

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

108

CWP-20026 OF 2016
DATE OF DECISION:26.9.2016

SATPAL SINGH

... Petitioner

VS.

STATE OF HARYANA AND ORS.

.. Respondents

CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Mohinder Pal, Advocate
for the petitioner.

S.S. SARON, J.

This petition has been filed by Satpal Singh for issuing an appropriate writ order or direction especially a writ in the nature of mandamus with a direction to enquire into the matter for delaying the finalisation of BPL (below poverty line) list of genuine left out poor BPL households.

It is submitted that due to the said list not being finalized the genuine left out poor BPL households are facing difficulties in availing benefits under different Government schemes formulated for BPL categories households during the period from August 2014 to July 2016. The marriages of the daughters of such beneficiaries had been postponed or solemnized by borrowings due to above said delay. Therefore, it is prayed that a direction be issued to conduct an enquiry and take action against the

erring officials who are deliberately delaying the public interest issue. The finalization of the list, it is submitted, in a time bound manner was initiated by the State in compliance with the directions of this Court issued earlier as stated in Annexure P-3.

We have repeatedly asked the petitioner to show of the order passed by this Court as there is no mention of the order passed by this Court in Annexure P-3, which has been referred to in the head note of the petition. However, he is unable to give any specific response in this regard. Therefore, it would be difficult for us to go into the question as to whether there is any such order. In the head note of the petition, it is mentioned that an order passed by this Court has been mentioned in Annexure P-3; however, there is no mention of any order passed by this Court in Annexure P-3.

Learned counsel for the petitioner has then submitted that it is a typographical mistake and the necessary directions are mentioned in Annexure P-2. A perusal of Annexure P-2 shows that it is a letter from the Additional Chief Secretary to the Government of Haryana, Rural Development Department addressed to the Deputy Commissioners-cum-Executive Chairmen, District Rural Development Agencies in Haryana. It is mentioned that as they i.e. the Deputy Commissioners-cum-Executive Chairmen, District Rural Development Agencies in Haryana were aware that BPL list had been updated during the year 2011 after re-survey conducted in compliance of the directions of the High Court. However, some eligible households had still been left out from the BPL list. In this regard, the State Government had decided to launch a special campaign

during June 2014 for the inclusion of genuine left out households in the BPL list. It is further mentioned that applications from such left out households shall be invited by giving wide publicity in the local newspapers. The concerned BDPOs (Block Development and Panchayat Officers), it is mentioned, would receive these applications at the Block Level for a period of one month by launching a special campaign during June, 2014 and thereafter the Committee already constituted vide letter dated 08.07.2009 comprising of the Deputy Commissioner, Sub Divisional Magistrate concerned, DDPO (District Development and Panchayat Officer), Executive Engineer (Buildings and Roads), District Food Supplies Officer and District Welfare Officer in each district to redress the grievances pertaining to BPL families, would take decision for the inclusion of their names in the BPL list by following the due procedure and conducting verification properly.

It may be noticed that the petitioner has not given any particulars of as to who are the applicants whose cases have not been finalized for their inclusion in the BPL list. Besides, there is no mention of how many families had applied for their inclusion in the BPL list in the districts of Haryana. The petition in fact is bereft of necessary material particulars and general averments have been made to the effect that the BPL list is not being finalized and the genuine left out poor BPL households are facing difficulties in availing benefits under different Government schemes formulated for BPL categories households during the period from August 2014 to July 2016 and that the marriages of the daughters of such beneficiaries had been postponed or solemnized by

borrowings due to delay. In the absence of necessary particulars regarding the non inclusion of households in the BPL list, it would be quite improper to pass any order for including households in the BPL list.

The petition in fact has been filed in the nature of a public interest litigation by the petitioner claiming that he is a social worker and is involved in various social activities in District Sirsa. He is President of District Sirsa, Board of International Human Rights Council. The said Council is a registered Trust under NCT Government, New Delhi under the Indian Trust Registration Act, 1882 vide Registration No.6716. A registration of the Trust Deed, it is submitted, was executed on 18.11.2010 (Annexure P-1) and an appointment letter/certificate of appointment dated 24.04.2015 (Annexure P-1/A) has been issued in this regard.

It may be noticed that this Court has framed the Maintainability of the Public Interest Litigation Rules, 2010 ('the Rules' - for short). Rule 7 of the Rules envisages that the Registry is entitled to verify the antecedents of a person, society or an association that invokes the jurisdiction of this Court on the cause of public interest. Besides, where the Registry has any doubt on such antecedents, an office note to that effect is to be put up, except on the petitions which are received by post. The Registry in the present case raised objections regarding the maintainability of public interest litigation, which *inter alia* records that the writ petition be filed according to the directions passed by a Division Bench of this Court in the case of Ajaib Singh v. State of Punjab, CWP No. 15987 of 2013, decided on 26.07.2013, which was available on the High Court website, reported in (2013 - 4) PLR 367.

In response to the same, the petitioner merely recorded; 'objections removed and refiled on 15.09.2016'. The Registry again raised an objection that proper reply of PIL objection had not been given. The petitioner then stated that no PIL had been filed earlier by him in any other matter either before this Court or any other Court. It is stated that it was the first PIL filed by him; besides, he does not belong to the BPL category and had no personal interest or motive. The petition was for public interest and an affidavit dated 14.09.2016 was annexed covering the removal of objections. The affidavit dated 14.09.2016 that has been filed inter alia mentions that the petition falls under the Rules and that the petitioner had no personal motive for filing the present PIL. Moreover, he does not belong to BPL category and was filing income tax returns every year. A copy of the income tax return verification form for the assessment year 2014-15 as proof of the income is attached. It is also mentioned that the petitioner had approached Deputy Commissioner, Sirsa (respondent No.2) several times and submitted his representation on 23.05.2016 and a reminder regarding the same was also submitted 'dasti' on 02.09.2016.

However, it is not shown by the petitioner as to what is his contribution to the social cause; besides he being the President of the aforesaid International Human Rights Council, it is not shown by him that he has been authorised by the said Council to file the present petition.

In Ajaib Singh v. State of Punjab, (supra) this Court emphasized that the petitioner has to specifically disclose his credentials and his direct or indirect personal motive or his interest involved in the case, if any, by way of an affidavit. The expressions “specifically disclose

his credentials” it was held must, naturally, imply that he has to set forth what he does for his living, what public interest he has been espousing, the work done by him in that behalf, the particulars of any matter preferred by him as PIL earlier on which the Court has passed orders. It cannot imply merely writing a sentence that a person is residing in the State, is public-spirited and is, thus, filing a PIL.

In Bhartiya Homeopathy College, Bharatpur v. Student Council of Homeopathy Medical College, Jaipur and others (1998) 2 SCC 449, a students union had challenged the action of the Vice Chancellor of the University by way of PIL. The Supreme Court laid down various relevant circumstances to be kept in view for the maintainability of PIL. It was held that such a Union must disclose (i) whether it is authorised to file the litigation (ii) if so, by whom; (iii) whether it has funds to indulge in such litigation; and (iv) the basis of alleging harm to public interest; otherwise it should not be allowed to lightly litigate in the name of public interest to cause damage to the others.

The petitioner's case is that he is the President of the Board of International Human Rights Council which is a registered Trust under NCT Government, New Delhi, under the Indian Trust Registration Act, 1882. Therefore, he is liable to disclose whether he has been authorised by the said Trust and if so, by whom to file the present petition; besides whether the said Trust has funds to indulge in such litigation. No such particulars have been disclosed. Even otherwise, it has not been disclosed as to what social cause he has espoused or pursued and as to what is his contribution to the social causes. The particulars regarding those left out of the BPL list

are not forth coming. Therefore, the petitioner is not liable to be allowed to litigate lightly in the name of public interest and thereby cause damage to the others. Therefore, the petitioner, has not shown in any locus standi so as to entitle him to file the present petition.

In the circumstances, the petition is dismissed.

(S.S. SARON)
JUDGE

(LISA GILL)
JUDGE

26.09.2016
SwarnjitS

Note:	Whether reasoned/speaking	Yes
	Whether reportable	Yes