

People's Union for Civil Liberties

v.

Union of India & Others

(Supreme Court Of India)

HON'BLE MR. JUSTICE T.S. THAKUR HON'BLE MR. JUSTICE FAKKIR
MOHAMED IBRAHIM KALIFULLA

Writ Petition (Civil) No. 196 Of 2001 With Contempt Petition (C) No. 99 Of
2009 With W.P.(C) No. 277 Of 2010 And Slp (C) No. 17453 Of 2006 | 17-09-
2012

T.S. Thakur, J.

1. In this petition under Article 32 of the Constitution of India the petitioner has sought several reliefs primarily aimed at the reforms in the Public Distribution System prevailing in the country. The writ petition makes several assertions based on the reports and data available from official and unofficial sources and studies that despite availability of large stock foodgrains in the country over the years and despite huge subsidies which the Central Government provides on foodgrains meant for distribution among the poorer sections of the society, there is large scale diversion, misappropriation, wastage and mis-utilization of such grains mainly on account of rampant corruption that afflicts the system.

2. Several orders passed by this Court since the year 2001 when the petition was filed have dealt with several facets of the problem highlighted in the writ petition. The scope of the proceedings has over the years been widened by directions issued on several subjects which may not have been included within the scope of the writ petition. What is, however, significant is that this Court has not only appointed Commissioners to monitor implementation of the welfare schemes framed by the Government of India for the benefit of the poorer sections of the society but also appointed a High Powered Committee headed by Justice D.P. Wadhwa, a former Judge of this Court called the Central Vigilance Committee. The Committee has since the year 2006 when it was first appointed, submitted as many as 22 reports covering an equal number of States in the country in which reports it has extensively dealt with the ills that are prevailing

in the system and reforms that would possibly improve the same for the benefit of the common man.

3. In the course of the hearing before us our attention was drawn by counsel for the parties to the reports and the recommendations contained therein. Our attention was also drawn to a letter received from the Chairman of the Committee asking for further extension of time to complete the on-going process which remains incomplete in relation to as many as six States.

4. At one stage of the hearing it was submitted by Mr. Gonsalves that the picture that emerges from the reports already submitted by the CVC should give a clear view about the prevailing conditions in the States which have not so far been investigated by the CVC and that this Court could examine the issue and pass effective orders so as to conclude these proceedings which have been going on for more than a decade.

6. On a closer examination of the reports and the questions that fall for determination, we are of the view that while the CVC has done a commendable job in visiting the States and reviewing the local conditions regarding PDS prevailing therein, the recommendations made are general in nature and not necessarily applicable to each and every State on a uniform basis. We assume that the CVC would after completing its study in regard to the remaining States, sum up its final recommendations. These recommendations could be on matters that can be dealt with at the national level so as to be applicable to all the States in the country. They could also be specific to any region or State if the CVC finds that ground realities and conditions prevailing in any region or state do not admit of a uniform system for PDS for the whole country. Since an abrupt change in the system is likely to disrupt supplies to the beneficiaries, the CVC could also in its wisdom make recommendations to be implemented in a phased manner to avoid any such disruption. Suffice it to say that we leave it entirely to CVC to formulate and concretise its final recommendations and suggest the manner in which the same need to be implemented. We do not in the least propose to hinder the CVC's exercise or thought process, in this regard. All that we expect is that recommendations whether for systemic change or administrative reforms aimed at enhancing transparency and accountability among those charged with the working of the system need to be specific to enable us to examine the same and issue suitable directions. The

recommendations needless to say could be on short term/immediate measures to be taken by the central and/or State Governments as also long term objectives to be pursued by them over the years. Beyond that we do not consider it either necessary or proper to say anything at this stage.

7. We accordingly extend the time given to the CVC by six months w.e.f. 1st July, 2012 to enable it to complete its exercise and submit its final recommendations on the subject keeping in view what we have stated above. These petitions shall in the meantime stand adjourned to 21st September, 2012 for further hearing.