



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO. 49 OF 2020

1. Forum For Fast Justice
through its Secretary Ashish Mehta
having his office at Kuber Bhuvan,
Bajaj Road, Vile Parle (West),
Mumbai – 400 056
Mobile No. 9967723000
PAN No. AAATF 2471J
2. Bhagvanji Ghunsabhai Raiyani
Founder Chairman and now Chairman
Emeritus of the Petitioner No.1, aged about
82, Retired Businessman having his office at
Kuber Bhuvan, Bajaj Road,
Vile Parle (West), Mumbai – 400 056
Mobile No. 9820403912
PAN No. AAAPR8520N
Email address: judiciaryraiyan@gmail.com ... Petitioners

V/s.

1. University of Mumbai
through its Vice Chancellor (V.C.)
123, Mahatma Gandhi Road, Kala Ghoda,
Fort, Mumbai, Maharashtra 400032
2. Dept. of Education,
through its Principal Secretary,
Govt. of Maharashtra, Mantralaya,
Mumbai- 400032.
3. State Legal Services Authority,
PWD Bldg., Bombay High Court,
Mumbai- 400032.
4. Bar Council of India,
21, Rouse Avenue Institutional Area,
Near Bal Bhawan, New Delhi – 110 002 ... Respondents

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

Mr. Milind V. More, Additional G.P. for Respondent No.2.

Ms. Rebecca Gonsalvez for Respondent No.3.

Mr. Shekhar Jagtap for Respondent No.4.

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

RESERVED ON : 3rd JANUARY, 2024

PRONOUNCED ON : 15th JANUARY, 2024

JUDGMENT: (PER ARIF S. DOCTOR, J.)

1. The present Petition has been filed in the public interest and seeks the following reliefs;

(a) To direct Respondent No.1 University, State Legal Services Authorities Respondent No.3 and Respondent No.4 Bar Council of India to empanel a team of their senior officers to visit all Law Colleges under the jurisdiction of the Mumbai University and on close verification of the functioning of the legal aid clinics in every college prepare a detailed report as avered in this PIL for submission before the Hon'ble Court for appropriate adjudication and final verdict.

(b) To direct Respondent No.2, State's Dept. of education to prepare a budgetary layout for funding law colleges through grant-in-aid scheme and further to grant appropriate annual amount for colleges to run legal aid clinics as effectively as laid down in the statutes and as ordered by the Supreme Court as referred hereinabove.

(c) To direct Respondent No.1 University to give an undertaking to prepare annual report for filing before the court for next 3 years from every college, Under Rule 42,

Schedule VIII in hard and soft copies to satisfy on its proper survey and monitoring the working of the legal aid clinics and thereafter every year annually to the remaining three Respondents and if any of them suggest any changes or modifications in implementation of the scheme, shall be implied accordingly.

(d) To direct Universty authorities to hold seminars, workshops and training camps for proper management for ultimum benefit of the beneficiaries to reflect in the annual report.

(e) To direct Respondent No.3 through District Legal Services Authorities with the assistance of panel advocates to train para legal volunteers of each college.

(f) To direct State Legal Aid Authority, to prepare its own annual report based on the monthly reports of District Legal Aid Authorities through Law Colleges and Universities and conducting periodical reviews of working of Legal Aid Clinics as stipulated in the National Legal Services Authority.

(g) To direct Respondent No.3, Legal Services Authority to appropriately hike the rates of advocates fees and and other out of pocket expenses as framed in the SCHEME TO PROVIDE LEGAL SERVICES TO THE MIDDLE INCOME CITIZEN, stipulated by National Legal Service Authority in 2011.

(h) To direct to Respondent No.2, the minister concerned for the Dept. of Education, disciplinary action against Mr. Suhas Pednekar and Prof. Ravindra Kulkarni, the V.C., and the Pro. V.C. respectively of the Respondent No.1 University on dereliction of duty as written by the petitioners to the State Governor on 13-12-2019 quoting the Law Under The Maharashtra Government Servants Regulation of transfers and Prevention of Delay in Discharge of Official Duties Act, 2005."

2. At the outset, Ms. Gonsalvez, learned counsel appearing on behalf of Respondent No.3 i.e., State Legal Services Authority invited our attention to the order dated 20th January,

2023, passed in this Petition by a coordinate Bench of this Court (S. V. Gangapurwala, ACJ and Sandeep V. Marne, J.), which reads thus;

"P.C. :-

1. No details are given in the petition of the alleged violations. The petition is omnibus. At the request of the party in person, stand over to 27 March 2023."

3. We then inquired of Mr. Raiyani, as to how in light of the above observations (a) the Petition would be entertainable and (b) whether he was desirous of amending the Petition, on which Mr. Raiyani submitted that he would not be amending the Petition and submitted that the same was maintainable as filed. When asked how such a vague and omnibus Petition was maintainable, Mr. Rayani instead of answering the query of the Court, proceeded to read out the entire Petition. After he read out the entire Petition, Mr. Rayani then tendered written submissions which he also proceeded to read out.

4. Mr. Raiyani then placed reliance upon a judgement of the Hon'ble Supreme Court in the case of ***State of Maharashtra Vs. Manubhai Pragaji Vashi and Ors.***¹ to submit that the right to free legal aid and speedy trial were fundamental rights granted

¹ (1995) 5 SCC 730

under Article 21 of the Constitution of India. He also pointed out that Article 39-A of the Constitution of India provided for “equal justice” and “free legal aid” and it was for the State to secure that the operation of the legal system promotes justice. Mr. Rayani submitted that Article 21 read with Article 39-A of the Constitution thus mandated/cast a duty upon the State to afford grants-in-aid to recognized private law colleges, similar to other faculties, which qualify for the receipt of such grant in aid. Basis these submissions, Mr. Rayani submitted that the reliefs prayed for ought to be granted.

5. Ms. Gonsalvez reiterated the preliminary objection and then without prejudice to the same, tendered a list of the legal aid clinics established and functioning under the Legal Services Clinics Regulation, 2011. Basis this she submitted that the entire Petition was misconceived and devoid of merit.

6. After having heard Mr. Raiyani at length and have gone through the contents of the Petition. As already observed by the previous Division Bench, no details are given in the Petition and the same is omnibus. We must note that the Petitioner despite seeking time on the 20th of January 2023, has not taken

any steps to amend/cure the Petition. In order to highlight how vague, generalized and omnibus the Petition is, it is useful to extract and set out only a portion of the Petition, viz.

"Location of legal aid clinic: (1) Legal aid clinics shall be located at places where the people of the locality can have easy access.

Comment: Non availability of finance is no excuse for setting and conducting Legal Aid Clinics.

(2) The legal services institutions may request the local body institutions, such as the village panchayat, to provide a room for establishing legal aid clinics:

Provided that if no such rooms are available, the District Legal Services Authority may take a room on rent till alternative accommodation is available for establishing the legal aid clinic.

Comment: Have all villages clusters clinics? How many rental districtwise?

Para-legal volunteers or lawyers in the legal aid clinic shall attempt to resolve disputes amicably. –

(1) The para-legal volunteers or the lawyers engaged in the legal aid clinics shall attempt to amicably resolve the prelitigation disputes of the persons brought to the legal aid clinics.

Comment: Is it done throughout the State?

(2) If the para-legal volunteers or the lawyers feel that such dispute can be resolved through any of the ADR mechanisms, they may refer such disputes to the legal services institution having territorial jurisdiction or to the District ADR centre i.e. Lok Adalat, reconciliation, mediation, etc.

Comment: How widely this is used? Give figures from village clinics.

The nearest legal services institutions to organise lok adalats at the legal aid clinic or near to its premises. (1)

The nearest legal services institution having territorial jurisdiction or the District Legal Services Authority may organise lok adalats for pre-litigation disputes at the legal aid clinic or in its vicinity.

(2) The lok adalats organised for pre-litigation settlement of the disputes sent from the legal aid clinic shall follow the procedure prescribed I sub-section (2) of Section 20 and also the provisions in the National Legal Services Authority (Lok Adalats) Regulations, 2009.

Administrative control of the legal aid clinic. (1) legal aid clinics shall be under the direct administrative control of the District Legal Services Authority.

(2) The State Legal Services authority shall have the power to issue instructions and guidelines on the working of the legal aid clinics.

Law students may adopt a village for legal aid camps. (1)

Law students of the law colleges or law universities may adopt a village, especially in the remote rural areas and organise legal aid camps in association with the legal aid clinic established under these regulations.

Comment: How many remote clinics established?

(2) The law students may, with the assistance of the para-legal volunteers engaged in the legal aid clinics, conduct surveys for identifying the legal problems of the local people.

(3) The surveys referred to in sub-regulation (2) may include gathering information relating to the existing litigations and unresolved pre-litigation disputes also.

Comments: Any reports available district wise?

(4) The surveys referred to sub-regulation (2) may also focus on the grievances of the local people which would enable the National Legal Services Authority to take necessary steps by way of social justice litigations as provided in clause (d) of section 4.

Comment: Social justice litigations means PILs. At the state level, do they file PILs?

(5) The law students conducting such surveys shall send reports to the State Legal Services Authorities with copies to the legal services institutions having territorial jurisdiction and also to the District Legal Services Authority.

Comment: To file the list of such reports available with some 30-40 of such reports.

Services of para-legal volunteers trained by the Legal Services Authorities may be made available in the legal aid clinics run by the Law Colleges, Law Universities etc. - trained para-legal volunteers may be deputed to the legal aid clinics established under regulation 24 for assisting the persons seeking free legal services and for interacting with the students and the members of the faculty.

Comment: Training camps at regular intervals? To give the copies of some proceedings."

From the above it can be seen that the Petitioner has randomly extracted portions of The Legal Services Authorities Act 1987 and posted his "comments" on the same. The Petitioner infact in the Petition has also posed questions to which he seeks answers.

There is absolutely no material placed on record by the Petitioner to even remotely demonstrate how the State is not fulfilling its objectives or as to how and on what legal basis the Petitioner would infact be entitled to the reliefs as prayed for.

7. We must note that the Petition simply reads as a discourse by the Petitioner. The Petitioner even though given the opportunity to cure these defects has not done so. The Petitioner has not answered the query of the Court as to how such a Petition would be maintainable or how the reliefs prayed for could infact be granted. At this stage, it is useful for us to make reference to an order passed by this Court in another equally baseless PIL² filed by the Petitioner, in which, this Court when dismissing the said PIL observed as follows, viz.

" This is yet another vague and generalized Public Interest Petition filed by this Petitioner. Filing such Petitions has become a regular occurrence, with the Petitioner presenting one or two such Petitions nearly every week.

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

2 PIL (L) 41119 of 2022 Bhagvanji Raiyani Vs The State of Maharashtra & Anr.

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 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 said observations would squarely apply to the facts of the present case as well.

8. Hence, for the reasons stated above, we find the present Petition to be entirely devoid of merits. The same is accordingly dismissed.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)