

ITEM NO.45

COURT NO.8

SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).857/2015

SWARAJ ABHIYAN

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

(with appln. (s) for interim directions and office report)

Date : 12/02/2016 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
 HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s) Mr. Prashant Bhushan, AOR
 Mr. Govind Jee, Adv.

For Respondent(s)
UOI Mr. Ranjit Kumar, SG
 Ms. Pinky Anand, ASG
 Ms. Saudamini Sharma, Adv.
 Mr. Mukul Singh, Adv.
 Mr. B.K. Satija, Adv.
 Mr. Ajay Sharma, Adv.
 Mr. R.R. Rajesh, Adv.
 Mr. Neeraj Kumar Sharma, AOR

A.P. Mr. Guntur Prabhakar, AOR
 Ms. Prerna Singh, Adv.

Bihar Mr. Gopal Singh, AOR
 Mr. Manish Kumar, Adv.

Chattisgarh Mr. J.T. Gilda, AG
 Mr. A.P. Mayee, Adv.
 Mr. A. Selvin Raja, Adv.
 Ms. Shashi Juneja, Adv.

Gujarat Ms. Hemantika Wahi, AOR
Signature Not Verified Ms. Jesal Wahi, Adv.

Digitally signed by
Sanjay Kumar
Date: 2016.02.13 Ms. Vinakshi Kadan, Adv.

13:15:53 IST
Reason:

Haryana Mr. Anil Grover, AAG
 Ms. Noopur Singhal, Adv.
 Dr. Monika Gusain, AOR

2

Jharkhand Mr. Tapes Kumar Singh, AOR
 Mr. Mohd. Waquas, Adv.

Karnataka Mr. V. N. Raghupathy, AOR

M.P.	Mr. C. D. Singh, AOR Ms. Sakshi Kakkar, Adv.
Maharashtra	Mr. Mahaling Pandarge, Adv. Mr. Nishant Katneshwarkar, AOR
Odisha	Mr. Sibbo Sankar Mishra, AOR Mr. Rajiv Sinha, Adv. Mr. Raj Kumar Parashar, Adv. Mr. Niranjana Sahu, Adv. Mr. Mukesh Kumar, Adv. Mr. Uma Kant Mishra, Adv.
Telangana	Mr. S. Udaya Kumar Sagar, AOR Mr. Krishna Kumar Singh, Adv.
U.P.	Mr. Vinay Garg, AOR Mr. Tanmaya Agarwal, Adv. Mr. Upendra Mishra, Adv. Mr. Uday Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

We have heard learned counsel for the parties to some extent.

It is submitted by the learned Solicitor General appearing on behalf of the Union of India that the Additional Secretary in the Ministry of Agriculture, who is also the Central Drought Relief Commissioner, along with the Food Secretary, is in touch with the Vigilance Officer appointed by each State under Section 15 of the National Food Security Act, 2013 and with the Agricultural Production Commissioner of each State where

3

drought has been declared.

It is submitted that, in view of the above, the management of the drought is being taken care of at least at the level of Union of India.

A detailed additional affidavit has been filed on behalf of the Union of India on 10th February, 2016 and in response thereto, learned counsel for the petitioner has handed over to us in Court today a chart which not only contains a summary overview of information provided by the States in the additional affidavit filed by the Union of India, but also other relevant information such as the

rainfall and irrigation data for some States, employment provisions under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005, etc.

It is submitted by learned counsel for the petitioner that the aforesaid Statutes need to be faithfully implemented by all the States and one of the reasons for non-implementation is shortage of funds. It is not clear from the records as to what demands have been made by the States and whether they have been provided or not.

It has also been submitted that food items, such as dal, egg, milk, etc. should be supplied to the drought affected families and children as also oil for cooking.

It is also submitted that some Commissioners should be appointed to oversee the monitoring of drought relief.

4

In our opinion, it may not be appropriate to issue any adhoc directions or interim directions at this stage. We are of the view that it will be more appropriate if the matter is heard and disposed of finally.

List the matter for final disposal after three weeks as a part-heard matter.

In the meanwhile, we expect the State Governments to act in accordance with the provisions of the National Food Security Act, 2013, the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 and the Manual for Drought Management issued by the Ministry of Agriculture, Government of India.

Rather than having each State filing its own affidavit, we direct that the States to furnish all the necessary information as required by the learned Solicitor General as well as the Central Drought Relief Commissioner and the Food Secretary in response to the chart that has been handed over in Court today.

We expect the learned Solicitor General to have full

instructions from all the States at the time of final hearing.

Rainfall data from the States of Bihar, Gujarat and Haryana be supplied to the learned Solicitor General.

It has also been informed by learned counsel for the State of Gujarat that the petitioner has filed Writ Petition (PIL) No.12 of 2016 in the High Court of Gujarat

5

virtually claiming the same relief. Learned counsel for the petitioner may check it up and inform us on the next date of hearing.

(SANJAY KUMAR-I)
AR-CUM-PS

(JASWINDER KAUR)
COURT MASTER