



AFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPIL No. 17 of 2024**

Lakhan Subodh

---- Petitioner

**Versus**

1. State of Chhattisgarh Through Its Secretary, Department Of Tourism, Mantralaya, Mahanadi Bhawan, Naya Raipur, District-Raipur (CG)
2. Chhattisgarh Tourism Board, Through Its Chairman, 2nd Floor, Udyog Bhavan, Ring Road No.1, Telibandha, Raipur, District-Raipur (CG)
3. Managing Director, Chhattisgarh Tourism Board, 2nd Floor, Udyog Bhavan, Ring Road No.1, Telibandha, Raipur, District-Raipur (CG)
4. The Department of Public Relation, State of Chhattisgarh Through Its Secretary, Indravati Bhawan, Atal Nagar, Nava Raipur, Raipur, District-Raipur (CG)

---- Respondents

(Cause-title taken from Case Information System)

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For Petitioner	:	Mr. Ashish Beck, Advocate.
For Respondent No. 1 & 4/	:	Mr. Y.S.Thakur, Additional Advocate General.
For Respondent No. 2 & 3	:	Mr. D.K.Gwalre, Advocate.

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**Hon'ble Shri Ramesh Sinha, Chief Justice****Hon'ble Shri Ravindra Kumar Agrawal, Judge****Judgment on Board****Per Ramesh Sinha, Chief Justice****14.03.2024**

1. The petitioner has prayed for the following reliefs:

“(i) Call for the relevant records of the case.

(ii) Declare the impugned Cabinet meeting decision dated 10.01.2024 with regard to formulation and implementation of 'Shri



Ramlala Darshan (Ayodhya Dham) Scheme as Ultra Vires and unconstitutional.

(iii) Pass appropriate order/direction in nature of writ of certiorari to the respondents quashing and setting-aside the relevant part of impugned Cabinet meeting dated 10.01.2024 which approved and passed 'Shree Ramlala Darshan (Ayodhya Dham) Scheme".

(iv) Declare the impugned 'Shri Ramlala Darshan (Ayodhya Dham) Scheme as Ultra Vires and unconstitutional.

(v) Pass appropriate order/direction in nature of writ of certiorari to the respondents quashing and setting aside the 'Shri Ramlala Darshan (Ayodhya Dham) Scheme.

(vi) Pass any other order(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. Challenge in this petition is to the Cabinet meeting decision dated 10.01.2024 alongwith the 'Shri Ramlala Darshan (Ayodhya Dham) Scheme (*for short, the Scheme*) which provides for free Pilgrimage to Ayodhya, Uttar Pradesh, the expenditure on which is to be borne by State exchequer. The impugned Cabinet meeting decision dated 10.01.2024 alongwith the Scheme have been challenged on the ground that they violate the tenet of secularism which is an integral part of the basic structure of our Constitution and democracy.

3. According to Mr. Ashish Beck, learned counsel for the petitioner, so far as the credentials of the petitioner is concerned, the petitioner being a public-spirited person and a social activist, participates in social and community related issues especially on human rights, democratic rights as provided by the Constitution and other laws of the land. The petitioner is member of People's Union of Civil Liberties (PUCL) which is an all-India Human Rights organization working in the field of human rights and civil liberties. The petitioner is also a member and convener of Civil Society Organization named 'Guru Ghasidas Sewadar Sangh (GSS) which works for the rights of marginalized section of society like the Scheduled Castes and Scheduled tribes and migrant and bonded labourers. Before his association with the above-mentioned non-government organisations



and Human and Civil rights groups, the petitioner was associated with Political Parties like CPI, CPI(M) and Bahujan Samaj. Party. However, since the year 1999, the petitioner is not a member of any political party. The petitioner had earlier filed as many as three PILs relating to various social issues.

4. According to Mr. Beck, on 03.11.2023, the Bharatiya Janta Party (*for short, the BJP*), Chhattisgarh State Unit released its manifesto terming the promises made in the manifesto as "Modi ki Guarantee" for the State Assembly elections, promising free Ayodhya Pilgrimage to the people of Chhattisgarh if it comes to power and forms government in the State of Chhattisgarh. The press covered the news of promise of free Ayodhya pilgrimage in the manifesto released by BJP. In the said Assembly elections, the BJP won and formed Government in the State of Chhattisgarh. The State Government has kept its promise of free Ayodhya pilgrimage as made in the election manifesto during the elections and reiterated its promise of Ayodhya Pilgrimage. On 10.01.2024, the State Cabinet meeting was held under the Chairmanship of Chief Minister. The decision of the meeting states that it has been decided by the Cabinet to fulfill the guarantee promised to the people of Chhattisgarh by the Hon'ble Prime Minister and so it has been decided to start the Scheme. The Cabinet decision mentioned that Shri Ramlala i.e. Lord Ram's Pran Pratishtha is happening in Ayodhya on 22<sup>nd</sup> January. It was announced by the Chhattisgarh Government that the people of the State will be taken to Ayodhya for *darshan* of Shri Ramlala, accordingly the 'Shri Ramlala Darshan Yojna' is being started. The Cabinet decision further mentions that the scheme will be implemented by Chhattisgarh Tourism Board i.e. respondent No. 2, while the budget for the Scheme will be provided by the Department of Tourism i.e. respondent No. 1.

5. Mr. Beck highlights the chief points of the Cabinet decision dated 10.01.2024 which reads as under:

“(i) Under the Scheme, every year about 20,000 people will be taken for Shri Ramlala Darshan.



(ii) The original residents of Chhattisgarh State, between the age of 18 to 75 years, who are declared medically fit by District Medical Board in Health Check-up will be eligible for the scheme.

(iii) For the Physically Challenged person, at least one member of the family may accompany alongwith.

(iv) In the 1<sup>st</sup> phase, persons over 55 years of age will be provided the benefit of the scheme. Later, persons of other age groups will also be provided benefit of the scheme.

(v) Shri Ramlala Darshan Samiti will be formed in every district under the Chairmanship of District Collector. The beneficiaries of the scheme will be selected by the Samiti in accordance with the proportional quota.

(vi) The distance of journey is approximately 900 Kms. An MOU will be signed between the Chhattisgarh Tourism Board with the Indian Railway Catering and Tourism Corporation (IRCTC).

(vii) IRCTC will provide the security, healthcare, food, visit of places, local transport and escort facilities to the Pilgrims.

(viii) The District Collector will make arrangements for taking Pilgrims to the designated railway stations, both while going from and returning back to their residence. Budget will be provided for this expenditure.

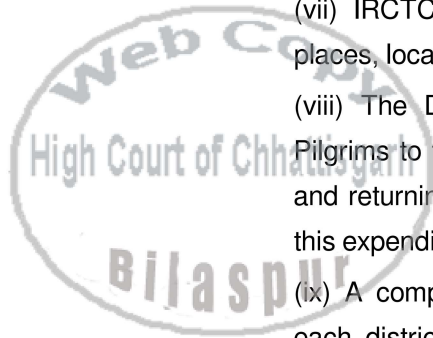
(ix) A competent Government Officer or a the passengers from each district. Small Team will accompany the passengers from each district.

(x) The passengers will leave by train for the destination from Durg-Raipur, Raigarh and Ambikapur.

(xi) The original destination of the journey will be Ayodhya Dham. The scheme will also provide for one night stay in Varanasi, Darshan of Kashi Vishwanath Temple and Corridor and Ganga Aarti, to the beneficiaries.

(xii) Presently IRCTC will provide for one train every week. In future the number of passengers may be increased according to the availability of trains.”

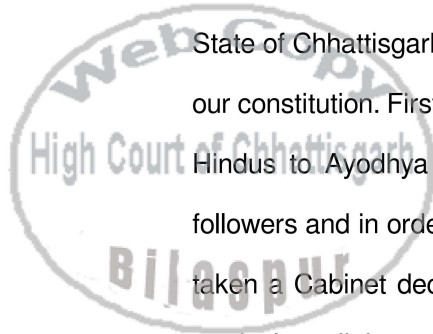
**6.** Mr. Beck further submits that the impugned Cabinet decision dated 10.01.2024 and the impugned Scheme on the face of it is patently unconstitutional as it is against the Secular tenet of Constitution of India and secularism is integral part of basic structure of our Constitution and democracy.





7. It has been argued by Mr. Beck that India, being a secular State, the Government cannot take any decision which favours any one segment/religion. The Apex Court has in catena of decisions declared that secularism is integral part of basic structure of our Constitution. Articles 25 to 30 of the Constitution of India provides that India is a Secular State without any State religion. Furthermore, the preamble of the Constitution specifically mentions that India is a secular State and as such, a secular State cannot form Government scheme with religious purpose. Secularism mandates that the State cannot employ the organs of Government for religious purposes to advance particular religion.

8. It is also the argument of Mr. Beck that the funds of a Secular State cannot be used to promote or benefit any particular religious community. The facts and circumstances as narrated above in the petition establish that the action of the State of Chhattisgarh is against the secular principles and values as enshrined in our constitution. First the Election manifesto of BJP promised religious tourism for Hindus to Ayodhya for 'Shri Ramlala Darshan' to the exclusion of non-Hindu followers and in order to fulfill their promise, the Government of Chhattisgarh has taken a Cabinet decision to start the scheme which on the face of it favours a particular religion and its followers, while simultaneously discriminating against the other religions and their followers. The act of the State Government violates Article 14 and 15 of the Constitution of India. Secularism mandates that the State cannot employ the organs of government for religious purposes to advance particular religion. Use of government programmes to promote or benefit members of particular religion under the guise of tourism is blatantly against the Secular character of our polity. A secular State cannot entangle with religion and show favouritism towards particular religion or sect. First the promise of BJP in its election manifesto to start religious pilgrimage to Ayodhya for Shri Ramlala Darshan which has been followed by the impugned Cabinet decision dated 10.01.2024 alongwith the Scheme shows that the Government and State of Chhattisgarh has entangled itself with religion and is clearly showing favouritism



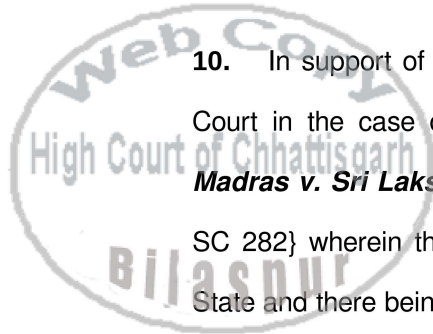


to followers and believers of Hinduism.

9. Mr. Beck further submits that a similar scheme was launched in the State of Andhra Pradesh relating to Christian pilgrimage. The said scheme was stayed by the High Court of Andhra Pradesh by an interim order. However, the said petition was dismissed vide order dated 16.02.2024 passed in WP No.25549 of 2008 {**Satish Agrawal v. State of Andhra Pradesh**} by the Telangana High Court observing that the scheme was framed by the erstwhile State of Andhra Pradesh and was neither implemented nor is in vogue, the issue involved in that writ petition did not survived for consideration. Mr. Beck has also drawn attention of this Court to the news paper clipping dated 23.07.2009 which relates to the same issue wherein the Andhra Pradesh High Court had observed that the tax payers money cannot be spent on such activities.

10. In support of his contentions, Mr. Beck relies on a decision of the Apex Court in the case of **The Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt.** {AIR 1954 SC 282} wherein the Supreme Court has observed that ours being a secular State and there being freedom of religion guaranteed by the Constitution, both to individuals and to groups, it is against the policy of the Constitution to pay out of public funds any money for the promotion or maintenance of any particular religion or religious denomination. He also relies on the decision rendered in **Federation of Railway Officers Association & Others v. Union of India** {(2003) 4 SCC 289} to argue that if the policy or action of a Government is inconsistent with the Constitution and the laws or arbitrary or irrational or abuse of power, the Courts can very well interfere.

11. On the other hand, Mr. Y.S.Thakur, learned Additional Advocate General appearing for the State/respondent No. 1 and 4 submits that this petition is not maintainable on various grounds. Firstly, this is a politically motivated petition as the petitioner was earlier associated with the political parties like CPI, CPI(M) and Bahujan Samaj Party, though he claims that presently he is not associated





with any political party. Secondly, the cabinet decision/resolution dated 10.01.2024 has been challenged but the notification has not been challenged which is dated 24.01.2024. Further, the Scheme does not discriminate any person on the ground of religion. It is open for all the domicile of Chhattisgarh irrespective of their faith or religion and any one can avail the benefit of the said Scheme. Even the temple situated at Ayodhya does not discriminate any person and anyone can visit the said temple. Hence, it cannot be termed as discriminatory. Above all, the Scheme floated by the State Government is a policy decision based on social welfare which cannot be challenged. He relies on a decision of the Supreme Court in ***Villianur Iyarkkai Padukappu Maiyam v. Union of India & Others*** {(2009) 7 SCC 561}.

12. Mr. D.K.Gwalre, learned counsel appearing for the respondents No. 2 and 3 submits that the even the grounds raised by the petitioner itself is contrary to his own contentions. On the one hand, it states that the BJP had promised religious tourism for Hindus to Ayodhya and then it states that to fulfill the promise, the Government of Chhattisgarh has taken a cabinet decision to start the Scheme which discriminates the other sects of the society. However, neither in the Scheme nor in the cabinet decision, the word 'Hindu' has been used and it is open for all the people of Chhattisgarh irrespective of their religion or faith. Annexure P/5 which is the manifesto of the ruling party uses the word 'Pradeshvasi' which means domicile of Chhattisgarh and it has nothing to do with the religion of the person and similarly, in Annexure P/6, which is a news clipping of 'The Hindu' news paper also states that the poor persons belonging to the State of Chhattisgarh would be taken to Ayodhya for pilgrimage.

13. We have heard learned counsel for the parties, perused the pleadings and documents appended thereto.

14. Basically, the petitioner has sought to challenge the Cabinet decision and not the notification of the Scheme notified on 24.01.2024. The crux of the argument is that the Scheme is violative of Articles 14 and 15 and it would be



harmful for the secular structure of the State.

15. The Courts should, *prima facie*, verify the credentials of the petitioner before entertaining a PIL. It is also well settled that the Courts before entertaining the PIL should ensure that the PIL is aimed at redressal of genuine public harm or public injury. The Court should also ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation. The Courts should ensure the jurisdiction in public interest is invoked for genuine purposes by persons who have *bona fide* credentials and who do not seek to espouse or pursue any extraneous object. Otherwise, the jurisdiction in public interest can become a source of misuse by private persons seeking to pursue their own vested interests.

16. From perusal of the records, it transpires that the Scheme which is under challenge is a policy decision of the State Government as even before coming into power, the ruling party in its manifesto had promised the domicile of Chhattisgarh for taking them to Ayodhya for pilgrimage. The Scheme is basically for the poor people and is open to all. The petitioner has failed to demonstrate that the Scheme prohibits or bars the people of faith other than the Hindus to participate or avail the benefit of the said Scheme. Furthermore, how the Scheme would cause any harm to the secular structure of the State has also not been explained. The petitioner himself had been a political person associated earlier with the CIP, CIP(M) and BSP and this petition appears to be nothing but an attempt to gain some personal/political mileage, though the petitioner claims that at present he is not associated with any political party. Even otherwise, it is well settled that a policy decision of the State can normally be not interfered with.

17. The decision relied on by the learned counsel for the petitioner on the judgment rendered by the Supreme Court in ***The Commissioner, Hindu Religious Endowments, Madras*** (supra) and the High Court of Andhra Pradesh in ***Satish Agrawal*** (supra) are distinguishable on facts. The Scheme in the present case is open to all the domicile of State of Chhattisgarh and not





limited or restricted to a particular religion and as such, the same is distinguishable on facts and not applicable to the present case. In **Satish Agrawal** (supra) GOMs No. 29, dated 21.07.2008 was challenged which related to operationalise the scheme for assistance to Christian pilgrimage by deploying the budgeted amount of Rs. 2 Crores. In the said case, the scheme was solely for the people of Christian faith and not open to the general public of all faiths.

18. The case relied on by the learned counsel for the petitioner on **Federation of Railway Officers Association** (supra) itself is contrary to his arguments as the Supreme Court, in paragraph 12 of the has observed as under:

“12. In examining a question of this nature where a policy is evolved by the Government judicial review thereof is limited. When policy according to which or the purpose for which discretion is to be exercised is clearly expressed in the statute, it cannot be said to be an unrestricted discretion. On matters affecting policy and requiring technical expertise Court would leave the matter for decision of those who are qualified to address the issues. Unless the policy or action is inconsistent with the Constitution and the laws or arbitrary or irrational or abuse of the power, the Court will not interfere with such matters.”

19. Further, the Supreme Court in **Villianur Iyarkkai Padukappu Maiyam** (supra), has observed as under:

“114. The question of locus standi in the matter of awarding the contract has been considered by this Court in **BALCO Employees' Union (Regd.) vs. Union of India** [(2002) 2 SCC 333]. This Court, after review of law on the point, has made following observations in paragraph 88 of the judgment: -

“88. It will be seen that whenever the Court has interfered and given directions while entertaining PIL it has mainly been where there has been an element of violation of Article 21 or of human rights or where the litigation has been initiated for the benefit of the poor and the underprivileged who are unable to come to court due to some disadvantage. In those cases also it is the legal rights which are secured by the courts. We may, however, add that public interest litigation was not meant to be a





weapon to challenge the financial or economic decisions which are taken by the Government in exercise of their administrative power. No doubt a person personally aggrieved by any such decision, which he regards as illegal, can impugn the same in a court of law, but, a public interest litigation at the behest of a stranger ought not to be entertained. Such a litigation cannot *per se* be on behalf of the poor and the downtrodden, unless the court is satisfied that there has been violation of Article 21 and the persons adversely affected are unable to approach the court."

168. In a democracy, it is the prerogative of each elected Government to follow its own policy. Often a change in Government may result in the shift in focus or change in economic policies. Any such change may result in adversely affecting some vested interests. Unless any illegality is committed in the execution of the policy or the same is contrary to law or malafide, a decision bringing about change cannot *per se* be interfered with by the court.

169. It is neither within the domain of the courts nor the scope of judicial review to embark upon an enquiry as to whether a particular public policy is wise or whether better public policy can be evolved. Nor are the courts inclined to strike down a policy at the behest of a petitioner merely because it has been urged that a different policy would have been fairer or wiser or more scientific or more logical. Wisdom and advisability of economic policy are ordinarily not amenable to judicial review. In matters relating to economic issues the Government has, while taking a decision, right to "trial and error" as long as both trial and error are bona fide and within the limits of the authority. For testing the correctness of a policy, the appropriate forum is Parliament and not the courts.

170. Normally, there is always a presumption that the Governmental action is reasonable and in public interest and it is for the party challenging its validity to show that it is wanting in reasonableness or is not informed with public interest. This burden is a heavy one and it has to be discharged to the satisfaction of the court by proper and adequate material. The court cannot lightly assume that the action taken by the Government is unreasonable or against public interest because there are large number of considerations, which necessarily weigh with the Government in taking an action."

20. The petitioner has failed to point out as to how the Scheme of the State Government is inconsistent with the Constitution of India or is arbitrary or irrational or discriminatory as the same is open to all the domicile of Chhattisgarh and not for any particular religion. Further, the Scheme in question is a policy



decision of the State which cannot be interfered with as the petitioner has failed to point out as to how the action of the State is inconsistent with the Constitution and the laws or arbitrary or irrational or abuse of the power. In the present case, we are not satisfied that this is a genuine petition filed in public interest so as to invoke the jurisdiction in the public interest under Article 226 of the Constitution.

**21.** The instant PIL is, accordingly, **dismissed**. The security deposit made by the petitioner stands forfeited.

Sd/-  
(Ravindra Kumar Agrawal)  
**Judge**

Sd/-  
(Ramesh Sinha)  
**Chief Justice**





**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPIL No. 17 of 2024**

Petitioner : Lakhn Subodh

**Versus**

Respondents : State of Chhattisgarh & Others

**HEAD NOTE**

Ordinarily, the State's policy decision cannot be interfered with unless the same is inconsistent with the Constitution and the laws or arbitrary or irrational or abuse of the power.

