

**DR. N. C. SAXENA, COMMISSIONER AND  
HARSH MANDER, SPECIAL COMMISSIONER OF THE SUPREME COURT  
IN THE CASE: PUCL Vs UOI & ORS. WRIT PETITION (Civil) NO. 196 of 2001**

---

August 10, 2010

The Registrar  
Supreme Court of India

**Report on the Excess Food grains in the godowns of the Food Corporation of India and  
the State Civil Supplies Corporations**

The Honorable Supreme Court in its order dated July 27<sup>th</sup>, 2010 had observed, inter-alia, that: “...In a country where admittedly people are starving, it is a crime to waste even a single grain...all out efforts must be made to ensure that not a single grain is wasted...” The Honorable Bench further directed that: “...Government may consider releasing the food to the people who deserve it...” The Honorable Bench had also requested the Office of the Supreme Court Commissioners to submit a report on the wastage of food grains subsequent to wide-spread coverage in both the electronic and print media of rotting food grains lying in the open, in many locations across the country.

To comprehend fully the extent of the problem of excess food grains being held by the Government of India, it is pertinent to note that the stock holdings as of June 1<sup>st</sup> 2010, have reached a record level of 608.79 lakh metric tonnes (MTs). This is the second highest procurement since 2002, when the stocks in possession of the Government of India had reached 648.30 lakh MT. The Honorable Supreme Court had then passed a series of landmark orders in the case *PUCL v. UoI and others* (CWP 196/2001), in order to ensure that this grain was better utilized through the universalisation and dramatic expansion of many programmes including the Integrated Child Development Services (ICDS), Mid Day Meal Scheme (MDMS) and employment programmes like the Sampoorna Grameen Rozgar Yojana (SGRY) and the National Food for Work Programme (NFFWP).

As of March 31<sup>st</sup>, 2010, the stock holding of the Government of India for the buffer and strategic reserve norms had reached 478 lakh MTs as against the norm of 212 lakh MTs. This holding of more than twice the buffer norms has exacerbated the storage crisis and led to a large quantity of food grains being stored outside, in the open, under CAP cover. The table below represents the storage capacity deficit with the FCI and the State Agencies:

Table 1: Covered capacity with FCI and State Agencies

	Covered	In the open (CAP cover)	Total
FCI (as of June 1 <sup>st</sup> , 2010)	271.85	32.52	304.37
State Agencies	151.19	144.31	295.50
<b>Total</b>	<b>423.04</b>	<b>176.83</b>	<b>599.87</b>

As is evident from this table, nearly 176.83 lakh MTs of food grain is currently lying in the open across the country. This is the single largest stockholding kept in the open, in the many decades since Government of India has started decentralized procurement from farmers. What is even more disturbing is that because of the poor management of food stocks, in just the State of Punjab, close to 1.36 lakh MT of wheat, which was procured in 2008-09 is still lying under CAP cover. This is the third monsoon that this stock is weathering and all available official reports suggest that upto a third of this grain i.e. close to 50,000 MTs is already unfit for human consumption. The norm for storage under CAP cover fixed by FCI is one year and under no circumstance should food grains be stored under CAP cover for more than a year. Further state agencies in Punjab are holding 27.38 lakh MTs

**Office of the Supreme Court Commissioners**

B-68 2<sup>nd</sup> floor Sarvodaya Enclave, New Delhi 110017

Telefax: +91-11-41829631; phone: +91-11-26851335/339; Email: sc.commissioners@gmail.com,  
website: www.sccommissioners.org

**DR. N. C. SAXENA, COMMISSIONER AND  
HARSH MANDER, SPECIAL COMMISSIONER OF THE SUPREME COURT  
IN THE CASE: PUCL Vs UOI & ORS. WRIT PETITION (Civil) NO. 196 of 2001**

---

of wheat that was procured in 2008-09 and have already seen two monsoons. Similarly, State agencies in Haryana are holding 31,574 MTs of food grains procured in 2008-09 and 18.90 lakh MTs of food grains procured in 2009-10. A significant quantity of these food grains are likely to go waste if urgent measures are not taken by Government of India to release these stocks to poor immediately.

Ironically, the allotment of food grains (rice and wheat) made by the Government of India to the State Governments as well as through open market sales is lower in the current financial year (till July 19<sup>th</sup>, 2010) than in the last financial year. The table below illustrates the allocations of Government of India, of rice and wheat in 2009-10 and 2010-11.

**Table 2:** Allocation of food grains by GoI (all figures in lakh tonnes)

Year	Wheat	Rice	Total
2009-2010	313.86	306.23	620.09
2010-2011	212.81	273.60	496.41

The response of the Union of India, as reflected in Table 2, thus has been grossly inadequate, given the magnitude of the problem.

It would be pertinent to note here that subsequent to adverse reports by the CAG and a report on FCI's grain management submitted to the Government of India by the international consultancy firm, McKinsey & Co., the Food Corporation of India has between 2004-06 actively *de-hired* covered storage capacity of roughly the same quantum as the food grains that have been left out in the open. This inability of the Government of India to hold on to closed storage capacity, and the ad-hoc decision to rehire this space, reflects on extremely poor planning and a myopic vision on food grain management.

Rotting of food grains stored in the open has to be seen in the context of wide-spread hunger and starvation across the country. The seminal work of many noted economists, over the past few years have shown the dramatic decline of per capita availability and consumption of food grains in India in the last decade and half, reaching levels lower than those achieved in the years immediately after independence. The International Food Policy Research Institute brings out the Global Hunger Index, based on the three indicators of child malnutrition (under the age of five), infant mortality and the proportion of the population consuming less than 1800 calories per day. Of the 88 countries that were surveyed, India was ranked 66<sup>th</sup>, behind countries like Sudan, Cameroon and Nigeria. Despite being the second fastest growing economy in the world, India has an un-consciously high child malnutrition rate of 46% according to the National Family Health Survey 3 (2006). Between NFHS 2 (1999) and NFHS 3 (2006), as a nation, we were able to register a decline in child malnutrition of just one percentage point. It may be noted that child malnutrition in India is twice that of sub-Saharan Africa which is one of the poorest regions in the world. Thirty percent of India's children are born with a low birth weight and this proportion is twice the average for Africa. Low birth weights can be directly attributed, inter-alia, to the poor status of women's nutrition, which is directly contingent on the availability of food. The World Health Organisation (WHO) estimates that 60% of all infant mortality can be directly attributed to child malnutrition. In India, 1.5 million children are dying every year due to causes directly linked to child malnutrition.

The Supreme Court Commissioners Office has received regular reports of starvation deaths from across the country and the number of such deaths as reported to the Court Commissioners in 2009-10 have been three times the number reported in previous years. The Supreme Court Commissioners have repeatedly brought to the notice of the Honorable Bench, and also strongly urged the Government of India, over the past three years, to adopt the Protocol to Prevent Starvation Deaths.

**Office of the Supreme Court Commissioners**

B-68 2<sup>nd</sup> floor Sarvodaya Enclave, New Delhi 110017

Telefax: +91-11-41829631; phone: +91-11-26851335/339; Email: sc.commissioners@gmail.com,  
website: www.sccommissioners.org

**DR. N. C. SAXENA, COMMISSIONER AND  
HARSH MANDER, SPECIAL COMMISSIONER OF THE SUPREME COURT  
IN THE CASE: PUCL Vs UOI & ORS. WRIT PETITION (Civil) NO. 196 of 2001**

---

These attempts to enforce the protocol have been met with consistent bureaucratic filibustering and official apathy from the Government of India.

In any other country the rotting of such a large magnitude of food stocks would be seen as a criminal negligence. In the case of India, it would not be an exaggeration to state that this negligence is genocidal. The Honorable Bench may therefore consider fixing of accountability for this negligence, at the highest levels of Government of India and State Governments.

We would urge the Honorable Supreme Court, therefore to pass the following direction:

Direct the Union of India to immediately issue the foodgrains to all the poor, marginalized and food-deprived families and individuals in the country.

Sincerely Yours,

Dr. NC Saxena

Harsh Mander