

ITEM NO.31

COURT NO.2

SECTION XII

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

Petition(s) for Special Leave to Appeal (C) No(s). 9839/2017

(Arising out of impugned final judgment and order dated 14/02/2017
in WP No. 297/2017 passed by the High Court Of Madras)

TAMIL NADU CENTRE FOR PUBLIC INTEREST LITIGATION,
REP BY K.K. RAMESH Petitioner(s)

VERSUS

STATE OF TAMIL NADU AND ANR Respondent(s)

(with office report)

Date : 13/04/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. C.R. Jaya Sukin, Adv.
Mr. Narender Kumar Verma, AOR

For Respondent(s)

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

The present special leave petition depicts a picture which has the potentiality to disturb the conscience of any sensitive soul, for it relates to deaths of farmers, which has its significance in a society where agriculture is of paramount importance and most of the farmers exclusively depend upon the same for their sustenance.

It is submitted by Mr. C.R. Jaya Sukin, learned counsel appearing for the petitioner that the High Court has failed to appreciate the real grievance that was highlighted in the writ petition and has disposed of the same by directing the petitioner

to obtain information under the Right to Information Act, 2005. On a perusal of the order passed by the High Court, we find that it has really not touched the issue that was required to be appositely dealt with.

On a perusal of the special leave petition and the averments made, we notice that the petitioner has suggested certain aspects by which the conditions of the farmers can be ameliorated. That apart, it is highlighted that it is the obligation of the State to address the distressing conditions of the farmers who are compelled to commit suicide for many a reason. As is reflectible, the suggestions are demarcated into two compartments, namely, preventive and curative.

The State stands on the position of a *loco parentis* to the citizens and when there are so many deaths of farmers in the State of Tamil Nadu, it becomes obligatory on the part of the State to express concern and sensitiveness to do the needful and not allow the impecunious and poverty stricken farmers to resign to their fate or leave the downtrodden and the poor to yield to the idea of fatalism. The concept is alien in the welfare State and the social justice which is required to be translated in a democratic body polity. As is manifest from the assertions and the grievances that have been agitated, deaths are due to famine backdrop and other natural causes and also due to immense financial problem. The State, as the guardian, is required to see how to solve these problems or to meet the problems by taking curative measures treating it as a natural disaster. Silence is not the answer.

In such a situation, we have thought it appropriate to have the assistance of an *amicus curiae* and accordingly we appoint Mr. Gopal Shankar Narayan, learned counsel as an *amicus curiae* to assist the Court.

Issue notice returnable within two weeks.

Dasti, in addition, is permitted.

Additionally, Registry is directed to serve a copy of the special leave petition on Mr. M. Yogesha Kanna, learned standing counsel for the State of Tamil Nadu. Registry is also directed to supply a copy of the special leave petition to Mr. Gopal Shankar Narayan, learned counsel who has been appointed as *amicus curiae* to assist the Court.

We have granted two weeks time for service of notice as we expect the authorities of the State of Tamil Nadu, who are arrayed as respondents herein, not to remotely treat it as an adversarial litigation but a participative litigation and take up certain ameliorative measures so that the agony of the farmers is addressed. It will be appreciated if the respondents come with certain schemes/measures by the next date of hearing. We say so as there is an expectation on the part of the citizens that the State shall come to their aid when such a catastrophe occurs and the State's response must be in promptitude so that the gravity of the situation does not get a geometrical progression which may later on become difficult to handle.

Call on 28.04.2017.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master