

DR. N. C. SAXENA, MR. S. R. SANKARAN
COMMISSIONERS OF THE SUPREME COURT
IN THE CASE: PUCL Vs LOI & ORS. WRIT PETITION (Civil) NO. 196 of 2001

16 September 2003

PDS Transparency/120/DEL.

To

Ms. Shailaja Chandra

Chief Secretary

Govt of NCT, Delhi

New Delhi

Sub: Non-Compliance of Supreme Court Orders relating to Transparency in PDS

Dear Ms. Chandra,

Your attention is drawn to various orders of the Hon'ble Supreme Court in Writ Petition (Civil) No. 196 of 2001 (People's Union for Civil Liberties vs. Union of India and others), specifically the orders passed on November 28, 2001 and May 8, 2002. Therein, the Hon'ble Court had dealt with issues relating to transparency in the functioning of various food related schemes, the entitlement of the public to conduct social audits and the obligation of the state governments to act on complaints of misuse of funds or non-compliance with the court's orders.

It has been brought to our notice that certain state/UT governments are, for various reasons, denying public access to lists of beneficiaries under various schemes and to the records of FPSs and KODs.

It is hereby clarified that, in fulfilment of the orders of the Hon'ble Supreme Court, each state/UT government must ensure that the list of the beneficiaries are publicly displayed. In urban/municipal areas or other areas where there are no gram panchayats, the state/UT governments must delegate the responsibility of publishing and distributing of the lists to a suitable office/agency. It must also ensure that there is public access to, including the right of inspection of, the lists of beneficiaries and FPS and KOD stock registers, inspection books, sale registers, card registers, cash memos and other relevant documents. Certified photocopies must also be made available to any person who asks for them and is willing to pay the actual photocopying charges. This is essential in order to ensure transparency and encourage social audits, as ordered by the Hon'ble Supreme Court.

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We would be grateful if all the state/UT governments confirmed compliance with these orders within 15 days and also confirmed that the requisite mechanism for dealing with complaints, as laid down in the Hon'ble Supreme Court's orders of May 8, 2002 and suitably modified for urban and municipal areas, are in place.

With Regards,



Dr N.C. Saxena



Mr SR Sankaran

Cc, Food Secretary, Govt. of State, Assistant to the Commissioner, Advisor to the Commissioner