

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 application for interim directions and office report)

(For final disposal)

Date : 24/10/2016 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s) Mr. Prashant Bhushan, Adv.

For Respondent(s) Mr. Mukul Rohatgi, Attorney General

Mr. P.S. Narasimha, ASG

UOI Ms. V. Mohana, Sr. Adv.

Mr. Mukul Singh, Adv.

Mr. Ajit Sinha, Adv.

Mr. Ajay Sharma, Adv.

Ms. Movita, Adv.

Mr. Rajiv Nanda, Adv.

Mr. M.K. Maroria, Adv.

Ms. Akhila, 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. Jugal Kishore Gilda, Adv. Gen.

Mr. A.P. Mayee, AOR

Mr. A. Selvin Raja, Adv.

Gujarat Ms. Hemantika Wahi, AOR

Ms. Jesal Wahi, Adv.

Ms. Aagam Kaur, Adv.

Haryana Mr. Tushar Mehta, ASG

Mr. Anil Grover, AAG

Ms. Noopur Singhal, Adv.

Dr. Monika Gusain, AOR

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Jharkhand Mr. Tapesh Kumar Singh, AOR

Mr. Mohd. Waquas, Adv.

Mr. Aditya Pratap Singh, Adv.

Karnataka Mr. V. N. Raghupathy, AOR

Mr. Lagnesh Mishra, Adv.

Mr. Parikshit P. Angadi, Adv.

M.P. Ms. Prachi Mishra, Adv.

Mr. Chaitanya, Adv.

Mr. C. D. Singh, AOR

Maharashtra Mr. Tushar Mehta, ASG

Mr. Mahaling Pandarge, AAG.

Mr. Nishant Katneshwarkar, AOR

Odisha Mr. Umakant Mishra, Adv.

Mr. Sibho Sankar Mishra, AOR

Mr. Niranjana Saha, Adv.

Rajasthan Mr. S.S. Shamsheery, AAG

Mr. Ankit Raj, Adv.

Ms. Ruchi Kohli, Adv.

Telangana Mr. S. Udaya Kumar Sagar, AOR

Mr. Baskula Athik, Adv.

U.P. Mr. Upendra Mishra, Adv.

Mr. Irshad Ahmad, AAG

Mr. Vinay Garg, AOR

Dr. Dinesh Rattan Bhardwaj, Adv.

Mr. Deepam Garg, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The submission of the learned Attorney General is that the petitioner has made its intention clear to continue as a wing of a political party, if not a political party itself.

In view of this, he submits that the petitioner should not be further associated with this public interest litigation.

We would like to hear the submissions of the learned Attorney General as well as learned counsel for the petitioner in detail on

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this subject.

List the matter on 1 st

December, 2016 at 10.30 am.

We have gone through the affidavit / contempt petition filed on behalf of the petitioner. For present, we are confining ourselves to the implementation of the directions with regard to the National Food Security Act, 2013 (for short 'the Act').

It has been pointed out by learned counsel for the petitioner

that Sections 15 and 16 of the Act are not being complied with by the State Governments in letter and spirit despite our directions.

Insofar as Section 15 is concerned, the State Governments have

not framed any Rules at all for the appointment or designation of the District Grievance Redressal Officer or the qualifications for appointment as District Grievance Redressal Officer. All that has

been done is that Joint Collectors of Districts, District Collectors, Deputy Commissioners of Districts etc. have been given additional responsibility as District Grievance Redressal Officer.

Since they are the ones who are in-charge of the implementation of the Act, making them persons to whom a grievance can be addressed against them does not serve any purpose at all.

Similarly, with regard to Section 16 of the Act dealing with appointment of State Food Commission, we find that the State Governments have appointed Consumer Disputes Redressal Commission

as State Food Commissions. This is most unsatisfactory and hardly

in consonance with the provisions of the Act, particularly, the letter and spirit of the provisions of the Act.

We have pointed out to the learned Attorney General that it

appears that the States do not seem to be fully on board with

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regard to the implementation of a statute solemnly enacted by Parliament, an extremely unfortunate situation has arisen. To get

over this unfortunate situation created by the State Governments in

violating a statute enacted by Parliament, and continuing a

stalemate caused by this unfortunate situation, it would be

appropriate if the Central Government could consider framing Model

Rules under Section 15 and Section 16 of the Act so that the law

enacted by Parliament is given some teeth and Parliament is given some respect.

Learned Attorney General says that he would like to take

instructions in this regard and get back to us on 28.10.2016 at

2.00 pm.

With regard to para 30 (3) of Swaraj Abhiyan-II, the learned

Attorney General says that a necessary affidavit will be filed by 27.10.2016 explaining the position at law..

It is submitted by Mr. Prashant Bhushan, learned counsel for

the petitioner that a letter dated 22.09.2016 was addressed to Mr.

P.S. Narasimha, learned Additional Solicitor General. The

information sought for in that letter should be supplied to learned

counsel for the petitioner within four weeks except where it is not

available.

List on 28.10.2016 at 2.00 pm.

(Meenakshi Kohli)

(Jaswinder Kaur)

Court Master

Court Master

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