriately to the demands of a particular situation. When the decision-making is policy-based, judicial approach to interfere with such decision-making becomes narrower. In such cases, in the first instance, it is to be examined as to whether the policy in question is contrary to any statutory

provisions or is discriminatory/arbitrary or based on irrelevant considerations. If the particular policy satisfies these parameters and is held to be valid, then the only question to be examined is as to whether the decision in question is in conformity with the said policy.

15 The instant writ petition has been filed by the petitioner who is a law student without looking at the abovementioned position in law. Nothing has been shown as to how the impugned order is so arbitrary or is based on such irrelevant consideration that it deserves to be struck down as being violative of Article 14 of the Constitution of India. The writ petition is completely misconceived and has been filed only to gain publicity. It cannot be said that this instant petition has been filed bonafide. In State of Uttarakhand vs. Balwant Singh Chauhan and Ors., (2010) 3 SCC 402, the Supreme Court has given guidelines in order to streamline the growing abuse of public interest litigation which read as under:

" 180. In our considered view, now it has become imperative to streamline the P.I.L.

181. We have carefully considered the facts of the present case. We have also examined the law declared by this court and other courts in a number of judgments. In order to preserve the purity and sanctity of the PIL, it has become imperative to issue the following directions:-

(1) The courts must encourage genuine and bona fide PIL and effectively discourage and curb the PIL filed for extraneous considerations.

(2) Instead of every individual judge devising his own procedure for dealing with the public interest litigation, it would be appropriate for each High Court to properly formulate rules for encouraging the genuine PIL and discouraging the PIL filed with oblique motives. Consequently, we request that the High Courts who have not yet framed the rules, should frame the rules within three months. The Registrar General of each High Court is directed to ensure that a copy of the Rules prepared by the High Court is sent to the Secretary General of this court immediately thereafter.

(3) The courts should prima facie verify the credentials of the petitioner before entertaining a P.I.L.

(4) The court should be prima facie satisfied regarding the correctness of the contents of the petition before entertaining a PIL.

(5) The court should be fully satisfied that substantial public interest is involved before entertaining the petition.

(6) The court should ensure that the petition which involves larger public interest, gravity and urgency must be given priority over other petitions.

(7) The courts before entertaining the PIL should ensure that the PIL is aimed at redressal of genuine public harm or public injury. The court should also ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation.

(8) The court should also ensure that the petitions filed by busybodies for extraneous and ulterior motives must be discouraged by imposing exemplary costs or by adopting similar

novel methods to curb frivolous petitions and the petitions filed for extraneous considerations."

The instant writ petition does not satisfy the dictum of the Guidelines laid by the Supreme Court and this Court.

16 In Tehseen Poonawalla Vs. Union of India and Another, (2018) 6 SCC 72, the Supreme Court has observed as under:-

" 98. The misuse of public interest litigation is a serious matter of concern for the judicial process. Both this Court and the High Courts are flooded with litigation and are burdened by arrears. Frivolous or motivated petitions, ostensibly invoking the public interest detract from the time and attention which courts must devote to genuine causes. This Court has a long list of pending cases where the personal liberty of citizens is involved. Those who await trial or the resolution of appeals against orders of conviction have a legitimate expectation of early justice. It is a travesty of justice for the resources of the legal system to be consumed by an avalanche of misdirected petitions purportedly filed in the public interest which, upon due scrutiny, are found to promote a personal, business or political agenda. This has spawned an industry of vested interests in litigation. There is a grave danger that if this state of affairs is allowed to continue, it would seriously denude the efficacy of the judicial system by detracting from the ability of the court to devote its time and resources to cases which legitimately require attention. Worse still, such petitions pose a grave danger to the credibility of the judicial process. This has the propensity of endangering the

credibility of other institutions and undermining public faith in democracy and the Rule of law. This will happen when the agency of the court is utilised to settle extra-judicial scores. Business rivalries have to be resolved in a competitive market for goods and services. Political rivalries have to be resolved in the great hall of democracy when the electorate votes its representatives in and out of office. Courts resolve disputes about legal rights and entitlements. Courts protect the Rule of law. There is a danger that the judicial process will be reduced to a charade, if disputes beyond the ken of legal parameters occupy the judicial space.

17 During the course of hearing, we had informed learned counsel for the petitioner that we are not inclined to entertain the petition as we find that it is an abuse of the process of the law. We had also warned the counsel that if he presses the petition, we would be constrained to dismiss it with costs. We cautioned learned counsel only because the petitioner is a law student. Despite that, counsel for the petitioner upon taking instructions from the petitioner, continued to addressing arguments, wasting valuable judicial time. We deprecate this conduct of the petitioner. He has not cared to read the judgments relating to public interest litigations and the limits on the Court while exercising its power of judicial review on policy matters.

18 The writ petition is accordingly dismissed along with pending application with costs of Rs.20,000/- imposed on the petitioner who is directed to deposit the same in the Delhi High Court Bar Association Lawyers' Security and

Welfare Fund within a period of two weeks from today, with proof of deposit to be filed with the Registry of this Court.

SUBRAMONIUM PRASAD, J.

HIMA KOHLI, J.

JUNE 12, 2020

A