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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

PIL-LD-VC-14 OF 2020

Vivek Pandit

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

Mr. Vaibhav Bhure i/by Ms. Tanvi Tapkire for Petitioner.

Mr. P. P. Kakade, Govt. Pleader a/w Mr. B. V. Samant, AGP for State.

CORAM: DIPANKAR DATTA, CJ. &  
A. A. SAYED, J.

MAY 15, 2020.

P.C.:

1. In this PIL Petition, the principal prayer of the petitioner reads as follows :

(a) A writ of Mandamus or any other appropriate writ, order or direction in the like nature be issued there by directing the Respondents to forthwith provide for the basis subsistence in the form of Ration / Food supplies to the Adivasis / Tribals from the 16 sensitive project areas, from the Thane, Palghar, Raigad, Nashik, Dhule, Nandurbar, Jalgaon, Chandrapur, Gadchiroli, Bhandara, Gondia, Nagpur, Yavatmal, Melghat (Amravati) and

Kinvat (project Aurangabad) Districts, and the commercial sex workers in the State on war footing.

2. On April 30, 2020, Mr. Pradhan, learned Advocate for the petitioner had submitted before the Court that for the present he would request the Court for a direction to the District Supply Officers, Palghar and Thane Districts to consider the applications filed for new ration cards of nuclear families for obtaining benefit under the Antyodaya Scheme. A direction followed, requiring the respondents to commence processing of the ration cards to the eligible persons for obtaining benefits under the aforesaid scheme.

3. The PIL Petition was listed next on May 5, 2020, when the Court granted the prayer of the respondent-State and the Tribal Development Corporation to file reply affidavits.

4. A reply affidavit dated May 13, 2020 has been filed on behalf of the Respondent No. 3 – Principal Secretary, Tribal Development Department, Government of Maharashtra. Our attention has been drawn by Mr. Samant, learned Additional Govt. Pleader, to the contents of such affidavit. It appears therefrom that several measures have been adopted to reach food grains to the members of the tribal community. The affidavit further includes materials regarding distribution of food grains and other items to the tribals. Annexed to such affidavit is also a circular dated April 27, 2020 requiring all Collectors to provide benefits of the Public Distribution System to vulnerable households, specially migrant labourers etc.

5. In so far as issuance of ration cards in favour of members of the tribal community are concerned, a compilation of reports regarding status of compliance of the order dated April 30, 2020 has been filed before us. It includes a circular dated May 12, 2020, in vernacular.

6. The said circular contains a summary of action taken by all Tahsildars in Thane District regarding the persons whose names are mentioned in the list produced by the Petitioner.

7. Mr. Vaibhav, learned Advocate appearing on behalf of the petitioner, has complained that issuance of ration cards has been delayed because the authorities have been asking for various documentary evidence which the members of the tribal community are not in a position to furnish at the moment. It has been his submission that even keeping the process of issuance of ration cards in abeyance, the respondents may be directed to ensure that food grains and other essential items do reach the members for their sustenance.

8. Reacting to the contents of the reply affidavit of the respondent no.3, Mr. Vaibhav submits that the same only reflect the various measures that the respondents proposed to undertake and implement but on the ground level it has been seen that the members of the tribal community are not deriving the benefits of either the Public Distribution System or the other welfare measures that have been devised to ensure that such members do enjoy the right guaranteed by Article 21 of the Constitution.

9. We had enquired of Mr. Samant, learned Assistant Govt. Pleader, whether he is prepared to make a statement before us that food grains and other essential items, in terms of the various welfare schemes, are reaching the members of the tribal community. Responding thereto, he has answered in the affirmative.

10. We have no doubt in our mind that the testing times notwithstanding, the respondents would leave no stone unturned to reach out to the members of the tribal community, who are marginalized people, and to ensure that not a single member is left without food and the basic necessities in these dark hours. After all, one must not forget that Article 21 is the most fundamental of all Fundamental Rights enshrined in Part III of the Constitution. We hope and trust that the statement of Mr. Samant, which is in the nature of an undertaking, would be honoured by the respondents in the right perspective.

11. In such view of the matter, nothing further survives for decision on this PIL Petition. PIL Petition stands disposed of. There shall be no order for costs.

12. Needless to observe, the applications for ration cards which have been made shall be disposed of in the manner required by law after normalcy is restored.

13. This order will be digitally signed by the Sr. Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

A. A. SAYED, J.

CHIEF JUSTICE