
(1999) 08 MP CK 0003
In the Madhya Pradesh High Court
Case No : Writ Petition No. 685 of 1999

S.P. Anand

APPELLANT

Vs

State of M.P. and others

RESPONDENT

Date of Decision : 19-08-1999

Acts Referred:

Constitution of India, 1950 — Article 23

Citation : (2000) 1 MPJR 383 : (2001) 1 MPLJ 109

Hon'ble Judges : Shambhoo Singh, J;B.A. Khan, J

Bench : Division Bench

Advocate : Party in Person, for the Appellant; B. Chitale, G.A., for the Respondent

Final Decision : Dismissed

Judgement

Shambhoo Singh, J.

Petitioner has filed this petition in public interest highlighting that Kotwars "Chowkidars" in M. P. State were not given their due. They were paid a meagre amount ranging between Rs. 180/- to Rs. 580/- p.m. in accordance with service land holding given to them and were deprived of other perks/allowances/facilities etc. available to civil servants. They were subjected to "Begar" in violation of their rights under Article 23 of the Constitution inasmuch as they were paid less than the minimum wages under the MWA. Reliance in support was placed on People's Union for Democratic Rights and Others Vs. Union of India (UOI) and Others, to show that payment of less than prescribed minimum wages amounted to Begar. It is accordingly prayed that wages of these "Kotwars" be fixed and they be ordered to be granted perks enjoyed by civil servants.

Petitioner has not provided any clue about the nature of duties of "Kotwars" and the service land held by them and also how the amount received by them fell short of any requirement in the circumstances. He has only made stray pleas that they were being subjected to "Begar" and made to work day and night.

Apart from the merit of the averements made and pleas raised by Petitioner, we fail to understand how he could assume locus in the matter by taking recourse to Public Interest Litigation. The doctrine of PIL was evolved to enable underprivileged, disadvantaged, socially and economically weak sections of Society to approach the Court for redress through some bona fide public spirited person where they were unable to do so on their own. It was not to provide a Forum to busy bodys and publicity hungry or to bring forward causes which could otherwise be pursued and prosecuted by those who felt aggrieved. It is said that this doctrine should have been treated as a medium to bring forth all sorts of issues in the name of public interest.

In the present case, it is admitted that "Kotwars" were holding land and were paid monthly emoluments. They could not be said to be economically or socially so weak or disadvantaged as to be unable to reach the Court if they felt aggrieved of any raw deal being given to them. None of them had chosen to ventilate any grievance about their conditions. Nor was Petitioner appointed or authorised by them to do so. He had taken upon himself to project their alleged unsatisfactory conditions believing that "PIL" provided a Forum and a license to raise all kinds of issues concerning all and sundry. It is high time that Petitioner understood the rationale behind "PIL" and its ambit and scope to save valuable Court time. He stands already admonished by the Supreme Court for dabbling in Constitutional matters. It is hoped that he would see the writing on the wall only in the public interest.

Petition is dismissed with these observations.