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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 17 OF 2022

Onkar Sharma .. Petitioner
Vs.
Union of India and anr. .. Respondents

Mr. Onkar Sharma, Petitioner in-person present.

**CORAM : DIPANKAR DATTA, CJ. &
M. S. KARNIK, J.**

DATE : JULY 28, 2022

P.C. :

1. The Public Interest Ligation (hereafter "PIL", for short) petitioner, Mr. Onkar Sharma invokes the jurisdiction of this Court under Article 226 of the Constitution of India, praying for the following relief:-

"Therefore, it is prayed to pass an order to christen afresh the title name of Punjab National Bank and Bank of Baroda by removing regional words (i.e. Punjab and Baroda) from its title name."

2. We refer to the facts pleaded in the PIL petition in brief. The petitioner claims to be working as a Senior Internal Auditor in Punjab National Bank and posted in Mumbai. It is averred that Punjab National Bank was established on May 19, 1894 while Bank of Baroda was

established on July 20, 1908. Both Banks were initially set up as private sector banks. These banks were nationalised in 1969. Vide notification dated March 30, 2019 issued by the Reserve Bank of India (hereafter "the RBI", for short), two nationalised banks viz. Dena Bank and Vijaya Bank were merged with the Bank of Baroda. By a notification dated March 28, 2020 issued by RBI, two nationalised banks viz. Oriental Bank of Commerce and United Bank of India were merged into Punjab National Bank.

3. The petitioner appeared in-person. According to him, the objective of nationalisation of major private sector banks was to provide banking facilities to citizens throughout India and provide credit support to agriculture, small scale industries, MSME, transport etc. In the submission of the petitioner, regard being had to the gradual proliferation of activities in these banks and spread of its network throughout the country and abroad, its regional based name should be modified/changed/amended by removing regional word(s). In his submission, the names were based on the place of its origin. These banks have now become national banks and upto some extent, attained international status. The petitioner submitted that number of citizens in remote areas are still reeling under confusion as to whether these banks are regional banks or national/international banks. It is submitted that a representation was made by the petitioner to the President of India vide letter dated April 25, 2021 and the copy of the

same was forwarded to the Finance Minister of India on April 28, 2021 over e-mail.

4. In our opinion, the present PIL petition is completely misconceived. As per petitioner's own showing, Punjab National Bank was established on May 19, 1894 whereas Bank of Baroda was established on July 20, 1908. These banks were nationalised in 1969. Punjab National Bank is functioning through 10769 branches across the country and rendering banking facilities to about 180 million customers. Over and above, some overseas branches of Punjab National Bank are also functioning. Up till now 9 banks have been merged into Punjab National Bank including three nationalised banks. The Bank of Baroda is functioning through its 9449 branches and serving 131 million customers. Bank of Boroda has 100 plus overseas branches. Two nationalised banks viz., Vijaya Bank and Dena Bank have merged into Bank of Baroda recently.

5. The relief of the petitioner runs counter to the averments made in the PIL petition. Though it is not the province of this Court to delve upon issues as regards the modification/change/amendment of regional words in the Bank's name, nonetheless, it is not even the case of the petitioner that the regional name attached to the bank has in any manner come in the way of bank's growth. The petitioner himself is an employee of the Punjab National Bank and states about the massive customer base of the banks, apart from the progress the banks made overseas.

The petitioner has not pointed out any statutory embargo prohibiting these banks from using the regional name. These are ultimately matters for consideration of the administration/competent authorities of the concerned banks.

6. In the case of **State of Uttaranchal Vs. Balwant Singh Chaufal and others** reported in (2010) 3 SCC 402, the Supreme Court held that *PIL petition is the product of realization of the constitutional obligation of the court. It is extremely important jurisdiction exercised by the Supreme Court and the High Courts. In order to provide access to justice to the poor, deprived, vulnerable, discriminated and marginalized sections of the society, the Supreme Court has initiated, encouraged and propelled the public interest litigation. The litigation is upshot and product of Supreme Court's deep and intense urge to fulfill its bounded duty and constitutional obligation. The origin and evolution of Public Interest Litigation in India emanated from realization of constitutional obligation by the Judiciary towards the vast sections of the Society - the poor and the marginalized sections of the society. This jurisdiction has been created and carved out by the judicial creativity and craftsmanship. The Court realized that because of extreme poverty, a large number of sections of society cannot approach the Court. The fundamental rights have no meaning for them and in order to preserve and protect the fundamental rights of the marginalized section of society by judicial innovation, the*

courts by judicial innovation and creativity started giving necessary directions and passing orders in the public interest. Their Lordships while explaining the rule of locus standi in the context of PIL petition observed that the rule of locus standi was diluted and the traditional meaning of 'aggrieved person' was broadened to provide access to justice to a very large section of the society which was otherwise not getting any benefit from the judicial system. The development of public interest litigation has been extremely significant development in the history of the Indian jurisprudence. The decisions of the Supreme Court in the 1970's loosened the strict locus standi requirements to permit filing of petitions on behalf of marginalized and deprived sections of the society by public spirited individuals, institutions and/or bodies. The higher Courts exercised wide powers given to them under Articles 32 and 226 of the Constitution.

7. Their Lordships after examining the law declared by the Supreme Court and other Courts in number of judgments, in order to preserve the purity and sanctity of the PIL, issued directions in paragraph 181, which read thus:

(1) The Courts must encourage genuine and bona fide PIL and effectively discourage and curb the PIL filed for extraneous considerations.

(2) Instead of every individual Judge devising his own procedure for dealing with the public interest litigation, it would be appropriate for each High Court

to properly formulate rules for encouraging the genuine PIL and discouraging the PIL filed with oblique motives. Consequently, we request that the High Courts who have not yet framed the rules, should frame the rules within three months. The Registrar General of each High Court is directed to ensure that a copy of the rules prepared by the High Court is sent to the Secretary General of this Court immediately thereafter.

(3) The Courts should prima facie verify the credentials of the petitioner before entertaining a PIL.

(4) The Courts should be prima facie satisfied regarding the correctness of the contents of the petition before entertaining a PIL.

(5) The Courts should be fully satisfied that substantial public interest is involved before entertaining the petition.

(6) The Courts should ensure that the petition which involves larger public interest, gravity and urgency must be given priority over other petitions.

(7) The Courts before entertaining the PIL should ensure that the PIL is aimed at redressal of genuine public harm or public injury. The Court should also ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation.

(8) The Courts should also ensure that the petitions filed by busybodies for extraneous and ulterior motives must be discouraged by imposing exemplary costs or by adopting similar novel methods to curb frivolous petitions and the petitions filed for extraneous considerations.

8. We are more than satisfied that there is no semblance of public interest must less substantial public interest involved for entertaining the PIL petition. We fail to appreciate as to how this PIL petition aims at redressal of

genuine public harm or public injury. We are more than satisfied that none of the parameters set out by the Supreme Court in the case of **State of Uttaranchal** (supra) are satisfied to enable us to entertain this PIL petition.

9. We thus, hold the present PIL petition to be misconceived and is accordingly dismissed, with no order asto costs.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)



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