

National Federation Of Societies For ... vs Union Of India on 29 January, 2020

Bench: N.V. Ramana, Sanjiv Khanna, Krishna Murari

WP(C)No.1067/2019

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ITEM NO.1

COURT NO.2

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).1067/2019

NATIONAL FEDERATION OF SOCIETIES FOR FAST
JUSTICE & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 29-01-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s)

Mr. Prashant Bhushan, AOR
Mr. Rahul Gupta, Adv.
Ms. Neha Rathi, Adv.
Mr. Alice Raj, Adv.

For Respondent(s)

For State of U.P.

Mr. S.R. Singh, Sr.Adv.
Mr. Adarsh Upadhyay, AOR

For State of Raj.

Dr.Manish Singhvi, Sr.Adv.
Mr. Shailja Nanda Mishra, Adv.
Mr. Arpit Prakash, Adv.
Mr. Sandeep Kumar Jha, Adv.

For State of
Haryana

Mr. Anil Grover, AAG
Mr. Satish Kumar, Adv.
Mr. Sanjay Kr.Visen, Adv.

For State of
Gujarat

Ms. Deepanwita Priyanka, AOR

For State of
Karnataka
Signature Not Verified

Mr. V.N.Raghupathy, Adv.

Mr. Manendra Pal Gupta, Adv.

Digitally signed by
SATISH KUMAR YADAV
Date: 2020.01.31
16:44:07 IST

For State of
Reason:

Sikkim

Mr. Raghvendra Kumar, Adv.
Mr. Anand Kumar Dubey, Adv.

For R.No.6
(Govt.of
WP(C)No.1067/2019

Dr.Rajesh Pandey, Adv.
Ms. Tanuja Manjari Patra, Adv.
2

Chhattisgarh)

Ms. Shweta Mulchandani, Adv.
Ms. Aswathi M.K., AOR

For R.No.10
(Govt.of H.P.)

Ms. Upasana Nath, Adv.

For State of A.P.

Mr. G. N. Reddy, AOR
Mr. T.Vijaya Bhaskar Reddy, Adv.

For State of T.N.

Mr. M. Yogesh Kanna, AOR
Mr. S. Raja Rajeshwaran, Adv.
Mr. R.Karthik Rajendran, Adv.
Ms. Uma Prasuna Bachu, Adv.

For State of
Jharkhand

Mr. Tapesk Kumar Singh, Adv.
Mr. Aditya Pratap Singh, Adv.

For State of
Mizoram

Mr. Siddhesh Kotwal, Adv.
Ms. Bansuri Swaraj, Adv.
Ms. Arshiya Ghose, Adv.
Mr. Divyansh Tiwari, Adv.
Ms. Ana Upadhyay, Adv.
Ms. Astha Sharma, Adv.

For State of
Tripura

Mr. Shuvodeep Roy, AOR
Mr. Kabir Shankar Bose, Adv.

For State of
Assam

Mr. Shuvodeep Roy, Adv.

For R.No.30
(Govt.of W.B.)

Ms. Madhumita Bhattacharjee, Adv.
Ms. Urmila Kar P., Adv.

For State of

Mr. Jishnu M.L., Adv.

Kerala	Ms. Priyanka Prakash, Adv.
For UT of J&K	Ms. Shashi Juneja, Adv.
For State of Arunachal Pradesh	Ms. Eliza Barr, Adv. Mr. Abhimanyu Tewari, Adv.
For Govt. of Puducherry	Mr. V.G.Pragasam, Adv. Mr. S.Prabu Ramasubramanian, Adv. Mr. S. Manuraj, Adv.
For State of Bihar	Mr. Gopal Singh, Adv. Mr. Manish Kumar, Adv.
For State of M.P.	Mr. Rahul Kaushik, Adv. Ms. Bhuvneshwari Pathak, Adv. Ms. Shilpi Satyapriya Satyam, Adv.
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Mr. Rahul Khatri, Adv.

For State of Maharashtra	Mr. Sachin Patil, Adv. Mr. Rahul Chitnis, Adv. Mr. Aaditya A. Pande, Adv. Mr. Geo Joseph, Adv.
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For State of Punjab	Ms. Uttara Babbar, Adv. Ms. Bhavana Duhoon, Adv. Mr. Manan Bansal, Adv.
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Mr. Rajeev Ranjan, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Satyajeet Kumar, AOR

Mr. Nishant Ramakantrao Katneshwarkar, AOR

Mr. Narendra Kumar, AOR

Mr. Jose Abraham, AOR

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

At the commencement of hearing, Mr. Prashant Bhushan, learned counsel appearing on behalf of the petitioners has placed before us State-wise Administrative Units Information in tabular form, showing the steps taken by various States for establishing and functioning of Gram Nyayalayas under the Gram Nyayalayas Act, 2008.

Learned counsel for the petitioners submits that the State of Goa has issued Notification for establishing 2 Gram Nyayalayas under the Gram Nyayalayas Act, 2008 but none are functioning

there; the State of Haryana has issued Notification for establishing 3 Gram Nyayalayas but only 2 are functioning; the State of Jharkhand has issued Notification for establishing 6 Gram Nyayalayas but only 1 is functioning there; the State of Karnataka has issued Notification for establishing 2 Gram Nyayalayas but none are functioning; the State of Kerala has issued Notification for establishing 30 Gram Nyayalayas and all are functioning there whereas the State had to establish 152 Gram Nyayalayas; the State of Madhya Pradesh has issued Notification for establishing 89 Gram Nyayalayas out of which 87 are functioning; the State of Maharashtra has issued Notification for establishing 25 Gram Nyayalayas out of which 23 are functioning whereas the State had to establish 351 Gram Nyayalayas; the State of Odisha has issued Notification for establishing 22 Gram Nyayalayas out of which 16 are functioning; the State of Punjab has issued Notification for establishing 2 Gram Nyayalayas, both of which are functioning; the State of Rajasthan has issued Notification for establishing 45 Gram Nyayalayas and all the 45 are functioning there and the State of Uttar Pradesh has issued Notification for establishing 113 Gram Nyayalayas out of which only 14 are functioning, whereas the State had to establish 822 Gram Nyayalayas.

Vide order dated 18.10.2019, this Court had directed various States to file their affidavits before 18.12.2019.

Today, during the course of hearing, we have come to know that some of the States, such as the States of Chhattisgarh, Gujarat, Haryana, Telangana, West Bengal, Uttarakhand and Odisha have not yet filed their affidavits.

We direct the aforementioned States to file their affidavits within one week from today, subject to deposit of Rs.1,00,000/- (Rupees one lakh) by each of the above-mentioned States with the Registrar(Judicial) of the Supreme Court, who shall keep the same in a separate head.

Learned counsel appearing on behalf of the States of Bihar, Jharkhand and Himachal Pradesh submit that there might be some conflict between the functioning of their local laws and the functioning of Gram Nyayalayas under the Gram Nyayalayas Act, 2008 which requires clarification. Learned counsel appearing on behalf of the State of Arunachal Pradesh submits that the said State may be granted exemption for establishing and functioning of Gram Nyayalayas under the Gram Nyayalayas Act, 2008. We shall decide the said issues on the next date of hearing.

Taking into consideration the personal difficulty of the counsel appearing on behalf of the State of Kerala, we grant liberty to the counsel for the said State to file the affidavit during the course of the day.

The prayer made on behalf of the learned counsel appearing on behalf of the State of Tripura is also accepted and he is directed to file affidavit during the course of the day.

At the request of learned counsel appearing on behalf of the States of Madhya Pradesh and Andhra Pradesh, we grant them liberty to file affidavit of their respective States on 30.01.2020.

Learned counsel appearing on behalf of the States of Assam and Punjab are directed to file affidavits by 30.01.2020, failing which these States will have to pay the costs of Rs.1,00,000/- (Rupees one lakh) each, as mentioned above.

Having heard learned counsel for the parties and perusing the material placed before us, it appears to us that although some States have issued Notifications for establishing the Gram Nyayalayas, all the established Gram Nyayalayas are not functioning, except in the States of Kerala, Maharashtra and Rajasthan. It has been brought to our notice that in some of the States, the proposals for establishing the Gram Nyayalayas are pending before the High Court for consultation and some of the States have not yet initiated the process of issuing Notifications for establishing such Nyayalayas.

In view of the above, we direct the States, who have not yet issued Notifications for establishing the Gram Nyayalayas, to issue the same within a period of four weeks from today and place copies of the same before us with an affidavit.

We also request the learned Chief Justices of the High Courts, where the constitution of Gram Nyayalayas and appointments of its members are pending, to expedite the process of consultation with the respective State Governments.

Learned counsel for the petitioners also brought to our attention the Evaluation Study of the Scheme of Establishing & Operationalising Gram Nyayalayas, which is pending consideration before the Government of India. In the said Report, it is observed as under:

“DOJ may consider increasing the Recurring Head to Rs.15 lakhs per year for a minimum of 5 years with 50% State Govt. Contribution and revising the Non-recurring Head to Rs.35 lakhs per Gram Nyayalaya because the present assistance is not sufficient and dates back to calculation approved in 2009.” In view of the above, we direct the Union of India to consider the said proposal of increasing the Recurring Head to Rs.15 lakhs per year for a minimum of 5 years with 50% State Government Contribution. By the next date of hearing, the counsel for the Union of India has to place before us the views of the Government on the said issue.

List after four weeks.

The Registry is directed to communicate the instant order to the Chief Justices of all the High Courts as also the Chief Secretaries of all the States through E-mail as also by speed post.

(SATISH KUMAR YADAV)
AR-CUM-PS

(RAJ RANI NEGI)
ASSISTANT REGISTRAR