



Premlata v. Government of NCT Delhi

W.P. (C) 7687/2010 & CM APPL 6265/2011

Country: India

Region: Asia

Year: 2011

Court: High Court of Delhi

Health Topics: Diet and nutrition, Poverty

Human Rights: Freedom from discrimination, Right of access to information, Right to food, Right to life, Right to social security

Facts

The issues presented in this case involved citizens living in poverty and the gaps in essential services provided by the government.

The first issue was the availability of cash assistance to new mothers. The petitioners alleged that, per past orders of the Supreme Court, benefits should be made available to them under both the National Maternity Benefit Scheme (NMBS) and the Janani Suraksha Yojana (JSY) component. One petitioner alleged that she had received cash assistance for only one child though she was entitled to assistance for both of her children.

Another petitioner requested to change her address to her mother-in-law's address.

The next issue was a request by one of the petitioners to be shifted from her father's below poverty line ration card to her husband's ration card. Her husband had not been issued a BPL card because the maximum number of cards fixed by the State had been reached. A Government-commissioned survey indicated that 55% of the eligible population in Delhi did not possess ration cards.

The next issue involved a complaint regarding the quality of food grains being supplied by the Fair Price Shop and the fact that many ration card holders were unaware of the existence and functioning of the grievance procedures or the public helpline. It was alleged that notice boards displaying this information had not been displayed at every Fair Price Shop, contrary to the direction of the Court in 2011. The petitioners alleged that those who had had their ration card stamped and were unable to obtain rations were unaware of the existence and functioning of any grievance mechanisms.

The final issue was a complaint that the Kerosene Oil Depot in the area was not functioning on a regular basis.

Decision and Reasoning

Regarding the first issue, India had requested clarification of the Supreme Court's previous decision. Discussion was thus deferred until after the Supreme Court hears said application. Regarding the petitioner who had received assistance for only one of her two children, the Court held that she had received the assistance to which she was entitled because the State had issued an order that would allow her to receive benefits for her second child.

Regarding the request by one of the petitioners to change her address, she was directed to present herself to the Food & Supplies Officer at a given time to rectify the problem.

Regarding the BPL ration cards, the Court expressed strong disapproval of any cap set on the number of BPL ration cards, stating that denial of a card would essentially amount to denial of the right to life. The Court ordered that a meeting should be held to resolve this issue within four weeks.

As to the quality of food grains being supplied by the Fair Price Shop, the Court emphasized the need for the advertisement and functioning of an appropriate grievance mechanism and expressed concern that many others may face similar issues to those raised by the petitioners. The Court requested that counsel supply a list of persons who were unable to obtain rations despite having their cards stamped in the Bhim Nagar area and ordered the Food & Supplies Department to address the grievances.

The issue regarding the Kerosene Oil Depot was deferred until the next hearing.

Finally, the Court ordered the Food & Supplies Department to nominate a government official to continue to address the issues raised by the petitioners on an ongoing basis.

Decision Excerpts

“This Court is unable to appreciate how the Capital city of Delhi, with a growing population and constant influx of a large number of migrants can abide by a ‘cap’ on BPL cards. With a growing number of persons in need of BPL cards, there cannot be any ‘caps’ imposed by the Central Government/Planning Commission which disables the GNCTD from proceeding to issue fresh BPL cards. Denial of a ration card to a BPL person is virtually denial of his or her right to food and thereby the right to life under Article 21 of the Constitution.” Para. 10.

“[I]t certainly highlights the needs for having an appropriate grievance mechanism that can address all issues connected with the distribution of rations through the public distribution system.” Para. 12.

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