

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.107 OF 2022

Vaibhav Padmakar Kulkarni

....Petitioner

V/S

The State of Maharashtra & Ors.

....Respondents

...

Mr. Anurag R. Kulkarni for the Petitioner.

Mr. P.P. Kakade, GP a/w Mr. M.M. Pabale, AGP for Respondent Nos.1 to 3-State.

...

**CORAM: S.V. GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATE : 30 JANUARY 2023.

P.C.:

1 The present PIL is filed with a prayer that Respondent Nos.2 and 3 should grant financial aid to all victims of snake and scorpion bites who are residing in the State of Maharashtra without discrimination.

2 The learned Advocate for the Petitioner submits that the Government of Maharashtra is giving financial aid to the victims of snake/scorpion bites under Gopinath Mundhe Insurance Scheme only to farmers and their one blood relative whose name appears in the 7/12 extract. The learned Counsel submits that the Petitioner is a registered voluntary organization. The Petitioner is authorized by the organization namely, Nisarga Vidnyan Sanstha, Dombivli to file the present Petition. The Petitioner is the Secretary

of the said Organization. The members of the said organization have hobby to catch snakes and scorpion who enter human habitat. The learned Counsel submits that there are many victims of snake bites who may not be necessarily farmers. On one hand the State of Maharashtra is providing financial aid to the farmers and their family members who succumb on account of snake bite, at the same time the persons like the Petitioner who catch the snakes/scorpion and get infected because of the same are not provided with any financial aid. The same is discriminatory and violative of Articles 14 and 21 of the Constitution of India.

3 The learned Counsel submits that such aid is provided by the State of Madhya Pradesh under its policy of the year 2018. There is no reason for the State of Maharashtra not to extend the benefit given to the farmers on account of snake bite to the other citizens who also risk their life on account of snake bite. The State of Maharashtra cannot adopt deal standards.

4 The learned AGP submits that the financial aid is given for loss of human life or injury due to wild animals as per Government Resolution dated 23rd August 2022. As per the said Government Resolution human deaths caused due to bite of snake/scorpion are not listed for payment of financial assistance. The State Government through Animal Husbandry, Dairy Development and Fisheries Department under Government

Resolution dated 19th September 2019 has taken a policy decision to compensate the farmers and their family members against the risk of snake bite through insurance coverage of Rs.2,00,000/- under the Gopinath Munde Farmers Insurance Scheme. The said benefit is extended only to land holding farmer and one member of the family.

5 We have considered the submissions. To grant financial aid is a matter of policy decision to be taken by the State Government under Article 162 of the Constitution of India.

6 The policy framed for granting financial aid to the farmer and family members of the farmer who succumb on account of the snake bite would form a different class. The farmers are the ones who are in field. The separate provision is made for them. The purpose of taking within its fold the farmers who succumb to snake bite is that the farmers were already covered by the earlier Government Resolutions by which compensation is payable on account of the death or injury caused by wild animals. Considering the welfare of the farmers, the decision has been taken to extend the benefit of compensation even for snake bite.

7 This Court would be slow to give directions with regard to the fiscal policies of the State Government. Whether a particular scheme is to be applied to a particular group of persons is a policy decision that is to be

under taken by the Government. The State Government under its wisdom has considered farmers to form a different class than the other citizens and the benevolent scheme has been floated for the farmers.

8 It is for the State Government to consider the grievances put-forth by the Petitioner with regard to providing the compensation to the other persons who succumb due to snake bite. This Court would not direct the Government to make a policy in a particular manner as that would amount to encroaching upon the jurisdiction of the State Government conferred the Article 162 of the Constitution of India.

9 With the aforesaid observations, the PIL is disposed of.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

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