

SC DISCOUNTS INTENSE JUDICIAL REVIEW

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

Behind the scenes: The Central Vista project site covers a 3 km-stretch from the Rashtrapati Bhavan to India Gate. SHIV KUMAR PUSHPAKAR

The Supreme Court on Tuesday refused to treat the Central Vista project as a unique one requiring greater or “heightened” judicial review.

A majority view of the Supreme Court said the government was “entitled to commit errors or achieve successes” in policy matters without the court’s interference as long as it follows constitutional principles.

“Government may examine advantages or disadvantages of a policy at its own end, it may or may not achieve the desired objective. It is not the court’s concern to enquire into the priorities of an elected government. Judicial review is never meant to venture into the mind of the government and thereby examine validity of a decision,” the majority opinion by Justices A.M. Khanwilkar and Dinesh Maheshwari said.

The majority judgment said there was absolutely no legal basis to “heighten” the judicial review by applying a yardstick beyond the statutory scheme, especially when the government itself had accorded no special status to the project. The court said the government had gone through the ordinary route of development projects under law in the Central Vista proposal too. It was up to the government to decide whether or not to accord a unique, or *sui generis*, status to a project.

“Once the government decides to construct a new space for its sitting or to construct a highway or water dam or school or university and follows the procedure prescribed under law commensurate with the nature of project, then the court cannot act as a multiplier of regulations and add its own notion as to what ought to be additional essential procedure for going ahead with a particular project,” it said.

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