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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 6th December, 2019

+ W.P.(C) 4428/2016

**VETERANS FORUM FOR TRANSPARANCY IN PUBLIC LIFE
THROUGH ITS GENERAL SECRETARY.....** Petitioner

Through: Mr. Rabin Majumder and
Ms. Akansha Srivastava, Advs.

versus

UNION OF INDIA & ANR. Respondents

Through: Mr. Harish Kumar for
Mr. Gaurav Sarin, Sr.Panel Counsel for
R-1/UID
Mr. Gautam Narayan, ASC-GNCTD with Ms.
Shivani Vij and Ms. Dacchita Shahi, Advs.

**CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR**

ORDER
06.12.2019

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D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 4428/2016

1. This Public Interest Litigation has been filed with the following prayers :

“a) Court may please issue suitable direction to Delhi Government and Central Government in matter of proper implementation of the provisions/sections of National Food Security Act, 2013 in the territory of NCT Delhi.

b) Pass any such further or other order(s) as this Hon'ble Court may deem fit and proper under the facts and circumstance of the case, in the interest of justice.”

2. Having heard learned counsel for both the sides at length and looking to the facts and circumstances of the case, it appears that the instant petition has been preferred for proper implementation of the provisions of the National Food Security Act, 2013 (hereinafter referred to as the Act, 2013) in the National Capital Territory of Delhi.

3. It appears from the facts of the case that detailed counter affidavit dated 17th October, 2016 has been filed by the respondent no.2 wherein it is stated that a notification dated 23rd August, 2013 has already been published.

4. It further appears from the facts of the case that the respondent no.2 has designated Public Grievance Commission as State Food Commission for the National Capital Territory of Delhi under Section 16 of the Act, 2013. Similarly, District Grievance Redressal Officer is also empowered for the proper and effective implementation of the provisions of the Act, 2013.

5. It is also clear from the counter affidavit filed by the respondent no.2 that the National Food Security Act, 2013 is brought into effect from 10th September, 2013, and the respondents have taken immediate steps for the proper and effective implementation of the Act, 2013. For the ready reference, paragraph 10 of the counter affidavit filed by the respondent no.2 reads as under :

“10. The contention that State Food Corporation has not been constituted is incorrect and denied. It is submitted that by notification bearing number F.No.3

(40)/2013/F&S/P&C/1234-1245 dated 23rd August, 2013, the Answering Respondent designated the Public Grievances Commission as the State Food Commission for the NCTD. It is submitted further that by notification bearing number F.No.3(40)/2013/F&S/P&C/1246-59 dated 23rd August, 2013, the Answering Respondent designated the Additional District Magistrate of the Revenue district as the District Grievance Redressal Officer for the district concerned of NCTD. A true copy of the notification bearing number F.No.3(40)/2013/F&S/P&C/1234-1245 dated 23rd August, 2013 is annexed herewith and marked as Annexure R2/3. A true copy of the notification bearing number F.No.3(40)/2013/F&S/P&C/1246-1259 dated 23rd August, 2013 is annexed herewith and marked as Annexure R2/4.”

6. It further appears from the facts of the case that by the Public Distribution System, foodgrains and other articles have been distributed and the cautious mechanism of distribution is still going on for the effective implementation of the Act, 2013. Further, foodgrains amounting to 5 kg per person, per month is being distributed in accordance with the provisions of the Act of 2013.

7. Paragraph 11 of the counter affidavit filed by the respondent no.2 reads as under :

“11. The contention that Vigilance Committees have not been constituted is incorrect and denied. It is submitted that by order bearing number F.3(47)/2013/F&S/P&C/121-131 dated 3rd February, the Answering Respondent constituted the Block/Circle Level Vigilance Committee for the NCTD.

Further, by order bearing number F.3(47)/2013/F86/P&C/132-143 dated 3rd February, 2014, the Answering Respondent constituted the District Level Vigilance Committee for the NCTD. Additionally, It by order bearing number F.3(47)/2013/F86/P&C/144-157 dated 4th February, 2014, the Answering Respondent constituted the State Level Vigilance Committee for the NCTD. A true copy of the order bearing number F.3(47)/2013/F86/P&C/121-131 dated 3rd February, 2014 is annexed herewith and marked as Annexure R2/5. A true copy of the order bearing number F.3(47)/2013/F86/P&C/132-143 dated 3rd February, 2014 is annexed herewith and marked as Annexure R2/6. A true copy of the order bearing number F.3(47)/2013/F&S/P&C/144-157 dated 4th February, 2014 is annexed herewith and marked as Annexure R2/7. State level & District level vigilance committees are yet to be formed.”

8. In view of the aforesaid submissions and the factual averments made in the counter affidavit filed by the respondent no.2, it appears that for the effective implementation of the Act, 2013, Vigilance Committees have already been constituted at Block Circle level as well as at District level. Necessary annexures have also been annexed which reveals the constitution of such Vigilance Committees.

9. Further, looking to the order dated 3rd February, 2014 (Annexure R-2/5 of the counter affidavit) passed by the respondent no. 2, the respondent has taken enough and adequate steps for the proper implementation of the Act, 2013.

10. Paragraph 5 of the counter affidavit filed by the respondent no.2 reads as under :

“5. It is submitted that Anganwadis as required under Sections 4 and 5 of the Act are already set up by the Answering Respondent under the Integrated Child Development Scheme “ICDS”), and the same are discharging the requirements under Sections 4 and 5 of the Act as well, and the contention to the contrary in the Petition is incorrect and denied.”

11. In view of the aforesaid facts, Anganwadi Centers as required under Section 5 to be read with Section 6 of the Act, 2013, have already been set up by the respondents.

12. Thus, in light of the above steps taken by the respondents, for the effective implementation of the National Food Security Act, 2013, we see no reason to further monitor this case. Nonetheless, we direct the respondents that the steps which are already taken for the constitution of the State Food Commission, Public Grievance Commission, District Grievance Redressal Officers, Vigilance Committees at Block level and District level and Anganwadi Centres shall be maintained and continue to operate by the respondents for the effective implementation of the Act, 2013. It is also submitted by counsel for the petitioner that despite the Act being of the year 2013 till today, the rules for effective implementation of the Act are not enacted. Thus, we expect from the respondents that instead of implementing the provisions of the Act, 2013, by executive orders, the better proposition is that execution of the Act and the governance should be done as far as possible by making appropriate rules so that there is no discretion left with the executives. Moreover,

proper guidelines etc. can be incorporated in the rules so that the provisions of the Act, 2013, can be implemented without any discrimination.

13. With these directions, this writ petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

DECEMBER 06, 2019/kr

