

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, 98, 102-107 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 A

ssociation and All Bengal Price

Shop Dealers Welfare Association, impleadment and exemption

from filing O.T.

WITH

W.P.(C) No. 277/2010

(With office report)

Date: 06/09/2010 This Petition was 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.

For Respondent(s)Mr. Mohan Parasaran,ASG

Mr. S. Wasim A. Qadri,Adv.

Ms. Sunita Sharma,Adv.

Mr. D.L. Chidananda,Adv.

Ms. Sushma Suri,Adv.

Ms. Anil Katiyar,Adv.

Mrs. Varuna Bhandari Gugnani,Adv.

Mr. D.S. Mehra,Adv.

Mr. Sudarshan Singh Rawat,Adv.

Mr. Jana Kalyan Das,Adv.

Mr. Ranjan Mukherjee,Adv.

Mr. S. Bhowmick,Adv.

Mr. S.C. Ghosh,Adv.

Ms. Hemantika Wahi,Adv.

Ms. Nupur Kanungo,Adv.

Mr. D.K. Goswami,Adv.

Mr. Shirish Kr. Mishra,Adv.

Mr. Pragyan P. Sharma,Adv.

Mr. P.V. Yogeswaran,Adv.

Mr. H.P. Rava,ASG

Ms. Indra Sawhney,Adv.

Dr. Manish Singhvi, AAG, Raj.
Mr. Devanshu Kumar Devesh, Adv.
Mr. Milind Kumar, Adv.

Mr. A. Mariarputham, Adv. Genl., Sikkim
Mrs. Aruna Mathur, Adv.
Mr. Amarjeet Singh Girsra, Adv.

Mr. Riku Sharma, Adv.
for M/s. Corporate Law Group, Advs.

Mr. A.P. Sahay, Adv.
Ms. Rachana Srivastava, Adv.

Mr. Manoj Saxena, Adv.
Mr. Mayank Nigam, Adv.
Mr. T.V. George, Adv.

Ms. Kamini Jaiswal, Adv.

Mr. Shish Pal Laler, Adv.

Mr. Khwairakpam Nobin Singh, Adv.
Mr. Sapam Biswajit Meitei, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. R. Sundaravaradan, Sr. Adv.
Mr. V.G. Pragasam, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Prabu Ramasubramanian, Adv.

Mr. Jatinder Kumar Bhatia, Adv.

Mr. G.V. Rao, Adv.
Mr. Ravi Prakash Mehrotra, Adv.

Mr. Gopal Singh, Adv.
Mr. Chandan Kumar, Adv.

Mr. M.N. Krishnamani, Sr. Adv.
Mr. Bikas Kar Gutpa, Adv.
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. P.S. Patwalia, Sr. Adv.
Mr. Manish Pitale, Adv.
Mr. Wasi Haider, Adv.
For Mr. C.S. Ashri, Adv.

Mr. Tara Chandra Sharma, Adv.
Ms. Neelam Sahrma, Adv.

Mr. B.B. Singh, Adv.
Mr. Kumar Rajesh Singh, Adv.
Ms. Prema Kumari Singh, Adv.

Mr. Anil Shrivastav, Adv.
Mr. Ritu Raj, Adv.

Mr. Edward Belho, Adv.
Mr. Enatoli Sema, Adv.
Mr. Rituraj Biswas, Adv.

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Mr. T. Harish Kumar, Adv.
Mr. P. Prasanth, Adv.
Mr. V. Vasudevan, Adv.

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Mr. Sidhant Goel, Adv.
Ms. Renu Gupta, Adv.

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Ms. A. Subhashini, Adv.

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Mr. R.K. Pandey, Adv.
Mr. T.P. Mishra, Adv.
Mr. Sanjay Katyal, Adv.
Mr. H.S. Sandhu, Adv.

Mr. Ravindra Keshavrao Adsure, Adv.

Mr. Prashant Kumar, Adv.

Mr. Vishwajit Singh, Adv.

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Ms. Asha G. Nair, Adv.

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Mr. Pradeep Misra, Adv.
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Ms. Beena Prakash, Adv.
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Mr. Anil Kumar Jha, Adv.
Mr. Vikas Mehta, Adv.
Mr. Pramod Swarup, Sr. Adv.
Mr. Raj Kumar Gupta, Adv.
Mr. Rajiv Dubey, Adv.
Mr. Kamalendra Mishra, Adv.
Mr. Naresh K. Sharma, 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

In pursuance to the suggestions of this Court, a comprehensive affidavit sworn to by I.C. Viswanath, Joint Secretary, Government of India, Ministry of Consumer Affairs, Food and Public Distribution, Department of Food and Public Distribution, New Delhi, has been filed in Court. The affidavit is taken on record.

We are happy to note that the Union of India, in pursuance to the suggestions of this Court, has decided to allocate to the State Governments/Union Territories on adhoc basis an additional quantity of 25 lakh tons of wheat/rice at BPL prices for the next six months. This will be over and above 469.7 lakhs tons already allocated under the targeted public distribution system. This decision of the Union of India would go a long way in providing much needed relief to the BPL population.

In pursuance of the directions of this Court, the Union of India has also taken a number of important steps to preserve the foodgrains which has been procured by them. In the affidavit it is mentioned that 12,418 tons of foodgrains stored in FCI godowns have got damaged as on 1.8.2010 and out of this 12,418 tons of good grains, the quantity of wheat is 2,689 tons, quantity of rice is 9647 tons and quantity of paddy is 82 tons.

It is indicated in the affidavit that the FCI is to introduce modern technology in the storage of foodgrains. Modern storage facilities through private sector participation have been constructed in Punjab, Haryana, Maharashtra, Tamil Nadu, Karnataka and West Bengal for storage of wheat. The FCI also have been endeavouring to hire more capacities. As a result, the total capacity increase in last 2 years is 55.5 lakh tons. During this period, capacity utilization has also gone up from 74% to 91% as against an accepted norm of 75%. As a long term measure, to create storage capacity and reduce CAP storage, Government has announced a scheme for incentivizing private sector for construction of scientific godowns under an assured Guarantee for usage. Under this scheme, the FCI also arranging short duration training programmes for officials of State Governments and their agencies engaged in procurement and storage of foodgrains on scientific storage quality control of foodgrains. We hope and trust that the suggestions given by the Court and steps taken by the Union of India would go a long way in preserving the foodgrains already procured.

It is also stated in the affidavit that the Government of India has twin objective in procuring foodgrains: (i) ensuring minimum support price to farmers; and (ii) meeting the requirements of foodgrains for the public distribution system. It is submitted that for larger quantity of procured foodgrains, greater facilities of storage would be provided.

Regarding the Antodaya Anna Yojana (AAY) to include people belonging to vulnerable sections, it is mentioned in the affidavit that AAY was launched in December 2000 for one crore poorest of the poor families to be identified by the States/UTs from amongst the BPL families. The coverage under the scheme is expanding now it has increased to 2.50 crore household in the category of AAY.

Provisions have been made for allocation of the foodgrains on subsidized rates for landless agricultural labourers, marginal farmers rural artisans/craftsmen such as potters, tanners, weavers, blacksmiths, carpenters, slum dwellers, and persons earning their livelihood on daily basis in the informal sector, like porters, coolies, rickshaw pullers, hand cart pullers, fruit and flower sellers, snake charmers, rag pickers, cobblers, destitutes and other similar categories in both rural and urban areas.

Similarly, households headed by widows or terminally ill persons/ disabled persons aged 60 years or more with no assured means of subsistence or societal support will also be looked after in this regard. These guidelines would include the BPL families of HIV positive persons in the AAY list on priority, within the respective ceilings on numbers of AAY families given to the State/UT Governments.

It is also stated that the Government is actively considering enacting a law on food security. National Advisory Council is already examining the issue of food security, including the entitlements of foodgrains and the proposed legislation would be finalized after taking into consideration the recommendation of the National Advisory Council in consultation with the stakeholders.

The affidavit also deals with the Court's concern about the bogus ration cards and states that necessary instructions have been issued to the States/Union Territories by the Union of India. All the correspondences with the States have been annexed to the affidavit.

In reply to this Court's suggestions, the Union of India would carry out fresh survey as early as possible to get the correct and comprehensive picture of the citizens who are in the categories of APL and BPL or AAY. In this regard, it is mentioned in the affidavit that a survey for identification of the families below poverty line (BPL) is conducted by the States/Union Territories and the work of identification of rural poor will be done by States/UTs as per guidelines of the Ministry of Rural Development and for the urban poor as per the guidelines of the Planning Commission and Ministry of Housing and Urban Poverty Alleviation. It is indicated in the above affidavit that this Court directions have been conveyed to the Planning Commission as also to the concerned Departments and serious endeavour would be made to have proper survey of the aforementioned categories.

In the affidavit, it is also stated that the Government is considering providing fortified wheat at floor (Atta) and in this respect, communications have been sent to the States/UTs. These are some of the issues which have been replied in the affidavit of the Joint Secretary filed in Court.

A copy of this affidavit has been given to the learned counsel for the petitioner who prays for a short adjournment to file reply to this affidavit. Let reply to this affidavit be filed within a week and rejoinder thereto, if any, be filed within one week thereafter.

We must place on record our appreciation for promptly giving attention to the Court's concern

about the immediate distribution of the foodgrains to population below poverty line and preserving the already procured foodgrains.

List this matter on 24th September, 2010 at 2.00 P.M.

(A.S. BISHT)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER