



most of it has been encroached.

The F E Dinshaw Trust, whose administrator is industrialist Nusli Wadia, too is not expected to give up without a fight. In the past, Wadia has fought tooth-and-nail court battles to protect his properties including his mills in central Mumbai.

to pay it compensation for the lands acquired, said sources.

The Veekayal Properties land is mainly located in the Borivali-Dahisar belt, but a large chunk of it has been taken over by Kalpataru. Government officials said the Slum Act empowers the state to acquire land for public purposes like slum rehabilitation. "The courts have upheld the powers under this Act," said housing secretary Debashish Chakravarti.

## Govt rapped for delay in setting up food commission

**Mumbai:** The HC on Tuesday flayed the state for delay in setting up a state food commission and instead appointing an ad hoc committee of bureaucrats to function as the commission.

A division bench of Justice Abhay Oka and Justice A S Gadkari saw red after learning that an ad hoc committee has been functioning since January and no steps have been taken to constitute the commission. The committee includes secretaries of food and civil supplies, women and child development, law and judiciary and social justice and special assistance departments. The commission is to be established under the National Food Security Act and will comprise a chairperson, five other members and a member-secretary not below the rank of joint secretary and all should have experience in law, human rights, social service, nutrition, health, food policy and public administration.

"When one of its important functions (of the commission) is to advise the state on implementation, a committee of secretaries will not be able to discharge the said function properly," the bench said. Also, the commission has to monitor implementation of the Act, inquire suo motu into violations and function as an appellate authority.

The judges heard a PIL by NGO Movement for Peace and Justice, challenging the non-implementation of the Act. Its advocate Kranti LC said the state has not yet established the commission. —Rosy Sequeira

# Fadnavis govt constitutional, advocate-general tells HC

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**Mumbai:** State advocate-general Sunil Manohar said on Tuesday the Devendra Fadnavis-led government was "absolutely legal and constitutional" with the voice vote being a valid floor test that proved majority.

"Constitutionally, voice vote is the rule and division by ballot is an exception," he told the Bombay high court and added as "baseless" a challenge that some petitions filed against formation of the government on the basis of voice vote.

"There is no case made out for judicial review of the vote of confidence held on November 12 as the Speaker legally exercised the first option of a voice vote and was satisfied that majority was demonstrated," he said. The new AG. Manohar's submissions followed

those by senior counsel Tehmtan Andhyarujina, appearing for Congress MLA Naseem Khan, who challenged the constitutional validity of the voice vote and said the majority had to be proved only by a proper head count in the legislative assembly.

**The special counsel for the state in one of the PILs on the issue of government formation said that there was no such thing that the majority had to be over 50% votes**

A bench headed by Justice V M Kanade, hearing the matter, also has two PILs by Raj Awasthi and Sanjay Patil on the issue.

Andhyarujina, a former solicitor-general of India, said, "The Speaker called Fadnavis to prove majority, but little did anyone know that the vote of confidence would be a farce. It

is impermissible the manner in which the vote was taken. The vote of confidence has not been taken under Article 164 (2)... it has to be taken on the floor of the House, but not in a slipshod manner." The governor had invited the BJP, the single largest party in the state polls, to form the government.

Manohar faulted the foundation of the pleas which, he said, questioned only the validity of the voice vote on a misconceived notion that the government needed a 145-member majority. "Only if the Speaker acts extremely perversely, which is not the case here, can the HC intervene... else, a no-confidence motion against the Speaker could have been raised," said Manohar.

S G Aney, special counsel for the state in one of the PILs, said, "There is no such thing that the majority has to be over 50% votes."

He will continue his submissions on Wednesday.

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READY POSSESSION

# Form food commission soon, High Court tells state govt

RUHI BHASIN

MUMBAI, DECEMBER 2

**D**IRECTING the state to constitute a state food commission, the Bombay High Court Tuesday said there could be no proper implementation of the provisions of the National Food Security Act, 2013, without the existence of such a commission.

"We direct the appropriate officer of the state government to file a report on when the commission will be established. Also, provide an outer limit when infrastructure will be given for setting it up keeping in mind the importance of the commission. Unless it is constituted, there will be no proper implementation of the provi-

sions of the Act. (National Food Security Act)," said A S Oka and AS Gadkari.

The court was hearing a PIL filed by NGO Shramik Mukti Sanghatna that sought proper implementation of the May 2011 directives of the Supreme Court to exhaust existing quantity of food grains allocated to various states and ensure they are immediately distributed among the poor.

The court said till date no steps had been taken to constituting a food state commission even as it was the obligation of the state to do so. The state government has, meanwhile set up an ad hoc committee to discharge functions of the commission. "When one of the important statutory functions of the

commission is to advise the state government, a committee consisting of secretaries will not be able to discharge the functions properly. The committee was only a temporary arrangement," said the HC. While the Act came into force on July 5, 2013, the ad hoc committee was constituted on January 10, 2014 after a notification was issued by the state government.

In the notification, the state had said it had to form a food commission but would require some time for this. Till then, a committee under the secretary, food and civil supplies, and the consumer protection department will discharge functions of the commission. The court fixed March 16, 2015 as the next date of hearing in the matter.

## Do not lose hope in times of crisis: Fadnavis to farmers

**MUMBAI:** Chief Minister Devendra Fadnavis on Tuesday made an emotional appeal to 40 lakh farmers, asking them not to lose hope in the times of crisis. Maintaining that his government was committed to their welfare, Fadnavis said the instances of farmer suicides reported from Marathwada was "heart wrenching and causes a lot of anguish". "I appeal to all my farmer friends and brothers and sisters not to lose hope. Please do not lose patience. I stand by you in this hour of crisis. My government is taking measures to provide relief..."

ENS

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