

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(s). 196 OF 2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(WITH APPLN. (S) FOR DIRECTIONS AND PERMISSION TO PLACE ADDL. DOCUMENTS ON RECORD AND EXEMPTION FROM FILING O.T. AND INTERIM DIRECTIONS AND INTERVENTION AND C/DELAY AND PLACING ADDL. DOCUMENTS AND MODIFICATION OF COURT'S ORDER AND IMPLEADMENT AND PERMISSION TO FILE ADDITIONAL DOCUMENTS AND PERMISSION TO FILE REJOINDER AFFIDAVIT AND CLARIFICATION AND C/DELAY IN FILING PROCESS FEE AND IMPLEADMENT AS PARTY RESPONDENT AND EXTENSION OF TIME AND C/DELAY IN FILING AFFIDAVIT AND PERMISSION TO FILE ADDITIONAL AFFIDAVIT WITH OFFICE REPORT)  
(FOR FINAL DISPOSAL)

WITH

CONMT. PETITION (CIVIL) NO. 99/2009 IN W.P. (C) No. 196/2001  
(WITH APPLN. (S) FOR EXEMPTION FROM FILING O.T.)

WITH

W.P. (C) No. 277/2010  
(WITH OFFICE REPORT)

PART HEARD

SLP(C) NO. 17453 of 2006

(WITH APPLN. (S) FOR EXEMPTION FROM FILING C/C OF THE IMPUTED JUDGMENT AND EXEMPTION FROM FILING O.T. AND WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)

Date: 17/09/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.  
Ms. Jayshree Satpute, Adv.  
Ms. Jyoti Mendiratta, Adv.  
  
Mr. R.C. Kaushik ,Adv

For Respondent(s) Mr. PP Malhotra,ASG  
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MS. Sunita Sharma, Adv.  
Mr. W.A.Qadri, Adv.  
Mr. Gaurav Sharma, Adv.  
MR. Gaurav Dhingra, Adv.  
Mr. T.A.Khan, Adv.  
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Mr. D.S.Mahra, Adv.  
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    Mr. Zaid Ali, Adv.  
Mr. D.S.Mahra, Adv.

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Mr. Gopal Singh ,Adv  
Mr. Ritu Raj Biswas, Adv.

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

Mr. Soumitra G Chaudhuri, Adv.  
Mr. Abhijit Sengupta, Adv.  
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Ms. Hemantika Wahi ,Adv  
Ms. Jesal, Adv.

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Mr. Prashant Kumar, Adv.  
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Mr. Pramod Swarup, SR. Adv.  
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Mr. Tara Chandra Sharma ,Adv

Mr. K.V.Mohan ,Adv

Dr. Manish Singhvi, AAG, Raj.  
Mr. Irshad Ahmad ,Adv

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Mr. S.Bhowmick, Adv.  
Mr. S.C.Ghosh, Adv.

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Mr. Gopal Prasad, Adv.  
Mr. Sarbjeet Dutta, Adv.

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Mr. S.J.Aristotle, Adv.  
Mr. Praburamasubramanian, Adv.

Mrs. D. Bharathi Reddy ,Adv

Mr. Shivaji M. Jadhav ,Adv

Mr. Anil Kumar Jha ,Adv

Mr. Chander Shekhar Ashri ,Adv

Mr. Vikas Upadhyay,Adv.

Mr. B.S. Banthia ,Adv

Mr. Ramesh Babu M.R. ,Adv

Mr. Khawairakpam Nobin Singh ,Adv

Mr. Sapam Biswajit Meiti, Adv.

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Mr. Riku Sharma, Adv.

Mr. Navnit Kumar, Adv.

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Mr. Rajesh Srivastava ,Adv

Mr. Jatinder Kumar Bhatia ,Adv

Mr. Ravi Prakash Mehrotra ,Adv

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Mr. Gautam Dhamija,Adv.

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Mr. Vikas Mehta ,Adv

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Mr. Sandeep Jha, Adv.  
Mr. D.K.Sinha, Adv.

Ms. Anjana Chandrashekar ,Adv

Mr. Anuvrat Sharma ,Adv

Mr. Chandra Bhushan Prasad ,Adv

Mr. Naveen R Nath,Adv.

Mr. G Prakash,Adv.

Mr. Venkateshwara Rao Anumolu,Adv.

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Mr. S Nagarajan,Adv.

Mr. V.N. Raghupathy,Adv.

M/s. Hingorani & Associates,Advs.

Mr. Debasis Misra,Adv.

Mr. Anil Srivastav,Adv.

Mr. Pradeep Misra,Adv.

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

Petitions stand adjourned to 21.09.2012 in view of the signed order  
placed on the file.

List on 21.09.2012 at 3.00 p.m.

|(N.K. Goel)  
|Court Master

|(Veena Khera)  
|Court Master

(Signed order is placed on the file)

REPORTABLE

IN THE SUPREME COURT OF INDIA  
EXTRA ORDINARY JURISDICTION  
WRIT PETITION (C) No.196 OF 2001

People's Union of Civil Liberties  
Versus  
Union of India & Ors.

...Petitioner  
...Respondents

O R D E R

T.S. Thakur, J.

In this petition under Article 32 of the Constitution of India the petitioner has sought several reliefs primarily aimed at the reforms in the Public Distribution System prevailing in the country. The writ petition makes several assertions based on the reports and data available from official and unofficial sources and studies that despite availability of large stock foodgrains in the country over the years and despite huge subsidies which the Central Government provides on foodgrains meant for distribution among the poorer sections of the society, there is large scale diversion, misappropriation, wastage and mis-utilization of such grains mainly on account of rampant corruption that afflicts the system. Several orders passed by this Court since the year 2001 when the petition was filed have dealt with several facets of the problem highlighted in the writ petition. The scope of the proceedings has over the years been widened by directions issued on several subjects which may not have been included within the scope of the writ petition. What is, however, significant is that this Court has not only appointed Commissioners to monitor implementation of the welfare schemes framed by the Government of India for the benefit of the poorer sections of the society but also appointed a High Powered Committee headed by Justice D.P. Wadhwa, a former Judge of this Court called the Central Vigilance Committee. The Committee has since the year 2006 when it was first appointed, submitted as many as 22 reports covering an equal number of States in the country in which reports it has extensively dealt with the ills that are prevailing in the system and reforms that would possibly improve the same for the benefit of the common man. In the course of the hearing before us our attention was drawn by counsel for the parties to the reports and the recommendations contained therein. Our attention was also drawn to a letter received from the Chairman of the Committee asking for further extension of time to complete the on-going process which remains incomplete in relation to as many as six States.

At one stage of the hearing it was submitted by Mr. Gonsalves that the picture that emerges from the reports already submitted by the CVC should give a clear view about the prevailing conditions in the States which have not so far been investigated by the CVC and that this Court could examine the issue and pass effective orders so as to conclude these proceedings which have been going on for more than a decade. On a closer examination of the reports and the questions that fall for determination, we are of the view that while the CVC has done a commendable job in visiting the States and reviewing the local conditions regarding PDS prevailing therein, the recommendations made are general in nature and not necessarily applicable to each and every State on a uniform basis. We assume that the CVC would after completing its study in regard to the remaining States, sum up its final recommendations. These recommendations could be on matters that can be dealt with at the national level so as to be applicable to all the States in the country. They could also be specific to any region or State if the CVC finds that ground realities and conditions prevailing in any region or state do not admit of a uniform system for PDS for the whole country. Since an abrupt change in the system is

likely to disrupt supplies to the beneficiaries, the CVC could also in its wisdom make recommendations to be implemented in a phased manner to avoid any such disruption. Suffice it to say that we leave it entirely to CVC to formulate and concretise its final recommendations and suggest the manner in which the same need to be implemented. We do not in the least propose to hinder the CVC's exercise or thought process, in this regard. All that we expect is that recommendations whether for systemic change or administrative reforms aimed at enhancing transparency and accountability among those charged with the working of the system need to be specific to enable us to examine the same and issue suitable directions. The recommendations needless to say could be on short term/immediate measures to be taken by the central and/or State Governments as also long term objectives to be pursued by them over the years. Beyond that we do not consider it either necessary or proper to say anything at this stage. We accordingly extend the time given to the CVC by six months w.e.f. 1st July, 2012 to enable it to complete its exercise and submit its final recommendations on the subject keeping in view what we have stated above. These petitions shall in the meantime stand adjourned to 21st September, 2012 for further hearing.

.....J.  
(T.S. THAKUR)

.....J.  
(FAKKIR MOHAMED IBRAHIM KALIFULLA)

New Delhi  
September 17, 2012.