

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-PIL No.119 of 2022 (O&M)

Date of Decision :10.02.2023

Ritu Singh

.....Petitioner

Versus

Union of India and others

... Respondents

CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. Mehmood Pracha, Advocate with
Mr. Manu Loona, Advocate for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General of India with
Ms. Gurmeet Kaur Gill, Sr. Panel Counsel for UOI-respondents
No.1, 2 and 7.

Mr. Avinit Avasthi, Assistant Advocate General, Punjab.

RAVI SHANKER JHA, CHIEF JUSTICE (oral)

This petition has been filed by the petitioner allegedly in public interest praying for a direction to the State of Punjab to strictly implement the provisions of the Schedule Caste Sub Plan, Guidelines and Policy framed by the Central Government (Annexure P-1) and to make available to the public the funds and the amounts under the Schedule Caste Sub Plan for the financial year 2022-23 and for future financial years and that the funds allocated under the Schedule Caste Sub Plan by the State Government should not be permitted to lapse or diverted.

It is submitted by learned counsel for the petitioner that in respect of his grievance(s), the petitioner has approached the Punjab State Human Rights Commission by filing a complaint dated 08.06.2022 (Annexure P-6), which is still pending before the Commission. It is further submitted that the petitioner has also filed an application seeking some information(s) under the Right to Information Act, 2005 before the Chief Secretary, Government of Punjab, on 17.03.2022, which is also pending and no response thereof has been received as yet. In such circumstances, the

petitioner has prayed that necessary budgetary allocation be made by the State of Punjab under the Schedule Caste Sub Plan and the amount so allocated in the budget for the same be directed to be released and spent by the State Government in accordance with the Policy and Guidelines (Annexure P-1).

Having heard learned counsel for the petitioner, *prima-facie*, we are of the view that preparation of budget, allocation of funds for specific utilization and preparing policies etc. are the matters of economic policy and that the Legislature and the Executive aided by Experts are the best to formulate and implement the same. It is settled law that the Courts are extremely circumspect in interfering in such matters and allow free play to the Government(s) to evolve and prepare fiscal policies and prepare budget etc. and to act upon them. What is best in the interest of the State and to what extent the budgetary allocations are required to be made and the manner in which the budget has to be spent, are the issues primarily to be decided by the Government and that the policies and the guidelines framed by the Government(s) in this regard cannot be blindly enforced by the Courts as statutory provisions as the Courts cannot anticipate or visualize the effect and impact of any such direction as the Courts do not have the expertise knowledge to decide such issues and the same are best left to the Legislature and the State Government.

The Courts also cannot sit in judgment over the matters of economic policies; budget allocation and distribution of funds etc. as the Courts do not have the expertise knowledge to direct the State Government not to divert and to spend certain amount or money from its budget for a particular purpose. The guidelines/policies for implementation of Schedule Caste Sub Plan are issued by the Central Government from time to time and it is for the State Government to prepare the budget in accordance thereof.

Government and the State Government and/or such an issue can be brought to the notice of the Central Government or the State Government, as the case may be. Ordinarily, the Courts cannot interfere in such fiscal budgetary policy decisions merely because some persons or the class of persons feel that the budget and the funds available with the State Government should be utilized in a particular manner or by giving priority to certain classes. The said aspect is totally within the discretion of the State or the Centre, as the case may be, and the Courts can have no role to play in such matters, more so, when the petitioner is simply praying for implementing the policy and the guidelines, which are even otherwise not enforceable. The Court cannot ordinarily undertake the government duties and functions or control the same. In fiscal, financial and budgetary policy matters, the Court must be extremely circumspect and act within the acceptable and permissible limitations of judicial review, more so, when no issue of violation of any fundamental right is involved, as is the case in the present petition.

In the circumstances, we are of the considered opinion that the petitioner is required to file a representation and approach the respondent-authorities by bringing to their notice his grievances and pursue the matter with the authorities. Since the matter relates to the economic policies/guidelines, no petition can be entertained or a writ or direction can be issued to the respondents. The petition is accordingly dismissed with the aforesaid observations and liberty.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

10.02.2023
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	√Yes/No