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W.P(C)No. 196 OF 2001  
ITEM No.7

Court No. 5

SECTION PIL  
A/N MATTER

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.196/2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With appln. (s) for interim relief and directions and  
permission to submit addl. documents and office report)  
(FOR FURTHER CONSIDERATION)

Date : 27/04/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL  
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s)Mr. Colin Gonsalves, Sr.Adv.  
Mr. P. Ramesh Kumar, Adv.  
Ms. Priya Kirar, Adv.  
Ms. Aparna Bhat,Adv.

For UOI:Mr. Raju Ramachandran, ASG.  
Ms. Meenakshi Arora, Adv.  
Ms. Varuna Bhandari Gugnani, Adv.  
for Mr. D.S. Mahra, Adv. &  
Mr. B.V.B. Das, Adv.

For Applicant in  
I.A.34:Mr. M.L. Verma, Sr.Adv.  
Mr. Prashant Kumar, Adv.

For Intervenor-  
Health India:Mr. ML. Verma, Sr.Adv.  
Mr. Vishwajit Singh, Adv.

For Bihar:Mr. B.B. Singh, Adv.  
Mr. Kumar Rajesh Singh, Adv.

For NCT, Delhi:Mr. Ashok Bhan, Adv.  
Mr. A.K. Raina, Adv.  
Mrs. Anil Katiyar, Adv.

For Punjab:Mr. R.K. Rathore, AAG  
Mr. R.S.Suri, Adv. (NP)

For A.P.:Mr. T.V. Ratnam,Adv.  
Ms. OSG. Prasana, Adv.  
Mr. K. Subba Rao, Adv.

For Arl.Pradesh:Mr. Anil Shrivastava, Adv.  
Ms. Jyoti Dutt, Adv.

For Pondicherry:Mr. V.G. Pragasam, Adv.

For Manipur:Mr. KH. Nobin Singh, Adv.

For Assam:Ms. Krishna Sarma, Adv.  
Mr. Sanjay V.S. Chaudhary, Adv.  
Mr. Niraj Kumar, Adv.  
for Corporate Law Group, Advs.

For Jharkhand:Mr. Ashok Mathur, Adv.  
Mr. Rajesh Pathak, Adv.

For Uttaranchal:Ms. Rachana Srivastava, Adv.

For Chhattisgarh:Ms. Suparna Srivastava, Adv.  
Mr. Rajesh Srivastava, Adv.

For U.P.:Mr. Pramod Swarup, Adv.  
Mr. Pramod Dayal, Adv.

For Sikkim:Mr. A.Mariarputham, Adv.  
Ms. Aruna Mathur, Adv.for  
M/s Arputham Aruna & Co., Advs.

For West Bengal:Mr. Rakesh Dwivedi, Sr.Adv.  
Mr. Tara Chandra Sharma, Adv.  
Ms. Neelam Sharma, Adv.  
Mr. Tarun Sharma, Adv.

For Tripura:Mr. Anurag Sharma, Adv.  
Mr. Navin Prakash, Adv.  
Mr. Gopal Singh, Adv.

For Nagaland:Mr. U. Hazarika, Adv.  
Ms. Madhvi Sharma, Adv.  
Ms. Sumita Hazarika, Adv.

For Rajasthan:Ms. Sandhya Goswami, Adv.

Mr. Aruneshwar Gupta, Addl.Adv.Genl. Mr. Jog Singh, Adv.  
Mr. Amarjit Singh Bedi, Adv.

For J & K:Mr. Anis Suhrawardy, Adv.

For Goa:Ms. A. Subhashini, Adv.

For Tamil Nadu:Mr. S. Prasad, Adv.  
Mr. Gopalakrishnan R., Adv.  
Mr. Abhay Kumar, Adv.  
Mr. Rahul Kumar, Adv.  
Mr. Sree Narain Jha, Adv.

For Gujarat &Ms. Hemantika Wahi, Adv.  
Mizoram:Ms. Sadhna Sandhu, Adv.

For M.P.:Mr. BS. Banthia, Adv.  
Mr. Naveen Sharma, Adv.

For H.P.:Mr. J.S.Attri, Adv.

For Maharashtra:Mr. Mukesh K. Giri, Adv.

For Chandigarh:Ms. Kamini Jaiswal, Adv.

For other parties:

Mr. Jana Kalyan Das,Adv.

Ms. Indra Sawhney,Adv.

Mr. S.V. Deshpande,Adv.

Mr. J.P. Dhanda,Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. Ashok K. Srivastava, Adv.

Mr. Prakash Shrivastava, Adv.

Mr. Ramesh Babu M.R., Adv.

Mr. Sanjay R. Hegde, Adv.

Mr. R.K. Maheshwari, Adv.

Mr. Kuldip Singh, Adv.

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

National Social Assistance Programme (NSAP):

We have further heard for some time Mr. Gonsalves, learned senior counsel, and Mr. Raju Ramachandran, learned Additional Solicitor General. The various schemes for the poorer sections of the citizens of this country have been the subject matter of the orders passed by this Court from time to time. It seems that some States have discontinued some of the schemes. As an interim measure, till the matter is fully heard in detail, we direct that no scheme covered by the orders made by this Court including the National Old Age Pension Scheme, National Family Benefit Scheme, in particular Annapurna, and National Maternity Benefit Scheme shall be discontinued or restricted in any way without the prior approval of this Court. In other words, it means that till further orders, the schemes would continue to operate and benefit all those who are covered by the schemes. We hope that the Government of India and the State Governments would simplify the procedure so that high proportion of eligible persons remain to be covered by the schemes.

A copy of this order shall be sent to the Chief Secretaries of every State Government/Union Territory. The Union of India, through the concerned Ministry, shall also issue directives to the State Governments/Union Territories to comply with this order.

ICDS (Integrated Child Development Scheme):

In respect of Integrated Child Development Scheme, directions were issued on 28th November, 2001. It seems that most of those who are covered by the said order are not getting benefit under the said scheme. We have heard the submissions of Mr. Gonsalves and perused the report submitted by the Commissioners and the directions sought. From the facts and figures that have been furnished to us, it seems evident that there is a large number of mal-nourished children between the age group of 0 to 6 years. These figures are based on the survey conducted under the National Family Benefit Health Scheme. The position is quite alarming. These young children are the future of the nation. Further, it appears that except Kerala and Tamil Nadu where the benefit under the scheme is said to be reaching to about 50 per cent of the children, in the rest of the country the average seems to be below 25 per cent. The position in the States of Bihar, Uttar Pradesh, Jharkhand and Uttaranchal seems to be quite alarming. According to the survey for the period 2002-2003 the access to supplementary nutrition for the children in Bihar reaches about 12.6 per cent of those who are otherwise covered by the scheme. Mr. Raju Ramachandran, learned ASG prays for a short adjournment to discuss the matter with the concerned officials and make submissions on the directions that may be issued to ensure the compliance of the Order dated 28th November, 2001.

As prayed, the case is adjourned to 29th April, 2004.

BPL (Below Poverty Line Scheme)

The case may be put up for hearing on a non-miscellaneous day after re-opening of the Court after summer vacation.

(N. Annapurna)            (S. Thapar)            (V.P. Tyagi)  
Court Master    PS to Registrar    Court Master