

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUO MOTU PIL NO.35 OF 2011

...

The Registrar General,
 High Court of Judicature at Bombay

...Petitioner

v/s.

State of Maharashtra & ors.

...Respondents

...

Mr.Uday P. Warunjikar for the NAB.

Mr.D.P.Singh for the Respondents Nos.3 & 4-UoI.

Ms.Geeta Shastri, Addl.G.P. for the Respondents Nos.1 & 2-State.

...

CORAM : A.S.OKA &

A.A. SAYED, JJ.

DATED : 19 AUGUST 2016

P.C.:

On the basis of a newspaper report published in "Times of India" dated 25 June 2011, this Suo-motu PIL has been initiated. The newspaper report recorded that the National Association for the Blind (for short "NAB") was forced to stop subsidy provided for brail study material, as NAB did not receive grants from the State Government. By the order dated 6 July 2011, the First Court issued notices to the State of Maharashtra, the Commissioner for Persons with Disabilities, Union of India and NAB. After notice was issued, Affidavits were filed by Shri Suhas Karnik on behalf of NAB and Shri Bhaurao Tayade, the Deputy Secretary, Social Justice and Special Assistance Department of the State Government.

2. Affidavit of Shri Bhaurao Tayade filed on behalf of the State Government discloses that the grant is payable by the Government of India under the Scheme known as “Deendayal Rehabilitation Scheme” (for short “the said Scheme”). The procedure laid down for release of grant-in-aid under the said Scheme is incorporated in paragraph 4 of the Affidavit of Shri Bhaurao Tayade. Paragraph 4 of the said Affidavit of Shri Bhaurao Tayade dated 23 August 2011 reads thus:

“4. I say that for the sanction of grants in aid under said Schemes, the procedure laid down on and from 2008/2009 is as follows:

Under the said scheme, the concerned Non Government Organization like Respondent No.4 has to submit proposal to the concerned Special District Social Welfare Officer, Mumbai and said proposal is being forwarded by the Special District Social Welfare Officer to the office of Commissioner for the Persons with Disabilities, M.S.Pune i.e. Respondent No.2. On receipt of the same, the office of Commissioner for the Persons with Disabilities, M.S.Pune i.e. Respondent No.2 forwards the said proposal to the Government i.e. Respondent No.1. The Scrutiny Committee scrutinizes the same and decides it whether said proposal is qualified or not. If said committee decides the said proposal as qualified for the grants under the said Scheme, then it makes endorsement there on. On recommendations of said committee, the Government sends the said proposal to the Central Government under the signature of the Secretary of Respondent No.1.”

3. On the said Scheme, there is an Affidavit filed by Shri Pradeep Purohit, Under Secretary to the Government of India. In paragraph 3, he has set out the documents which are essential for release the grant-in-aid to any organizations under the said Scheme. Paragraph 3 of the said Affidavit reads thus:

“3. In light of the directions of the court, it is submitted that the following documents are essential to release Grant-in-aid to any organisation under DDR Scheme:

- i. State Government Recommendation along with minutes of meeting of GIA Committee of the State for the proposal of the organisation.
- ii. Inspection Report conducted by the State Government inspecting officer/authority.
- lii. Application of the organisation for grant-in-aid duly filled in.
- iv. Valid Registration Certificate under Persons with Disabilities Act, 1995.
- v. List of beneficiaries, List of staff, List of Managing Committee.
- vi. Annual Report
- vii. Audited accounts
- viii. Item-wise/post-wise expenditure statement
- ix. Budget estimate
- x. Utilization Certificate.”

Various documents regarding the release of grant-in-aid to NAB have been annexed to the said Affidavit.

4. As far as the NAB is concerned, a chart is tendered across the bar by Shri Warunjikar, learned Counsel appearing on behalf of NAB. It is taken on record and marked as 'B-1" for identification. The chart shows that the grant-in-aid for all the four projects of NAB for the years 2012-13, 2013-14, 2014-15 and 2015-16 amounting to Rs.75,73,669/- has been already released. Learned Counsel appearing for the Government of India has tendered a copy of letter dated 11 August 2016 addressed to him by Shri Pradeep Purohit on behalf of the Ministry of Social Justice and Empowerment of the Government of India. A chart accompanying the said letter discloses that a sum of Rs.75,73,669/- has been received by NAB.

5. Learned Counsel appearing for NAB has made two submissions. His first submission is that a time bound schedule should be fixed for processing of the proposals for release of the grant from the State Government and for the actual release of the grant by the State Government. His second submission is that the rates of grant have been lastly revised in the year 2003. His submission is that if the grants are to be used to serve the purpose for which it is sought to be released, the amount of grant will have to be substantially increased. He has tendered across the bar a note which records the need for revision of the grants payable under the said Scheme.

6. We have already referred to the Affidavits of Shri Pradeep Purohit and Shri Bhaurao Tayade. Under the said Scheme, the grant is not released unless the State Government's recommendations alongwith the minutes of the GIA Committee are received by the Government of India alongwith the documents set out in the Affidavit of Shri Pradeep Purohit. Apart from the recommendation of the State Government, the Inspection Report of the inspection conducted by the State Government is also required, in addition to several documents which are listed in the said Affidavit. The procedure which is followed by the State Government is brought on record in the aforesaid Affidavit of Shri Bhaurao Tayade filed on behalf of the State Government.

7. The orders passed by this Court show that there was a gross delay in releasing the grant to NAB from the year 2007-08 onwards and in fact, only after the various directions were issued by this Court from time to time that the grants have been released.

8. To avoid such delay, a time bound schedule will have to be fixed for processing of the applications made by the various organizations for release of the grant under the said Scheme.

9. While forwarding the proposals received from the organizations, the State Government will have to ensure that the documents as set out in paragraph 3 of the affidavit of Shri Pradeep Purohit are forwarded to the concerned authorities of the Government of India.

10. The Government of India will have to also consider of revising the amount of grant payable under the said Scheme. Apart from the fact that the last revision was in the year 2003, various factors which require revision have been set out in the Affidavit of Shri Suhas Karnik filed on behalf of NAB.

11. Hence, we dispose of the Petition by passing the following order:

ORDER

- (i) The Applications by the Institutions/Non-Government Organizations for release of the grant under the said Scheme shall be submitted to the concerned Special District Social Welfare Officer of the concerned District. The Applications shall be accompanied by the requisite documents which are required to be produced by the Applicants in terms of paragraphs 3 of the Affidavit of Shri Pradeep Purohit, which is quoted above;

- (ii) The Special District Social Welfare Officer shall scrutinize the Applications within a period of one week from the date of receipt of the Applications and shall call upon the concerned Applicants to make compliances, if any. The Applications shall be forwarded by the Special District Social Welfare Officer of the concerned District to the Commissioner for the Persons with Disabilities having his office at Pune within a maximum period of one month from its receipt;
- (iii) After scrutiny, the Commissioner for the Persons with Disabilities shall forward the Applications to the concerned Authority of the State Government within a period of two weeks from the date of receipt of the Applications in his office alongwith the report of the Special District Social Welfare Officer;
- (iv) The State Government shall ensure that the Applications are scrutinized by the Scrutiny Committee and inspection is carried out by the concerned Officer within a period of one month from the date of receipt of the Applications;

- (v) The Applications shall be forwarded by the State Government alongwith its recommendations, minutes of the GIA Committee meeting and Inspection Report to the concerned Authority of the Government of India within a period of six weeks from the date on which the Applications are received by the State Government from the Commissioner for the Persons with Disabilities;
- (vi) The Government of India shall take appropriate decision on the issue of the release of grant within a period of six weeks from the date on which proposals are received through the concerned State Government;
- (vii) The State Government shall issue appropriate directions in terms of this order to the Special District Social Welfare Officer and other concerned Offices, so that time bound programme fixed under this order will be adhered to;
- (viii) We direct the Government of India to consider of revising the said Scheme, which was last revised in the year 2003. While taking the decision, the Government of India shall consider

what is set out in the Affidavit of Shri Suhas Karnik on behalf of NAB. After considering the fact that the last revision of the year 2003 which was based on cost norms of 1999, the Government of India shall take appropriate decision regarding the upward revision of the amount payable under the said Scheme. Such decision shall be taken by the Government of India as expeditiously as possible and in any event within a period of four months from today;

(ix) We permit the NAB to make a proper representation to the concerned Authority of the Government of India incorporating various suggestions for revision of the Scheme. If such representation is made within a period of six weeks from today, the concerned Authority of the Government of India shall take into consideration the said representation at the time of taking appropriate decision;

(x) The Petition is disposed of on above terms;

12. For considering the compliance by the State Government, the Petition shall be listed on 10 October 2016 under the caption of "Direction".

13. For considering the compliance by the Government of India, the Petition shall be listed on 22 December 2016 under the caption of "Direction".

(A.A. SAYED, J.)

(A.S.OKA, J.)