

**Daily Order**

<b>Judge Name</b>	<b>Case No/Year</b>	<b>Date of Order</b>	<b>Daily Order</b>
<b>CHIEF JUSTICE AND ARAVIND KUMAR</b>	<b>WP 6435/2020</b>	<b>10/11/2020</b>	<p><b>ORDER IN W.P. No.6435 OF 2020</b></p> <p>On the last date, concern was expressed in paragraph 10 of the order about the issue of food security of children as Anganwadis and schools are closed. Today, the State Government has filed a written statement, in which it is candidly admitted that after 31st May, 2020, there is no implementation of the provisions of clause (b) of sub-section (1) of Section 5 of the National Food Security Act, 2013 (for short “the said Act of 2013”) read with the Mid-day Meals Rules, 2015 (for short “the said Rules of 2015”).</p> <p>2. On the face of it, notwithstanding the closure of all schools run by the Local Bodies, the Government and Government aided schools, the State Government is bound by the mandate of clause (b) of sub-section (1) of Section 5 of the said Act of 2013. Now it is candidly admitted that from June 2020, mid-day meals have not been provided to children up to class VIII or children within the age group of 6 to 14 years as provided in clause (b) of sub-section (1) of Section 5 of the said Act of 2013.</p> <p>3. The submission made on behalf of People’s Union for Civil Liberties is that firstly, the State will have to compensate the children considering the provisions of Section 8 read with sub-section (4) of Section 24 of the said Act of 2013 and the relevant provisions of the said Rules of 2015. Such a lapse, on the face of it, would amount to violation of rights of the children who are entitled to mid-day meals under clause (b) of sub-section (1) of Section 5 of the said Act of 2013 as well as the rights guaranteed under Article 21 of the Constitution of India.</p> <p>4. We direct the State Government to file an affidavit of the Secretary in charge of the</p>

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			<p>concerned Department which is responsible for implementation of the provisions of clause (b) of sub-section (1) of Section 5 of the said Act of 2013. The affidavit shall state in what manner and within what period each and every student who is entitled to the benefit of Mid-day meal scheme will be compensated. He will also state in what manner the legal obligation will be complied with by providing either mid-day meal or food grains to each and every student. Considering the default, we expect the State Government to give a clear assurance about all the aforesaid aspects. Such affidavit shall be filed by the Secretary by 17th November 2020. In the affidavit, the Secretary will also set out the steps taken by the State Government to implement the provisions of the said Rules of 2015 and especially during the present pandemic.</p> <p>5. Now coming to the entitlement of various persons to receive food through anganwadis, in the written statement filed today, it is contended that compliance has been made by distributing food grains to the beneficiaries up to the end of October, 2020. Even on this aspect, the Secretary in charge of the concerned department of the State Government which is responsible for implementation of the provisions of the Supplementary Nutrition (Under the Integrated Child Development Services Scheme), Rules 2017 (for short, “the said Rules of 2017”) shall file an affidavit indicating compliance with the provisions of clause (a) of Section 4, clause (a) of sub-section (1) of Section 5 and Section 6 of the said Act of 2013 as well as the provisions of the said Rules of 2017. As Anganwadis have not started functioning, the Secretary will state in what manner strict implementation of the provisions will be made and it will be ensured that everyone who is entitled to receive the food from anganwadis gets it regularly. Even this affidavit shall be filed by 17th November, 2020. Advance copies of both the affidavits shall be furnished to the learned counsel appearing for the parties.</p> <p>6. As regards clarification issued by the State Government by the circular dated 7th November, 2020, the State Government shall ensure that wide publicity is given to the said circular and all the concerned COVID-19 hospitals are informed about the said circular.</p>

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			<p data-bbox="619 321 1033 349"><b>ORDER IN W.P. 6685 OF 2020</b></p> <p data-bbox="619 488 1976 935"><b>7. As regards the issue of N-95 masks raised in W.P. No.6685 of 2020, the affidavit of the petitioner is placed on record which is of 3rd November, 2020. The learned Additional Solicitor General states that as regards this affidavit and the report submitted by the Registrar of the City Civil Court, he will come up with a response within one week. The report of the Registrar of the City Civil Court indicates that though he could purchase N-95 mask at the price of Rs.35/- from Jan Aushadi Kendra in City Civil Court Complex, the stock is not regularly available of N-95 masks. If the Government of India wants to ensure that N-95 masks are made available at a cost of Rs.25/- for the benefit of the common man, it is necessary for the Government of India to ensure that adequate stock of N-95 masks is always made available in Jan Aushadi Kendras and there is a wide publicity given to the fact that N-95 masks are available at a cost of Rs.25/- per mask.</b></p> <p data-bbox="619 1073 1976 1143"><b>8. Shri Sridhar Prabhu, learned counsel for the petitioner pointed out that the website of Jan Aushadi Kendra does not show that N-95 masks will be available in the Kendra.</b></p> <p data-bbox="619 1282 1976 1395"><b>9. As regards modification to the Government Order dated 28th October, 2020 regarding fixing the cost of transport of oxygen, the learned Additional Government Advocate assures the Court that within one week, a modified order will be passed by the State Government.</b></p> <p data-bbox="619 1451 1976 1521"><b>10. At this stage, Shri G.R.Mohan pointed out the annexures to the memo dated 12th October, 2020. It records that in October 2020, a particular hospital in the city charged Rs.3,000/- per</b></p>

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			<p data-bbox="619 196 1444 228"><b>PPE kit. The State Government must look into this aspect.</b></p> <p data-bbox="619 363 1976 440"><b>11. These petitions will be listed for consideration of the issues of food security, price of N-95 masks and fixation of transport charges for oxygen on 18th November, 2020 at 12.45 p.m.</b></p>

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