

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

FRIDAY, THE 24TH DAY OF MARCH, 2023 / 3RD CHAITHRA, 1945

WP(C) NO. 4484 OF 2023

PETITIONERS:

- 1 NON-RELIGIOUS CITIZENS (N.R.C),
REGISTRATION NO. KLM/TC/271/2021, KALANJOOR P O,
KOLLAM DISTRICT, KERALA-689695 THROUGH ITS SECRETARY,
MOHAMMED ISMAIL, S/O A. M. IBRAHIM, MOHAMMEDIA COTTAGE,
EDATHARA, KALANJOOR P O, KOLLAM DISTRICT, KERALA, PIN - 689695.
- 2 T. M. ARIF HUSSAIN, AGED 37 YEARS
S/O. MOHAMMED.T.M, THERUVATH HOUSE, CHATHAMANGALAM P.O.,
CALICUT, KERALA, PIN - 673601.
- 3 NOUSHAD ALI, AGED 48 YEARS
S/O. ABOOBACKER @ BAVA, VELLAT HOUSE, B. P ANGADI,
KATTACHIRA ROAD, TIRUR, MALAPPURAM, PIN - 676102.
- 4 SHAHUL HAMEED, AGED 43 YEARS
S/O SAID MUHAMMED, NANGIAR KANDATHIL HOUSE, PANTARANGADI P.O.,
TIRURANGADI VIA, MALAPPURAM (DIST), PIN - 676306.
- 5 YASIN N., AGED 36 YEARS
S/O. HANEEFA, NADUKKAN CHIRA, MEPPADI P.O, KOTTAPADI (PART),
WAYANAD, PIN - 673577.
- 6 K. ABDUL KALAM,
PUTHUKIDY HOUSE, KARANTHOOR P O, KOZHIKODE., PIN - 673571.

BY ADVS. SRI. P.V.JEEVESH
SRI. SABU M. PHILIP
SRI. P.SHAHEEN
SRI. AKASH S.

RESPONDENTS:

- 1 THE UNION OF INDIA,
REPRESENTED THROUGH THE CABINET SECRETARY,
CABINET SECRETARIAT, SOUTH BLOCK, RASHTRAPATI BHAVAN,
NEW DELHI, PIN - 110004.

WP(C): 4484/23

-:2:-

- 2 MINISTRY OF LAW AND JUSTICE,
REPRESENTED THROUGH ITS SECRETARY, 4TH FLOOR, A - WING,
RAJENDRA PRASAD ROAD, SHASTRI BHAVAN, NEW DELHI - 110001.
- 3 STATE OF KERALA,
REPRESENTED THROUGH ITS CHIEF SECRETARY, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, KERALA, PIN - 695001.
- 4 THE LAW SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
KERALA, PIN - 695001.
- 5 THE STATE POLICE CHIEF,
VAZHUTHAKADU, THIRUVANANTHAPURAM, KERALA - 695010.

BY ADV. SHRI B. PRAMOD, CGC
BY SENIOR GOVERNMENT PLEADER SRI. K.P.HARISH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24.03.2023,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT**S. Manikumar, CJ**

Claiming to be a registered cultural organisation and social activists in Kerala, instant writ petition is filed by the petitioners, being aggrieved by the practice of *circumcision* against children. The reliefs sought for are as under:

- (i) To declare that the practice of non-therapeutic *circumcision* on children is violation of children's rights, and illegal;
- (ii) To declare that the practice of non-therapeutic on children is a cognizable and non-bailable offence;
- (iii) Issue a direction in the nature of recommendation or judicial advice or as a reminder call to respondents 1 to 4, pointing out the necessity and urgency of a legislation, prohibiting the practice of male *circumcision*;
- (iv) Direct the 5th respondent to register a crime against the persons who does any acts towards *circumcision* on children, or attempts, or abets to do such things;
- (v) Issue an appropriate writ to the 2nd respondent to consider and take a decision on Exhibit-P7 representation, seeking legislation, banning the practice on children, preferred by the 6th respondent:

2. Brief facts leading to the filing of the instant writ petition are that, petitioners invite the attention of this Court to an issue of blatant violation of fundamental rights of the children. According to the petitioners, practice of *circumcision* is a human rights violation against

children. The first petitioner is a registered cultural organization in Kerala, which stands for rationalism, humanism, scientific temper and the spirit of enquiry and reform.

3. Petitioners have further stated that the United Nations Convention on the Rights of the Child, 1989 and International Covenant on Civil and Political rights adopted by the General Assembly of U.N., to which India is a member and signatory, by virtue of its provisions emphasis that all children have the right to live in a secure, loving environment, free from any forms of harm, assaults, abuse and discrimination. Petitioners have also stated that one of the legislative intentions of the International conventions is to create an atmosphere of independent and individual growth and development, mentally and physically, of a child, untrammelled by any external force like religion, traditional practice, interests of the parents etc.

4. Petitioners have further stated that *circumcision* is the surgical removal of foreskin, which is the tissue that covers the head (glans) of the penis. Today, many parents have their sons circumcised for religious and other reasons. Circumcision is performed usually on the first or second day after birth. The procedure is very complicated and risky in the case of children. The men may be given medicine to sleep during the

procedure, but not in the case of children.

5. Petitioners have further stated that *circumcision* leads to several health problems like trauma. Traumatic events are marked by a sense of horror, helplessness, serious injury, or the threat of serious injury or death . Traumatic events include sexual abuse, physical abuse, domestic violence, community and school violence, medical trauma, motor vehicle accidents etc. Trauma in early childhood can result in disrupted attachment, cognitive delays, and impaired emotional regulation. Apart from that, there are other risks/complications associated with circumcision , viz., bleeding, penile infection, irritation of the exposed tip of the penis, etc.

6. Relevant portions of Exhibit-P2 International Covenant on Civil and Political Rights, relied on by the petitioners, are reproduced hereunder:

“Article 2. 1- Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective

remedy; (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; (c) To ensure that the competent authorities shall enforce such remedies when granted.

PART III

Article 7. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”

7. Relevant portions of Exhibit-P3 International Convention on Rights of the Child, 1989, relied on by the petitioners, are reproduced hereunder:

“Article 2.2- States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 4 - States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention.

Article 16 - 1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2 - The child has the right to the protection of the law against such interference or attacks.

Article 19.1 - States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation.”

8. Petitioners have further stated that a child shall have the right to believe or not believe in any particular religion and to follow or not to follow a particular practice or ritual. The practice of *circumcision* is compelled to be done on the children, not as their choice, but as they are being compelled to be followed only because of the unilateral decision taken by the parents.

9. Petitioners have further stated that a child should not be subjected to whims and fancies of his or her parents. The children should have opportunities to choose a particular practice, belief, or religion. But, society is taking advantage of the incapacity and helplessness of the children. The rights and freedom of the children cannot be surrendered in accordance with the mere religious fanaticism and addictions of the parents. Only after majority, should the child be allowed to choose any religious ritual.

10. Petitioners have further stated that even though law-making is not the function of the judiciary, it can issue necessary directions for the enforcement of human rights by standing within its field, without

transgressing into the field of the legislature. In support of the same, petitioners have relied on Exhibit-P5 International Convention viz., Beijing Statement of Principles of Independence of Judiciary in the LAWASIA region, to which India is a signatory.

11. In regard to the above, petitioners have submitted a representation on 11.12.2019 (Exhibit-P7) to the 2nd respondent - Ministry of Law and Justice, represented through its Secretary, 4th Floor, A- Wing, Rajendra Prasad Road, New Delhi. Their grievance is that even though the said representation has been received by the Ministry, no action has been taken so far in the matter.

12. According to the petitioners, the practice of this taboo violates the fundamental right, “right to life” of the citizens guaranteed under Article 21 of the Constitution of India. If the State Machinery fails in giving protection to the rights of the citizens, as a guardian of the Constitution, the Constitutional courts are bound to interfere in the matter. Hence, this writ petition.

13. On the above pleadings and in support of the reliefs sought for, petitioner has raised the following grounds in the writ petition:

A. The circumcision of children leads to several health problems. One of them is trauma. A traumatic event is one

that threatens injury, death, or the physical integrity of self or others and also causes horror, terror, or helplessness at the time it occurs. Trauma in early childhood can result in disrupted attachment, cognitive delays, and impaired emotional regulation. The human brain is designed to sense, process, and store information from both the external and internal environment. All of these complex systems and activities work together for one overarching purpose-survival. Neurons are the building blocks of the brain. During development, neurons create networks that link to create systems. These systems are the means by which the brain regulates all functions. Brain functions are organized from the most simple to the most complex. The development of these functions is sequential, meaning prior events impact future development. Exposure to chronic, prolonged traumatic experiences has the potential to alter children's brains, which may cause longer-term effects in areas such as :-

- A. Attachment: Trouble with relationships, boundaries, empathy, and social isolation.
- B. Physical Health: Impaired sensorimotor development, coordination problems, increased medical problems, and somatic symptoms.
- C. Emotional Regulation: Difficulty identifying or labeling feelings and communicating needs.
- D. Dissociation: Altered states of consciousness, amnesia, impaired memory.
- E. Cognitive Ability: Problems with focus, learning, processing new information, language development, planning and orientation to time and space.

F. Self-Concept. Lack of consistent sense of self, body image issues, low self-esteem, shame and guilt.

G. Behavioral Control: Difficulty controlling impulses, oppositional behavior, aggression, disrupted sleep and eating patterns, trauma re-enactment. Many of the reactions displayed by children and adolescents who have been exposed to traumatic events are similar or identical to behaviors that mental health professionals see on a daily basis in their practice. These include:

H. The development of new fears

I. Separation anxiety (particularly in young children)

J. Sleep disturbance, nightmares

K. Sadness

L. Loss of interest in normal activities

M. Reduced concentration

N. Decline in school work

O. Anger

Q. Irritability.

P. Somatic complaints

The other risks or complications related to circumcision are as follows:

These complications include but are not limited to the following: 1. Slight oozing or bleeding. 2. Penile infection. 3. Irritation of the exposed tip of the penis 4. The urethra, which leads from the bladder to the tip of the penis, can be damaged at its point of exit. 5. Scarring of the penis can occur 6. Unintended removal of the outer skin layer of the penis and 7. Serious, life-threatening bacterial Infections can occur.

B. The foreskin is a complex structure that protects and moisturizes the head of the penis, and, being the most densely innervated and sensitive portion, it is essential to provide the complete sexual response. Circumcision is

painful surgery that risks serious physical injury, psychological sequelae, and death. Men rarely volunteer for it, and increasingly circumcised men are expressing their resentment about it. Circumcision is usually performed for religious, cultural and personal reasons. Early claims about its medical benefits have been proven false. The American Academy of Pediatrics and the Centers for Disease Prevention and Control have made many scientifically untenable claims promoting circumcision that run counter to the consensus of Western medical organizations.

C. In 2012, a German court held that circumcision constitutes criminal assault. Under existing United States law and international human rights declarations as well, circumcision already violates boys' absolute rights to equal protection, bodily integrity, autonomy, and freedom to choose their own religion. Every child has a right to bodily integrity. To sever healthy tissue from an infant/child is unethical and a human rights violation. The circumcision is being done on a minor boy without his consent. Someone's consent is being given solely for religious reasons. Non-therapeutic child circumcision is a human rights violation. Circumcising a child is an unnecessary violation of his bodily integrity as well as an ethically invalid form of medical violence. Male circumcision is not mentioned in any of the authoritative texts of Islam like the Quran or Hadiths. According to Islamic scholars, male circumcision is not an essential religious practice.

D. The international law emphasizes that all children have the right to live in a secure, loving environment, free from harm, abuse and discrimination. One of the legislative intentions of the international Conventions is to create an atmosphere of independent and individual growth and development, mentally and physically, of a child, untrammelled by any external force like religion, traditional practice, interests of the parents etc.

E. The constitutional morality is the basic principles encapsulated in the Constitution. The laws and principles in connection with the concepts of "equality" are part of constitutional morality. The principle enunciated under Article 15(1) is one of the basic principles of constitutional morality. Article 15(1) states that the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. The practice of circumcision is being done on the children, who belong only to the Islamic religion. Therefore, this practice is a violation of the fundamental right under Articles 14 and 15 (1) of the Constitution. The exercise of right postulated under Article 25 is subject to public order, morality, health and other fundamental rights (including Article 14-right to equality), thus, Article 14 should be given preference over Article 25.

F. Every individual has the right to religious freedom. An individual has the right to follow or not follow a particular religion. Thus, parents cannot impose their religious

beliefs that have harmful implications on a child. Where parents fail in their duty that not to perpetrate torture or inhuman treatment of acts like genital mutilation, the states must intervene. If, as a guardian of the constitution, the state machinery fails to protect the rights of children, the constitutional courts are bound to intervene. The practice of circumcision on the children with or without their consent is a violation of the children's right of "right to life", a fundamental right, under Article 21 of the constitution of India.

G. The right to human dignity is a basic human right, which is recognized by most of the international legal documents, which comes under the right to life postulated under Article 21 of the Constitution of India. This right to human dignity has many elements. First and foremost, human dignity is the dignity of each human being 'as a human being'. Another element, which needs to be highlighted, in the context of the present case, is that human dignity is being infringed upon if a person's life, physical or mental welfare is alarmed. It is in this sense that circumcision is a torture which infringes on the child's right to dignity.

H. The right to privacy is an element of human dignity. A child also has the right to privacy. The sanctity of privacy lies in its functional relationship with dignity. Privacy ensures that a human being can lead a life of dignity by securing the inner recesses of the human personality from

unwanted intrusion. Privacy recognizes the autonomy of the individual and the right of every person to make essential choices which affect the course of life. In doing so privacy recognizes that living a life of dignity is essential for a human being to fulfill the liberties and freedoms which are the cornerstone of the Constitution.

I. This custom is not an essential religious practice. The essential part of a religion means the core beliefs upon which a religion is founded. Essential practice means those practices that are fundamental to follow a religious belief. It is upon the cornerstone of essential parts or practices that the superstructure of a religion is built, without which a religion will be no religion. Test to determine whether a part or practice is essential to a religion is to find out whether the nature of the religion will be changed without that part or practice. If the taking away of that part or practice could result in a fundamental change in the character of that religion or in its belief, then such part could be treated as an essential or integral part.

J. There are certain studies cited in support of male circumcision for varied health reasons like preventing HIV. Most of these are made in a particular case where such conditions are more prevalent like in the African continent. But none of the developed countries or official scientific bodies recommend it as a prophylactic measure for preventing any such diseases in a general population. Moreover, "WHO" itself states that, "routine neonatal

circumcision is not currently recommended on medical grounds.”

K. circumcision leads to loss of sexual function. If a man is circumcised, he faces an increased risk of experiencing delayed orgasm, and his female partner has an increased risk of not feeling sexually fulfilled. These findings have been endorsed by several renowned international medical journals. In support of the above contentions, petitioners have relied on the decision of the Hon'ble Apex Court in **Vishaka v. State of Rajasthan** [(1997) 6 SCC 241]. Therefore, this court, by standing within its own limits of jurisdiction, without transgressing into the field of the legislative body, for the enforcement of human rights necessary direction can be issued.

14. Based on the above, Mr. Jeevesh, learned counsel for the petitioners, made submissions.

15. Heard the learned counsel for the petitioners and Mr. K.P. Harish, learned Senior Government Pleader for the respondents, and perused the material on record.

16. In support of the contentions, petitioners have relied on newspaper reports. On the aspect of maintainability of Public Interest Litigation purely based on newspaper reports, let us consider a few decisions, as hereunder :

(i) In **Laxmi Raj Shetty and Another v. State of Tamil Nadu** [(1988) 3 SCC 319], at paragraphs 25 and 26, the Hon'ble Supreme Court held as under:

"25. We cannot take judicial notice of the facts stated in a news item being in the nature of hearsay secondary evidence, unless proved by evidence aliunde. A report in a newspapers is only hearsay evidence. A newspaper is not one of the documents referred to in Section 78(2) of the Evidence Act, 1872 by which an allegation of fact can be proved. The presumption of genuineness attached under Section 81 of the Evidence Act to a newspapers report cannot be treated as proved of the facts reported therein.

26. It is now well settled that a statement of fact contained in a newspapers is merely hearsay and therefore inadmissible in evidence in the absence of the maker of the statement appearing in Court and deposing to have perceived the fact reported. The accused should have therefore produced the persons in whose presence the seizure of the stolen money from Appellant 2's house at Mangalore was effected or examined the press correspondents in proof of the truth of the contents of the news item. The question as to the admissibility of newspaper reports has been dealt with by this Court in **Samant N. Balakrishna v. George Femandez and Ors.** [(1969) 3 SCR 603]. There the question arose whether Shri George Femandez, the successful candidate returned to Parliament from the Bombay South Parliamentary Constituency had delivered a speech at Shivaji Park attributed to him as reported in the Maratha, a widely circulated Marathi newspaper in Bombay, and it was said:

"A newspaper report without any further proof of what had actually happened through witnesses is of no value. It is at best a second-hand secondary evidence. It is well known that reporters collect information and pass it on to the editor who edits the news item and then publishes it. In this process the truth might get perverted or garbled. Such news

items cannot be said to prove themselves although they may be taken into account with other evidence if the other evidence is forcible."

We need not burden the judgment with many citations. There is nothing on record to substantiate the facts as reported in the newspapers showing recovery of the stolen amount from the residence of Appellant 2 at Mangalore. We have therefore no reason to discard the testimony of PW 50 and the seizure witnesses which go to establish that the amount in question was actually recovered at Madras on the 29th and the 30th as alleged."

(ii) In **S.A. Khan v. Ch. Bhajan Lal and Another** [(1993) 3 SCC 151: AIR 1993 SC 1348], at paragraph 22, the Hon'ble Supreme Court held as under:

"22. In the present case, no evidence has been let in proof of the statement of facts contained in the newspaper report. The absence of any denial by Ch. Bhajan Lal will not absolve the applicant from discharging his obligation of proving the statement of facts as appeared in the Press report. In fact, Ch. Bhajan Lal in his counter affidavit has taken a stand that the statements attributed to him based on the newspaper report are mere hearsay and cannot in law be relied upon for the purpose of initiating such proceedings. Therefore, in the absence of required legal proof, the Court will not be justified in issuing a suo motu notice for contempt of court."

(iii) In **Ravinder Kumar Sharma v. The State of Assam and Ors.**, [AIR 1999 SC 3571], at paragraph 25, the Hon'ble Supreme Court held as under:

"25. Newspaper reports regarding the Central Government decision could not be any basis for the respondents to stop action under the Assam Control Order of 1961. The paper reports do not specifically refer to the Assam Control Order, 1961. In fact, Government of Assam itself was not prepared to act on the newspaper reports, as stated in its

wireless message. Section 81 of the Evidence Act was relied upon for the appellant, in this behalf, to say that the newspaper reports were evidence and conveyed the necessary information to one and all including the respondents 2 and 3. But the presumption of genuineness attached under Section 81 to newspaper reports cannot be treated as proof of the facts stated therein. The statements of fact in newspapers are merely hearsay *Laxmi Raj Setty v. State of Tamil Nadu* [1988CriLJ1783]."

(iv) In **Vikas Vashishth v. Allahabad High Court** [(2004) 13 SCC 485], the Hon'ble Supreme Court held as under:

"4. At the very outset, we put it to the petitioner that a bare perusal of the petition shows that it is based entirely on newspaper reports and asked him whether before filing the petition he has taken care to verify the facts personally. His answer is in the negative. In the writ petition all the 21 High Courts have been included as respondents and Union of India has also been impleaded as the 22nd respondent. We asked the petitioner what has provoked him to implead all the High Courts as respondents and he states that it is his apprehension that similar incidents may occur in other High Courts though there is no factual foundation for such appreciation.

5. After affording the full opportunity of hearing, we are satisfied that what purports to have been filed as a public interest litigation is nothing more than a "publicity interest litigation". It is writ large that it has been filed without any effort at verifying the facts by the petitioner personally."

(v) In **Rohit Pandey v. Union of India** reported in (2005) 13 SCC 702, Hon'ble Supreme Court held as under:

"1. This petition purporting to be in public interest has been filed by a member of the legal fraternity seeking directions against the respondents to hand over the investigation of the case pertaining to recovery of light machine gun, which is said to have been stolen from the army according to reports published in two newspapers, to

the Central Bureau of Investigation for fair investigation to ensure that the real culprits who are behind such theft of army arms and ammunition endangering the integrity and sovereignty of the country may be brought to book and action may be taken against them in accordance with law. The only basis for the petitioner coming to this Court are two newspaper reports dated 25-1-2004, and the other dated 12-2-2004. This petition was immediately filed on 16-2-2004 after the aforesaid second newspaper report appeared. On enquiry from the learned counsel, we have learnt that the petitioner is a young advocate having been in practice for a year or two. The Union of India, the State of Uttar Pradesh and the Chief Minister of the State of Uttar Pradesh, have been arrayed as party respondents. In the newspaper reports, there is no allegation either against the Union of India or against the Chief Minister.

2. We expect that when such a petition is filed in public interest and particularly by a member of the legal profession, it would be filed with all seriousness and after doing the necessary homework and enquiry. If the petitioner is so public-spirited at such a young age as is so professed, the least one would expect is that an enquiry would be made from the authorities concerned as to the nature of investigation which may be going on before filing a petition that the investigation be conducted by the Central Bureau of Investigation. Admittedly, no such measures were taken by the petitioner. There is nothing in the petition as to what, in fact, prompted the petitioner to approach this Court within two-three days of the second publication dated 12-2-2004, in the newspaper Amar Ujala. Further, the State of Uttar Pradesh had filed its affidavit a year earlier i.e. on 7-10-2004, placing on record the steps taken against the accused persons, including the submission of the charge-sheet before the appropriate court. Despite one year having elapsed after the filing of the affidavit by the Special Secretary to the Home Department of the Government of Uttar Pradesh, nothing seems to have been done by the petitioner. The petitioner has not even controverted what is stated in the affidavit. Ordinarily, we would have dismissed such a misconceived petition with exemplary costs but considering that the

petitioner is a young advocate, we feel that the ends of justice would be met and the necessary message conveyed if a token cost of rupees one thousand is imposed on the petitioner "

(vi) In **Holicow Pictures Pvt. Ltd. v. Prem Chandra Mishra and Ors.** [(2007) 14 SCC 281], the Hon'ble Supreme Court held as under:

“18. Courts must do justice by promotion of good faith, and prevent law from crafty invasions. Courts must maintain the social balance by interfering where necessary for the sake of justice and refuse to interfere where it is against the social interest and public good. (See **State of Maharashtra v. Prabhu** (1995) 111 JLR 622 SC, and **Andhra Pradesh State Financial Corporation v. GAR Re-Rolling Mills and Anr.** [1994] 1 SCR 857. No litigant has a right to unlimited draught on the Court time and public money in order to get his affairs settled in the manner as he wishes. Easy access to justice should not be misused as a licence to file misconceived and frivolous petitions. [See **Dr. B.K. Subbarao v. Mr. K. Parasaran** (1996 CriLJ 3983)]. Today people rush to Courts to file cases in profusion under this attractive name of public interest. They must inspire confidence in Courts and among the public.

19. As noted supra, a time has come to weed out the petitions, which though titled as public interest litigations are in essence something else. It is shocking to note that Courts are flooded with large number of so called public interest litigations where even a minuscule percentage can legitimately be called as public interest litigations. Though the parameters of public interest litigation have been indicated by this Court in large number of cases, yet unmindful of the real intentions and objectives, Courts are entertaining such petitions and wasting valuable judicial time which, as noted above, could be otherwise utilized for disposal of genuine cases. It is also noticed that petitions are based on newspaper reports without any attempt to verify their authenticity. As observed by this Court in several cases newspaper reports do not constitute

evidence. A petition based on unconfirmed news reports, without verifying their authenticity should not normally be entertained. As noted above, such petitions do not provide any basis for verifying the correctness of statements made and information given in the petition. It would be desirable for the Courts to filter out the frivolous petitions and dismiss them with costs as afore-stated so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the Courts.”

17. In the light of the above decisions, instant writ petition filed on the basis of newspaper reports is not maintainable.

18. Giving due consideration to the material on record, we are also of the view that the petitioners have not substantiated their case. The Court is not a law making body. Prayers 2 to 4 sought for by the petitioners cannot be granted.

In view of the above, prayer No.5 sought for is also declined. In fine, writ petition is dismissed.

Sd/-
S. MANIKUMAR
CHIEF JUSTICE

Sd/-
MURALI PURUSHOTHAMAN
JUDGE

Krj

APPENDIX

PETITIONER EXHIBITS

- P1 COPY OF THE REGISTRATION CERTIFICATE, OF THE FIRST PETITIONER ORGANIZATION, WITH ITS ENGLISH TRANSLATION.
- P2 COPY OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 19 DECEMBER, 1966.
- P3 COPY OF THE CONVENTION ON RIGHTS OF THE CHILD, ENTRY INTO FORCE 02-09-1990.
- P4 COPY OF THE NEWS IN "DHESABHIMANI" DAILY DATED 01-06-2018 WITH ITS ENGLISH TRANSLATION.
- P5 COPY OF THE INTERNATIONAL CONVENTION, TO WHICH INDIA IS A SIGNATORY, NAMELY, "BEIJING STATEMENT OF PRINCIPLES OF THE INDEPENDENCE OF THE JUDICIARY IN THE LAWASIA REGION".
- P6 COPY OF THE MEDICAL STUDY WHICH HAS BEEN PUBLISHED IN AN INTERNATIONAL JOURNAL, NAMELY, "JOURNAL OF LAW AND MEDICINE".
- P7 COPY OF THE REPRESENTATION, DATED 11.12.2019.

RESPONDENTS' EXHIBITS:- "NIL"

//TRUE COPY//

P.A. TO C.J.