

Item No.2 Court No.5 Section PIL
SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

W.P. (Civil) No. 196/2001

PEOPLE'S UNION FOR CIVIL LIBERTIES .Petitioner
Versus
UNION OF INDIA & ORS. ..Respondents

WITH I.A.Nos. 27-30, 33,41,42,43,45 in I.A. No.41,46,47,51,52,55-57, 63-74,76,78-90,92-94, 96 & 98 IN WP (C) No.196/2001 (For direction, permission to file the application for direction, permission to place on record addl. Documents, taking on record the documents at annexure "A", permission to allow the applicant, condonation of delay in filing affidavit, modification, exemption from filing O.T., impalement, permission to file rejoinder affidavit to counter affidavit of State of Maharashtra, modification of Court's Order dated 27.4.2004, 7.10.2004, 13.12.2006 & 22.4.2009, permission to Govt. of Maharashtra to implement Govt. Resolution dated 3.11.2007 in P.D.S. In Maharashtra State, comprehensive report submitted by Special Commissioner, Supreme Court direction to treat as I.A.vide Order dated 27.1.2010) Contempt Petn. (Civil) No.99/2009 in W.P. (c) 196/2001

Date: 16/3/2010 These petitions were called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Petitioner(s)

Mr. Colin Gonsalves, Sr. Adv.,
Ms. Jyoti Mendiratta, Adv.,
Ms. Rajini Soren, Adv.,
Mr. Divya Jyoti, Adv.

For Respondent(s)

Mr. Mohan Parasaran, ASG
Mr. Vivek Tankha, ASG
M/s. SWA Qadri, Manpreet S. Doabia, D.L. Chidanand,
Kiran Bhardwaj, Krishna Kumar, R. Bastian,
Sudarshan Singh Rawat, Sushma Suri,
Saima Bakshi, D.S. Mahra, Adv.

For Haryana Mr. Manjit Singh, AAG.,
Mr. Harikesh Singh, Adv.,
Mr. Kamal Mohan Gupta, Adv.

For Gujarat Mrs. Hemantika Wahi, Adv.
Mr. Somanath Padhan, Adv.,
Ms. Renuka Sahu, Adv.,

for Andhra Pradesh Ms. Anuradha Rustogi, Adv.,
Mrs. D. Bharathi Reddy, Adv.

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

For Manipur Mr. Kh. Nobin Singh, Adv.,

Mr.Girish,Adv.
Mr.Pramod Swarup,Sr.Adv.,
Mr.R.K.Gupta,Adv.,
Mr.Rajiv Kumar Dubey,Adv.
Mr.K.N. Madhusoodhan,Adv.,
Mr.R. Sathish,Adv.
Mr.B.S. Banthia,Adv.,
Mr.Vikas Upadhyay,Adv.
Mr.A.K. Singh Tarun,Adv.,
Mr.Debasis Misra,Adv.,
Mr.B.P. Yadav,Adv.
Mr.Riku Sarma,Adv.for
M/s.Corporate Law Group

for West Bengal Mr.Tara Chandra Sharma,Adv.,
Ms.Neelam Sharma,Adv.,
Ms.Pankhuri Shrivastava,Adv.

For Karnataka Mr.Sanjay R. Hegde,Adv.,
M/s.A. Rohan Singh, Ramesh S. Tadhav,
Ramesh K. Mishra, Vikrant Yadav,Advs.
Mr.Parijat Sinha,Adv., Ms.Reshmi Rea Sinha,Adv.,
Mr.Vikram Ganguly,Adv.

For ArunachalPradesh Mr.Anil Shrivastav,Adv.,
Mr.Ritu Raj,Adv.
Mr.Sanjay Kharde,Adv.,
Mrs.Asha G. Nair,Adv.

For Nagaland Mr.K.N. Balgopal,Sr.Adv.,
M/s.Rituraj Biswas, Balaji Srinivasan,Advs.

For Rajasthan Dr.Manish Singhvi,AAG
M/s.Devanshu Kumar Devesh,Milind Kumar,Advs.

For Jharkhand Mr.Kumar Rajesh Singh,Adv.,
Ms.Prerna Kumari Singh,Adv.,Mr.B.B. Singh,Adv.
Mrs.Aruna Mathur,Adv.
M/s.Amarjeet Singh Gissa, Vimal Dubey,Advs.
Mr.Atul Jha,Adv.,Mr.D.K. Sinha,Adv.

For Punjab Mrs.Jayshree Anand,Adv.,
Mr.K.K. Mahalik,Adv.,Mr.Ajay Pal,Adv.
Ms.Savitri Pandey,Adv.,
M/s.Sunita Gautam,Pradeep Mishra,S.K.Misra,Advs.

For MCD Mr.Sanjiv Sen,Adv.,
Mr.P.Parmeshwaran,Adv.,Ms.Anuja Chopra,Adv.

For Puducherry Mr.V.G. Pragasam,Adv.,
M/s.S.J. Aristotle, Prabu Rama Subramanian,Advs.

For Tamil Nadu Mr.T.Harish Kumar,Adv.
Mr.P.Prasanh,Adv.,Mr.V. Vasudevan,Adv.

For J & K Mr.Anis Suhrawardy,Adv.
M/s.S.Mehdi Imam, Mohd.Parvez Dabas,
Tabrez Ahmed,Advs.
Ms.Rachna Srivastava,Adv.

For DDA Mr.V.B. Saharya,Adv.,Mr.Viresh B. Saharya,Adv. M/s.Milind Kumar,Jana Kalyan Das, BV Balram Das, Indira Sawhney,Kamini Jaiswal,Ranjan Mukherjee, Anjana Chandrashekar, Ramesh Babu M.R.,Sumita Hazarika,A.Subhashini,Kuldip Singh,R.K.Adsure, Prashant Kumar, Vishwajit Singh,K.V. Mohan,Rajesh Srivastava, Anuvrat Sharma,R.C. Kaushik,V.R. Anumolu,G.Prakash, S.M.Jadhav,Anil Kumar Jha, Vikas Mehta,Naresh K.Sharma,Jatinder Kr.Bhatia, R.P. Mehrotra,Debasis Misra,Advs.

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

In pursuance to the order dated 10.2.2010 passed by this court, following States and Union Territories have filed their affidavits: Tamil Nadu, Assam, Chhatisgarh, Rajasthan, Haryana, Bihar, Kerala, West-Bengal, Manipur, Uttaranchal, Himachal Pradesh, Guajrat, Tripura and Maharashtra. One more opportunity is granted to the remaining States and UTs to file their respective affidavits failing which concerned Secretary of the State shall remain present in Court. The affidavit shall be filed within two weeks from today with an advance copy to the petitioner, learned counsel for the Union of India. Rejoinder, if any, to the said affidavit be filed within one week thereafter. On the next date of hearing, I.A.No. 90, 94, 96 and 98 would be taken up for hearing and immediately after conclusion of these I.As. Other subject matter would be taken up for hearing. The counsels are directed to complete pleadings and take instructions in those I.As.

Mr. Mohan Parasaran, learned ASG appearing for the Government of Delhi has submitted a compliance report in pursuance to the order of this Court dated 10.2.2010. In the Status Report it is indicated that grant of AAY status to homeless people, the quantity of specified food articles to be supplied is 25 Kgs. of wheat and 10 Kgs. of rice, 6 Kgs. sugar and 22 litres of kerosene oil (if not a gas user). However the rates of wheat and rice are less for AAY card holders but rate of sugar and kerosene oil is the same for both categories. Since AAY card holders for homeless are mostly for a single person, quantity of wheat and rice has been fixed at 10 Kgs. and 5 Kgs. respectively and kerosene oil 10 litres per month. Provision for supply of specified food articles is made for 14850 card holders with effect from March 2010. It is also mentioned in the Status Report that the Government of N.C.T. of Delhi has created a Committee for Homeless under "Mission Convergence" and has also appointed NGOs for the purpose of distributing cards for homeless as well as for surveying the further eligible homeless people.

It is further submitted in the Status Report that survey of homeless people was carried out by the Mission Convergence (Samajik Suvudha Sangam) and two phases are already over. The Chief Secretary in Meeting dated 22.1.2010 desired the survey of homeless people already undertaken by the Mission to be completed by 31.5.2010 so that the cards can be issued to the homeless people. Regarding the issuance of grant of AAY cards to homeless instead of BPL, it is submitted that there is a survey being carried out by the Mission for identifying vulnerable and most vulnerable household. Further homeless would be identified under that survey and whatever benefits are given to them will also be given to 14850 homeless people identified by SAMYA-NGO including those cards already issued. The features of Mission Convergence Scheme have already been highlighted in the affidavit.

It is also mentioned in the Status Report that issue of AAY cards to Myanmar refugees who fall below the poverty line, the Mission has been requested that while conducting survey of homeless, vulnerable and most vulnerable household living in Delhi, the Myanmar refugees be also surveyed and a separate report will be submitted in respect of those who are found eligible so that their case could be considered for issue of cards. Mr. Parasaran submits that a proper affidavit will also be filed by the concerned Secretary to the Govt. of N.C.T. of Delhi explaining these aspects and other aspects within two weeks. Learned counsel for the petitioner has placed copy of the extract of main recommendations of Justice Wadhwa Central Vigilance Committee Report. The counsel for the parties would be at liberty to obtain copy of the same from the Registry on usual payment.

I.A.No.90 filed by the State of Maharashtra, copies of the same have been given to the learned counsel for the parties. Reply to this application be filed within two weeks with an advance copy to the learned counsel for the applicant. Rejoinder, if any, to the said reply be filed within a week thereafter.

I.A.No.98 filed by the Ministry of Health and Family Welfare. Reply to the said application shall be filed within two weeks. Rejoinder, if any, within a week thereafter.

I.A.Nos.90, 94, 96 and 98 would be taken up for hearing and disposal on next date of hearing. List on 7.4.2010.

(V.K.Sharma)
AR-cum-PS

(Neeru Bala Vij)
Court