

***“What use is a law passed by Parliament if State Governments and Union Territories do not implement it at all, let alone implement it in letter and spirit.”***

***“If the State Governments and Union Territories decide that they do not wish to abide by a law enacted by Parliament for the benefit of the people, perhaps some other solution may have to be found but we hope that no State Government or Union Territory disregards the will of Parliament.”***

***“A law enacted by Parliament as a part of its social justice obligation must be given its due respect and must be implemented faithfully and sincerely and positively before the end of this year”***

The Supreme Court passed yet another historic order in the Swaraj Abhiyan case on relief to drought affected persons/districts. Beginning from May last year, there have been five significant orders where the Honorable Court has pointed out the failures of the state and central governments in implementing existing legal provisions which could mitigate the impact of the drought on people as well as has issued directions for additional relief for affected areas. The latest order passed on 21<sup>st</sup> July 2017, is a strong indictment of the failure of the central and state governments towards fulfilling their obligations in implementing the National Food Security Act.

The Judgement has pointed out that there is an urgent need for the state governments to take this legislation seriously and put in place all the mechanisms required for its implementation in true letter and spirit. On the other hand, the Central government also cannot abdicate all responsibility by placing the blame on the states. *“Record indicates that a combined effort, both by Center and States, needs to be taken for effective implementation of the Act especially in the draught affected areas so as to save people from abject poverty and poor quality of life.”*

In the previous hearing held in March 2017, the Supreme Court had asked Chief Justices of nine states to appear personally before the Court and explain the delays in implementation of the NFSA, especially the provisions related to Grievance Redress Mechanism (GRM). The current judgement has been passed after the bench heard all the states and the central government in this regard. The Supreme Court has specifically ordered that the Secretary, Ministry of Food, Government of India must ensure that state governments, by the end of this year:

- Notify rules for GRM under NFSA, in accordance with the letter and spirit of the Act
- Appoint State Food Commissions, with independent charge not additional charge being given to existing commissions (unless unavoidable),
- Appoint independent District Grievance Redress officers, who have nothing to do with the implementation of the schemes under the NFSA
- Appoint vigilance committees, and
- Set up a mechanism for conducting social audits

They expressed deep dissatisfaction that the provisions in the NFSA in spite of being mandatory have not been fully implemented by some States even almost four years since the Act has been passed. The intention of the governments to implement the provisions of a law enacted by Parliament has been questioned by the Court. Further, the Court has pointed out that setting up independent and transparent grievance redress machinery is at the core of ensuring that the entitlements reach people.

The states that were asked to be present in Court in March 2017 were Madhya Pradesh, Karnataka, Andhra Pradesh, Telangana, Maharashtra, Gujarat, Jharkhand, Bihar, Haryana and Chhattisgarh. The Judgement expressed deep anguish with the state of Haryana whose affidavit argued that there is hardly any work for the State Food Commission. “*One can only feel sorry for the people in Haryana*” is what they had to say in this regard.

We will continue to monitor the implementation of these orders of the Supreme Court and call up on all media and civil society to publicise this significant Judgement so that the NFSA is not allowed to be ignored. The next hearing of this case is on August 9<sup>th</sup>, when the Bench will take up other pending issues related to MGNREGA, crop insurance etc.