

ITEM NO.1

COURT NO.4

SECTION PIL

S U P R E M E C O U R T 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.
(With office report)

Respondent(s)

WITH I.A.Nos.90, 93, 102 and 103 in W.P.(C)No.196/2001 (Report submitted by Justice D.P.Wadhwa (Retd.Judge, Supreme Court of India) and for permission on behalf of State of Maharashtra and modification and directions and intervention on behalf of West Bengal M.R.Dealers' Association and All Bengal Price Shop Dealers Welfare Association)

With I.A.Nos.104 and 105 (Appln.(s) for impleadment and exemption from filing O.T.)

Date: 27/07/2010 This Petition/applns. was/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.
Ms. Jyoti Mendiratta, Adv.

For Respondent(s) Mr. Mohan Parasaran, ASG
Mr.D.L.Chidanand, Adv.
Ms. Sunita Sharma, Adv.
For Ms. Sushma Suri, Adv.
For Ms. Anil Katiyar, Adv.
For Mr. D.S. Mehra, Adv.
For Mr. B.V. Balaram Das, Adv.

Mr. Jana Kalyan Das, Adv. (NP)

Ms. Hemantika Wahi, Adv.
Ms.Nupur Kanungo, Adv.

Ms. Indra Sawhney, Adv.
Mr. Milind Kumar, Adv.
Mr. Navneet Kumar, Adv.
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Mr. Khwairakpam Nobin Singh, Adv.
Mr.Sapam Biswajit Meitei, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr.R.Sundaravaradan, Sr.Adv.
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Mr.Rajiv Dubey, Adv.
Mr.Kamlendra Mishra, Adv.
Mr. Ravi Prakash Mehrotra,Adv.(NP)
Mr. Gopal Singh,Adv.
Mr. Manish Kumar,Adv.
Mr. Rituraj Biswas,Adv.
Ms. Neelam Sahrma,Adv.
Mr.Kishan Datta, Adv.
For Mr. Tara Chandra Sharma,Adv.
Mr. Anil Shrivastav,Adv.
Mr. Ritu Raj,Adv.
Mr. Edward Belho,Adv.
Mr.P.Athuime R.Naga, Adv.
Mr. Enatoli Sema,Adv.
Mr. Rituraj Biswas,Adv.
Mr. P.V. Yogeswaran,Adv.
Mr.Prashant,P., ASG
for Mr. T. Harish Kumar,Adv.
Mr.Sanjiv Sen, Adv.
Mr. P. Parmeswaran,Adv.
Mrs.Anuja Chopra, Adv.
Mr.Atul Jha, Adv.
for Mr. D.K. Sinha,Adv.
Mr. Gopal Prasad,Adv.
Ms. Anjana Chandrashekar,Adv.(NP)
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Ms. Sumita Hazarika,Adv.(NP)
Ms. A. Subhashini,Adv.
Mr. Kuldip Singh,Adv.(NP)
Mr. Ravindra Keshavrao Adsure,Adv.(NP)
Mr.Ajay Majithia,Adv.
Mr.Rajesh Kumar, Adv.
Mr. Prashant Kumar,Adv.
Mr. Vishwajit Singh,Adv.(NP)
Mr. Sanjay V. Kharde,Adv.
Ms. Asha G. Nair,Adv.
Mr. K.V. Mohan,Adv.(NP)
Mr. Rajesh Srivastava,Adv.(NP)
Mr. Anuvrat Sharma,Adv.(NP)
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Mr. G. Prakash,Adv.
Mr.V.Senthil, Adv.

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Mr. Vikas Mehta, Adv.
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Mr. Anis Suhrawardy, Adv. (NP)
Mr. Sunil Fernandes, Adv.
Mr. S.M. Jadhav, Adv. (NP)
Mrs. Aruna Mathur, Adv.
Mr. Amarjeet Singh Girsu, Adv.
For M/s. Arputham, Aruna & Co., Adv.
Mr. Pramod Swarup, Sr. Adv.
Mr. Sachin Das, Adv.
For Mr. Abhijit Sengupta, Adv.
Mr. Bikas Kargupta, Adv.
Ms. M. Indrani, Adv.
For Mr. Abhijit Sengupta, Adv.
Mr. P.S. Patwalia, Sr. Adv.
Mr. Manish Pitale, Adv.
Mr. Wasi Haider, Adv.
For Mr. C.S. Ashri, Adv.
Mr. J.R. Das, Adv. (NP)

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

We have heard Mr. Colin Gonsalves, learned senior counsel for the petitioner and Mr. Mohan Parasaran, learned Additional Solicitor General for India.

We have discussed the various aspects of the matter, including the extract of the main recommendation of Justice Wadhwa Central Vigilance Committee Report and the note which was prepared by the Food Secretary, Government of India.

General complaint is that people Below Poverty Line (for short 'BPL') are not able to get full benefit of Public Distribution System (for short 'PDS'). The main cause is, because even people Above Poverty Line are also entitled to get the benefit of the PDS in most of the places, it is desirable that people who were Above Poverty Line should not get the benefit of PDS and the entire benefit be extended to BPL, including expanding of BPL. The Government can fix the income and other norms immediately so that the benefit is extended to all those who genuinely deserve it more than the other category (Above Poverty Line). Secondly, Justice Wadhwa has submitted a report pertaining to 11 States and part report regarding Tamil Nadu. One common thread which runs through all the reports is that there is huge corruption and pilferage in the PDS all over the country. According to him total computerization of the PDS would be an important step in arresting the problem of computerization. We would like the learned Food and Public Distribution Secretary, Union of India to respond within two weeks on the following points:

- i) Why the facilities of PDS be not discontinued for people who are Above Poverty Line?
- ii) To avoid pilferage and corruption, there must be total computerization of the PDS on top priority basis.
- iii) The Union of India must prepare a software and the same software should be used by all the States.
- iv) The Union of India may consider computerization in consultation with the specialized agencies like the Unique Identification Authority of India or any other agencies.

- v) The Government may also consider that instead of giving fair price shops to private individuals, let all the Fair Price Shops be operated by the State Public Warehousing Corporations/State Government Corporations.
- vi) The Government may also consider providing ration and other items according to members of the family, instead of on a card basis. If there is one member in the family, he must be given ration accordingly and if there are five members, then they must get five times more ration. The State Government can fix maximum limit.
- vii) In a country where admittedly people are starving, it is crime to waste even a single grain. The official statement made by the Government indicate that there is wastage of food at many places. The Government may consider constructing adequate warehouses or food storage facilities on a long term basis. On a short term basis, they can also consider hiring warehouses or putting up water proof tents to save the grain. But all out efforts must be made to ensure that not a single grain is wasted.
- viii) According to the reports of Justice Wadhwa, there is pilferage at every stage. To avoid too many stages, the Union of India may consider that ration be sent to the fair price shops directly from the godowns of the Food Corporation of India.
- ix) There must be total accountability of all those people who are responsible and in-charge of PDS and Government may consider taking appropriate steps, including prosecution against those people who are found responsible for misusing the system or officials getting involved in corrupt and unfair practices.
- x) The Government must take into consideration the recommendation of the National Advisory Council.

On 10.01.2008, this Court fixed the limit of 35 K.G.s for ration card holder for the category of BPL and Antyodaya Anna Yojana. Whether that has been implemented or not, we would like the response of the Union Food Secretary. Let that be filed within two weeks from today. Learned senior counsel appearing for the petitioner also indicated that huge stock of food is being wasted because the government does not have adequate facility of storing it. Government may consider releasing the food to the people who deserve it. It is submitted that Justice Wadhwa has also submitted about 14 reports pertaining to different States. The State Governments would be at liberty to file reply, if any, on or before 10.08.2010 with an advance copy to the learned senior counsel for the petitioner and learned Additional Solicitor General for India.

List the matter on 12.08.2010.

I.A.No.104:

Issue notice. Learned counsel for the respondent - State appears and accepts notice and undertakes to file reply within 10 days.

List this matter on 12.08.2010 along with other matters.

I.A.No.93:

This application is filed by the State of Manipur and the copy of the same has been given to learned senior counsel for the petitioner, who may file his response on or before 10.08.2010.

List on 12.08.2010 along with other matters.

List rest of the I.A.s on board on 12.08.2010.

(G.V.RAMANA)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER