

IN THE HON'BLE SUPREME COURT OF INDIA

(CIVIL ORIGINAL JURISDICTION)

PUBLIC INTEREST LITIGATION

WRIT PETITION (CIVIL) NO. 401 OF 2020

IN THE MATTER OF :-

V.P. Patil

...Petitioner

Versus

Union of India & Ors.

...Respondent

PAPER BOOK

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ADVOCATE FOR THE PETITIONER: SHIVAJI M. JADHAV

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PROFORMA FOR FIRST LISTINGSECTION IX

The case pertains to (Please tick/check the correct box):

 Central Act: (Title)Constitution of India Section:19, 29 & 32..... Central Rule(s) (Title) N.A..... Rule No. (s) N.A..... State Act (Title) N.A..... Section:N.A..... State Rule: (Title).....N.A..... Rule No. (s) N.A..... Impugned Interim Order (Date)N.A..... Impugned Final Order/Decree: (Date) N.A High Court: (Name).....N.A..... Names of Judges:N.A..... Tribunal/Authority: (Name).....N.A.....1. Nature of Matter () Civil () Criminal

2. (a) Petitioner/Appellant No.1V.P. Patil.....

(b) E-mail ID:Nil

(c) Mobile phone numberNil

3. (a) Respondent No.1...Union of India & Ors.....

(b) E-mail ID:Nil

(c) Mobile phone numberNil

- 4. (a) Main category classification:N.A.....
(b) Sub classification: N.A.....

- 5. Not to be listed before:N.A.....

- 6. (a) Similar disposed of matter with citation, if any, & case Details: No Similar disposed of matter.
(b) Similar pending matter with case details- No. Similar pending matter.

- 7. **Criminal Matters:**N.A.....
(a) Whether accused/convict has surrendered: Yes()No()
(b) FIR No.....N.A..... Date:.....N.A.....
(c) Police Station:N.A.....
(d) Sentence Awarded:N.A.....
(e) Period of sentence undergone including period of Detention /Custody Undergone ___ months ___ days

- 8. **Land Acquisition Matters:**NA.....
(a) Date of Section 4 Notification:N.A.....
(b) Date of Section 6 Notification:N.A.....
(c) Date of Section 17 Notification:N.A.....

- 9. **Tax Matters:** State the tax effect:NA.....

- 10. **Special Category** (first Petitioner/appellant only): ..NA.....
 Senior citizen > 65 years SC/ST Woman/child
 Disabled Legal Aid Case In custody

- 11. Vehicle Number (in case of Motor Accident Claim matters):N.A.

Date: 11.02.2020

(Shivaji M. Jadhav)
AOR for Petitioner (s)/appellant(s)
Registration No.....1117.....
E mail- office.jadhav@gmail.com

SYNOPSIS AND LIST OF DATES

The Petitioner, through the present writ petition, is invoking the civil original writ jurisdiction of this Hon'ble Court to seek issuance of a writ, order or direction of like nature against the Respondents herein inter alia to renaming of High Court of Bombay to High Court of Maharashtra and in pursuance of several provisions of the Constitution of India as envisaged under Articles 19, 21 and 29 of the Constitution of India.

The present Writ Petition is being raised on following grounds:

- That any person has a right to invoke jurisdiction under Article 32 of the Constitution of India without any condition or rider except as provided within the Article itself.
- That merely because rights can be enforced under Article 226 of the Constitution of India, the same does not bar the right to invoke the jurisdiction as guaranteed under article 32 of the Constitution of India.
- That the issue of renaming the High Court shall effect several High Courts in different parts of the Country and thus for the purpose of maintaining uniformity in the law laid down on the issue, the present petition under Article 32 is maintainable. See Romesh Thappar v. The State of Madras AIR 1950 SC 124.

- *That prayers sought is pertaining to the name of the High Court, which is also a party in the present petition and ought not to adjudicate the same as per the legal maxim "no one can judge their own case".*
- *That expression of regional and geographical identity forms part of freedom of speech and expression as guaranteed under Article 19 of the Constitution of India and thus expression of the word Maharashtra while referring to the High Court pertaining to the State amounts to fundamental right of the Petitioner.*
- *That the word "Expression" used under Article 19 of the Constitution of India includes within its ambit expression of "Identity" as well. That the protection thus is guaranteed also to cultural, social and political identity. See National Legal Service Authority vs Union Of India & Ors. (2014) 5 SCC 438. See also P. Rathinam v. Union of India 1994 3 SCC 394*
- *That the word "Maharashtra" denotes special significance in the life of Maharashtra and that its usage must also find expression in the name of the High Court as an expression of cultural and right to heritage as protected under Articles 19, 21, 29 of the Constitution of India.*
- *That the rights guaranteed under Article 29 of the Constitution of India is not limited to minorities alone*

but rather is a guarantee given to any citizen/section of citizen.

- That as per Article 214 of the Constitution of India, it is mandated that each State shall have a High Court of its own.
- That several States in the Country have High Courts named after the State and the State of Maharashtra is being denied the same.
- That the Government of Maharashtra issued Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960, which came into effect on the 1st day of May 1960 and remains unchanged/ unmodified till date. The Clause 4(1) of the said order substitutes the phrase "High Court of Bombay" to "High Court of Maharashtra".
- That same name of the High Court and the name of the State shall lessen the confusion that arises in multiplicity of names. That the same name of High Court and the State is in the interest of public.
- That the cultural assertion of Maharashtra remains in jeopardy by not renaming a public institution like the Hon'ble High Court of Bombay, this Hon'ble Court may uplift the socio, political and cultural rights of Maharashtra as guaranteed by the Constitution of India.

LISTS OF DATES

1861 The Indian High Court Act was passed by the British Parliament for establishing High Courts in pre-independence India.

The High Courts of Bombay, Calcutta and Madras were established in pursuance of Letters Patent issued by the Queen in terms of the Indian High Courts Act, 1861 passed by the British Parliament.

26.06.1862 The High Court of Judicature at Madras was established by Letters Patent on 26th June, 1862.

28.12.1865 The High Court of Judicature at Calcutta and High Court of Judicature at Bombay were established by Letters Patent on 28th December, 1865.

These courts were named after the States of Calcutta, Madras and Bombay respectively.

1947 India gained independence from the British Rule.

26.1.1950 The Constitution of India came into force. After the Constitution of India came into force, the aforesaid High Courts have continued to exist and exercise their jurisdiction in terms of Article 225 of the Constitution.

- 1960 Bombay Reorganization Act was passed.
- 1960 Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960 was passed.
- 1995 The City of Bombay was renamed as "Mumbai" by the then ruling Government on popular demand.
- 19.7.2016 The High Court (Alternation of Names) Bill, 2016 was introduced in the Parliament of India changing of the names of 'High Court of Judicature at Bombay as "High Court of Judicature at Mumbai' and 'High Court of Judicature at Mumbai" as "High Court of Judicature at Chennai' respectively.
- The aforesaid Bill of 2016 lapsed in the Parliament as it could not get due to lack of consensus between the States.
- 2018 Fresh demands were made to the Central Government to take steps to reintroduce the bill for renaming the High Courts. However, no positive step took place.
- 10.02.2020 Hence this Writ Petition.

IN THE HON'BLE SUPREME COURT OF INDIA

(CIVIL ORIGINAL JURISDICTION)

PUBLIC INTEREST LITIGATION

WRIT PETITION (CIVIL) NO. _____ OF 2020

(Petition under Article 32 of the Constitution of India read with Order XXXVIII of the Supreme Court Rules, 2013)

IN THE MATTER OF:

V.P. Patil
A1/603 Runwal Estate, Behind R-Mall
Ghodbunder Road,
Thane (west) 400607

...PETITIONER

VERSUS

1. Union of India,
Through the Secretary,
Ministry of Home Affairs,
North Block,
Central Secretariat,
New Delhi-110001
 2. Ministry of Law and Justice
Through its Secretary, Union of Indian
4th Floor, A-Wing, Shastri Bhawan
New Delhi-110 001
 3. The State of Maharashtra
Through The Chief Secretary
General Administration Department
Mantralaya Mumbai 400 032.
 4. The Registrar General
High Court of Bombay
Mumbai 400 032.
 5. Government of Goa
Through its Secretary
Home Department,
Secretariat, Porvorim-Goa
-Contesting Respondents

**A WRIT PETITION UNDER ARTICLE 32 OF
THE CONSTITUTION OF INDIA SEEKING
RENAMING OF HIGH COURT OF BOMBAY TO**

**HIGH COURT OF MAHARASHTRA AND
SEEKING ENFORCEMENT OF THE
PETITIONERS' RIGHTS GUARANTEED UNDER
ARTICLES 14, 19, 21 AND 29 OF THE
CONSTITUTION OF INDIA**

To

The Hon'ble Chief Justice of India and His Companion Justices
of the Hon'ble Supreme Court of India.

The humble Petition of the
Petitioners above named.

MOST RESPECTFULLY SHEWETH:

1. The present Petition has been preferred by the Petitioner herein in Public Interest on behalf of a large number of people living and belonging to the State of Maharashtra who take immense pride in their Marathi culture and heritage and are seeking renaming of "High Court of Bombay" to "High Court of Maharashtra" are seeking enforcement of their fundamental rights guaranteed under the Constitution of India, inter alia including the rights contained in Articles 14,19, 21, 29 of the Constitution of India. The sentiments/ grievances of vast number of Maharashtrians, who could not approached or do not have means to approach this Hon'ble Court are being represented through this petition.

1A. That the petitioner is Indian National in support of which he is filing the copy of PAN Card No.ADLPP1264B issued by the Income Tax Department as well as he is filing Aadhar ID Card No.240642470572 issued by the Government of India. The petitioner is not having any private/personal or oblique motive behind filing the present writ petition. The email: veepeepatil@gmail.com Mobile No.09819423900. All the documents mentioned in this para are attached with the Vakalatnama.

2. The Petitioner is a bonafide citizen of India and has served as a Principal Judge, Labour Court Mumbai from where the Applicant had taken voluntary retirement in the year 2000. That the

Applicant had joined State Judiciary (Maharashtra) on 9.9.1974 and served as a Judge in for about 26 years.

3. The Petitioner has proactively pursued several causes like equal pay for equal work for Judges working in different cities in Maharashtra. That the Petitioner was made General Secretary of All India Judges Association and the petitioner pursuance has led to uniformity in pay scale of judges.
4. The Petitioner does not have any personal interest or any personal gain or private motive or any other oblique reason in filing this Writ Petition in Public Interest. The Petitioner has not been involved in any other civil or criminal or revenue litigation, which could have legal nexus with the issues involved in the present Petition. The present petition is not guided for the gain
5. Respondent No. 1 is the Union of India, through the Ministry of Home Affairs and Respondent No. 2 is Ministry of Law and Justice of the Union of India. Respondent No.3 is State of Maharashtra through the Chief Secretary General Administration Department, Mantralaya Mumbai 400 032. The Respondent No. 4 is the High Court of Bombay through Registrar General of High Court of Bombay. All the Respondents are proper and necessary parties to the present Petition and are likely to be affected by the orders sought in the present Petition, by change of name High Court of Bombay which was name of state before 1960.
6. The Petitioner, through the present writ petition, are invoking the civil original writ jurisdiction of this Hon'ble Court to seek issuance of a Writ, Order or Direction of like nature against the Respondents herein inter alia to seek restoration of Writ

Court of Bombay to High Court of Maharashtra and in pursuance of several provisions of the Constitution of India.

7. The Petitioner has no other equally efficacious remedy except to approach this Hon'ble Court by way of present Writ Petition. All annexures annexed to the Writ Petition are true copies of their respective originals. That the Petitioners herein have never approached this Hon'ble Court or any other Court seeking a relief similar to the relief sought for in the present writ petition.

8. **BRIEF FACTS OF THE CASE**

- 8.1 The Indian High Court Act was passed by the British Parliament for establishing High Courts in pre-independence India. The High Courts of Bombay, Calcutta and Madras were established in pursuance of Letters Patent issued by the Queen in terms of the Indian High Courts Act, 1861 passed by the British Parliament.
- 8.2 That on 26.06.1862, The High Court of Judicature at Madras was established by Letters Patent on 26th June, 1862.
- 8.3 That on 28.12.1865, The High Court of Judicature at Calcutta and High Court of Judicature at Bombay were established by Letters Patent on 28th December, 1865. These courts were named after the States of Calcutta, Madras and Bombay respectively.
- 8.4 That on 15.8.1947 India gained independence from the British Rule.
- 8.5 That on 26.1.1950 The constitution of India came into force. After the Constitution of India came into force, the aforesaid

High Courts have continued to exist and exercise their jurisdiction in terms of Article 225 of the Constitution.

8.6 That in 1956 Indian Parliament passed State Reorganization Act, and in 1960, the Bombay Reorganization Act was passed.

That the High Court of Karnataka and High Court of Gujarat were in Bombay state before 1956 and 1960 respectively.

8.7 That in 1960 the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960 was passed. A true and correct copy of relevant extract of the of the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960 is annexed hereto and marked as **Annexure P-1** (pg. 2.1. to 2.2..)

8.8 That in the year 1995 the City of Bombay was renamed as "Mumbai" by the then ruling Government on popular demand and in consonance with the cultural heritage of the city.

8.9 That on 19.7.2016 The High Court (Alternation of Names) Bill, 2016 was introduced in the Parliament of India changing of the names of 'High Court of Judicature at Bombay as "High Court of Judicature at Mumbai' and 'High Court of Judicature at Mumbai" as "High Court of Judicature at Chennai' respectively. A true and correct copy of the extract of the High Court (Alternation of Names) Bill, 2016 is annexed hereto and marked as **Annexure P-2** (pg. 23 to 25..)

8.10 That the aforesaid Bill of 2016 lapsed in the Parliament due to lack of consensus between the States.

8.11 That in the year 2018 fresh demands were made to the Central Government to take steps to reintroduce the bill for renaming the High Courts. However, no positive step has taken place.

8.12 Therefore, in light of the abovementioned facts, the Petitioner herein is constrained to file the present Writ Petition seeking the aforementioned relief and enforcement of fundamental rights under Article 14, 19, 21 and 29 of the Constitution of India on the following amongst other grounds, which are being taken without prejudice to each other and the Petitioners seek liberty to urge further grounds at the time of hearing, if so advised.

GROUND

(A) Because this Hon'ble Court protects constitutional guarantees under Article 32 of the Constitution of India and provides to any person right to invoke jurisdiction under Article 32 of the Constitution of India without any condition or rider except as provided within the Article itself.

(B) Because merely rights can be enforced under Article 226 of the Constitution of India, the same does not bar the right to invoke the jurisdiction as guaranteed under article 32 of the Constitution of India.

(C) Because the issue of renaming the High Court shall effect several High Courts in different parts of the Country and thus for the purpose of maintaining uniformity in the law

laid down on the issue, the present petition under Article 32 is maintainable.

- (D) *Because this Hon'ble Court in Romesh Thappar v. The State of Madras AIR 1950 SC 124 held as follows:*

"under the Constitution this Court is constituted the protector and guarantor of fundamental rights and it cannot, consistently with the responsibility so laid upon refuse to entertain applications seeking the protection of this Court against infringement of such rights, although such applications are made to this Court in the first instance without resort to a High Court having concurrent jurisdiction in the matter. The mere existence of an adequate alternative legal remedy cannot per se be a good and sufficient ground for throwing out a petition under Art.32, if the existence of a fundamental right and a breach, actual or threatened, of such right is alleged and is prima facie established on the petition."

- (E) Because this Hon'ble Court ought to appreciate that the prayers sought is pertaining to the name of the High Court, which is also a party in the present petition, it is humbly submitted that this Hon'ble Court may indulge in considering the issue as the Hon'ble High Court of Bombay may not adjudicate the same as per the legal maxim " no one can judge their own case".
- (F) Because this Hon'ble Court ought to consider that expression of regional and geographical identity forms part

of freedom of speech and expression as guaranteed under Article 19 of the Constitution of India and thus expression of the word Maharashtra while referring to the High Court pertaining to the State amounts to fundamental right of the Petitioner.

- (G) *Because this Hon'ble Court ought to appreciate that the word "Expression" used under Article 19 of the Constitution of India includes within its ambit expression of "Identity" as well. That the protection thus is guaranteed also to cultural, social and political identity. That this Hon'ble Court in National Legal Service Authority vs Union Of India & Ors (2014) 5 SCC 438. has held that:*

" Everyone has the right to freedom of opinion and expression, regardless of sexual orientation or gender identity. This includes the expression of identity or personhood through speech, deportment, dress, bodily characteristics, choice of name, or any other means, as well as the freedom to seek, receive and impart information and ideas of all kinds, including with regard to human rights, sexual orientation and gender identity, through any medium and regardless of frontiers."

- (H) Because this Hon'ble Court ought to appreciate that under the aegis of Article 21 of the Constitution of India, right to

life includes right to live with dignity and to enjoy life with the identity one associates oneself with. It is humbly submitted that the assertion of a Maharashtrian/Maratha is taking pride and associating dignity to the concept of Maratha/Maharashtra and thus usage of the word "Maharashtra" while referring to the Hon'ble High Court is yet another means to fructify the dignity of a Maharashtrian.

(I) Because this Hon'ble Supreme Court on several occasion has reiterated that: "life means the right to live with human dignity and the same does not connote continued drudgery. It takes within its fold some of the fine grace of civilization which makes life worth living and that the expanded meaning of life would mean the tradition, culture and heritage of the person concerned." P. Rathinam v. Union of India 1994 3 SCC 394

(J) Because this Hon'ble Court ought to appreciate that assertion of the word "Maharashtra" denotes special significance in the life of Maharashtrian and that its usage must also find expression in the name of the High Court as an expression of cultural and right to heritage as protected under Articles 19, 21, 29 of the Constitution of India.

(K) Because this Hon'ble Court ought to appreciate that right to autonomy forms part of right to life as guaranteed under

life includes right to live with dignity and to enjoy life with the identity one associates oneself with. It is humbly submitted that the assertion of a Maharashtrian/Maratha is taking pride and associating dignity to the concept of Maratha/Maharashtra and thus usage of the word "Maharashtra" while referring to the Hon'ble High Court is yet another means to fructify the dignity of a Maharashtrian.

(I) Because this Hon'ble Supreme Court on several occasion has reiterated that: "life means the right to live with human dignity and the same does not connote continued drudgery. It takes within its fold some of the fine grace of civilization which makes life worth living and that the expanded meaning of life would mean the tradition, culture and heritage of the person concerned." P. Rathinam v. Union of India 1994 3 SCC 394

(J) Because this Hon'ble Court ought to appreciate that assertion of the word "Maharashtra" denotes special significance in the life of Maharashtrian and that its usage must also find expression in the name of the High Court as an expression of cultural and right to heritage as protected under Articles 19, 21, 29 of the Constitution of India.

(K) Because this Hon'ble Court ought to appreciate that right to autonomy forms part of right to life as guaranteed under

Article 21 of the Constitution of India. It is humbly submitted that nomenclature of a public institution is part of right to autonomy of a Maratha/Maharashtrian.

- (L) Because this Hon'ble Court ought to appreciate the rights guaranteed under Article 29 of the Constitution of India is not limited to minorities alone but rather is a guarantee given to any citizen/section of citizen.
- (M) Because this Hon'ble Court in case of Ramsaran v. Union of India 1989 Supp (1) SCC 251 has held that a life in its expanded horizons today includes all that give meaning to human life including it's tradition, culture and heritage and protection of that heritage it in its full measure would certainly come within the encompass of an expanded concept of Article 21 constitution of India.
- (N) Because as per Article 214 of the Constitution of India, it is mandated that each State shall have a High Court of its own. It is humbly submitted that several States in the Country have High Courts named after the State and the State of Maharashtra is being denied the same.
- (O) Because this Hon'ble Court ought to appreciate that the Bombay Re-organization Act, 1960, under Section 88 empowers the appropriate Government to make such adaptations and modifications of the law, for facilitating the application of any law in relation to the State of

Maharashtra. It is humbly submitted that pursuant to the aforesaid, the Government of Maharashtra issued Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960, which came into effect on the 1st day of May 1960 and remains unchanged/ unmodified till date. The Clause 4(1) of the said order substitutes the phrase "High Court of Bombay" to "High Court of Maharashtra".

- (P) Because this Hon'ble Court ought to appreciate that the name of the High Court ought to be that of the State in order to and in consonance with other Governmental Authorities. That the Hon'ble High Court of Bombay is a Governmental Authority and thus its nomenclature ought to reflect the same.
- (Q) Because same name of the High Court and the name of the State shall lessen the confusion that arises in multiplicity of names. It is humbly submitted that the same name of High Court and the State is in the interest of public.
- (R) Because this Hon'ble Court ought to have appreciate that the State Re-organization Act, 1960 amended the first schedule of the Constitution of India as regards State of Maharashtra and Gujarat and it is arbitrary on the part of Respondents to not to effectuate the change of nomenclature of the High Court as per the State.

- (S) Because this Hon'ble Court ought to appreciate that it has been a longstanding demand of the people of Maharashtra to alter the name of the Bombay High Court to High Court of Maharashtra. However, several attempts including the bill titled "The High Court (alteration of names) Bill, 2016" which was introduced in a Parliament, mooted the name to be changed into "Mumbai" however lapsed. That it is humbly submitted that the change of name being a fundamental right of the Citizens of Maharashtra and in absence of legislative step, this Hon'ble Court may step in and fill the vacuum in law. That under Article 142 of the Constitution of India this Hon'ble Court has inherent powers to render complete justice in matters as the Court is guardian of the Constitution.
- (T) Because the cultural assertion of Maharashtrian remains in jeopardy by not renaming a public institution like the Hon'ble High Court of Bombay, this Hon'ble Court may uplift the socio, political and cultural rights of Maharashtrian as guaranteed by the Constitution of India.
- (U) Because this Hon'ble Court ought to have appreciate that it is the duty of Union of India to take all measures for protection of the rights of the people of the State of Maharashtra who wish to assert their identity in the name of the public institution of their State.

(V) Because this Hon'ble Court ought to appreciate that there is no basis for the Respondents to not to effectuate the change of nomenclature of the Hon'ble High Court of Bombay despite Clause 4(1) of the Order of 1960 which has neither been modified nor repealed. That it is humbly submitted that unreasonable and inexplicable delay in not duly carrying out the change of name is violative of Article 14 of the Constitution of India and is arbitrary and illegal.

9. That the Petitioner has no other efficacious remedy but to approach this Hon'ble Court by means of the present Writ Petition.

10. That the present Petition is filed bonafide and in the interest of justice.

11. That the Petitioners have not filed any other similar petition before this Hon'ble Court or any other court seeking similar reliefs.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

a) Issue a writ in the nature of mandamus and/ or any other writ/ order or direction seeking renaming of Hon'ble "High

Court of Bombay" to "High Court of Maharashtra" towards enforcement of their fundamental rights guaranteed under Articles 14, 19, 21, 29 of the Constitution of India;

- b) Issue a writ in the nature of Mandamus or any other appropriate a writ/ order or direction to the Respondents to take effective steps for change in nomenclature of the "High Court of Bombay" to "High Court of Maharashtra";
- c) Issue a writ in the nature of Mandamus or any other appropriate a writ/ order or direction to the Respondents to take effective steps for implementation of Clause 4(1) of the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960 for conservation and preservation of the distinct culture, heritage and traditions of the people of the State of Maharashtra.
- d) Issue a writ in the nature of Mandamus or any other appropriate a writ/ order or direction to the Respondents to change the names of other High Courts in the Country as per the name of the States in which they are located.
- e) Issue Rule Nisi in terms of prayers (a), (b), (c)& (d) above;
and/or

- f) Pass any other such further or other writ, order or directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS, THE PETITIONERS AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN ON:02 /2/2019

DRAWN AND FILED BY:

PLACE : NEW DELHI
DATED 10/2/2020

[SHIVAJI M. JADHAV]
Advocate for the Petitioner(s)

**IN THE HON'BLE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)
PUBLIC INTEREST LITIGATION**

WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:-

V. P. PatilPetitioner(s)

Versus

Union of India & Ors.Respondent(s)

AFFIDAVIT

I, V. P. Patil S/o Pandurang Patil, Aged about 74 Years, R/o A1/603 Runwal Estate, Behind R-Mall Ghodbunder Road, Thane (west) 400607, do hereby solemnly affirm and say as under:

1. That I am the Petitioner in the aforesaid case and as such I am fully conversant with the facts and proceedings of the case.
2. That I have read and understood the contents of Para 1 to 11 and pages 1 to 15 of the accompanying Writ Petition and pages A to F of the List of Dates and I.As and I say that the facts stated therein are true and correct to my knowledge and belief.
3. That the annexures filed alongwith the Writ Petition are true and correct copies of the respective originals.

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4. That I have not filed any other such similar Writ Petition earlier before this Hon'ble Court.

DEPONENT

VERIFICATION:

I, the deponent abovenamed, do hereby state on solemn affirmation that the contents of the paras 1 to 4 are true and correct to my knowledge and I believe the same to be true and that nothing material has been concealed therefrom.

Verified at Mumbai on 06.02.2020

DEPONENT

APPENDIX**Constitution of India, 1949****19. Protection of certain rights regarding freedom of speech etc.-**

- (1) All citizens shall have the right-
- (a) to freedom of speech and expression;
 - (b) to assemble peaceably and without arms;
 - (c) to form associations or unions;
 - (d) to move freely throughout the territory of India;
 - (e) to reside and settle in any part of the territory of India;
and
 - (f) omitted
 - (g) to practice any profession, or to carry on any occupation, trade or business.
- (2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.
- (3) Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order, reasonable restrictions on the exercise of the right conferred by the said sub-clause.
- (4) Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the

sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(5) Nothing in sub-clauses (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

(6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to,-

(i) the professional or technical qualifications necessary for practicing any profession or carrying on any occupation, trade or business, or

(ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise.

29. Protection of interests of minorities.-

(1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

32. Remedies for enforcement of rights conferred by this Part.-

(1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.

(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.

(3) Without prejudice to the powers conferred on the Supreme Court by clause (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2).

(4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

//True copy//

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ANNEXURE-1

THE MAHARASHTRA ADAPTATION OF LAWS (STATE AND CONCURRENT SUBJECTS) ORDER, 1960

G. N., L. & J. D., No. 13104/B, dated 1st May 1960.

Amended by G. N., L. & J. D., No. 23465/B, dated 26th September 1960.

Amended by G. N., L. & J. D., No. 56/E, dated 2nd January 1961.

Amended by G. N., L. & J. D., No. 8475/B, dated 13th April 1961.

Amended by G. N., L. & J. D., No. 8542/B, dated 15th April 1961.

Amended by G. N., U. D. & P. H. D., No. MCO. 1060/21374/Unification, dated 24th April 1961.

Amended by G. N., L. & J. D., No. 9419/B, dated 27th April 1961.

Whereas by section 88 of the Bombay Reorganisation Act, 1960 (hereinafter referred to as "the Act"), the appropriate Government is empowered, by order to make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, for the purpose of facilitating the application of any law in relation to the State of Maharashtra so that every such law shall have effect subject to the adaptations and modifications so made;

Now, therefore, in exercise of the powers conferred by the Act and all other powers enabling it in that behalf, the Government of Maharashtra hereby orders as follows:

1. (1) This Order may be called the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

(2) It shall come into force on the 1st day of May 1960.

2. (1) In this Order—

(a) "appointed day" means the 1st day of May 1960;

(b) "existing State law" means any law in force, immediately before the appointed day, in the whole or any part of the territories now comprised in the State of Maharashtra, but does not include any law relating to a matter enumerated in the Union List;

(c) "law" has the same meaning as in clause (d) of section 2 of the Act.

(2) The General Clauses Act, 1897, applies for the interpretation of this Order as it applies for the interpretation of a Central Act.

3. As from the appointed day, the existing State laws mentioned in the Schedule to this Order shall, until altered, repealed or amended by a competent Legislature or other competent authority, have effect subject to the adaptations and modifications directed by the Schedule or, if it is so directed, shall stand repealed.

(G.C.P.) L.F. II 4133--1

4. (1) Whenever an expression mentioned in column 1 of the Table hereunder printed occurs (otherwise than in a title or preamble or in a citation or description of an enactment) in an existing State Law, whether an Act, Ordinance or Regulation mentioned in the Schedule to this Order or not, then, in the application of that law to the State of Maharashtra or as the case may be, to any part thereof, unless that expression is by this Order expressly directed to be otherwise adapted or modified, or to stand unmodified, or to be omitted, there shall be substituted therefor the expression set opposite to it in column 2 of the said Table, and there shall also be made in any sentence in which the expression occurs such consequential amendments as the rules of grammar may require.

1	2
(1) Bombay State or State of Bombay	State of Maharashtra.
(2) Pre-Reorganisation State of Bombay, excluding the transferred territories.	Bombay area of the State of Maharashtra.
(3) Governor of Bombay	Governor of Maharashtra.
(4) Government of Bombay	Government of Maharashtra.
(5) High Court of Bombay	High Court of Maharashtra.

(2) A direction in the Schedule to this Order that a specified existing State law, or section or portion of such law shall stand unmodified shall be construed merely as a direction that it is not to be modified or adapted in accordance with the provisions of this paragraph.

5. Where this Order requires that in any specified existing State law, or in any section or other portion of such law certain words shall be substituted for certain other words, or that certain words shall be omitted, that substitution or omission, as the case may be, shall, except where it is otherwise expressly provided, be made wherever the words referred to occur in that law or, as the case may be, in that section or portion.

6. (1) The following provisions shall have effect where an existing State law which under this Order is to be adapted or modified has before the appointed day been amended either generally or in relation to any particular area, by the insertion or omission of words, or the substitution of words for other words—

(a) effect shall first be given in the amending law to any adaptation or modification required by paragraphs 3, 4 and 5 of this Order to be made therein;

(b) the original law shall then be amended, either generally or, as the case may be, in its application to the particular area, so as to give effect to the directions contained in the amending law, or where any adaptation or modification has fallen to be made under clause (a), in that law as so adapted or modified; and

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ANNEXURE P-2

Bill No. 171 of 2016

THE HIGH COURTS (ALTERATION OF NAMES) BILL, 2016

A

BILL

to alter the names of the High Courts of Bombay, Calcutta and Madras.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

- | | | |
|----|--|-------------------------------------|
| 1. | (1) This Act may be called the High Courts (Alteration of Names) Act, 2016. | Short title
and
commencement. |
| 5 | (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. | Definitions. |
| | 2. In this Act, unless the context otherwise requires,— | |
| | (a) "appointed day" means the date appointed under sub-section (2) of section 1 for the coming into force of this Act; | |
| 10 | (b) "appropriate Government" means, as respects a law relating to a matter enumerated in List I—Union List in the Seventh Schedule to the Constitution, the Central Government, and as respects any other law, the State Government: | |

(c) "law" includes any enactment, Ordinance, order, bye-law, rule, regulation, notification, scheme or other instrument having the force of law under the respective jurisdictions of the High Courts of Bombay, Calcutta and Madras.

Alteration of names of High Courts of Bombay, Calcutta and Madras.

3. As from the appointed day, the High Courts of Bombay, Calcutta and Madras shall be known as the High Courts of Mumbai, Kolkata and Chennai, respectively.

Power to adapt laws.

4. (1) For the purposes of giving effect to the alteration of the names of the High Courts of Bombay, Calcutta and Madras by section 3, the appropriate Government may, before the expiration of one year from the appointed day, by order, make such adaptations and modifications of any law made before the appointed day, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made.

(2) Nothing in sub-section (1) shall be deemed to prevent a competent Legislature or other competent authority from repealing or amending any law adapted or modified by the appropriate Government under the said sub-section.

Power to construe laws.

5. Notwithstanding that no provision or insufficient provision has been made under section 4 for the adaptation of a law made before the appointed day, any court, tribunal or authority, required or empowered to enforce such law, may construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

Legal proceedings.

6. Where immediately before the appointed day any legal proceedings are pending to which the High Courts of Bombay, Calcutta and Madras are parties, the High Courts of Mumbai, Kolkata and Chennai shall respectively be deemed to have been substituted for the High Courts of Bombay, Calcutta and Madras in those proceedings.

STATEMENT OF OBJECTS AND REASONS

The High Courts of Bombay, Calcutta and Madras were established in pursuance of Letters Patent issued by the Queen in terms of the Indian High Courts Act, 1861 passed by the British Parliament. The High Court of Judicature at Madras was established by Letters Patent on 26th June, 1862, while the High Court of Judicature at Calcutta and High Court of Judicature at Bombay were established by Letters Patent on 28th December, 1865. After the Constitution of India came into force, these High Courts have continued to exist and exercise their jurisdiction in terms of article 225 of the Constitution.

2. The High Courts were named after the cities in which they were located. Consequence to the change in the names of these cities, there has been demands for change in the names of High Courts of Bombay, Calcutta and Madras as High Courts of Mumbai, Kolkata and Chennai respectively. At present, there is no central law under which the proposal to change the names of these High Courts can be addressed. The proposed legislation is to address this requirement. It is appropriate and logical that the names of these High Courts are also changed as per the request of the State Governments.

3. In view of the above, it has been decided to change the names of the High Courts of Judicature at Bombay, Calcutta and Madras as the High Court of Judicature at Mumbai, Kolkata and Chennai, respectively.

4. The High Courts (Alteration of Names) Bill, 2016 will bring uniformity between the names of the cities and the names of the High Courts. It will also fulfil the aspiration of the people of the concerned States.

5. The Bill seeks to achieve the above objectives.

RAVISHANKER PRASAD

NEW DELHI:
The 15th July, 2016