

GAHC020006132018



**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL
PRADESH)
KOHIMA BENCH**

Case No. : PIL/8/2018

ROSEMARY DZUVICHU
D/O PHILIP DZUVICHU,
R/O HIGH SCHOOL COLONY, BELOW GOVT. HIGH SCHOOL GROUND,
KOHIMA

VERSUS

THE STATE OF NAGALAND AND 7 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF N/L, KOHIMA

2:THE SECRETARY
DEPT. OF SOCIAL WELFARE
N/L
NAGALAND CIVIL SECRETARIAT
KOHIMA

3:THE DIRECTOR
DIRECTORATE OF SOCIAL WELFARE
N/L
DIRECTORATE OF SOCIAL WELFARE
N/L
KOHIMA

4:THE SECRETARY
THE NAGALAND STATE SOCIAL WELFARE BOARD
N/L
NEW SECRETARIAT
KOHIMA

5:THE PRINCIPAL SECRETARY/COMMISSIONER AND SECRETARY
DEPT. OF HEALTH AND FAMILY WELFARE
N/L
NEW SECRETARIAT
KOHIMA

6:THE PRINCIPAL DIRECTOR
DIRECTORATE OF HEALTH AND FAMILY WELFARE
N/L
DIRECTORATE OF HEALTH AND FAMILY WELFARE
N/L
KOHIMA

7:THE DIRECTOR
FOOD AND SUPPLIES DEPT.
N/L
FOOD AND SUPPLIES DEPT. N/L
KOHIMA

8:THE UNION OF INDIA
REPRESENTED BY THE SECRETARY
MINISTRY OF WOMEN AND CHILD DEVELOPMENT
NRMAN BHAVAN
NEW DELH

Advocate for the Petitioner : KEZHASENO KIKHI

Advocate for the Respondent : GOVT ADV NL

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

21.02.2024

(Devashis Baruah, J)

The instant PIL has been filed by the petitioner bringing to the attention of this Court that the respondents have not been adhering to the National Food Security Act, 2013 and the Integrated Child Development Service Scheme (for Short ICDS), which is required to be done so in view of the provisions of the National Food Security Act, 2013 and the Rules framed therein under. Pursuant to the filing of the PIL, the respondent Nos. 2, 3 & 4, who are the implementing agency, have filed a detailed affidavit stating *inter alia* that in terms with the National Food Security Act, 2013 a Notification being SPLY-4/7/2012(Pt) dated 04.07.2016, had been issued by the State Government notifying the

implementation of the said Act. It has also been mentioned that consequent thereupon, the State Government have taken up measures to implement the provisions of the said Act. It is also seen from paragraph 5 of the affidavit that the ICDS contemplates convergence of service provided by various departments under the State, which includes Social Welfare Department, Finance Department, the Department of Health & Family Welfare, Department of Food & Civil Supplies, Department of School Education, Department of Public Health Engineering, Department of Information & Public Relations, Department of Rural Development, the Nagaland State Social Welfare Board as well as NGOs. In paragraph 7 of the said affidavit-in-opposition, details have been given as regards how the delivery of service in terms with the ICDS is being implemented by the various departments. In paragraph 16 of the said affidavit-in-opposition, it has been mentioned that the State is implementing the ICDS project through the existing 3455 (three thousand four hundred and fifty-five) Anganwadi Centers and in addition 525 (five hundred and twenty-five) Anganwadi Centers have been sanctioned which are yet to be operationalized. It is also stated that the ICDS Scheme is being implemented in the said Anganwadis with the guidelines issued for Anganwadi Workers and Helpers and the Scheme in general. Under such circumstances it was contended that the allegations in the instant PIL claiming that the ICDS Programme have not been implemented is erroneous. To the said affidavit-in-opposition a reply has been filed by the petitioner on 09.03.2020 stating *inter alia* stating vaguely that the respondents have failed to effectively implement the said National Food Security Act, 2013 in the Anganwadi Centers.

2. In the backdrop of the above pleadings, this Court has also heard the learned counsels appearing on behalf of the parties.

3. From the materials on record, more particularly the affidavit which have been filed by the respondent Nos. 2 to 4 and the enclosures therein, it reveals that the State respondents, who are the Nodal Department in respect to the National Food Security Act, 2013 as well as the ICDS have taken steps towards the implementation of the said Act

and the Scheme. Be that as it may, a perusal of the National Food Security Act, 2013 as well as the ICDS Scheme shows that both the Central Government and the State Government are statutorily obligated to perform its duties in terms with the said Act and Rules framed therein under.

4. Considering the materials before this Court and more particularly the affidavit filed by the respondent Nos. 2 to 4 we are of the opinion that the further continuation of the instant PIL before this Court is not required. We, however, before closing the instant proceedings observe and direct that both the Central Government as well as the State Government being obligated under the provisions of the National Food Security Act, 2013 and the Rules framed therein under as well as the ICDS shall provide the necessary facilities in accordance with the provisions of the said Act and Scheme.

5. With the above, the instant PIL stands closed.

Sd/-
JUDGE

Comparing Assistant