

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 18TH DAY OF JANUARY 2021 / 28TH POUSHA, 1942

WP(C).No.26906 OF 2016(S)

PETITIONER/S:

SUO MOTU

BY ADV. SUO - MOTU

RESPONDENT/S:

- 1 THE STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
THIRUVANANTHAPURAM
- 2 THE STATE OF KERALA
REPRESENTED BY THE SECRETARY , SOCIAL JUSTICE DEPARTMENT ,
THIRUVANANTHAPURAM
- 3 THE STATE OF KERALA
REPRESENTED BY THE SECRETARY , SCHEDULED TRIBES
DEVELOPMENT DEPARTMENT ,THIRUVANANTHAPURAM
- 4 THE STATE OF KERALA
REPRESENTED BY THE SECRETARY , FOOD AND CIVIL SUPPLIES
DEPARTMENT , THIRUVANANTHAPURAM
- 5 THE DISTRICT COLLECTOR
IDUKKI

R1 BY SRI.K.K.RAVINDRANATH, ADDL.ADVOCATE GENERAL
R1 BY ADV. SRI.K.K.RAVINDRANATH ADDL.ADVOCATE GENERAL

SRI.K.K.RAVINDRANANTH, ADDL.AG FOR RESPONDENTS
SRI. TEK CHAND, SR. G.P. FOR RESPONDENTS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2021,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WWW.LIVELAW.IN**J U D G M E N T**Dated this the 18th day of January, 2021Shaji P. Chaly, J.

The writ petition is registered as a *suo motu* one, on the basis of a letter written by Justice B. Kamal Pasha, now a former Judge of this Court on 25.07.2016, in regard to the difficulties faced by the tribals in the tribal colonies at Edamalakudy, Idukki District, on the basis of the representation made by the office bearers of an organization allegedly registered with the Government of NCT New Delhi.

2. According to the representation so made, in the monsoon season, the aforesaid place will become almost isolated; deaths due to starvation are on the increase on the said tribal colonies and in fact, no Governmental agencies are visiting the said colonies. According to the organization represented before the learned Judge, they have collected around sixty thousand kilograms of rice and other eatables like pulses etc. However, they were being prevented to take it to the isolated tribal clusters. Therefore, the said organization has represented that the negation on the part of the

authorities is nothing but a flagrant violation of right to life of the poor tribal people. Taking into account the aforesaid aspects only, the then Registrar (Subordinate Judiciary) of this Court has prepared necessary details, so as to register a *suo motu* petition in accordance with the directions issued.

3. In fact, District Legal Services Authority, Idukki on the basis of a representation submitted by the inhabitants from the Edamalakudy tribal settlement area, that they were not sufficiently provided with a rationing system during the rainy season, conducted an enquiry into the complaints and accordingly, visited the tribal settlement area on 26.07.2016, in order to find out the veracity and truth of the submission so made. Accordingly, a report is filed before this Court from where it is clear that in the meeting convened on 26.07.2016, various officials of the Government Departments, including Police officers, participated in the meeting. The team led by the Secretary, DLSA found various irregularities in the matter of supply of ration articles; the difficulties faced by the authorities to transport the ration articles to the tribal colonies due to the difficult and tough terrains in the hilly area of Idukki District. Anyhow, it is clear from the report that the food articles collected were distributed

to the tribals in the colony.

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4. On the basis of the report, when the case was posted before this Court, it was being verified as to the developments in ventilating the grievances of the tribals. In fact, a statement was filed by the District Collector, Idukki on 05.02.2018 before this Court, explaining the circumstances under which the tribals are facing difficulties and the facts and figures thereto. The relevant portion of the statement so filed are worthy to be extracted in order to identify the exact situation faced by the tribals and for issuing directions to do the necessary and needful during periodical intervals, and they read thus:-

“2. It is submitted that Edamalakudy Panchayat forms part of the Devikulam Taluk in Idukki District. Edamalakudy is a remote place which is at a distance of 45 Kms. from Munnar town out of which a distance of almost 18 Kms. do not have motorable access. It is submitted that from Munnar there is motorable access only up to Pettimudi from where the ration articles that are to be supplied to the tribal colonies are to be carried as head load to reach the colonies.

3. In Edamalakudy Panchayat there are two authorized ration depots (ARD) from which ration commodities are distributed to the Tribals. ARD No. 148 is at Parappayarkudy and ARD No

125 is at Edamalakkudy. Both these ARDs are licensed to Devikulam Girijan Service Society. In ARD No. 125 there are 458 AAY card holders, 2 priority card holders and one non-priority card holder. In ARD 148, there are 122 AAY card holders, one priority card holder and one non-priority card holder. It is submitted that, to both the above ARD's, the ration commodities are supplied from the Munnar Supplyco godown. The ration commodities are transported up to Pettimudi which is 25 Kms. from Munnar in vehicles. From Pettimudi to Parappayarkudy and Edamalakudy ARD's, the ration commodities are carried as head load through a distance of 18 Kms. so as to distribute the ration articles to the Tribal Colonies.

4. It is submitted that to the AAY category as also to the priority category, rice and wheat are distributed free of cost. For each AAY card holder. 28 Kg. rice and 7 Kg. wheat is being distributed free of cost whereas for the priority card holders rice at the rate of 4kg. per member and wheat at the rate of 1 Kg. per member is distributed every month. It is submitted that the above card holders are regularly collecting the ration articles from the depot concerned. It is submitted that it is noticed that the card holders are reluctant to collect wheat as there are no flour mills at Edamalakudy and Parappayarkudy to convert wheat to flour. The possible remedy to this issue is being worked out.

5. To transport the ration articles as head load from Pettimudi to Parappayarkudy and Edamalakudy an amount of Rs. 10.50 is paid per Kg. as labour charges and such expense is met by the

Scheduled Tribe Development Department. It is submitted that 50% of the stock required for supplying to the ensuing month is stocked in the ration depots so as to ensure uninterrupted supply of ration materials to the Tribals. It is submitted that special care is taken by the Civil Supplies Department to ensure the supply of quality ration articles to the Tribals in the required quantity and without any interruption in the supply. It is assured that special care will be taken in future also so that there is no room for any complaint with respect to the distribution of nutritious ration food materials to the Tribal Colony.`

5. Today, when the matter came up for further hearing, Mr. Tek Chand, learned Senior Government Pleader, on instructions, submitted that the ration shop bearing No. 125 at Edamalakudy Panchayat, Idukki District serves the requirements of 458 families. The said shop is 35 kms from Munnar. There is a road up to 23 kms from Munnar upto where all vehicles are motorable. Thereafter, covering a distance of 12 kms, there is a road where only Four Wheel Drive jeeps can operate.

6. Mr. Tek Chand, learned Senior Government Pleader, further submitted that there is another ration shop bearing No. 148 at Parappayarkudy, Idukki District, which is 30 kms from Munnar, of which all the vehicles can ply up to 24 kms. Thereafter, supplies

from the Civil Supplies Corporation have to be carried on foot. Learned Government Pleader, further submitted that there is some difficulty in laying roads in that particular area.

7. Therefore, we are now satisfied that necessary steps have been taken by the State Government and the Departments, in order to ensure that the tribals are supplied with sufficient ration articles, though there are difficulties in transporting the articles. However, it is clear from the submission made by the learned Senior Government Pleader that there is still no road to reach the tribal colonies. Even though steps were taken to make roads by the Government and the officials, the road so made could not be completed up to the tribal colonies, which according to the learned Senior Government Pleader, is due to the fact that making a road through such a difficult and tough terrain is practically impossible, but every endeavor shall be made to explore the possibility of making a small road, in order to transport the ration articles and other things to the tribals. Be that as it may, no purpose would be served by keeping the writ petition pending and we are of the view that it can be disposed of with appropriate directions.

Therefore, this writ petition is disposed of placing on record the developments that have taken place during the pendency of this writ petition and further directing the State Government and the official respondents to ensure uninterrupted supply of ration articles and any other benefits available under law to the members of the above specified tribal colonies as and when they are due. We also direct the State Government and the officials to explore the possibility of making a road up to the tribal colonies, for facilitating easy and convenient supply of ration articles and other things necessary for the basic beneficial enjoyment of the tribals and ensuring their medical requirements .

Sd/-

**S.MANIKUMAR
CHIEF JUSTICE**

Sd/-

**SHAJI P.CHALY
JUDGE**

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