

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY,
APPELLATE SIDE,
AT BOMBAY**

PUBLIC INTEREST LITIGATION NO. _____ OF 2020

FROM DISTRICT : MUMBAI

**IN THE MATTER OF ARTICLE 226 OF
THE CONSTITUTION OF INDIA;**

AND

**IN THE MATTER OF THE BOMBAY
HIGH COURT ORIGINAL SIDE
RULES, 1980;**

AND

**IN THE MATTER OF THE BOMBAY
HIGH COURT APPELLATE SIDE
RULES, 1960;**

AND

IN THE MATTER OF ARTICLE 48-A
OF THE CONSTITUTION OF INDIA;

AND

IN THE MATTER OF ARTICLE 51 –
A(g) OF THE CONSTITUTION OF
INDIA.

Sujay Pramod Joshi



...PETITIONER

VERSUS

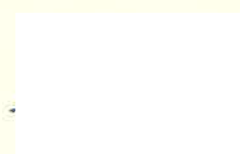
The Registrar General,
Bombay High Court.
Having his/her office at:
Bombay High Court Building,
Fort,
Mumbai-400032.

...RESPONDENTS

TO,

THE HONOURABLE THE CHIEF JUSTICE
AND THE COMPANION HONOURABLE
JUDGES OF HIGH COURT OF
JUDICATURE OF BOMBAY,
APPELLATE SIDE,
AT BOMBAY.

THE ABOVE-NAMED PETITIONER MOST
RESPECTFULLY SHEWETH:-



By way of the present Public Interest Litigation, the Petitioner is seeking a writ of mandamus, or a writ in the nature of mandamus, or any other appropriate writ, order and/or direction to the Respondents to mandate the use of A4 size paper, printed on both sides for the purposes of presentation of all pleadings and supporting documents in the Hon'ble Bombay High Court.

[A] DISCLOSURE IN TERMS OF RULE 5 OF THE BOMBAY HIGH COURT PUBLIC INTEREST LITIGATION RULES, 2010:

(I) Name of the Petitioner: Sujay Pramod Joshi

(II)

(III)

(IV)

(V)

(VI)

(VII)

[B] FACTS CONSTITUTING THE CAUSE OF ACTION:

- (1) The Petitioner is an advocate practicing in the Hon'ble Bombay High Court and the Hon'ble Supreme Court of India. The Petitioner is on the roll of the Bar Council of Maharashtra and Goa.

A True Copy of the Identity Card issued to the Petitioner by the Bar Council of Maharashtra and Goa is annexed and is marked as **EXHIBIT – B.**

- (2) The sole Respondent is the Hon'ble Registrar-General of the Hon'ble Bombay High Court. The aforementioned Respondent is 'State' within the meaning accorded to the term by Article 12 of the Constitution of India, and is thereby subject to the extraordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India.
- (3) The Petitioner submits that Article 48-A of the Constitution of India provides for protection and improvement of environment and safeguarding of forests and wildlife. Article 48-A reads as under:

“48-A. Protection and improvement of environment and safeguarding of forests and wild life. – The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country”

Furthermore, Article 51 – A(g) provides that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.

A True Copy of the bare text of Article 48-A of the Constitution of India is annexed and is marked as **EXHIBIT – C.**

- (4) The Hon'ble Supreme Court of India in **Intellectuals Forum v. State of Andhra Pradesh** reported in (2006) 3 SCC 549 has observed that Articles 48-A and 51 – A(g) are not only fundamental in the governance of the country, but it also is the duty of the State to apply these principles in making laws. Further, the Learned Apex Court also held that the Articles are to be kept in mind in understanding the scope and purport

of the fundamental rights guaranteed by the Constitution including Articles 14, 19 and 21 and also the various laws enacted by the Parliament and the State Legislatures. The same principle ought also to be extended to the rules framed by this Hon'ble High Court.

- (5) The Hon'ble Supreme Court of India in **T. N. Godavarman Thirumulpad v. Union of India** reported in (2006) 1 SCC 1 has taken into consideration the provisions of Article 48-A and 51-A(g), and held that forests are a vital component to sustain the life support system on the earth. Any programme, policy or vision for overall development has to evolve a systematic approach, so as to balance the economic development and environmental protection ; Both have to go hand in hand.
- (6) The Petitioner submits that Rule 42 of the Bombay High Court (Original Side) Rules, 1980 [hereinafter referred to as the *Original Side Rules* for the sake of brevity and convenience] *inter alia* provides that the plaint and the documents annexed thereto shall be typed, cyclostyled or printed with double spacing between the lines in the English language on durable foolscap paper with an inner margin of about three and a half centimetres wide. Further, Rule 54 of the Original Side Rules *inter alia* provides that the provisions of Rule 42 shall apply, with necessary modifications to all pleadings, Petitions, Miscellaneous Applications, Affidavits, Notices of Motion, Chamber Summons and all other proceedings that may be taken in a suit or matter, so far as they are applicable. The aforementioned relevant provisions are contained in Chapter – IV entitled 'Institution of the Suit' in the Original Side Rules.

True Copy of the Bare text of Rule 42 of the Bombay High Court (Original Side) Rules, 1980 is annexed and is marked as **EXHIBIT – D.**

True Copy of the Bare text of Rule 54 of the Bombay High Court (Original Side) Rules, 1980 is annexed and is marked as **EXHIBIT – E.**

- (7) The Petitioner submits the Chapter XXXIII entitled Rules for the Issue of Writs under Article 226 of the Constitution other than Habeas Corpus provides for Rules relating to Writ Petitions. Rule 636 *inter alia* provides that Rule 42 applicable to complaints shall, except as otherwise provided in the aforesaid Chapter, apply *mutatis mutandis* to petitions.

True Copy of the Bare text of Rule 636 of the Bombay High Court (Original Side) Rules, 1980 is annexed and is marked as **EXHIBIT – F.**

- (8) The Petitioner submits that Chapter LI entitled Review includes Rule 871 which provides for the memorandum of review. Rule 871(2) provides that Rule 42 as to complaints shall, so far as applicable and with necessary modifications, apply to a memorandum of review.

True Copy of the bare text of Rule 871 of the Bombay High Court (Original Side) Rules, 1980 is annexed and is marked as **EXHIBIT – G.**

- (9) The Petitioner submits that Chapter LII entitled Appeals includes Rule 877 which provides for memorandum of Appeal. Rule 877 *inter alia* provides that Rule 42 as to complaints shall, so far as applicable and with necessary modifications, apply to Memoranda of Appeal.

True Copy of the bare text of Rule 877 of the Bombay High Court (Original Side) Rules, 1980 is annexed and is marked as **EXHIBIT – H.**

(10) The Petitioner submits that the best of the Petitioner's knowledge, all the pleadings to be filed before this Hon'ble Court on its original side have to be (a) printed with double spacing between the lines; (b) on durable foolscap paper and (c) with an inner margin of about three and a half centimetres wide; (d) on a single side of the sheet.

(11) The Petitioner submits that so far as pleadings on the Appellate side are concerned, the same are governed by the provisions of the Bombay High Court Appellate Side Rules, 1960 [hereinafter referred to as the *Appellate Side Rules* for the sake of brevity and convenience]. Chapter IV of the Appellate Side Rules is entitled Presentation of Appeals and Applications. Rule 26 therein provides for how memoranda of appeals, copies etc. should be typed. It reads as under:

“26. How memoranda of appeals, copies etc. should be typed. – All memoranda of appeals, cross-objections, applications, petitions, affidavits and all copies supplied by the Advocates or parties shall be neatly typed with double space the foolscap size in metric measures leaving a margin of 2 inches or 5 centimetres. Sufficient blank space shall be left at the top for affixing court-fee stamps. No court-fee stamps shall be affixed in the margin. The copies supplied for the use of the Court and for service on the opposite parties shall accord with the original and shall be clearly legible. All notes filed shall be atleast on half foolscap size paper.”

True Copy of the bare text of Rule 26 of the Bombay High Court (Appellate Side) Rules, 1960 is annexed and is marked as EXHIBIT – I.

- (12) Chapter XVII of the Appellate Side Rules is entitled Petitions under Articles 226 and 227 and Applications under Article 228 of the Constitution and Rules for the Issue of Writs and Orders under the said Articles. Rule 10 of Chapter XVII provides for rules relating to paper-books. Clause (i) thereof *inter alia* provides that paper-books shall include the petition or the application and its annexures, affidavits in support of the petition or the application, counter affidavits and affidavits in reply and any other document or copy of document intended to be read or perused by the Court at the time of hearing of the application. Clause (ii) provides that the paper-books shall be neatly and legibly, typewritten, cyclostyled or printed with double space between lines and a five centimetre margin on strong and durable paper of foolscap size or size corresponding to the foolscap size in the metric measure. The aforesaid rule 10 also applies to Applications filed under Articles 227 and 228 *vide* rule 17(iv) of Chapter XVII.

True Copy of the Bare text of Chapter XVII of the Bombay High Court (Appellate Side) Rules, 1960 is annexed and is marked as EXHIBIT – J.

- (13) The Petitioner submits that the mandate to submit any pleading on a foolscap paper, with double-spacing, wide left margin, and printed only on a single side of the sheet leads to tremendous wastage of paper. Interestingly, to the best of the knowledge of the Petitioner, the aforementioned rules which were drafted decades ago were based on pre-independence colonial practices. In the past, due to low

thickness paper and ink quality, the ink printed on one side of the paper would seep on to the other side, making reading difficult. With the advance in paper printing technology and ink related technology, such is no longer the case. Thus, it is necessary for this Hon'ble High Court to revisit the aforementioned rules and issue appropriate directions in the contemporary sense to bring uniformity about the use of paper and printing thereon and to minimize consumption of paper, and consequently to save the environment.

- (14) The Petitioner submits that the Hon'ble High Court of Himachal Pradesh at Shimla *vide* its Notification No. HHC/Rules/e-filing-2019 – 11002-22 dated 24/25.04.2019 has framed the Electronic Filing (E-filing) in the High Court and Subordinate Court of Himachal Pradesh Rules, 2019. The aforesaid rules apply to electronic filing of cases in the Hon'ble Himachal Pradesh High Court and subordinate courts in Himachal Pradesh. The aforesaid rules also allow filing on A4 pages.

True Copy of the Electronic Filing (E-filing) in the High Court and Subordinate Court of Himachal Pradesh Rules, 2019 is annexed and is marked as **EXHIBIT – K.**

- (15) The Petitioner submits that the Hon'ble Supreme Court of India *vide* its Circular F. No. 01 / Judl. / 2020 dated 05. 03. 2020 *inter alia* directed as under:

“(i) With a view to bring uniformity about use of paper & printing thereon and to minimize consumption of paper & consequently to save the environment, superior quality A4 size paper (29.7 cm x 21 cm) having not less than 75 GSM with printing on both sides of the paper with Font – Times New Roman, Font size 14, in one and half line spacing (for quotations

and indents – font size 12 in single line spacing), with margin of 4 cm on left & right and 2 cm on top & bottom, shall be used in the pleadings, petitions, affidavits or other documents to be filed in this Court;”

True Copy of the Circular F. No. 01 / Judl. / 2020 dated 05. 03. 2020 issued by the Supreme Court of India is annexed and is marked as **EXHIBIT – L.**

- (16) The Hon’ble High Court of Tripura at Agartala issued an Order No. F. 44 (1) (c) – HC / 2020 / 6865 - 91 dated 23. 03. 2020 mandating filing of pleadings, petitions, affidavits or other documents in the Bombay High Court and all other Courts in the State of Tripura on superior quality A4 size paper having not less than 75 GSM printing on both sides of paper. The order of the Hon’ble High Court of Tripura at Agartala is *parimateria* with the directions issued by the Hon’ble Supreme Court.

True Copy of the Order no. F. 44 (1) (c) – HC / 2020 / 6865 - 91 dated 23. 03. 2020 is annexed and is marked as **EXHIBIT – M.**

- (17) The Hon’ble the Chief Justice of the Hon’ble High Court of Kerala *vide* its Notification No. DI – 1 / 104010 / 2019 dated 22. 09. 2020 was pleased to direct that all petitions, affidavits, memoranda of appeal and other proceedings presented before the High Court shall be in A4 size papers and typewritten / printed on both sides. *Vide* the aforesaid Notification, the Hon’ble Kerala High Court categorically observed that minimising consumptions of paper adds a positive impact on the environment.

True Copy of the Notification No. DI – 1 / 104010 / 2019 dated 22. 09. 2020 issued by the Hon'ble Kerala High Court is annexed and is marked as **EXHIBIT – N.**

(18) The Petitioner submits that pursuant to the circular issued by Hon'ble Supreme Court of India, other Hon'ble High Courts have also amended their rules and brought them in consonance with the directions issued by the Hon'ble Supreme Court of India. The Petitioner seeks liberty of this Hon'ble Court to refer to rely upon the relevant rules in the course of his oral submissions.

(19) The Petitioner submits that Writ Petition (C) No. 10931/2020 (PIL) filed before the Hon'ble High Court of Karnataka at Bengaluru against the Registrar, High Court of Karnataka *inter alia* seeks a direction that usage of A4 size paper and printing on both the sides be mandated for the sake of uniformity and protection of the environment. The Hon'ble Karnataka High Court *vide* its order dated 06.10.2020 was pleased to issue notice to the Respondents in the aforementioned matter.

True Copy of the order dated 06.10.2020 passed by the Hon'ble High Court of Karnataka in Writ Petition (C) No. 10931/2020 (PIL) along with Case Status, memo of the Petition filed as well as memo of the Civil Misc. WP (PIL) of 2020 filed in Allahabad High Court is collectively annexed and is marked as **EXHIBIT – O.**

(20) The Petitioner also relies on the Circular issued by Secretary General of the Supreme Court of India to Advocate's filing matters in the Supreme Court. The true copy of the Circular dated 13th May 2020 is annexed and is marked as **EXHIBIT- P.**

- (21) The Petitioner states that the High Court at Calcutta Appellate Side has issued a Notification dated 18th February 2019 which clearly states :

"All pleadings contained in petitions, affidavits and applications or otherwise and all memoranda of appeal shall be printed on A4 white executive bond paper instead of green or embossed paper.

The computerized print shall be of font size 12 of Bookman Old Style or Courier New, with space of 1.5 in between lines. The page set up with margins on the four sides shall be as follows :

<u>For the Appellate Side</u>	<u>For the Original Side</u>
From the top - 3.5 cm	From the top - 3.5 cm
From the bottom - 3 cm	From the bottom - 3 cm
From the left - 3.5 cm	From the left - 4 cm
From the right - 2.5 cm	From the right - 2.5 cm

In case of pleadings which are typewritten, the aforesaid page set up has to be maintained."

True copy of the Notification dated 18th February 2020 is annexed and marked as EXHIBIT Q.

- (22) The Petitioner requests this Hon'ble High Court to take judicial notice of the fact that this Hon'ble High Court faces an infrastructural issue and storage crunch to store the documents, records, and files. Perhaps, for the very same reason, this Hon'ble Court has initiated the process of scanning and digitization of the records of the High Court and of the District and Subordinate Courts in the State of Maharashtra. The aforementioned is reflected in the profile of this Hon'ble Court in the Annual Report 2018-19 published by the Supreme Court of India. Using of A4 size paper would, in the long term, reduce the issues relating to storage and digitisation.

- (23) The Petitioner submits that the foolscap or 'legal' paper as it is colloquially known is thicker than an A4 paper and requires more pulp to prepare. Consequently, its usage causes more damage to the environment than that of an A4 paper. In fact, the Hon'ble Kerala High Court while issuing the aforementioned notification has categorically recorded the benefits of using an A4 sheet from the perspective of reducing infrastructural investment.
- (24) The Petitioner submits that the ISO 216:2007 provides for international standards for writing paper and certain classes of printed matter. The said standard was last updated in 2016 and continues to be in operation as on today. According to the aforesaid international standard, A4 size paper is the most commonly available and used paper size worldwide. The foolscap or 'legal' paper is, to the best of the knowledge of the Petitioner, used only for court-related matters. The use of foolscap or 'legal' paper was a colonial practice, which, to the best of the knowledge of the Petitioner has seized in the courts in the United Kingdom as well.
- (25) In light of the aforesaid, use of A4 size paper, with printing on both sides, instead of foolscap / legal-sized paper with a single side being printed, is indispensable for the protection of the environment. The rational usage of paper has a direct relation with the saving of the cutting of trees, conservation of forests and water resources, and protection of the environment, wildlife and human life, in conformity with constitutional mandate as reflected in Article 48 - A and Article 51 - A (g).
- (26) The present Public Interest litigation is based upon facts which are available in the public domain, and upon

information, government and expert reports, research papers, studies, and circulars/notifications issued by state authorities.

- (27) In the aforesaid circumstances of the case and in the light of the submissions made hereinbefore, the Petitioners have no other equally efficacious and alternative remedy except to invoke the extraordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India by filing the present Public Interest Litigation.

CONCLUDING PARAGRAPHS

- (1) Proper Court fees stamp is paid.
- (2) The Cause of action has arisen in District: Mumbai, viz. within the extraordinary territorial Jurisdiction of this Honourable Court. Hence this Honourable Court has jurisdiction to try, entertain and decide this petition.
- (3) The Petitioner has not preferred any other Writ Petition, appeal or application, either in this Honourable Court or any other court on in the Honourable Supreme Court of India, in respect of this cause of action.
- (4) The Petitioner thereafter consulted his Advocate Colleague. Taking into consideration the time required for this, the Petitioner is approaching this Honourable Court without any latches or negligence on his part. Hence this petition is filed within the period of limitation.
- (5) The Petitioner undertakes to give the English translation of Marathi documents when so required by the Honourable Court if any.

PRAYERS

IN THE AFOREMENTIONED FACTS AND CIRCUMSTANCES, THE PETITIONER ABOVE-NAMED MOST RESPECTFULLY PRAYS AS UNDER:

- (A) That this Hon'ble Court may be pleased to issue a writ of mandamus, or a writ in the nature of mandamus, or any other appropriate writ, order or direction, directing the Respondent to issue appropriate directions to all the stakeholders to use A4 size paper, with printing on both sides of the paper, with 1.5 spacing, for all pleadings, petitions, affidavits, or other documents to be filed in the Hon'ble High Court on its original as well as appellate side;
- (B) That this Hon'ble Court may be pleased to issue a writ of mandamus, or a writ in the nature of mandamus, or any other appropriate writ, order or direction, directing the appropriate authority of this Hon'ble Court, if necessary, to make suitable amendments in the Bombay High Court (Appellate Side) Rules, 1960 and the Bombay High Court (Original Side) Rules, 1980, so as to give effect to the directions for the use of A4 size paper, with printing on both sides of the paper, for all the pleadings, petitions, affidavits or other documents to be filed in this Hon'ble High Court ;
- (C) That this Hon'ble Court may be pleased to issue a writ of mandamus, or a writ in the nature of mandamus, or any other appropriate writ, order or direction, directing the Respondent to issue appropriate directions to all the stakeholders to use A4 size paper, with printing on both sides of the paper, with 1.5 spacing, for all pleadings, petitions, affidavits, or other documents to be filed in the all the Sub- Ordinate Judicial and Quasi – Judicial Courts in Maharashtra;

- (D) Till the Final Disposal of the Public Interest Litigation, the Hon'ble may court may allow the Advocates and Party in Persons to File matters by using A4 Paper by following the Supreme Court Guidelines as and by way of an Interim Relief.
- (E) Pass such other orders and directions as this Hon'ble Court may deem fit in the interest of justice and equity.

AND FOR THIS ACT OF KINDNESS THE ABOVENAMED
PETITIONER SHALL DUTY BOUND EVER PRAY

ADVOCATE FOR THE PETITIONER

BOMBAY
DATED