

ITEM NO.62

COURT NO.3

SECTION PIL

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)

[REGARDING REPORTS SUBMITTED BY JUSTICE
JUDGE, SUPREME COURT OF INDIA]
[REGARDING PUBLIC DISTRIBUTION SYSTEM]

D.P. WADHWA, RETD.

WITH
IA NOS. 90,93,98,102 TO 108, 110, 111 AND 112 IN WP(C) 196/2011
[FOR PERMISSION ON BEHALF OF RESPONDENT NO. 17 I.E. STATES OF
MAHARASHTRA, MODIFICATION AND DIRECTIONS, INTERVENTION ON BEHALF
OF WEST BENGAL M.R. DEALERS ASSOCIATION AND ALL BENGAL PRICE
SHOP DEALERS WELFARE ASSOCIATION, IMPLEADMENT AND EXEMPTION FROM
FILING O.T., DIRECTION, EXTENSION OF TIME ON BEHALF OF STATE OF
RAJASTHAN AND FOR MODIFICATION OF COURT'S ORDER DATED 22.4.2009
IMPLEADMENT ON BEHALF OF KARNATAKA STATE TALUKA COOPERATIVE
MARKETING SOCIETY ASSOCIATION TO BE IMPEADED AS RESPONDENTS AND
PERMISSION TO FILE ADDITIONAL AFFIDAVIT)

WITH
CONTEMPT PETITION @ NO. 99/2009 IN WP(C) NO. 196/2001
[PEOPLE'S UNION FOR CIVIL LIBERTIES V. UNION OF INDIA & ORS.]
(WITH APPLICATION FOR EXEMPTION FROM FILING O.T.)

WP(C) NO. 277/2010
[KAPILA HINGORANI V. UNION OF INDIA]

Date: 03/02/2012

These Petitions/Applications were called on
for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s)

Mr. Colin Gonsalves, Sr. Adv.
Ms. Amey Shukla, Ad.
Ms. Jyoti Mendiratta, Adv.

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In CC 99

Mr. Debasis Misra, Adv.

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In Wp 277

For M/s Hingorani Associates, Avs. (NP)

For Applicant(s)
in IAs 104-105

Mr. Manish Pitale, Adv.

	Mr. Wasi Haider, Adv.
In IA 111	Mr. Ashok Kumar Sharma, Adv. Mr. Avinash Kumar Jain, Adv.
In IOA 102, 103	Mr. Prakash Kumar, Adv. Mr. Chandra Bhushan Prasad, Adv.
For Respondent(s) For UOI	Mr. Mohan Prasaran, ASG. Mr. D.L. Chidanand, Adv. Ms. Sushma Suri, Adv. Mr. S. Wasim A. Qadri, Adv. Ms. Sunita Sharma, Adv. Mr. s.S. Rawat, Adv.
For Planning Commn.	Mr. Sunil Fernandes, Adv. Ms. Astha Sharma, Adv. Mr. Krishnan Adhikary, Adv.
For FCI	Ms. Indra Sawhney, Adv. Ms. Karnika Sethi, Adv. Mr. Lakshay, Adv.
For MCD	Mr. Sanjiv Sen, Adv. Mr. Ujjal Banerjee, Adv. Mr. P. Parmeswaran, Adv.
For NDMC	Mr. Sanjiv Sen, Adv. Mr. Ujjal Banerjee, Adv. Ms. Charu Ambwani, Adv. Mr. Prashant Kumar, Adv.
For DDA	Mr. Vishnu B. Saharya, Adv. For M/s. Saharya & Co., Advs.
FOR THE STATES OF Andhra Pradesh	Ms. D. Mahesh Babu, Adv. Mr. Mayur Shah, Adv. Ms. Savita Dhanda, Adv. Mr. Amit K. Nain, Adv.
Arunachal Pradesh WP(C) 196/2001 [PDS Matter]	Mr. Anil Shrivastav, Adv.
	3
	Mr. Rituraj Biswas, Adv.
Assam	Mr. Riku Sarma, Adv. Mr. Navnit Kumar, Adv. For M/s. Corporate Law Group, Advs.3/-
Bihar	Mr. Gopal Singh, Adv. Mr. Manish Kumar, Adv.
Chhatisgarh	Mr. Atul Jha, Adv. Mr. Sandeep Jha, Adv. Mr. Dharmendra Kumar Sinha, Adv.
Goa	Ms. A. Subhashini, Adv.
Gujarat	Ms. Hemantika Wahi, Adv. Ms. Jesal, Adv.
Haryana	Mr. Manjit Singh, AAG. Mr. Tarjit Singh, Adv. Mr. Kamal Mohan Gupta, Adv.

Himachal Pradesh Mr. Naresh Kumar Sharma, Adv.
Jammu & Kashmir Mr. Sunil Fernandes, Adv.
Ms. Astha Sharma, Adv.
Mr. Krishnan Adhikary, Adv.
Jharkhand Mr. Gopal Prasad, Adv.
Karnataka Mr V.N. Raghupathy, Adv.
Kerala Ms. Bina Madhavan, Adv.
Madhya Pradesh Mr. Vikrant Singh Bais, Adv.
Mr. B.S. Banthia, Adv.
Maharashtra Mr. Shankar Chillagre, Adv.
Ms. Asha G. Nair, Adv.
Manipur Mr. Khwairkpm Nobin Singh, Adv.
Mr. Sapan Biswajit Meitei, Adv.
Meghalaya Mr. Ranjan Mukherjee, Adv.
Mr. S. Bhowmick, Adv.
Mr. S.C. Ghosh, Adv.
Mr. R.P. Yadav, Adv.
Mizoram Mr. Pragyan P. Sharma, Adv.
Mr. P.V. Yogeswaran, Adv.
Ms. Mandakini Sharma, Adv.
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Mr. Gautam Dhamija, Adv.
Mr. S. Muthu Krishnan, Adv.
Mr. K.N. Madhusoodhanan, Adv.
Mr. R. Sathish, Adv.
Nagaland Mr. Edward Belho, Adv.
Ms. K. Enatoli Sema, Adv.
Mr. Amit Kumar Singh, Adv.
N.C.T. of Delhi Mr. Mohan Parsaran, ASG.
Mr. D.L. Chidanand, Adv.
Ms. Sunita Sharma, Adv.
Ms. Sushma Suri, Adv.
Ms. Anil Katiyar, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. D.S. Mahra, Adv.
Mr. S.S. Rawat, Adv.
Mr. B.V. Balaram Das, Adv.
Orissa Mr. Suresh Chandra Tripathy, Adv.
Mr. Dilip Kumar Shara, Adv.
Punjab Mr. Kuldip Singh, Adv.
Rajasthan Dr. Manish Singhvi, AAG.
Mr. Ashutosh Kumar Singh, Adv.
Mr. Irshad Ahmed, Adv.
Sikkim Ms. Aruna Mathur, Adv.
Mr. Yusuf Khan, Adv.
Mr. Kaustabh Sinha, Adv.

...4/-

For M./s. Arputham, Aruna & Co., Adv.

Tamil Nadu Mr. S. Guru Krishnakumar, AAG.
Mr. B. Balaji, Adv.
Mr. A. Prasanna Venkat, Adv.

Tripura Mr. Gopal Singh, Adv.
Mr. Rituraj Biswas, Adv.

Uttarakhand Mr. Tanmaya Agarwal, Adv.
Ms. Rachna Srivastava, Adv.

Uttar Pradesh Mr. Pramod Swarup, Sr. Adv.
Mr. Raj Kumar Gupta, Adv.
Mr. Rajeev Dubey, Adv.
Mr. Kamlendra Mishra, Adv.

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West Bengal Mr. Soumitra G. Chaudhuri, Adv.
Mr. Raja Chatterjee, Adv.
Mr. B.P. Yadav, Adv.
Ms. Sampa Sengupta, Adv.

FOR THE UNION TERRITORIES

Andaman & Nicobar Mr. Rituraj Biswas, Adv.
Mr. D.S. Mahra, Adv.

Chandigarh Mr. Manpreet Singh Doabia, Adv.
Ms. Sudarshan Singh Rawat, Adv.

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Dadra & Nagar Haveli Mr. S.W.A. Qadri, Adv.
Mr. Rituraj Biswas, Adv.
Mr. D.S. Mahra, Adv.

Daman & Diu Mr. S.W.A. Qadri, Adv.
Mr. Rituraj Biswas, Adv.
Mr. D.S. Mahra, Adv.

Lakshadweep Mr. S.W.A. Qadri, Adv.
Mr. Rituraj Biswas, Adv.
Mr. D.S. Mahra, Adv.

Puduchery Mr. R. Sundaravardhan, Sr. Adv.
Mr. V.G. Pragasam, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Prabu Ramasubramanian, Adv.
Ms. Vanita C. Giri, Adv.

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

Mr. Aruneshwar Gupta, Adv. (NP)

Mr. Anil K. Jha, Adv. (NP)

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Ms. Kamini Jaiswal, Adv. (NP)

Mr. Pradeep Misra, Adv. (NP)

Mr. Tara Chandra Sharma, Adv. (NP)

Mr. K.V. Mohan, Adv. (NP)

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

Mr. Anil K. Jha, Adv.(NP)
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Mr. Ramesh Babu M.R., Adv. (NP)
Mr. Sanjay R. Hegde, Adv. (NP)
Mr. Vishwajit Singh, Adv. (NP)
Mr. Rajesh Srivastava, Adv. (NP)
Mr. Jatinder Kumar Bhatia, Adv. (NP)

....6/-

Mr. Ravi Prakash Mehrotra, Adv. (NP)
Ms. Sumita Hazarika, Adv. (NP)
Mr. Ravindra Keshavrao Adsure, Adv.(NP)
Mr. S. Thananjayan, Adv.(NP)
Mr. Vikas Mehta, Adv.(NP)
Ms. Anjana Chandrashekar, Adv.(NP)
Mr. Anuvrat Sharma, Adv.(NP)
Mr. Chandra Bhushan Prasad, Adv.(NP)
Mr. G. Venkateswara Rao Anumolu, Adv.(NP)

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

Mr. Justice D.P. Wadhwa has submitted a Report on the basis of the visit of the Committee to District Satara, Maharashtra on 23rd January, 2012 where a presentation was made by the Deputy Secretary, Department of Food, Civil Supplies & Consumer Protection and District Supply Officer, Satara.

According to the observation of Justice Wadhwa, it was found that progress of computerization was extremely slow and almost non-existent. No substantial work has been done except just initiating the digitization process which was at the initial

stage and facing great deal of problems.

The Committee also

visited the Data Centre where digitization of data was being carried out.

It was clear at the Data Centre that the Data Entry Operators had been engaged a day earlier. They were uploading data from forms which had not been verified by any authority but bore the seal of the verifying authority.

Justice Wadhwa has earlier submitted a number of reports to this court stating that diversion of food grains can be eliminated or at least reduced to a large extent if there is complete computerization in Public Distribution System. All counsel for the parties also endorsed the view of Justice Wadhwa. The Government of India had undertaken a massive operation to provide food to poor in the country and for its effective implementation, computerization is absolutely imperative. It is evident from the report that there is no coordination between the Central Government and the State Governments.

Learned counsel for the parties suggest and we also feel that this long outstanding problem can be sorted out if

the Secretary (Consumer Affairs, Food and Public Distribution)

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is made incharge of the computerization programme in Public Distribution System. We order accordingly. The concer

ned

Secretary is nominated as the Chief Coordinator

of

computerization programme. He is directed to coordinate with all the State Governments and the Union Territories and ensure that entire computerization is carried out on a top priority basis. He is directed to coordinate the programme with all

Union

the Chief Secretaries or Administrators of the Territories. All the Chief Secretaries and Administrators are

directed to fully cooperate with the Chief Coordinator and meticulously comply with his directions. The Chief Secretaries and Administrators are also directed to submit the progress report of computerization in their respective States or Union Territories.

The Chief Coordinator is directed to file a comprehensive affidavit about the progress of the computerization programme in all the States and the Union Territories on or before 12th March, 2012 with an advance copy to the petitioners and to other parties.

The Chief Coordinator would be at liberty to take assistance of any other officers/officials in carrying out the directions of this Court. All officials and authorities are directed to fully cooperate with the Chief Coordinator.

The petitioner's representative shall be involved in the entire programme of computerization.

List this matter on 16th March, 2012 for further directions.

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I.A. No.110 (for modification of Court's order dated 22.4.2009)

Issue notice.

Reply be filed within two weeks.

[KALYANI GUPTA]
COURT MASTER

[INDU SATIJA]
COURT MASTER