

W.P(C)No. 196 OF 2001
ITEM No.301 Part-Heard 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
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 & interim directions & extension of time & directions & intervention & modification of Court's Order dated 7.10.04 & office report)

(For further consideration)

Date : 09/05/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner (s) Mr.Colin Gonsalves,Sr.Adv.
M/s Aparna Bhat,P.Ramesh Kumar,
Anup Kumar Srivastava,Advs.

For Respondent (s) Mr.Mohan Parasaran,ASG
M/s Hemant Sharma,Sunita Sharma,
Ms. Sushma Suri,Advs.

Mr.NN Goswamy,Sr.Adv.
M/s SN Terdal,Sunita Sharma,
D.S. Mahra,Advs.

Mr. Jana Kalyan Das,Adv.

Ms. Hemantika Wahi,Adv.
Ms.Sadhna Sandhu,Adv.

Mr. B.V. Balaram Das,Adv.

Mr. J.S. Attri,Adv.

Ms. Indra Sawhney,Adv.

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Mr. Aruneshwar Gupta,Adv.
M/s Krishna Sarma,VK Sidharthan,
Atul Kumar,Advs.for
M/s Corporate Law Group

Ms. Rachana Srivastava,Adv.

Mr. S.V. Deshpande,Adv.

Ms.Kavita Wadia,Adv.

M/s Ajay Siwach,TV George,Advs.

Ms. Kamini Jaiswal,Adv.

Mr.Khwairakpam Nobin Singh,Adv.

Mr. Ranjan Mukherjee,Adv.

Mr. V.G. Pragasam,Adv.

M/s. Avatar Singh Rawal,AAG

Jatinder K.Bhatia,Adv.

Mr.Rakesh Dwivedi,Sr.Adv.
M/s Aarohi Bhalla,Garvesh Kabra,
Ravi Prakash Mehrotra,Adv.

Ms.Harvinder Kaur,Addl.AG for Punjab
Mr.A.Kumar Sinha,Adv.

M/s. Gopal Singh,Rityard,Adv.

Mr.Rakesh Dwivedi,Sr.Adv.

M/s Tara Chandra Sharma,Rajeev Sharma,
Neelam Sharma,Tarun Sharma,Adv.

Mr. B.S. Banthia,Adv.

M/s. B.B. Singh,Kumar Rajesh Singh,Adv.

Mr. Anil Shrivastav,Adv.

Mr.Saurabh Shrivastav,Adv.

Mr. Ashok Mathur,Adv.

Mr. Prakash Shrivastava,Adv.

Mr. Ramesh Babu M.R.,Adv.

Mrs.D. Bharathi Reddy,Adv.

Ms.S.Bhaskaran,Mr.B.Vikas,Adv.

Mr. Ashok Bhan, Sr.Adv.

M/s SWA Qadri,Anil Katiyar,Adv.

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Mr. Sanjay R. Hegde,Adv.

M/s U.Hazarika,Satya Mitra,

Ms.Sumita Hazarika,Adv.

Mr. R.K. Maheshwari,Adv.

Ms. A.Subhashini,Adv.

Mr.Kuldip Singh,Adv.

Mr. Mukesh K. Giri,Adv.

Mr. Prashant Kumar,Adv.

Mr. Vishwajit Singh,Adv.

Mr. Anis Suhrawardy,Adv.

Mr.Mohan Prasaran,ASG

Mr.Rajiv Dutta,Sr.Adv.

M/s Sunita Sharma,DS Mahra,Adv.

M/s Pinky Anand,DN Goburdhan,Adv.

Mr.Aruneshwar Gupta,Addl.AG,Rajasthan

M/s Naveen K.Singh,Shivangi,Adv.

M/s A.Mariarputham,Aruna Mathur,Adv.

for Arputham Aruna & Co.

M/s Suparna Srivastava,Deepti Singh,
Rajesh Srivastava,Rahul Srivastava,Adv.

Mr.Ramesh Babu, MR.,Adv.

Mr.T. Mahipal,Adv.

UPON hearing counsel the Court made the following

O R D E R

IA Nos.37 & 54.

By IA 37, permission is sought to modify The National Maternity Benefit Scheme (NMBC) and to introduce a new scheme namely Janani Suraksha Yojana (JSY). Whereas in IA 54, the prayer is that the Scheme should not be modified by reducing, abridging or qualifying in any way the social assistance entitlements created under the original scheme of NMBS for expecting BPL mothers, including cash entitlement of Rs.500/- provided therein. We have requested learned Additional Solicitor General to place on record further material in the form of affidavit to effectively implement the new Scheme sought to be introduced. The further material shall include the approximate distance of Public Health Centre from the residential complexes and the facility of transportation etc. The Commissioner shall also examine the matter in depth and file a report. The response to the application may be filed within eight weeks. Meanwhile, the existing National Maternity Benefit Scheme will continue.

On oral application of Mr.Gonsalves, for the present, we permit Mr.Harsh Mander to continue to assist the Commissioner- Dr. Saxena.

In 5th Report of August, 2004 of the Commissioners it has been reported that on ground level, Public Distribution System is not working well, many poor people living BPL have not been issued the BPL ration cards. Orders of this Court are not being implemented and to support details have been given at page 3411 along with recommendations up to page 3421. The recommendation is that the Chief Secretaries shall put in place a mechanism to ensure suitable action against the officials who hesitate in taking action against the guilty; the State Government shall set up Committees to frame detailed procedure and time frames for dealing with various types of grievances and complaints received from the public; an independent Public Service Commission be constituted to listen to the grievances and provide redressal in a time bound manner and the said body should be vested with necessary powers and finances to carry out its functions and to ensure implementation of Court's orders. Some of the States mentioned are Rajasthan, M.P., Orissa, Delhi, Bihar, West Bengal, Chhattisgarh and Assam. The State Governments have not responded to the report. A grievance has also been made by Mr.Gonsalves that despite letters from the Commissioner pointing out the violations of the Court's Orders appropriate actions are not taken. Learned counsel suggests that the licenses of the violators shall be cancelled and work of Public Distribution System be assigned to Panchayat or other bodies. Before we consider these aspects, we deem it appropriate to give a last opportunity to the State Governments to respond to the report, particularly those States whose names have been mentioned in the report, to file their response within eight weeks.

IA No.45.

Issue notice only to Delhi State. Mr.Ashok Bhan, learned counsel, accepts notice. Reply may be filed within eight weeks.

IA No.48.

Response to this application may be filed within eight weeks.

IA No.50.

The prayer of the nature made in the application cannot be entertained. If the applicant is aggrieved for non issue of BPL Card, she may have recourse to appropriate remedy. IA is dismissed.

Rest of the matters are adjourned.

[Naresh Kumar]
Court Master

[VP Tyagi]
Court Master