

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 32 OF 2016

Aam Aadami Lokmanch
through its President Mr. P.P. Goyal .. Petitioner
V/s
The State of Maharashtra .. Respondent

The petitioner in person.
Ms. S.S. Bhende, A.G.P. for the respondent.

**CORAM: DR. MANJULA CHELLUR, CJ. &
M.S. SONAK, J.**

DATE : 21ST OCTOBER 2016

P.C.:

The petitioner is before this Court seeking the following reliefs as pro bono publico.

- a. *That rule be issued.*
- b. *The Hon'ble Court, by virtue of appropriate writ, direction or order be pleased to direct the Respondent to delete or repeal the Maharashtra Employment Guarantee Act, 1977, from the record and discontinue the same further.*
- c. *The Central Law i.e. Mahatma Gandhi National Rural Employment Guarantee Act, 2005, be allowed to continue, in place of the State Law i.e. the Maharashtra Employment Guarantee Act, 1977.*

- d. *Collection of funds under the State Law i.e. The Maharashtra Employment Guarantee Act, 1977 be discontinued, till the disposal of the present petition.*

2. According to the petitioner, the Maharashtra Employment Guarantee Act, 1977 came to be gazetted on 3rd October 1978 which is mainly aimed at providing benefits to the rural population of this country, especially adult members in rural areas who are unskilled labourers so that they get some guaranteed livelihood benefit by virtue of this enactment.

3. The petitioner further contends that with the introduction of Mahatma Gandhi National Rural Employment Guarantee Act, 2005 gazetted on 7th September 2005, which also provides similar benefits to the adult members of rural areas, there is no need to have the said enactment. Therefore, it has to be repealed. The prayers mentioned above are clearly directed on these lines.

4. The two enactments referred to in the writ petition are aimed at providing various financial benefits guaranteeing minimum employment for certain period in a year. Various guidelines are indicated how and through whom these benefits could be disbursed to the rural population. During the last so many years, separate funds are created for the present purpose and the funds are disbursed to various departments to give benefit as envisaged in the

enactment. According to the petitioner, the people who are really eligible for the benefit are not getting the fund because the amounts released by the Central Government are credited to consolidated fund of the State, therefore they are not really disbursed to the rural population. If there is any diversion of fund meant for a particular scheme, the details of the same are not at all mentioned. All the averments in the petition are in general without specifically pointing out any person or any particular scheme.

5. In that view of the matter, we could only consider whether the reliefs sought by the petitioner could be entertained. Both the enactments, State as well as Central, are welfare legislation in the light of directive principles of the State Policy enshrined in our Constitution. Instead of getting benefit under one statute if citizens of this country are entitled to get two benefits, both under the State enactment and the Central enactment, we fail to understand in the absence of any repugnancy between the two enactments how we could grant prayers sought in the petition by deleting such a provision or repealing the Maharashtra Employment Guarantee Act of 1977. As already stated above, if there is any violation of utilisation of funds, misappropriation of funds or diversion of funds by any authority or individual person having the charge on the funds, it is always open to the public to bring to the notice of the concerned authorities the malfunctioning of the system or mechanism meant for achieving social justice through these two

enactments. By general allegations without ascribing any particular inaction of a particular authority, we are afraid that none of the prayers could be entertained. Accordingly the PIL is dismissed.

(M.S. SONAK, J.)

CHIEF JUSTICE