

(2016) 01 SC CK 0152

In the Supreme Court Of India

Case No : Writ Petition (s) (Civil) No (s) . 857 of 2015

Swaraj Abhiyan

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 18-01-2016

Acts Referred:

Citation : (2016) 7 SCC 498

Hon'ble Judges : Mr. Madan B. Lokur and Mr. R.K. Agrawal, JJ.

Bench : Division Bench

Advocate : Mr. Prashant Bhushan, Mr. Syed Musaib and Ms. Neha Rathi, Advocates, for the Appellant; Ms. Pinky Anand, ASG UOI, Mr. Anil Grover, Mr. Mahaling Pandarge, AAG, Mr. Neeraj Kumar Sharma, Advocate Karnataka, Mr. P. Angadi, Advocate Haryana, Mr. Sanjay Visen, UP, Mr. Nishant Katneshwarkar, Advocate Bihar, Mr. Uday Singh, Maharashtra, Mr. Manish Kumar, Advocate Telangana, Ms. Vinakshi Kadan, Advocate Jharkhand, Mohd. Waquas, Advocate Odisha, Mr. Niranjana Sahu, Advocate Andhra Pradesh, Mr. Mukul Singh, Mr. Ajay Sharma, Mr. R.R. Rajesh, Mr. V.N. Raghupathy, Ms. Noopur Singhal, Mr. Vinay Garg, Mr. Tanmay Agarwal, Mr. Gopal Singh, Mr. S. Udaya Kumar Sagar, Mr. Krishna Kumar Singh, Ms. Jesal Wahi, Ms. Hemantika Wahi, Ms. Puja Singh, Mr. Tapes Kumar Singh, Mr. Sibor Sankar Mishra, Mr. Guntur Prabhakar and Ms. Prerna Singh, Advocates, for the Respondent

Final Decision : Allowed

Judgement

1. Application for impleadment is allowed.
2. We have heard learned counsel for the parties.
3. Mr. Prashant Bhushan, learned counsel appearing on behalf of the petitioner has made several suggestions which are as follows:
 - (i) Rainfall data may be examined by the States of Uttar Pradesh, Madhya Pradesh, Karnataka, Andhra Pradesh, Telangana, Maharashtra, Gujarat, Odisha, Jharkhand, Bihar, Haryana and Chhattisgarh for the purposes of considering whether drought should be declared in some districts or blocks or mandals or

tehsils or villages as the case may be in the respective State;

(ii) The National Food Security Act, 2013 should be implemented with a broad interpretation being given thereto;

(iii) Protein should be made available in the drought hit areas preferably through supply of daal at 2 kg per month per family;

(iv) Edible oil should be supplied at 1 kg per month per family in the drought affected areas;

(v) Either egg or milk should be made available for children under the Mid-Day Meal Scheme;

(vi) The Mahatma Gandhi National Rural Employment Guarantee Act 2005 should be effectively implemented more particularly in drought affected areas.

4. In our opinion, in the first instance, it may be more appropriate if the Secretary, Department of Agriculture and Farmers Welfare, Government of India calls a meeting of his counter-parts in the aforementioned States to discuss these issues as well as seven other below mentioned issues which have been handed over by Mr. Prashant Bhushan to the learned Solicitor General:

1. Does the Union of India and the States have requisite officials and committees for drought management as per Manual for Drought Management [MDM], (P.95)? Did they formulate a contingency plan and contingent crop plan this year as per MDM (pp.59-61)? What steps have been taken by the Ministry of Agriculture for coordination of drought management by all States (as per MDM, p.94-95)?

2. What are the measures taken by the Government for managing water resources in the drought affected areas including policy for use of reservoir storage (as per MDM, p.71), repair and augmentation of all existing water supply schemes (as per MDM, p.71, details as per Form 11 Annex 1 of MDM) and other emergency measures for supply of drinking water (as per MDM, pp.75-77)?

3. Has the Government initiated special relief employment programmes including MNREGS for drought affected areas (as per MDM, pp.64-67)? If so, please provide details of demand for relief employment, number of relief works on shelf, number of works in progress, attendance of workers, wages, distributed so far.

4. Has the Government implemented the National Food Security Act in the State? Has it taken any special steps to monitor food availability (as per MDM, p.78, started community kitchens (MDM, P.81) and provided additional items like daal and edible oil in the drought affected areas? Has the Government augmented the Integrated Child Development Service and Mid-Day Meal Scheme (MDM, 80-81) to meet the nutritional requirements of children in the drought affected areas?

5. What are the plans of the Government for managing availability of fodder, fodder prices, fodder cultivation, availability of water for fodder cultivation (MDM, pp.87-90) in the drought affected areas? Has the Government set up any Cattle

Depots and Cattle Camps (MDM, p.89) for this purpose and how much fodder has been supplied so far?

6. What relief has the Government announced for the drought affected farmers in terms of land revenue, water and electricity dues etc. (MDM, p. 85-6) and restructuring of bank loans for affected farmers as per the circular of Reserve Bank of India (RBI/2014-15/512, dated 25 March 2015)?

7. Have the States released agricultural input grant to affected farmers as per the norms set by the Government of India (as per MHA circular No. 32-7/2014-NDM-1, dated 8 April, 2015)? The Secretary should inform us and the learned Solicitor General the earliest date on which the meeting can be called to discuss the aforesaid issues and measures to alleviate the problems of people in the drought affected areas and also to discuss the issues that have been raised and suggestions made. For this purpose, we adjourn the matter to 22.01.2016 to enable the learned Solicitor General to obtain instructions.

5. In the meanwhile, a copy of this order may be handed over to the standing counsel of the aforesaid States and the aforesaid States may provide necessary information to the Secretary, Ministry of Agriculture and also seriously consider implementation of the measures that have been suggested which we prima facie feel would go a long way in alleviating the problems in the drought affected areas more particularly with regard to the supply of protein, edible oil, egg or milk and implementation of the provisions of the National Food Security Act, 2013 and the Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

6. List the matter on 22.01.2016. States that have not filed their response may do so within two days.