

(2002) 07 AHC CK 0009
In the Allahabad High Court
Case No : Criminal M.W.P. No. 3607 of 2002

Shahendra Misra and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 16-07-2002

Acts Referred:

Constitution of India, 1950 — Article 21
Criminal Law (Amendment) Act, 1932 — Section 7
Penal Code, 1860 (IPC) — Section 147, 148, 149, 307, 332

Citation : (2002) 2 ACR 1875

Hon'ble Judges : M. Katju, J; D.R. Chaudhary, J

Bench : Division Bench

Advocate : Apul Misra, for the Appellant; A.G.A., for the Respondent

Judgement

M. Katju and D.R. Chaudhary, JJ.—The learned Additional Government Advocate may file a counter-affidavit within three weeks. List thereafter.

2. Until further orders, we stay the arrest of the Petitioners in Case Crime No. 271 of 2002, under Sections 147, 148, 149, 307, 336, 332, 504 and 506, Indian Penal Code and Section 7 Criminal Law Amendment Act, police station Jasrana, district Firozabad.

3. A perusal of the impugned F.I.R. shows that the allegations against the Petitioners are that they had held chakka jam on the road crossing because there was no electricity supply in township Jasrana, district Firozabad. This is a problem which is assuming huge dimensions in large parts of the country and calls for immediate national level action by the authorities concerned.

4. The shortage of water and electricity in large parts of the country are assuming colossal dimensions and unless something drastic is done about it, riots, chakka jams, etc. may take place in many parts of the country because without water and electricity, people are bound to come on the streets. Hence, a national level scientific apparatus needs to be set up by the Central Government

in this connection so that this problem is tackled on war footing.

5. It is an ironical situation that while some parts of the country are undergoing floods, other parts including Delhi, U.P., Madhya Pradesh, Rajasthan, Orissa, etc. are undergoing drought, and severe electricity shortage.

6. A national level plan should, therefore, be set up by the Central Government by using scientific methods with the aid of technical experts so that excess water in flood areas may be diverted to the drought hit areas. In this way, the problem of drought and floods can both be solved. At the same time, the electricity problem has also to be tackled at the national level on war footing. There was a time when electricity was only a luxury but today in the modern age, it is a necessity, without which life becomes hellish. Without electricity, industrial activities also come to a stand still and normal life is totally dislocated.

7. Article 21 of the Constitution of India has been interpreted by the Courts to include the right to water, food and electricity as they are essential for a life of dignity. In our opinion, therefore, it is duty of the authorities to ensure regular water and electric supply to the citizens, otherwise, their lives become miserable and there may be civil disorders. We are seeing on the T.V. that citizens in large parts of Delhi, M.P., U.P., and other places are facing the problem of shortage of water and electricity and their lives have become hellish. In Allahabad, water is being sold from pots carried on eccas, and there have been chakka jams. As per T.V. news, a power contractor has been killed by a mob in Delhi. As per another newspaper report, in Nanpara township of district Bahraich, an angry mob of people, incensed over the lack of electricity, took out a procession, burnt a roadways bus, destroyed 3 transformers, stoned the police station and residences of the power department officials, closed the shops, and they were lathi charged by the police causing several injuries. In another incident, rail traffic on the Kanpur-Delhi section of Northern Railway was affected after an angry mob, protesting erratic power supply and drinking water shortage blocked movement of trains and damaged the railway tracks. In Sambalpur in Orissa, students protesting against power shortage were fired upon by the police causing several injuries, some of them reportedly critical. Many such incidents all over the country are being reported by the media every day. On T.V. screens, scenes of parched and cracked agricultural fields in many parts of the country appear daily, and there is danger of famine due to failure of the monsoons. This problem should be tackled on the highest level, otherwise the consequences may be very serious.

8. Let a copy of this order be sent by the Registrar General of this Court to the Secretary, Power and Energy Department, Government of India as well as the Attorney General of India and the Solicitor General who shall submit a report to this Court as to what action is being taken by the Central Government for making a national level plan for resolving this problem of water and electricity shortage which has become night-mare for the whole nation. A copy of this order shall also be sent to the Chief Secretary, U.P.

9. List this petition before us on 5.8.2002 on which date, we request the learned Attorney General of India or Solicitor General to be personally present before us.