

WP(C) 196/2001 [PDS Matter]

ITEM NO.62

COURT NO.3

SECTION PIL

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 196 OF 2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

[REGARDING REPORTS SUBMITTED BY JUSTICE D.P. WADHWA, RETD. JUDGE,
SUPREME COURT OF INDIA]

[REGARDING PUBLIC DISTRIBUTION SYSTEM]

WITH

IA NOS. 90,93,98,102 TO 108, 110, 111 AND 112 IN WP(C) 196/2011

[FOR PERMISSION ON BEHALF OF RESPONDENT NO. 17 I.E. STATES OF
MAHARASHTRA, MODIFICATION AND DIRECTIONS, INTERVENTION ON BEHALF
OF WEST BENGAL M.R. DEALERS ASSOCIATION AND ALL BENGAL PRICE SHOP
DEALERS WELFARE ASSOCIATION, IMPLEADMENT AND EXEMPTION FROM
FILING O.T., DIRECTION, EXTENSION OF TIME ON BEHALF OF STATE OF
RAJASTHAN AND FOR MODIFICATION OF COURT'S ORDER DATED 22.4.2009
IMPLEADMENT ON BEHALF OF KARNATAKA STATE TALUKA COOPERATIVE
MARKETING SOCIETY ASSOCIATION TO BE IMPEADED AS RESPONDENTS AND

PERMISSION TO FILE ADDITIONAL AFFIDAVIT)
WITH
CONTEMPT PETITION © NO. 99/2009 IN WP(C) NO. 196/2001
[PEOPLE'S UNION FOR CIVIL LIBERTIES V. UNION OF INDIA & ORS.]
(WITH APPLICATION FOR EXEMPTION FROM FILING O.T.)

WP(C) NO. 277/2010
[KAPILA HINGORANI V. UNION OF INDIA]

Date: 03/02/2012 These Petitions/Applications were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.
Ms. Amey Shukla, Ad.
Ms. Jyoti Mendiratta, Adv.

In CC 99 Mr. Debasis Misra, Adv.

In Wp 277
For M/s Hingorani Associates, Avs. (NP)

For Applicant(s)
in IAs 104-105 Mr. Manish Pitale, Adv.
Mr. Wasi Haider, Adv.

In IA 111 Mr. Ashok Kumar Sharma, Adv.
Mr. Avinash Kumar Jain, Adv.

In IOA 102, 103 Mr. Prakash Kumar, Adv.
Mr. Chandra Bhushan Prasad, Adv.

For Respondent(s)

For UOI Mr. Mohan Prasaran, ASG.
Mr. D.L. Chidanand, Adv.
Ms. Sushma Suri, Adv.
Mr. S. Wasim A. Qadri, Adv.
Ms. Sunita Sharma, Adv.
Mr. s.S. Rawat, Adv.

For Planning Commn. Mr. Sunil Fernandes, Adv.
Ms. Astha Sharma, Adv.
Mr. Krishnan Adhikary, Adv.

For FCI Ms. Indra Sawhney, Adv.
Ms. Karnika Sethi, Adv.
Mr. Lakshay, Adv.

For MCD Mr. Sanjiv Sen, Adv.
Mr. Ujjal Banerjee, Adv.
Mr. P. Parmeswaran, Adv.

For NDMC Mr. Sanjiv Sen, Adv.
Mr. Ujjal Banerjee, Adv.
Ms. Charu Ambwani, Adv.

Mr. Prashant Kumar, Adv.

For DDA Mr. Vishnu B. Saharya, Adv.
For M/s. Saharya & Co., Adv.

FOR THE STATES OF

Andhra Pradesh Ms. D. Mahesh Babu, Adv.
Mr. Mayur Shah, Adv.
Ms. Savita Dhanda, Adv.
Mr. Amit K. Nain, Adv.

Arunachal Pradesh Mr. Anil Shrivastav, Adv.
Mr. Rituraj Biswas, Adv.

Assam Mr. Riku Sarma, Adv.
Mr. Navnit Kumar, Adv.
For M/s. Corporate Law Group, Adv.

Bihar Mr. Gopal Singh, Adv.
Mr. Manish Kumar, Adv.

Chhatisgarh Mr. Atul Jha, Adv.
Mr. Sandeep Jha, Adv.
Mr. Dharmendra Kumar Sinha, Adv.

Goa Ms. A. Subhashini, Adv.

Gujarat Ms. Hemantika Wahi, Adv.
Ms. Jesal, Adv.

Haryana Mr. Manjit Singh, AAG.
Mr. Tarjit Singh, Adv.
Mr. Kamal Mohan Gupta, Adv.

Himachal Pradesh Mr. Naresh Kumar Sharma, Adv.

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Ms. Astha Sharma, Adv.
Mr. Krishnan Adhikary, Adv.

Jharkhand Mr. Gopal Prasad, Adv.

Karnataka Mr V.N. Raghupathy, Adv.

Kerala Ms. Bina Madhavan, Adv.

Madhya Pradesh Mr. Vikrant Singh Bais, Adv.
Mr. B.S. Banthia, Adv.

Maharashtra Mr. Shankar Chillagre, Adv.
Ms. Asha G. Nair, Adv.

Manipur Mr. Khwairkham Nobin Singh, Adv.
Mr. Sapan Biswajit Meitei, Adv.

Meghalaya Mr. Ranjan Mukherjee, Adv.
Mr. S. Bhowmick, Adv.
Mr. S.C. Ghosh, Adv.
Mr. R.P. Yadav, Adv.

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Mr. Kamendra Mishra, Adv.

West Bengal Mr. Soumitra G. Chaudhuri, Adv.
Mr. Raja Chatterjee, Adv.
Mr. B.P. Yadav, Adv.
Ms. Sampa Sengupta, Adv.

FOR THE UNION TERRITORIES

Andaman & Nicobar Mr. Rituraj Biswas, Adv.

Mr. D.S. Mahra, Adv.

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Ms. Sudarshan Singh Rawat, Adv.

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Dadra & Nagar Haveli Mr. S.W.A. Qadri, Adv.

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Mr. Ravindra Keshavrao Adsure, Adv.(NP)

Mr. S. Thananjayan, Adv.(NP)

Mr. Vikas Mehta, Adv.(NP)

Ms. Anjana Chandrashekar, Adv.(NP)

Mr. Anuvrat Sharma, Adv.(NP)

Mr. Chandra Bhushan Prasad, Adv.(NP)

Mr. G. Venkateswara Rao Anumolu, Adv.(NP)

UPON hearing counsel the Court made the following

O R D E R

Mr. Justice D.P. Wadhwa has submitted a Report on the basis of the visit of the Committee to District Satara, Maharashtra on 23rd January, 2012 where a presentation was made by the Deputy Secretary, Department of Food, Civil Supplies & Consumer Protection and District Supply Officer, Satara.

According to the observation of Justice Wadhwa, it was found that progress of computerization was extremely slow and almost non-existent. No substantial work has

been done except just initiating the digitization process which was at the initial stage and facing great deal of problems. The Committee also visited the Data Centre where digitization of data was being carried out. It was clear at the Data Centre that the Data Entry Operators had been engaged a day earlier. They were uploading data from forms which had not been verified by any authority but bore the seal of the verifying authority.

Justice Wadhwa has earlier submitted a number of reports to this court stating that diversion of food grains can be eliminated or at least reduced to a large extent if there is complete computerization in Public Distribution System. All counsel for the parties also endorsed the view of Justice Wadhwa. The Government of India had undertaken a massive operation to provide food to poor in the country and for its effective implementation, computerization is absolutely imperative. It is evident from the report that there is no coordination between the Central Government and the State Governments.

Learned counsel for the parties suggest and we also feel that this long outstanding problem can be sorted out if the Secretary (Consumer Affairs, Food and Public Distribution) is made incharge of the computerization programme in Public Distribution System. We order accordingly.

The concerned Secretary is nominated as the Chief Coordinator of computerization programme. He is directed to coordinate with all the State Governments and the Union Territories and ensure that entire computerization is carried out on a top priority basis. He is directed to coordinate the programme with all the Chief Secretaries or Administrators of the Union Territories. All the Chief Secretaries and Administrators are directed to fully cooperate with the Chief Coordinator and meticulously comply with his directions. The Chief Secretaries and Administrators are also directed to submit the progress report of computerization in their respective States or Union Territories. The Chief Coordinator is directed to file a comprehensive affidavit about the progress

of the computerization programme in all the States and the Union Territories on or before 12th March, 2012 with an advance copy to the petitioners and to other parties.

The Chief Coordinator would be at liberty to take assistance of any other officers/officials in carrying out the directions of this Court. All officials and authorities are directed to fully cooperate with the Chief Coordinator.

The petitioner's representative shall be involved in the entire programme of computerization.

List this matter on 16th March, 2012 for further directions.

I.A. No.110 (for modification of Court's order dated 22.4.2009)

Issue notice.

Reply be filed within two weeks.

[KALYANI GUPTA]
COURT MASTER

[INDU SATIJA]
COURT MASTER