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

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*Date of Decision: 2<sup>nd</sup> June, 2020*

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W.P.(C) 3242/2020

NAYEE SOCH SOCIETY (REGD.)

..... Petitioner

Through: Dr. M.K. Gahlaut, Advocate

Versus

MINISTRY OF HOME AFFAIRS & ORS

..... Respondents

Through: Mr. Sanjay Jain, ASG with  
Mr. Anuj Aggarwal, ASC and Mr. Ashrey  
Behura, Mr. Yuvraj Sharma, Mr. Ankit Jain,  
Advocates for Respondents  
No.2,4,5&6/GNCTD.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**JUDGMENT**

: **D. N. PATEL, Chief Justice (Oral)**

1. Proceedings of the matter has been conducted through video conferencing.
2. This public interest litigation has been preferred with the following prayers:-

“i. Issue a writ, order, direction and instruction in the nature of mandamus in favor of the petitioner and against the respondents thereby directing the respondents jointly and severally to supply and provide the Corona Relief kit, food grains, and food relief of the same level and status as given to Ration Card holders upon the Aadhar Card/Voter card holders from 24.03.2020 till operation of Disaster Management Act due to COVID-19.

- ii. Issue a writ, order, direction and instruction in the nature of mandamus in favor of the petitioner and against the respondents thereby directing the respondents jointly and severally to distribute the Corona Relief kits and food grains/rice through PDS system to Aadhar Card/voter card holders without any kind of discrimination from any corner whatsoever from 24.03.2020 till operation of Disaster Management Act due to COVID-19.
- iii. Issue a writ, order, direction and instruction in the nature of mandamus in favor of the petitioner and against the respondents thereby directing the respondents jointly and severally to make ensure that the sufficient food grains, Corona' Relief kit shall be available at PDS Shops.
- iv. Issue a writ, order, direction and instruction in the nature of mandamus in favor of the petitioner and against the respondents thereby directing the respondents jointly and severally to produce the data, details and information in respect of Corona Relief Kit and 10 kg. food grains given to the Aadhar Card/Voter card holders and any other needy person.
- v. Issue a writ, order, direction and instruction in the nature of mandamus in favor of the petitioner and against the respondents thereby directing the respondents jointly and severally to take the action against the arraying officials who have breach their duty for implementing the directions, orders, advisory, instruction given under the provisions of Disaster Management Act i.e. Section 55 and 56.”

3. Having heard the learned counsel for the parties and looking to the

facts and circumstances of the case, it appears that the main grievance ventilated by the petitioner is about discrimination being done by the respondents between the ration card holders and non-ration card holders in providing Corona Relief Kits, food grains/rice.

4. Mr. Sanjay Jain, the learned ASG appearing for the Government of NCT of Delhi submitted that a detailed affidavit dated 31<sup>st</sup> May, 2020 has been filed by respondent No.6 stating therein that there is no discrimination being done between the ration card holder and non-ration card holder. He further submitted that the Government of NCT of Delhi has taken adequate steps to ensure that no one suffers from hunger/starvation in Delhi. In this regard, a special food relief initiative, i.e., “Mukhya Mantri Corona Sahayata Yojana” was launched to provide dry ration to all persons in need of food, even those who do not possess ration-card, i.e., the Non-PDS beneficiaries.

5. It is further submitted that vide a Cabinet Decision dated 01.04 2020, approval was accorded for providing 5 kg of food grains per beneficiary member (as specified under Section 3 of National Food Security Act, 2013 regarding priority households). Accordingly, vide Cabinet Decision dated 1<sup>st</sup> April, 2020, 400 designated distribution centres were set up across Delhi which provided 4 Kg wheat and 1 kg rice, free of cost, to 10 lakh Non-PDS beneficiaries. Vide Cabinet Decision dated 22<sup>nd</sup> April, 2020, the scope of Non-PDS beneficiaries was extended from 10 lakhs to 30 lakhs. Furthermore, under Mukhya Mantri Corona Sahayata Yojana, in order to reduce the economic hardship, provision has been made to distribute one "Essential-items kit" per household (containing 1kg refined oil, 1kg sugar, 1 kg salt, 1 kg chhole chana, 200 gm chili powder, 200 gm dhaniya powder,

200 gm haldi powder and two soap bars) during the Month of May 2020, to both PDS and Non PDS households. Thus, it is submitted that no distinction has been made between PDS and Non-PDS households as regards provision of essential items kits by the State Government. He further submitted that such people need to apply at the link "[delhi.gov.in](http://delhi.gov.in)" or "[ration.jantasamvad.org/ration](http://ration.jantasamvad.org/ration)". Thereafter, upon approval, an E-coupon gets generated, which is required to be presented with Aadhaar Card at the Designated Distribution Centre for receiving food grains which are presently 400 in number. However, he submitted that by the end of this week the number of Designated Distribution Centre will be increased to 588.

6. The learned ASG further submitted that the eligible households under National Food Security Act, 2013 are divided into two categories, i.e., Priority Households and Antyodaya Anna Yojana households. There are detailed eligibility criteria under the National Food Security Act, 2013 which govern a particular person's entitlement to benefits under the two categories. As per the Act, every person belonging to Priority Households are entitled to receive 5 Kg of food grains per person per month at subsidized prices and Households covered under Antoyodaya Anna Yojana will be entitled to receive 35 Kg of food grains. He pointed out a specific statement in the affidavit filed by respondent no. 6 to the effect that the quantity of foodgrains being provided to the non-PDS beneficiaries is thus the same as the quantity being provided to Priority Households amongst the PDS beneficiaries. The only difference pointed out is due to certain additional entitlement which has been provided for PDS beneficiaries by the Central Government, which the Government of NCT of Delhi has not been

able to provide for non-PDS beneficiaries. The learned ASG submitted that the needs of non-PDS beneficiaries are taken care of by provision of the usual entitlement of Priority Households, and by provision of other schemes which they can also avail of, particularly Hunger Relief Centres giving cooked meals to anyone in need of them.

7. The learned ASG further submitted that under Mukhya Mantri Corona Sahayta Yojana, every Member of Parliament and Member of Legislative Assembly of Delhi have been provided with 2000 Emergency Food Relief Coupons which can be issue by them to the most vulnerable and poor persons in need of food but without both ration card and Aadhaar card and also in addition 20,000 similar coupons have also been made for Minister Food and Supply, Delhi. These coupons are provided to them on monthly basis. Out of the total coupons issued to the MPs/MLAs, he submitted that 1,01,243 coupons currently stand utilized by them.

8. He further submitted that the Government is also running more than 1800 Hunger Relief Centers, where approximately 8 to 10 lakhs people are served lunch and dinner daily. Furthermore, people who are for some reason are not able to avail the benefit of the dry ration or find the quantity of ration insufficient, and are in need of food, can get cooked meals at these Hunger Relief Centers which are being run by the State Government all across Delhi.

9. As stated above, in order to reduce hardships and to provide essential items required to prepare a decent hygienic meal, under the Mukhya Mantri Corona Sahayta Yojana, provision for one kit of 8 essential items was made

for all PDS and Non PDS beneficiaries. There is no discrimination between the two categories in this regard.

10. Further, in order to cover non-PDS beneficiaries in need of food, under the recently announced “Atma Nirbhar Bharat” initiative of Government of India, provision of 5 kgs. of foodgrains per person per month, free of cost has been made to the migrants/ stranded migrants with a ceiling of 10% of total PDS beneficiaries in the state i.e. for 7.2 lakh beneficiaries in the State of Delhi.

11. Looking to the aforesaid facts and circumstances, it appears that several steps have been taken by respondents to provide food grains and cooked food to the public at large irrespective of the fact that whether they are having ration cards or not. There are a number of schemes floated by the respondents as stated hereinabove by the State Government as well as by the Central Government. Moreover, there are Hunger Relief Centers in which ration card holders as well as those who are not having ration cards can enter and get cooked food free of charge. Thus, care has been taken by the respondents to provide food grains and cooked food whether that person is having a ration card or not. Similarly, as stated hereinabove, under Mukhya Mantri Corona Sahayta Yojana, there is provision of Emergency Food Relief Coupons and the person in need can get the benefit as stated in paragraph No.13 of the counter affidavit, irrespective of the fact whether a person is ration card holder or not. Thus, grievances ventilated by the petitioner about the discrimination between the ration card holders and others is not tenable. There are other schemes also which have been explained in tabular form in detail in the affidavit filed by respondent No.6.

12. In view of these facts, we see no reason to give any further directions to the respondents at this stage. Nevertheless, we expect from the respondents that the schemes floated by the respondents shall be scrupulously followed for the welfare of the public at large and may continue even after the lockdown period is over. In the event necessary, the respondents may also take steps to enhance the coverage or benefits of the schemes floated by them, to realise their objective that no person in Delhi should go hungry by reason of the present lockdown.

13. With these observations, this writ petition is disposed of.

**CHIEF JUSTICE**

**PRATEEK JALAN, J**

**JUNE 02, 2020**

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