

ITEM NO.1 COURT NO.4 SECTION PIL
 (Part-heard) 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 OF 2001

PEOPLE'S UNION FOR CIVIL LIBERTIES Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

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

WITH

I.A. Nos.90, 93, 98, 102 to 108, 110 & 111 in W.P.(C) NO.
 196/2001

(For permission on 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 Price
 Shop Dealers Welfare Association, impleadment and exemption
 from filing O.T., direction and 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 Co-
 operative Marketing Society Association to be impleaded as
 Respondents)

WITH

CONTEMPT PETITION (CIVIL) No.99/2009 in W.P.(C) No.196/2001
 (With appln. from exemption from filing O.T.)

W.P.(C) No. 277/2010
 (With office report)

Date:29/03/2011 These Petitions 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.
 Mr. Divya Jyoti, Adv.
 For Ms. Jyoti Mendiratta, Adv.

Dr. Aman Hingorani, Adv.
 Ms. Priya Hingorani, Adv.
 Ms. Swati Sumbly, Adv.
 For M/s. Hingorani & Associates, Adv.

2

Mr. Debasis Mishra, Adv. (NP)

For Respondent(s) Mr. Mohan Parasaran, ASG
 Mr. S.W.A. Qadri, Adv.
 Mr. D.L. Chidananda, Adv.
 Mrs. Sunita Sharma, Adv.
 Mr. T.A. Khan, Adv.
 Mr. A. Deb Kumar, Adv.
 Ms. Supriya Jain, Adv.
 Mr. Devadatt Kamat, Adv.
 For Ms. Sushma Suri, Adv.
 For Ms. Anil Katiyar, Adv.
 For Mr. D.S. Mehra, Adv.

Mr. Jana Kalyan Das, Adv. (NP)

Mr.S.Bhowmick, Adv.
Mr.S.C.Ghosh, Adv.
for Mr. Ranjan Mukherjee,Adv.

Ms.Nupur Kanungo, Adv.
For Ms. Hemantika Wah,Adv.

Mr.Pragyan P.Sharma, Adv.
For Mr. P.V. Yogeswaran,Adv.

Ms. Indra Sawhney,Adv.

Dr.Manish Singhvi, Adv.
Mr.Abhinav S.Raghuvanshi, Adv.
For Mr. Milind Kumar,Adv.

Mrs.Aruna Mathur, Adv.
Mr.Yusuf Khan, Adv.
Ms.Megha Gaur, Adv.
For M/s.Arputham, Aruna & Co.,Advs.

Ms. Rachana Srivastava,Adv.

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

Ms. Kamini Jaiswal,Adv.(NP)

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

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

3

Mr. Jatinder Kumar Bhatia,Adv.

Mr.Pramod Swarup, Sr.Adv.
Mr.R.K.Gupta, Adv.
Mr.Rajeev Dubey, Adv.
Mr.Kamlendra Mishra, Adv.

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

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

Mr. Abhijit Sengupta,Adv.
Ms.Anima Kujur, Adv.

Mr.Chandra Bhushan Prasad, Adv.
Mr.Abhijit Sengupta, Adv.

Mr.Manish Pitale, Adv.
For Mr. C.S. Ashri,Adv.

Mr. Tara Chandra Sharma,Adv.
Mr.Kishan Datta, Adv.

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

Mr.Mohan Parasaran, ASG
Mr. T. Harish Kumar,Adv.

Mr.Sanjiv Sen, Adv.

Mr. P. Parmeswaran, Adv.
Mr. Prashant Kumar, Adv.

Mr. Gopal Prasad, Adv.

Ms. Anjana Chandrashekar, Adv. (NP)

Mr. I. Venkatanarayana, Sr. Adv.
Mr. Ramesh Allanki, Adv.
for Mr. D. Mahesh Babu, Adv.

Mr. Sunil Fernandes, Adv.

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

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

Mr. Sanjay R. Hegde, Adv. (NP)
4

Ms. Sumita Hazarika, Adv. (NP)

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Mr. Manjit Singh, Adv.
Mr. Tarjit Singh, Adv.
for Mr. Kamal Mohan Gupta, Adv.

Ms. A. Subhashini, Adv.

Mr. Kuldip Singh, Adv.
Mr. K.K. Pandey, Adv.
Mr. H.S. Sandhu, Adv.

Mr. Ravindra Keshavrao Adsure, Adv. (NP)

Mr. Vishwajit Singh, Adv. (NP)

Mr. Sanjay V. Kharde, Adv.
For Ms. Asha G. Nair, Adv.

Mr. K.V. Mohan, Adv.

Mr. Atul Jha, Adv.
For Mr. Rajesh Srivastava, Adv.

Mr. Anuvrat Sharma, Adv.

Mr. K.N. Madhusoodhanan, Adv.
For Mr. R. Sathish, Adv.

Mr. R.C. Kaushik, Adv. (NP)

Mr. Pradeep Misra, Adv. (NP)

Mr. Venkateswara Rao Anumolu, Adv. (NP)

Mr. Vikas Upadhyay, Adv.
For Mr. B.S. Banthia, Adv.

Mrs. Beena Prakash, Adv.
For Mr. G. Prakash, Adv.

Mr. Riku Sarma, Adv.
For M/s. Corporate Law Group, Adv.

Mr. Anil Kumar Jha, Adv.
Miss Chhaya Kumari, Adv.

Mr. Vikas Mehta, Adv.

5

Mr. Naresh K. Sharma, Adv. (NP)

Mr. Anis Suhrawardy, Adv. (NP)

Mr. S.M. Jadhav, Adv.

Mr. Ashok Kr. Sharma, Adv.

Mr. Suresh Chandra Tripathy, Adv.

Mr. Edward Belho, Adv.

Ms. K. Enatoli Sema, Adv.

For Mr. Balaji Srinivasan, Adv.

Mr. Navin R. Nath, Adv. (NP)

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

Mr. Mohan Parasaran, learned Additional Solicitor General appearing for the Union of India has filed an affidavit of the Joint Secretary, Government of India on 28.03.2011. In the said affidavit it is mentioned that a pilot scheme on 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. A pilot scheme on Smart Card based delivery of TPDS commodities has also been approved for the Union Territory of Chandigarh and State of Haryana. Integrated Information System for Food-grains Management (IISFM) is an application developed by the National Informatics Centre (NIC) for Food Corporation of India (FCI). The project aims at putting an online management system in place to give information about food-grains management in FCI.

6

Justice D.P. Wadhwa (since ret'd.) has submitted about 18 reports. In each of the report it is categorically stated that there is pilferage and corruption in each and every stage of the Public Distribution System (for short 'PDS') and according to him the situation can be salvaged to a large extent by computerization.

Matter is pending for several years but no real progress is made in computerization programme. It is absolutely imperative that computerization has to be put in place as expeditiously as possible. Looking to the grave urgency of the matter, we requested learned Additional Solicitor General to take appropriate steps to have a High Powered Committee which can take assistance of the petitioners and other concerned organizations to ensure that computerization of PDS is carried out as expeditiously as possible. The Committee must monitor the programme of computerization on regular basis. They may take into consideration the computerization programme already carried out by some of the States. The representative of the State may also be associated with the programme of computerization. Mr.Parasaran assured this Court that he would take up the matter at the highest level and would revert to this Court with proper instructions on next Monday i.e. on 04.04.2011.

7

The other main question which has been canvassed today was about the statistics of the BPL population given by the Union of India which are in clear conflict with the figures of BPL population in their respective States.

Mr.Gonsalves submits that even in those States which meticulously followed the parameters laid down by the Union of India, the actual population of BPL is much larger than what has been indicated by the Central Government.

He has particularly drawn our attention to the affidavit filed by the Special Secretary, Food and Civil Supply Department, State of U.P.. In the said affidavit it is mentioned that as per the Central Government estimate made on 1.3.2000, the number of BPL families

(inclusive of AAY families) in the State of Uttar Pradesh were 106.79 lacs. As stated, the Government of India has fixed limit of 106.79 lacs of BPL families on the basis of ration cards issued to 106.79 lacs BPL families. Although the number of BPL families in U.P. is much more than 106.79 lacs, but due to the rider imposed by the Central Government, the BPL ration cards could not be distributed to all eligible members of BPL families. Almost all other States have endorsed the same thing.

We fail to comprehend the rationale and justification of putting a cap by the Planning

8

Commission. Once the parameters have been crystallized by the Central Government and according to those parameters, the actual population of BPL should be entitled to get

the benefit of the BPL schemes. Mr.Parasaran submitted

that he would take instructions from the Planning Commission about the rationality and justification of putting a cap and make his submissions on the next date of hearing.

Mr.Gonsalves, learned senior counsel appearing for the petitioner submitted that those who are earning/spending more than Rs.12 in rural areas and Rs.20 in urban areas are outside the purview of BPL. In 2011 this unrealistic limits needs to be redrawn. He submitted that a large BPL population is deprived of the benefit of entire PDS programme.

Mr.Gonsalves has also drawn our attention to the Key Indicators for India from the National Family Health Survey-3. This survey has been conducted by an organization of the Government of India which indicates that among the children in the age group of 6 to 35 months, 78.9% are anaemic. Ever-married women between 15-49 years, among them 56.2 % are anaemic and pregnant women among age group 15-49 years, 57.9% are anaemic. He

has also drawn our attention to the figure pertaining to the children. Children under 3 years who are stunted are 44.9%, children under 3 years who are wasted 22.9% and

9

children under 3 years who are underweight 40.4%. Women whose Body Mass Index is below normal is 33.0% and the men whose Body Mass Index below normal is 28.1%. There is no reason to disbelieve the authenticity of the survey conducted by the Government of India.

All efforts must be made to combat this problem as expeditiously as possible. Mr.Parasaran submits that he would take proper instructions and submit on the next date of hearing.

Mr.Gonsalves has also drawn our attention to the 2010 Global Hunger Index published from the International Food Policy Research Institute. According to the Global Hunger Index Scores India ranked 67, even after countries like Sudan, Zimbabwe, Togo and Cambodia. Similarly, comparison of hunger across the States giving very dismal picture of India as a whole and the State of Madhya Pradesh in particular. Mr.Parasaran submits that he would take proper instructions and make his submissions on the next date of hearing.

Mr.Gonsalves has also drawn our attention to the media report of six alleged starvation deaths which had occurred in three villages of Dantewada district of State of Chhattisgarh. Learned counsel appearing for the State submits that the Collector or the Deputy Collector, along with the Commissioner of the petitioner organization, will visit the place and submit a report to this Court

10

before the next date of hearing.

On the request of the parties, the term of Justice Wadhwa (since ret'd.) is extended by another six months.

List this matter for further hearing on 04.04.2011

at 2.00 p.m.

(G.V.RAMANA)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER