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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2161/2017

DELHI ROZI-ROTI ADHIKAR ABHIYAN Petitioners
Through: Mr. Sanjay Parikh, Sr. Advocate
with Mr. Prasanna S, Ms. Sanjana
Srikumar and Mr. Kanav Burman,
Advocates.

versus

UNION OF INDIA AND ORS Respondents
Through Mr. Bhagwan Swarup Shukla,
Advocate for R-1/UOI.
Mr. Sanjay Jain, ASG with
Mr. Anuj Aggarwal, ASC for
R-2/GNCTD.
Mr. Zoheb Hossain, Advocate for
UIDAI.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **28.05.2020**

HEARD THROUGH VIDEO CONFERENCING.

CM Nos. 9415/2017, 15950/2017, 43523/2018 & 10409/2020 in W.P.(C) 2161/2017

1. Pursuant to the order dated 18.5.2020, Ms. Ankita Mishra Bundela, Commissioner, Food Supply and Consumer Affairs, Government of NCT of Delhi has filed an affidavit seeking to explain *inter alia*, the manner in which compliance of the order dated 27.4.2020, has been made. For ease of reference, the specific directions issued in the order dated 27.4.2020, are being reproduced

below with the action stated to have been taken and further directions issued by this Court.

2. **Direction No.1.**

“The GNCTD shall ensure that, all rations shops remain operational and disburse PDS food grains, in accordance with the policy formulated by both the Central Governments, as well as, the State Government in this regard; and further ensure delivery of the requisite food grains from the PDS ration shops, on a regular basis between 09:00 a.m. to 01:00 p.m and 03:00 p.m to 07:00 p.m., on all seven days of the weeks.”

(a) Mr. Sanjay Jain, learned ASG explains that the Department has issued instructions to all the Fair Price Shops (FPS) to remain open on all seven days of the week, for distribution of ration to all the beneficiaries and a fresh order dated 5.5.2020 has been issued, reiterating the earlier orders dated 26.3.2020 and 23.4.2020, issued by the Department in this regard. He further states that in the course of inspecting the Fair Price Shops, at least 18 shops have been issued Notices to Show Cause and the licence of one FPS has been cancelled. He however clarifies that only where the concerned FPS runs out of ration, does it shut shop and not otherwise.

(b) The respondent/State shall ensure that all the ration shops remain open seven days a week to cater to the demands of the ration card holders. We are informed that there are 2017 FPS shops in Delhi that cater to ration card holders and 588 Food Distribution Centres have been set up for catering to the non-PDS beneficiaries. Food Inspectors of each district shall conduct regular inspections of the shops to ensure that they are operating strictly in terms of the directions issued by this Court and the Department.

3. **Direction No.2**

“The GNCTD shall also ensure that food grains are distributed to the poor, needy and marginalized non-PDS residents from the PDS, as well as, other distribution centres stated to be set-up by them, for the said purpose.”

(a) As per the affidavit, 71,38,486 eligible beneficiaries have been identified for being provided food grain on a monthly basis under the PDS system. Though, as per Direction No.2, the respondent/GNCTD was directed to ensure that food grain is distributed to the poor, needy and marginalized non-PDS residents of Delhi from the PDS shops as well as other Distribution centres, Mr. Sanjay Jain, learned ASG states that this would have created further confusion and therefore FPS are dedicated to PDS card-holders whereas non-PDS card-holders are directed to approach the 588 designated Distribution Centres, specifically set up for serving their needs all over Delhi.

(b) It has been stated in the affidavit that e-coupons are required to be generated for distribution of dry ration of 4 Kgs. wheat and 1 Kg. rice to the non-PDS beneficiaries through 588 designated Distribution Centres across Delhi. For availing of the said benefit, a person is required to access at the two links mentioned in para B (k) of the affidavit.

(c) On enquiring from learned counsel for the respondent/GNCTD as to how many e-coupons have been generated so far from the aforesaid links particularly, in the light of the submission made by Mr. Sanjay Parikh, Sr. Advocate that e-coupons applied for till 10.05.2020, are still under process and no further applications are being accepted, we are informed that 33.3 lakh e-coupons have been processed as of yesterday and on an average, 80,000 to 1 lakh beneficiaries are accommodated on a daily basis, by issuing 25,000 odd e-coupons.

4. As we have been informed that there are 54 lakh non-PDS residents in Delhi and 33.3 lakh e-coupons have been processed so far and 6 lakh persons in this category have been additionally covered under the Central Government Scheme, there is still a ration deficit for 17 lakh non-PDS beneficiaries, which must be met by the State without any further loss of time.

5. In view of the fact that the beneficiaries belong to the economically distressed section of the society, we are of the opinion that it would be a serious challenge for them to apply for e-coupons at the links provided by the respondent/Delhi Government for issuing ration, however simplified the process may be. Though, we are informed that a large number of NGOs and individuals are helping the applicants to apply for e-coupons, we are of the view that in the absence of proper Help desks, they would still end up running from pillar to post for generation of e-coupons, which is most unacceptable in the present situation. We have therefore enquired from Mr. Sanjay Jain, learned ASG as to why can Help Desks not be set up at each of the 588 non-PDS Distribution Centres to assist beneficiaries. He states on instructions from Mr. Anuj Aggarwal that needful shall be done within five working days. Ordered accordingly.

6. Ms. Sneha Mukherjee, learned counsel for the petitioner in the connected writ petition interjects and points out that supply of grain to non-PDF beneficiaries is futile as they are in such a penurious condition that they do not have the money to take the grain to an *ata chakki* for getting the same grounded into flour, for kneading dough to make *chapatties*.

7. Learned ASG states that the aforesaid aspect can be examined by the Delhi Government if granted some time.

8. We deem it appropriate to direct the respondent/Delhi Government to ensure that adequate number of *aata chakkies* are identified in each district

where the non-PDS beneficiaries can go for getting the grain received grounded into flour, without making any payment. A system shall be put into place within one week from today, by working out the logistics to ensure that charges raised by the *Atta Chakkis* for grinding the wheat, are borne by the State.

9. As for extending benefit of ration to those who do not have/possess an Aadhar Card, the affidavit states that a provision has been made for issuing Emergency Food Relief coupons at the rate of 2,000 per MP and MLA of Delhi. Learned ASG clarifies that there are 70 MLAs and 7 MPs in Delhi and at the rate of 2,000 coupons multiplied by 77, the figure comes to 1,54,000 coupons. Besides that, 20,000 coupons have been furnished to the State Health Minister for distribution and all these coupons are topped up at the end of every 30 days.

10. Mr. Sanjay Parikh, learned Senior Advocate appearing for the petitioner points out that the beneficiaries are facing a great deal of difficulty as they do not know who to approach and where for issuance of these Emergency Food Relief coupons and this aspect ought to be streamlined.

11. Delhi Government is directed to issue an advisory to all the MPs and MLAs to identify particular locations where Help desks shall be set up by them for streamlining distribution of Emergency Food Relief coupons, within specified timelines. The details of the locations identified, shall be uploaded on the website of the Delhi Government within five working days. The said information shall also be disseminated through print and electronic media, including by putting up the information on Notice Boards at all the 588 designated non-PDS Distribution centres for the information of the concerned beneficiaries and to enable them to approach the Help desks in their areas.

12. Mr. Sanjay Parikh, Sr. Advocate has also raised a grievance that the figures of the ration distributed so far has not be made public on the web portal of the respondent/Delhi Government. Delhi Government shall ensure that the

said figures are uploaded on its website every 48 hours so that it remain in public domain.

13. **Direction No.3**

“The GNCTD shall further ensure that the Sub-Divisional Magistrates of each district carry out strict and regular monitoring and oversight of the distribution of food grains, as afore directed and upload the details of shop-wise distribution of ration to both the PDS and non-PDS residents on their official website, at the end of each day.”

(a) Coming to Direction No.3, which is for ensuring that the Sub Divisional Magistrates in each district conduct regular monitoring and oversight of distribution of food grains, Mr. Sanjay Parikh, learned Sr. Advocate states that it would be appropriate if an independent agency is involved in the said process so that it can monitor the uploading of information on the website of the Delhi Government on a regular basis.

(b) It is deemed appropriate to direct the Delhi State Legal Services Authority (DSLISA) to ensure that the Secretaries of all the eleven districts are entrusted this task. The SDMs of each area shall e-mail to the Secretary of the concerned district, the details of the information relating to shop-wise distribution of ration in their respective areas, through FPS shops and through non-PDS Distribution centres, within 48 hours. In the event of any non-compliance, Member Secretary, DSLISA shall bring the same to the notice of the Commissioner, Food Supply, Govt. of NCT of Delhi, for immediate action.

14. **Direction No.4**

“The GNCTD shall furthermore, widely publicise and circulate the information qua the compliance of the directions issued hereinabove, both through the print and electronic media, on a daily basis.”

(a) Regarding wide publicity of the compliance of directions issued above, through print and electronic media, the affidavit states that a letter has been written by the department to the Directorate of Information and Publicity to make compliances and vide their e-mail dated 8.5.2020, it has been informed that necessary action has been taken to make people aware of their entitlement and SMSs are being sent by the department to all PDS beneficiaries regarding their entitlement. Further, PDS and non-PDS beneficiaries have also been made aware of their entitlement and the relief measures through IVR on their mobile numbers.

15. **Direction No.5**

“The GNCTD is also directed to immediately place on their official website, as well as, publicize through the print and electronic media, Grievance Helpline Numbers, so as to enable members of the public, who may be aggrieved qua the lack of distribution of the food grains, to seek redressal of their grievances, by contacting the Nodal Officers appointed for the said purpose, whose details shall also be placed in the public domain, forthwith. The Nodal Officers shall address the grievances so received and respond to the persons aggrieved, by placing on the official website the action taken by them in that behalf.”

(a) It has been stated in the affidavit that to address the complaints regarding distribution of ration to PDS and Non-PDS beneficiaries, advisories have been issued by the department and uploaded on the website in both, Hindi and English languages. Further, a Food Helpline No.'1967' has been established for the said purpose.

(b) In the course of the hearing, we have personally dialed the Food Helpline No.'1967' several times and also requested learned counsel appearing for the parties to do so only to find that none of us have been able to connect to the said

helpline, except for Mr. Sanjay Jain, learned ASG. On enquiring, as to how many persons are manning the said Food Helpline, we have been informed that only 6 persons are manning it. It is deemed appropriate to direct the respondent/GNCTD to increase the number of persons manning the Food Helpline number to 2 for each district.

(c) Further, Helpline number '1301' has been mentioned in para No.E(ee) and it is stated that the same is manned by the Delhi Disaster Management Authority. To satisfy ourselves as to whether the said Helpline is actually functioning, repeated calls have been made by us on this number from our mobile phones but the said number cannot be reached at all. The said Helpline number itself is a disaster that needs to be addressed immediately by the Delhi Disaster Management Authority. The said Helpline shall be made functional by the end of this day. The respondent/State is cautioned that we propose to personally verify if both the aforesaid Helplines are functioning, by making calls on a random basis.

16. Mr. Sanjay Parikh, learned Sr. Advocate appearing for the petitioner states that no record is being maintained or placed in the public domain by the respondent/Delhi Government to demonstrate as to how many complaints have been received by the aforesaid Helplines, how many have been taken care of and how many remain pending.

17. Learned ASG assures the Court that the aforesaid aspect shall be looked into and steps shall be taken to ensure that the figures relating to the number of complaints received on the aforesaid two Helplines are put up on the website. The requisite information shall be uploaded in a tabulated form with a column indicating as to whether the grievance raised was redressed within 24 hours and if the said grievance remained pending beyond 24 hours, a separate column be made to indicate so. The website shall be updated every 72 hours.

18. An additional affidavit shall be filed by the Commissioner, Food Supply, Govt. of NCT of Delhi, giving an update of the action taken pursuant to the directions issued herein above. Needful shall be done within two weeks, with advance copies furnished to learned counsel for the petitioner and the remaining respondents.

19. List on 11th June, 2020.

^HIMA KOHLI, J.

SUBRAMONIUM PRASAD, J.

MAY 28, 2020
NA/sk