

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 2667 of 2015 (S)

PETITIONER(S):

PRASAD SOMARAJAN AGED 47 YEARS
S/O SOMARAJAN RESIDING AT DHARMAPALAN NEAR ASHRAM
ENGINEERING COLLEGE P.O., THIRUVANANTHAPURAM

BY ADVS.SRI.M.R.HARIRAJ
SMT.VINEETHA B.

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT OF KERALA
DEPARTMENT OF PLANNING AND ECONOMICS AFFAIRS
SECRETARIAT, THIRUVANANTHAPURAM 695001
2. DIRECTOR GENERAL, DIRECTORATE OF ECONOMICS AND STATISTICS,
5TH FLOOR, VIKAS BHAVAN, THIRUVANANTHAPURAM 695 033.

BY SR. GOVERNMENT PLEADER SRI. P.I. DAVIS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY GO (RT) 392/2014/PEA DATED 25.8 .2014 ALONG WITH ITS TRUE ENGLISH TRANSLATION

EXHIBIT P2: TRUE COPY OF SURVEY SCHEDULE PREPARED BY THE SECOND RESPONDENT

EXHIBIT P3: TRUE COPY OF REPRESENTATION DATED 30.12.2014 ALONG WITH ITS TRUE ENGLISH TRANSLATION

RESPONDENT(S)' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

ASHOK BHUSHAN, Ag.C.J. & A.M. SHAFFIQUE, J.

W.P.(C) No. 2667 OF 2015

Dated this the 4th day of February, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

Heard learned counsel for the petitioner and learned Government Pleader.

2. This writ petition is filed as a public interest litigation praying for the following reliefs:

“i) to declare that the survey as proposed by Exhibit P2 has to be carried out effectively by collecting all relevant statistical details as suggested in Exhibit P3 representation and avoiding unnecessary questions like religion and caste of the people by preparing the schedule in Malayalam so that the people would be able to respond to the same more effectively;

ii) issue a writ of mandamus or other appropriate writ order or direction commanding the respondents to conduct the survey as proposed by Exhibit P2 has to be carried out effectively by collecting all relevant statistical details as suggested in Exhibit P3 representation and avoiding unnecessary questions like religion and caste of the people by preparing the schedule in Malayalam so that the people would be able to respond to the same more effectively and to conduct the survey in a time bound and effective manner.”

3. The petitioner has raised questions regarding survey on waste disposal. Petitioner's grievance is that without

proper questionnaire prepared in Malayalam, the Survey is being proceeded with. It is submitted that several informations which are not relevant with regard to waste disposal has been sought for. Raising several important issues petitioner has already submitted a representation, Ext.P3, before the Minister for Planning and Economic Affairs, which is pending consideration.

4. Learned Government Pleader was allowed time on 28.01.2015 to obtain instructions. A statement has been filed on behalf of the 2nd respondent. It is useful to refer to paragraph 3 of the statement dated 02.02.2015 which is as follows:

"3. It is submitted that, the questionnaires prepared for the surveys are not handed over to the households for fillings up of the same. The required details in the questionnaires will be collected by the statistical investigators of the department itself by asking the questions in Malayalam. The instruction manual of the survey on waste disposal is prepared in Malayalam."

5. As far as the apprehension regarding language, it has been clarified that while conducting survey the questions and data will be asked in Malayalam and instruction manual of the Survey on Waste disposal has already been prepared in

Malayalam. The above statement as made in paragraph 3 removes the apprehension of the petitioner that questionnaire cannot be answered by a common citizen. It has further been stated in paragraph 5 that no question on caste is included in the prescribed questionnaire. The questions which are included in the questionnaire are regularly used in various surveys. All the possible questions regarding electronic waste are also included in the questionnaire on the basis of discussions held with the officials of the 'Suchitwa Mission', Kerala.

6. When the State has undertaken survey with an object of improving waste management, all effective steps for proper utilisation of the data so collected are to be taken by the State Government as the project involves expenditure of money received from Central Government/State Government. Apprehension raised by the petitioner is premature. We are satisfied that at this stage no direction need to be issued as prayed for in the writ petition. We only observe that State shall carry out the survey in accordance with the principle as stated in the statement. As far as the representation submitted by the

petitioner is concerned, it is for the respondent to consider the issues and take appropriate measures.

With this observation, the Writ Petition is disposed of.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**