

ITEM NO.13

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SWrit Petition(Civil) No.1103/2019

ANUN DHAWAN & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 130084/2019 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 16-11-2021 This Writ Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s)

Ms. Ashima Mandla, Adv.
Ms. Mandakini Singh, Adv.
Mr. Fuzail Ahmad Ayyubi, AOR
Mr. Ibad Mushtaq, Adv.

For Respondent(s)

Mr. K.K. Venugopal, AG
Ms. Madhvi Divan, ASG
Mr. Vikramjit Banerjee, ASG
Mr. R. Bala, Sr. Adv.
Ms. Diksha Rai, Adv.
Mr. Chinmayee Chandra, Adv.
Mr. Amit Sharma, Adv.
Mr. A.K. Sharma, AOR
Mr. Amiresh Kumar, AOR
Mr. Gurmeet Singh Makker, AOR
Mr. Mukesh Kumar Maroria, AORMr. Amrish Kumar, AOR
Mr. Raj Bahadur Yadav, AOR

Mr. Gaurav Agrawal, AOR

Mr. Abhimanyu Tewari, AOR
Ms. Eliza Bar, Adv.

Mr. Shibashish Misra, AOR

Mr. Ashish Kumar, AAG
Mr. Sandeep Kumar Jha, AOR

Mr. Pranav Sachdeva, AOR

Ms. Ranjeeta Rohatgi, AOR
Mr. Anirudh Bakhru, Adv.

Mr. S. Udaya Kumar Sagar, AOR
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Mr. P. Mohith Rao, Adv.

Mr. V. N. Raghupathy, AOR

Mr. M. Shoeb Alam, AOR

Mr. Chirag M. Shroff, AOR

Mr. Upendra Mishra, Adv.
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Mr. T.K. Nayak, Adv.
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Mr. Raguvendra Kumar, Adv.
Mr. Anand Kr. Dubey, Adv.
Mr. Narendra Kumar, AOR

Mr. Manish Kumar, AOR

Mr. Anil Grover, Sr. AAG
Ms. Noopur Singhal, Adv.
Mr. Rahul Khurana, Adv.
Mr. Satish Kumar, Adv.
Mr. Sanjay Kumar Visen, AOR
Mr. Bhanwar Jadon, Adv.
Ms. Babita Mishra, Adv.

Ms. Uttara Babbar, AOR
Ms. Astha Sharma, AOR

Ms. Garima Prashad, AAG, UP
Mr. Tanmaya Agarwal, AOR
Mr. Wrick Chatterjee, Adv.

Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR
Mr. Aaditya A. Pande, Adv.

Mr. Geo Joseph, Adv.

Dr. Joseph Aristotle S., AOR
Ms. Preeti Singh, Adv.
Ms. Ripul Swati Kumari, Adv.
Mr. Sanjeev Kumar Mahara, Adv.

Mr. Siddhesh Kotwal, Adv.
Ms. Ana Upadhyay, Adv.
Ms. Manya Hasija, Adv.
Ms. Pragya Barsaiyan, Adv.
Mr. Akash Singh, Adv.

Mr. G. Prakash, AOR
Ms. Priyanka Prakash, Adv.
Ms. Beena Prakash, Adv.
Mr. Manan Sanghai, Adv.

Mr. Suhaan Mukerji, Adv.
Mr. Vishal Prasad, Adv.
Mr. Nikhil Parikshith, Adv.
Mr. Sayandeep Pahari, Adv.
For M/s. PLR Chambers And Co., AOR

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Mr. Rajesh Pandey, Adv.
Mr. Akbar Ali, Adv.
Mr. Prabhoo Dayal Tiwari, Adv.
Ms. Geeta Verma, Adv.

Ms. Archana Pathak Dave, Adv.
Ms. Deepanwita Priyanka, AOR

Mr. Tapesk Kumar Singh, AOR
Mr. Aditya Pratap Singh, Adv.
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Mr. Vivek Sonker, Adv.

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Mr. Pukhrambam Ramesh Kumar, AOR
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Mr. S.C. Verma, AG
Mr. Sumeer Sodhi, AOR
Mr. Gaurav, Adv.

Mr. Mahfooz A. Nazki, AOR
Mr. Polanki Gowtham, Adv.
Mr. Shaik Mohamad Haneef, Adv.
Mr. T. Vijaya Bhaskar Reddy, Adv.
Mr. K.V. Girish Chowdary, Adv.

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

This Court on 27-10-2021 passed the following order:-

"Heard Ms. Ashima Mandla, learned counsel appearing for the petitioners, Ms. Madhvi Divan, learned Additional Solicitor General appearing for the Union of India and other learned counsel(s) appearing for the States and Union Territories at a considerable length.

Learned counsel appearing for the Government of National Capital Territory of Delhi and Union Territory of Ladakh are directed to file their respective counter affidavits within a period of two weeks from today, without fail.

It is submitted by learned Additional Solicitor General that the issues which are raised in this Writ Petition with regard to creating community kitchens to take care of hunger deaths or malnutrition of children are under active consideration of the Union of India and they are awaiting expert reports on the subject.

We are of the considered view that until and unless the State Governments are involved with regard to implementation of the Scheme, it would be difficult to implement the same.

Under the circumstances, it would be appropriate that the Union of India should come out with some policy decision with regard to implementation of the Community Kitchen Scheme by taking into consideration the other similar Schemes relating to the community kitchen which are already in operation in different States.

We feel that there is a need to coordinate with the State Governments/Union Territories and their opinion should also be taken into consideration by the Union of India before finalization of the Community Kitchen Scheme.

In view of the above, we direct the Union of India to interact with the concerned stakeholders as well as for finalization of probable date of holding meeting(s) with the State Governments/Union Territories on the subject.

During the course of hearing, we are informed that in five States viz. States of U.P., M.P., Maharashtra, Odisha and Bihar, the incidents of hunger deaths and malnutrition of children are reported.

In view of the above, learned counsel appearing for the States of U.P., M.P., Maharashtra, Odisha and Bihar are directed to file their respective short replies about the aforesaid issues and identify the Districts/Talukas/Villages where these deaths/ malnutrition have/are taking place, on the next date of hearing without fail.

Learned counsel appearing for the State of Manipur prays for and is granted two weeks' time to deposit the costs.

It is made clear that no further extension of time would be granted for the said purpose.

Learned counsel appearing for all those States which have not so far filed costs pursuant to Order of this Court are granted four weeks' time from today for the said purpose.

The Registry is directed to invest the costs deposited by the States in an interest-earning Fixed Deposit Receipts on short-term basis in any Nationalized Bank with auto-renewal facility which gives more interest.

Learned counsel appearing for the State of Sikkim seeks exemption from paying remaining costs, which is rejected.

List the matter on 16-11-2021."

As per Office Report, Government of National Capital Territory of Delhi and Union Territory of Ladakh have filed their respective affidavits/counter affidavits on 9-11-2021 and 13-11-2021.

Reply affidavits have been filed by the States of Bihar, Odisha, U.P., M.P. and additional affidavit has also been filed by the Union of India (Ministry of Consumer Affairs, Food and Public Distribution).

Short reply/affidavit is filed by the State of Maharashtra in the Court today which is taken on record.

As pointed out in the Office Report, Govt. of National Capital Territory of Delhi, U.T. of Ladakh & U.T. of Dadar & Nagar Haveli & Daman and Diu have not so far deposited the costs imposed upon them by this Court vide Orders dated 10-2-2020 and 17-2-2020.

The said States/Union of Territories are directed to deposit the costs within the stipulated time, i.e., 24-11-2021 without fail.

Heard Mr. K.K. Venugopal, learned Attorney General for India, Ms. Madhvi Divan, learned Additional Solicitor General and Ms. Ashima Mandla, learned counsel appearing for the petitioners, at a considerable length.

At the outset, we are not happy with the fact that the affidavit in this matter has been filed by the Under Secretary to the Government of India, Ministry of Consumer Affairs, Food & Public Distribution, New Delhi.

We direct that in future some responsible Officer of the rank of Secretary shall file the affidavits in this matter.

Ms. Madhvi Divan, learned Additional Solicitor General has drawn our attention to the letters dated 29-10-2021 & 3-11-2021 sent by the Ministry of Consumer Affairs, Food & Public Distribution (NFSA Division) to the Principal Secretary/Secretary, Department of Food & Civil Supplies and all the States/union Territories seeking information from them.

After perusing the affidavits and the submissions advanced by the learned Attorney General for India and learned Additional Solicitor General, we find that the proposed Community Kitchens Scheme is still under process and they are obtaining the suggestions/views of the States/Union Territories in the matter.

In view of the above, finally three weeks' time from today is granted to the Union of India to come up with a model Community Kitchens Scheme agreeable to the States/Union Territories. In case some of the States/Union Territories have any objection with the Scheme to be formulated by the Union of India, we will consider the same on the next date of hearing.

We direct all the State Governments/Union Territories to attend the meeting to be arranged/organized by the Union of India and cooperate with them in coming up with the said Scheme, which

can be made uniformly applicable to all the States/Union Territories.

Ms. Mandla, learned counsel appearing for the petitioners has brought to our notice the `issues note' filed by them on 9-11-2021.

We have perused the said `issues note'.

We direct the Union of India to take into consideration the `issues note' filed by the petitioners while formulating the Scheme of Community Kitchens.

List the matter after three weeks.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)