

(2009) 08 P&H CK 0164
In the Punjab And Haryana At Chandigarh

Vijender Kumar

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 21-08-2009

Acts Referred:

Citation : (2009) 156 PLR 325 : (2010) 5 RCR(Civil) 99 : (2010) 2 RCR(Civil) 2

Hon'ble Judges : Tirath Singh Thakur, C.J; Kanwaljit Singh Ahluwalia, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

T.S. Thakur, C.J.—This petition has been filed in public interest. It seeks a mandamus directing the respondents not to incur any expenditure from the public exchequer on what has been described in the media as "Vikas Yatra" aimed at showcasing the achievements of the government in various fields. The case of the petitioner who claims to be a "Socially Active Person" and has worked as Chairman of the Market Committee, Barwala is that the state government is as per the News Paper report, deploying 144 vehicles to start a publicity campaign for publicizing the achievements of the state government in various fields including those in connection with various scheme framed by the government. On the basis of a document that purports to be "minutes of the meeting" held on 29.07.2009, it is alleged that one publicity van is being deputed for every block in the state of Haryana while two vans each are being sent for the Municipal Corporations of Faridabad and Gurgaon. The vans would be equipped with LCD of biggest available size and would cover four villages in a day to take to the village level audience, programmes and the policies of the government. All this, according to the petitioner, is being done on account of the elections which are according to him around the corner the real purpose behind this programme is to promote the prospects of Congress Party at the hustings which according to the petitioner is neither a permissible nor legitimate expenditure for the state exchequer to bear. It is also according to the petitioner an abuse of the authority vested in the government especially when the entire purpose of the campaign is

aimed at taking political mileage for the Congress party to the prejudice and disadvantage of other parties active in the State of Haryana.

2. Appearing for the petitioner Mr. Lakhanpal, contended that the publicity campaign coming close to the announcement of the Assembly Elections is meant to promote the chances of Congress Party in the electoral battle which is due any time and which will work to the disadvantage of the other parties who also nurse the ambition of forming the government in Haryana. He urged that information from credible sources suggests that elections for the state assembly are likely to be announced any moment and that in anticipation of the said announcement, the state government is trying to build a tempo in favour of the party in power at the cost of the public exchequer which is a purpose wholly extraneous for the use of public funds. It was also contended by Mr. Lakhanpal that although the campaign is aimed at its face value to promote the schemes that have been formulated for implementation by the government, the real purpose underlying the campaign is political. We have given our careful consideration to the submissions made at the Bar. The writ petition proceeds entirely on the assumption that the government is going to announce elections for the state assembly any moment. We repeatedly asked Mr. Lakhanpal the basis on which that assumption was being made. He candidly admitted that there was no real basis for that assertion except thick rumors in circulation in the air that elections can be announced any moment. We do not think that we can interfere with a public campaign meant to project the achievements of the state government in the matter of schemes formulated and executed by or only on the basis of an assumption that elections can or are being announced any moment. Whether or not the government is announcing elections, is a matter of speculation for the present which cannot be made a basis for judicial interference that too in the public interest.

3. That apart the minutes of meeting a copy of which has been produced as Annexure P-4 to the writ petition shows that the campaign includes apart from other items, exhibition of documentary films on subjects like Social Welfare Schemes and Schemes for the SC and BC's, education and welfare programmes for the farming community apart from tax relief granted by the government and other development activities, like power plants set up by it. We do not think that any campaign intend to serve the above purpose especially when the same concerns Social welfare schemes and the schemes for the SC and BC Class Communities, can be said to be an impermissible expenditure for the state exchequer. We say so because one of the reasons why benefits under such beneficial schemes do not reach the beneficiaries is the lack of awareness about such schemes among the masses. Any campaign which takes the schemes to the masses to enable them to benefit from the same must therefore be taken as a legitimate activity for the government on which the government ought to incur whatever reasonable expenditure is necessary. Just because there are rumors that elections may be announced any moment cannot make any such publicity / awareness campaign illegitimate and call for interference by a court of law.

4. So also the argument that the publicity may give political advantage to the ruling party may not be wholly correct, in a democracy like ours where voters have shown their maturity repeatedly by distinguishing between the right and the wrong over the past many decades and exercised their franchise in a free manner. It is wrong to even suggest that the general public cannot distinguish between what may be no more than a political gimmick and a campaign which show-cases the good work which the government may have done during its tenure. The apprehension about any undeserved political benefit going to the party in power is therefore unfounded. We need only mention that the Election Commission has been maintaining a close watch on all that goes on in the states during the election time to ensure that there is no abuse of government authority or resources only to promote political interest of any party. The petitioner shall, therefore, have the liberty to take recourse to proceedings before the Commission at the appropriate stage if the need so arises. For the present we see no reason to interfere. The writ petition fails and is hereby dismissed. No costs.