

IN THE HONB'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD.

PUBLIC INTEREST LITIGATION NO. OF 2007

(Under Article 226 of the Constitution of India)

(DISTRICT : CHITRAKUT)

Akhil Bhartiya Samaj Sewa Sanshthan,

Bharat Janani Parisar,

Ranipur Bhatt,

Post Seetpur,

District Chitrakut,

through its Director Bhagwat Prasad.

-----Petitioner

Versus

1. Union of India,

through its Principal Secretary,

(Food and Civil Supplies)

Krishi Bhawan,

New Delhi.

2. State of U.P.

through its Principal Secretary,

Food and Civil Supplies,

Secretariat Lucknow.

3. State of U.P.

through its Principal Secretary,

Rural, Development Secretariat,

Lucknow.

4. Food Corporation of India,
through its Director,
New Delhi.
5. Commissioner Chitrakut Mandal,
Chitrakut.
6. District Magistrate,
Chitrakut.
7. S.P. Chitrakut,
District Chitrakut.
8. District Magistrate,
District Banda.
9. District Magistrate,
District Mahoba.

-----Respondents

To,

The Hon'ble The Chief Justice and his other
companion Judges of the aforesaid Court.

The humble petition of the abovenmaed petitioner
most respectfully showeth as under:

1. That this is the first Writ Petition on the facts
circumstances and grounds narrated herein below
and relief sought for by it and no other Writ
Petition espousing the same cause is being filed
or is pending as of date to day.

2. That petitioner has not received any caveat on behalf of the respondents.
3. That petitioner is a registered Social Organization, registered under the provisions of Societies Registration Act.

A photo copy of the registration certificate is being filed herewith and marked as **ANNEXURE NO. 1** to this Writ Petition.

4. That the object of the petitioner's organization is to work in the welfare of the poor and marginalized people particular Women, Children, Dalits and tribals.
5. That the petitioner's origination is active in all seven district of Bundelkhand with its awareness and educational programs, developments, initiation and publication work.
6. That the petitioner's organization has been active for last for more than 2 decades in changing the life of poverty stricken people. It also takes the task of implementing developmental schemes and programmes of state and Union Government.
7. That Bundelkhand is a draught affected regions of Uttar Pradesh, where the over all rain fall is

very short and the means of irrigation are very poor and limited. The land fragmentation is also very defective, where large portion of land holdings are still occupied by a few persons and majority of the rural folk are either land less or marginal farmer.

8. That the salient feature of the Geography, topography of different parts of Bundelkhand region are given below for kind perusal of this Hon'ble Court.
9. That Bundelkhand has been generally regarded as back ward area of Uttar Pradesh although it has played a very important role in the 1857 uprising against colonial rule.
10. That a major paradox of the Bundelkhand is that the region abounds in many rivers and records adequate rain fall, yet vast area of it face frequent water scarcity. To add to this paradox, some highly destructive floods have ravaged this region in recent times.
11. That Bundelkhand region is spread over about 69,000 sq. Km. of land in seven Districts of Uttar Pradesh namely, Chitrakut , Banda, Jhansi, Jalaun,

Hamirpur, Mahoba and Lalitpur and six Districts of Madhya Pradesh. Out of the total population of about 14.5 million, about 7.8 million live in the roughly 29,000 sq. Km. area of Uttar Pradesh. The Uttar Pradesh area is more densely populated. Living a side Jhansi, in all Districts, over 70% of the population live in rural areas, the percentage going over 80% in few Districts.

12. That in recent year, this region has been appearing in the national and State level New papers due to acute drought distress including starvation deaths, suicides and huge migration. Numerous cases of acute exploitation and land grabbing from Kol and Sharia Tribals.
13. That significant part of Bundelkhand is covered by hills and plateaus rain water has the capacity to cause heavy erosion of soil as it moves rapidly towards the numerous rivers and streams such as Ken Betwa, Tons, Dhasan and Paisuauni which merge ultimately in to the Yamuna river.
14. That since the colonial times, the commercial plunder of forests has been done, to their rapid destruction and hence an increase in soil erosion. This trend continued unabated after independence

as local powerful persons found the plunder of forests to be one of the quickest ways of getting rich. At the same time, there was neglect of traditional water conservation as the government as well as aid agencies had more confidence in the modern technology of hand-pumps and tube-wells.

15. That as forests disappeared in the hills and elsewhere, the possibilities of rain water being conserved below the ground decreased, and as tradition tanks were neglected, the possibilities of surface conservation decreased. This is the back ground in which water scarcity become acute in many villages despite the increased spending on water schemes. Deforested hills radiated more and more heat, increasing the misery of this thirsty and land and its people. At the same time, as most of the rainwater quickly found its way towards rivers, carrying with it the soil of defrosted slopes, the incidence and ferocity of floods increased. Heavy soil erosion led to the large scale formation of ravines in some areas, destroying the land and livelihood of many people threatening the very existence of many villages.

16. That mining contractors contributed further to this destruction by their indiscriminate practices

including large-scale blasting at several places. This destructive mining ravaged both ground water and the surface water, fields and forests, apart from exposing many places to dust related diseases.

17. That the topography of Bundelkhand includes fertile plains around rivers, ravines as well as significant stretches of plateaus and hilly land. The different needs of these categories of land should be kept in mind in any planning for this area.

18. That for the kind perusal of this Court, the petitioner is presenting the statistical profile of Bundelkhand region.

Table-1

(Source Uttranchal and Uttar Pradesh At a Glance 2003)

S. No.	District/Division	Population	Density Person/Sq. Km	Sex Ratio (Year 2001))Females/1000 male
1.	Banda	1,500,253	340	860
2.	Chitrakut	800,592	250	872
3.	Hamirpur	1.042,374	241	852
4.	Mahoba	708,831	249	866
Chitrakut Division		4,052,050	274	861

1.	Jalaun	1,455,859	319	847
2.	Jhansi	1,746,715	348	870
3.	Lalitpur	977,447	194	884
Jhansi Division		4,180,021	286	865

Table-2 land Use (Area in sq. Km.)

S. No.	District/Division	Forest	Culturable Wasteland	Net Area
1.	Banda	7332	11337	350629
2.	Chitrakut	47439	23628	161821
3.	Hamirpur	23520	5675	325422
4.	Mahoba	14826	12710	217912
Chitrakut Division		93117	53350	1055784
1.	Jalaun	25640	4215	348028
2.	Jhansi	34358	17681	349267
3.	Lalitpur	76617	81598	252938
Jhansi Division		136615	103494	950233

Table-3 Literacy (2001)

S. No.	District/Division	Literacy Total	Literacy Males	Literacy Females
1.	Banda	54.84	69.89	37.1
2.	Chitrakut	66.06	78.75	51.28
3.	Hamirpur	58.1	72.76	40.65
4.	Mahoba	54.23	66.83	39.57

Chitrakut Division		57.76	71.82	41.22
1.	Jalaun	66.14	79.14	50.66
2.	Jhansi	66.69	80.11	51.21
3.	Lalitpur	49.93	64.45	33.25
Jhansi Division		62.74	76.28	46.97
Small & Marginal Farmers(Source: Statistical Diary U.P.)				
S.No.	District	Total Holdings (In Thousand)	Marginal Farmers(less than 1 Ha)	Small Farmers (1-2 Ha)
1	Jalaun	217	115	47
2.	Jhansi	208	100	54
3.	Lalitpur	156	59	55
4.	Hamirpur	168	77	39
5.	Mahoba	129	61	31
6.	Banda& Chitrakut	365	212	74

19. That six out of seven districts of Bundelkhand region (Uttar Pradesh) are already included in the list of poorest districts. Several hundred poverty-related death, including suicides and hunger deaths, have been reported in recent years. Recent years have seen an aggravation of distress related to draught, abnormal weather conditions and head wave deaths. Question like 'Is

Bundelkhand likely to become an other Vidarbha or Kalahandi are being raised in the media as well as in gatherings of local people.

20. That death due to hunger and suicides due to bank and private loan have become common feature in the lives of common people of Bundelkhand.
21. That in one village known as Nahari under Police Station Naraini District Banda, four persons died of hunger as they there was no grains to eat and no source of livelihood available to them.
22. That one Bhagwat Prasad Prajapati died on 29th July, 2006 at the age of 45 years living behind and old father, wife and four children. His small pieces of land used for digging soil for making pot was grabbed by strong persons. He was not allotted any Patta of land. No action was taken by the authorities to return back his small pieces of land. He was not even given a red card to get ration on subsidized rate. A team of Advocates and social activists also made an inquiry and took the statements of the neighbors, who also confirmed this version.

A photo copy of the relevant extract of the material showing the hunger death of Bhagwat

Prasad Prajapati is being filed herewith and marked as **ANNEXURE NO. 2** to this Writ Petition.

23. That the names and details of other four persons, who died due to starvation in Nahari village is being given below:

(i) Kamala had died on 22nd August, 2005, aged about 42 years.

S.N.	Family	Relation	Age
1.	Lotan	Husband	42 years
2.	Phoola	Daughter	18 Yrs.
3.	Suman	Daughter	12 Yrs.
4.	Guddan	Daughter	10 Yrs.
5.	Sona	Daughter	8 Yrs.
6.	Lalaram	Son	14 Yrs.

Land:- One Bigha has mortgaged to Shri Devi Dayal Yadav.

Loan:- 22000.00 from money lender and Bank.

Ration Card:- APL

Profession:- Labourer .

(ii) Rekha had died on 5th July, 2006, aged about 50 years.

S.N.	Family	Relation	Age
1.	Ram Autar	Husband	55 Yrs.
2.	Jagdish	Son	24 Yrs.

Land:- 2 Bigha, which is not able to plough.

Loan:- 18,000/- From money lender and Bank.

Ration Card: APL.

(iii) Shambhu, Son of Jilla had died on 8th October, 2005, aged about 45 years.

S.N.	Family	Relation	Age
1.	Samppat	Wife	42 Yrs.

Land:- Half Bigha.

Loan:- 20000/- from Money Lender.

Ration Card: APL

(iv) Ganga Bhao had died on 5th Nov, 2005, aged about 62 years.

S.N.	Family	Relation	Age
1.	Smt. Ujyari	Wife	60 Yrs.
2.	Ghassu	Son	35 Yrs.

Land: One and Half Bigha.

Loan: 25,000/- from money lender and Bank

24. That by means of the Public Interest Litigation, the petitioner is making an effort to bring to the kind notice of this Hon'ble Court glaring and staring facts which exposes the criminal negligence and total apathy of the Government machinery and officials, which is causing hunger debts, tragic suicides and deprivation of right and resources.

25. That some of the facts which attracted the attention of the media are being produced hereinafter.

26. That in "Dainik Jagarn" Hindi news paper on 20th October 2006, a report has been published that a farmer, who has taken loan is leading a long of wretched person. He had no food grains in his house although he is suffering from tuberculosis (T.B).

A photocopy of the News clipping published in Hindi daily "Dainik Jagarn" is being filed herewith and marked as **ANNEXURE NO. 3** to this Writ petition.

27. That in "Dainik Jagran" Hindi news paper on 10th November 2006, a report has been published, stating therein that due to the loan and the money lender activity, the farmer are under heavy debt and owing to the continuous draught for 4 successive season they are not in a position to pay the money. It is also to mention that in villages the food grains of fair price shop are not distributed to the needy poor people and itself sent for black marketing.

A photocopy of the News clipping published in Hindi daily "Dainik Jagarn" is being filed

herewith and marked as **ANNEXURE NO. 4** to this Writ petition.

28. That in "Dainik Jagran" Hindi news paper on 14th November 2006 carried a photo of Ramshrya Son of Chunni Lal, who died due to hunger. It is also reported that due to poverty, small and marginal farmers gave their lands as ransom.

A photocopy of the News clipping published in Hindi daily "Dainik Jagarn" is being filed herewith and marked as **ANNEXURE NO. 5** to this Writ petition.

29. That eminent and award winning Journalist, Pratap Somvanshi of " Amar Ujala ", Kanpur edition visited the remote areas of Bundelkhand for several days and published a series of article in eight installments giving macroscopic details of the causes and effect of the poverty in Bundelkhand reason.

A photocopy of the Articles published in " Amar Ujala" written by eminent and award winning Journalist, Pratap Somavanshi is being filed herewith and marked as **ANNEXURE NO. 6** to this Writ petition.

30. That on 13th November, 2006, the Hindi Daily paper " Nav karm Yug" published a report to the effect that Ramakant Tiwari, aged about 20 years old farmer of Gram Bhandauli committed suicide due to his inability to pay the loan taken by his father. It is also reported that in District Banda, about half dozen farmers have already committed suicides due to poverty.

A photocopy of the News clipping published in Hindi daily " Nav karm Yug" is being filed herewith and marked as ANNEXURE NO. 7 to this Writ petition.

31. That " Amar Ujala" on 8th November published a report to the effect that the cause of about 1040 suicides have come to the light from 2003-2006.

A photocopy of the News report published in Hindi daily " Amar Ujala" is being filed herewith and marked as ANNEXURE NO. 8 to this Writ petition.

32. That Hindi Daily " Nav karm Yug " published a report on 14th November 2006 that Ramashrya of Bangha Purwa in Police Station Kotwali, died due to hunger, he had no food for several days and no means to work. Due to non-ability of food, he had become weak and was unable to work in others land.

A photocopy of the News report published in Hindi daily " Nav karm Yug " is being filed herewith and marked as ANNEXURE NO. 9 to this Writ petition.

33. That Hindi Daily news " Dainik Jagaran" published a report on 3rd October 2006 about the suicides of 3 farmers in District Banda. Satya Narayan Triwari of Andauli village had taken loan from private money lender, Bhura Singh of village Jalar has taken loan of Rs. 15,000/- from private money lender and Rajesh Shahu of Sikuhula Gaon of Police Station Jashpur was also under burden of loan. Due to successive drought and failure of the District Administration for providing relief work to the genuine person, the farmers are committing suicides.

A photocopy of the News clipping published in Hindi daily " Dainik Jagaran" is being filed herewith and marked as ANNEXURE NO. 10 to this Writ petition.

34. That "Dainik Karmyug" Hindi daily published a news on 19.8.2006 about the hunger death of Maksool of village Akelhawa. He was very poor person but he was not given BPL card as Rs. 500/- was demanded for making BPL card. He had nothing to do and no

work was available to him, there were many other villagers who at the verge of starvation.

A photocopy of the News clipping published in Hindi daily "Dainik Karmyug" is being filed herewith and marked as ANNEXURE NO. 11 to this Writ petition.

35. That District Magistrate, Hamirpur made statement published on 15th September, 2006 in "Amar Ujala" that Gram Panchayat and B.D.O. shall be responsible for the hunger death.

A photocopy of the News clipping published in Hindi daily "Amar Ujala" is being filed herewith and marked as ANNEXURE NO. 12 to this Writ petition.

36. That Kishori Lal of village Padunvi had committed suicide he was under heavy burden debt on 15th August, 2006, her daughter unfurled the national flag in her village.

37. That "Dainik Jagran" published a report on 20th September 2006 to the effect that Satrughan Singh, a 38 years old farmer of village Atraura Maph of Police Station Srinagar, District Mahoba had committed suicide by hanging and he had taken the loan of 30,000/- from Allahabad Bank in the year

2001 for direction purpose and he could not pay it due to bad crops which verged him to committed suicide with " Dainik Jagran" Hindi daily published the report on 13.11.2006 to the effect that farmers are forced to commit suicide as the Government is not providing any relief work to them.

A photocopy of the News report published in Hindi daily " Dainik Jagran" is being filed herewith and marked as **ANNEXURE NO. 13** to this Writ petition.

38. That " Amar Ujala " on 14th November 2006 published a report about the suicide death of Ramashrya Prajapati, who had taken lone of Rs. 53,000/- and had also sold his house.

A photocopy of the News report published in Hindi daily " Amar Ujala" is being filed herewith and marked as **ANNEXURE NO. 14** to this Writ petition.

39. That " Times of India " published a report on 7.8.2006 that farmer's suicides are the confined to Maharashtra and Andra Pradesh alone even Uttar Pradesh witnessing an equally alarming situation as dozen of farmers' families for committing suicide in the recent passed owing to failure in

clearing debts and subsequent of oppressions by money Landers or Government banks. Several incident of Suicides by farmers have been reported three District of Bundelkhand reason, Banda Chitrakut and Mahoba which have witnessed the most sever drought in recent time.

A photocopy of the News clipping published in English daily " Times of India "is being filed herewith and marked as **ANNEXURE NO. 15** to this Writ petition.

40. That " Dainik Jagran" published a report on 3.9.2006 that about 4,95 persons, including 233 women committed suicides in the last 5 and half years in District Hamirpur.

A photocopy of the News clipping published in Hindi daily " Dainik Jagran" is being filed herewith and marked as **ANNEXURE NO. 16** to this Writ petition.

41. That this Public Interest Litigation raises the following questions of law of Public Importance before the Hon'ble Court:

A. Whether the right to adequate and nutritious food which is interpreted by the Hon'ble Supreme Court of India as a

necessary component of the right to life under Article 21 and thus a fundamental right guaranteed by the constitution of India deserves primary importance which is enough to:

(i). Make it obvious that the state ought to have already taken adequate steps and ensured its full compliance more so as more than 58 years have passed of the Indian Republic and the state of Uttar Pradesh has adequate and sufficient resources including more than 10 million tones of surplus food grains, to ensure complete compliance of the Supreme Court's orders and

(ii). If such steps have not already been taken, then to take immediate steps forthwith to ensure it's implementation and portion rather than lingering the process in bureaucratic red tape/ passing the buck, and/ or otherwise?

B. Whether the orders of the Hon'ble Supreme Court of India which forms part of the law of land not be implemented expeditiously and on a war footing specially when this be

the expressed motive and intention of the Apex Court rather than be sabotaged by dilly dallying and fractional implementation by the respondent which even manipulates data and blatantly alters poverty criterion to present a façade of being a state owing allegiance to the constitution of India and its guardian.

- C. Whether the continuance of starvation deaths besides numerous deaths due to under nutrition and its ramifications which the Respondent state continues to witness in hundreds, despite having a surplus of food grains to the tune of more than million tones, not evidences enough that the government of Uttar Pradesh is unconcerned about the residents of the State specially the starving masses or their welfare.
- D. Whether the people of Uttar Pradesh not entitled to be informed of exact statistics of hunger deaths and the steps taken by the state towards making the state hunger free at the cost of state exchequer?

- E. Whether the non implementation of many of the Supreme Court's adjudicatory guidelines by the respondent state which has adequate resources necessary for such compliance, not evidence enough that there is at least a callous disregard and unconcern for the Constitution and the Apex Court of India if not out right contempt ?
- F. Whether the Government of Uttar Pradesh be not held directly and squarely responsible for non compliance of the directives of the Apex Court including not responding to the letters of the Commissioner of the Court as indulging in criminal contempt of the Court and individuals responsible for governance be personally held accountable.
- G. Whether the respondent State is not under an obligation to compensate for each of the life lost or suffering caused due to starvation or under-nutrition or its ramification.
- H. Whether the respondent State is not under an obligation to allot prime importance to the cause and ensure a starvation free

society within a time bound period specially when adequate resources are available and much of them are being either simply wasted or at best utilized for causes which deserve much less importance ?

I. Whether residents of this state are entitled to be protected from dying due to starvation specially in view of the fact that Article 21 enshrined in part III of the Constitution of India has been interpreted as meaning right to adequate and nutritious food by the Hon'ble Supreme Court of India.

J. Whether each resident of the State is entitled to equal protection from starvation deaths as a logical corollary of Article 21 read with article 14 where the phrase " equal protection of the laws" has been interpreted to mean that weaker (read poorer) sections of people are entitled to preferential protection by the State to the extent they are equally protected from hunger viz a viz the other sections of people of the state.

- K. Whether the duty of the state to protect its residents from hunger deserves the primary importance and therefore the first and necessary duty of state to which all the resources available with the State ought to be allocated and freedom from hunger be ensured before funds are diverted to other projects less important than survival of humanity and human values.
- L. Whether a government which with adequate resources fails to protect it's people from starvation deaths and blames insufficient resources while frittering away resources and funds on numerous extravagant schemes and fails to frame effective policies towards prevention of starvation deaths as also fails to implement the directives of the Hon'ble Supreme Court as well as the Central Government and thus in totality fails the Constitution of India, liable to be legitimately called anti-Constitutional and anti-people and therefore liable to be dismissed forthwith.

M. Whether the next of kin of each of the victim of starvation death entitled to adequate compensation.

N. Whether the next of kin of each of the victim of starvation death entitled to adequate compensation.

42. That the facts leading to filing of the Public Interest Litigation are as follows:

43. That perturbed by the innumerable and unending starvation deaths reported across a large part of the country even after more than 58 years of independence which paradoxically co-existed with huge quantities of surplus food grains in millions of tones. It is much higher than the required buffer, remaining unutilized and whose procurement, transportation to and from godowns, storage with the related problems wastage due to rotting food grains or being eaten by rats or pets, the total value of the wastage more than the estimated cost the exchequer would have to incur to feed the people helplessly starving to death. It divulged a shameless scandal-a filthy mixture of callousness, carelessness, criminal neglect, inefficiency, unprecedented corruption,

mismanagement, ignorance and the like in the conundrum of politics and governance of the country. The PUCL filed a Writ Petition No. 196 of 2001 PUCL Vs. Union of India and ors. in the Hon'ble Supreme Court of India in the year 2001 in this backdrop.

44. That the Hon'ble Supreme Court was pleased to admit the Writ and the numerous interlocutory applications filed subsequently, and moved by the injustice, passed numerous adjudication directions from time to time to ensure a Country free of starvation deaths and to ensure to the inhabitants of this Country protection of Article 21 read with other relevant articles of the Constitution of India.

45. That in view of the obvious understanding of the severity of the problem, significance of the issue and the nature of state, the Hon'ble Supreme thought it proper to take a proactive approach and accordingly passed a series or orders, directions and guidelines to ensure that the protection of the right to food is ensured to the people who deserve it most and appointed Commissioners to ensure proper implementation of it's guidelines/

orders/ directions in this regard and empowering them adequately for the said purpose.

46. That while the details of the orders/ directives /guidelines of the Hon'ble Supreme Court is a matter of record are not being repeated for the sake of brevity however, some of the importance guidelines/ directives or orders in the aforesaid matter include, inter alia, those related to:

(i) Targeted Public Distribution Scheme (TPDS)

July 23, 2001- The Hon'ble Court directed states to see that all the PDS shops, if closed, are re-opened and start functioning on week and regular supplies be made.

(ii) **November 28, 2001-** The states were directed to complete the identification of below poverty Line (BPL) families, issuing of cards and commencement of distribution of 25 Kgs. Grain per family per month, latest by January 1, 2002.

(iii) **May 8th 2002-** The central and State Governments were directed to form clear guidelines for proper identification of BPL families. Rations shops were directed to

remain open throughout the months during fixed hours the details of which will be displayed on the notice board.

(iv) **May 2, 2003** - The Hon'ble Court directed that it is necessary to evolve a system whereby eligible BPL families, which may not be on the list, are also included. Punitive action were to be taken against the PDS shops including cancellation of licenses of those who (i) do not keep their shops open throughout the month during the stipulated time, (ii) fail to provide grain to BPL families at strictly BPL rates, and no higher (iii) keep the cards of BPL households with them and (iv) make entries in the BPL cards (V) engage in black marketing and siphoning of grains to the open market etc. The concerned authorities shall (i) permit BPL families aware of their entitlements of food grains.

47. That there has grossly been an inadequate utilization of grain allocated under the MDMS ever since the inception of the scheme to the current year.

(iv) Integrated Child Development Scheme.

November 28, 2001- The Hon'ble Supreme Court directed the State Governments/ Union Territories to implement the Integrated Child Development Scheme (ICDS) in full and to ensure that every ICDS disbursing center in the country shall provide as under-

Each child up to 6 years of age to get 300 calories and 8-10 grams of protein.

Each pregnant woman and each nursing mother to get 500 calories and 20-25 grams of protein,

Each malnourished child to get 600 calories and 16-20 grams of protein.

Have a disbursement center in every settlement.

April 29, 2004 the Court directed to cover all children under the age group of 0-6 years. The Government of India was directed to state the time period within which it proposes to cover all the the 14 lakh habitations in the country and consider revision of the norm of rupees one for every child, a norm fixed in 1991.

All sanctioned Aanganwadies to be made fully operational by June 30th 2004 were to supply nutritious food/ supplement to the children, adolescent girls and to pregnant and lactating women under the scheme for 300 days in a year.

48. That there is continued use of BPL status to deny nutrition to helpless and halpless children in flagrant violation of the aforesaid order of the Honourable Supreme Court dated 7.10.2004.
49. That the funds allocated by the State Governments for SNP are " hugely inadequate " even for the 0-6 year old group, which is only one of the four broad categories of the ICDS beneficiaries. " It may be pointedly emphasized that if allowance is made for rightful beneficiaries of the other three categories namely pregnant women, nursing mother and adolescent girls the magnitude of shortfall will shoot up" (Ref Table 1.4. of the 6th report of the Commissioners Annexed herewith).
50. That a look at the utilization levels of the allocated funds makes the picture worse. Huge amounts of money is being left unspent and the rightful beneficiaries are being denied the critically needed supplementary nutrition (Ref

Table 1.5 of the 6th Report of the Commissioners Annexed herewith)

51. That similarly an analysis of Tab 1.7 would show that there is very poor utilization of funds allocated under the PMGY scheme.
52. That substitution of State-planned funds with PMGY funds continues unabated despite the aforesaid order dated 7.10.2004.
53. That there is a large scale vacancy of CDPO's supervisors, AWW's for the ICDS programme. The current workers are not properly and adequately trained (Ref table 1.8 and 1.9 of the 6th Report of the Commissioners Annexed herewith). Further there is open corruption in the appointment of the ICDS staff. The fate of the plan can well be gauged.
54. That the ICDS water, medical kits and toilet families (Ref Table 1.10 of the 6th Report of the Commissioners Annexed herewith)
55. That as aforesaid there is a grossly inadequate coverage of beneficiaries under the ICDS as well the actual operationlizing of the ICDS projects already sanctioned on papers.

True copy of the Table 1.1 and Tab 1.2 from the Vith report of the Commissioner is being filed herewith and marked as **ANNEXURE NO. 17** collectively to this Writ Petition.

(V) Antodaya Anna Yojna

November 28, 2001- The Hon'ble Court again directed the States and the Union Territories to complete identification be beneficiaries of the aforesaid scheme, issuing of cards and distribution of grain under this scheme lasted by January 1, 2002. In cases where Antodaya Beneficiaries may be unable to lift grain because of penury, the center, the States and the Union Territories are requested to consider giving the quota free after satisfying itself in this behalf.

May, 2003- The following groups to be given Antodaya cards:

- (1) Aged, infirm, disabled, destitute men and women, pregnant and lactating destitute women;
- (2) Widows and other single women with no regular support;

(3) Old persons (Aged 60 or above)with no regular support and no assured means of subsistence.

(4) Households with a disabled adult and no assured means of subsistence;

(5) Households where due to old age, lack of physical or mental fitness, social customs, need to care for a disabled, or other reasons, no adult member is available to engage in gainful employment outside the house.

(6) Primitive tribes.

April 2-, 2004- BPL criterion were not to be used in selection of Antyodaya beneficiaries. State have been directed to issue AAY cards to all primitive tribes immediately.

56. That besides the above the Hon'ble Supreme Court from time to time passed many other useful directions/ orders/ guidelines that promoted schemes of food security like NMBS, NFBS, NOAPS,AAY, etc and appointed as already stated, Commissioner duly empowering him to look into their effective implementation and advising the

Hon'ble Supreme Court on various matters pertaining to the right to food. However, successive reports of the commissioners prove that none of the schemes has been fairly implemented by the respondent government.

57. That the various governments of different states and the Union of India as well as the Food Commissioner were to submit periodic reports to the Hon'ble Supreme Court regarding action taken to implement the right to food entitlements. Such reports by various governments have mostly been delayed, at many times equivocal and some times full of manipulation. The respondent no. 2 state of Uttar Pradesh herein has the dubious distinction of being one of the foremost defaulters in these cases.

58. That the government has always claimed that it is trying its level best to implement the entitlement aforesaid and that so specific targets had and been achieved, however, the various surveys, studies, news paper reports carried by various independent academic agencies, civil society organization, news paper publications and even by the government itself reveal a stark and repulsive picture of the benefits of the aforesaid schemes

being siphoned off by the corrupt system and the minuscule fraction that reaches the villages are pocked by the rural rich. The deprived thus continue to be deprived. And this is evident from the hundreds of hunger deaths that the state of Uttar Pradesh alone is witnessing, as well as the dismay often expressed by the Commissioner appointed by the Hon'ble Supreme Court in his various letters to the government of Uttar Pradesh. Some of these include, inter alia:

(i) Letter dated 16.2.2004 whereby Commissioner of the Supreme Court complained to the Chief Secretary, Uttar Pradesh that a series of letters written by the Commissioner's office on issues dealing with state's performance had not been replied, and enclosed a list of the un replied letters with dates and subjects.

A true copy of the letter dated 16.2.2004 is being filed herewith and marked as **ANNEXURE NO. 18** to this Writ Petition.

(ii) Letter dated 16.3.2004 whereby Commissioner of the Supreme Court complained to the Chief Secretary, Uttar Pradesh that none of the orders of the Supreme Court regarding ICDS

were complied with at Shankargarh as per a Pilot survey of the ICDS.

The true copy of the letter dated 16.3.2004 is being filed herewith and marked as **ANNEXURE NO. 19** to this Writ Petition.

(iii) Letter dated 22.9.2004 whereby Commissioner of the Supreme Court enquired from the Chief Secretary, Uttar Pradesh about complaints regarding child Malnutrition at Varanasi, Tribunal hunger at Sonebhadra due to denial of SGRY and PDS to them, and denial of NMBS and AAY to eligible women at Kushinagar and other things and requesting to submit the enquiry report latest by October 31,2004.

A true copy of the letter dated 22.9.2004 is being filed herewith and marked as **ANNEXURE NO. 20** to this Writ Petition.

(iv) Vide letter dated 4.10.2004 the office of the Commissioner wrote to Chief Secretary, Uttar Pradesh about death of four workers in two days and 500 deaths since 1998 after the closure of Dalla factory due to reasons of hunger and starvation requesting him to take urgent measures to prevent hunger deaths and keep the office informed of the same.

A true copy of the letter dated 4.10.2004 is being filed herewith and marked as **ANNEXURE NO. 21** to this Writ Petition.

- (v) Vide letter dated 19.10.2004: the commissioner of the Supreme Court wrote to the Chief Secretary, Uttar Pradesh listing " 62 ceases of deaths and suicides related to hunger" documented by PVCHR and HRLN and accusing the state of violating Supreme Court orders.

A true copy of the letter dated 19.10.2004 is being filed herewith and marked as **ANNEXURE NO. 22** to this Writ Petition.

- (vi) Vide letter dated March, 2005 the Commissioner, annoyed by the constant neglect of the respondents State which would not reply i.e. simply ignore most important issues raised by the Commissioner's office, was constrained to write to the Chief Secretary, Uttar Pradesh that:

" It is matter of deepest regret that the state government has chosen to be so neglectful of issues raised by us before, it related to hunger and the right to food despite the fact that these are being

monitored by the Supreme Court."

And demanded a reply for the aforesaid latest by June 15, 2005.

A true copy of the letter dated March, 2005 is being filed herewith and marked as **ANNEXURE NO. 23** to this Writ Petition.

(vii) Vide letter dated June, 05, 2005, the Commissioner of the Supreme Court again writes to the Chief Secretary, Uttar Pradesh regarding "repeated of malnutrition deaths" and "non performance of food schemes" leading to at least 93 more deaths.

A true copy of the letter dated 5.6.2005 is being filed herewith and marked as **ANNEXURE NO. 24** to this Writ Petition.

(viii) That while the government of Uttar Pradesh kept on ignoring such a vital topic like to food, numerous reports kept pouring about the starvation deaths or deaths due to hunger, malnutrition or their necessary implication.

Photo copy of various lists containing the names, addresses, cause of death of the victims and sources of information is being

filed herewith and marked as **ANNEXURE NO. 25** to this Writ Petition.

(ix) That the petitioner for the purpose of preparing this Writ Petition relies on the Vth and VIth reports of the Food Commissioners appointed by the Hon'ble Supreme Court of India for the purpose of monitoring the implementation of the right to good. The petitioner also submits with this Writ Petition an article by Utsa Patnaik for a ready reference to show the Politics of BPL.

True copy of the Article of Utsa Patnaik is being filed herewith and marked as **ANNEXURE NO. 26** to this Writ Petition.

True copy of " the Politics of hunger by Mr. Gonsaleves "is being filed herewith and marked as **ANNEXURE NO. 27** to this Writ Petition.

59. That as per the guideline advanced by the Apex Court and the existing provisions of the different statutes, different roles of different agencies were finalized to efficiently carry our the objectives in this behalf. The monitoring by the government, monitoring by the Commissioners and

roles of Panchayatats at the grass root level was also defined.

60. That it is the irony of the fact that Dr. N.C. Saxena, Commissioner and Harsh Mander, Special Commissioner of the Supreme Court for the Right to Food petition, issued/ sent as many as 17 letters to the chief Secretary of the Government of Uttar Pradesh to prepare and send reports on the prevailing condition of the implementation of the various schemes in food distribution and health sector but surprisingly not a single letter was acknowledged or responded which baffled the Commissioner and shook their conscience resulting into a strong letter addressed to the Chief Secretary which contains the earlier details of the 17 letters sent to them.

61. That it is evident that the integrated child development schemes perhaps the largest of all the food supplementation programs in the ward which was initiated in year 1975 with the object to improve the health and nutrition status of children 0-6 years by providing supplementary food and to provide pregnant and lactating women with food supplementary, to enhance the mother's ability to provide property child care through

health and nutrition education and to provide conditions necessary for pre-school children, social and psychological developments through early stimulation and education. The norms of government of India in ICDS Schemes is to provide one center for a population of 1000 (700 in Tribal area)

62. That a noted and much prays writer Bharat Dogara has also visited the entire Bundelkhand with the help and assistance of the petitioner organization, held small and big meetings, met several peoples and penned down his experience in the form of Articles which is being filed herewith and marked as ANNEXURE NO. 28 to this Writ Petition.

63. That petitioner respectfully submits that the Government should take on top priority of identifying the families living below the poverty line and provide them BPL cards and ensure the public distribution system to supply them the grains on the declared rate.

64. That petitioner respectfully submits that the National Rural Employment guarantee scheme should be implemented in letter and sprit and a

monitoring cell should look into the functioning of the scheme.

65. That petitioner respectfully submits that all the welfare scheme of the State and Central Government should be implemented at the grass root level and the Commissioners of the region and the Collectors should be held responsible for its failure, non and partial implementation.

66. That petitioner respectfully submits that the Banks and all financial Institutions should be directed not to use any coercive method in realization of loans and the State of Government should launch a scheme of winding up of all loans given to the poor farmers.

67. That petitioner respectfully submits that the development scheme of rural areas should be started at war footing so that maximum job opportunities can be created to engage poor and needy persons.

68. That the petitioner states, that he has no other efficacious, alternative and speedy remedy than to invoke the extra-ordinary jurisdiction of this Hon'ble Court, under Article 226 of the

Constitution of India, on the following, amongst others, grounds.

G R O U N D S

- a. **BECAUSE**, perturbed by the innumerable and unending starvation deaths reported across a large part of the country even after more than 58 years of independence which paradoxically co-existed with huge quantities of surplus food grains in millions of tones. It is much higher than the required buffer, remaining unutilised and whose procurement, transportation to and from godowns, storage with the related problems wastage due to rotting food grains or being eaten by rats or pests, the total value of the wastage more than the estimated cost the exchequer would have to incur to feed the people helplessly starving to death. It divulged a shameless scandal - a filthy mixture of callousness, carelessness, criminal neglect, inefficiency, unprecedented corruption, mismanagement, ignorance and the like in the conundrum of politics and governance of the country.
- b. **BECAUSE**, there are numerous complaints being received and reported by the Commissioners each

year including the current financial year as well as media reports on PDS leakages. Trucks and trainloads of grains are diverted towards commercial markets. Studies indicate that 30% - 40% of the lifted grain does not reach the BPL/AAY card holders despite acute need.

c. BECAUSE, the Honorable Apex Court "sought to ensure" uninterrupted availability of food to children during a crucial period of food vulnerability for children, that of summer vacation in drought affected areas. However no more than four states of Andhra Pradesh, Karanataka, Chattisgarh and Tamil Nadu have reported to the Commissioners that the MDMS is being implemented during the summer vacation in drought affected areas".

d. BECAUSE, the Hon'ble Supreme Court from time to time passed many other useful directions/ orders/ guidelines that promoted schemes of food security like NMBS, NFBS, NOAPS, AAY, etc and appointed, as already stated, Commissioner duly empowering him to look into their effective implementation and advising the Hon'ble Supreme Court on various matters pertaining to the right to food. However, successive reports of the commissioners prove that

none of the schemes has been fairly implemented by the respondent government.

e. BECAUSE, the various governments of different states and the Union of India as well as the Food Commissioner were to submit periodic reports to the Hon'ble Supreme Court regarding action taken to implement the right to food entitlements. Such reports by various governments have mostly been delayed, at many times equivocal and sometimes full of manipulation. The respondent No. 2 state of Uttar Pradesh herein has the dubious distinction of being one of the foremost defaulters in these cases.

f. BECAUSE, different organizations active in the field of Right to Food campaign involved their full energy and enthusiasm to make authentic and scientific investigation of various incidents of hunger deaths and deprivation.

g. BECAUSE, Peoples Vigilance Committee for Human Rights studied the pathetic situation prevailing in village Rassipatti in District Varanasi at police station Badgaon. They found Chandan aged 9 years and Mallika aged 7 years in the State a step away from the last breath. They were admitted to

the Vatsalya Hospital. Chandan and Mallika were 9 and 8 kilogram of weight and their hemoglobin level was 9 and 6.5. Both were suffering from tuberculosis and had developed BIFOT spot in the eye. The nutrition and health cards issued under ICDS Scheme exhibited the evidence of the violation of the Supreme Court's order.

- h. BECAUSE,** the Government should take on top priority of identifying the families living below the poverty line and provide them BPL cards and ensure the public distribution system to supply them the grains on the declared rate.
- i. BECAUSE,** the National Rural Employment guarantee scheme should be implemented in letter and spirit and a monitoring cell should look into the functioning of the scheme.
- j. BECAUSE,** All the welfare scheme of the State and Central Government should be implemented at the grass root level and the Commissioners of the region and the Collectors should be held responsible for its failure, non and partial implementation.

- k. BECAUSE,** the Banks and all financial Institutions should be directed not to use any coercive method in realization of loans and the State of Government should launch a scheme of right off all loans given to the poor farmers.
- l. BECAUSE,** the development scheme of rural areas should be started at war footing so that maximum job opportunities can be created to engage poor and needy persons.

P R A Y E R

It is, therefore Most Respectfully prayed that this Hon'ble Court may graciously be pleased to :

- (i) Issue a Writ, order or direction in the nature of **MANDAMUS** commanding the Commissioner, Chitrakut Dham Mandal and Jhansi Mandal to prepare a report regarding the starvation deaths published in various News paper and suicide deaths of last two years of farmers due to loan after recording the statements of the victims families and neighbors and submit it before this Hon'ble Court.

(ii) Issue a Writ, order or direction in the nature of **MANDAMUS** commanding the Commissioner, Chitrakut Dham Mandal, Jhansi Mandal and all the District Magistrates of seven Districts of Bundelkhand to chalk out a specific time bound plan to identify the families living below the poverty line and distribute them BPL Cards.

(iii) Issue a Writ, order or direction in the nature of **MANDAMUS** commanding the Commissioner, Chitrakut Dham Mandal, Jhansi Mandal and all the District Magistrates of seven Districts of Bundelkhand to ensure that all welfare schemes of the State Government and the Central Government are implemented in letter and spirit and further direct the Commissioners to establish a monitoring / grievance cell and advertise / publicize it in various News Papers, Radio and Television Channels to inform the public at large, who can make complaint regarding non implementation and partial implementation of schemes.

(iv) Issue a Writ, order or direction in the nature of **MANDAMUS** commanding the all the District Magistrates of seven Districts of Bundelkhand to

implement the National Rural Employment Guarantee Schemes at village level.

- (v) Issue a Writ, order or direction in the nature of **MANDAMUS** commanding the Commissioner, Chitrakut Dham Mandal, Jhansi Mandal and all the District Magistrates of seven Districts of Bundelkhand to establish a people vigilance committee involving non Governmental Agencies, Social Workers, Academicians with the Government Officials to watch the implementation of the orders of the Hon'ble Courts and schemes of the Central and State Governments.
- (vi) Issue any other Writ, order or direction in the nature, as the Hon'ble Court may deem fit and proper in the facts and circumstances of the case.
- (vii) Award the cost of Writ Petition to the petitioner.

Dated: Aug. 2007

(**K.K.ROY**)

(**PREM PRAKASH SINGH**)

Advocates
Counsel for the Petitioner
Chamber No. 122, High Court
Allahabad

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC. STAY APPLICATION NO. OF 2007

(Under Section 151 of C.P.C.)

On behalf of

and others -----Applicants

IN

CIVIL MISC. WRIT PETITION NO. OF 2007

(Under Article 226 of the Constitution of India)

(DISTRICT :)

To,

The Hon'ble The Chief Justice and his other
companion Judges of the aforesaid Court.

The humble application of the applicant abovenamed
most respectfully showeth as under:

1. That in view of the facts and circumstances
narrated in the accompanying Writ Petition, it
would be expedient and in the interest of Justice
that this Hon'ble Court may graciously be pleased
to

P R A Y E R

It is, therefore, Most Respectfully prayed
that this Hon'ble Court may graciously be pleased
to, and/or the Hon'ble Court may graciously be
pleased to pass such other and further order as

this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and the applicant as is duty bound shall ever pray.

Dated: Aug. 2007

(**K.K.ROY**)

(**PREM PRAKASH SINGH**)

Advocates

Counsel for the Petitioner
Chamber No. 122, High Court
Allahabad
, High Court

Allahabad

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

AFFIDAVIT

IN

PUBLIC INTEREST LITIGATION NO. OF 2007

(Under Article 226 of the Constitution of India)

(**DISTRICT : CHITRAKUT**)

Akhil Bhartiya Samaj Sewa Sanshthan

-----Petitioner

Versus

Union of India,
through its Principal Secretary,
and others

-----Respondents

Affidavit of Bhagwat
Prasad, Aged about years,
Son of ,
Resident of Village and
Post Ranipur (Karvi),
District Chitrakut.

(DEPONENT)

I, the deponent abovenamed do hereby solemnly
affirm and state on oath as under:

1. That the deponent is the sole petitioner in the
aforementioned Writ Petition and as such he is
fully conversant with the facts of case deposed to
below.

2. That the contents of paragraph no. 1 of this affidavit and those of paragraph nos. of the Writ Petition are true to the personal knowledge of the deponent, those of paragraph nos. of the Writ Petition are based on perusal of the records, those paragraph nos. of the Writ Petition are based on information received by the deponent and those of paragraph nos. of the Writ Petition are based on legal advice, which the deponent believes to be true, that nothing material has been concealed in it and that no part of this affidavit is false.

SO HELP ME GOD.

(DEPONENT)

I, Prem Prakash Singh, Advocate, High Court, Allahabad do hereby declare that the person making this affidavit and alleging himself to be deponent is that persons. The deponent is known to me from the perusal of the record of the case.

(ADVOCATE)

Solemnly affirmed before on this ____the
day,____,2007 at about_____A.M./P.M. by the
deponent, who is identified by the Advocate,
aforesaid.

I have satisfied myself by examining the
deponent that he understand the contents of this
affidavit, which has been readover and explained
to him.

OATH COMMISSIONER.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

DATES AND EVENTS

IN

CIVIL MISC. WRIT PETITION NO. OF 2007

(Under Article 226 of the Constitution of India)

S.N.	DATES	EVENTS
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		Hence this Writ Petition.

Dated: Aug. 2007

(**K.K.ROY**)

(**PREM PRAKASH SINGH**)

Advocates

Counsel for the Petitioner
Chamber No. 122, High Court
Allahabad

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

ANNEXURE NO. :-

IN

PUBLIC INTEREST LITIGATION NO. OF 2007

(Under Article 226 of the Constitution of India)

(**DISTRICT : CHITRAKUT**)

Akhil Bhartiya Samaj Sewa Sanshthan

-----Petitioner

Versus

Union of India,
through its Principal Secretary,
and others

-----Respondents

=====

(PHOTO/TRUE COPY ATTACHED HEREWITH)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

I N D E X

IN

PUBLIC INTEREST LITIGATION NO. OF 2007

(Under Article 226 of the Constitution of India)

(**DISTRICT : CHITRAKUT**)

Akhil Bhartiya Samaj Sewa Sanshthan

-----Petitioner

Versus

Union of India,
through its Principal Secretary,
and others

-----Respondents

S.N.	PARTICULARS	DATES	ANEXS	PAGES
1.	Dates and Events			
2.	Stay Application (U/s 151 of C.P.C.)			
3.	Writ Petition (U/a 226 of the Constitution of India)			
4.	A photo copy of the registration certificate		No.1	
5.	A photo copy of the relevant extract of the material showing the hunger death of Bhagwat Prasad Prajapati		No.2	
6.	A photocopy of the News clipping published in Hindi daily "Dainik		No.3	

	Jagarn"			
7.	A photocopy of the News clipping published in Hindi daily "Dainik Jagarn"		No.4	
8.	A photocopy of the News clipping published in Hindi daily "Dainik Jagarn"		No.5	
9.	A photocopy of the Articles published in "Amar Ujala" written by eminent and award winning Journalist, Pratap Somavanshi		No.6	
10.	A photocopy of the News clipping published in Hindi daily " Nav karm Yug"		No.7	
11.	A photocopy of the News report published in Hindi daily " Amar Ujala"		No.8	
12.	A photocopy of the News report published in Hindi daily " Nav karm Yug "		No.9	
13.	A photocopy of the News clipping published in Hindi daily " Dainik Jagaran"		No.10	
14.	A photocopy of the News clipping published in Hindi daily "Dainik		No.11	

	Karmyug"			
15.	A photocopy of the News clipping published in Hindi daily " Amar Ujala"		No.12	
16.	A photocopy of the News report published in Hindi daily " Dainik Jagran"		No.13	
17.	A photocopy of the News report published in Hindi daily " Amar Ujala"		No.14	
18.	A photocopy of the News clipping published in English daily " Times of India "		No.15	
19.	A photocopy of the News clipping published in Hindi daily " Dainik Jagran"		No.16	
20.	True copy of the Table 1.1 and Tab 1.2 from the Vith report of the Commissioner.		No.17	
21.	A true copy of the letter.	16.2.2004	No.18	
22.	The true copy of the letter.	16.3.2004	No.19	
23.	A true copy of the letter.	22.9.2004	No.20	
24.	A true copy of the letter.	4.10.2004	No.21	
25.	A true copy of the	19.10.2004	No.22	

	letter.			
26.	A true copy of the letter.	March, 2005	No.23	
27.	A true copy of the letter .	5.6.2005	No.24	
28.	Photo copy of various lists containing the names, addresses, cause of death of the victims and sources of information.		No.25	
29.	True copy of the Article of Utsa Patnaik.		No.26	
30.	True copy of " the Politics of hunger by Mr. Gonsaleves "		No.27	
31.	The true copies of the Articles of writer Bharat Dogara		No.28	
32.	Affidavit			
33.	Vakalatnama.			

Dated: Aug. 2007

(**K.K.ROY**)

(**PREM PRAKASH SINGH**)

Advocates

Counsel for the Petitioner
Chamber No. 122, High Court
Allahabad