

ITEM NO.62+63+64

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
RECORD OF PROCEEDINGS

Writ Petition (Civil) No.463/2024

ASSOCIATION FOR PROTECTION OF CIVIL RIGHTS (APCR) Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS. Respondent(s)

(IA No. 155816/2024 - EXEMPTION FROM FILING O.T.
IA No. 155815/2024 - STAY APPLICATION)

WITH

W.P. (C) Diary No.32131/2024 (X)

W.P. (CRL) Diary No.32127/2024 (X)

Date : 22-07-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. C.U. Singh, Sr. Adv.
 Ms. Fauzia Shakil, Adv.
 Mr. Ujjwal Singh, AOR
 Mr. Shivansh Saxena, Adv.

Mr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Shadan Farasat, AOR
Mr. Amit Bhandari, Adv.
Mr. Gautam Bhatia, Adv.
Mr. Prannv Dhawan, Adv.
Mr. Abhishek Babbar, Adv.
Mr. Shadab Azhar, Adv.
Mr. Aman Naqvi, Adv.
Mr. Harshit Anand, Adv.
Ms. Natasha Maheshwari, Adv.
Ms. Mreganka Kukreja, Adv.

Mr. Huzefa Ahmadi, Sr. Adv.
Mr. Shahruk Alam, Adv.
Ms. Akriti Chaubey, AOR
Ms. Sadhana Madhavan, Adv.
Ms. Tamanna Pankaj, Adv.
Mr. Shantanu Singh, Adv.

For Respondent(s)

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

1. Heard Mr. C.U. Singh, Mr. Abhishek Manu Singhvi and Mr. Huzefa Ahmadi learned senior counsel for the respective petitioners.
2. The senior counsel submit that the challenge here is to the directives issued by the S.S.P. Muzaffarnagar Police on 17.07.2024 and threat of Police action in the event of non-adherence to those directives. To avoid any controversy on the impugned directives, since the original directives is issued by the Muzaffarnagar Police in Hindi, the translation thereof reads as under:

"During the Shraavan Kanwar Yatra, a large number of Kanwariyas from neighboring states, via Western Uttar Pradesh, collect water from Haridwar and pass through Muzaffarnagar district. During the holy month of Shraavan many people, especially Kanwariyas, abstain from certain food items in their diet. In the past, such instances have come to light where some shopkeepers selling all types of food items on Kanwar Route named their shops in such a way that it created confusion among the Kanwariyas and created a law and order situation. To prevent such recurrence and in view of the faith of the devotees, hotels, dhabas, and shopkeepers selling food items on Kanwar Route have been requested to voluntarily display the names of their owners and employees. The intention of this order is not to create any kind of religious discrimination but only to provide convenience to the devotees passing through the Muzaffarnagar district, to counter allegations, and to save the law and order situation. This system has been prevalent in the past also."

3. The above would suggest that the Kanwariyas in the holy month of Shraavan while undertaking the journey to collect water from the river Ganges, do abstain from certain food items in their diet.

This can be understood as abstaining from consuming any non-vegetarian food or in the event of those who follow strict vegetarianism, abstaining from consuming even onion and garlic.

4. If the intention is to provide only vegetarian food to the Kanwariyas, the impugned directives requiring the food business operators to display the names of their owners and employees, is contended to be contrary to constitutional and legal norms prevalent in our country.

5. It is the argument of the learned senior counsel for the petitioners that the above directives are discriminatory and would further the cause of untouchability. To require the vendors to display the names of the owners and staff in his/her establishment cannot by itself be read as a measure to ensure vegetarian or shudh shakahari food, for the Kanwariya Yatris.

6. It is argued that the dietary preference of the Yatris can certainly be ensured by requiring only vegetarian foods to be served en route to the Kanwariyas. The requirement of displaying the names of the proprietors of eating establishments, their address and also the names of their staffs could hardly achieve the intended objective. The contention is if the directive without any support of constitutional or legal provisions are permitted to be enforced, it will infringe the secular character of our Republic as enshrined in the Preamble of the Constitution. This will also have the effect of infringing on the guaranteed rights under Article 14, 15(1) and 17 of the Constitution.

7. Since, as a consequence of the above directives, some of the

employees of the eateries have been terminated, the argument is that this would also impact the rights of such employees guaranteed under Article 19(1)(g) of the Constitution.

8. It is permissible for the authorities to ensure that the Kanwariyas are served vegetarian food conforming to the preferences and also ensure hygienic standards. In furtherance to this, the competent authority may perhaps issue orders under the Food Safety and Standards Act, 2006 and the Street Vendors Act, 2014. However, the legal powers vested on the competent authority cannot be usurped by the Police, without legal foundation.

9. It is also projected by the petitioners that because of the impugned directives, penal actions have been initiated against certain food business operators en route of the Kanwariyas.

10. Learned senior counsel would argue that the impugned measures have fissiparous tendencies. It is also argued that just on the eve of Kanwariya Yatras for the year 2024, the impugned directives have been issued and there is no instance of any similar directives in the past years.

11. The implication of the directions and their enforcement is spread across multiple States in the country covering the route of the Kanwariya Yatris. Let notice, returnable on 26.07.2024, be issued in these writ petitions.

12. The petitioners are permitted to serve dasti notice on the respective Standing Counsel for the State of Uttar Pradesh, State of Uttarakhand, State of Madhya Pradesh and Govt. of NCT of Delhi.

If these States are not already impleaded, we order for *suo moto* impleadment of these States.

13. Until the returnable date, we deem it appropriate to pass interim order prohibiting the enforcement of the impugned directives. In other words, the food sellers (including dhaba owners, restaurants, foods and vegetable sellers, hawkers, etc) may be required to display the kind of food that they are serving to the Kanwariyas. But they must not be forced to display the name/identity of the owners and also the employees, deployed in their respective establishments. It is ordered accordingly.

(KRITIKA TIWARI)
SENIOR PERSONAL ASSISTANT

(KAMLESH RAWAT)
ASSISTANT REGISTRAR