

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 applns.(s) for interim relief and interim directions and  
permission to submit additional documents and office report)

Date : 29/10/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE Y.K. SABHARWAL  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s) Mr. Colin Gonsalves, Adv.  
Ms. Sweta Kakkad, Mr. P Ramesh Kumar and  
Ms. Aparna Bhat, Advs.

For Respondent (s)  
U O I Mr. Soli J Sorabjee, Attorney General  
Ms. Meenakshi Arora, Adv.  
Mr. Manish Singhvi, Adv.  
Mr. Y P Mahajan, adv.  
Mr. B V Balaram Das, Adv.

F C I Mr. Soli J Sorabjee, Attorney General  
Ms. Indra Sawhney, Adv.

State of Assam Ms. Krishna Sarma, Mr. V K Sidatharan,  
and Asha G Nair, Advs. for  
Corporate Law Group, Advs.

State of Arunachal Pradesh Mr. Anil Shrivastav, Adv.

State of Andhra Pradesh Mr. T V Ratnam, Adv.  
Mr. K Subba Rao, Adv.

UTs of Andaman & Nicobar, Dadra & Nagar Haveli, Daman & Diu and Lakshadweeep Mr. K C Kaushik, Adv.  
Mr. D S Mahra, Adv.  
Ms. Sunita Sharma, Adv.

State of Bihar Mr. B B Singh, Adv.

State of Chhattisgarh Mr. Prakash Shrivastava, Adv.

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UT of Chandigarh	Ms. Kamini Jaiswal, Adv. Ms. Shomila Bakshi and Ms. Aishwarya Rao, Adv.
NCT Delhi	Mr. K C Kaushik, Adv. Mr. D S Mahra, Adv.
State of Goa	Ms. A Subhashini, Adv.
State of Gujarat	Ms. Hemantika Wahi, Adv. Ms. Anu Dubey, Adv. Ms. Sadhna Sandhu, Adv.
State of Haryana	Mr. J.P. Dhanda, Adv. Ms. Raj Rani Dhanda, Adv. Mr. Sunder Khatri, Adv.  Mr. Mahendra Anand, Sr. Adv. Mr. Neeraj Kumar Jain, Adv. Ms. Hema Sahu, Adv.
State of Himachal Pradesh	Mr. Naresh K Sharma, Adv.
State of Jharkhand	Mr. Arup Banerjee, Adv. Mr. Ashok Mathur, Adv. Mr. Rajesh Pathak, Adv.
State of Jammu & Kashmir	Mr. Anis Suhrawardy, Adv.
State of Kerala	Mr. Ramesh Babu M R, Adv.
State of Karnataka	Mr. Sanjay R Hegde, Adv. Mr. Satya Mitra, Adv.
State of Meghalaya	Mr. Ranjan Mukherjee, Adv.
State of Maharashtra	Mr. S V Deshpande, Adv. Mr. S S Shinde, Adv. Mr. V N Raghupathy, Adv.
State of Manipur	Mr K H Nobin Singh, Adv.
State of M.P.	Ms. Rachana Srivastava, Adv. Mr. B.S. Banthia, Adv. Mr. Satish K Agnihotri, Adv.
State of Mizoram	Ms. Hemantika Wahi, Adv. Ms. Anu Dubey, Adv. Ms. Sadhna Sandhu, Adv.
State of Nagaland	Mr. Kailash Vasdev, Sr. Adv. Mr. S K Shandilya, Adv. Ms. V D Khanna, Adv.
State of Orissa	Mr. J.K. Das, Adv.
State of Punjab	Mr. R S Suri, Adv.

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Govt. of Pondicherry	Mr. V G Pragasam, Adv.
State of Rajasthan	Dr. A M Singhvi, Sr. Adv.

Ms. Sandhya Goswami, Adv.  
Mr. Amit Bhandari, Adv.

State of Sikkim

Mr. A Mariarputham, Adv.  
Ms. Aruna Mathur and Mr. Anurag D Mathur,  
Adv. for M/s. Arputham, Aruna & Co., Adv.

State of Tripura

Mr. Gopal Singh, Adv.  
Mr. Rahul Singh, Adv.

State of Tamil Nadu

Ms. Revathy Raghavan, Adv.

State of Uttranchal

Ms. Rachana Srivastava, Adv.  
Mr. Mahesh C Kaushiwa, Adv.

State of U.P.

Mr. Ashok K Srivastava, Adv.

State of West Bengal

Mr. Bhaskar P Gupta, Sr. Adv.  
Mr. Tara Chandra Sharma, Adv.  
Mr. Ajay Sharma, Adv.

Educational Deptt.

Ms. Shally Bhasin Maheshwari, Adv.  
Mr. Rishi Maheshwari, Adv.  
Mr. R K Maheshwari, Adv.  
Ms. Ritu Rastogi, Adv.

UPON hearing counsel the Court made the following  
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On 8th May, 2002, detailed directions were given by this Court with regard to the implementation of various schemes which had been floated for giving relief to the poor, impoverished and the hungry. In the said order Dr. N.C. Saxena and Mr. S.R. Sankaran were appointed as Commissioners of the Court, inter alia, for the purpose of@@  
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looking into any grievance that may persist after the grievance resolution procedure set out in the said order has been exhausted.

Pursuant to the said order Dr. N.C. Saxena has filed the first Report dated 12th October, 2002. In the  
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said Report, there is a reference with regard to the food requirement in the State of Rajasthan. We need not go into this aspect but what requires to be considered is the directions which are sought for by the Commissioners in the said Report.

We have heard the learned Attorney General, Mr. Colin Gonsalves and Dr. A.M. Singhvi and in furtherance and in addition to our aforesaid order of 8th May, 2002; we issue the following directions.

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(a) The Chief Secretaries/Administrators of the States/Union Territories are directed to respond promptly to the correspondences addressed to them by the Commissioners and provide full information as required.

(b) In case of persistent default in compliance with the orders of this Court concerned Chief Secretaries/Administrators of the States/Union Territories shall be held responsible.

(c) The Chief Secretaries/Administrators are given one last chance to translate and permanently display the order dated 28th November, 2001 and 8th May, 2002 of this Court, on all the Gram Panchayats, school buildings and fair price shops and give wide publicity on the ..5/-

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All India Radio and Doordarshan. This should be@@  
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complied with within eight weeks from today. @@  
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(d) It is clarified that the scope of the work of the Commissioners appointed by this Court is to include the monitoring of the implementation of this Court's orders as well as the monitoring and reporting to this Court of the implementation by the respondents of the various welfare measures and schemes.

(e) The respective State Governments shall appoint Government officials as Assistants to the Commissioners within eight weeks from today. The appointment shall be made by the Chief Secretaries/Administrators of the States/Union Territories in consultation with Dr. N.C. Saxena. The Assistants so appointed will render such assistance to the Commissioners as the Commissioners may require and help them in discharging the responsibility which has been cast upon them.

(f) In order to ensure that there is effective implementation of the Governmental Schemes, the States as well as the Central Government shall appoint one Nodal Officer each. The Assistants appointed to help the Commissioners, as well as the Commissioners ...6/-

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would remain in constant touch with the said Nodal Officers for the purpose of ensuring the due implementation of the Schemes.

(g) The Nodal Officers so appointed shall provide to the Commissioners full access to relevant records and provide relevant information.

(h) Whenever the States/Union Territories have a meeting in relation to food scarcity it will be appropriate that the Commissioners and in their absence the assistants are notified to participate in the same.

(i) It is the duty of each States/Union Territories to prevent deaths due to starvation

or malnutrition. If the Commissioner reports and it is established to the satisfaction of the Court that starvation death has taken place, the Court may be justified in presuming that its orders have not been implemented and the Chief Secretaries/Administrators of the States/ Union Territories may be held responsible for the same.

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We reaffirm our earlier order dated 8th May, 2002 and direct the parties to comply with the same, and, in ...7/-

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particular the Central Government shall formulate the scheme to extend the benefits of the Antyodhaya Anna Yojana to the destitute section of the population.

Adequate funds shall be made available to the Commissioners by the Union of India to enable them to perform the functions. To await the next Report of the Commissioners, and to come up for further orders after four months before a Bench of which Hon'ble Mr. Justice Y.K. Sabharwal is a Member.

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Kalyani. (S.L. GOYAL)@

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