IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO. 57 OF 2017

Kishor Anantrao Brahmanathkar and anr. .. Petitioners

VS.

Union of India and others .. Respondents

Mr. Amit A. Mukhedkar, Advocate for the petitioners
Mr. Sanjeev B. Deshpande, A.S.G. for the respondents 1 to 3 / Union of India

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CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.
DATE : 08-06-2017

ORAL ORDER :

1. By this petition, which is stated to be filed in public interest, the petitioners seek the following directions :-

> "B] To direct the Respondents, to implement financial transactions in the Export-process of purchase of organic farming products from farmers/producers, by adopting cash-less process through a centralized banking channel i.e. "Pradhan Mantri Jan-Dhan Yojana (PMJDY) ".

2. The petitioners claim that they are public spirited citizens including social workers and concerned about the interest of agriculturists, particularly those who are interested in export of farm produce.

3. The petitioners submit that organic produce are grown under a system of agriculture without the use of chemical fertilizers and pesticides with an environmentally friendly approach. This method of farming produces quality products. Therefore, organic farming has been encouraged. Organic products are now produced in great numbers. After setting out the export figures, it is urged that the process for export of organic farming is controlled by The Foreign Trade (Development and Regulation) Act, 1992, in which by amendment made in 2010, chapter IV-A is introduced. Based on this statutory regime, it is submitted that if exports of organic farm produce are encouraged and the transactions are in huge numbers, then such transactions should be conducted through banking process. Almost entire transactions relating to organic farm produce from producers are carried out in cash and such payment is made in cash to farmers. By virtue of several schemes and policies, and particularly Pradhan Mantri Jan-Dhan Yojana, the financial services are rendered by banking channels and, there is therefore an encouragement provided to make use of such channels. It is in such

circumstances, that the direction, as reproduced above, is sought.

4. After having heard the petitioner's advocate at some length and perusing with his assistance the Public Interest Litigation and annexures thereto, including Chapter IV-A of The Foreign Trade (Development and Regulation) Act, 1992, we are of the view that the purpose of filing the Petition is laudable. The intention of the petitioners is to introduce payment modes other than cash so as to protect the interest of all concerned, however, this is essentially a policy measure. Those incharge of economic affairs and framing policies for the benefit of farmers, agriculturists, have to sit together alongwith economic experts and carve out an arrangement. Such an arrangement would have to be carved out by the policy makers. Even if that is a better and wise way of transacting in organic produce, we cannot, in the garb of writ jurisdiction, issue a mandamus, so as to frame a specific policy, particularly in financial matters.

5. We do not think that the High Court can step in and suggest any way as well. Such matters have to be entirely resolved at the level of the Government and the legislative machinery. We do not think that in writ jurisdiction, we should issue any command to frame a particular scheme or policy.

6. In the circumstances, we do not think that the Public Interest Litigation deserves to be entertained. Public Interest Litigation is dismissed.

[MANGESH S. PATIL]
JUDGE

[S.C. DHARMADHIKARI]
JUDGE

arp/