

ITEM NO.48
(Part-heard)

COURT NO.4

SECTION PIL

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. 196 OF 2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(Regarding reports submitted by Justice D.P. Wadhwa, Retd. Judge,
Supreme Court of India)

WITH

I.A. Nos.90, 93, 94, 98, 102 to 107 in W.P.(C) NO. 196/2001
(For permission on behalf of respondent No.17 i.e. State of
Maharashtra, modification and directions, intervention on behalf
of West Bengal M.R. Dealers Association and All Bengal Price
Shop Dealers Welfare Association, impleadment and exemption
from filing O.T. and direction)

WITH

W.P.(C) No. 277/2010
(With office report)

Date:29/10/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE DEEPAK VERMA

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.
Ms. Divya Jyoti, Adv.
Ms. Jyoti Mendiratta, Adv.
Mr. Anuj Castelino, Adv.

Dr. Anam Hingorani, Adv.
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2

For Respondent(s) Mr. Mohan Parasaran, ASG
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Ms. Kamini Jaiswal,Adv.

Mr. Shish Pal Laler,Adv.
3

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Mr. Sapam Biswajit Meitei,Adv.

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Mr. V.G. Pragasam,Adv.
Mr. S.J. Aristotle,Adv.
Mr. Prabu Ramasubramanian,Adv.
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Mr. G.V. Rao,Adv.
Mr. Ravi Prakash Mehrotra,Adv.

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Mr. M.N. Krishnamani,Sr.Adv.
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Mr. Abhijit Sengupta,Adv.
Mr. Amit Kumar,Adv.

Mr. S.K. Keshote,Sr.Adv.
Mr. Sachin Das,Adv.
Mr. Abhijit Sengupta,Adv.

Mr. Rituraj Biswas,Adv.

Mr. Manish Pitale,Adv.

Mr. Wasi Haider, Adv.
For Mr. C.S. Ashri, Adv.

Mr. Tara Chandra Sharma, Adv.
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4

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Ms. Sumita Hazarika, Adv.

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5

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Mr. Tessy Varghese, Adv.

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Mr. Anuvrat Sharma, Adv.

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Mr. Pradeep Misra, Adv.

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Ms. Beena Prakash, Adv.
Mr. V. Senthil, Adv.

Mr. Pramod Swarup, Sr. Adv.
Mr. Raj Kumar Gupta, Adv.
Mr. Kamlendra Mishra, Adv.
Mr. Rajiv Dubey, Adv.
Mr. Anil Kr. Jha, Adv.

Mr. Naresh K. Sharma, Adv.

6

Mr. Navneet Kumar, Adv.

Mr. Anil Kumar Jha, Adv.

Mr. Vikas Mehta, Adv.

Mr. Anis Suhrawardy, Adv.
Mr. S. Mehdi Imam, Adv.
Mr. Tabrooz Ahmed, Adv.

Mr. S.M. Jadhav, Adv.

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

Mr. Mohan Parasaran, learned Additional Solicitor

General submits that learned Attorney General for India has been briefed in this matter. We would like specific reply to the following queries:

On 20.8.2001, more than 9 years ago, this Court passed an order that the foodgrains which are overflowing in the storage, especially of the FCI godowns and which are in abundance, should not be wasted by dumping into the sea or eaten by rats. Mere schemes without any implementation are of no use. What is important is that the food must reach the hungry.

In 2010, the Government of India has filed an affidavit before this Court in which it is admitted that the FCI have reported that 55,121 tonnes of wheat in Punjab and Haryana alone have been damaged or rendered unfit for human consumption. It is further submitted that 12,418 tonnes of foodgrains in FCI godowns have been

7

damaged as on 1.8.2010. These figures do not include the amount of foodgrains which were damaged in other States.

Procurement of adequate foodgrains is essential to provide food security and to protect the interest of the farmers. All through our anxiety has been that the procured foodgrains be properly preserved. The amount of foodgrains which cannot be preserved because of lack of storing facility, at least that much wholesome foodgrains be allocated to the BPL population forthwith.

Some States have filed their affidavits before this Court stating that they had adopted the parameters of the Central Government and according to that the BPL population in 2010 is much large. According to the Census of India, the population of India is estimated at 117.67 crores in 2010, whereas the population in 2000 was 99.69 crores. The foodgrains distributed in 2010 is on the basis of 1991 census. According to the petitioner, approximately 7 crores BPL families have been added now and they have been left out of the public distribution system. Learned Attorney General for India should inform this Court as to why the remaining BPL families should not be given the same quota of foodgrains. In other words, the foodgrains be supplied according to the population of 2010.

Learned counsel for the petitioner also submitted that 150 poorest districts in India be also given the same amount of foodgrains as distributed to the BPL population.

8

List this matter on 11th November, 2010 as first item.

All those States who have not filed their affidavits are directed to file the same on or before 8th November, 2010 with an advance copy thereof to the

Central Agency and a copy thereof be made available to
the learned Additional Solicitor Generals Mr. Mohan
Parasaran and Mr. H.P. Raval.

(A.S. BISHT)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER