



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JULY, 2018

PRESENT

HON'BLE MR.JUSTICE DINESH MAHESHWARI, CHIEF JUSTICE

AND

HON'BLE MR.JUSTICE KRISHNA S. DIXIT

WRIT PETITION NO.27550 OF 2018 (GM-RES) PIL

BETWEEN:

PUNDITRAO DHARENAVAR
S/O SRI CHANDERSHEKAR
HOUSE NO.1006B
SECTOR 41-B
CHANDIGARH.

... PETITIONER

(BY SRI PUNDITRAO DHARENAVAR – PARTY-IN-PERSON)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS
CHIEF SECRETARY
VIDHANA SOUDHA
BENGALURU – 560 001.
2. STATE OF KARNATAKA
THROUGH ITS PRINCIPAL SECRETARY
MINISTRY OF MINORITIES WELFARE
HAJ AND WAQF DEPARTMENT
VIKAS SOUDHA
BENGALURU – 560 001.
3. THE PRINCIPAL SECRETARY
MINISTRY OF LANGUAGE AND CULTURE
VIKAS SOUDHA
BENGALURU – 560 001.

4. THE PRINCIPAL SECRETARY
MINISTRY OF PRIMARY AND SECONDARY
EDUCATION
M.S.BUILDING
BENGALURU – 560 001.
5. THE PRINCIPAL SECRETARY
MINISTRY OF HIGHER EDUCATION
M.S.BUILDING
BENGALURU – 560 001.
6. THE PRINCIPAL SECRETARY
MINISTRY OF LABOUR
VIKAS SOUDHA
BENGALURU – 560 001.
7. THE PRINCIPAL SECRETARY
MINISTRY OF HOUSING
VIKAS SOUDHA
BENGALURU – 560 001.

... RESPONDENTS

(BY SRI S.H. PRASHANTH, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENTS TO PROTECT AND PRESERVE THE COMPOSITE CULTURE OF INDIA BY PROVIDING PRIMARY EDUCATION TO MINORITY COMMUNITY IN THEIR MOTHER LANGUAGE UNDER THE CONSTITUTIONAL PROVISIONS FOR FACILITIES FOR INSTRUCTION IN MOTHER-TOUNGE AT PRIMARY STAGE (ARTICLE 350A) IF THE STATE IS NOT IN POSITION TO PROVIDE THEN HONORABLE COURT MAY DIRECT RESPONDENTS TO INCLUDE SOME OF THE LESSONS IN TEXT BOOKS REGARDING SIKH HISTORY AND CULTURE, ESPECIALLY ABOUT ORIGINAL INHABITANT OF KARNATAKA, BHAI SAHIB SINGH AND MAI BHAGO WHOSE CONTRIBUTION TO HUMANITY IS SUPREME AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, **CHIEF JUSTICE** MADE THE FOLLOWING:

ORDER (Oral)

The petitioner said to be a permanent resident of Post Shirashyd, Taluk Indi, District Vijaypura, Karnataka and at present residing at Sri Guru Singh Sabha, Ulsoor, Bengaluru; and serving as Assistant Professor in Sociology at the Post Graduate Government College, Sector 46, Chandigarh with his residential address being at 1006-B, Section 41-B, Chandigarh, has filed this petition, purportedly as a public interest litigation ['PIL'], with the prayers as under:-

[a] To issue a writ, order or direction in nature of mandamus, directing the respondents to protect and preserve the composite culture of India by providing primary education to minority community in their mother language under the constitutional provisions for facilities for instruction in mother-tongue at primary stage; (Article 350A). If the state is not in position to provide then Honorable Court may direct respondents to include some of the lessons in text books regarding Sikh History and culture, especially about original inhabitant of Karnataka, Bhai Sahib Singh and Mai Bhago whose contribution to humanity is supreme

[b] To direct the respondent to spread message of "Kirpana" which is holy in nature according to Sikh religion. Constitution of India grants Sikh community's right of 'wearing and carrying of kirpan; [Explanation 1 below Article 25] Even though the Constitution of India grants special permission for Sikhs to wear "Kirpan" then also People of Karnataka think "Kirpan" as mere "Chaku" (knife) and attack Sikh people, therefore

Honorable Court may direct respondents to spread the holy message of "Kirpan" which ultimately contributes to composite culture of India.

[c] To direct the respondents to protect migrant workers who come to earn livelihood and also direct respondents to protect migrant worker's unique identity which is fundamental duty of every person according to Constitution of India people's freedom of conscience and right to freely profess, practice and propagate religion – subject to public order, morality and other Fundamental Rights; [Article 25(1)]

[d] To direct the respondents to set up University in Bidar on the name of Bhai Saheb Singh, original inhabitant of Bidar. The universal concept of wide knowledge may bring by establishing such University where the History and Culture of other areas can be carried which ultimately leads to strong and vibrant composite culture of India. This act also enhance the constitutional article 51-A (e) and 51-A (f) of the Constitution of India, the State, which is nothing but a largest group of citizens, has the Fundamental duty to "a)Promote harmony and spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional and sectional diversities; and (f) to value and preserve the rich heritage of our composite culture.

[e] To direct the respondents to set up social Translation center in "Kuvempu anuwad Kendar" on Sikh History and Culture which can being revolution in the field of literature which ultimately leads to strong and vibrant composite culture of India. Honorable Court may also direct respondents to set up "Punjabi Sahit Academy" and "Punjabi – Kannada languages research Center" so Punjabi and Kannada languages and

literature can be learnt, understood by both Punjab and Kannada people which may ultimately lead to strong and vibrant composite culture of India.

[f] To direct respondents to frame policy for "Sikligar" people who have been grate followers of Sikhism even in poverty and the true Karnataka people who also live in created slums in the absence of proper housing policy for them."

The petitioner submits that the composite culture of the country is required to be maintained and awareness should be brought about and spread.

We are clearly of the view that this petition, as framed and filed, while suggesting several aspects of social engineering, cannot be entertained as a PIL; and the submissions as made and the expectations as stated by the petitioner do not call for issuance of any writ, order or direction.

This petition is another classical example of unnecessary approach to this Court, while invoking PIL jurisdiction, which is otherwise meant for dealing with the causes of public concern where intervention of the Court is requisite.

Recently, in the case of *DR.SEKHAR.S.IYER V. CHIEF SECRETARY AND OTHERS: WRIT PETITION No.23925/2018*, this Court after referring to the decision of the Hon'ble Supreme Court in the case of *STATE OF UTTARANCHAL V. BALWANT SINGH CHAUFAL AND OTHERS: (2010) 3 SCC 402* has dismissed another frivolous and unnecessary PIL petition with the following observations and directions:-

"The present one is an apposite example of entirely frivolous, meaningless, unnecessary and unwarranted PIL petition in this Court and that too, by none other but a person who is engaged in teaching Business Law and is not oblivious of the legal process.

In view of the above, we consider it necessary to saddle the petitioner with heavy costs. However, the petitioner has pleaded before us that he had no ill-intent in filing this petition and he may be excused this time; and for that matter, he would undertake to render pro bono services. Even while taking the words of the petitioner as stated, we find it rather imperative that this petition be dismissed with costs; of course, the amount of costs may be diverted towards some welfare measure.

In the circumstances of the case, despite having expressed serious reservations on this nature petition, we are yet keeping the quantum of costs on the lower side in view of the submissions made by the petitioner in the last.

Accordingly, this petition is dismissed with costs quantified at Rs. 10,000/- (Rupees ten thousand), to be deposited by the petitioner within 30 days from today with the Deputy Commissioner of Dakshina Kannada District. If this amount of costs is not deposited by the petitioner within 30 days from today, the Deputy Commissioner

concerned shall ensure its recovery from the petitioner in accordance with law.

On being deposited/recovered, the Deputy Commissioner concerned shall remit the amount aforesaid to the Karnataka State Legal Services Authority, who shall utilize the same for Victim Compensation Scheme cases.

The pending interlocutory application also stands disposed of."

The present petitioner is also said to be a teacher by profession and has chosen to file this nature wholly unnecessary and meaningless petition. This petition is also required to be dismissed, with rather higher amount of costs than those imposed in the aforesaid case.

Accordingly, this petition is dismissed with costs of Rs. 20,000/- (Rupees twenty thousand) to be deposited by the petitioner within 30 days from today with the Deputy Commissioner of Bengaluru District.

If this amount of costs is not deposited by the petitioner within 30 days from today, the Deputy Commissioner concerned shall ensure its recovery from the petitioner in accordance with law.

On being deposited/recovered, the Deputy Commissioner concerned shall remit the amount aforesaid to

the Karnataka State Legal Services Authority, who shall utilize the same for legal literacy camps.

A copy of this order be supplied to learned Additional Government Advocate and another copy be sent to the employer of the petitioner at the given address.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

AHB