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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
PUBLIC INTEREST LITIGATION (St.) NO.92550 OF 2020**

Mrs.Neelima Sadanand Vartak. .. Petitioner
Versus
Union of India and Others. .. Respondents
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Shri Shekhar Jagtap along with Ms. Sairuchita Chowdhary and Shri Ninad Naik i/b M/s. J. Shekhar & Co. for the Petitioner.

Shri P.P. Kakade, Government Pleader with Smt.Nisha Mehra, Assistant Government Pleader for the State.
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CORAM : DIPANKAR DATTA, CJ &
G.S. KULKARNI, J

RESERVED ON : NOVEMBER 24, 2020

PRONOUNCED ON : DECEMBER 11, 2020

JUDGMENT: (PER DIPANKAR DATTA, CJ.)

1. The petitioner is a legal practitioner. In this writ petition styled as 'Public Interest Litigation', she challenges a circular issued by the Joint Secretary (MPLADS) to the Government of India, Ministry of Statistics and Programme Implementation, dated April 8, 2020.

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2. The impugned circular was preceded by two circulars dated March 24 & 28, 2020. It would be appropriate to note what was provided by these circulars before we take note of the impugned circular.

3. On March 24, 2020, the Ministry of Statistics and Programme Implementation (MPLADS Division), had issued a circular on the subject of one-time dispensation under the Member of Parliament Local Area Development Scheme (hereafter the “MPLAD Scheme”, for short) for purchase of testing, screening and other facilities in connection with COVID-19. Such circular was issued based on requests received from Hon’ble Members of Parliament (hereafter “the MPs”, for short) for including facilities for medical testing and screening under the MPLAD Scheme in order to bolster the ongoing fight against pandemic caused by COVID-19. In such context, the Ministry decided that the District Authority may utilize MPLAD Scheme funds on medical testing, screening and other facilities required to detect and contain COVID-19 and that it had been decided to grant one-time dispensation under the MPLAD Scheme for purchase/installation of the items mentioned therein by

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relaxing the guidelines in the manner suggested and following the procedure detailed therein. Such circular was stated to have been issued with the approval of the Competent Authority.

4. Soon thereafter, a further circular dated March 28, 2020 was issued by the Ministry of Statistics and Programme Implementation, again with the approval of the Competent Authority containing exclusive instructions on utilization of MPLAD Scheme funds for managing COVID-19 during FY 2020-21. The aforesaid circular, however, stands rescinded by the impugned circular dated April 8, 2020.

5. By the impugned circular, further release of installments of the MPLAD Scheme was suspended for two years, i.e., during FY 2020-21 and FY 2021-22, bearing in mind the challenges faced by the entire nation due to the pandemic caused by COVID-19 and its adverse impact on the society requiring pooling of all available physical, financial, medical, technological and other resources. While so suspending further release of installment, the circular did keep open a small window for completion of works which were already recommended, sanctioned and awarded by the

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District Authorities to vendors and for which the funds are available. The circular also permitted the MPs to recommend work in pursuance to the earlier circular dated March 24, 2020 to strengthen the District Authorities' efforts in managing the COVID-19 pandemic for procurement of necessary Personal Protective Equipments (PPE), ventilators, masks, etc. for medical personnel, which were proposed to be met from the already available funds with the respective District Authorities by re-prioritising or cancelling the earlier recommended works.

6. The necessary fallout of the impugned decision of the Government of India is that the MPLAD Scheme funds would be utilized to combat the pandemic arising out of COVID-19 and not exactly for the purposes the same are intended. This writ petition seeks directions to the Government of India to resume the MPLAD Scheme so that the funds could be used for the purposes intended, which may include protection of citizens from the adverse effect of the pandemic as well as funding programmes and projects to contain the spread of the virus.

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7. This Public Interest Litigation proceeds on the premise that the MPLAD Scheme funds being intended for public good, the same creates a right in the electorates to claim that there should not be any suspension of release of funds for MPLAD Scheme related works and that by placing relevant checks and balances at all levels, incurring of expenditure by utilizing such funds could be adequately regulated.

8. While opposing the writ petition, the Ministry of Statistics and Programme Implementation, Government of India has filed an affidavit-in-reply. We consider it appropriate to reproduce below paragraph 14 of such affidavit: -

“14..... The funds surrendered by this Ministry have been placed at the disposal of Ministry of Finance to address the situation arising out of spread of COVID-19 throughout the country as a whole. It is not out of place to mention that considering the overall funds required to manage the pandemic and its adverse impact, various circulars were issued from time to time for regulating Government expenditure and to fix quarterly Expenditure Plan (QEP)/Monthly Expenditure Plan (MEP). Accordingly, Vide D/o Economic Affairs O.M. No.12(13)-B(W&M).2020 dated 08.04.2020 (Annexed at Exhibit 3 to this petition) Ministries/Departments, including MOSPI, falling under Category C of the above cited Ministry of Finance OM are required to restrict the overall

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expenditure within 15% of BE 2020-21 in Quarter-1 (April to Jun, 2020). Monthly expenditure to be kept at 5% each of BE 2020-21 during the Quarter.”

9. Having noted the rival contentions, we proceed to trace the genesis of the MPLAD Scheme. An announcement was made by the Prime Minister on December 23, 1993 introducing it for the first-time during FY 1993-94. Considering that the general public approach the MPs for providing certain facilities to meet the felt needs of the people, the objective of the MPLAD Scheme has been to enable the MPs to recommend work of developmental nature with emphasis on the creation of durable community assets based on the locally felt needs to be taken up in their respective constituencies. Right from the inception of the MPLAD Scheme, durable assets of national priorities, viz. drinking water, primary education, public health, sanitation and roads, etc., are being created. At the launch of the MPLAD Scheme, each MP was allotted Rs.5 (five) lakh which was increased to Rs.1 (one) crore from FY 1994-95. A further increase followed from FY 1998-99 upto Rs.2 (two) crore and from 2011-12, Rs.5 (five) crore in each financial year is

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available for utilization by each MP. The Ministry of Statistics and Programme Implementation is responsible for policy formulation, release of funds and prescribing monetary mechanism for implementation of the MPLAD Scheme. A department in each State/Union Territory is designated as a Nodal Department with overall responsibilities of supervision, monitoring and coordination with the districts and other departments for proper implementation of the MPLAD Scheme.

10. The funds made available for utilization from the MPLAD Scheme are provided by the Government of India and Article 282 of the Constitution of India, among others, seems to be the source of power in this behalf.

11. According to Shri Jagtap, learned advocate for the petitioner, the MPLAD Scheme is meant to decentralize funds and to develop local areas directly through district nodal officers. Given the laudable purpose it seeks to achieve, suspension of the MPLAD Scheme is not in the best interest of the electorate of the constituencies from which the MPs are elected and being prejudicial and harmful to public interest, the Court ought to intervene to set things right. It

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has been contended that this Court has been approached by the petitioner for implementation of the Constitutional rights of the electorate to have the benefit of the MPLAD Scheme funds, which could have been utilized for effective mitigation of COVID-19 pandemic at its grass root level.

12. Before examining the petitioner's claim as raised in this writ petition, it would be profitable to obtain guidance from the decisions of the Supreme Court in relation to the jurisdiction that a High Court is empowered to exercise upon receiving a writ petition styled as a 'Public Interest Litigation'. We can do no better than quote passages from decisions of the Supreme Court that are relevant.

13. In **Gurpal Singh v. State of Punjab**, reported in (2005) 5 SCC 136, the Supreme Court employed very strong words to deter misuse of the 'Public Interest Litigation' jurisdiction by observing as follows: -

"10. Public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity-seeking is not lurking. It is to be used as an effective weapon in the armoury of law for delivering social justice to the citizens. The attractive brand name of public interest litigation should not be allowed to be

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used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity-oriented or founded on personal vendetta. As indicated above, court must be careful to see that a body of persons or member of the public, who approaches the court is acting bona fide and not for personal gain or private motive or political motivation or other oblique consideration. The court must not allow its process to be abused for oblique considerations by masked phantoms who monitor at times from behind. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force of habit or from improper motives and try to bargain for a good deal as well as to enrich themselves. Often they are actuated by a desire to win notoriety or cheap popularity. The petitions of such busybodies deserve to be thrown out by rejection at the threshold, and in appropriate cases with exemplary costs.”

(emphasis supplied)

14. Half a decade later, the Supreme Court in **State of Uttaranchal v. Balwant Singh Chaufal**, reported in (2010) 3 SCC 402, directed the high courts to frame appropriate rules for encouraging institution of genuine ‘Public Interest Litigation’ in view of the gross abuse of the process of law by unscrupulous litigants. In paragraph 181 of the decision, certain directions were given which read as under:

“181. We have carefully considered the facts of the present case. We have also examined the law declared by this court and other courts in a number of judgments. In order to preserve the purity and sanc-

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tity of the PIL, it has become imperative to issue the following directions:-

- (1) The courts must encourage genuine and bona fide PIL and effectively discourage and curb the PIL filed for extraneous considerations.
- (2) Instead of every individual judge devising his own procedure for dealing with the public interest litigation, it would be appropriate for each High Court to properly formulate rules for encouraging the genuine PIL and discouraging the PIL filed with oblique motives. Consequently, we request that the High Courts who have not yet framed the rules, should frame the rules within three months. The Registrar General of each High Court is directed to ensure that a copy of the Rules prepared by the High Court is sent to the Secretary General of this court immediately thereafter.
- (3) The courts should prima facie verify the credentials of the petitioner before entertaining a P.I.L.
- (4) The court should be prima facie satisfied regarding the correctness of the contents of the petition before entertaining a PIL.
- (5) The court should be fully satisfied that substantial public interest is involved before entertaining the petition.
- (6) The court should ensure that the petition which involves larger public interest, gravity and urgency must be given priority over other petitions.
- (7) 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 per-

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sonal gain, private motive or oblique motive behind filing the public interest litigation. (8) The court should also ensure that the petitions filed by busybodies for extraneous and ulterior motives must be discouraged by imposing exemplary costs or by adopting similar novel methods to curb frivolous petitions and the petitions filed for extraneous considerations”.

15. Close on the heels of the aforesaid decision, the Supreme Court in **Ayaubkhan Noorkhan Pathan v. State of Maharashtra**, reported in (2013) 4 SCC 465, had the occasion to reiterate the law that a writ petition can be instituted for enforcement of a legal right which must ordinarily be the right of the writ petitioner himself; however, it was also noted that the Court could exercise the writ jurisdiction at the instance of a third party when such party successfully establishes that a person or a determinate class of persons is either threatened with or has suffered legal wrong or legal injury or illegal burden and that such person or determinate class of persons is, by reason of poverty, helplessness, disability or socially or economically disadvantaged position, unable to approach the Court for relief. Since such third party can approach the Court by

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instituting a litigation in public interest and often such litigation is ultimately not found to espouse a genuine cause, the Court sounded caution in the following words :

“14. This Court has consistently cautioned the courts against entertaining public interest litigation filed by unscrupulous persons, as such meddlers do not hesitate to abuse the process of court. The right of effective access to justice, which has emerged with the new social rights regime, must be used to serve basic human rights, which purport to guarantee legal rights and, therefore, a workable remedy within the framework of the judicial system must be provided. Whenever any public interest is invoked, the court must examine the case to ensure that there is in fact, genuine public interest involved. The court must maintain strict vigilance to ensure that there is no abuse of the process of court and that, ‘ordinarily meddlesome bystanders are not granted a visa’. Many societal pollutants create new problems of non-redressed grievances, and the court should make an earnest endeavour to take up those cases, where the subjective purpose of the lis justifies the need for it.”

16. We shall bear in mind the dicta quoted supra while proceeding to test whether this writ petition indeed presents a cause of genuine public interest as well as examining the question as to whether the ‘Public Interest Litigation’ has been instituted to remedy a legal wrong by which the public is sought to be divested of any legal right. These, in our

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opinion, are the two relevant questions arising for our decision which are considered together and answered hereafter.

17. The petitioner, as it appears, is interested to have the suspension of the MPLAD Scheme lifted and has, accordingly, approached this Court. According to the MPLAD Scheme, the [Lok Sabha] MPs are authorised to recommend only such works which would be of general public utility in their respective constituency and that too, for a public purpose. The [Rajya Sabha] MPs are to select work as per the Scheme in their State. Although the role of the MPs is very limited to the choice of selection of projects, the recommendation of the concerned MP is the first step towards incurring expenditure from the funds that are allocated to each MP under the MPLAD Scheme. Obviously, the choice of the project by an MP is not final. It has to be found eligible and feasible by the district authority/Commissioner or municipal authority for further action to follow.

18. In our view, the decision of the concerned ministry to suspend the MPLAD Scheme would adversely affect the

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MPs because such suspension obviously entails suspension of developmental works in their respective constituency. Any MP could have approached the Court, if he/she were aggrieved by the suspension of the MPLAD Scheme. Despite the deleterious effects suspension on release of funds under the MPLAD Scheme could have on the prospects of an MP to be elected in future, not a single MP ~ be it of the party in power or in the opposition ~ has questioned such suspension because, without any discrimination, the MPLAD Scheme funds were proposed to be placed by the Ministry of Statistics and Programme Implementation before the Ministry of Finance to meet the challenges posed by the pandemic. Irrespective of whichever party an MP belongs, the suspension has cut across all similarly; yet, none has come forward to say that by reason of the suspension, there has been an injury or wrong prejudicial to the interests of the electorate he represents. On the contrary, one would find from the circular dated March 24, 2020 that the MPs desired that the MPLAD Scheme funds are utilized for purchasing equipment for tackling COVID-19. Next in line of being affected is the electorate. Not a single citizen has come up

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with a grievance that the MPLAD Scheme funds should not be utilized to combat COVID-19. If indeed the decision of the concerned ministry were not intended to serve any public good, any member of the public irrespective of his financial status as a potential beneficiary of developmental works carried on with the MPLAD Scheme funds could have espoused a grievance. It is not that the MPs in their individual capacity are disabled from pursuing remedies provided by law to have any spanner in the developmental works they recommended removed; nor are all members of the electorate across the country disabled from pursuing remedy provided by law to have release of such funds restored. It is only the petitioner who has come forward to question the suspension, for reasons best known to her. Had the petitioner espoused a cause of genuine public interest, the Court would not have sat back and declined interference. However, in an unprecedented situation such as the pandemic, when the Central Government and the State Governments are exploring all avenues to secure the best of health conditions for the citizens of the country and to make both ends meet, the endeavour of the petitioner to have the

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initiative taken to utilize the MPLAD Scheme funds to sponsor health and medical care related projects scuttled, has to be nipped in the bud.

19. Article 282 allows the Union to make grants on subjects irrespective of whether they lie in the Seventh Schedule, provided it is in public interest. The Supreme Court in its decision in **Bhim Singh v. Union of India & Others**, reported in (2010) 5 SCC 538, had the occasion to consider a challenge to the constitutional validity of the MPLAD Scheme. While repelling the challenge, the Supreme Court had the occasion to consider the scope, effect and import of Article 282 of the Constitution and expressed its views in the following words: -

“51. It is not in dispute that several welfare schemes were sponsored and are being formulated by the Union of India in implementing directive principles of State policy. Though they may essentially fall within the legislative competence of the States and some of the schemes are monitored by this Court, the said schemes are implemented through grants out of the Consolidated Fund of India by resorting to Article 282.

52. The expression ‘public purpose’ under Article 282 should be widely construed and from the point of view of the Scheme, it is clear that the same has been designed to promote the purpose underlying-

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ing the directive principles of State policy as enshrined in Part IV of the Constitution of India.

56. The analysis of Article 282 coupled with other provisions of the Constitution makes it clear that no restriction can be placed on the scope and width of the article by reference to other articles or provisions in the Constitution as the said article is not subject to any other article in the Constitution. Further, this article empowers the Union and the States to exercise their spending power to matters not limited to the legislative powers conferred upon them and in the matter of expenditure for a public purpose subject to fulfilment of such other provisions as may be applicable to the Constitution their powers are not restricted or circumscribed. Ever since the inception of the Constitution several welfare schemes advancing the public purpose/public interest by grants disbursed by the Union have been implemented. It is pointed out that MPLAD Scheme is one amongst the several schemes which have been designed and implemented under Article 282.

58. The above analysis shows that Article 282 can be the source of power for emergent transfer of funds, like the MPLAD Scheme. Even otherwise, the MPLAD Scheme is voted upon and sanctioned by Parliament every year as a scheme for community development. We have already held that the scheme of the Constitution of India is that the power of the Union or State Legislature is not limited to the legislative powers to incur expenditure only in respect of powers conferred upon it under the Seventh Schedule, but it can incur expenditure on any purpose not included within its legislative powers. However, the said purpose must be 'public purpose'. Judicial interference is permissible when the action of the Government is unconstitutional and not when

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such action is not wise or that the extent of expenditure is not for the good of the State. We are of the view that all such questions must be debated and decided in the legislature and not in court.

20. It is evident from the above extract that Article 282 of the Constitution has been recognized as the source of power for emergent transfer of funds and also that funds transferred for a public purpose could be effectively utilized to promote the purposes underlying the Directive Principles of State Policy enumerated in Part-IV of the Constitution.

21. Reading the aforesaid decision and the provisions of the Constitution referred to therein, the position in law is clear. Emergent transfer of funds from the Consolidated Fund of India for a public purpose is sanctioned by the Constitution itself. The funds for the MPLAD Scheme are defrayed by the Union taking recourse to Article 282. In case of a disaster situation like the present caused by the pandemic, the Government of India needs funds to protect and aid the citizenry by offering appropriate facilities. The Government has felt that the situation is such that the MPLAD Scheme related works must yield to arrangements and projects to contain the spread of COVID-19, which would

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require huge funds; therefore, it has suspended the MPLAD Scheme for two years so that the funds allocated therefor could be put to use for the most dominant public purpose of the day, i.e., to provide the best of facilities for preserving and protecting the life of the people. Not only that, the Court takes judicial notice of Dearness Allowances to Government employees having been frozen for the time being to tide over the crises that the pandemic poses. In a situation such as this, we are inclined to the view that no citizen has a legal right to claim that benefits flowing from a particular scheme, which may have been conceived, brought into existence and implemented with funds transferred under Article 282 of the Constitution to promote the goals enshrined in Part-IV thereof, has to be continued for all times to come without the Government having the option of taking a call as to whether in a given set of circumstances, the scheme calls for continuation/suspension/discontinuation. We hold that by suspending the MPLAD Scheme during FYs 2020-21 and 2021-22, there has been no abrogation of any legal right of a citizen which would warrant judicial intervention.

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22. A different terrain of thought also leads to the same conclusion. That the Directive Principles of State Policy are not enforceable, is settled law. Citing the Directive Principles, no citizen can approach the Court and seek mandamus upon the Government to implement the same. Since the Directive Principles embody the goals to be achieved, it has to be left to each individual Government to decide the nature and extent of benefits that could be made available to the citizens within the limitations of each such Government. Once a Government takes a decision to formulate a scheme envisaging benefits for a class of persons and it is duly implemented whereby the class of persons (for whose benefit the scheme is intended) derives full benefits thereof, is it the position in law that the Government having formulated the scheme and implemented its terms for the benefit of the citizens has to continue the scheme for all times to come and can, under no circumstances, recall/suspend the scheme? The answer cannot but be in the negative. For achieving another dominant public purpose, the Government would indeed be within its power, competence and authority to

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rescind/suspend a scheme. We are, at this stage, reminded of the provisions of section 21 of the General Clauses Act, 1897. The power to issue would include the power, exercisable in the like manner and subject to the like sanction and conditions, if any, to add to, amend, vary, or rescind. Although not referred to in the reply-affidavit, we are of the view that the decision to suspend the MPLAD Scheme can be sustained by reference to such provision of law. If indeed the decision to suspend the MPLAD Scheme were taken without any rational basis, the same could have been subjected to challenge bearing in mind the purpose which such scheme seeks to achieve. The decision, in such case, would have been justiciable. However, as is evident from the factual narrative, the decision to suspend the MPLAD Scheme has been consciously taken for the purpose of promoting a specific purpose, i.e., to provide measures for the nation to combat COVID-19 and to ensure that all citizens, to the extent possible, receive proper health and medicare during the time the pandemic poses a risk to the nation's health. In the given situation, the fight against COVID-19 has to take centre-stage over all other

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developmental works which are sought to be secured by utilizing the MPLAD Scheme funds. The decision contained in the impugned circular is, thus, unexceptionable.

23. The contention of Mr. Jagtap that the writ petition has been presented also for the purpose of mitigation of disaster brought about by COVID-19 so that the MPLAD Scheme funds could be utilized for combating COVID-19 at first brush appears to be attractive, but pales into insignificance on a deeper scrutiny. The MPLAD Scheme funds are at the disposal of the Ministry of Statistics and Programme Implementation as part of the budgetary allocation for a given year. Unless funds are recommended to be put to use for a particular developmental work, such funds cannot be diverted for use to complete a work which has not been recommended. Diversion of funds for meeting a purpose other than that recommended could entail consequences for the public servants who are ordained by law to refrain from making any deviation or departure from the prescribed norms while utilizing the MPLAD Scheme funds. It was, therefore, necessary for the funds to be transferred from one ministry to the other ministry so that

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the same, without any confusion, could be put to use to ward off the contagion. The contention of Mr. Jagtap, therefore, has little substance.

24. Although in the written notes of argument, which we permitted Mr. Jagtap to file while reserving judgment upon conclusion of oral hearing, a point has been taken that the Ministry of Statistics and Programme Implementation has no jurisdiction and power to suspend release of funds under the MPLAD Scheme by the impugned circular and that the same is *ultra vires*, we do not find any averment to that effect in the writ petition. What we have found is a submission to such effect made in one of the grounds which, to our mind, is of no avail in view of the lack of any challenge to paragraph 4 of the impugned circular. The Joint Secretary (MPLADS) having issued the impugned circular stating that it has “the approval of Competent Authority”, there ought to have been a specific challenge that either the approval of the Competent Authority was not obtained or that whichever authority had approved issuance of the impugned circular was not the Competent Authority. In the absence of the

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requisite challenge, we are not inclined to examine the point raised by the petitioner.

25. Another point taken in the written notes of argument is that a coordinate Bench of this Court had directed the respondent no.5, i.e., the State of Maharashtra to place on record the decision of the Government referred to in the impugned circular; however, the same has not been brought on record which clearly indicates that the respondent no.4, i.e., the Minister of Statistics and Programme Implementation (MPLADS Division), has failed to establish as to how he has requisite jurisdiction and power to issue the impugned circular thereby curbing/suspending the MPLADS funds. Indeed, for all intents and purposes, the State of Maharashtra does not have any role to play in the matter of suspension of the MPLAD Scheme funds, and therefore, could not have placed on record the decision taken by the Government of India referred to in the impugned circular. As has been observed above, lack of appropriate pleadings with regard to paragraph 4 of the impugned circular dissuades us from embarking upon any investigation into the aspect of jurisdiction.

26. WWW.LIVELAW.IN That apart, the writ petition does not appear to have been presented upon due research having been undertaken by the petitioner on the issue as to how developmental works to be carried on with the MPLAD Scheme funds would be severely affected by reason of the impugned circular. In order to persuade us to interfere, it was obligatory for the petitioner to indicate with clarity that there are pending works which could have been implemented with the MPLAD Scheme funds which, by all measures, are more essential than tackling COVID-19. This is one other serious flaw in the writ petition for which the petitioner does not deserve any relief.

27. In the written notes of argument, the petitioner has referred to the decisions in **Associated Provincial Picture House Limited v. Wednesbury Corporation**, (King's Bench Division), reported in [1948] 1 KB 223, **Council of Civil Services Union and Others v. Minister for the Civil Services**, (House of Lords), reported in 3 All ER 935, **Union of India and Others v. Hindustan Development Corporation and Others**, reported in (1993) 3 SCC 499, **Regina v. Ministry of Agriculture, Fishers & Food**,

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[Before the High Court (Queen's Bench Division)], reported in (1995) 1 C.M.L.R. 533, **Punjab Communication Ltd. V. Union of India and Others**, reported in (1999) 4 SCC 727 and **Lok Prahari v. State of Uttar Pradesh and Others**, reported in (2017) 1 SCC 244, without indicating the particular paragraphs laying down the proposition of law on which the petitioner seeks to rely. We have read the decisions cited and have no reason to doubt the principles of law based whereon the individual cases were decided. However, we need not cite authorities for the proposition that a decision is an authority for the point it decides and not what can logically be deduced therefrom. We have assigned our own independent reasons as to why the decision of the Ministry of Statistics and Programme Implementation has appeared to us to be defensible.

28. This 'Public Interest Litigation' appears to us to be misconceived because it seeks to impeach justifiable executive action and has no element of public interest in it, far less a genuine public interest.

29. In such view of the matter, we have no hesitation to dismiss the same. It is ordered accordingly.

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30. At the time of admission of the writ petition, we required the petitioner to put in a sum of Rs.1 (one) lakh as security in exercise of powers conferred by Rule 7A of the Bombay High Court Public Interest Litigations Rules, 2010. She did comply with our order. In view of dismissal of the writ petition, the amount of Rs.1 lakh put in by the petitioner shall stand forfeited. The Registry is directed to transmit such amount to the Maharashtra State Legal Services Authority for carrying out the purposes for which it has been created.

31. There shall, however, be no additional order for costs.

32. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(G.S.KULKARNI, J)

(CHIEF JUSTICE)