

"CR"

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 21ST DAY OF DECEMBER 2021 / 30TH AGRAHAYANA, 1943

WP(C) NO. 21560 OF 2021

PETITIONER:

PETER MYALIPARAMPIL,
AGED 62 YEARS,
SON OF LATE JOSEPH, MYALIPARAMPIL HOUSE, POOZHIKOL P.O.,
KADUTHURTHY, KOTTAYAM-686604.
BY ADV AJIT JOY

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY THE SECRETARY, MINISTRY OF HEALTH AND FAMILY
WELFARE, NIRMAN BHAVAN, NEW DELHI-110011.

- 2 GOVERNMENT OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.

BY ADV MANU S., ASG OF INDIA
SMT.DEEPA NARAYANAN, SR.G.P.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13.12.2021, THE
COURT ON 21.12.2021 DELIVERED THE FOLLOWING:

"CR"

P.V.KUNHIKRISHNAN, J

W.P.(C) No.21560 of 2021

Dated this the 21st day of December, 2021

J U D G M E N T

This writ petition is filed with a prayer to declare that affixing the photograph of the Hon'ble Prime Minister of India in the COVID-19 Vaccination Certificate of the petitioner is an infringement of his fundamental right. There is a further prayer to issue appropriate direction to the 1st respondent to issue the petitioner a COVID-19 vaccination certificate without the photograph of the Hon'ble Prime Minister in it, along with access to the COWIN platform, to generate such a certificate when needed.

Pleadings

2. The petitioner claims that he is an RTI activist and

one of the State Coordinators of the National Campaign for the Peoples Right to Information (NCPRI). The petitioner also claims that he is an extension faculty of Kerala Institute of Local Administration and State Level master coach of the Jawaharlal Nehru Leadership Institute, New Delhi. It is the case of the petitioner that he was desirous of taking a vaccination against the Covid 19 pandemic. Since the Government of Kerala came out with a Government Order prohibiting non-vaccinated persons from visiting public places, the petitioner decided to get vaccination immediately. When the petitioner enter the COWIN (<https://www.cowin.gov.in/>) app/site and upon registration in the COWIN app, the petitioner secured a slot for a paid vaccination in a private hospital in Kottayam District at Kerala on 4.8.2021. It is the case of the petitioner that, at the time of entry into COWIN portal, the petitioner was exposed to the landing page showing the colour picture of the Hon'ble Prime Minister of India Sri.Narendra Modi, along with a message, "ARE YOU PROTECTED AGAINST COVID-19?" both in

English and Hindi. The printout of the screenshot of the landing page of the COWIN site is marked as Ext P1 in this writ petition. The petitioner took the first dose of Covid 19 and he was administered with the COVISHIELD vaccine by paying an amount of Rs.750/-. It is the case of the petitioner that he was surprised to find that this certificate contains the colour photograph of the Hon'ble Prime Minister Sri.Narendra Modi! It is also the case of the petitioner that at the bottom half of the vaccination certificate, there is a message in the dual language of Malayalam and English with the words "MEDICINE AND STRICT CONTROLS" (in Malayalam) and "TOGETHER WITH INDIA WILL DEFEAT COVID-19" (in English). Below the above message, the name of the Hon'ble Prime Minister is mentioned. Ext P2 is the certificate. The petitioner produced Ext P3, the printout of the landing page of the website of the Ministry of Health and Family Welfare, Government of India and in it also a message has been widely mentioned as "largest vaccination campaign in the world" with a salute to the Hon'ble Prime

Minister "Thank You P.M.Modi". It is the case of the petitioner that even on the birthday of the Hon'ble Prime Minister which was celebrated on 18.9.2021, a nationwide campaign was carried out calling for a record number of vaccinations to be administered as a gift to the person who was gifted free vaccines to India. Ext P4 is a printout of the screenshot of a Tweet of a Cabinet Minister in charge of the Ministry of Health and Family Welfare. The petitioner also produced Ext P5 which is a report in Economic Times E-Paper dated 15.9.2021. The report says that University Grants Commission (UGC) has asked the Government funded Universities and colleges to display banners and hoardings on free vaccination for all adults and a message thanking Prime Minister Narendra Modi for a free vaccination. Ext P6 is also a direction sent to Kendriya Vidyalaya Sanghathan, Bengaluru Region for schools in that region to display similar banners thanking the Hon'ble Prime Minister for the vaccinations for those above 18 years. Ext P7 is the landing page of the 1st respondent Aarogya Sethu App in

which also the photograph of the Hon'ble Prime Minister is there with a message "largest vaccine drive".

3. It is the case of the petitioner that the National Campaign against COVID-19 is being converted into a media campaign for the Hon'ble Prime Minister. According to the petitioner, the presence of the photograph of the Hon'ble Prime Minister in COVID-19 related campaigns and messaging in public places including Railway Stations, Airports, Post Offices, Banks along with the same messages in public websites and social media handles of Government entities, all with photograph and name of Hon'ble Prime Minister seems to him to be designed not for a health campaign. It is the case of the petitioner that it is an effort to show the campaign as a one man show, propaganda to project an individual at State expenses. The petitioner produced Ext P8 printout of the news item from the Indian Express which says that based on a complaint from a political party, the Election Commission of India directed the authorities to remove the Prime Minister's

photo from the Covid jab certificate where States which are headed to poll. According to the petitioner, a vaccination certificate is bound to carry and produce while using public places, during travel, booking tickets, entry to restaurants, movie halls, etc. According to the petitioner, the photo of the Prime Minister in the certificate has no utility and relevance. The petitioner produced Exts P9(a) to (f) vaccination certificates of the United States of America, Indonesia, Israel, Kuwait, France, and Germany to show that in those countries the Prime Minister's photo is not affixed in the vaccination certificate. It is the definite case of the petitioner that he consider the photograph of the Hon'ble Prime Minister as a needless intrusion into the private space of the petitioner. Hence, the petitioner submitted Ext P10 before the 1st respondent to issue him with a certificate without the photograph of the Hon'ble Prime Minister. There was no response to Ext P10 and in such situation, the present writ petition is filed.

Arguments of the parties

4. Heard counsel for the petitioner and Advocate S.Manu, Assistant Solicitor General of India.

5. The counsel for the petitioner submitted that even if the photograph of the Hon'ble Prime Minister in the vaccination certificate is with a motivation message, the petitioner is not interested in such a certificate. According to the counsel, the photograph of the Hon'ble Prime Minister on the certificate forces the petitioner to compulsory viewing the photograph which is an infringement of his right. According to the petitioner, it leads the petitioner to the forced listening to the message accompanying the photograph. It is also submitted by the counsel that when the Government issued a certificate such as Ext P2 certificate, the recipient of the certificate is no more than a captive audience. The petitioner as a captive audience is not in a position to avoid the objectionable speech and is forced to be subject to it, here in the form of the

photograph of the Hon'ble Prime Minister and his message. It is argued by the counsel that the State in its messaging, especially while addressing a captive audience has a right not to compel listening from those unwilling. In other words, the counsel submitted that the petitioner has a free speech right protected by Article 19 of the Constitution of India against compulsory and forced listening. The petitioner produced a table in the ground (F) of the writ petition and submitted that the photograph of the Hon'ble Prime Minister in the petitioner's certificate violates his fundamental right as a listener and a viewer corresponding to box 4 and 6. The table extracted in ground (F) of the writ petition is extracted here also.

| Speakers Right | Listeners Right | Viewers Right |
|-------------------------------------|--|--------------------------------------|
| 1 Right to speak | 3 Right to Listen | 5 Right to see |
| 2 Right against compelled speech | 4 Right against compelled Listening | 6 Right against compelled Viewing |

It is stated that the above principle is adapted from Caroline Mala Corbin, *The First Amendment Right Against Compelled Listening*, Boston University Law Review Vol.89:939.

6. According to the counsel for the petitioner, the Government messaging should not personify a leader, like the Hon'ble Prime Minister. It is also stated that apart from being the leader of the country, he is also the leader of a political party and active in day-to-day politics. Campaign with Government funds ought to be as far as possible content neutral. The learned counsel relied upon the judgment of the apex court in **Peoples Union for Civil Liberties v Union of India (2013 (10) SCC 1)** which says that the essence of the electoral system should be to ensure freedom of voters to exercise their free choice. The counsel also submitted that in **Common Cause v Union of India (2015 KHC 4372)**, the Hon'ble Supreme Court laid down certain guidelines for advertisement and campaigns using public money. The counsel

relied on paragraphs 22 and 23 of the above apex court judgment.

7. The Assistant Solicitor General of India (ASGI) Sri.S.Manu submitted that the petition itself is a frivolous writ petition and this Court may not entertain this type of publicity oriented litigations. The ASGI made available a question put by a Hon'ble member of the Rajya Sabha in the upper house of the Parliament and the answer given by the Minister concerned. The ASGI submitted that the photograph in the vaccination certificate is with a message and there is nothing wrong in giving a message by the Prime Minister of the country to the nation through a vaccination certificate. ASGI also relied upon the judgment of the apex court in **Sanjeev Bhatnagar v Union of India (2005 KHC 782)**. In that case, the prayer of the petitioner is to delete the word 'sind' from the national anthem. The case was dismissed with cost.

Factual analysis and conclusion

8. I considered the contention of the petitioner and the ASGI. Even though the petitioner produced Exts P1, P3, P4, and P7 to show that the photograph of the Hon'ble Prime Minister is there in all those documents, he confines his prayer for removing the photographs of the Hon'ble Prime Minister from Ext P2 vaccination certificate of the petitioner. According to my opinion, the petitioner is raising fantastic arguments to support his contentions.

9. Moreover the decision of the apex court relied on by the petitioner himself will cover the point raised by him. The relevant portion of the **Common Cause** case (supra) of the apex court is extracted hereunder:

22. This will require the Court to consider the different aspects of a Government advertisement campaign highlighted earlier on which we have reserved our comments. The first is with regard to publication of photographs of functionaries of the State and political leaders along with the advertisement issued. There can be no manner of doubt that one Government advertisement or the other coinciding with some event or occasion is

published practically every day. Publication of the photograph of an individual be a State or party functionary not only has the tendency of associating that particular individual with either the achievement(s) sought to be highlighted or being the architect of the benefits in respect of which information is sought to be percolated. Alternatively, programmes/ targets for the future as advertised carry the impression of being associated with the particular individual(s). Photographs, therefore, have the potential of developing the personality cult and the image of a one or a few individuals which is a direct antithesis of democratic functioning.

23 The legitimate and permissible object of an advertisement, as earlier discussed, can always be achieved without publication of the photograph of any particular functionary either in the State or a political party. We are, therefore, of the view that in departure to the views of the Committee which recommended permissibility of publication of the photographs of the President and Prime Minister of the country and Governor or Chief Minister of the State alongwith the advertisements, there should be an exception only in the case of the President, Prime Minister and Chief Justice of the country who may themselves decide the question. Advertisements issued to commemorate the anniversaries of acknowledged personalities like the father of the nation would of course carry the photograph of the departed leader.

10. In paragraph 23 of the above decision, after discussing the matter in detail, the apex court observed that there is an exception to the President, Prime Minister, and Chief Justice of the country in this regard. In this case, Ext P2 is the vaccine certificate in which the photograph of the

Hon'ble Prime Minister is affixed. I perused Ext P2 vaccination certificate issued to the petitioner. It is stated in the certificate like this:

“ മരുന്നും കർശനനിയന്ത്രണങ്ങളും”

Together, India will defeat COVID-19

പ്രധാനമന്ത്രി

നരേന്ദ്രമോദി

(Translation of Malayalam portion to english is like this:- "medicine and strict control" "Prime Minister Narendra Modi".)

11. Our country is facing the Covid-19 pandemic for the last one and half years. The country faced 1st and 2nd waves of the pandemic. Because of the hard work of our experts in the vaccine field, our country was able to produce a vaccine for this pandemic. Moreover, vaccines manufactured in other countries are also available in the market. The population of India is now nearing 140 crores. The only way to eliminate the

COVID-19 pandemic is vaccination by all the citizens. In such situation, while issuing a certificate for COVID-19 vaccination, if the Prime Minister of India gave a message with his photograph that with the help of medicine and strict control, India will defeat COVID-19, what is wrong with it? When the counsel for the petitioner argued this case, I specifically asked him this question. Counsel says that the photograph of the Hon'ble Prime Minister of India in his vaccination certificate is an intrusion to his privacy! What a fantastic argument! Is he not living in this country? The Prime Minister of India is not a person who entered the parliament house by breaking the roof of the parliament building. He came to power because of the mandate of the people. The Indian democracy is being praised by the world. The Prime Minister is elected because he has got people's mandate. Till the general election is over, the citizen can campaign based on their political view. Once the election is over and the majority of people gave a mandate to a political party which leads to the election of Prime Minister, he is not

the leader of that political party but he is a leader of the country. There can be grievances against the policies of the Government. There can be political differences with the views of the Prime Minister. But those views can be raised in a democratic manner. In the next general election, they can make use of it and remove him with people's mandate. But once a Prime Minister is elected as per the constitution, he is the Hon'ble Prime Minister of our country and that post should be the pride of every citizen, whether the Prime Minister is "X" or "Y". When the country is facing a pandemic situation and at that time, the Hon'ble Prime Minister of India, gave a message in the vaccination certificate with his photographs to boost the morale of the citizen, I do not understand why the petitioner says before this Court that it is an intrusion to his privacy. This argument is to be rejected *in limine* and according to me, these kinds of arguments ought not to have been raised by citizens of the country who knows about our nation and its history. The petitioner claims that he is the State Co-ordinator

of the National Commission for Peoples Right to Information. If the petitioner is coordinating this type of campaign, I have nothing to say but to pity him. The petitioner claims to be an extension faculty of Kerala Institute of Local Administration and State Level Master Coach of the Jawaharlal Nehru Leadership Institute, New Delhi. While the counsel for the petitioner was arguing the case, I asked him why his client is working as a State Level Master Coach of Jawaharlal Nehru Leadership Institute because the name of our former Prime Minister Pt.Jawaharlal Nehru is there in the name of that institute. But there is no proper answer to the same. According to my opinion, from the conduct of the petitioner, it is clear that he is trying to do a publicity oriented litigation instead of genuine litigation with a cause.

12. Another fantastic argument from the petitioner is based on an article by Carolin Mala Corbin from the University of Miami Law School, who argues for a new First Amendment Right, Against Compelled Listening. The petitioner produced a

table based on that article and argued that there are speakers right, listeners right, and viewers right. According to the counsel for the petitioner, the speaker's right is the right to speak and there is also a right against compelled speech. It is further contended that the listener's right is to right to listen and there is also a right against compelled listening. Thereafter the petitioner contends that viewers' right is the right to see and there is a right against compelled viewing. The fantastic argument of the petitioner is that the photograph of the Hon'ble Prime Minister of India with a morale boosting message in the vaccination certificate, when the COVID-19 pandemic is all around us even now is a compelled viewing of the Prime Minister's photograph!. I have no words to the petitioner to these types of arguments. First of all, the petitioner has not read the article of Caroline Mala Corbin in full. The same is not even produced before this Court in full. When a party to a lis relies on a material to support his argument he is bound to produce the entire materials and not

a portion of it. if the entire material is not produced, the court can reject that argument for that simple reason itself. But I try to obtain the same from the internet so that if there is any point in it the petitioner should not suffer for the nonproduction of the same alone. In that article right against compelled listening is separately mentioned with a separate caption. It will be better to extract that portion of the article of Caroline Mala Corbin which is available on the internet.

"D. Right Against Compelled Listening

The same values that undergird the traditional free speech rights support a right against compelled listening. When the government forces its arguments or information onto unwilling recipients, it can distort the proper functioning of the marketplace of ideas and undermine democratic decision-making by the people. More obviously, though, when the government makes a captive audience listen against its will to a government message, it runs roughshod over individuals right to control their own development and decision-making processes. As a result, the right against compelled listening is most strongly grounded in the First Amendment values of autonomy, self-realization, and self-determination.

As a doctrinal matter, the proposed right against compelled listening builds on the captive audience doctrine. A principal difference between the existing doctrine and the free speech right against compelled listening is that while the captive audience doctrine is conceived as a limit on private speech, a constitutional right against compelled

listening limits the government. That difference aside, the elements required to establish a compelled listening case are similar to a captive audience claim: the listener must be a captive audience in the descriptive and normative sense.

First, as with captive audience doctrine, the listener must be unable to readily avoid the government's speech. In other words, the government need not stop speaking anytime someone in listening range would rather not hear its message. Thus, the right against compelled listening does not preclude the government from advocating policy positions or launching public education campaigns. Instead, protection against unwanted speech only attaches when there is captivity. If the government wants to run magazine advertisements detailing the dangers of smoking, it may do so as long as it does not make reading them mandatory. The state violates the right against compelled listening only when the government's message crosses over from available to required viewing. The magazine advertisements would not qualify because people can easily avert their eyes from them.

Second, as a normative matter, the listener should not have to forfeit the ability to be somewhere or do something in order to avoid hearing the government's message. Rather than having to establish that privacy, equality, or the right to vote is jeopardized before the unwilling listener can assert a right not to listen, the listener could satisfy this element by demonstrating that one of the core free speech values is impeded by the state's mandated listening, such as the listener's decision-making autonomy or the free flow of information crucial to the marketplace of ideas and political deliberation. As discussed below, whether paternalistic state-compelled listening enhances or diminishes autonomy is subject to dispute, as is the degree to which the state can be trusted to regulate the flow of information. Such disputes give rise to potentially different delimitations of the right against compelled listening.

As with any free speech right, the right against compelled listening is not absolute. Government action frequently implicates free speech rights without violating them. Instead, the same levels of scrutiny applicable to the

other free speech rights should likewise apply. For example, conduct regulations that incidentally require compelled listening would be subject to a lower level of scrutiny, but viewpoint-based compelled listening would be unconstitutional unless it passes strict scrutiny. If strict scrutiny applies, the state can override the listener's free speech rights and impose a viewpoint-based message only if the state's interest is compelling, such as preventing harm to others, and its means are narrowly tailored."

(Underline supplied)

13. From the above portion of the Article itself, it is clear that the State can override the listener's free speech rights and impose a viewpoint based message if the State's interest is compelling such as preventing harm to others and its means are narrowly tailored. Here is a case where the entire country and the world is facing a pandemic situation and in such a situation, the Hon'ble Prime Minister of India is giving a morale boosting message to his fellow citizens through vaccine certificate :- "Medicine and strict control by the citizens will defeat COVID-19". At any stretch of the imagination, It cannot be said that it will come within the four corners of right against 'compelled listening or viewing'. Moreover, even as per

the above article, the 'compelled listening or viewing' is only when the Government forces its arguments or information onto unwilling recipients. In other words, when the Government makes a captive audience and forces them to listen or view a Government message, then only it can be stated that there is compelled listening or viewing. Therefore, the principle of the above right mentioned in the article against compelled listening is applicable only if there is a captive audience. The meaning of captive audience is "a person or people who are unable to leave a place and are forced to listen to what is being stated". In the article mentioned above itself it is stated that if the Government wants to run magazine advertisements detailing the dangers of smoking, it may do so as long as it does not make reading them mandatory. The State violates the right against compelled listening only when the Government message crosses over from the available required viewing. The magazine advertisements would not qualify the same because people can easily avert their eyes from them.

Similarly, if the petitioner does not want to see his Prime Minister or if he is ashamed to see the picture of his Prime Minister, he can avert his eyes to the bottom side of the vaccine certificate. Therefore, the argument by the petitioner that the photograph of the Hon'ble Prime Minister of India with a morale boosting message to his fellow citizens through the vaccination certificate is a compelled viewing of the photograph of the Hon'ble Prime Minister of India is to be rejected. This is also a frivolous contention raised by the petitioner. Yet another contention is based on Ext P9 series vaccination certificates issued to the citizens of other countries in which there are no photographs of their Prime Minister. It deserves no answer according to me. Whether the photographs of the Prime Minister of a particular country is to be exhibited in their vaccination certificate is to be decided by that country.

14. There is a general trend to a section of the citizens of our country that the political leaders are all corrupt people and they cannot be believed. I think, from this concept, these

types of arguments are coming into the mind of the petitioner. But can anyone generalise like that? What is wrong with politicians? Since there is a small percentage of politicians are having a bad history, the entire politicians need not be ignored. They are the builders of our nation with innovative ideas. Executive, judiciary, and legislature are the three organs envisaged in our Constitution. If a parliamentarian commits a mistake the judiciary can scrutinise the same. If a judge of the constitutional court commits mistakes there is power to the parliament to impeach him. This is the beauty of our constitution. The politicians are going to the people and spending time with them directly. The people elect the eligible persons among them and send them to the Parliament and the majority party will select their leader and he will be our Honourable Prime Minister for five years. Till the next general election, he will be the Prime Minister of India. Nobody can say that a Prime Minister is a Congress Prime Minister or a BJP Prime Minister or the Prime Minister of any political party. Therefore, according to me, it is the duty of the citizens to respect the Prime Minister of India, and of course, they can differ on the

policies of the Government and even the political stand of the Prime Minister. They can address the citizens saying that what the Government under the leadership of the Prime Minister is doing is not for the welfare of the citizens. But the citizen need not be ashamed to carry a vaccination certificate with the photograph of the Prime Minister with a morale boosting message, especially in this pandemic situation. There is no infringement of a fundamental right or any other right like compelled viewing, etc in such a situation as alleged by the petitioner. These are frivolous contentions that should be curbed immediately.

15. The petitioner should study the history of Indian democracy. The beauty of the Indian democracy is described by our Father of Nation - Mahatma Gandhi in a beautiful manner. I heard this story from a speech of a public speaker, which is available on the internet. When a small child asked Bapuji about the definition of democracy, Bapuji replied to the child saying that democracy is a running race and who became first will lead the country. But, Bapuji also reminded that if there is no loser, there is no winner and the winner should always remember that if there is no loser, he

will not become the winner. What a beautiful interpretation of democracy. The first Prime Minister of India, Pandit Jawaharlal Nehru came into power in the first General election in India with a massive majority. The Indian National Congress in that election obtained 364 seats out of 489 seats. The 2nd largest party after the Indian National Congress was the Communist Party of India with 16 members which of course is not enough for getting the post of opposition leader. Even then, the Panditji accepted the leader of the Communist Party of India as the opposition leader and used to hear him patiently in the parliament. Sri.A.K.Gopalan who is popularly known as AKG, in one of his parliamentary speeches, said that "My English may be broken, but the cause I represent never" and a scholar like Panditji used to hear such speech from him patiently.

16. Similarly, the former Prime Minister of India, Sri.Atal Bihari Vajpayee in one of his parliamentary speeches remembered the stand taken by the then Prime Minister of India Hon'ble P.V.Narasimha Rao. When our neighbour country decided to raise a question about Kashmir in Geneva Convention on Human Rights, the then Hon'ble former Prime Minister of India, Sri.P.V.Narasimha

Rao requested Sri.Atal Bihari Vajpayee, who was in opposition at that time to represent India and to speak in Geneva. The Hon'ble Prime Minister Sri.Vajpayee said in that speech that the people in the neighbouring country were surprised because the opposition leader of India is sent to Geneva to express the opinion of the ruling party. It is also reminded by the Hon'ble former Prime Minister Sri Atal Bihari Vajpayee in his speech that one of the ministers of a country observed that "Indian democracy is strange". Yes, Indian democracy is strange. It has got a beautiful tradition and history. After electing the members of the Parliament and thereafter when the Prime Minister is selected, the country will forget the political difference and respect the Prime Minister, but of course, any citizen can oppose the Government policies and the political view of the Prime Minister. That is our tradition and that should be our tradition. As Bapuji said, the winner should know that he won the race because there is a loser. The loser should know that he is the loser and he is not the winner. There ends the dispute. Mutual respect is part of democracy. If that is not there, that will be the black day of democracy.

17. The contentions of the petitioner, in this case, cannot be accepted at all. According to my opinion, this is a frivolous petition filed with ulterior motives and I have a strong doubt that there is political agenda also to the petitioner. According to me, this is a publicity oriented litigation. Therefore, this is a fit case that is to be dismissed with a heavy cost. A citizen of this country argues before the High Court that carrying the photograph of his Prime Minister in the vaccination certificate with a morale boosting message in a pandemic situation is an intrusion to his privacy. The petitioner says that it is a 'compelled viewing'. As I observed earlier, these are frivolous contentions, which never expects from a citizen. The petitioner should study the respect to be given to the Prime Minister and others by watching at least the parliamentary proceedings, which are available live on National TV. The opposition leaders will object to the policies of the Government with vehemence. But they will address the Prime Minister as the 'Hon'ble Prime Minister'. According to me, an amount of Rs.1,00,000/- should be imposed as a cost in the facts and circumstances of this case. I know the above amount is big as far as a citizen is

concerned. But, when these types of frivolous contentions are raised by the petitioner, he should know the effect and the society also should know that if frivolous petitions are filed, the Court will not accept the same. Thousands of convicted persons in criminal cases are in jail in our country waiting for hearing their appeals. Thousands of people are waiting for a result in their matrimonial disputes. Thousands of people are waiting for the result in their property disputes. In such a situation, this Court has to consider those litigations as early as possible and this Court is doing that every day. In such a situation, when frivolous petitions are filed, that should be dismissed with a heavy cost. There can be a direction to the petitioner to pay the cost within six weeks from today and the cost should be paid to the Kerala State Legal Services Authority (KELSA) which is doing a great job in the state of Kerala by helping the poor genuine litigants. If the amount is not paid by the petitioner, the KELSA should recover the same from the assets of the petitioner by taking appropriate steps through revenue recovery.

Therefore, the above writ petition is dismissed imposing a

cost of Rs.1,00,000 (Rupees One Lakh only) which is to be paid by the petitioner to the Kerala State Legal Services Authority within six weeks. If the amount is not paid by the petitioner within six weeks, the KELSA will take appropriate steps to recover the same through revenue recovery from the assets of the petitioner, in accordance to law forthwith and report the same before the Registrar General of this Court after recovery. The registry will serve a copy of this judgment to the Member Secretary, KELSA for compliance.

Sd/-

**P.V.KUNHIKRISHNAN,
JUDGE**

APPENDIX OF WP(C) 21560/2021

PETITIONER EXHIBITS

- Exhibit P1 A PRINTOUT OF THE SCREENSHOT OF THE LANDING PAGE OF THE COWIN SITE ACCESSED BY THE PETITIONER.
- Exhibit P2 A TRUE COPY OF THE COVID-19, FIRST DOSE VACCINATION CERTIFICATE OF THE PETITIONER DOWNLOADED BY THE PETITIONER.
- Exhibit P3 A TRUE PRINTOUT OF THE LANDING PAGE OF THE WEBSITE OF THE MINISTRY OF HEALTH AND FAMILY WELFARE, GOVERNMENT OF INDIA.
- Exhibit P4 A TRUE PRINT OUT OF THE SCREEN SHOT OF A TWEET IN THIS REGARD BY THE HON'BLE CABINET MINISTER IN CHARGE OF THE MINISTRY OF HEALTH AND FAMILY WELFARE, SRI.MANSUKH MANDAVIA ON THE EVE OF THE HON'BLE PRIME MINISTER'S BIRTHDAY ACCESSED AT <HTTPS://TWITTER.COM/MANSUKHMANDIYA?LANG=EN>.
- Exhibit P5 A TRUE PRINTOUT OF THE NEWS ITEM IN THE ECONOMIC TIMES E-PAPER DATED 15.09.2021 TITLED "DISPLAY BANNERS THANKING PM MODI FOR FREE VACCINES: UGC TO EDUCATIONAL INSTITUTIONS,"
- Exhibit P6 A TRUE PRINT OUT OF THE NEWS ITEM IN THE HINDU DATED 21.06.2021 TITLED, "KV SCHOOLS ASKED TO DISPLAY BANNERS THANKING MODI FOR FREE VACCINATION."
- Exhibit P7 A TRUE PRINTOUT OF THE LANDING PAGE OF THE 1ST RESPONDENT'S AAROGYA SETU APP.

- Exhibit P8 A TRUE PRINTOUT OF THE NEWS ITEM FROM THE DAILY, INDIAN EXPRESS DATED 06.03.2021 AND TITLED "AFTER TMC COMPLAINT, EC SAYS REMOVE PM'S PHOTO FROM COVID JAB CERTIFICATE"
- Exhibit P9(A) A TRUE COPY OF THE COVID VACCINATION CERTIFICATE ISSUED BY THE UNITED STATES OF AMERICA.
- Exhibit P9(B) A TRUE COPY OF THE COVID VACCINATION CERTIFICATE ISSUED BY INDONESIA.
- Exhibit P9(C) A TRUE COPY OF THE COVID VACCINATION CERTIFICATE ISSUED BY ISRAEL.
- Exhibit P9(D) A TRUE COPY OF THE COVID VACCINATION CERTIFICATE ISSUED BY KUWAIT.
- Exhibit P9(E) A TRUE COPY OF THE COVID VACCINATION CERTIFICATE ISSUED BY FRANCE.
- Exhibit P9(F) A TRUE COPY OF THE COVID VACCINATION CERTIFICATE ISSUED BY GERMANY.
- Exhibit P10 TRUE COPY OF THE REPRESENTATION TO THE 1ST RESPONDENT DATED 20.09.2021 ALONG WITH THE POSTAL RECEIPT.

RESPONDENTS EXTS

NIL

/TRUE COPY/

P.S.TO JUDGE

cms/SKS