

IN THE HON'BLE DELHI HIGH COURT AT NEW DELHI

(Extraordinary Civil Writ Jurisdiction)

Writ Petition (Civil) No. of 2020

(IN THE MATTER OF A PUBLIC INTEREST LITIGATION)

In the matter of

Shabnam

... Petitioner(s)

Versus

Govt. of NCT of Delhi & Ors.

... Respondents

MEMO OF PARTIES

1. Shabnam

Versus

1. GOVERNMENT OF NCT OF DELHI

THROUGH ITS SECRETARY

DELHI SECRETARIAT, A WING

IP ESTATE, NEW DELHI,

...Respondent No.1

2. FOOD CORPORATION OF INDIA

Through its Joint Secretary

DI/101, Satya Marg

New Delhi 110021

jspolicy.fpd@nic.in

...Respondent No.2

3. PUBLIC DISTRIBUTION SYSTEM

Through its principal secretary

Govt. of NCT of Delhi
K-Block, Vikas Bhavan,
I.P. Estate, New Delhi-110002

psfin@nic.in

...Respondent No.3

4. District Magistrate
North West District
New Delhi

dcnw@nic.in

...Respondent No.4

5. Ministry of Consumer Affairs, Food and Public Distribution
Through its Secretary
Government of India
49, krishi Bhawan, New Delhi

secyca@nic.in

...Respondent No.5

Filed by

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DATED: 18.05.2020
PLACE: NEW DELHI

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(IN THE MATTER OF A PUBLIC INTEREST LITIGATION)

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Shabnam ... Petitioner(s)

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**WRIT PETITION (PUBLIC INTEREST LITIGATION) UNDER
ARTICLE 226 OF CONSTITUTION OF INDIA SEEKING
WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE
WRIT SEEKING DIRECTIONS TO ENSURE THAT E-
COUPON HOLDERS WHO ARE NOT BEING DELIVERED
RATIONS TILL DATE DESPITE HAVING E COUPONS
UNDER PDS SYSTEM IN DELHI AND FOR OTHER
DIRECTIONS**

TO,

THE HON'BLE CHIEF JUSTICE AND
THE OTHER COMPANION JUDGES OF
THE HON'BLE HIGH COURT OF DELHI

HUMBLE PETITION OF
THE PETITIONER
ABOVE NAMED.

MOST RESPECTFULLY SHOWETH: -

1. The instant is a writ petition filed under Article 226 of the Constitution of India seeking issuance of writ of mandamus or any other appropriate writ, order or direction of this Hon'ble Court to the Respondents, to provide rations to the E-coupon holders who are not being delivered rations till

date despite having E-coupons under PDS system launched by the Government of Delhi. The Petitioner has no personal interest in the present PIL and it is for and in the interest of the poor and needy persons residing in the national capital and the society at large, and hence he has no ulterior motive other than public interest in filing the instant PIL.

1A. That the petitioner herein has not filed any other petition seeking similar or same relief as sought in the present petition in this Hon'ble court or any other court.

2. That the source of knowledge of the facts of the present case is the visit of the petitioner at several site the details of which are mentioned in the present petition and her also having spoken to the other officials at the ration centre as well as at other places.
3. That the present petition is in general interest of the poor and needy persons residing in the national capital who are stranded at different places in the city of Delhi. Since the present petition is in the specific interest of the poor persons who cannot by themselves approach this Hon'ble Court and thus, the present public interest litigation has been moved by the petitioner herein.
4. That the Respondents No. 1 to 4 are the affected parties in view of the prayers sought in the present petition. That no other party is going to be affected by the present petition other than the Respondents in the present petition.

5. That the Petitioner Shabnam is an Indian Citizen and a is a law student studying in 3rd year of LLB and a sympathiser of the rights and concerns of the Citizens of Delhi.
6. The petitioner is a law student and has no source of income as such, however, ever if in case any cost is imposed on the petitioner by this Hon'ble court, the petitioner is incapable of depositing the same to this Hon'ble court.
7. That several representations have been sent by the petitioner herein to different authorities, however the same has not been responded to or acted upon by the respective authorities. The details of the representations are mentioned in the present petition.
8. The petitioner herein has earlier filed a meaningful Public Interest Petition before this this Hon'ble court. The details of the petitions having been filed by the petitioner before this Hon'ble court is as under;

Sl.	Details of the petition	Present Status
1.	SHABNAM & ORS. V/S SWACHH BHARAT MISSION (Urban) & ORS. W.P.(C) 7911/2018 [DISPOSED OFF]	Court No. : 1 DISPOSED OFF on 26/09/2018

9. That the present PIL is confined only to the issues of general public interests and Petitioner have no personal interests.

FACTS OF THE PRESENT CASE

10. The present petition raises issues concerning the poorest of the poor in city of Delhi amid the Extraordinary Situation of the Covid 19.
11. That on 20.03.2020, the Hon'ble High Court of Delhi notified through a public notice vide notification no. 321/Estt/E-I/DHC that the administrative and General Supervision Committee has resolved in order to combat the impending threat of Coronavirus (2019 - nCOV). The functioning of this Court shall further continued to stand restricted till 03.04.2020. All the pending matters before the Hon'ble Delhi High Court (including the Courts of Registrars and Joint Registrars) on 30.03.2020, would be adjourned to 27.04.2020.
12. That on the very same day i.e., 20.03.2020, the prime minister, Shri Narendra Modi in a televised address to the nation, announced a 'Janata Curfew' from 7 am to 9 pm Sunday, 22 March, to stop the spread of extraordinary situation of Pandemic COVID 19.
13. That on 22.03.2020, In an unprecedented measure, Prime Minister Shri Narendra Modi on 22.03.2020, announced a national lockdown for the next 21 days all across the country i.e. till 15.04.2020.
14. That on 25.03.2020, In view of the nationwide lockdown to contain the further spread of novel Coronavirus, COVID-19, functioning of Hon'ble Delhi High Court and its

subordinate Courts shall remain suspended till 15.04.2020, and the order to this effect were passed by the Hon'ble Delhi High Court.

15. That on 05.04.2020, Delhi government announced that it will give rations to the non-ration card holders, it has also started issuing 'e-coupons' to the poor to get the food grains free of cost. also allotted the distribution centre at different-different location. Many needy families have applied for that e-Coupon for Temporary Ration.
16. That on 06.05.2020, the petitioner herein came across these poor persons and these poor persons informed the petitioner about that despite having e coupons are not being given rations. They did not getting the ration from the distribution centre since one month.
17. That on the very next day i.e., on 07.05.2020, the petitioner herein then make a rough notice and pasted that on the wall of distribution centre by saying that "Those who are not getting the ration from the very day to till despite having e coupons are not being given rations. please contact on this number:- 9971303726". After which many poor people contacted Petitioner.
18. That thereafter on 08.05.2020, the petitioner collected all the data from the poor people and prepared a list of it and prepared a representation also so that it could be sent to the various government officials for the action to be taken.

True copy of the data collected by the petitioner herein is annexed herewith as **Annexure P1**.

19. That on 10.05.2020, the petitioner made a representation to the Chief Minister of Delhi (cmdelhi@nic.in), Through the Secretary (csdelhi@nic.in), Shri Anil Baijal Lt. Governor, Delhi, Chairperson Delhi Disaster Management Authority, GNCT of Delh ltgov@nic.in seclg@nic.in showing the collected data as they didn't get rations till date despite having E-coupouns from the allotted Distribution centre.

True copy of the representation dated 10.05.2020 made to the chief minister of Delhi, Shri Arvind Kejriwal by the petitioner herein is annexed herewith as **ANNEXURE P2**.

20. That on 10.05.2020, the petitioner herein again sent a representation through whatsapp to Sh.Sandeep Mishra, DM(North-West), and smt. Ankita Mishra Food Officer(IAS) on their whatsapp number i.e 9871890501 and 9862656125 respectively.

True copy of the screenshot of the representation dated 10.05.2020, made to DM North West District, New Delhi by the petitioner herein through whatsapp is annexed herewith as **ANNEXURE P3**.

21. That on the very same day, i.e., on 10.05.2020 the petitioner herein got a reply form the Mrs Ankita Mishra that was "we are sending provisions".

22. That thereafter the petitioner received a call from the ADM office saying "we will inquire regarding this and tell you very soon".

23. That on 11.05.2020, at about 11:31 AM, the petitioner herein called to DM North West regarding the issue and she get replied with the same previous information "ma'am we are looking forward in this it will take time give some time. Have some patience. We have already lots of work."

24. That on the same day i.e., on 11.05.2020, at about 5:58 Pm, Petitioner herein sent a message to (IAS) Food Officer Smt. Ankita Mishra by saying that "ma'am how much time will it take? And the petitioner was replied with that "both schools have got additional allocation. please wait for two days."

True copy of the screenshots dated 10.05.2020 & 11.05.2020 as well, of the reply of Mrs. Ankita Mishra received by the petitioner herein is annexed herewith as

ANNEXURE P4.

25. That on 12.05.2020, the Petitioner herein messaged to Food Officer Ankita Mishra by saying that "ok ma'am, but during this lockdown will end only, and the reasons for issuance of e-coupouns will serve no purpose. Please look into this matter as a serious matter. It is the second day, I hope you have got some solution. Thank you". But she was not responded. Infact the same message was sent to DM

by the petitioner but no reply was received by the petitioner till date.

26. That on 13.05.2020, at about 8:57 am the petitioner received a call from a number 8700646270 saying that I am speaking from the DM office and you Please do reach the authorized centre with the list when I'll call you.

27. That thereafter on the same day at about 10:56 Am the petitioner received another call and after that petitioner reach at the authorized distribution centre with list along her father. Where the petitioner herein was explained by the concerned distributor that they had distributed all the ration kit to the people and they don't have enough stock in their centre and we had been given this coupon list of 2948 people, out of which 1039 have been given ration, now there is no ration, and then the rest of 1909 people should be asked to bring the ration?

28. That When the petitioner asked the distributor to write it down, he did a calculation on a simple paper and gave it with his signature and number.

29. True copy of the calculation dated 13.05.2020, received by the petitioner from the distributor alongwith his signature and number is annexed herewith as **ANNEXURE P5**.

30. That on 16.05.2020, petitioner herein again made a Reminder Appeal to ensure Rations for e-Coupon holders who are not being Delivered rations despite having E

coupons and have to return Empty handed every day from the ration Centres by the petitioner to the DC (North-West), New Delhi.

31. True copy of the reminder appael made to the DC (North-West), New Delhi by the petitioner herein is annexed herewith as **ANNEXURE P6**.

32. The present petition concerns the poorest of the poor and the neediest among the needies* (Emphasis Supplied) who are stranded in the city of Delhi with no food what to say of the basic care and protection which is the need of the hour in the current extraordinary situation of the Covid 19 pandemic which this country and the entire world is currently facing.

Grounds

That in the abovementioned facts and circumstances, the present petition is being filed on the basis of the following, amongst other, grounds:

- A. Because "the State has the constitutional duty to provide adequate facilities and opportunities by distributing its wealth and resources for settlement of life.
- B. Because "the right to food and settlement is a fundamental right under Article 19(1)(e) and it is a facet of inseparable meaningful right to life under Article 21."
- C. Because it is "the duty of the State to provide right to food to the poor and indigent weaker sections of the

society in fulfillment of the constitutional objectives.”

Ahmedabad Municipal Corporation v. Nawab Khan Gulab

Khan & Ors. (supra)

- D. Because the respondents have failed in ensuring the failed in complying with their duty.
- E. Because The Delhi government had announced that it would start issuing e-coupons to the poor so that they would get ration for free. According to the government, all they had to do was fill a 'simple' form online. The form is not so simple either.
- F. Because The website through which people who do not have ration cards in Delhi had to apply to become eligible for ration has crashed. Whenever [the website](#) is accessed, it permanently shows the message 'Server under heavy load! Please check after some time.' Moreover, most poor people cannot apply online as most do not have smart phones and there are no cyber cafes functioning during the lockdown.
- G. Because “the current system requires those without ration cards to apply for an e-coupon using a website. They need to have the ability to access the internet, have a mobile phone to generate an OTP, upload a photo of their Aadhaar card and a photo of their family, and finally, download the

e-coupon. This makes the system inaccessible for the poorest and marginalised who need rations.”

- H. Because the petitioner herein has been approached by several poor persons complaining about that despite having e coupons are not being given rations. They did not getting the ration from the distribution centre since one month.
- I. Because the present petition seeks urgent intervention of this hon'ble court to ensure that the poor persons are saved from the most emergent humanitarian crisis and appropriate orders for the same be passed.
- J. Because there is no other alternative remedy available to the poors and other marginalised sections of the society other than approaching the Hon'ble court.

P R A Y E R

In the above mentioned facts and circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- (A) Issue a writ of mandamus or any other writ directing the authorities to ensure that the appropriate quantity of rations as per the norms is immediately dispersed and distributed to the persons as detailed in Annexure P1 Of the present petition.
- (B) Issue a writ of mandamus or any other writ directing the respondents to ensure that E-coupon holders who are

not being delivered rations till date despite having E-coupons under the PDS system launched by the Delhi Government.

- (C) Pass an order directing the authorities to ensure that appropriate ration are made available to the distributors of the allotted Ration centres so that it could be distributed to E.
- (D) Pass an order directing the authorities to publish/ issue a detailed list of the quantity of rations which ought to be distributed at the ration distribution centres to each individual.
- (E) Pass an order directing the authorities to ensure that the applications for issuance of E-coupons for distribution of rations are opened and accepted by the Delhi Govt. and appropriate rations thereof is distributed.
- (F) Pass an order directing the authorities at the central Govt. to ensure that appropriate amounts of rations and commodities is released to the Govt, of NCT of Delhi so as to ensure that no further situations is arised as detailed in the present petition ensuring that all the persons in the need of the rations are provided with the same.

- (G) Pass an order directing the authorities to ensure that the web/IT infrastructure for the functioning of the PDS distribution system including and but not limited to registration of the applicants is kept functional at all the times and an appropriate person/official is designated so as to ensure that errors if any may be reported to the said persons/officials should be resolved
- (H) Pass any such directions or order which this Hon'ble court deems fit and proper in the facts and circumstances of the above mentioned case.

AND FOR THIS ACT OF KINDNESS THE PETITIONERS ARE DUTY BOUND SHALL EVER PRAY.

Filed by



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