

RIGHT TO FOOD

Politics of Hunger and the Privatisation of Food

PUCL v. UOI - Supreme Court orders

Right to Food and Work Act (Draft)

High Level Committee on Long Term Grain Policy



A Human Rights Law Network Publication

Rs.100/-

INTRODUCTION

While the Right to Food Campaign has spread throughout the country there are silent and powerful forces at work attempting to strangle the Public Distribution System. India is a huge market for grain and the Multi National Corporations, World Bank, World Trade Organisation and International Monetary Fund are all big players in dictating government policy on food security. There are many senior government officials who are willing to toe the line.

On the other hand there are people's movement throughout the world organising against this globalisation. Millions have been affected. The forces of resistance to globalisation are growing.

The time has come for the Right to Food campaign to take up the larger issue of policy and the decision making process. The report of the High level Committee on the Long term Grain Policy shows that the government is on the brink of shifting away from the Public Distribution System.

This compilation has the original orders of the Supreme Court. The case continues.

I am grateful to Sanjay Dhadwal for preparing the compilation and Vijay Nagaraj from Amnesty International India for allowing the use of the cover page photograph.

COLIN GONSALVES

Cover photograph: A child searching for food at Chowpatti Beach, Bombay, India is approached by a policeman wielding a lathi. From Hidden scandal, secret shame, Amnesty International © Dario Mitidieri.

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THE POLITICS OF HUNGER AND THE PRIVATISATION OF FOOD

COLIN GONSALVES

1. When we at the RTF began the right to food petition - PUCL vs. UOI - over a year ago we knew very little of the complex issue of food security. We did not expect to get very far with the petition. I remember cautioning Kavita not to tell anyone about the case because the chances were high of the Supreme Court rejecting the petition. I had at the back of my mind the 1989 experience of Kishan Pattnaik whose petition was disposed off on the empty assurance of the State of Orissa that steps would be taken to prevent starvation deaths. Of course, nothing was done. So ten years later, when the NHRC began once again to look into starvation deaths in Orissa and the matter languished there, it seemed as if history was repeating itself.

2. What we didn't factor into our calculation was Justice B.N. Kirpal who unexpectedly took up the case with gusto. He would brush aside the usual bureaucratic hurdles, overrule petty objections and come straight to the point. The Court's four initial orders lifted our morale and spurred a national campaign on the right to food that was subterranean and waiting for something to set off a chain reaction. It must be recognized and stated that the struggle on the right to food predates our case by many years and is very extensive. Groups all over the country have worked on food security in a variety of ways.

3. The pleadings and the orders in the case have been published in the third issue of the human rights law magazine - 'Combat Law' - and I don't propose to dwell on that now. I want to move forward to the lessons we have learnt over the last year of the case.

4. Food is a volatile issue. It transcends hunger and involves not only large corporations but nations and - the bottom line - profits. Malnutrition and starvation deaths are only playthings. In this quagmire are all kinds of players; from the NGOs and struggle organizations with their immediate concerns on the one hand, and the big and silent players manipulating things behind the scene. The confusing thing is that all the players harp on hunger. The starting point of both the peoples and the MNC agenda is malnutrition. The jargon of poverty is so well used by all, how do you find out who your enemy is?

5. The difficulties faced by the peoples organization is that they are fragmented, fighting against insurmountable odds and financially impoverished. While they struggle for reform at the local level, the big picture is often difficult to see. On the other extreme of the spectrum are powerful lobbies, contemptuous of the poor and sensing in hunger the opportunity to do business. These lobbies operate silently but they control government.

6. Not only we in the support group of the campaign but groups everywhere have asked government why it is, when there is so much surplus grain, that grain is not released free for the starving sections or for food-for-work. No answer. Perhaps we were barking up the wrong tree for globalisation and structural adjustments demands that the food subsidy be cut. Extending the subsidy is out of the question. These are the larger forces - the WTO, the World Bank and the IMF - with their numerous servile collaborators in government who decide not only the answer but what questions can be asked.

7. It is alright to speak of malnutrition – that's stating the obvious. It is alright to speak of 'vulnerable sections' because that, in fact, strengthens their argument that subsidized food should go only to the poorest of the poor; as if hunger is a localized phenomenon. Such a preoccupation with 'vulnerable sections' operates as some kind of super-targetting and works in favour of a much smaller commitment of grain and money. It is alright to speak of corruption in the public distribution system, because that fact is twisted to support the argument that PDS should be discontinued. If it is doing so poorly why not let it die a natural death? It's alright to talk of new schemes. People in government know that these schemes will never be implemented and are content to have others waste precious time elaborately designing fanciful new schemes.

8. The power play and deception is impressive. A massive public distribution system through which 40 million tones of grain flow every year is slowly strangled while the government dangles a bait of 2 million tones for destitutes and vulnerable sections. We, in the struggle for food security, welcome any improvement of any scheme, but we are not content.

9. The commitment to globalisation, the enslavement to the MNCs and the resistance to welfare is so entrenched, even Supreme Court orders cannot change that. Despite the orders of the Court we found on reviewing the situation after one year that the off-take of foodgrain for welfare schemes went up by a paltry 5 mt. During the same period exports at slightly above the BPL rates (to avoid any criticism from Parliament) was over 5 mt. Not a single state had fully implemented the mid-day meals order despite the deadline passing. Ration shops remained closed despite specific orders and large scale diversion of grain continued unabated. Government persisted with the slow strangulation of the PDS despite the legal proceedings. It was like Jack - the - Ripper being distracted by a fly.

10. Then came the report of the "High Level Committee on Long Term Grain Policy". It marks an alarming shift at the highest level of government, away from the Public Distribution System and towards the privatization of food. This Report should be distributed and discussed and the RTF campaign should gear up to oppose the changes contemplated before it is too late. My critique of the Report titled 'Sabotaging PDS: The High Level Committee Goes Dangerously Astray' is also attached with this mail.

11. The time has come now for the RTF to put in place the larger picture through collective discussion; to think globally while acting locally. To study the "reforms" done in other countries and its effect on the poor and thereby understand that the struggle in India has many parallels. The RTF needs to link up with other groups in other countries fighting for food security. All this must be done in a transparent manner by involving all those in the campaign.

ITEM No.8

Court No. 1

SECTION PIL

S U P R E M E C O U R T O F I N D I A . 502697
RECORD OF PROCEEDINGS

Writ Petition(Civil) No.196/2001(For Preliminary Hearing)

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

With Appln(s). for interim Relief)

Date : 09/05/2001 This Petition was called on for hearing today.

DRAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MRS. JUSTICE RUMA PAL
HON'BLE MR. JUSTICE BRIJESH KUMAR

Certified to be true copy

Assistant Registrar (Judi.)

.....16/5/2001.....
Supreme Court of India

For Petitioner (s) Mr. Colin Gonsalves, Adv.
Mr. Jawahar Raja, Adv.
Ms. Aparna Bhat, Adv.

For Respondent (s)

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

Issue notice returnable on 23rd July, 2001. Dasti
service in addition is permitted.

Kalyani.

(S.L. GOYAL)
COURT MASTER

39/5/2001

ITEM No.44

Court No. 3

SECTION PIL
A/N MATTER

S U P R E M E C O U R T O F I N D I A 516103
R E C O R D O F P R O C E E D I N G S

Writ Petition(Civil) No.196/2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With Appln(s). for interim Relief)

Date : 23/07/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

Certified to be true copy
for
Assistant Registrar (Judi.)
.....
Supreme Court of India

For Petitioner (s)

Mr. Colin Gonsalves, Adv.
Mr. Jawahar Raja, Adv.
Ms. Aparna Bhat, Adv.

For Respondent (s)

Mr. Soli J Sorabjee, Attorney General
Ms. Meenakshi Arora, Adv.
Mr. B V Balram Das, Adv.

Mr. Radha Shyam Jena, Adv.

Dr. A M Singhvi, Sr. Adv.
Ms. Sandhya Goswami, Adv.

Mr. S V Deshpande, Adv.

Mr. Naresh Kumar Sharma, Adv.

Ms. Hemantika Wahi, Adv.

Ms. Indira Sawhney, Adv.

M/s I.M. Nanavati Associates, Advs.(NP)

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

Counsel for the petitioner is permitted to file a fresh application for interim relief. A copy of the same be given to the counsel for the Union of India as well as to the counsel for the States and for the Food Corporation of India.

Learned Attorney General states that this should not be regarded as an adversarial litigation and it is a matter of concern for all.


In our opinion, what is of utmost importance is to see that food is provided to the aged, infirm, disabled, destitute women, destitute men who are in danger of starvation, pregnant and lactating women and destitute children, especially in cases where they or members of their family do not have sufficient funds to provide food for them. In case of famine, there may be shortage of food, but here the situation is that amongst plenty there is scarcity. Plenty of food is available, but distribution of the same amongst the very poor and the destitute is scarce and non-existent leading to mal-nourishment, starvation and other related problems.

Reply affidavits be filed within two weeks by the States and the Union of India as well as the Food Corporation of India.

In the meantime, we are sure that the responsible Governments will act for the benefit of their people. By way of an interim order, we direct the States to see that all the PDS shops, if closed, are re-opened and start functioning within one week from today and regular supplies made.

Leave is granted to the petitioner to implead other States also as parties to this petition. On such application being filed today, notice to issue to them.

List the matter for further consideration on 20th August, 2001.


(D. P. WALIA) 24/7/01


(S. L. GOYAL)
Court Master

ITEM No.44

Court No. 3

SECTION PTL
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

520508

Writ Petition(Civil) No.196/2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With application for interim relief and interim relief and office report)

Date : 20/08/2001 This Petition was called on for hearing today.

GRAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE BRIJESH KUMAR

Certified to be true copy

Rohani
Assistant Registrar (Judl.)

.....*27/8/01*.....
Supreme Court of India

For Petitioner (s)

Mr. Colin Gonsalves, Adv.
Dr. Yug Chaudhary, Mr. Jawahar Raja,
Mr. P Ramesh Kumar and Ms. Aparna
Bhat, Advs.

For Respondent (s)

Mr. Soli J Sorabjee, Attorney General
Ms. Meenakshi Arora, Adv.
Mr. Manish Singhvi, Adv.
Mr. B V Balaram Das, Adv.

Ms. Indra Sawhney, Adv.

Mr. Radha Shyam Jena, Adv.

Dr. A M Singhvi, Sr. Adv.
Ms. Sandhya Goswami and Mr. M P T Tomar,
Advs.

State of Orissa

State of Rajasthan

State of Himachal
Pradesh

State of Uttranchal

State of Assam

State of U.P.

Mr. Naresh K Sharma, Adv.

Ms. Rachana Srivastava, Adv.

Ms. Krishna Sarma, Adv.

Ms. Asha G Nair and Mr. V K Siddharthan, Advs.
for Corporate Law Group, Advs.

Mr. Ajay K Agrawal, Adv.
Mr. K I. Janjani, Adv.

State of Karnataka	Mr. Sanjay R Hegde, Adv. Mr. Satya Mitra, Adv.
State of Sikkim	Mr. A Hariarputham, Adv. Ms. Aruna Mathur and Mr. Anurag D Mathur, Advs. for M/s. Arputham, Aruna & Co., Advs.
UT of Pondicherry	Mr. V G Pragasam, Adv.
State of Arunachal Pradesh	Mr. Anil Shrivastav, Adv.
State of Meghalaya	Mr. Ranjan Mukherjee, Adv.
State of Nagaland	Mr. S K Shandilya, Adv. Ms. V D Khanna, Adv.
State of Goa	Ms. A Subhashini, Adv.
State of Punjab	Ms. Jayshree Anand, Addl. Adv. Genl., Pb. Mr. G Sivabalamurugan, Mr. Rajeev Sharma and Mr. R S Suri, Advs.
State of Maharashtra	Mr. S V Deshpande, Adv.
State of Manipur	Mr K H Robin Singh, Adv.
State of Gujarat	Mr. P Chidambaram, Sr. Adv. Ms. Hemantika Wahi, Adv.
State of M.P.	Mr. Satish K Agnihotri, Adv. Mr. Anil K Pandey and Mr. Rohit Kumar Singh, Advs. Mr. K C Kaushik, Adv. Mr. D S Mahra, Adv. M/s I.H. Manavati Associates, Advs.

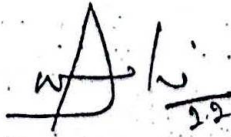
UPON hearing counsel the Court made the following
O R D E R

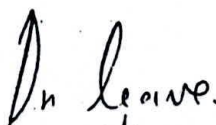
The anxiety of the Court is to see that the poor & the destitute and the weaker sections of the society do not suffer from hunger and starvation. The prevention of the same is one of the prime responsibilities of the Government - whether Central or the State. How this is to be ensured would be a matter of policy which is best left to the Government. All

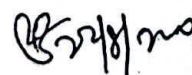
that the Court has to be satisfied and which it may have to ensure is that the foodgrains which are overflowing in the storage receptacles, especially of FCI godowns, and which are in abundance, should not be wasted by dumping into the sea or eaten by the rats. Mere schemes without any implementation are of no use. What is important is that the food must reach the hungry.

The Attorney General states that the case may be adjourned by a short date for considering what interim directions can or should be issued by this Court. A brief affidavit in this behalf may be filed by the Union of India. Other States who have not filed affidavits should also file the same within 10 days.

To come up on 3rd September, 2001.


(D.P. WALIA)
Court Master


(S.L. GOYAL)
Court Master

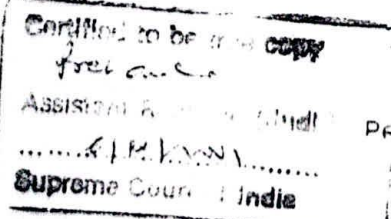


S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

524971

Writ Petition(Civil) No.196/2001
PEOPLE'S UNION FOR CIVIL LIBERTIES
VERSUS

UNION OF INDIA & ORS.



Petitioner (s)

Respondent (s)

(With applns.(s) for interim relief and office report)

Date : 03/09/2001 This Petition was called on for hearing today.

GRAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s)

Mr. Colin Gonsalve, Adv.
Dr. Yug Chaudhary, Mr. Jawahar Raja,
Mr. P Ramesh Kumar, Ms. Aparna Bhat. and
Ms. Usha Pulu, Adv.

For Respondent (s)
U O I

Mr. Soli J Sorabjee, Attorney General
Ms. Meenakshi Arora, Adv.
Mr. Manish Singhvi, Adv.
Mr. K C Kaushik, Adv.
Mr. R V Balaram Das, Adv.

P C J

Ms. Indra Sawhney, Adv.

State of Orissa

Mr. Radha Shyam Jena, Adv.

State of Rajasthan

Dr. A M Singhvi, Sr. Adv.
Ms. Sandhya Goswami and Mr. M P T Tomar,
Adv.

State of Himachal
Pradesh

Mr. Naresh K Sharma, Adv.

State of Uttranchal

Ms. Rachana Srivastava, Adv.

State of Assam

Ms. Krishna Sarma, Adv.
Ms. Asha G Nair and Mr. V K Siddharthan, Adv.
for Corporate Law Group, Adv.

State of U.P.

Mr. Ajay K Agrawal, Adv.
Ms. Alka Agrawal, Adv.
Mr. Ashok K Srivastava, Adv.

....2/-

State of Karnataka	Mr. Sanjay R Hegde, Adv. Mr. Satya Mitra, Adv.
State of Sikkim	Mr. A Mariarputham, Adv. Ms. Aruna Mathur and Mr. Anurag D Mathur, Adv. for M/s. Arputham, Aruna & Co., Adv.
UT of Pondicherry	Mr. V G Pragasam, Adv.
State of Arunachal Pradesh	Mr. Anil Shrivastav, Adv.
State of Meghalaya	Mr. Ranjan Mukherjee, Adv.
State of Nagaland	Mr. S K Shandilya, Adv. Ms. V D Khanna, Adv.
State of Goa	Ms. A Subhashini, Adv.
State of Punjab	Ms. Jayshree Anand, Addl. Adv. Genl., Pb. Mr. G Sivabalamurugan, Mr. Rajeev Sharma and Mr. R S Suri, Adv.
State of Maharashtra	Mr. S S Shinde, Adv. Mr. S V Deshpande, Adv.
State of Manipur	Mr K H Nobin Singh, Adv.
State of Gujarat	Mr. P Chidambaram, Sr. Adv. Ms. Hemantika Wahi, Adv.
State of M.P.	Mr. Satish K Agnihotri, Adv. Mr. Anil K Pandey and Mr. Rohit Kumar Singh, Adv.
State of Tripura	Mr. Gopal Singh, Adv.
State of Kerala	Mr. Ramesh Babu M R, Adv.
UT of Chandigarh	Ms. Kamini Jaiswal, Adv. Ms. Shomila Bakshi and Ms. Aishawriya Rao, Adv.
State of West Bengal	Mr. Dilip Sinha, Adv. Ms. J R Das, Adv. for Sinha & Das, Adv. Mr. Tara Chandra Sharma, Adv.
State of Tamil Nadu	Mr. P N Ramalingam, Adv. Mr. V Balaji, Adv.
UTs of Andaman & Nicobar and Dadra & Nager Haveli	Ms. Sunita Sharma, Adv. Mr. Avatar Singh Rawal, Adv. Mr. D S Mahra, Adv.

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

IA No. 8/2001

Issue notice to the Union of India as well as, in the first instance, to the States of Andhra Pradesh, Chhatisgarh, Gujarat, Himachal Pradesh, Karnataka, Maharashtra, Madhya Pradesh, Orissa, Rajasthan and Kerala. Notice to serve through the standing counsel. Liberty is given to the petitioner to file a supplementary affidavit giving fresh suggestions after taking into consideration the affidavit of these states as well as the Union of India and the statutory order dated 31st August, 2001. Affidavit be filed within a week. Response to the application as well as to the additional affidavit be filed within a week thereafter. To come up on 17th September, 2001.

Learned Attorney General brings to our notice that 16 States and Union Territories have not as yet identified the below poverty line families under the Antyodhya Anna Yojana. We direct these 16 States and Union Territories, namely, Arunachal Pradesh, Assam, Bihar, Delhi, Goa, Manipur, Nagaland, Orissa, Sikkim, Tamil Nadu, Tripura, Uttaranchal, West Bengal, Chandigarh, Lakshadweep and Pondicherry to comply with the Central Government's directions within two weeks from today and report compliance.

T.F.M. No. 35

Court No. 3

SECTION PTI
A/N MATTERSUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Writ Petition (Civil) No. 196/2001

529129

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With applns.(s) for interim relief and office report.)

Date : 17/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAI
HON'BLE MR. JUSTICE ASHOK BHAN

Certified to be true copy

Assistant Registrar (Judi.)

Supreme Court of India

For Petitioner (s)

Mr. Colin Gonsalves, Adv.
Dr. Yug Chaudhary, Mr. Jawahar Raja,
Mr. P. Ramesh Kumar, Ms. Aparna Bhat and
Ms. Usha Pulu, Advs.For Respondent (s)
U O IMr. Soli J. Sorabjee, Attorney General
Ms. Meenakshi Arora, Adv.
Mr. B V Balaram Das, Adv.

F C I

Ms. Indra Sawhney, Adv.

State of Orissa

Mr. Radha Shyam Jena, Adv.

State of Rajasthan

Dr. A M Singhvi, Sr. Adv.
Ms. Sandhya Goswami and Mr. M P S Tomar,
Advs.State of Himachal
Pradesh

Mr. Naresh K Sharma, Adv.

State of Uttranchal

Ms. Rachana Srivastava, Adv.

State of Assam

Ms. Asha G Nair, Adv.
Ms. Krishna Sarma and Mr. V K Sidharthan,
Advs. for Corporate Law Group, Advs.

State of U.P.

Mr. Ajay K Agrawal, Adv.
Ms. Alka Agrawal, Adv.
Mr. Ashok K Srivastava, Adv.

State of Karnataka

Mr. Sanjay R Hegde, Adv.
Mr. Satya Mitra, Adv.

State of Sikkim

Mr. A Mariarputham, Adv.
Ms. Aruna Mathur and Mr. Anurag D Mathur,
Advs. for M/S. Arputham, Aruna & Co., Advs.

Govt. of Pondicherry	Mr. V G Pragasam, Adv.
State of Arunachal Pradesh	Mr. Anil Shrivastav, Adv.
State of Meghalaya	Mr. Ranjan Mukherjee, Adv.
State of Nagaland	Mr. S K Shandilya, Adv. Ms. V D Khanna, Adv.
State of Goa	Ms. A Subhashini, Adv.
State of Punjab	Ms. Jayshree Anand, Addl. Adv. Genl., Ph. Mr. G Sivabalamurugan, Mr. Rajeev Sharma and Mr. R S Suri, Adv.
State of Maharashtra	Mr. S S Shinde, Adv. Mr. S V Deshpande, Adv.
State of Manipur	Mr. K H Mohin Singh, Adv.
State of Gujarat	Mr. P Chidambaram, Sr. Adv. Ms. Hemantika Wahi, Adv. Ms. Sumita Hazarika, Adv.
State of M.P.	Mr. Satish K Agnihotri, Adv. Mr. Anil K Pandey and Mr. Rohit Kumar Singh, Adv.
State of Chhattisgarh	Mr. Ashwani Kumar, Sr. Adv. Mr. Prakash Shrivastava, Adv.
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State of West Bengal	Mr. Tara Chandra Sharma, Adv.
State of Tamil Nadu	Mr. P N Ramalingam, Adv. Mr. V Balaji, Adv.
NCT Delhi	Mr. Ashok Bhan, Adv. Mr. K C Kaushik and Mr. D S Mahra, Adv.
UTs of Andaman & Nicobar, Dadra & Nagar Haveli, Daman & Diu and Lakshadweep	Mr. Ashok Bhan, Adv. Mr. K C Kaushik, Adv. Mr. D S Mahra, Adv.
State of Haryana	Mr. G S Ashri, Adv. Mr. Mahabir Singh, Adv.
State of Andhra Pradesh	Mr. T V Ratnam, Adv. Mr. E Subba Rao, Adv. Mr. B S Banerjee, Adv.

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

With reference to this Court's direction dated 3rd September, 2001 requiring 16 States and Union Territories who, according to the learned Attorney General, had not identified the below poverty line families under the Antyodaya Anna Yojana, to identify, we are not satisfied that any such exercise in the right earnestness has been undertaken. Some of the States mention that the exercise is underway. Considering the seriousness of the matter, one further opportunity is granted to these 16 States and Union Territories to comply with the Central Government's directions within three weeks and to inform the Central Government about the number of below poverty line families under the Antyodaya Anna Yojana which they have identified. Copies of the communication said by the said 16 States/Union Territories should also be forwarded to the Attorney General who will inform the Court on the next date of hearing whether compliance has been made or not.

In I.A. No. 8/2001 at pages 66-68, certain schemes of the Central Government are mentioned which are required to be implemented by the State Governments. These schemes are : Employment Assurance Scheme which may have been replaced by a Sampurna Gramin Yojana, Mid-day Meal Scheme, Integrated Child Development Scheme, National Benefit Maternity Scheme for BPL pregnant women, National Old Age Pension Scheme for

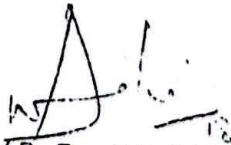
Antyodaya Anna Yojana, National Family Benefit Scheme and Public Distribution Scheme for BPL & APL families. The Chief Secretaries of all the States and the Union Territories are hereby directed to report to the Cabinet Secretary, with copy to the learned Attorney General, within three weeks from today with regard to the implementation of all or any of these Schemes with or without any modification and if all or any of the Schemes have not been implemented then the reasons for the same.

The Central Government shall collate all the facts and thereafter take necessary action in order to ensure the implementation of the said Schemes. A Status Report with regard thereto may be filed in Court within five weeks. Before giving the Status Report, the Central Government will also ascertain with regard to the actual implementation of the various Schemes.

In the meantime, we direct all the State Governments to forthwith lift the entire allotment of foodgrains from the Central Government under the various Schemes and disburse the same in accordance with the Schemes.

The Food for Work Programme in the scarcity areas should also be implemented by the various States to the extent possible.

To come up on 5th November, 2001.


(D.P. WALIA)
Court Master


(S.L. GOYAL)

ITEM No. 31 & 63

Court No. 2

SECTION PIL
A/N MATTERS U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

541463

Writ Petition (Civil) No. 196/2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

VERSUS

UNION OF INDIA & ORS.

Certified to be true copy

Assistant Registrar (Judl.)

Supreme Court of India

Petitioner (s)

Respondent (s)

(With applns. (s) for interim relief and office report)

WITH

W.P. (C) 498/2001

[Jammu & Kashmir National Panthers Party Vs. Union of India & Ors.]

Date : 05/11/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s)

Mr. Colin Gonsalvez, Adv.
Dr. Yug Chaudhary, Mr. Jawahar Raja,
Mr. P Ramesh Kumar, Ms. Aparna Bhat and
Ms. Usha Pulu, Adv.For Respondent (s)
U O IMr. Soli J Sorabjee, Attorney General
Ms. Meenakshi Arora, Adv.
Mr. B V Balaram Das, Adv.

F C I

Ms. Indra Sawhney, Adv.

State of Orissa

M/s Radha Shyam Jena & S. Ray, Adv.

State of Rajasthan

Ms. Sandhya Goswami and Mr. M P S Tomar,
Adv.State of Himachal
Pradesh

Mr. Naresh K Sharma, Adv.

State of Uttranchal

Ms. Rachana Srivastava, Adv.

State of Assam

Ms. Asha G Nair, Adv.
Ms. Krishna Sarma and Mr. V K Sidharthan,
Adv. for Corporate Law Group, Adv.

State of U.P.

Mr. Ajay K Agrawal, Adv.
Ms. Alka Agrawal, Adv.
Mr. Ashok K Srivastava, Adv.

State of Karnataka

Mr. Sanjay R Hegde, Adv.
Mr. Satya Mitra, Adv.

State of Sikkim

Mr. A Mariarputham, Adv.
Ms. Aruna Mathur and Mr. Anuraag D Mathur.

Govt. of Pondicherry	Mr. V G Pragasam, Adv.
State of Arunachal Pradesh	Mr. Anil Shrivastav, Adv.
State of Meghalaya	Mr. Ranjan Mukherjee, Adv.
State of Nagaland	Mr. S K Shandilya, Adv. Ms. V D Khanna, Adv.
State of Goa	Ms. A Subhashini, Adv.
State of Punjab	Ms. Jayshree Anand, Addl. Adv. Genl., Pb. Mr. G Sivabalamurugan, Mr. Rajeev Sharma and Mr. R S Suri, Adv.
State of Maharashtra	Mr. S S Shinde, Adv. Mr. S V Deshpande, Adv.
State of Manipur	Mr K H Nobin Singh, Adv.
State of Gujarat	Mr. P Chidambaram, Sr. Adv. Ms. Hemantika Wahi, Adv. Ms. Sumita Hazarika, Adv.
State of M.P.	Mr. Vivek Tankha, Adv. Genl. Mr. B.S. Banthia, Adv. Mr. Satish K Agnihotri, Adv. Mr. Anil K Pandey and Mr. Rohit Kumar Singh, Adv.
State of Chhattisgarh	Mr. Prakash Shrivastava, Adv.
State of Tripura	Mr. Gopal Singh, Adv.
State of Kerala	Mr. Ramesh Babu M R, Adv. Mr. K.R. Sasi Prabhu, Adv. Mr. John Mathew, Adv.
UT of Chandigarh	Ms. Kamini Jaiswal, Adv. Ms. Shomila Bakshi and Ms. Aishwarya Rao, Adv.
State of West Bengal	Mr. Tara Chandra Sharma, & Mr. J.R. Das, Adv.
State of Tamil Nadu	Mr. P N Ramalingam, Adv. Mr. V Balaji, Adv.
NCT Delhi	Mr. Ashok Bhan, Ms. Sunita Sharma, Mr. K C Kaushik and Mr. D S Mahra, Adv.
UTs of Andaman & Nicobar, Dadra & Nagar Haveli, Daman & Diu and Lakshadweep	Mr. Ashok Bhan, Adv. Mr. K C Kaushik, Adv. Mr. D S Mahra, Adv.
State of Haryana	Mr. J.P. Dhanda, Adv.

State of Andhra Pradesh	Mr. T V Ratnam, Adv. Mr. K Subba Rao, Adv.
State of Mizoram	Ms. Hemantika Wahi, Adv. Ms. Sumita Hazarika, Adv.
State of Jharkhand	Mr. Rajesh Pathak, Adv. Mr. Ashok Mathur, Adv.
Petr. in WP 498/2001	Mr. Bhim Singh, Adv. Mr. B.S. Billowria, Adv. Mr. D.K. Garg, Adv.
State of Jammu & Kashmsir	Mr. M.A. Goin, Adv. Genl. Mr. Anis Suhrawardy, Adv.

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

Issue notice in W.P.(C) 498/2001. Mr. M.A. Goin,
Advocate General for the State of Jammu & Kashmir accepts
notice.

The matters are adjourned to 21st November, 2001.

Kalyani.

(S.L. GOYAL)
COURT MASTER

8/11/2001

ITEM No. 1

Court No. 2

SECTION PIL
A/N MATTERS U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(Civil) No.196/2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

VERSUS

UNION OF INDIA & ORS.

Certified to be true copy

545530

Assist. Secy. (Adm.)
22/11/2001
Supt. Secy. (Adm.)

Petitioner (s)
Respondent (s)

(With applns.(s) for interim relief and office report)
WITH

W.P.(C) 498/2001

[Jammu & Kashmir National Panthers Party Vs. Union of India & Ors.]

Date: 21/11/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s)

Mr. Colin Gonsalvez, Adv.
Dr. Yug Chaudhary, Adv.
Ms. Tashi D. Bhutia, Adv.
Ms. Aparna Bhat, Adv.

Petrs in WP 498/01

Mr. Bhim Singh, Adv.
Mr. Mansoor Ali, Adv.
Mr. Dinehs Kumar Garg, Adv.

For Respondent (s)

P O I

Ms. Meenakshi Arora, Adv.
Mr. B V Balaram Das, Adv.

P O I

Ms. Indra Sawhney, Adv.

State of Orissa

M/s Radha Shyam Jena & S. Ray, Adv.

State of Rajasthan

Ms. Sandhya Goswami and Mr. M P S Tomar,
Adv.State of Himachal
Pradesh

Mr. Naresh K Sharma, Adv.

State of Uttranchal

Ms. Rachana Srivastava, Adv.

State of Assam

Ms. Asha G Nair, Adv.
Ms. Krishna Sarma and Mr. V K Sidharthan,
Adv. for Corporate Law Group, Adv.

State of U.P.

Mr. Ajay K Agrawal, Adv.
Ms. Alka Agrawal, Adv.
Mr. Ashok K Srivastava, Adv.

State of Karnataka

Mr. Sanjay R Hegde, Adv.
Mr. Satya Mitra, Adv.

ITEM No.6

Court No. 2

SECTION PIL
A/N MATTERSUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

548008

WRIT PETITION (CIVIL) NO. 196 OF 2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.
(With appln. for interim relief and office report)

Respondent (s)

Date : 28/11/2001 This Petition was called on for hearing today.

BENCH :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

Certified to be true copy
A. S. Garg
 Assistant Registrar (Judl.)
28-12-2001.....
 Supreme Court of India

For Petitioner (s)

Ms. Aparna Bhat, Adv.
Mr. Yug Choudhary, Adv.
Ms. Tashi D. Bhutia, Adv.

For Respondent (s)

Mr. Soli J. Sorabjee, A.G.
Mr. Manish Singhvi, Adv.
Mr. B V B Das, Adv.

State of Karnataka

Mr. Sanjay R. Hegde, Adv.
Mr. Satya Milra, Adv.

State of A.P.

Mr. T V Ratnam, Adv.

State of Goa

Ms. A Subhashini, Adv.

State of U.P.

Mr. Prakash Kumar Singh, Adv.
Mr. Ashok Srivastava, Adv.

State of Bihar

Mr. Kumar Rajesh Singh, Adv.
Mr. B B Singh, Adv.

State of Haryana

Mr. J P Dhanda, Adv.

State of Assam

Ms. Krishna Sarma, Adv.
Ms. Asha G. Nair, Adv.
Mr. V K Sidharthan, Adv.
for M/s. Corporate Law Group.State of Gujarat
& MizoramMs. H Wahi, Adv.
Ms. Sumita Hazarika, Adv.

....2/-

State of Arunachal Pradesh	Mr. Anil Shrivastav, Adv.
State of Kerala	Mr. Ramesh Babu M.R., Adv.
State of Nagaland	Mr. Sanjay K. Shandilya, Adv. Ms. V D Khanna, Adv.
State of Punjab	Ms. Jayshree Anand, AAG Mr. G Sivabalamurugan, Adv. Mr. R S Suri, Adv.
State of Sikkim	Mr. A Mariarputham, Adv. Ms. Aruna Mathur, Adv. Mr. Anurag D. Mathur, Adv.
Govt. of Pondicherry	Mr. V G Pragasam, Adv.
State of Chhattisgarh	Mr. Ashwani Kumar, Sr. Adv. Mr. Prakash Shrivastava, Adv.
	Mr. J R Das, Adv. M/s. Sinha & Das, Adv.
	Mr. K C Kaushik, Adv. Ms. Sunita Sharma, Adv. Mr. D S Mehra, Adv.
	Mr. Prashant Kumar, Adv. Ms. Triveni Potekker, Adv. Mr. K H Nobin Singh, Adv.
	Mr. P N Ramalingam, Adv. Mr. V Balaji, Adv.
	Mr. Jana Kalyan Das, Adv.
	Mr. Naresh K. Sharma, Adv.
	Ms. Indra Sawhney, Adv.
	Ms. Sandhya Goswami, Adv.
	Ms. Rachana Srivastava, Adv.
	Mr. S.V. Deshpande, Adv.
	Mr. Mahabir Singh, Adv.
	Ms. Kamini Jaiswal, Adv.
	Mr. Ranjan Mukherjee, Adv.
	Mr. Gopal Singh, Adv.
	Mr. Tara Chandra Sharma, Adv.

Mr. B.S. Banthia, Adv.


Mr. Ashok Mathur, Adv.

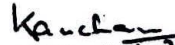
Mr. Anis Suhrawardy, Adv.

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

A number of directions are issued with regard
to implementation of various Schemes in terms of the
signed order.

List the matter for further orders on 11th
February, 2002.


(S.L. Goyal)
Court Master


(Kanchan Jain) AR-cum-PS

Signed order is placed on the file.



549893

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTIONWRIT PETITION (C) NO. 196 OF 2001

People's Union for Civil LibertiesPetitioner

VS.

Union of India & Ors.

....RESPONDENTS

O R D E R

Certified to be true copy

Assistant Registrar (Judg.)

.....8-12-2001.....

Supreme Court of India

After hearing learned counsel for the parties,
we issue, as an interim measure, the following
directions:

1. TARGETED PUBLIC DISTRIBUTION SCHEME (TPDS)

(i) It is the case of the Union of India that
there has been full compliance with regard to the
allotment of foodgrain in relation to the TPDS.
However, if any of the States gives a specific
instance of non-compliance, the Union of India will do
the needful within the framework of the Scheme.

(ii) The States are directed to complete the
identification of BPL families, issuing of cards and
commencement of distribution of 25 kgs. grain per
family per month latest by 1st January, 2002.

...2/-

(iii) The Delhi Govt. will ensure that TPDS application forms are freely available and are given and received free of charge and there is an effective mechanism in place to ensure speedy and effective redressal of grievances.

2. ANTYODAYA ANNA YOJANA

(i) It is the case of the Union of India that there has been full compliance with regard to the allotment of foodgrain in relation to Antyodaya Anna Yojana. However, if any of the States gives a specific instance of non-compliance, the Union of India will do the needful within the framework of the Scheme.

(ii) We direct the States and the Union Territories to complete identification of beneficiaries, issuing of cards and distribution of grain under this Scheme latest by 1st January, 2002.

(iii) It appears that some Antyodaya beneficiaries may be unable to lift grain because of penury. In such cases, the Centre, the States and the Union Territories are requested to consider giving the quota free after satisfying itself in this behalf.

...3/-

MID DAY MEAL SCHEME (MDMS)

(i) It is the case of the Union of India that there has been full compliance with regard to the Mid Day Meal Scheme (MDMS). However, if any of the States gives a specific instance of non-compliance, the Union of India will do the needful within the framework of the Scheme.

(ii) We direct the State Governments/ Union Territories to implement the Mid-Day Meal Scheme by providing every child in every Government and Government assisted Primary Schools with a prepared mid day meal with a minimum content of 300 calories and 8-12 grams of protein each day of school for a minimum of 200 days. Those Governments providing dry rations instead of cooked meals must within three months start providing cooked meals in all Govt. and Govt. aided Primary Schools in all half the Districts of the State (in order of poverty) and must within a further period of three months extend the provision of cooked meals to the remaining parts of the State.

...4/-

(iii) We direct the Union of India and the FCI to ensure provision of fair average quality grain for the Scheme on time. The States/ Union Territories and the FCI are directed to do joint inspection of food grains. If the food grain is found, on joint inspection, not to be of fair average quality, it will be replaced by the FCI prior to lifting.

4. NATIONAL OLD AGE PENSION SCHEME (NOAPS)

(i) It is the case of the Union of India that there has been full compliance with regard to the National Old Age Pension Scheme. However, if any of the States gives a specific instance of non-compliance, the Union of India will do the needful within the framework of the Scheme.

(ii) The States are directed to identify the beneficiaries and to start making payments latest by 1st January, 2002.

(iii) We direct the State Govts./ Union Territories to make payments promptly by the 7th of each month.

...5/-

5. ANNAPURNA SCHEME

The States/ Union Territories are directed to identify the beneficiaries and distribute the grain latest by 1st January, 2002.

6. INTEGRATED CHILD DEVELOPMENT SCHEME (ICDS)

(i) We direct the State Govts./ Union Territories to implement the Integrated Child Development Scheme (ICDS) in full and to ensure that every ICDS disbursing centre in the country shall provide as under:

(a) Each child up to 6 years of age to get 300 calories and 8-10 grams of protein;

(b) Each adolescent girl to get 500 calories and 20-25 grams of protein;

(c) Each pregnant woman and each nursing mother to get 500 calories and 20-25 grams of protein;

(d) Each malnourished child to get 600 calories and 16-20 grams of protein;

(e) Have a disbursement centre in every settlement.

(ii) It is the case of the Union of India that there has been full compliance of its obligations, if any, under the Scheme. However, if any of the States gives a specific instance of non-compliance, the Union of India will do the needful within the framework of the Scheme.

7. NATIONAL MATERNITY BENEFIT SCHEME (NMBS)

(i) We direct the State Govts./ Union Territories to implement the National Maternity Benefit Scheme (NMBS) by paying all BPL pregnant women Rs. 500/- through the Sarpanch 8-12 weeks prior to delivery for each of the first two births.

(ii) It is the case of the Union of India that there has been full compliance of its obligations under the Scheme. However, if any of the States gives a specific instance of non-compliance, the Union of India will do the needful within the framework of the Scheme.

8. NATIONAL FAMILY BENEFIT SCHEME

(i) We direct the State Govts./ Union Territories to implement the National Family Benefit Scheme and pay a BPL family Rs. 10,000/- within four

weeks through a local Sarpanch, whenever the primary bread winner of the family dies.

9. We direct that a copy of this order be translated in regional languages and in English by the respective States/ Union Territories and prominently displayed in all Gram Panchayats, Govt. School Buildings and Fair Price Shops.

10. In order to ensure transparency in selection of beneficiaries and their access to these Schemes, the Gram Panchayats will also display a list of all beneficiaries under the various Schemes. Copies of the Schemes and the list of beneficiaries shall be made available by the Gram Panchayats to members of public for inspection.

11. We direct Doordarshan and AIR to adequately publicise various Schemes and this order.

We direct the Chief Secretaries of each of the States and Union Territories to ensure compliance of this order. They will report compliance by filing affidavits in this Court within 8 weeks from today

...8/-

with copies to the Attorney General and counsel for the petitioner.

We grant liberty to the Union of India to file affidavit pursuant to the order of this Court dated 21st November, 2001.

List the matter for further orders on 11th February, 2002. In the meanwhile, liberty is granted to the parties to apply for further directions, if any.

Sd/-
.....J.
(B. N. KIRPAL)

New Delhi
November 28, 2001.

Sd/-
.....J.
(K. G. BALAKRISHNAN)

RHR-110

07639



ITEM No.35

Court No. 1

33
SECTION PIL
A/N MATTER
565801

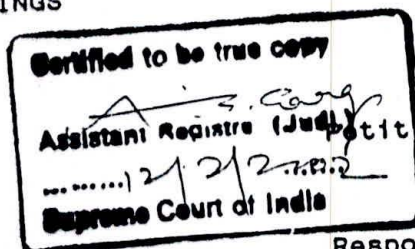
S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(Civil) No.198/2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

VERSUS

UNION OF INDIA & ORS.



Respondent (s)

(With applns.(s) for interim relief and office report)
IA No. 10(Appln. for exemption from filing O.T.)
IA NO. 11 (Application for clarification and modification of Ct.'s
order dated 28/11/2001)
IA No. 12 (Appln. for directions)
IA No. 13 (Appln. for c/delay in filing compliance affidavit)

Date : 11/02/2002 This Petition was called on for hearing today

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s)

Mr. Colin Gonsalvez, Adv.
Dr. Yug Chaudhary, Ms. Sweta Kakkad,
Mr. P Ramesh Kumar, Ms. Aparna Bhat and
Ms. Tashi D. Bhutia, Advs.

For Respondent (s)
U O I

Ms. Meenakshi Arora, Adv.
Mr. B Balaram Das, Adv.

F C I

Ms. Indra Sawhney, Adv.

State of Assam

Ms. Asha G Nair, Adv.
Ms. Krishna Sarma and Mr. V K Sidharthan,
Advs. for Corporate Law Group, Advs.

State of Arunachal
Pradesh

Mr. Anil Shrivastav, Adv.

State of Andhra Pradesh

Mr. T V Ratnam, Adv.
Mr. K Subba Rao, Adv.

UTs of Andaman &
Nicobar, Dadra & Nagar
Haveli, Daman & Diu
and Lakshadweep

Ms. Sunita Sharma, Adv.
Mr. K C Kaushik, Adv.
Mr. D S Mahra, Adv.

State of Bihar

Mr. B B Singh, Adv.

State of Chhattisgarh

Mr. Prakash Shrivastava, Adv.

...2/-

UT of Chandigarh	Ms. Kamini Jaiswal, Adv. Ms. Shomila Bakshi and Ms. Aishwarya Rao, Advs.
NCT Delhi	Mr. Ashok Bhan, Ms. Sunita Sharma, Mr. K C Kaushik and Mr. D S Mahra, Advs.
State of Goa	Ms. A Subhashini, Adv.
State of Gujarat	Ms. Hemantika Wahi, Adv. Ms. Sumita Hazarika, Adv.
State of Haryana	Mr. Surya Kant sharma, Adv. Genl. Mr. J.P. Dhanda, Adv. Mr. K.P. Singh, Adv. Ms. Raj Rani Dhanda, Adv.
State of Himachal Pradesh	Mr. Nareesh K Sharma, Adv.
State of Jharkhand	Mr. Rajesh Pathak, Adv. Mr. Arun Banerjee, Adv. Mr. Prem Prakash, Adv. Mr. Ashok Mathur, Adv.
State of Jammu & Kashmir	Mr. Anis Suhrawardy, Adv.
State of Kerala	Mr. Ramesh Babu M R, Adv.
State of Karnataka	Mr. Sanjay R Hegdo, Adv. Mr. Satya Mitra, Adv.
State of Meghalaya	Mr. Ranjan Mukherjee, Adv.
State of Maharashtra	Mr. S S Shinde, Adv. Mr. S V Deshpande, Adv.
State of Manipur	Mr K H Nobin Singh, Adv.
State of M.P.	Mr. Satish K Agnihotri, Adv. Mr. Anil K Pandey and Mr. Rohit Kumar Singh, Advs.
State of Mizoram	Ms. Hemantika Wahi, Adv. Ms. Sumita Hazarika, Adv.
State of Nagaland	Mr. S K Shandilya, Adv. Ms. V D Khanna, Adv.
State of Orissa	Mr. J.K. Das, Adv.
State of Punjab	Mr. H.S. Phoolka, Sr. Adv. Mr. R S Suri, Adv.
Govt. of Pondicherry	Mr. V G Pragasam, Adv.

State of Rajasthan	Ms. Sandhya Goswami and Mr. M P S Tomar, Adv.
State of Sikkim	Mr. A Mariarputham, Adv. Ms. Aruna Mathur and Mr. Anurag D Mathur, Adv. for M/s. Arputham, Aruna & Co., Adv.
State of Tripura	Mr. Gopal Singh, Ms. Vimla Sinha & Mr. Rahul Singh, Adv.
State of Tamil Nadu	Mr. P N Ramalingam, Adv. Mr. V Balaji, Adv.
State of Uttranchal	Ms. Rachana Srivastava, Adv.
State of U.P.	Mr. Prakash Kumar Singh, Adv. Mr. Ashok K Srivastava, Adv.
State of West Bengal	Mr. Tara Chandra Sharma, & Mr. J.R. Das, Adv.
For applicants in 1A No. 11	Mr. Mukul Rohtagi, ASG. Ms. Shally Bhasin Maheshwari, Adv. Mr. Rishi Maheshwari, Adv. Mr. R.K. Maheshwari, Adv.

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

At the request of the counsel for the petitioner,
the matter is adjourned by three weeks.

Kalyani.

Shelly Sengupta
(SHELLY SENGUPTA)
COURT MASTER
11/2

[Signature]

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

572674

Writ Petition(Civil) No.196/2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With applns.(s) for interim relief and modification of court's order and office report)
(with IAs 14, 15, 16, 17 and 18 for direction and permission to file addl. documents)

Date : 04/03/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE ARIJIT PASAYAT

Certified to be true copy

Assistant Registrar (Judl.)

Supreme Court of India

For Petitioner (s)

Mr. Colin Gonsalves, Adv.
Dr. Yug Chaudhary, Ms. Sweta Kakkad,
Mr. P Ramesh Kumar & Ms. Aparna Bhat Advs.

For Respondent (s)
U O I

Mr. Soli J Sorabjee, Attorney General
Ms. Meenakshi Arora, Adv.
Mr. Manish Singhvi, Adv.
Mr. B V Balaram Das, Adv.

F C I

Ms. Indra Sawhney, Adv.

State of Assam

Ms. Asha G Nair, Adv.
Ms. Krishna Sarma and Mr. V K Sidharthan,
Advs. for Corporate Law Group, Advs.

State of Arunachal
Pradesh

Mr. Anil Shrivastav, Adv.

State of Andhra Pradesh

Mr. T V Ratnam, Adv.
Mr. K Subba Rao, Adv.

UTs of Andaman &
Nicobar, Dadra & Nagar
Haveli, Daman & Diu
and Lakshadweep

Ms. Sunita Sharma, Adv.
Mr. K C Kaushik, Adv.
Mr. D S Mahra, Adv.

State of Bihar

Mr/s Kumar Rajesh Singh & B B Singh, Advs.

State of Chhattisgarh

Mr. Ashwani Kumar, Sr. Adv.
Mr. Prakash Shrivastava, Adv.

UT of Chandigarh.

Ms. Kamini Jaiswal, Adv.
Ms. Shomila Bakshi and Ms. Aishwarya Rao,
Advs.

NCT Delhi	Mr. Mukul Rohtagi, ASG. M/s Rishi Maheshwari, R.K. Maheshwari, & Ms. Shally Bhasin Maheshwari, Adv.
State of Goa	Ms. A Subhashini, Adv.
State of Gujarat	Ms. Hemantika Wahi, Adv. Ms. Sumita Hazarika, Adv.
State of Haryana	Mr. J.P. Dhanda, Adv. Mr. K.P. Singh, Adv. Mr. D.S. Nagar, Adv. Ms. Raj Rani Dhanda, Adv.
State of Himachal Pradesh	Mr. Naresh K Sharma, Adv.
State of Jharkhand	Mr. Rajesh Pathak, Adv. Mr. Ashok Mathur, Adv.
State of Jammu & Kashmir	Mr. Anis Suhrawardy, Adv.
State of Kerala	Mr. Ramesh Babu M R, Adv.
State of Karnataka	Mr. Sanjay R Hegde, Adv. Mr. Satya Mitra, Adv.
State of Meghalaya	Mr. Ranjan Mukherjee, Adv.
State of Maharashtra	Mr. S S Shinde, Adv. Mr. S V Deshpande, Adv.
State of Manipur	Mr K H Nobin Singh, Adv. ⁵
State of M.P.	Mr. B.S. Banthia, Adv. Mr. Satish K Agnihotri, Adv.
State of Mizoram	Ms. Hemantika Wahi, Adv. Ms. Sumita Hazarika, Adv.
State of Nagaland	Mr. S K Shandilya, Adv. Ms. V D Khanna, Adv.
State of Orissa	Mr. J.K. Das, Adv.
State of Punjab	Ms. Jayshree Anand, Addl. Adv. Genl., Pb. Mr. G Sivabalamurugan, Mr. Rajeev Sharma and Mr. R S Suri, Adv.
Govt. of Pondicherry	Mr. V G Pragasam, Adv.
State of Rajasthan	Ms. Sandhya Goswami, Adv.
State of Sikkim	Mr. A Mariarputham, Adv. Ms. Aruna Mathur and Mr. Anurag D Mathur, Adv. for M/s. Arputham, Aruna & Co., Adv.
State of Tripura	Mr. Gopal Singh, Adv. Mr. Rahul Singh, Adv.

State of Tamil Nadu	Ms. Revathy Raghavan, Adv.
State of Uttranchal	Ms. Rachana Srivastava, Adv.
State of U.P.	Mr. Prakash Singh, Adv. Mr. Ashok K Srivastava, Adv.
State of West Bengal	Mr. K.K. Venugopal, Sr. Adv. Mr. Tara Chandra Sharma, Adv. Mr. Ajay Sharma, Adv. Mr. Rajeov Sharma, Adv.
State of Manipur	Mr. K.H. Nobin Singh, Adv. Mr. M. Gireesh Kumar, Adv.

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

Issue notice to the State Governments. Notice to be served through the respective State Standing Counsel returnable on 19th March, 2002. Reply to the application should be filed within ten days from today and especially with regard to the proposal that the State Governments should frame schemes along with the lines of the Maharashtra Employment Guarantee Scheme. Copies of the application be given by the applicant to the counsel for the various States today, if not already served, along with a copy of the order of the Court.

Kalyani.

4/13
(S.L. GOYAL)
COURT MASTER

ITEM No.1

Court No. 8

SECTION PIL
A/N MATTERSUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

581118

Writ Petition (Civil) No. 196/2001
PEOPLE'S UNION FOR CIVIL LIBERTIES

VERSUS

UNION OF INDIA & ORS.

Certified to be true copy

Assistant Registrar (Judicial)

Supreme Court of India

Petitioner (s)

Respondent (s)

(With applns.(s) for interim relief and modification of court's order and directions and interim directions and permission to submit addl. documents and office report)

Date : 02/04/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.P. MOHAPATRA
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s)

Mr. Colin Gonsalves, Adv.
Dr. Yug Chaudhary, Ms. Sweta Kakkad,
Mr. P Ramesh Kumar & Ms. Aparna Bhat Advts.For Respondent (s)
U O IMr. Soli J Sorabjee, Attorney General
Ms. Meenakshi Arora, Adv.
Mr. Manish Singhvi, Adv.
Mr. B V Balaram Das, Adv.

F C I

Ms. Indra Sawhney, Adv.

State of Assam

Ms. Asha G Nair, Adv.
Ms. Krishna Sarma and Mr. V K Sidharthan,
Advts. for Corporate Law Group, Advts.

State of Arunachal Pradesh

Mr. Anil Shrivastav, Adv.

State of Andhra Pradesh

Mr. T V Ratnam, Adv.
Mr. K Subba Rao, Adv.UTs of Andaman &
Nicobar, Dadra & Nagar
Haveli, Daman & Diu
and LakshadweepMs. Sunita Sharma, Adv.
Mr. K C Kaushik, Adv.
Mr. D S Mahra, Adv.

State of Bihar

Mr/s Kumar Rajesh Singh & B B Singh, Advts.

State of Chhattisgarh

Mr. Ashwani Kumar, Sr. Adv.
Mr. Prakash Shrivastava, Adv.

UT of Chandigarh

Ms. Kamini Jaiswal, Adv.
Ms. Shomila Bakshi and Ms. Aishwarya Rao,
Advts.

	Mr. Mukul Rohtagi, ASG. M/s Rishi Maheshwari, R.K. Maheshwari, & Ms. Shally Bhasin Maheshwari, Advs.
Goa	Ms. A Subhashini, Adv.
Gujarat	Ms. Hemantika Wahi, Adv. Ms. Sumita Hazarika, Adv.
Haryana	Mr. J.P. Dhanda, Adv. Mr. K.P. Singh, Adv. Mr. D.S. Nagar, Adv. Ms. Raj Rani Dhanda, Adv.
Himachal Pradesh	Mr. Naresh K Sharma, Adv.
Govt. of Jharkhand	Mr. Rajesh Pathak, Adv. Mr. Ashok Mathur, Adv.
Jammu & Kashmir	Mr. Anis Suhrawardy, Adv.
State of Kerala	Mr. Ramesh Babu M R, Adv.
State of Karnataka	Mr. Sanjay R Hegde, Adv. Mr. Satya Mitra, Adv.
State of Meghalaya	Mr. Ranjan Mukherjee, Adv.
State of Maharashtra	Mr. S S Shinde, Adv. Mr. S V Deshpande, Adv.
State of Manipur	Mr K H Nobin Singh, Adv.
State of M.P.	Mr. B.S. Banthia, Adv. Mr. Satish K Agnihotri, Adv.
State of Mizoram	Ms. Hemantika Wahi, Adv. Ms. Sumita Hazarika, Adv.
State of Nagaland	Mr. S K Shandilya, Adv. Ms. V D Khanna, Adv.
State of Orissa	Mr. J.K. Das, Adv.
State of Punjab	Ms. Jayshree Anand, Addl. Adv. Genl., Pb. Mr. G Sivabalamurugan, Mr. Rajeev Sharma and Mr. R S Suri, Advs.
Govt. of Pondicherry	Mr. V G Praagasam, Adv.
State of Rajasthan	Ms. Sandhya Goswami, Adv.
State of Sikkim	Mr. A Mariarputham, Adv. Ms. Aruna Mathur and Mr. Anurag D Mathur, Advs. for M/s. Arputham, Aruna & Co., Advs.
State of Tripura	Mr. Gopal Singh, Adv. Mr. Rahul Singh, Adv.

: 3 :

State of Tamil Nadu	Ms. Revathy Raghavan, Adv.
State of Uttranchal	Ms. Rachana Srivastava, Adv.
State of U.P.	Mr. Prakash Singh, Adv. Mr. Ashok K Srivastava, Adv.
State of West Bengal	Mr. K.K. Venugopal, Sr. Adv. Mr. Tara Chandra Sharma, Adv. Mr. Ajay Sharma, Adv. Mr. Rajeev Sharma, Adv.
State of Manipur	Mr. K.H. Nobin Singh, Adv. Mr. M. Gireesh Kumar, Adv.

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

List on 5th April, 2002.

Usha Bhardwaj
2/11/2002
(Usha Bhardwaj)
P.S. to Registrar

S. Malkani
2/11/2002
(S. Malkani)
Court Master

2/11/2002

ITEM No.43

Court No. 2

SECTION PIL
A/N MATTERSUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

579806

Writ Petition (Civil) No. 196/2001
PEOPLE'S UNION FOR CIVIL LIBERTIES
VERSUS

UNION OF INDIA & ORS.

Certified to be true copy

Assistant Registrar (Judicial) Petitioner (s)

Supreme Court of India

Respondent (s)

(With applns.(s) for interim relief and modification of court's order and directions and interim directions and permission to submit addl. documents and office report)

Date : 05/04/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s)

Mr. Colin Gonsalves, Adv.
Dr. Yug Chaudhary, Ms. Sweta Kakkad,
Mr. P Ramesh Kumar & Ms. Aparna Bhat Advs.

For Respondent (s)
U O I

Mr. Soli J Sorabjee, Attorney General
Ms. Meenakshi Arora, Adv.
Mr. Manish Singhvi, Adv.
Mr. B V Balaram Das, Adv.

F C I

Ms. Indra Sawhney, Adv.

State of Assam

Ms. Asha G Nair, Adv.
Ms. Krishna Sarma, Mr. V K Sidharthan and
Mr. J R Luwang, Adv.
for Corporate Law Group, Adv.

State of Arunachal
Pradesh

Mr. Anil Shrivastav, Adv.

State of Andhra Pradesh

Mr. T V Ratnam, Adv.
Mr. K Subba Rao, Adv.

U's of Andaman &
Nicobar, Dadra & Nagar
Haveli, Daman & Diu
and Lakshadweep

Ms. Sunita Sharma, Adv.
Mr. K C Kaushik, Adv.
Mr. D S Mahra, Adv.

State of Bihar

Mr/s Kumar Rajesh Singh & B B Singh, Adv.

State of Chhattisgarh

Mr. Ashwani Kumar, Sr. Adv.
Mr. Prakash Shrivastava, Adv.

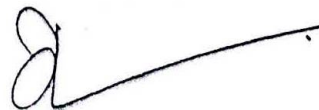
UT of Chandigarh

Ms. Kamini Jaiswal, Adv.
Ms. Aishwarya Rao, Adv.

2

2/-

NCT Delhi	Mr. Mukul Rohtagi, ASG. Mr. R K Maheshwari, Adv.
State of Goa	Ms. A Subhashini, Adv.
State of Gujarat	Ms. Hemantika Wahi, Adv. Ms. Sumita Hazarika, Adv.
State of Haryana	Mr. J.P. Dhanda, Adv. Mr. K.P. Singh, Adv. Mr. D.S. Nagar, Adv. Ms. Raj Rani Dhanda, Adv.
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Govt. of Pondicherry	Mr. V G Pragasam, Adv.
State of Rajasthan	Ms. Sandhya Goswami, Adv.
State of Sikkim	Mr. A Mariarputham, Adv. Ms. Aruna Mathur and Mr. Anurag D Mathur, Adv. for M/s. Arputham, Aruna & Co., Adv.
State of Tripura	Mr. Gopal Singh, Adv. Mr. Rahul Singh, Adv.



State of Tamil Nadu

Ms. Revathy Raghavan, Adv.

State of Uttranchal

Ms. Rachana Srivastava, Adv.

State of U.P.

Mr. Prakash Kumar Singh, Adv.
Mr. Ashok K Srivastava, Adv.

State of West Bengal

Mr. Bhaskar P Gupta, Sr. Adv.
Mr. Tara Chandra Sharma, Adv.
Mr. Ajay Sharma, Adv.

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

Adjourned to 29th April, 2002.

W.D. 3/11/02
(D.P. WALIA)
COURT MASTER

S.L. Goyal
(S.L. GOYAL)
COURT MASTER

BS/4/11/02

ITEM No.20

Court No. 1

SECTION PIL
A/N MATTERS U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(Civil) No.196/2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With applns.(s) for interim relief and modification of court's order and directions and interim directions and permission to submit addl. documents and office report)

Date : 29/04/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE H.K. SEMAFor Petitioner (s) Mr. Colin Gonsalves, Adv.
Dr. Yug Chaudhary, Ms. Sweta Kakkad,
Mr. P Ramesh Kumar & Ms. Aparna Bhat Advs.For Respondent (s)
U O I Mr. Soli J Sorabjee, Attorney General
Ms. Meenakshi Arora, Adv.
Mr. Manish Singhvi, Adv.
Mr. B V Balaram Das, Adv.

F C I Ms. Indra Sawhney, Adv.

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Ms. Krishna Sarma, Mr. V K Sidharthan and
Mr. J R Luwang, Advs.
for Corporate Law Group, Advs.

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State of Andhra Pradesh Mr. T V Ratnam, Adv.
Mr. K Subba Rao, Adv.UTs of Andaman & Ms. Sunita Sharma, Adv.
Nicobar, Dadra & Nagar Mr. K C Kaushik, Adv.
Haveli, Daman & Diu Mr. D S Mahra, Adv.
and Lakshadweep Mr. Ashok Bhan, Adv.

State of Bihar Mr/s Kumar Rajesh Singh & B B Singh, Advs.

State of Chhattisgarh Mr. Ashwani Kumar, Sr. Adv.
Mr. Prakash Shrivastava, Adv.

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State of Sikkim	Mr. Sonam P. Wangdi, Adv. Genl. Mr. A Mariarputham, Adv. Ms. Aruna Mathur and Mr. Anurag D Mathur,

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State of U.P.	Mr. Prakash Kumar Singh, Adv. Mr. Ashok K Srivastava, Adv.
State of West Bengal	Mr. Bhaskar P Gupta, Sr. Adv. Mr. Tara Chandra Sharma, Adv. Mr. Ajay Sharma, Adv.

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

List on 8th May, 2002.

8/5/02

Kalyani.

J.L.
20/5
(JANKI BHATIA)
COURT MASTER

B394/m

ITEM No.20

Court No. 1

SECTION PIL
A/N MATTERS U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(Civil) No.196/2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With applns.(s) for interim relief and modification of court's order and directions and interim directions and permission to submit addl. documents and office report)

Date : 29/04/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)

Mr. Colin Gonsalves, Adv.
Dr. Yug Chaudhary, Ms. Sweta Kakkad,
Mr. P Ramesh Kumar & Ms. Aparna Bhat Advs.For Respondent (s)
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Mr. B V Balaram Das, Adv.

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Mr. J R Luwang, Advs.
for Corporate Law Group, Advs.State of Arunachal
Pradesh

Mr. Anil Shrivastav, Adv.

State of Andhra Pradesh

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Mr. K Subba Rao, Adv.UTs of Andaman &
Nicobar, Dadra & Nagar
Haveli, Daman & Diu
and LakshadweepMs. Sunita Sharma, Adv.
Mr. K C Kaushik, Adv.
Mr. D S Mahra, Adv.
Mr. Ashok Bhan, Adv.

State of Bihar

Mr/s Kumar Rajesh Singh & B B Singh, Advs.

State of Chhattisgarh

Mr. Ashwani Kumar, Sr. Adv.
Mr. Prakash Shrivastava, Adv.

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Ms. Aishwarya Rao, Adv.

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State of Manipur	Mr. H N K Singh, Adv. Genl. Mr K H Nobin Singh, Adv.
State of M.P.	Mr. Pragati Neekhara, Adv. M/s. B.S. Banthia and S K Agnihotri, Advs.
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State of Nagaland	Mr. S K Shandilya, Adv. Ms. V D Khanna, Adv.
State of Orissa	Mr. J.K. Das, Adv.
State of Punjab	Mr. Sarup Singh, Sr. Addl. Adv. Genl. Mr. K Mahalik, Mr. Rajeev Sharma and Mr. R S Suri, Advs.
Govt. of Pondicherry	Mr. V G Pragasam, Adv.
State of Rajasthan	Ms. Sandhya Goswami, Adv.
State of Sikkim	Mr. Sonam P. Wangdi, Adv. Genl. Mr. A Mariarputham, Adv. Ms. Aruna Mathur and Mr. Anurag D Mathur, Advs. for M/s. Arputham, Aruna & Co., Advs.

State of Tripura	Mr. Gopal Singh, Adv. Mr. Rahul Singh, Adv.
State of Tamil Nadu	M. T. Harish Kumar, Adv. Ms. Revathy Raghavan, Adv.
State of Uttranchal	Ms. Rachana Srivastava, Adv.
State of U.P.	Mr. Prakash Kumar Singh, Adv. Mr. Ashok K Srivastava, Adv.
State of West Bengal	Mr. Bhaskar P Gupta, Sr. Adv. Mr. Tara Chandra Sharma, Adv. Mr. Ajay Sharma, Adv.,

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

List on 6th May, 2002.

Kalyani,

P.L.
30/4
(JANKI BHATIA)
COURT MASTER

RB 30/4/02

ITEM No.28

Court No. 1

SECTION PIL
A/N MATTERS U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

592366

Writ Petition(Civil) No.196/2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With applns.(s) for interim relief and modification of court's order
and directions and interim directions)

Date : 08/05/2002 This Petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE H.K. SEMA

Certified to be true copy

Assistant Registrar (Jd) 19/5/2002
Supreme Court of IndiaFor Petitioner (s) Mr. Colin Gonsalves, Adv.
Ms. Sweta Kakkad, Adv.
Mr. P Ramesh Kumar & Ms. Aparna Bhat Advs.For Respondent (s)
U O I Mr. Soli J Sorabjee, Attorney General
Ms. Meenakshi Arora, Adv.
Mr. Manish Singhvi, Adv.
Mr. B V Balaram Das, Adv.

F C I Ms. Indra Sawhney, Adv

State of Assam Ms. Asha G Nair, Adv.
Ms. Krishna Sarma, Mr. V K Sidharthan, Advs
for Corporate Law Group, Advs.

State of Arunachal Pradesh Mr. Anil Shrivastav, Adv.

State of Andhra Pradesh Mr. T V Ratnam, Adv.
Mr. K Subba Rao, Adv.UTs of Andaman & Ms. Sunita Sharma, Adv.
Nicobar, Dadra & Nagar Mr. K C Kaushik, Adv.
Haveli, Daman & Diu Mr. D S Mahra, Adv.
and Lakshadweep

State of Bihar Mr/s Kumar Rajesh Singh & B B Singh, Advs.

State of Chhattisgarh Mr. Ashwani Kumar, Sr. Adv.
Mr. Prakash Shrivastava, Adv.UT of Chandigarh Ms. Kamini Jaiswal, Adv.
Ms. Aishwarya Rao, Adv.

	Mr. Mukul Rohtagi, ASG.
	Mr. Rishi Maheshwari, Adv.
	Ms. Shally Bhasin Maheshwari, Adv.
	Mr. R K Maheshwari, Adv.
Goa	Ms. A Subhashini, Adv.
Gujarat	Ms. Hemantika Wahi, Adv.
	Ms. Aruna Gupta, Adv.
Haryana	Mr. J. P. Dhanda, Adv.
	Mr. K. P. Singh, Adv.
	Mr. D. S. Nagar, Adv.
	Ms. Raj Rani Dhanda, Adv.
of Himachal Pradesh	Mr. Naresh K Sharma, Adv.
of Jharkhand	Mr. Ashok Mathur, Adv.
	Mr. Arup Banerjee, Adv.
of Jammu & Kashmir	Mr. Anis Suhrawardy, Adv.
of Kerala	Mr. Ramesh Babu M R, Adv.
of Karnataka	Mr. Sanjay R Hegde, Adv.
	Mr. Satya Mitra, Adv.
State of Meghalaya	Mr. Ranjan Mukherjee, Adv.
State of Maharashtra	Mr. S S Shinde, Adv.
	Mr. S V Deshpande, Adv.
State of Manipur	Mr. H N K Singh, Adv. Genl.
	Mr K H Nobin Singh, Adv.
State of M.P.	Mr. Pragati Neekhra, Adv.
	M/s. B.S. Banthia, Adv.
State of Gujarat & Mizoram	Ms. Hemantika Wahi, Adv.
	Ms. Sumita Hazarika, Adv.
State of Nagaland	Mr. S K Shandilya, Adv.
	Ms. V D Khanna, Adv.
State of Orissa	Mr. J.K. Das, Adv.
State of Punjab	Mr. Sarup Singh, Sr. Addl. Adv. Genl.
	Mn. K Mahalik, Mr. Rajeev Sharma and Mr. R S Suri, Advs.
Govt. of Pondicherry	Mr. V G Pragasam, Adv.
State of Rajasthan	Ms. Sandhya Goswami, Adv.
State of Sikkim	Mr. Sonam P. Wangdi, Adv. Genl.
	Mr. A Mariarputham, Adv.
	Ms. Aruna Mathur and Mr. Anurag D Mathur, Advs. for M/s. Arputham, Aruna & Co., Advs.

RHR-110

07639



pura	Mr. Gopal Singh, Adv. Mr. Rahul Singh, Adv.
mil Nadu	M. T. Harish Kumar, Adv. Ms. Revathy Raghavan, Adv.
Uttranchal	Ms. Rachana Srivastava, Adv.
U.P.	Mr. Ashok K. Srivastava, Adv.
West Bengal	Mr. Bhaskar P Gupta, Sr. Adv. Mr. Tara Chandra Sharma, Adv. Ms. Neelam Sharma, Adv.

UPON hearing Counsel, the Court made the following
O R D E R

After hearing counsel for the parties, the Court
issued the directions in terms of the signed order.

Matter to come up for further directions after 12
weeks.

(S. Thapar)
PS to Registrar

(S.L. Goyal)
Court Master

The signed order is placed on the file.

B 13/5/22

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 195 OF 2001

595038

People's Union for Civil Liberties

versus

Union of India & Others

Certified to be true copy

Petitioner (s)

Assistant Registrar (Judl.)

Supreme Court of India

Respondent (s)

O R D E R

After hearing learned counsel for the parties we issue the following directions.

(a) The Gram Panchayats shall frame employment generation proposals in accordance with the Sampoorna Gramin Rozgar Yojana (SGRY) guidelines for creation of useful community assets that have the potential for generating sustained and gainful employment such as water and soil conservation, afforestation and agro-horticulture, salvipasture, minor irrigation and link roads. These proposals shall be approved and sanctioned by the Gram Panchayats and the work started expeditiously.

(b) The respondents shall focus the SGRY programme towards agricultural wage earners, non-agricultural unskilled wage earners, marginal

farmers and, in particular, SC and ST persons whose wage income constitutes a reasonable proportion of their household income and to give priority to them in employment, and within this sector shall give priority to women.

(c) The respondents shall make the wage payment on a weekly basis.

(d) The respondents shall prohibit the use of contractors in the SGRY programme.

(e) The Central Government shall make financial releases under the different employment generation schemes to each State on schedule, provided that the State Governments fulfil the conditions as prescribed by the SGRY. The State Governments are directed to fulfil these conditions and implement the SGRY expeditiously. The State Government will furnish utilisation certificate and it is only on the furnishing of the same that further amounts shall be released. The funds provided shall only be utilised in respect of SGRY programme.

(f) The Gram Sabhas are entitled to conduct a social audit into all Food/Employment schemes and to report all instances of misuse of funds to the respective implementing authorities, who shall on receipt of such complaints, investigate and take appropriate action in accordance with law.

(g) On a complaint being made to the Chief Executive Officer of the Zilla Panchayat (CEO)/Collector regarding non-compliance of the orders of this Court the concerned CEO/Collector shall record the salient features of the complaint in a register maintained for this purpose, acknowledge receipt of the complaint and forthwith secure compliance with this Court's order.

(h) The CEO/Collector of all the Districts in the States and territories shall scrutinize the action taken by all the implementing agencies within their jurisdiction to ensure compliance with this Court's orders and report to the Chief Secretary.

(i) The responsibility for implementation of the order of this Court shall be that of the CEO/Collector. The Chief Secretary will ensure compliance with the order of this Court.

(j) Dr. N.C. Saxena, former Planning Secretary, Government of India, and Mr. S.R. Shankaran, former Secretary, Rural Development, Government of India, shall function as Commissioners of this Court for the purpose of looking into any grievance that may persist after the above-mentioned grievance resolution procedure has been exhausted.

(k) On the Commissioner's recommending a course of action to ensure compliance with this Court's order, the State Government/UT administrations, shall forthwith act upon such recommendation and report compliance.

(l) The commissioners shall be at liberty to take the assistance of individuals and reliable organizations in the State and Union Territories. All officials are directed to fully cooperate

with such persons/organizations, to bring about effective monitoring and implementation of the orders of this Court.

(m) The Gram Sabhas are empowered to monitor the implementation of the various schemes and have access to relevant information relating to, inter alia, selection of beneficiaries and the disbursement of benefits. The Gram Sabhas can raise their grievance(s) in the manner set out above and the redressal of the grievance(s) shall be done accordingly.

(n) It has been stated by the Petitioner that the identification of BPL families is not being done properly and that the criteria for the identification of the BPL families are neither clear nor uniform. The Central and the State Governments are directed to frame clear guidelines for proper identification of BPL families.

(o) The respondents shall ensure that the ration shops remain open throughout the month, during

fixed hours, the details of which will be displayed on the notice board.

To come up for further directions after 12 weeks.

.....sd/.....CJI

.....sd/.....J
(Arijit Pasayat)

.....sd/.....J
(H.K. Sema)

New Delhi,
May 08, 2002

ITEM No. 27

Court No. 1

SECTION PIL
A/N MATTERSUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Writ Petition(Civil) No.196/2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With applns.(s) for interim relief and modification of court's order
and directions and interim directions and office report)
WITH WP(C) 498/2001

Date : 02/09/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s)

Mr. Colin Gonsalves, Adv.
Dr. Yug Chaudhary, Ms. Sweta Kakkad,
Mr. P Ramesh Kumar & Ms. Aparna Bhat Advs.

For Respondent (s)
U O I

Ms. Meenakshi Arora, Adv.
Mr. Manish Singhvi, Adv.
Mr. B V Balaram Das, Adv.

F C I

Ms. Indra Sawhney, Adv.

State of Assam

Ms. Asha G Nair, Adv.
Ms. Krishna Sarma and Mr. V K Sidharthan,
Advs. for Corporate Law Group, Advs.

State of Arunachal
Pradesh

Mr. Anil Shrivastav, Adv.

State of Andhra Pradesh

Mr. T V Ratnam, Adv.
Mr. K Subba Rao, Adv.

UTs of Andaman &
Nicobar, Dadra & Nagar
Haveli, Daman & Diu
and Lakshadweep

Mr. Kailash Vasdev, Sr. Adv.
Mr. K C Kaushik, Adv.
Mr. D S Mahra, Adv.
Ms. Sunita Sharma, Adv.

State of Bihar

Mr/s Kumar Rajesh Singh & B B Singh, Advs.

State of Chhattisgarh

Mr. Ashwani Kumar, Sr. Adv.
Mr. Prakash Shrivastava, Adv.

UT of Chandigarh

Ms. Kamini Jaiswal, Adv.
Ms. Shomila Bakshi and Ms. Aishwarya Rao,

10.
NCT Delhi

Mr. Mukul Rohtagi, ASG.
M/s Rishi Maheshwari, R.K. Maheshwari, &
Ms. Shally Bhasin Maheshwari, Adv.

State of Goa

Ms. A Subhashini, Adv.

State of Gujarat

Ms. Hemantika Wahi, Adv.
Ms. Sumita Hazarika, Adv.

State of Haryana

Mr. J.P. Dhanda, Adv.
Mr. K.P. Singh, Adv.
Ms. Raj Rani Dhanda, Adv.

State of Himachal Pradesh

Mr. Naresh K Sharma, Adv.

State of Jharkhand

Mr. Arup Banerjee, Adv.
Mr. Ashok Mathur, Adv.

State of Jammu & Kashmir

Mr. Aslam Goni, Adv. Genl.
Mr. Anis Suhrawardy, Adv.

State of Kerala

Mr. Ramesh Babu M R, Adv.

State of Karnataka

Mr. Sanjay R Hegde, Adv.
Mr. Satya Mitra, Adv.

State of Meghalaya

Mr. Ranjan Mukherjee, Adv.

State of Maharashtra

Mr. S S Shinde, Adv.
Mr. S V Deshpande, Adv.

State of Manipur

Mr K H Nobin Singh, Adv.

State of M.P.

Mr. B.S. Banthia, Adv.
Mr. Satish K Agnihotri, Adv.

State of Mizoram

Ms. Hemantika Wahi, Adv.
Ms. Sumita Hazarika, Adv.

State of Nagaland

Mr. Kailash Vasdev, Sr. Adv.
Mr. S K Shandilya, Adv.
Ms. V D Khanna, Adv.

State of Orissa

Mr. J.K. Das, Adv.

State of Punjab

Mr. G Sivabalamurugan, Mr. Rajeev Sharma
and Mr. R S Suri, Adv.

Govt. of Pondicherry

Mr. V G Pragasan, Adv.

State of Rajasthan

Ms. Sandhya Goswami, Adv.

State of Sikkim

Mr. A Mariarputham, Adv.
Ms. Aruna Mathur and Mr. Anurag D Mathur,
Adv. for M/s. Arputham, Aruna & Co., Adv.

State of Tripura

Mr. Gopal Singh, Adv.
Mr. Rahul Singh, Adv.

State of Tamil Nadu

Ms. Revathy Raghavan, Adv.

State of Uttaranchal	Ms. Rachana Srivastava, Adv.
State of U.P.	Mr. Prakash Singh, Adv. Mr. Ashok K Srivastava, Adv.
State of West Bengal	Mr. Tara Chandra Sharma, Adv. Mr. Ajay Sharma, Adv. Mr. Rajeev Sharma, Adv.
WP(C) 498/2001 Petitioner	Mr. Bhim Singh, Adv. Mr. B.S. Billowria, Adv. Mr. D.K. Garg, Adv.
Respondent	Ms. Meenakshi Arora, Adv. Mr. Manish Singhvi, Adv. Mr. B.V. Balaram Das, Adv. Mr. Aslam Goni, Adv. Genl. Mr. Anis Suhrawardy, Adv.

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

WP(C) 196/2001

List on 3rd September, 2002.

WP(C) 498/2001

The Union of India will give response to the affidavit of Shri Jagdev Singh indicating the area in the camps of the migrants which require relief. Ms. Meenakshi Arora says that a detailed affidavit has been filed giving the report with regard to the camps which have been visited. If any areas of camps remain supplementary report will be filed within three weeks. List after four weeks. In the meantime, we expect at any rate relief package to be given to the migrant refugees.

Kalyani

(S. L. GOYAL)
COURT MASTER

ITEM No.2

Court No. 1

SECTION PIL
A/N MATTERSUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Writ Petition(Civil) No.196/2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner (s)

VERSUS

UNION OF INDIA & ORS..

Respondent (s)

(With applns.(s) for interim relief and modification of court's order and directions and interim directions and office report) (With I.A.No.20-appln. for directions filed by Ms.Aparna Bhat,adv. and I.A.No.21-appln. for directions filed by M/s.Corporate Law Group,adv.)

~~WITH WP(C) 498/2001~~~~(With appln. for directions and ex-parte stay)~~

Date : 03/09/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s)

Mr. Colin Gonsalves, Adv.
Ms. Aparna Bhat Adv.
Ms. Sweta Kakkad,adv.

For Respondent (s)
For U.O.I.

Ms. Meenakshi Arora, Adv.
Mr. Manish Singhvi, Adv.
Mr. B V Balaram Das, Adv.

F C I

Ms. Indra Sawhney, Adv.

State of Assam

Ms. Asha G Nair, Adv.
Ms. Krishna Sarma and Mr. V K Sidharthan,
Adv. for Corporate Law Group, Adv.

State of Arunachal
Pradesh

Mr. Anil Shrivastav, Adv.

State of Andhra Pradesh

Mr. T V Ratnam, Adv.
Mr. K Subba Rao, Adv.

UTs of Andaman &
Nicobar, Dadra & Nagar
Haveli, Daman & Diu
and Lakshadweep

Mr. Kailash Vasdev, Sr. Adv.
Mr. K C Kaushik, Adv.
Mr. D S Mahra, Adv.
Ms. Sunita Sharma, Adv.

State of Bihar

Mr/s Kumar Rajesh Singh & B B Singh, Adv.

State of Chhattisgarh

Mr. Prakash Shrivastava, Adv.

UT of Chandigarh	Ms. Kamini Jaiswal, Adv. Ms. Shomila Bakshi and Ms. Aishwarya Rao, Adv.	...2/-
NCT Delhi	Mr. Mukul Rohtagi, ASG. M/s Rishi Maheshwari, R.K. Maheshwari, & Ms. Shally Bhasin Maheshwari, Adv.	
State of Goa	Ms. A Subhashini, Adv.	
State of Gujarat	Ms. Hemantika Wahi, Adv. Ms. Sumita Hazarika, Adv.	
State of Haryana	Mr. J.P. Dhanda, Adv. Ms. Raj Rani Dhanda, Adv.	
State of Himachal Pradesh	Mr. Naresh K Sharma, Adv.	
State of Jharkhand	Mr. Arup Banerjee, Adv. Mr. Ashok Mathur, Adv.	
State of Jammu & Kashmir	Mr. Aslam Goni, Adv. Genl. Mr. Anis Suhrawardy, Adv.	
State of Kerala	Mr. Ramesh Babu M R, Adv.	
State of Karnataka	Mr. Sanjay R Hegde, Adv. Mr. Satya Mitra, Adv.	
State of Meghalaya	Mr. Ranjan Mukherjee, Adv.	
State of Maharashtra	Mr. S S Shinde, Adv. Mr. S V Deshpande, Adv. for Mr. V.N. Radhupathy, adv.	
State of Manipur	Mr K H Nobin Singh, Adv.	
State of M.P.	Mr. B.S. Banthia, Adv. Mr. Satish K. Agnihotri, Adv.	
State of Mizoram	Ms. Hemantika Wahi, Adv. Ms. Sumita Hazarika, Adv.	
State of Nagaland	Mr. Kailash Vasdev, Sr. Adv. Mr. S K Shandilya, Adv. Ms. V D Khanna, Adv.	
State of Orissa	Mr. J.K. Das, Adv.	
State of Punjab	Mr. R S Suri, Adv.	
Govt. of Pondicherry	Mr. V G Pragasam, Adv.	
State of Rajasthan	Ms. Sandhya Goswami, Adv.	
State of Sikkim	Mr. A Mariarputham, Adv. Ms. Aruna Mathur and Mr. Anurag D Mathur, Adv. for M/s. Arputham. Aruna & Co. Adv.	

State of Tripura

Mr. Gopal Singh, Adv.
Mr. Rahul Singh, Adv.

State of Tamil Nadu

Ms. Revathy Raghavan, Adv.

State of Uttaranchal

Ms. Rachana Srivastava, Adv.

State of U.P.

Mr. Ashok K Srivastava, Adv.

State of West Bengal

Mr. Bhaskar P. Gupta, Sr. Adv.
Mr. Tara Chandra Sharma, Adv.
Mr. Ajay Sharma, Adv.
Mr. Rajeev Sharma, Adv.

IN WP(C) 498/2001

For Petitioner

Mr. Bhim Singh, Adv.
Mr. B.S. Billowria, Adv.
Mr. D.K. Garg, Adv.

For Respondent

Ms. Meenakshi Arora, Adv.
Mr. Manish Singhvi, Adv.
Mr. B.V. Balaram Das, Adv.

Mr. Anis Suhrawardy, Adv.

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

I.A.Nos. 11, 12, 17, 18 and 21 are dismissed.

List rest of the I.As. and writ petitions on
9.9.2002 at the bottom of miscellaneous matters.

31/9/02
(Suman Wadhwa)
Court Master

(S.L. Goyal)
Court Master

ITEM No.54

Court No. 1

SECTION PIL
A/N MATTERS U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(Civil) No.196/2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With appln.(s) for interim relief and interim directions and
Office Report)

Date : 09/09/2002 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s)

Mr. Colin Gonsalves, Adv.
Dr. Yug Chaudhary, Ms. Sweta Kakkad,
Mr. P. Ramesh Kumar & Ms. Aparna Bhat Advs.

For Respondent (s)

U O I

Ms. Meenakshi Arora, Adv.
Mr. Manish Singhvi, Adv.
Mr. B V Balaram Das, Adv.

F C I

Mr. Sali Ja.Sorabjee, AG
Ms. Indra Sawhney, Adv.

State of Assam

Ms. Krishna Sarma, Adv.
Ms. Asha G Nair, Adv.
Mr. V K Sidharthan, Adv.
Advs. for Corporate Law Group, Advs.State of Arunachal
PradeshMr. Anil Shrivastav, Adv.
Ms. Jyoti Dutt, Adv.

State of Andhra Pradesh

Mr. T V Ratnam, Adv.
Mr. K Subba Rao, Adv.State of Andaman &
Nicobar, Dadra & Nagar
Haveli, Daman & Diu
and LakshadweepMr. Kailash Vasdev, Sr. Adv.
Mr. K C Kaushik, Adv.
Mr. D S Mahra, Adv.
Ms. Sunita Sharma, Adv.

State of Bihar

Mr/s Kumar Rajesh Singh & B B Singh, Advs.

State of Chhattisgarh

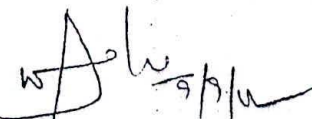
UT of Chandigarh	Ms. Kamini Jaiswal, Adv. Ms. Shomila Bakshi and Ms. Aishwarya Rao, Adv.
NCT Delhi (Deptt. of Education)	Mr. Mukul Rohtagi, ASG. M/s Rishi Maheshwari, R.K. Maheshwari, & Ms. Shally Bhasin Maheshwari, Adv.
(Deptt. of Food and Supplies & Ors.)	Mr. Kailash Vasdev, Sr. Adv. Mr. K.C. Kaushik, Adv. Ms. Sunita Sharma, Adv.
State of Goa	Ms. A Subhashini, Adv.
State of Gujarat	Ms. Hemantika Wahi, Adv. Ms. Anu Sawhney, Adv.
State of Haryana	Mr. J.P. Dhanda, Adv. Ms. Raj Rani Dhanda, Adv. Mr. Sunder Khatri, Adv.
State of Himachal Pradesh	Mr. Naresh K Sharma, Adv.
State of Jharkhand	Mr. Arup Banerjee, Adv. Mr. Ashok Mathur, Adv.
State of Jammu & Kashmir	Mr. Aslam Goni, Adv. Genl. Mr. Anis Suhrawardy, Adv.
State of Kerala	Mr. Ramesh Babu M R, Adv.
State of Karnataka	Mr. Sanjay R Hegde, Adv. Mr. Satya Mitra, Adv.
State of Meghalaya	Mr. Ranjan Mukherjee, Adv.
State of Maharashtra	Mr. S V Deshpande, Adv. Mr. S S Shinde, Adv. Mr. V.N. Raghupathy, Adv.
State of Manipur	Mr. K H Nobin Singh, Adv.
State of M.P.	Mr. B.S. Banthia, Adv. Mr. Satish K Agnihotri, Adv.
State of Mizoram	Ms. Hemantika Wahi, Adv. Ms. Sumita Hazarika, Adv.
State of Nagaland	Mr. Kailash Vasdev, Sr. Adv. Mr. S K Shandilya, Adv. Ms. V D Khanna, Adv.
State of Orissa	Mr. J.K. Das, Adv.
State of Punjab	Mr. G Sivabalamurugan, Mr. Rajeev Sharma and Mr. R S Suri, Adv.

Govt. of Pondicherry	Mr. V G Pragasam, Adv.
State of Rajasthan	Ms. Sandhya Goswami, Adv.
State of Sikkim	Mr. Sonam P. Wangdi, Adv. Gen. Mr. A. Mariarputham, Adv. Adv. for M/s. Arputham, Aruna & Co., Adv.
State of Tripura	Mr. Gopal Singh, Adv. Mr. Rahul Singh, Adv.
State of Tamil Nadu	Ms. Revathy Raghavan, Adv.
State of Uttranchal	Ms. Rachana Srivastava, Adv. Mr. Mahesh C. Kaushiwa, Adv.
State of U.P.	Mr. Ashok K Srivastava, Adv.
State of West Bengal	Mr. Bhaskar Gupta, Sr. Adv. Mr. Tara Chandra Sharma, Adv. Mr. Ajay Sharma, Adv. Ms. Neelam Sharma, Adv.

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

Adjourned.

List after one week.


(D.P. Wallia)
Court Master


(S.L. Goyal)
Court Master



ITEM-No.29

Court No. 1

SECTION 31
A/N MATTERSUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Writ Petition(Civil) No.196/2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With applns.(s) for interim relief and interim directions, permission to submit addl. documents and permission to file additional documents and office report)

Date : 23/09/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s)

Mr. Colin Gonsalves, Adv.
Ms. Sweta Kakkad, Mr. P Ramesh Kumar and
Ms. Aparna Bhat, Advs.For Respondent (s)
U O IMs. Meenakshi Arora, Adv.
Mr. Manish Singhvi, Adv.
Mr. Y P Mahajan, adv.
Mr. B V Balaram Das, Adv.

F C I

Ms. Indra Sawhney, Adv.

State of Assam

Ms. Krishna Sarma and Mr. V K Sidatharan,
Advs. for Corporate Law Group, Advs.State of Arunachal
PradeshMr. Anil Shrivastav, Adv.
Ms. Jyoti Dutt, Adv.

State of Andhra Pradesh

Mr. T V Ratnam, Adv.
Mr. K Subba Rao, Adv.UTs of Andaman &
Nicobar, Dadra & Nagar
Haveli, Daman & Diu
and LakshadweeepMr. K C Kaushik, Adv.
Mr. D S Mahra, Adv.
Ms. Sunita Sharma, Adv.

State of Bihar

Mr. B B Singh, Adv.

State of Chhattisgarh

Mr. Prakash Shrivastava, Adv.

....2/-

Andigarh	Ms. Kamini Jaiswal, Adv. Ms. Shomila Bakshi and Ms. Aishwarya Rao, Adv.
	Mr. K C Kaushik, Adv. Mr. D S Mahra, Adv.
Goa	Ms. A Subhashini, Adv.
Gujarat	Ms. Hemantika Wahi, Adv. Ms. Anu Dubey, Adv. Ms. Sumita Hazarika, Adv.
Haryana	Mr. J.P. Dhanda, Adv. Ms. Raj Rani Dhanda, Adv. Mr. Sunder Khatri, Adv. Mr. Bhagat Singh, Adv.
Himachal	Mr. Naresh K Sharma, Adv.
Jharkhand	Mr. Arup Banerjee, Adv. Mr. Ashok Mathur, Adv. Mr. Rajesh Pathak, Adv.
Jammu & Kashmir	Mr. Anis Suhrawardy, Adv.
Kerala	Mr. Ramesh Babu M R, Adv.
Karnataka	Mr. Sanjay R Hegde, Adv. Mr. Satya Mitra, Adv.
Meghalaya	Mr. Ranjan Mukherjee, Adv.
Maharashtra	Mr. U U Lalit, Adv. Mr. S S Shinde, Adv. Mr. V N Raghupathy, Adv.
Manipur	Mr K H Nobin Singh, Adv.
M.P.	Mr. B.S. Banthia, Adv. Mr. T S Chowdhary, Adv. Mr. Satish K Agnihotri, Adv.
Mizoram	Ms. Hemantika Wahi, Adv. Ms. Anu Dubey, Adv. Ms. Sumita Hazarika, Adv.
Nagaland	Mr. Kailash Vasdev, Sr. Adv. Mr. S K Shandilya, Adv. Ms. V D Khanna, Adv.
Orissa	Mr. J.K. Das, Adv.
Punjab	Mr. R S Suri, Adv.
Pondicherry	Mr. V G Pragasam, Adv.
Rajasthan	Ms. Sandhya Goswami, Adv.

State of Sikkim

Mr. A Mariarputham, Adv.
Ms. Aruna Mathur and Mr. Anurag D Mathur,
Adv. for M/s. Arputham, Aruna & Co., Adv.

State of Tripura

Mr. Gopal Singh, Adv.
Mr. Rahul Singh, Adv.
Mr. Rajiv Mahapatra, Adv.

State of Tamil Nadu

Ms. Revathy Raghavan, Adv.

State of Uttranchal

Ms. Rachana Srivastava, Adv.
Mr. Mahesh C Kaushiwa, Adv.

State of U.P.

Mr. Ashok K Srivastava, Adv.

State of West Bengal

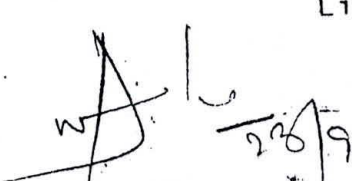
Mr. Bhaskar P Gupta, Sr. Adv.
Mr. Tara Chandra Sharma, Adv.
Ms. Neelam Sharma, Adv.


Educational Deptt.

Ms. Shally Bhasin, Adv.
Mr. Rishi Maheshwari, Adv.
Mr. R K Maheshwari, Adv.

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

List on 4th October, 2002.


(D.P. WALIA)
COURT MASTER


(S.L. GOYAL)
COURT MASTER

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

628688

Writ Petition(Civil) No.196/2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With applns.(s) for interim relief and interim directions and permission to submit additional documents and office report)

Date : 29/10/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE ARJIT PASAYAT

Certified to be true copy

Assistant Registrar (Jud.)

2-11-2002
Supreme Court of India

For Petitioner (s)

Mr. Colin Gonsalves, Adv.
Ms. Sweta Kakkad, Mr. P Ramesh Kumar and
Ms. Aparna Bhat, Advs.For Respondent (s)
U O IMr. Soli J Sorabjee, Attorney General
Ms. Meenakshi Arora, Adv.
Mr. Manish Singhvi, Adv.
Mr. Y P Mahajan, adv.
Mr. B V Balaram Das, Adv.

F C I

Mr. Soli J Sorabjee, Attorney General
Ms. Indra Sawhney, Adv.

State of Assam

Ms. Krishna Sarma, Mr. V K Sidatharan,
and Asha G Nair, Advs. for
Corporate Law Group, Advs.State of Arunachal
Pradesh

Mr. Anil Shrivastav, Adv.

State of Andhra Pradesh

Mr. T V Ratnam, Adv.
Mr. K Subba Rao, Adv.UTs of Andaman &
Nicobar, Dadra & Nagar
Haveli, Daman & Diu
and LakshadweepMr. K C Kaushik, Adv.
Mr. D S Mahra, Adv.
Ms. Sunita Sharma, Adv.

State of Bihar

Mr. B B Singh, Adv.

State of Chhattisgarh

Mr. Prakash Shrivastava, Adv.

UT of Chandigarh	Ms. Kamini Jaiswal, Adv. Ms. Shomila Bakshi and Ms. Aishwarya Rao, Adv.
NCT Delhi	Mr. K C Kaushik, Adv. Mr. D S Mahra, Adv.
State of Goa	Ms. A Subhashini, Adv.
State of Gujarat	Ms. Hemantika Wahi, Adv. Ms. Anu Dubey, Adv. Ms. Sadhna Sandhu, Adv.
State of Haryana	Mr. J.P. Dhanda, Adv. Ms. Raj Rani Dhanda, Adv. Mr. Sunder Khatri, Adv. Mr. Mahendra Anand, Sr. Adv. Mr. Neeraj Kumar Jain, Adv. Ms. Hema Sahu, Adv.
State of Himachal Pradesh	Mr. Naresh K Sharma, Adv.
State of Jharkhand	Mr. Arup Banerjee, Adv. Mr. Ashok Mathur, Adv. Mr. Rajesh Pathak, Adv.
State of Jammu & Kashmir	Mr. Anis Suhrawardy, Adv.
State of Kerala	Mr. Ramesh Babu M R, Adv.
State of Karnataka	Mr. Sanjay R Hegde, Adv. Mr. Satya Mitra, Adv.
State of Meghalaya	Mr. Ranjan Mukherjee, Adv.
State of Maharashtra	Mr. S V Deshpande, Adv. Mr. S S Shinde, Adv. Mr. V N Raghupathy, Adv.
State of Manipur	Mr K H Nobin Singh, Adv.
State of M.P.	Ms. Rachana Srivastava, Adv. Mr. B.S. Banthia, Adv. Mr. Satish K Agnihotri, Adv.
State of Mizoram	Ms. Hemantika Wahi, Adv. Ms. Anu Dubey, Adv. Ms. Sadhna Sandhu, Adv.
State of Nagaland	Mr. Kailash Vasdev, Sr. Adv. Mr. S K Shandilya, Adv. Ms. V D Khanna, Adv.
State of Orissa	Mr. J.K. Das, Adv.
State of Punjab	Mr. P S Suri, Adv.

Pondicherry	Mr. V G Pragasam, Adv.
Rajasthan	Dr. A M Singhvi, Sr. Adv. Ms. Sandhya Goswami, Adv. Mr. Amit Bhandari, Adv.
Sikkim	Mr. A Mariarputham, Adv. Ms. Aruna Mathur and Mr. Anurag D Mathur, Advs. for M/s. Arputham, Aruna & Co., Advs.
Tripura	Mr. Gopal Singh, Adv. Mr. Rahul Singh, Adv.
Tamil Nadu	Ms. Revathy Raghavan, Adv.
Uttranchal	Ms. Rachana Srivastava, Adv. Mr. Mahesh C Kaushiwa, Adv.
U.P.	Mr. Ashok K Srivastava, Adv.
West Bengal	Mr. Bhaskar P Gupta, Sr. Adv. Mr. Tara Chandra Sharma, Adv. Mr. Ajay Sharma, Adv.
Educational Deptt.	Ms. Shally Bhasin Maheshwari, Adv. Mr. Rishi Maheshwari, Adv. Mr. R K Maheshwari, Adv. Ms. Ritu Rastogi, Adv.

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

On 8th May, 2002, detailed directions were given by this Court with regard to the implementation of various schemes which had been floated for giving relief to the poor, impoverished and the hungry. In the said order Dr. N.C. Saxena and Mr. S.R. Sankaran were appointed as Commissioners of the Court, inter alia, for the purpose of looking into any grievance that may persist after the grievance resolution procedure set out in the said order has been exhausted.

Pursuant to the said order Dr. N.C. Saxena has filed the first Report dated 12th October, 2002. In the

said Report, there is a reference with regard to the food requirement in the State of Rajasthan. We need not go into this aspect but what requires to be considered is the directions which are sought for by the Commissioners in the said Report.

We have heard the learned Attorney General, Mr. Colin Gonsalves and Dr. A.M. Singhvi and in furtherance and in addition to our aforesaid order of 8th May, 2002; we issue the following directions.

(a) The Chief Secretaries/Administrators of the States/Union Territories are directed to respond promptly to the correspondences addressed to them by the Commissioners and provide full information as required.

(b) In case of persistent default in compliance with the orders of this Court concerned Chief Secretaries/Administrators of the States/Union Territories shall be held responsible.

(c) The Chief Secretaries/Administrators are given one last chance to translate and permanently display the order dated 28th November, 2001 and 8th May, 2002 of this Court, on all the Gram Panchayats, school buildings and fair price shops and give wide publicity on the

All India Radio and Doordarshan. This should be complied with within eight weeks from today.

(d) It is clarified that the scope of the work of the Commissioners appointed by this Court is to include the monitoring of the implementation of this Court's orders as well as the monitoring and reporting to this Court of the implementation by the respondents of the various welfare measures and schemes.

(e) The respective State Governments shall appoint Government officials as Assistants to the Commissioners within eight weeks from today. The appointment shall be made by the Chief Secretaries/Administrators of the States/Union Territories in consultation with Dr. N.C. Saxena. The Assistants so appointed will render such assistance to the Commissioners as the Commissioners may require and help them in discharging the responsibility which has been cast upon them.

(f) In order to ensure that there is effective implementation of the Governmental Schemes, the States as well as the Central Government shall appoint one Nodal Officer each. The Assistants appointed to help the Commissioners, as well as the Commissioners

would remain in constant touch with the said Nodal Officers for the purpose of ensuring the due implementation of the Schemes.

(g) The Nodal Officers so appointed shall provide to the Commissioners full access to relevant records and provide relevant information.

(h) Whenever the States/Union Territories have a meeting in relation to food scarcity it will be appropriate that the Commissioners and in their absence the assistants are notified to participate in the same.

(i) It is the duty of each States/Union Territories to prevent deaths due to starvation or malnutrition. If the Commissioner reports and it is established to the satisfaction of the Court that starvation death has taken place, the Court may be justified in presuming that its orders have not been implemented and the Chief Secretaries/Administrators of the States/ Union Territories may be held responsible for the same.

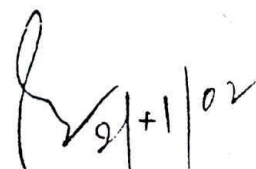
We reaffirm our earlier order dated 8th May, 2002 and direct the parties to comply with the same, and, in

...7/-

particular the Central Government shall formulate the scheme to extend the benefits of the Antyodhaya Anna Yojana to the destitute section of the population.

Adequate funds shall be made available to the Commissioners by the Union of India to enable them to perform the functions. To await the next Report of the Commissioners, and to come up for further orders after four months before a Bench of which Hon'ble Mr. Justice Y.K. Sabharwal is a Member.

Kalyani.


(S.L. GOYAL)
COURT MASTER



SABOTAGING PDS

The High Level Committee goes dangerously astray

BY COLIN GONSALVES

Built up painstakingly over the last 3 decades is an incredible structure for the maintenance of national food security. It rests on three pillars a) a reasonable price paid to farmers so that production levels of cereals are kept up; (b) The FCI systems for large scale and efficient procurement, storage and transportation of grain and (c) a public distribution system (PDS) for the transfer of subsidised grain to the poor.

The IMF now says stop this subsidy. The High Level Committee falls in line. The committee recommends:

- Cutting the price paid to the farmers thus discouraging procurement and the cultivation of cereals
- Cutting the food subsidy almost entirely by raising the PDS grain prices to almost market prices; thus effectively dismantling the PDS.
- Imports of cereals.

Of course lip service is paid to Food for Work (one page of the 200 page report) and Antyayodhya Anna Yojana (1/2 page). And yes, self sufficiency!

Operating on two presumptions, both wrong, the High Level Committee on Long Term Grain Policy has made recommendations which appear in favour of the poor in the short term but which are against them in the long run. The first presumption is that the surplus stocks in the FCI godowns are an indicator of excess procurement. The second is that the food subsidy standing at 1% GDP must be reduced to 0.2%. Accordingly, it recommends that procurement be discouraged by cutting minimum support price to farmers thereby reducing procurement by 12 million tonnes. Then it suggests that there be a uniform PDS price virtually at acquisition cost, thus allowing the BPL prices to shoot upwards. The poor indeed have reason to be very alarmed.

Ironically these suggestions have been made at a time when reports of deaths by starvation have come in from Orissa, Jharkhand and Uttar Pradesh and elsewhere. Today there are 60 MT of grain in the godowns well above the 15 MT buffer.

Food for Work

Procurement every year is 40 MT. Offtake (*excluding food for work*) is 30 MT. Assuming that the food for work programme will remain at their present low levels, the Committee concludes that procurement must be reduced. This is a fatal error.

Food for work programme during British rule were governed by the Famine Codes. These provided an extensive code of conduct for officials for the recognition of the onset of famines, the immediate starting of FFW programmes available to all irrespective of income, and the payment of subsistence amounts to those who cannot work. Studies show that the British were able to control deaths by starvation by the effective implementation of these Codes.

Governments today, in contrast, appear to be worse than the British. Food for work programmes began only after crops were decimated, cattle migrated and starvation deaths had occurred. Moreover, the FFW programmes had ceilings leaving out large sections of the population.

Over time these Codes came to be disregarded. As is usual in every Red Fort address to the nation, Prime Ministers began to announce schemes. The Employment Assurance Scheme (EAY) promised 100 day of FFW to all. Prime Minister Vajpayee then announced a new Sampoorna Gramin Rozgar Yojana (SGRY). Everyone assumed it was an improvement on EAY. With the facts came the shock. It would provide on average of 10 days employment ! Rs. 5000 crores and 5MT grain was all government could spare.

Chandrababu Naidu demonstrated that 5MT was a pitiable amount for the country when he managed to grab 3MT for Andhra alone. A genuine FFW implemented nation wide can easily absorb 30 MT. Thus, procurement is not 10 MT in excess but about 20 MT less than required. The piling up of stocks is therefore not because procurement is too high but because there is a deliberate decision not to feed the poor. This brings us to the subsidy issue.

Subsidy

To argue that the subsidy should be reduced is to say that food security for the poor through the PDS should be done away with. Subsidies were reduced in two ways; first by targetting and second by the introduction of food stamps.

The High Level Committee concludes, what everyone has known for a decade that the shift from universal to targeted PDS was a mistake. Targetting restricts the PDS benefits to persons below a particular income level. Targetted Public Distribution System (TPDS), has "excluded a considerable part of the poor and undernourished population". The classification into BPL and APL was "seriously flawed".

If the international standard for the definition of the poor i.e. a household that spends more than one third of its income on food, is followed in India, 95% of all households would be considered poor. If the Chinese standard of a food share of 60% is followed, then 70% of all households would be considered poor. However, only 27% are considered falling within BPL. This is why angry complaints are coming in from all over the country about the wrongful exclusion of the poor from the BPL list. Tribals who say they eat meat or drink liquor are out. Tiles on the roof or a fan in the room knock the family out of the list. The Planning Commission's definition of BPL as a family income less than of Rs. 20,000 p.a. is rarely followed.

But was targetting a mere mistake or was it a deliberate attempt to sabotage the PDS? And is the Committee using the failure of TPDS to dismantle the PDS system altogether in the guise of reforming it?

PDS was sabotaged in five ways. First by targetting, then by increasing the APL and BPL prices to such an extent that APL offtake collapsed and BPL offtake declined, thirdly by relaxing Fair Average Quality Norms so that people were disgusted with the grain they received, then by rendering uneconomical the running of ration shops save by the black marketeering in grain, and finally, when the APL prices were marginally reduced, by not communicating this to the public.

When targetting was introduced in India in 1997 the experiences of Mexico, Zambia, Jamaica, Tunisia and Sri Lanka were well known. The targetted food stamps in Mexico were aimed at cutting the food subsidy and led to an 80% decline of those receiving subsidized food. Sri

Lanka's effective universal PDS was converted to one based on income in order to pander to the IMF direction to cut food subsidies. As a result there was a 50% fall in participating households and a significant number of low income groups were excluded from the food stamps program. Food stamps replaced general price subsidies in Jamaica to reduce the subsidy from 1% GNP to 0.23%. The real value of the food stamps fell until the cost of the minimum food basket was 3 times the minimum wage. The poor were excluded. Similarly in Tunisia there was a dramatic fall in the calorie and protein intake after subsidies came under attack. And in Columbia targetting was the method by which food subsidies were done away with.

The heart of the matter is money. India's food subsidy at 1% GDP is not high by International standards. Moreover 66% of this is worthless as it is storage cost. The hidden agenda of the committee is to reduce this food subsidy to 0.2% i.e. to virtually do away with the subsidy for the poor. To disguise this with an offer of price indexed linked coupons for the poor and cash transfers to the state in lieu of price subsidies is laughable. State governments that cannot pay the salary of their employees will put this cash into the general account. Coupons have failed worldwide. In India counterfeiting will be an additional problem.

With the largest population of malnourished people in the world and with half the nation's women and children malnourished, 'business as usual' will not do. Drastic steps are called for. India must consciously dedicate a part of its GDP towards subsidising food for the poor. The subsidy must go up not down. In the present extreme situation 2% GDP is not excessive. Jamaica in the 1970's and Tunisia in the 80's had these subsidy levels.

Once the decision is taken for a massive FFW programme the gap between procurement and disbursement will disappear, the minimum support prices must be maintained to keep up the level of procurement and benefit farmers, and the movement of grains from the godowns will reduce that part of the food subsidy relating to storage (which is 66% of the total food subsidy). A massive FFW programme will reduce hunger, provide employment and improve rural infrastructure.

As the grain component of SGRY rises from 5 MT to 30 MT, so too will the cash component. But this can be kept in check by enforcing the labour/ capital ratio on public works to 70/ 30 and by paying almost the entire wage in grain. Additional funds could be raised by the states by the imposition of a levy as Maharashtra has done in the case of the Employment Guarantee Act. All it needs is the will to act.

PDS Prices

In recommending that BPL and APL prices be increased close to acquisition cost (which is today higher than the APL level) the Committee goes over the top. Surely it must understand that the current BPL/ APL rates are too high for the poor to purchase grain.

Distribution is very low not because PDS is inherently unworkable, but because the poor are too poor to buy the grain at the prices fixed. The BPL rate has to be fixed at the Antyayodya rate level, and the APL rate brought down to the BPL level for there to be any significant increase in offtake. Starvation does not just happen. It is caused by high PDS prices.

Contractors

Seeking to capitalise on the huge surpluses lying in FCI godowns, Reliance and others have moved in. Privatising storage is the catch phrase. Once it is understood that the grain should be distributed and not stored for years, then the FCI capacity ought to be sufficient. There is no need for contractors. Initial calculations show that it should be cheaper to give the grain away free rather than pay contractors!

Food rots in the FCI godowns not because the FCI is inefficient. FCI operations have in fact been efficient given the sheer scale of the operations but its hands are tied and it has no say in the release of grain for the poor. FCI has been critical in sustaining production incentives over thirty years and in maintaining overall national food security.

Self Sufficiency

A salient feature of India's cereal situation is that most states are deficit. Growth rates of cereals have decelerated. Non food grain yields have also declined. Interstate imbalances are expected to widen.

Critical in sustaining the production of cereals is the system of procurement now in vogue and the fair prices fixed for procurement. This has maintained overall national food security for 30 years.

It is essential to maintain cereal self-sufficiency because the devious policies of rich countries and the highly volatile nature of International cereal prices makes the import of cereals a very dangerous policy. Surplus production of a few advanced countries accounts for 4/5 of the global trade in cereals. The US farm subsidy is expected to be about a 50 billion dollars a year. Once the US grain exporters get a monopoly on the basis of highly subsidized grain exports, prices will be pushed up leading to a grave crisis.

India has the world's largest malnourished population. Malnutrition among children is higher than sub-Saharan Africa. Since cereals accounts for 60% of nutrient intake, decline in production is a serious concern.

I have heard Amartya Sen say on TV that procurement should be curtailed, market forces be allowed to prevail and then prices will fall and the poor will get food cheap. Quite the contrary. Prices may fall initially. Farmers will then move away from cereal productions. Shortages will occur. Imports of highly subsidised wheat from the U.S. and elsewhere will cause a further collapse of cereal production in India. Prices will then be pushed up by grain exporting cartels leading to chaos and deprivation.

THE RIGHT TO FOOD AND WORK ACT¹

An Act to make effective and immediate provision for the right to food and the right to work by guaranteeing employment to all persons who volunteer to do unskilled manual work for the making of durable assets for the benefit of the community and the economy.

- **Alarmed** by the state of chronic hunger and unemployment in India.
- **Condemning** starvation deaths as totally unacceptable.
- **Noticing** that there is adequate production, procurement and reserves of grain.
- **Also Noticing** that the poor in India are unable to buy grain unless it is heavily subsidized.
- **Perusing** the various decisions of the Hon'ble Supreme Court of India wherein the right to food and the right to work have been seen as inhering in Article 21 of the Constitution of India.
- **Accepting and Adopting** General Comment 12: The Right to Adequate Food made under Article 11 of the International Covenant on Economic, Social and Cultural Rights, which India has ratified and which emphasises that state parties have a principal obligation to immediately assure that everyone enjoys access to minimum essential food to ensure freedom from hunger and to progressively realize the right to adequate food.
- **Concluding** therefore, that the State must organize its resources to provide for this subsidy as a priority over all other expenditures.
- **Convinced** that it is of paramount urgency to make effective provision for securing the right to work laid down in Article 41 of the Constitution of India.
- **Also Convinced** that drastic steps are necessary and that a 'business-as-usual' approach will not do at all.
- **Determined** that this Act should succeed to the fullest extent and under no circumstances should be smothered or scuttled on account of administrative inefficiency, paucity of funds, political controversy or apathy.

It is hereby enacted in this 54th Year of the Republic as follows:

CHAPTER – I PRELIMINARY

1. Short title, extent and commencement

- (i) This Act shall be called the Right to Food and Work Act 2003
- (ii) It extends to the whole of India

¹ DRAFT FOR DISCUSSION PREPARED FOR THE RIGHT TO FOOD CAMPAIGN
By
HUMAN RIGHTS LAW NETWORK

- (iii) It shall come into force on such date, as the Central Government shall, by notification in the official gazette, appoint.

2. Definitions:

- (i) **Poverty Line:** Shall be the cut-off defined in money terms, at which the family spends on an average $1/3^{\text{rd}}$ of its income on food.
- (ii) **Below Poverty Line (BPL):** Is the cut-off in terms of family income as notified by the Planning Commission of India from time to time on the basis of poverty line.
- (iii) **Food :** Is the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure freedom from hunger.
- (iv) **Adequate Food :** Is superior to food as defined in sub-clause (iii) above and is food free from adverse substances, culturally acceptable and in quantity and quality which will satisfy the nutritional and dietary needs of individuals.
- (v) **Minimum Government Obligation:** Is the obligation of the State to immediately ensure that all persons receive food as defined in sub-clause (iii) above irrespective of any resource or other constraint, and includes the obligation to organize the financial and other resources of the State towards this end in preference to any other purpose.
- (vi) **Fair, Average Quality:** Is reasonably quality grain that is nutritiously fresh, safe and free from adverse substances.
- (vii) **Starvation death:** Is premature death caused directly or indirectly due to the inability of the person concerned to obtain and consume food as defined in Clause 2(iii) above.

CHAPTER – II THE RIGHT TO ADEQUATE FOOD

- 3. **Right to Food:** All persons have the right to food. It is the minimum core obligation of the state to immediately ensure that all persons who on account of poverty, illness, disability, old age, or any other infirmity unable to secure food, are immediately provided with food either without conditions or with conditions consistent with the person's economic status.
- 4. **Right to Adequate Food:** It is the obligation of the State to move expeditiously to achieve progressively the full realization of the right to adequate food. Towards this end the state shall organize its resources in preference to other expenditures as a priority.

CHAPTER – III THE RIGHT TO WORK

- 5. **The Right to Work :** Every person shall have

- (a) the right to get guaranteed employment for doing unskilled manual work and receive minimum wages.

(b) Such minimum wages shall be paid daily in grain and/ or cash.

(c) The State government shall provide employment, to every person seeking to work for a minimum specified period, within a specified period, as far as possible in or near the residence of the persons seeking work.

(d) The State government shall provide the implements, tools and materials for the work to be done.

(e) In case of an injury or death arising out of and in the course of employment, the worker shall be entitled to free and adequate medical treatment including hospitalization, medicines and diet. During the period required for recovery the worker shall be paid full wages. In cases of death the workers shall be paid adequate compensation by the State as shall be prescribed.

(f) All workers shall be given an attendance card in which the attendance, work done and amount paid is recorded at the end of each day.

CHAPTER – IV

THE PUBLIC DISTRIBUTION SYSTEM (PDS)

6. The Public Distribution System:

- a) It shall be the duty of the State to maintain and extend a public distribution system for grains throughout the country.
- b) The price of grains sold through the public distribution system shall be fixed at such a level that it enables BPL families to purchase the required quality of grains consistent with at least the right to food.

Explanation: Inadequate off take of BPL grains shall be taken as an indicator that the BPL prices are fixed at an inappropriate high level.

- c) The quality of grains shall be fair, average quality.
- d) The State shall give priority to NGO's peoples organization, dalit groups, womens organizations and the like in the running of the PDS shops.
- e) The State shall fix the remuneration for the running of PDS in such a manner as to render it's functioning viable.
- f) The State shall ensure the efficient distribution of grains, sugar, kerosene and other foods, articles and materials through ration shops which shall be accessible to all persons throughout the country.

- g) Persons owning and/ or operating ration shops shall do so strictly in accordance with the directions issued by government from time to time. In particular they shall ensure that diversion and/or misuse of grain does not take place, ration shops are required to remain open strictly in accordance with the schedule directed by government. Ration cards shall at all times remain in the possession of the cardholder and shall not be retained at the ration shop. Entries in the ration card shall be made strictly in accordance with the directions issued by the government. The rates charged for various commodities shall be strictly in accordance with the directions given by the government and shall be displayed on a notice board prominently outside the shop.

7. Destitutes:

- a) The State shall identify particularly vulnerable groups such as the aged, the sick, the disabled, scheduled castes and tribes, children and other poverty stricken and destitute sections and place them in a special category entitled to receive grains through the ration shops either free or at highly subsidized rates fixed in such a manner as to enable these sections, even with their low income levels, to purchase grain.

Explanation: Inadequate off take of grain by these class of persons shall be taken as an indicator that the prices of grain are fixed at an inappropriate high level.

CHAPTER – V

MID-DAY MEALS

8. Mid-day Meals:

- a) All primary school children in all state and state aided schools shall receive free of charge a cooked mid-day meal consistent with the right to food.
- b) There shall be no discrimination against scheduled caste persons in the mid-day meals and all children shall sit together and consume such meals.

CHAPTER – VI

MANDATORY DUTIES

- 9. Duty to maintain grain stocks:** It shall be the duty of the State to procure adequate quantities of grain so as to effectively and wholly implement the right to food and work.
- 10. Duty to sustain agricultural production:** It shall be the duty of the State to sustain agricultural production, maintain self-reliance and avoid the import of grains.
- 11. Imposition of a Levy:** The State shall by imposition of a levy, raise such additional resources as are necessary to implement this Act.

- 12. Duty of Chief Secretaries, Administrators & Collectors:** It shall be the principal responsibility and duty of the Chief Secretary of the States, the Administrator of the Union Territory and the Collectors of the districts to ensure full implementation of this Act as well as strict compliance with all policy, directions, guidelines of Government and orders of courts to prevent hunger, malnutrition and starvation deaths.

CHAPTER – VII GRAM SABHA'S

- 13. Role of the Gram Sabha's:** It shall be the duty and prerogative of the Gram Sabha:
- (a) to frame Food-For-Work priorities in their areas and to identify the poor desirous of such work.
 - (b) to monitor the implementation of the provisions of this Act and the Food-For-Work programmes, inspect the records, report instances of corruption and prosecute the offenders through a representative of the Gram Sabha.
- 14. Starvation deaths:** The principal responsibility for ensuring that no starvation death takes place is fixed on the Chief Secretary of the State and the Collectors of the districts. Death by starvation once established shall be deemed to be gross negligence, a major misconduct and action taken in accordance with law.

CHAPTER – VIII ENQUIRIES, PUNISHMENTS AND COMPENSATION

- 15. Enquiries :**
- a) The Chief Justices of the High Courts shall nominate a district judge (either serving or retired) in every district to entertain complaints in respect of non-compliance with the provisions of this Act or any policy, scheme or administrative instructions or the like in respect of food security.
 - b) Either suo-motu or on receiving a complaint, the District Judge shall conduct an enquiry and make a report which shall be made public. The enquiry and report shall be done within a period of one month from the making of the complaint or the initiation of the suo-motu inquiry.
 - c) It shall be the duty of the judge making the enquiry to give directions in respect of the non-compliance as above mentioned and also directions in respect of reasonable compensation to be paid to the affected persons, which directions shall be binding on the persons concerned.

- 16. Disciplinary Action:** On receipt of the findings of the inquiry, the authority concerned shall, if the findings so justify, take disciplinary action in accordance with law.
- 17. Compensation :** On the basis of the findings of the inquiry, the authorities concerned shall, if the findings so justify, pay reasonable compensation to the persons concerned and shall take immediate steps to comply with the directions set out in the enquiry report.

CHAPTER – IX

CRIMINAL PROSECUTIONS AND PENALTIES

- 18.** Any person aggrieved or affected by non-compliance with the provisions of this Act, or a representative of such people including an NGO, or a representative of the Gram Sabha, are authorized to initiate and pursue criminal proceedings against any person or legal entity in respect of non-compliance with the provisions of this Act.
- 19.** Where the complaint is made against a public servant acting or purporting to act in the discharge of his official duty the provisions of Section 197 of the Cr.P.C. shall not apply and it is specifically clarified that no sanction is necessary for the prosecution and trial of the accused.
- 20.** Any person who contravenes any provisions of this Act shall be punishable with imprisonment for a term which may extend upto one year and a fine which may extend upto Rs. 10,000/- or with both.

CHAPTER – X

MISCELLANEOUS

- 21.** The provisions of this Act shall prevail over any other provision in any law for the time being in force and to that extent the provisions of any other Act, rule or provision having the force of law shall stand overridden.
- 22.** The State shall have the power to make the rules to effectively implement the provisions of this Act.
