

(2008) 02 GAU CK 0016
In the Gauhati High Court
Case No : P.I.L. No. 3 of 2008

Khasi Student Union and Another

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 06-02-2008

Acts Referred:

Citation : (2009) 3 GLT 324

Hon'ble Judges : Jasti Chelameswar, C.J;Asok Potsangbam, J

Bench : Division Bench

Advocate : A.H. Hazarika and Z. Hussain, for the Appellant; Anil Sarma and H. Rahman, for the Respondent

Final Decision : Dismissed

Judgement

Asok Potsangbam, J.—Heard Mr. A.H. Hazarika, learned Counsel appearing on behalf of the Petitioner. Also heard Mr. Anil Sarma, learned Advocate General, Meghalaya and Mr. H. Rahman, learned Assistant Solicitor General of India.

2. This petition styled as PIL has been filed by the Petitioner by way of a general complaint against the Government of Meghalaya without any specifics and particulars of allegations which would warrant interference of this Court and this can be seen from the following prayers made in the PIL.

In the premises aforesaid, it is most respectfully prayed that Your Lordships would graciously be pleased to admit this petition, Issue Rules calling upon the Respondents to show cause as to why a Independent Inquiry should not be initiated and investigated by an Independent Body and/or any other Independent Agency as alleged in respect of forging the signatures of the beneficiaries their due share/schemes sanctioned by the Block Development Officer of Mawryngkneng Block and diverted for the benefit and person gain of Ors. and/or as to why the official involves in sanctioning various schemes to the nonexistence body or agency/persons should not be punished in accordance with the law of the land and/or as to why the officials implemented of CRRP schemes through a

particular person, namely, Sri H. Lawai, self-style Secretary of Welfare and Rural Development Society, Umpling, Shillong, should not be held responsible for siphoning of lakhs of rupees and punished and/or as to why the Police Department of Meghalaya should not be held responsible for not acting and taking action on the basis of F.I.R. filed by the Petitioner association being the matter related to society and depriving the poor Schedule Tribe beneficiaries and/or as to why all the Blocks in entire State of Meghalaya implementing various Central Schemes and State Schemes for the development of Rural area and poor populace should not be inquire into and/or may pass other or further writ (s), direction (s) or order (s) as Your Lordships may deem fit and proper.

3. The general complaint of the Petitioner is that the fund earmarked for 2003-04, 2004-05 and 2005-06 in respect of the Constituency Development Fund of Mawryngkeng Circle, Meghalaya have not been properly utilized. It is alleged by the Petitioner that the schemes, namely--(i) SGRY, (ii) C.D., (iii) APS, (iv) CRRP, (v) IACDP, (vi) ISYDP, (vii) SRWP, (viii) DRFM and (ix) IAY and SGRY-II which are to be implemented through Local Dorbar, Village Committee and School Managing Committee, had been implemented by some organisations and societies and it is further alleged that some of the schemes relating to construction of school, low cost house etc. were implemented by one Mr. H. Lawai alleged to be the Secretary of Welfare and Rural Development Society, Umpling, Shillong, without making him as party in the case and similar allegations have been made against some other private individuals. Looking at the entirety of the averments/contentions and prayers made in the PIL, it would simply demonstrate that the PIL is in the nature of general complaint against the Government of Meghalaya, Government Officials of Meghalaya and individuals without any specific allegation which are capable of adjudication by this Court by embarking upon path of PIL. It appears that the forum of PIL which has been developed through series of judicial decisions for protection of fundamental and statutory rights, prevention against deprivation of rights and benefits of disadvantaged and poorer sections of the Society who would not have means of access to Court, is sought to be misused and abused in this PIL.

4. In *Ashok Kumar Pandey Vs. The State of West Bengal and Others*, ., the Apex Court held that petition seeking to make a roving enquiry on speculative foundations and premises cannot be entertained. In *State of Himachal Pradesh Vs. A Parent of a Student of Medical College, Simla and Others*, it has been held that public interest litigation is a weapon which has to be used with great care and circumspection. In *Shri Sachidanand Pandey and Another Vs. The State of West Bengal and Others*, the Apex Court said:

Today public-spirited litigants rush to courts to file cases in profusion under this attractive name. They must inspire confidence in courts and among the public. They must be above suspicion. (SCC p. 331, para 46)

* * * Public interest litigation has now come to stay. But one is led to think that it poses a threat to courts and public alike. Such cases are now filed without any

rhyme or reason. It is, therefore, necessary to lay down clear guidelines and to outline the correct parameters for entertainment of such petitions. If courts do not restrict the free flow of such cases in the name of public interest litigations, the traditional litigation will suffer and the courts of law, instead of dispensing justice, will have to take upon themselves administrative and executive functions. (SCC p. 334, para 59)

* * * I will be second to none in extending help when such help is required. But this does not mean that the doors of this Court are always open for anyone to walk in. It is necessary to have some self-imposed restraint on public interest litigants. (SCC p. 335, Para 61).

5. In various other cases, the Apex Court considered the scope of entertaining a petition styled as public interest litigation and some of the parameters laid down are as follows:

- (i) The information being not vague and indefinite;
- (ii) The information should show gravity and seriousness;
- (iii) The petition should inspire confidence;
- (iv) Nobody should be allowed to indulge in wild and reckless allegation,
- (v) The prayer for roving enquiry against various actions of the Government should not be entertained;
- (vi) Finally, the court has to be extremely careful to see that in the guise of entertaining public grievances, the private/political purpose cannot be allowed to be achieved by resorting to the forum of PIL.

6. Coming to the present case, as discussed in the foregoing para No. 2, the prayer made is in the nature of asking for a roving enquiry against the Government of Meghalaya and its officials with regard to implementation of schemes, namely--(i) SGRY, (ii) C.D., (iii) APS, (iv) CRRP, (v) IACDP, (vi) ISYDP, (vii) SRWP, (viii) DRFM and (ix) IAY and SGRY-II for the period of 2003-04, 2004-05 and 2005-06 and this petition does not only suffer from vagueness and want of specifics, but it also does not inspire confidence.

7. In view of the above, we are not inclined to entertain this petition as no case of PIL is made out and, accordingly, this petition is dismissed.

No costs.