

S U P R E M E C O U R T 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)

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

WITH I.A.Nos.90, 93, 102-1053 in W.P.(C)No.196/2001  
(For permission 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 Fair Price  
Shop Dealers Welfare Association, impleadment and exemption from  
filing O.T.)

with  
I.A.Nos.104 and 105 (Appln.(s) for impleadment and exemption from  
filing O.T.)

Date: 12/08/2010 This Petition/applns. was/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. Jyoti Mendiratta, Adv.

For Respondent(s) Mr. Gopal Subramaniam, Sol. Genl. of India  
Mr. Mohan Parasaran, ASG  
Mr. D.L. Chidanand, Adv.  
Ms. Sunita Sharma, Adv.  
Mr. Krishna Kumar, Adv.  
Mr. N.S. Pundir, Adv.  
Mr. S.S. Rawat, Adv.  
Ms. Saima Bakshi, Adv.  
For Ms. Sushma Suri, Adv.  
For Ms. Anil Katiyar, Adv.  
For Mr. D.S. Mehra, Adv.  
For Mr. B.V. Balaram Das, Adv.  
  
Mr. Jana Kalyan Das, Adv. (NP)

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Ms. Hemantika Wahni, Adv.  
Ms. Renuka Sahu, Adv.

Ms. Indra Sawhney, Adv.

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

Mr. Navneet Kumar, Adv.  
for M/s. Corporate Law Group, Adv.

Ms. Rachana Srivastava, Adv.

Mr. T.V. George, Adv. (NP)

Ms. Kamini Jaiswal, Adv.  
Ms. Sunita Dwivedi, Adv.

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

Mr. Ranjan Mukherjee, Adv.

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

Mr. Jatinder Kumar Bhatia, Adv. (NP)

Mr. Pramod Swaup, Sr. Adv.  
Mr. Sahil K. Dwivedi, AAG  
Mr. R.K. Gupta, Adv.  
Mr. Rajiv Dubey, Adv.  
Mr. Kamalendra Mishra, Adv.

Mr. Ravi Prakash Mehrotra, Adv. (NP)

Mr. Gopal Singh, Adv.  
Mr. Manish Kumar, Adv.  
Mr. Rituraj Biswas, Adv.

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

Mr. Anil Shrivastav, Adv.  
Mr. Rituraj Biswas, Adv.

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Mr. Edward Belho, Adv.  
Mr. Enatoli Sema, Adv.  
For Mr. P.V. Yogeswaran, Adv.

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

Mr. Sanjiv Sen, Adv.  
Mr. P. Parmeswaran, Adv.  
Mrs. Anuja Chopra, Adv.

Mr. Atul Jha, Adv.  
for Mr. D.K. Sinha, Adv.

Mr. Gopal Prasad, Adv.

Ms. Anjana Chandrashekar, Adv. (NP)

Mr. Ramesh Babu M.R., Adv. (NP)

Ms. D. Bharathi Reddy, Adv. (NP)

Mr. Sanjay R. Hegde, Adv.  
Mr. Abhishek Malviji, Adv.  
Mr. Krutin Joshi, Adv.

Ms. C.K. Sucharita, Adv.

Ms. Sumita Hazarika, Adv. (NP)

Ms. A. Subhashini, Adv.  
Mr. Kuldeep Singh, Adv.  
Mr. Ravindra Keshavrao Adsure, Adv. (NP)  
Mr. Prashant Kumar, Adv.  
Mr. Vishwajit Singh, Adv. (NP)  
Mr. Shekhar Naphade, Sr. Adv.  
Mr. Sanjay V. Kharde, Adv.  
Ms. Asha G. Nair, Adv.  
Mr. K.V. Mohan, A12/08/2010dv. (NP)  
Mr. Rajesh Srivastava, Adv. (NP)  
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Mr. Anuvrat Sharma, Adv. (NP)  
Mr. K.N. Madhusoodhanan, Adv.  
For Mr. R. Sathish, Adv.  
Mr. R.C. Kaushik, Adv. (NP)  
Mr. A.K. Singh Tarun, Adv.  
Mr. B.P. Yadav, Adv.  
For Mr. Debasis Mishra, Adv.  
Mr. Pradeep Misra, Adv. (NP)  
Mr. Venkateswara Rao Anumolu, Adv.  
Mr. B.S. Banthia, Adv.  
Mr. Vikas Upadhyay, Adv.  
Mr. G. Prakash, Adv.  
Mr. Anil Kumar Jha, Adv. (NP)  
Mr. Vikas Mehta, Adv.  
Mr. Naresh K. Sharma, Adv.  
Mr. Anis Suhrawardy, Adv. (NP)  
Mr. Sunil Fernandes, Adv.  
Mr. Vikrant Nagpal, Adv.  
Mr. S. Goel, Adv.  
Mr. S.M. Jadhav, Adv. (NP)  
Mrs. Aruna Mathur, Adv.  
Mr. Amarjeet Singh Girsa, Adv.  
For M/s. Arputham, Aruna & Co., Advs.  
Mr. Pramod Swarup, Sr. Adv.  
Mr. Abhijit Sengupta, Adv.  
Mr. Sachin Das, Adv.  
Mr. M.N. Krishnamani, Sr. Adv.  
Mr. Bikas Kargupta, Adv.  
Mr. Abhijit Sengupta, Adv.

Mr.P.S.Patwalia,Sr.Adv.  
Mr.Manish Pitale, Adv.  
Mr.Wasi Haider, Adv.  
For Mr.C.S.Ashri, Adv.

Mr.J.R.Das, Adv.(NP)

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

In pursuance to the directions of this Court,  
Smt.Alka Sirohi, Secretary to Government of India, Ministry of  
Consumer Affairs, Food and Public Distribution, New Delhi has  
filed a comprehensive affidavit, a copy of which was handed  
over to us by the learned Additional Solicitor General in  
Court, which is taken on record. A serious endeavour has been  
made to give a clear answer to all the queries raised by us in  
our last order. Learned counsel for the petitioner, the  
Dealer's Associations and the State Governments may file  
reply to this affidavit within a week from today.

In reply to the Court's query why the facilities of the  
Public Distribution System be not discontinued for people who  
are Above Poverty Line, a comprehensive reply has been filed  
in which it is mentioned that after meeting the total  
allocation of the population in the categories of Antyodaya  
Anna Yojana and Below Poverty Line, the remaining foodgrains  
are allocated to the States and the Union Territories for  
distribution to Above Poverty Line population. That is  
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precisely what the Court had in mind when the previous order  
was passed.

It is also indicated in the affidavit that the  
Union of India making allocation to the States @ 35 Kgs. per  
family. In reply to the Court's query that to avoid pilferage  
and corruption there must be total computerization of Public  
Distribution System on a priority basis. The Court also  
observed that the Union of India must prepare a common

software for all the States. It was also indicated in the previous order that the Union of India may consider computerization in consultation with the specialized agencies like the Unique Identification Authority of India or any other agencies. In reply to that, it is mentioned that the Department of Food and Public Distribution has taken up several initiatives for computerization of Targeted Public Distribution System (for short 'TPDS').

A policy scheme of computerization of TPDS has been approved in August, 2009 to be implemented in 3 districts in each of the 4 pilot States i.e. Andhra Pradesh, Assam, Chhattisgarh and Delhi and piloting of food grain bag tracking in one district in Chhattisgarh. A pilot scheme on smart card based delivery of TPDS commodities has also been approved for the Union Territory of Chandigarh and Haryana. Integrated

Information System for Food Grains Management (IISFM) is an

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application developed by the National Informatics Centre for Food Corporation of India (FCI). The project aims at putting an online management system in place to give information about foodgrains management in FCI at any point of time.

In the affidavit it is also indicated that implementation of Information and Communication Technology (ICT) solutions across the country on a large scale covering 35 States/UTs, more than 600 districts, their sub-divisions/block/tehsil level godowns and over 5 lakh fair price shops across a diverse operating environment is quite complex. The processes and practices, skill sets and e-readiness vary from State to State and even from district to district within a State. It is also mentioned in the affidavit that the Department of Information Technology, National Informatics Centre and Unique Identification Authority of India (UIDAI) and other experts, a task force headed by Director General, National Informatics Centre has been set up

on 09.08.2010 which will include representatives of Department of Information and Technology, UIDAI, Department of Food and Public Distribution, Food Corporation of India and Food Secretaries of selected States/UTs as members. The Task Force is entrusted with the responsibility of working out the modalities for integration of the existing projects and also to suggest as to how UIDAI will be eventually leveraged.

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The Union of India, in principle, has agreed to the complete computerization of the entire Public Distribution System which means computerization from the godown of Food Corporation of India to the ultimate beneficiary to ensure greater transparency of the entire Public Distribution System. Mr.Parasan, learned Additional Solicitor General prays for some time to submit a comprehensive report in this regard. Looking to the urgency of this matter, we request the Union of India to expedite the whole process and submit a comprehensive report to this Court as early as possible and in any event within six weeks from today. The Union of India may take the help and assistance of any organization or agency which it may deem appropriate.

The Food Secretary in her affidavit has stated that there has been record procurement of wheat and rice in the last three years as a result of which the central pool stocks reached the level of 604.28 lakh tonnes on 1.6.2010. Due to high procurement of wheat and rice during the last three years and insufficient covered storage space available in the country to store the procured stock, 178 lakh tonnes of wheat was stored in Covered and Plinth (CAP) storage, as on 1.6.2010. CAP storage involves storage on elevated plinths with polythene covers specially made for this purpose.

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The Union of India must ensure food security of

the country. In view of record procurement which the Government of India is not able to properly store and preserve it would be appropriate that the Government of India may take some long term and short term measures to solve the problem. Permanent solution lies in constructing adequate storage facilities. The Union of India may consider constructing atleast one large Food Corporation of India godown in every State and consider the possibility of construction of one godown in every division if not in every district of the State.

Similarly, the Government of India may consider taking some short term measures to deal with this problem of foodgrains which is rotting :

(a) increase in the quantum of food supply to the population Below Poverty Line;

(b) opening the fair price shops for all the 30 days in a month; and

(c) distribute foodgrains to the deserving population at a very low cost or no cost.

The public distribution system needs to be strengthened particularly, in tribal and drought prone areas of the country.

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Learned counsel for the petitioner submits that though the Union of India has allocated 35 Kgs. of wheat/rice per family but the State Governments are not distributing it in the same proportion. We would like the State Governments to file affidavits in that respect within one week.

Pleadings be completed in all the applications on board today before the next date of hearing.

Reply to the affidavit of Union of India, if any, may be filed within a week. Rejoinder may be filed within a week thereafter.

List this petition for further direction on

31.08.2010.

(G.V.RAMANA)  
COURT MASTER

(NEERU BALA VIJ)  
COURT MASTER