

Government of Jammu and Kashmir
Directorate of Rural Development Kashmir.

www.drkd.nic.in (email ID: - rddkashmir@gmail.com)

The Project Officer Wage Employment (ACDs),

_____ (All).

No: - DRDK/E-WP/ 1947-29

Dated: - 10 -10-2017

Subject: - Hon'ble Supreme Court order (WP No. 857/2015/Swaraj Abhiyan V/S UIO and others) dated. 09-08-2017 and action plan thereof.

Sir,

Please find enclosed a copy of the Administrative Department's communication No. RD/MGNREGA/SC-Judgment/135/2016 dated. 04-09-2016 alongwith Annexures. In this connection, you are instructed to furnish the requisite information as desired by the Administrative Department to this office at an earliest.

Yours faithfully,

Director

Rural Development Department
Kashmir

Copy to the:-

1. ~~Private Secretary to~~ Commissioner / Secretary to Government, Rural Development Department & PRI, Civil Secretariat, Srinagar for information.

All Depts



Government of Jammu & Kashmir
Department of Rural Development & Panchayati Raj
Civil Secretariat, Srinagar

Matter Most Urgent

The Director,
Rural Development Department,
Jammu/Kashmir.

No.RD/MGNREGA/SC-Judgement/135/2016

Dated:-04.09.2017

Subject:- Hon'ble Supreme Court Order (WP 857/2015/Swaraj Abhiyan vs Uol and Others) dated. 09.08.2017 and action plan thereof.

Sir,

Kindly find enclosed a copy of Writ Petition (Civil) No. 857/2015 Swaraj Abhiyan v/s Uol and others received from The Ministry of Rural Development, Gol on the subject cited above. The Hon'ble Supreme Court of India in its order dated 09.08.2017 has highlighted the following three points:-

1. Delay in payment of wages and compensation:
2. Reduction in person days from States projection: and
3. Absence of social audit being conducted.

In this connection, I am directed to request you to kindly furnish the latest status/ information in respect of above mentioned points to the Administrative Department at the earliest for further appropriate action.

Yours faithfully,

Encls: A/A

Assistant Director (Planning)
Department of RD & PRI.

Copy to the:-

Pvt. Secy to Commissioner/ Secretary to Govt. Department of RD & PRI for information of the Commissioner/Secretary.

27/3

2566
19/9/17

Dept.

No. B-18015/9/2016/MGNREGA-IV
Government of India
Ministry of Rural Development
Department of Rural Development
(Mahatma Gandhi NREGA Division)

Krishi Bhavan, New Delhi
Dated: 10.08.2017

To

The Additional Chief Secretary/Principal Secretary/Secretary,
Rural Development Department
(In-charge of MGNREGA)
All States/UTs.

Subject: Writ Petition (Civil) No. 857/2015 Swaraj Abhiyan v/s UoI and others

Sir/Madam,

I am directed to forward the Hon'ble Supreme Court Order dated 9th August, 2017, in the Writ Petition (Civil) No. 857/2015 Swaraj Abhiyan v/s UoI and others and to say that matter has been listed on 05.12.2017 for disposal. A copy of the order is enclosed for kind consideration.

Encl: As above

Yours faithfully,


(Gaya Prasad)
Director (MGNREGA)
011-23388431

Copy to:

1. PPS to AS & FA, MoRD
2. PPS to CCA, MoRD
3. PPS to JS (RE), MoRD

ITEM NO.301

COURT NO.5

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 S

Writ Petition(s) (Civil) No(s).857/2015

SWARAJ ABHIYAN

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(WITH IA No.68433/2017-EXEMPTION FROM PERSONAL APPEARANCE and IA No.68477/2017-EXEMPTION FROM FILING O.T.)

Date : 09-08-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s) Mr. Prashant Bhushan, AOR
Mr. Rohit Kr. Singh, Adv.
Mr. Devesh Kumar Agnihotri, Adv.
Mr. T. Sudhakar, Adv.
Amiy Shukla, Adv.
Ms. Shakti Vardhan, Adv.

For Respondent(s) Mr. K.K. Venugopal, AG
MSI Ms. V. Mohana, Sr. Adv.
Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Rajiv Nanda, Adv.
Mr. Mukul Singh, Adv.
Mr. Raj Bahadur, Adv.
Mr. R.R. Rajesh, Adv.
Mr. G.S. Makker, Adv.
Mr. Mukesh Kumar Maroria, AOR
Ms. Diksha Rai, Adv.

Mr. Neeraj Kumar Sharma, AOR

Civil Supplies &
Consumer Affairs

Ms. Supriya Juneja, AOR

RBI

Signature Not Verified

Digitally signed by
SANJAY KUMAR
Date: 2017.08.09
17:08:36 IST
Reason:

Mr. Jaideep Gupta, Sr. Adv.
Mr. Kuldeep S. Parihar, Adv.
Mr. H.S. Parihar, Adv.

States of

A.P.

Mr. Guntur Prabhakar, AOR
Ms. Prerna Singh, Adv.

Bihar	Mr. Gopal Singh, AOR Mr. Manish Kumar, Adv.
Chattisgarh	Mr. Aniruddha P. Mayee, AOR Mr. Avnish M. Oza, Adv. Mr. Chirag Jain, Adv. Mr. A. Selvin Raja, Adv.
Gujarat	Ms. Hemantika Wahi, AOR Ms. Jesal Wahi, Adv. Ms. Puja Singh, Adv. Ms. Mamta Singh, Adv.
H.P.	Mr. D.K. Thakur, AAG Mr. Varinder Kumar Sharma, AOR
Haryana	Mr. Anil Grover, AAG Dr. Monika Gusain, AOR Ms. Noopur Singhal, Adv.
Jharkhand	Mr. Tapesk Kumar Singh, AOR Mr. Mohd. Waquas, Adv.
Karnataka	Mr. V. N. Raghupathy, AOR
M.P.	Mr. Tushar Mehta, ASG Mr. C. D. Singh, AOR Ms. Sakshi Kakkar, Adv.
Maharashtra	Mr. Tushar Mehta, ASG Mr. Nishant R. Katneshwarkar, AOR Mr. Arpit Rai, Adv.
Nagaland	Mr. Edward Belho, AAG Ms. K. Enatoli Sema, Adv. Mr. Amit Kumar Singh, Adv. Mr. K. Luikang Michael, Adv.
Odisha	Mr. Sibho Sankar Mishra, AOR
Punjab	Ms. Uttara Babbar, Adv. Ms. Akanksha Choudhary, Adv.
Rajasthan	Mr. S.S. Shamsbery, AAG Mr. Amit Sharma, Adv. Mr. Ankit Raj, Adv. Ms. Ruchi Kohli, Adv.
Sikkim	Ms. Aruna Mathur, Adv. Mr. Avneesh Arputham, Adv. Ms. Anuradha Arputham, adv.

	Mr. Amit Arora, Adv.
Tamil Nadu	Mr. B. Vinodh Kanna, Adv. Mr. A. Sriram, Adv. For Mr. B. Balaji, Adv.
Telangana	Mr. S. Udaya Kumar Sagar, AOR Mr. Mrityunjai Singh, Adv.
U.P.	Mr. D.K. Singh, AAG Mr. Anuvrat Sharma, Adv. Mr. Vinay Garg, AOR Ms. Komal Mundhra, Adv. Mr. Saurabh Agrawal, Adv. Ms. Alka Sinha, Adv. Mr. Kamendra Mishra, Adv. Mr. Upendra Mishra, Adv.
Uttarakhand	Mr. Rajiv Nanda, Adv.
Puducherry	Mr. V.G. Pragasam, Adv. Mr. S. Prabu Ramasubramanian, Adv.
Chandigarh	Mr. Chandra Prakash, Adv. Mr. Vivek Singh, Adv.
A&N Islands	Mr. K.V. Jagdishvaran, Adv. Ms. G. Indira, Adv.

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

Pursuant to the order dated 26.04.2017, State of Madhya Pradesh has constituted State Food Commission.

The Chief Secretary of State of Karnataka is present in Court. He says that the State Food Commission has been constituted.

As far as the State of Andhra Pradesh is concerned, the Chief Secretary is present and he says that the State Food Commission has been constituted.

As far as the State of Maharashtra is concerned, the Chief Secretary is present. He says that the State Food

Commission has been constituted and suitable persons belonging to Scheduled Castes and Scheduled Tribes have been appointed.

The Chief Secretary of Bihar is present in Court. He says that two persons have been appointed to the State Food Commission which is now duly constituted.

In so far as the constitution of State Food Commission in Haryana is concerned, it is stated by learned counsel for the State of Haryana that the matter is actually being heard in the High Court and is now listed on 18.08.2017.

Although this writ petition is confined to ten States, we have brought it to the notice of the learned Attorney General that since we are dealing with Parliamentary Statute namely National Food Security Act, 2013, it would be appropriate if the provisions of the Act are faithfully implemented in all the States and the Union Territories of the country.

The learned Attorney General has assured us that the matter will be taken up with due earnestness and the provisions of the National Food Security Act, 2013 will be implemented in all the States and the Union Territories. All efforts will be made by the Central Government in this regard.

With regard to the issues pertaining to the MNREGA scheme and the Act, learned counsel for the petitioner says that there are only three issues that he would like

to highlight namely:

- (i) Delay in payment of wages and compensation;
- (ii) Reduction in person days from States projection;
and
- (iii) Absence of social audit being conducted.

A detailed affidavit has been filed by the Union of India on 09.08.2017. A response to this will be filed during the course of the day by learned counsel for the petitioner.

List the matter for disposal on these three issues on 05.12.2017 at 2.00 p.m..

(SANJAY KUMAR-I)
AR-CUM-PS

(MEENAKSHI KOHLI)
COURT MASTER

(MADHU NARULA)
COURT MASTER