

PETITIONER:
CHARAN LAL SAHU

Vs.

RESPONDENT:
UNION OF INDIA & ANR.

DATE OF JUDGMENT 09/10/1987

BENCH:
MISRA RANGNATH
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MISRA RANGNATH
SINGH, K.N. (J)

CITATION:
1988 AIR 107 1988 SCR (1) 441
1988 SCC (3) 255 JT 1987 (4) 128
1987 SCALE (2) 754

ACT:

Contempt of Court Act, 1971: s. 15-Writ Petition by way of public interest litigation-Couched in unsavoury language with a designed attempt to lower the prestige of the Court-Petitioner issued show cause for contempt of Court.

HEADNOTE:

The petitioner, an advocate, filed the application by way of a public interest litigation alleging that the working of the Judges of the apex Court was cocktail, based on Western Common Law and American techniques; that the Court had become a constitutional liability without having control over the illegal acts of Government, and that the Court was sleeping over the issues.

Dismissing the writ petition,

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HELD: The petitioner is prima facie guilty of contempt. The petition is clearly intended to denigrate the Court in the esteem of the people of India. The allegations are clumsy. It is an intentional attempt at lowering the prestige of the Court as the apex Judicial Institution. [442G, D; 443A]

The Registry to draw up an appropriate proceeding for contempt of court and issue notice to the petitioner. [443C]

The petition is an act against public interest. The petitioner has certainly overstepped the limit of self restraint so much necessary in such litigation. The Registry directed not to entertain any public interest litigation application filed by the petitioner in future. [443E]

JUDGMENT:

ORIGINAL JURISDICTION: Writ Petition (Civil) No. 849 of 1987.

(Under Article 32 of the Constitution of India).

Petitioner-in-person and M.S.Ganesh for the petitioner.

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K. Parasaran, Attorney General and Ms. A. Subhashini for the Respondents.

The following order of the Court was delivered:

O R D E R

This application has been filed by an Advocate of this Court by way of a public interest litigation. It had been listed earlier and learned Attorney General had entered appearance on behalf of the Union of India.

We have heard the petition. It has been couched in unsavoury language and the petitioner seems to have made an intentional attempt to indulge in mud-slinging against the advocates, this Court in particular as also other constitutional institutions. Many of the allegations in his writ petition are likely to lower the prestige of this Court as the apex judicial institution. At one place in the writ petition, he has alleged:-

"Thus the working of the Judges are cocktail based on Western Common Laws and American techniques, as such unproductive and out dated according to socio-economic conditions of the country. "

At one another place, the petitioner has stated that:

"This Court has become a constitutional liability without having control over the illegal acts of the Government Thus the people for whom the Constitution is meant have now turned down their faces against it which is a did-illusionment for fear that justice is a will of the Wisp."

Yet at another place the petitioner has stated that this Court is sleeping over the issues like 'Kumbhkarna.' The reading of the writ petition gives the impression that it is clearly intended to denigrate this Court in the esteem of the people of India. We are of the priam facie view that the petition has been drawn up with a designed purpose of bringing the Court into contempt and the petitioner is, therefore, prima facie guilty of contempt.

The writ petition has been drafted in a careless manner. At several places the pleadings are meaningless. At several other places

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they are contradictory. The allegations are clumsy and several irrelevant facts have been put into the petition to inflate its size.

The petitioner has left out no institution from his attempt of mud-slinging. We have a feeling that while drawing up the petition the petitioner has considered himself to be the only blemishless person and everyone else including social institutions to be blame-worthy. We are surprised that an advocate practising in this Court with considerable experience has choosen to act in such an irresponsible manner. The writ petition, in our opinion, therefore, deserves to be dismissed. We, accordingly, dismiss the writ petition.

We direct the Registry to draw up an appropriate proceeding for contempt and issue notice to the petitioner calling upon him to show cause in person on 9.11.1987 as to why he may not be proceeded under the Contempt of Court Act.

At page 41 of his petition, the petitioner has stated.-

"This is a public interest litigation in the interest of independence of judiciary and social justice .. "

We are of the view that the petition is an act against public interest. The petitioner has certainly over-stepped the limit of self-restraint, so much necessary in a public interest litigation. We direct the Registry not to entertain any application by way of public interest litigation by the petitioner in future.

P.S.S.

Petition dismissed

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JUDIS