IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION No.3427 OF 2000
(C.H. Sharma and others vs. State of Maharashtra and others)

Office Notes, Office Memoramda of Coram, appearances, Court's orders of directions and Registrar's Orders.	Court's or Judge's orders.

Shri Anup Gilda, Advocate/Amicus Curiae for petitioners.
Shri S.Y. Deopujari, GP for Respondent Nos.1 to 3
Shri S.M. Puranik, Advocate for Respondent No.4.
Shri U.M. Aurangabadkar, ASGI for Respondent No.6.

CORAM : Sunil B. Shukre
DATE : 30th March, 2020.

Heard.

Heard Shri Vijay Namdeorao Kolhe, Joint Director, Accounts and Treasuries, Nagpur Division, Nagpur, who is personally present in the Court.

Shri S.Y. Deopujari, learned Government Pleader has produced before me a reply on affidavit filed by the Joint Director, Accounts and Treasuries, Nagpur Division, Nagpur. Reply is taken on record.

This reply has been filed in response to the directions issued by this Court on 26th March, 2020 feeling concerned about the deadline of 27th March, 2020 fixed for submitting pay/treasury bills by Circular dated 24.3.2020.

The affidavit discloses that the deadline has been extended till 31st March, 2020 insofar as the bills submitted by the Public Health Department, Department of Medical Education and Pharmacy are concerned. Such extension of the deadline does not apply to the other

Departments of the State. The question would be, will the other Departments of the State be disabled in making payment to various agencies for the expenses already incurred in the financial year 2019-20 owing to not extending the deadline regarding submission of the bills to the remaining Departments ?

On perusal of the affidavit, I find that the answer to the question has to be given as in the negative and I also find that the said deadline would not in any manner disable all other departments of the State in submitting various bills to the District Treasuries and Sub-Treasuries on or after 1st April, 2020, for the expenses incurred or to be incurred for the financial year 2019-20. This answer could be elicited from the submissions affirmed on oath appearing in paragraph 6 of the Affidavit. They are re-produced as under :

> *"It is further respectfully submitted that Appropriation Bill (Budget) for the financial year 20-21 has been already approved by the Assembly during the February-March Budget session. Hence, the budgetary provision of the 2020-21 budget will be available to all departments from 1st April 2020. The Departments can submit their bills out of the next financial year (2020-21) provisions which will b e released by the Finance Department on 1st April, 2020. Therefore, they will not be denied of their claims due to the restrictions mentioned in the letter dated 24.3.2020. Bills for the grants provided for next Financial Year 2020-21, will be accepted as a routine course from 1st April, 2020 by all Treasuries."*

It is clear from the above referred submissions that all the Departments would be able to submit the bills for the expenses incurred in the financial year 2019-20 on or after 1st April, 2020 and whenever such bills are submitted those bills will be accepted and approved for making payment, if they otherwise fit into the applicable norms, in routine course and that the deadline mentioned in the Office Circular dated 24th March, 2020 read with Corrigendam dated 27th March, 2020 would not come in the way of submission of various bills referred to above to the Treasuries and Sub-Treasuries across the State.

The above referred assurance is accepted and with that understanding the issue arising from fixing of the deadline vide Circular dated 24th March, 2020 is closed.

Now, there is another issue related to spread of COVID-19 on account of movement of labourers and working class along with their family members from cities to rural areas within the State and also to other areas situated outside the State of Maharashtra as a result of complete locked down of all activities, except for the essential services and resultant unavailability of daily wages on which the labourers and working class are dependent for survival. Owing to such large scale movement of labourers, there is a further danger of spread of COVID-19. This is apart from unfathomable hardships the labourers are going through owing to stoppage of their income derived as wages of every day's hard labour.

In the circumstances what looks to be sensible is to provide clothing, medicine and health care and throwing generally an umbrella of protection around these labourers. Taking *suo motu* cognizance of this very issue a Bench of Orissa High Court in Writ Petition (c)(PIL) No.9095/2020 has, by an order passed on 29.3.2020, directed the Orissa Government through its District Collector and Superintendent of Police to make arrangement of stay, food and sanitation including the medical check-up of all labourers, working class and continue to do so till lifting of locked down. In State of Maharashtra as well, it is necessary that similar arrangements are made for those labourers and the working class including migrant labourers who are in need of such assistance from the State. This Court would, therefore, direct the State of Maharashtra to make arrangement for stay, food, sanitation clothing and health care of the labourers, working class including migrant labourers, in need of these provisions.

I am of the conscious of the fact that for making all these arrangements funds are required. I can only suggest that one of the ways of mobilizing the funds could be through implementing the provisions contained in and the powers conferred upon the Charity Commissioner and the State Government under the Maharashtra Public Trusts Act, 1950 and the Waqf Act, 1995, so that all charitable institutions registered under the Public Trusts Act or the Waqf Act could be called upon to discharge their responsibility to utilize Trusts' and Waqf's moneys for public and charitable purposes in certain percentage to be determined by the State Government by exercising its rule making power and also issuing appropriate Government Resolution consistent with the provisions made under the Public Trusts Act, Waqf Act and the Rules made under either of these Acts. For the sake of convenience, some of the provisions of both these Acts could be mentioned here, which I find to be the provisions conferring power upon the State Government/Charity Commissioner to act on the lines just suggested. Section 69 read with Section 3 and Section 84(2)(v) of the Maharashtra Public Trusts Act, 1950 and Section 77 and Section 97 of the Waqf Act, 1995 are the provisions which can be resorted to and made use of for generating funds by issuing a direction to all charitable institutions registered under the Public Trusts Act or the Waqf Act to contribute/surrender some part of the moneys in their accounts for the aforestated public and charitable purpose.

The State Government is accordingly requested to examine the aspect of calling upon the charitable institutions registered under the Maharashtra Public Trusts Act and Waqf Act to contribute/surrender moneys in their accounts in certain percentage by taking recourse to the aforestated provisions of law and also rule making power of the State Government and take appropriate decision in the matter consistent with the charitable object espoused by the Public Trusts Act and the Waqf Act.

Authenticated copy of this order be furnished to the learned Government Pleader and the learned amicus curiae.

Stand over to 8th April, 2020.

JUDGE

DWW