

IN THE HIGH COURT OF DELHI AT NEW DELHI

WRIT PETITION (C) NO OF 2022

IN THE MATTER OF:

ASHWINI KUMAR UPADHYAY ...PETITIONER

VERSES

UNION OF INDIA & OTHERS ...RESPONDENTS

MEMO OF PARTIES

Ashwini Kumar Upadhyay

...Petitioner

Verses

1. Union of India
Through the Secretary,
Ministry of Home Affairs,
North Block, New Delhi-110001
2. Union of India
Through the Secretary,
Ministry of Finance,
North Block, New Delhi-110001
3. Union of India
Through the Secretary,
Ministry of Foreign Affairs,
South Block, New Delhi-110001
4. Union of India
Through the Secretary,
Ministry of Civil Aviation
Rajiv Gandhi Bhawan, Safdarjung, New Delhi-110003
5. Union of India
Through the Secretary,
Ministry of Law and Justice,
Shashtri Bhawan, New Delhi-110001

.....Respondents

PETITIONER-IN-PERSON
(Ashwini Kumar Upadhyay)
Advocate En. No-D/1119/2012

New Delhi
23.06.2022

**IN THE HIGH COURT OF DELHI AT NEW DELHI
WRIT PETITION (CIVIL) NO. _____ OF 2022
(PIL UNDER ARTICLE 226 OF THE CONSTITUTION)
IN THE MATTER OF:**

ASHWINI KUMAR UPADHYAY ...PETITIONER

VERSUS

UNION OF INDIA & OTHERS ...RESPONDENTS

SYNOPSIS & LIST OF DATES

Petitioner is filing this PIL under Article 226 seeking writ, order or direction to Centre to change Call Sign VT written on Indian Aircrafts which stands for *Victorian Territory and Viceroy Territory*, (a legacy of British Raj) in order to secure Sovereignty, Rule of Law (Article 14), Right to Freedom (Article 19) and Right to Dignity (Article 21).

The prefix 'VT' stands for '*Victorian Territory and Viceroy Territory*', which is the nationality code that each aircraft registered in India is required to carry. The Code is generally seen just before the rear exit door and above the windows. All the domestic airlines have the prefix, which is followed by unique alphabets that define the aircraft and who it belongs to. For example, on Indigo flights the registration VT is followed by IDV, i.e., VT-IDV, for Jet, it is VT-JMV.

The prefix marks that the aircraft has been registered in the country and it is mandatory in all countries. The registration of the

aircraft is required to appear in its Certificate of Registration and an aircraft can only have one registration in one jurisdiction.

Britain set the prefix 'VT' for all the colonies in 1929. But countries like China, Pakistan, Nepal, Sri Lanka changed their Call Signs after independence. While in India, the prefix has remained on the aircraft even after 93 years, which offends Sovereignty, Rule of Law (Article 14), Right to Freedom (Article 19) and Right to Dignity (Article 21).

The registration is as per international laws and every aircraft must specify which country and airline it belongs to, using a unique alpha-numeric code, which is of five characters, that is in IndiGo's case, VT-IDV and for Jet, it is VT-JMV. In simple words, the call sign or the registration code is for the identification of the aircraft.

Petitioner submits that the registration number of Indian aircraft marks the legacy of 'British Raj'. 'VT' code is a reflection of colonial rule. India is a sovereign country hence cannot be a territory of the Viceroy. Why is India continuing with VT code? The efforts of the government to change the registration code have been fruitless. In 2004, the aviation ministry approached the International Civil Aviation Organization (ICAO) to change the

code but no decision has been taken so far. It is a code given to us in 1929 by British rulers, denoting us as British territory. It's very unfortunate that India, even after 75 years of Independence, retains VT, the symbol of slavery.

The use of VT symbol denotes us still being Victorian Territory and Viceroy Territory but the government refuses to get it changed or even make an effort even after 75 years of Independence. Petitioner submits that most of the countries which went through colonial servitude have got rid of their colonial signs and launched their own code. 'VT' is not a symbol of pride but a matter of shame, if we are still using it when our nation is free.

Even our Prime Minister travels to meet world leaders in Air India One B747-437, with a call sign VT-EVB. *Is the Prime Minister a leader of a free democratic country or of a Viceroy Territory?* Pakistan had their call sign changed to AP after bifurcation. Similarly, Bahamas changed the sign from 'VP-B' to 'C6', Nepal changed to '9N', Sri Lanka from 'VP-C' to '4R' and Zimbabwe from 'VP-W' to 'Z'.

Petitioner respectfully submits that the display of call signs is a must according to international laws governed by the UN, which

specifies that every aircraft of every nation must specify the name of the country to which it belongs, using a Unique Alpha-Numeric Code'. The code containing five characters should have two alphabets, that is the country's code ('VT' in India's case) and the rest shows which company owns the aircraft.

As per rules set by International Civil Aviation Organization (ICAO), each aircraft has to be registered in a country, where it is allotted a registration number which has two letters as the country code, followed by three letters of owners or the carrier's choice, like VT-123 in case of an Indian aircraft. India was assigned the letters VT while it was still under British rule. In fact, the series VA to VZ were assigned to aircraft registered in British territories. Many countries changed their codes after independence viz. Fiji, Nepal and Pakistan. But India decided to retain VT. Pakistan adopted 'AP' from the newly allocated call signs APA-ASZ. Sri Lanka, Nepal, Bhutan and Fiji use 4R, 9N, A5 and DQ respectively. 'VT' was assigned to India during the International Radiotelegraph Convention of Washington, signed on 25.11.1927. After 75 years of independence, there is one colonial legacy that continues to fly high over the Indian skies: civilian

aircrafts registered in India continue to carry the prefix 'VT', standing for Viceroy's Territory. The government is hesitant to change the registration. One can find the codes 'VT-AAA' or 'VT-ZZZ' painted on the aircraft just like the registration number of a vehicle. There have been demands for a very long time to change the code as it is a vestige of the colonial regime, but successive governments did nothing.

Petitioner submits that the call sign 'VT' was assigned to India during the International Radiotelegraph Convention of Washington signed at Washington on 27.11.1927. Like India, every country has a one-or-two-character alphanumeric code for the identity of aircraft. Like the US has 'N', UK has 'G', UAE has 'A6', Singapore has '9V' and so on. According to the World Factbook placed in the website of cia.gov, these codes indicate the nationality of civilian aircraft.

Petitioner submits that Article 20 of the Convention on International Civil Aviation (Chicago Convention), signed in 1944, requires that all aircraft engaged in international air navigation bear appropriate nationality marks. The aircraft registration number consists of two parts: a prefix consisting of a one- or two-character alphanumeric code indicating nationality and a registration suffix of

one to five characters for the specific aircraft. The prefix codes are based upon radio call-signs allocated by ITU to each country. Since 1947, the International Civil Aviation Organization (ICAO) has been managing code standards and their allocation. Earlier, colonies under British rule had aircraft codes starting with V as the British government had set that. However, later many countries such as Sri Lanka (4R) or even Nepal (9N).

Use of Call Sign 'VT' on Indian Aircraft is an insult to India as it was ShivkarBapuji Talpade who made the first aircraft (*Marutsakha*) and flew it over Mumbai's Chowpatty in 1895, eight years before the Wright Brothers. The *Marutsakhawas* based on sage Bharadwaj's aviation knowledge, which included war planes and aircraft doubling up as submarines. Ancient Sanskrit literature is full of descriptions of flying machines i.e.*vimanas*. From the many documents found it is evident that scientist-sages Agastya and Bharadwaj had developed the lore of aircraft construction. A paper on aviation says Bharadwaj prescribed a suitable suit for pilots and mentioned “*25 types of viruses in the atmosphere which attack the human skin, bones and the whole body*”. The pilot's attire would be “*virus-proof, water-proof and shock-proof*”. Bal Gangadhara Tilak

(editor of Kesari) had put in an editorial. It was also reported by two other English newspapers, a terse account. Eminent Indian judge Mahadeva Govinda Ranade and King of Baroda H H Sayaji Rao Gaekwad witnessed the flight. This is conclusive proof that Indians were way ahead of the world in science and technology. Thus, using the flight code VT is not only a symbol of British oppression which existed in India for a long time, but it is also an insult to India's heritage and culture.

Petitioner submits that the words "*Sovereignty and integrity of India*" were inserted in Article 19(2), (3) and (4) to denote the independence and wholeness of the country. It was also introduced in the oaths of "allegiance" to the Constitution prescribed in Schedule-3 indicating that the duty to uphold "sovereignty and integrity of India" flowed from a recognition of the supremacy of the Constitution. (Indira Nehru Gandhi AIR 1975 SC 2299). The Apex Court reiterated the view that on the adoption of the Constitution, the erstwhile dominion of India and Indian States surrendered their sovereignty to the people of India who framed and adopted the Constitution. (Virendra Singh AIR 1954 SC 447). The Constitution moulded new sovereignty and gave shape to the aspirations of

people, by destroying foreign control and evolving a completely democratic form of government as a republic. (Vora FiddaliMithibarwala AIR 1964 SC 1043)Petitioner submits that Union Ministers, Parliamentarians, Ministers of the State Government and Members of Legislative Assemblies take constitutional oath to uphold the sovereignty and integrity of India under third schedule of the Constitution and frequently fly through the aircrafts but they have not taken appropriate steps to change the Call Sign VT. Therefore, this Hon'ble Court is the last hope of citizens.

International Civil Aviation Organization (ICAO) and International Telecommunication Union (ITU) assign the call sign. Futile efforts were made in the past regarding the change of call sign for our nation's aircraft but all was in vain, as they responded by saying that India could not get BA (Bharat) and IN (India) as China and Italy have already taken up the 'B' and 'I', respectively,". The then Civil Aviation Minister Mr. Praful Patel had stated that *because India could not get a code of its choice, it will function with "VT" only*. This is absurd, as on researching call signs for various other countries, petitioner found that more than one country uses the same primary

alphabet with differing secondary alphabets. For example, Argentina, Bulgaria, Lithuania, Luxembourg and Norway, use the signs 'LV/LQ', 'LZ', 'LY', 'LX' and 'LN', respectively. Similarly, Haiti, Honduras, Korea and Panama use 'HH', 'HR', 'HL' and 'HP', respectively.

23.06.2022:Some countries even use single alphabets like Canada 'G', China 'B', France 'F', Germany 'G', Italy 'I', United States of America 'N' and United Kingdom 'G'. If these countries can do it, so can India and bring freedom from the feeling of slavery by rejecting the call sign provided by our former rulers. ButCentre is inactive, Hence, PIL.

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[PIL UNDER ARTICLE 226 OF THE CONSTITUTION]

IN THE MATTER OF:

ASHWINI KUMAR UPADHYAY ...PETITIONER

VERSUS

UNION OF INDIA & OTHERS ...RESPONDENTS

PIL UNDER ARTICLE 226 TO CHANGE THE CALL SIGN“VT”

THE HON’BLE CHIEF JUSTICE
AND LORDSHIP’S COMPANION JUSTICES
OF THE HON’BLE HIGH COURT OF DELHI
HUMBLE PETITION OF ABOVE-NAMED PETITIONER
THE MOST RESPECTFULLY SHOWETH AS THE UNDER:

1. Petitioner is filing this PIL under Article 226 seeking writ, order or direction to Centre to change Call Sign VT written on Indian Aircrafts which stands for *Victorian Territory and Viceroy Territory*, (a legacy of British Raj) in order to secure Sovereignty, Rule of Law (Article 14), Right to Freedom (Article 19) and Right to Dignity (Article 21).
2. The prefix 'VT' stands for '*Victorian Territory and Viceroy Territory*', which is the nationality code that each aircraft registered in India is required to carry. The Code is generally seen just before the rear exit door and above the windows. All the domestic airlines have the prefix, which is followed by unique alphabets that define the aircraft

- and who it belongs to. For example, on Indigo flights the registration VT is followed by IDV, i.e., VT-IDV, for Jet, it is VT-JMV.
3. Britain set the prefix 'VT' for all the colonies in 19929. But countries like China, Pakistan, Nepal, Sri Lanka changed their Call Signs after independence. While in India, the prefix has remained on the aircraft even after 93 years, which offends Sovereignty, Rule of Law (Article 14), Right to Freedom (Article 19) and Right to Dignity (Article 21).
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 5. Petitioner submits that the registration number of Indian aircraft marks the legacy of 'British Raj'. 'VT' code is a reflection of colonial rule. India is a sovereign country hence cannot be a territory of the Viceroy. Why is India continuing with VT code? The efforts of the government to change the registration code have been fruitless. In 2004, the aviation ministry approached the International Civil Aviation Organization (ICAO) to change the code but no decision has

- been taken so far. It is a code given to us in 1929 by British rulers, denoting us as British territory. It's very unfortunate that India, even after 75 years of Independence, retains VT, the symbol of slavery.
6. The use of VT symbol denotes us still being Victorian Territory and Viceroy Territory but the government refuses to get it changed or even make an effort even after 75 years of Independence. Petitioner submits that most of the countries which went through colonial servitude have got rid of their colonial signs and launched their own code. 'VT' is not a symbol of pride but a matter of shame, if we are still using it when our nation is free.
 7. Even our Prime Minister travels to meet world leaders in Air India One B747-437, with a call sign VT-EVB. *Is the Prime Minister a leader of a free democratic country or of a Viceroy Territory?* Pakistan had their call sign changed to AP after bifurcation. Similarly, Bahamas changed the sign from 'VP-B' to 'C6', Nepal changed to '9N', Sri Lanka from 'VP-C' to '4R' and Zimbabwe from 'VP-W' to 'Z'.
 8. Petitioner respectfully submits that the display of call signs is a must according to international laws governed by the UN, which specifies that every aircraft of every nation must specify the name of the

country to which it belongs, using a Unique Alpha-Numeric Code'.

The code containing five characters should have two alphabets, that is the country's code ('VT' in India's case) and the rest shows which company owns the aircraft.

9. The organizations responsible for assigning the call sign are International Civil Aviation Organisation (ICAO) and International Telecommunication Union (ITU). Futile efforts were made in the past regarding the change of call sign for our nation's aircraft but all was in vain, as they responded by saying that India could not get BA (Bharat) and IN (India) as China and Italy have already taken up the 'B' and 'I', respectively,". The then Civil Aviation Minister Mr. Praful Patel had stated that *because India could not get a code of its choice, it will function with "VT" only*. This is absurd, as on researching call signs for various other countries, petitioner found that more than one country uses the same primary alphabet with differing secondary alphabets. For example, Argentina, Bulgaria, Lithuania, Luxembourg and Norway, use the signs 'LV/LQ', 'LZ', 'LY', 'LX' and 'LN', respectively. Similarly, Haiti, Honduras, Korea and Panama use 'HH', 'HR', 'HL' and 'HP', respectively. Petitioner submits that some countries even use single alphabets like Canada 'G', China 'B', France

'F', Germany 'G', Italy 'I', United States of America 'N' and United Kingdom 'G'. Petitioner submits that if these countries can do it, so can India and bring freedom from the feeling of slavery by rejecting the call sign provided to us by our former rulers.

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1947, the International Civil Aviation Organization (ICAO) has been managing code standards and their allocation. Earlier, colonies under British rule had aircraft codes starting with V as the British government had set that. However, later many countries such as Sri Lanka (4R) or even Nepal (9N).

- 13.** Use of Call Sign 'VT' on Indian Aircraft is an insult to India as it was ShivkarBapuji Talpade who made the first aircraft (*Marutsakha*) and flew it over Mumbai's Chowpatty in 1895, eight years before the Wright Brothers. The *Marutsakha* was based on sage Bharadwaj's aviation knowledge, which included war planes and aircraft doubling up as submarines. Ancient Sanskrit literature is full of descriptions of flying machines i.e. *vimanas*. From the many documents found it is evident that scientist-sages Agastya and Bharadwaj had developed the lore of aircraft construction. A paper on aviation says Bharadwaj prescribed a suitable suit for pilots and mentioned “*25 types of viruses in the atmosphere which attack the human skin, bones and the whole body*”. The pilot's attire would be “*virus-proof, water-proof and shock-proof*”. Bal Gangadhara Tilak (editor of Kesari) had put in an editorial. It was also reported by two other English newspapers, a terse account. Eminent Indian judge

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15. As per Salmond's jurisprudence, *sovereign or supreme power is that which is absolute and uncontrolled within its own sphere*. In the words of Cooley, *sovereign means a political superior who is not subject to any other political superior*. According to Ramnath Aiyar, *sovereign means a person, body or state in which independent and supreme authority is vested*. Apex Court in Govindrao Case [AIR 1982 SC 1201] held- *Sovereignty means supremacy in respect of power, dominion or rank; supreme dominion authority or rule. It implies supreme, absolute, uncontrollable power by which any state is governed*.

16. Sovereignty has external and internal aspects. Now India ceased to be a 'Dependency' of the British empire by passing of the Indian Independence Act 1947 (Section 7). Whatever subjection or

limitation was implied has been abjured by India declaring herself a republic in the Constitution. So, India is now a sovereign country. Of course, at the Prime Ministers conference in London on 27th April 1949, India has made a declaration that notwithstanding her becoming a sovereign independent republic, she will continue *'her full membership of the commonwealth of nations and her acceptance of the king as the symbol of the free association of the independent nations and as such head of the commonwealth'* but this declaration is extra-legal and there is no mention of it in the constitution of India. It is a voluntary declaration and indicates a free association and no obligation. Again, it accepts the King of England as only a symbolic head of the Commonwealth (having no such function as belongs to him prior to the Constitution) and there is no question of allegiance of Indians to the Crown of England. Again, though as a commonwealth member, India has a right to be represented in commonwealth conferences, decisions at commonwealth conferences will not be binding on her. [Magan Bhai (1970) 3 SCC 100].

17. Voluntary association of India with the commonwealth does not affect her sovereignty to any extent and it would be open to India to

cut-off the association as easily as has been declared. Therefore, jurisdiction under Article 226 to enforce sovereignty and dignity of citizens cannot be frozen. In the result, the Court of unlimited jurisdiction is the repository of all judicial power, save what is excluded by the Constitution. [Elizabeth AIR 1993 SC 1014]. Sovereignty vests in the people and is articulated in the provisions of the laws of India. By the constitution, India has been constituted a sovereign democratic republic. It means absolute power vested in the people of India and to be exercised through their duly elected representatives.

18.The Constitution is made by the Indians and for the Indians. The Constitution not only protects and propagates Indian culture, Indian religions, Indian languages, Indian customs and Indian traditions but also secures and promotes sovereignty, unity, integrity of India and dignity of Indians. Moreover, the Apex Court has reiterated that the right to live with dignity is an integral part of right to life and personal liberty, guaranteed under Article 21 of the Constitution of India. [*Daniel Latifi (2001) 7 SCC 740; Bandhua Mukti Morcha (1984) 3 SCC 161; and, Nandini Sundar (2011) 7 SCC 547*]. Therefore, the Centre has constitutional obligations to take appropriate steps to

change the 'VT' sign in order to secure and enhance the dignity of India and Indians. The Constitution enables the Centre and States to correct the historical wrongs and change the signs of slavery and this year we are celebrating 75th anniversary of the independence.

19. Petitioner submits that our forefathers, including Gandhi Ji, Neta Ji, Sarvarkar, Azad, Bhagat Singh, Sukhdev, Rajguru devoted their life for complete independence, not hypothetical independence. The Constitution also directs the Centre to establish a sovereign socialist secular democratic republic. But, even after 75 years of Independence, VT, which is a sign of slavery, still exists.

20. The power conferred by Article 226 of the Constitution is in the widest terms and is not confined to issuing the high prerogative writs specified therein, but includes within its ambit the power to issue any directions or orders or writs which may be appropriate for enforcement of fundamental rights. Therefore, even when the conditions for issue of any of these writs are not fulfilled, the Constitutional Court would not be constrained to fold its hand in despair and plead inability to help the citizen who has come before it for judicial redress. The Court is not helpless to grant relief in a case

of violation of right to life, liberty and dignity and it should be prepared to “forge new tools and device new remedies”.

21. For purpose of vindicating these precious fundamental rights, in so far as the High Court is concerned, apart from Article 226, which empower the Court to issue such directions as may be necessary for doing complete justice in any matter, Constitution also mandates all authorities civil or judicial in the territory, to act in aid of the order passed by High Court. Being the protector of civil liberties of citizens, the High Court has not only the power and jurisdiction, but also an obligation to protect the fundamental rights, guaranteed by part-III in general and under Article 21 in particular zealously and vigilantly.

22. The High Courts are the sentinels of justice and have been vested with extraordinary powers to ensure that rights of citizens are protected. It is not merely the right of individuals to move the High Court, but also the responsibility of the Court to enforce fundamental rights. Therefore, if the petitioner satisfies the High Court that his fundamental right has been violated, it is not only the ‘right and power’, but the ‘duty and obligation’ of the Court to

ensure that petitioner's fundamental right is protected and safeguarded.

- 23.** The power of the High Court is not confined to issuing prerogative writs only. By using the expression “in the nature of”, the jurisdiction has been enlarged. The expression “in the nature of” is not the same thing as the other phrase “of the nature of”. The former emphasizes the essential nature and the latter is content with mere similarity. Therefore, High Court cannot refuse an application under Article 226 of the Constitution, merely on the grounds: **(i)** *that such application have been made to High Court in the first instance without resort to the public authority* **(ii)** *that there is some adequate alternative remedy available to petitioner* **(iii)** *that the application involves an inquiry into disputed questions of fact/taking of evidence* **(iv)** *that declaratory relief i.e. declaration as to unconstitutionality of impugned statute together with consequential relief, has been prayed for* **(v)** *that the proper writ or direction has not been paid for in the application* **(vi)** *that the common writ law has to be modified in order to give proper relief to the applicant.* **(vii)** *that the article in part three of the constitution which is alleged to have been infringed has not been specifically*

mentioned in petition, if the facts stated therein, entitle the petitioner to invoke a particular article.

- 24.** Article 226 of the Constitution provides important safeguard for the protection of the fundamental rights. It provides guaranteed quick and summary remedy for enforcing the fundamental right because a person complaining of breach of any of his fundamental rights by an administrative action can go straight to the Court for vindication of his right without having to undergo directory process of proceeding from lower to the higher court as he has to do in other ordinary litigation. The High Court has thus been constituted as protector, defender and guarantor of the fundamental rights of the people. It was very categorically held that: *“the fundamental rights are intended not only to protect individual rights but they are based on high public rights. Liberty of the individual and protection of fundamental rights are the very essence of democratic way of life adopted by the Constitution and it is the privilege and duty of this Court to uphold those rights. This Court would naturally refuse to circumscribe them or to curtail them except as provided by the Constitution itself.”*

25. Petitioner submits that: *“the fundamental right to move this Court can therefore be described as the cornerstone of the democratic edifice raised by the Constitution. That is why it is natural that the Court should regard itself as the protector and guarantor of fundamental rights and should declare that it cannot consistently with the responsibility led upon it, refuse to entertain applications seeking protection against infringement of such right. In discharging the duties assigned to it, the Court has to play the role of a “sentinel on the qui vive” and it must always regard it as its solemn duty to protect the said fundamental right zealously and vigilantly.”*

26. Language used in Article 226 is very wide and the powers of the High Court’s extends to issuing orders, writs or directions including writs in the nature of habeas corpus, mandamus, quo warranto, prohibition and certiorari as may be considered necessary for enforcement of the fundamental rights and for other purposes as well. In view of the express provision of the Constitution, there is no need to look back to procedural technicalities of the writs in English Law. The Court can make an order in the nature of these prerogative writs in appropriate cases in appropriate manner so long as the

fundamental principles that regulate the exercise of jurisdiction in matters of granting such writ in law are observed.

27.Application under Article 226 cannot be thrown out simply because the proper direction or writ has not been prayed for. Thus, where an order in the nature of mandamus is sought in a particular form, nothing debars the Court from granting it in a different form. Article 226 gives a very wide discretion in the matter of framing the writ to suit the exigencies of particular cases. Even if petitioner has asked for wider relief which cannot be granted by Court, it can grant such relief to which petitioner is entitled. The Court has power to grant consequential relief or grant any relief to do complete justice even in favour of those persons who may not be before Court or have not moved the Court. For the protection of fundamental right and rule of law, the Court can confer jurisdiction on a body or authority to act beyond the purview of statutory jurisdiction or function, irrespective of the question of limitation prescribed by the statute. Exercising such power, the Court entrusted NHRC to deal with certain matters with a direction that the Commission would function pursuant to its direction and all the authorities are bound by the same. NHRC was

declared not circumscribed by any condition and given free hand and thus act *sui generis* conferring jurisdiction of a special nature.

28. Simply because a remedy exists in other form, it does not prevent any bar on aggrieved persons to directly approach the High Court under Article 226. It is true that the Court has imposed a self-restraint in its own wisdom on the exercise of jurisdiction where the aggrieved person has an effective alternative remedy. However, this rule which requires the exhaustion of alternative remedies is a rule of convenience and a matter of discretion rather than rule of law. It is not out of the jurisdiction of the High Court to exercise its writ jurisdiction under Article 226 of the Constitution.

29. Petitioner submits that the High Court is entitled to evolve a new principle of liability to make the guaranteed remedy to enforce fundamental rights real and effective, to do complete justice to aggrieved persons. It was held in that case that the court was not helpless and the wide powers given to the High Court by Article 226, which itself is a fundamental right imposes a constitutional obligation on the Court to forge such new tools, which may be necessary for doing complete justice and enforcing the fundamental rights guaranteed in the Constitution, which enables reward of

monetary compensation in appropriate cases, where that is the only redress available. The remedy in public law has to be more readily available when invoked by have-nots who are not possessed of the wherewithal for enforcement of their right in private law, even though its exercise is to be tempted by judicial restraint to avoid circumvention of private law remedies, which are more appropriate. Under Article 226, the Court can pass appropriate orders or facts to do complete justice even if it is found that the petition is not maintainable.

30. In *K.S Puttaswamy Case [2017 (10) SCC 1]* Court held: *“Over the last four decades, our constitutional jurisprudence has recognised the inseparable relationship between protection of life and liberty with dignity. Dignity as a constitutional value finds expression in the Preamble. The constitutional vision seeks the realisation of justice (social, economic and political); liberty (of thought, expression, belief, faith and worship); equality (as a guarantee against arbitrary treatment of individuals) and fraternity (which assures a life of dignity to every individual). These constitutional precepts exist in unity to facilitate a humane and compassionate society. The individual is the focal point of the Constitution because it is in the*

*realisation of individual rights that the collective well-being of the community is determined. Human dignity is an integral part of the Constitution. Reflections of dignity are found in the guarantee against arbitrariness (Article 14), the lamps of freedom (Article 19) and in the right to life-liberty (Article 21).”*In **Maneka Gandhi Case (AIR 1978 SC 597)** the Court held that the right to life embodied in Article 21 of the Indian Constitution, is not merely a physical right but it also includes within its ambit, the right to live with human dignity. In **Francis Coralie Case 1981 AIR 746**, the Court held that the right to live includes the right to live with human dignity with bare necessities of life such as: Adequate nutrition, Clothing, Shelter and facilities for: Reading, Writing, and Expressing oneself in diverse form.

31. Petitioner submits that it is the duty of the State to create a climate where members of the society belonging to different faiths, caste and creed live together and, therefore, the State has a duty to protect their life, liberty, dignity and worth of individual which should not be jeopardized or endangered. If in any circumstance the state is not able to do so, then the Court can't be a mute Spectator. Petitioner is

- before Court because the VT issue was raised in Parliament but it continues.
- 32.** Petition is not guided by self-gain or for gain of any other individual person, institution or body. Petitioner is filing this PIL to secure the right of dignity and sovereignty guaranteed under Article 21.
- 33.** Petitioner is able to bear the cost if imposed by the Court.
- 34.** Petitioner has no personal interest or individual gain, private motive or oblique reasons in filing this PIL. It is totally bona-fide.
- 35.** The source of averments made in this PIL is personal knowledge, and the information collected from websites.
- 36.** Present petition is to secure dignity of India and Indian citizens.
- 37.** Centre is likely to be affected by the orders sought and it has been impleaded as Respondent. No other persons, bodies, institutions are likely to be affected by the order sought in this petition.
- 38.** Petitioner is Ashwini Kumar Upadhyay. _____,
Email: aku.adv@gmail.com, PAN: _____, AADHAAR:
_____. Annual Income is Rs. _____. Petitioner is Advocate and a social-political activist, striving for the development of socially-economically downtrodden citizens.

39. Petitioner has not submitted any representation to the respondents.

There is no requirement to move concerned authority for relief sought in this writ petition. There is no other remedy available.

PRAYERS

Keeping in view the above stated facts and circumstance, Court may be pleased to issue appropriate writ, order or direction to Centre to:

- a)** direct and declare that being a 'Sovereign Socialist Secular Democratic Republic', the Call Sign 'VT' written on Indian aircrafts and stands for 'Victorian Territory and Viceroy Territory' (which is a legacy of the British Raj) is not only against the 'Sovereignty of India', but also contrary to the Rule of Law, Right to Freedom and Right to Dignity of Indians guaranteed under Articles 14, 19 and 21 of the Constitution;
- b)** direct the Centre to change the Call Sign 'VT' written on Indian aircrafts and stands for 'Victorian Territory and Viceroy Territory' (which is a legacy of the British Raj); in order to secure Sovereignty of India as well as Rule of Law, Right to Freedom and Right to Dignity of Indians guaranteed under Articles 14, 19 and 21 of the Constitution (like China, Pakistan, Nepal, Sri Lanka etc. had changed the Call Sign of their Aircrafts immediately after the independence);

c) pass such other order(s)and/or direction(s) as this Hon'ble Courtdeems fit and proper to secure sovereignty and dignity of citizens.

New Delhi

Petitioner-in-Person

23.06.2022

(Ashwini Kumar Upadhyay)