

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF MAY, 2025

PRESENT

THE HON'BLE MR. N. V. ANJARIA, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION No.12751 OF 2021 (GM-RES-PIL)

BETWEEN:

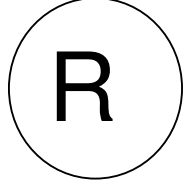
- 1 . RAIT SENA KARNATAKA,
HAVING OFFICE AT TIRLAPUR,
NAVALGUND TALUK,
DHARWAD DISTRICT,
DHARWAD-582208.
REPRESENTED BY ITS PRESIDENT,
SRI VEERESH C. SOBARADMATH SWAMIJI

...PETITIONER

(BY SRI GAUTAM SHREEDHAR BHARADWAJ, ADVOCATE)

AND:

- 1 . UNION OF INDIA,
REPRESENTED THROUGH
THE SECRETARY,
DEPARTMENT OF FOOD AND PUBLIC DISTRIBUTION,
MINISTRY OF CONSUMER AFFAIRS,
FOOD AND PUBLIC DISTRIBUTION,
KRISHI BHAWAN,
NEW DELHI-110001.
- 2 . GOVERNMENT OF KARNATAKA,
REPRESENTED THROUGH CHIEF SECRETARY
TO GOVERNMENT,
ROOM No.320, 2ND FLOOR,
VIDHANA SOUDHA,
BENGALURU-560001.



- 3 . DEPARTMENT OF FOOD, CIVIL SUPPLIES AND
CONSUMER AFFAIRS DEPARTMENT,
REPRESENTED THROUGH ADDITIONAL
CHIEF SECRETARY TO THE GOVERNMENT,
ROOM No.19 AND 20,
FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS AND
LEGAL METROLOGY DEPARTMENT,
VIKASA SOUDHA,
BENGALURU-560001.
- 4 . DEPARTMENT OF CO-OPERATION,
REPRESENTED THROUGH PRINCIPAL
SECRETARY TO THE GOVERNMENT,
ROOM No.610, 6TH FLOOR
3RD GATE, M. S. BUILDING,
BENGALURU-560001.
- 5 . KARNATAKA FOOD AND CIVIL SUPPLIES CORPORATION,
No.16/1, MILLERS TANK BED AREA,
VASANTH NAGAR,
BENGALURU-560050.
- 6 . KARNATAKA STATE CO-OPERATIVE MARKETING
FEDERATION LTD.,
GOVERNMENT OF KARNATAKA,
1, ALIASKER ROAD,
BANGALORE-560052.
- 7 . KARNATAKA STATE WAREHOUSING CORPORATION,
"UGRANA BHAVANA"
No.43, PRIMEROSE ROAD,
BENGALURU-560025.

...RESPONDENTS

(BY SRI B. PRAMOD, CGC FOR R1;
SMT. NILOUFER AKBAR, AGA FOR R2 TO R4;
R5 & 6 ARE SERVED AND UNREPRESENTED;
MS. URMILA PULLAT, ADVOCATE FOR
SRI B.N. JAGADEESHA, ADVOCATE FOR R7)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING
RESPONDENT Nos.2 AND 3 TO OPERATE THE EXISTING
PROCUREMENT CENTRES IN THE STATE OF KARNATAKA ON A
PERMANENT BASIS (i.e., 365 DAYS A YEAR) TO ENABLE FARMERS
TO SELL THEIR PRODUCE AT THE MINIMUM SUPPORT PRICE ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS PRONOUNCED AS UNDER:

CORAM: HON'BLE THE CHIEF JUSTICE MR. JUSTICE
N. V. ANJARIA
and
HON'BLE MR. JUSTICE K. V. ARAVIND

C.A.V. JUDGMENT

(PER: HON'BLE MR. JUSTICE K. V. ARAVIND)

Heard learned advocate Mr. Gautam Shreedhar Bharadwaj for the petitioner, learned Central Government Counsel Mr. B. Pramod for respondent No.1, learned Additional Government Advocate Ms. Niloufer Akbar for respondent Nos.2 to 4 and learned advocate Ms. Urmila Pullat for learned Advocate Mr. B.N. Jagadeesha for respondent No.7.

2. The instant writ petition has been filed as a Public Interest Litigation, seeking a direction to respondent Nos. 2 and 3 to operate procurement centers across the State of Karnataka throughout the year, so as to enable farmers to sell their produce at the Minimum Support Price (MSP).

3. The petitioner, as pleaded, is a registered Society formed with the objective to espouse the cause and the welfare of farmers within the State of Karnataka and is stated to be actively engaged

in various farmer-centric activities. It is the averment of the petitioner that farmers are facing severe hardship due to the non-operation of procurement centers throughout the year. It is contended that procurement centers are functional only for a limited period each year, which, apart from causing inconvenience and hardship to farmers, results in their being compelled to sell their produce to middlemen or agents at rates substantially lower than the MSP. It is further submitted that the State Government undertakes direct procurement of food grains and distributes the same under various welfare schemes. According to the petitioner, the MSP procurement scheme is intended to give effect to the provisions of the National Food Security Act, 2013, which mandates the establishment of procurement centers for the purchase of agricultural produce at MSP. It is also contended that there exists no statutory mandate or restriction that prohibits the operation of procurement centers throughout the year.

4. Learned Advocate Mr. Gautam Shreedhar Bharadwaj, appearing for the petitioner, contends that the existing procurement centers in the State operate only for a limited period, thereby restricting the opportunity for farmers to sell their produce at the MSP. It is further submitted that, owing to changes in cultivation patterns arising from geographical and climatic variations, farmers

are now harvesting their crops beyond the traditional agricultural seasons. Consequently, when food grains are harvested outside the period fixed by the Government for procurement at MSP, farmers are compelled to sell their produce under distress, often to middlemen or agents, at prices significantly lower than the MSP. Learned counsel further submits that, having due regard to the object and spirit of the MSP scheme, farmers ought to be provided with a platform to sell their produce at MSP throughout the year.

5. Learned Central Government Counsel Mr. B. Pramod, appearing for respondent No.1 – Union of India, referring to the Statement of Objections, submits that the objective of procurement at the MSP is to ensure that farmers receive remunerative prices for their produce and are not compelled to resort to distress sales. It is further submitted that the Central Government has not imposed any restriction on the number of procurement centers. The procurement period, it is stated, is determined based on various factors such as the total sown area, estimated marketable surplus, and the anticipated number of participating farmers. However, it is contended that operating procurement centers throughout the year would give rise to large-scale recycling and misuse of the MSP mechanism and procurement policy. It is, therefore, asserted that a time-bound procurement framework is essential. It is also

submitted that such a time-bound approach is necessary to ensure effective financial management.

6. Learned Additional Government Advocate Ms. Niloufer Akbar, appearing for respondent Nos. 2 to 4, submits that a sufficient number of procurement centers are operational during the harvesting seasons. It is further submitted that the procurement period is determined based on the guidelines issued by the Government of India, taking into consideration various factors such as the total sown area, estimated yield, number of farmers, and other relevant parameters. It is also contended that farmers are not entirely dependent on procurement centers for the sale of their produce, as they are free to sell the same in the open market. The procurement period for major seasonal crops, it is submitted, is fixed by the Government of India in consultation with the respective State Governments. In this context, it is submitted that the procurement period of three months is just, reasonable, and in accordance with the prevailing policy framework.

7. Learned Advocate Ms. Urmila Pullat, appearing on behalf of Learned Advocate Mr. B.N. Jagadeesha for respondent No.7, submits that respondent No.7 is only responsible for providing

warehousing facilities and does not have any role in the establishment or operation of procurement centers.

8. Heard the learned advocates for the respective parties. Upon consideration of the submissions, it is evident that the prayer in the present petition seeks a direction to operate procurement centers for the purchase of food grains in furtherance of the provisions of the National Food Security Act, 2013. While the said Act mandates procurement of food grains at the MSP through designated procurement centers, the mechanism for establishing such centers, including their number and location, is left to the discretion of the State Government. The decision regarding number of procurement centers is a matter of policy, which may reasonably vary from State to State, District to District, and depending on the geographical and agricultural conditions prevalent in a given region.

9. The number of procurement centers to be made available to farmers, as well as the period of their operation, would necessarily depend upon various geographical and logistical factors. The procurement process further entails significant administrative and financial considerations. The food grains procured through these centers are intended for distribution under various welfare schemes of the Government. In addition to these aspects, the availability of

adequate infrastructure for the storage of procured food grains is a critical factor that cannot be overlooked. The determination of the number and duration of operation of procurement centers falls squarely within the domain of the executive, and as such, is a matter of policy. The scope of judicial review in such matters is limited and may be exercised only when the decision is shown to be arbitrary, unreasonable, or violative of constitutional provisions. That being said, this Court has also examined the concerns raised by the petitioner on behalf of the farming community, particularly in relation to the implementation of the MSP procurement scheme. In view of the larger public interest involved and the welfare objectives underlying the scheme, the Court is inclined to consider the concerns of farmers, which merit due attention to ensure that the benefits of the scheme effectively reach the intended beneficiaries.

10. Having regard to the objectives underlying the procurement of food grains at the Minimum Support Price by the Government, the prayer seeking a direction to operate procurement centers throughout the year cannot be acceded to, as the same is not viable for more than one reason. Firstly, the primary purpose of procurement at MSP is to ensure that farmers receive fair and remunerative prices for their produce. It is relevant to note that procurement at MSP is not extended to all agricultural produce, but

is confined to specified food grains as agreed upon between the Central Government and the respective State Governments. Secondly, procurement at MSP is designed to serve larger policy objectives, including the effective implementation of the National Food Security Act, 2013, and other welfare schemes of the Government, such as the distribution of subsidized food grains to the economically weaker sections and the maintenance of buffer stocks to ensure national food security. The contention of the respondents that year-round operation of procurement centers may lead to large-scale recycling and misuse of the MSP mechanism cannot be brushed aside. While the grievances of the farmers warrant due consideration, it is equally imperative to safeguard the integrity of the procurement system and prevent its misuse, which would otherwise defeat the very purpose of the scheme.

11. The contention of the petitioner that the procurement period of three months for each season is insufficient merits due consideration by this Court. The State, in its objections, has acknowledged that, owing to changes in climatic conditions, the traditional Rabi and Kharif seasons have undergone significant alteration. It is further submitted that if agricultural produce is now available throughout the year, the period of procurement is to be determined by the Government of India. The rival contentions

clearly indicate that the conventional harvesting cycles have been altered due to climatic and other environmental factors. In such circumstances, the respondents' justification for fixing the procurement period solely based on traditional harvesting seasons appears untenable. Once it is undisputed that the harvesting periods have shifted, strict adherence to outdated seasonal norms for procurement defeats the very objective of the MSP regime. Considering that the primary aim of procurement at MSP is to ensure fair remuneration to farmers and to protect them from distress sales, a re-examination and reasonable relaxation of the procurement period is warranted.

12. While considering the relaxation of the procurement period beyond the existing three-month window, it is equally necessary to examine the supporting mechanisms required for such extended procurement. As contended by the State, keeping procurement centers open throughout the year would entail significant additional expenditure from the public exchequer, which may not yield commensurate benefits. This contention cannot be rejected outright. However, it must be borne in mind that procurement at MSP is fundamentally a welfare-oriented scheme, and the paramount consideration must be the interest and welfare of the farmers. In this context, farmers ought to be provided an extended

window beyond the fixed three-month period to sell their produce at MSP. Even if the extended procurement mechanism is not as robust or comprehensive as that available during the main procurement period, a supplementary platform should be made accessible to enable farmers to secure fair prices and thereby avoid distress sales. The contention of the petitioner that the non-availability of procurement centers during the non-agricultural season causes hardship to the farmers is noted but is liable to be rejected. When agricultural produce is not available for sale at procurement centers, maintaining such centers open would be contrary to reason and logic.

13. Another contention urged by the petitioner is that advancements in agriculture have significantly altered cultivation patterns beyond the traditional harvest periods of the Rabi and Kharif seasons, thereby justifying the operation of procurement centers throughout the year. However, there is no material placed on record regarding the nature of crops or the estimated yield in specific locations to demonstrate the availability of food grains beyond the prescribed procurement period. It is, however, not disputed by the State that there has been a change in the traditional harvest periods. The pleadings on behalf of the State acknowledge that, due to climatic changes, the traditional Rabi and

Kharif seasons have undergone considerable alteration. While this stance of the State lends support to the petitioner's contention, the actual availability of food grains throughout the year, arising from such changes, has not been substantiated on record. In the absence of concrete material demonstrating year-round availability of food grains, directing procurement centers to remain open throughout the year would serve no meaningful purpose. Nevertheless, limited interference to relax the procurement period is warranted on account of certain factual aspects brought on record. In view of the categorical stand of the State acknowledging changes in traditional harvesting seasons, the procurement period requires appropriate relaxation to suit the local, geographical, and climatic conditions.

14. Further, the adequacy of procurement centers during the procurement period also requires careful consideration. It is stated that the State Government has established procurement centers at the Hobli level based on assessed demand. The number of such centers is determined by the District MSP Task Force, chaired by the Deputy Commissioner of the respective district. However, considering that procurement under the MSP scheme is limited to seasonal food grains, and to ensure the effective achievement of the scheme's objectives, it is imperative that a sufficient number of

procurement centers be made available and remain accessible to the farmers. The adequacy and geographic reach of these centers must be periodically reviewed and adjusted as necessary to prevent any denial of benefit under the MSP scheme due to logistical or infrastructural inadequacies.

15. In view of the aforesaid discussion, the following directions are issued,

- (i) The Deputy Commissioner of the District shall ensure that a scientific study is undertaken to assess the nature of crops cultivated and the estimated quantity of food grains likely to be brought by farmers to the procurement centers, prior to determining the number and location of such centers.
- (ii) Upon commencement of procurement at MSP, if the existing procurement centers are found to be insufficient, the concerned Deputy Commissioner shall ensure that adequate additional procurement centers are established and made operational within the procurement period to meet the demand.
- (iii) In view of the fact that crop harvesting now extends beyond the traditional harvesting seasons, and in order

to ensure that farmers are adequately remunerated through the Minimum Support Price (MSP) mechanism and are not compelled to resort to distress sales through middlemen, the State Government shall establish at least one procurement center in each Taluka for a period of two months beyond the procurement period fixed by the Government of India.

- (iv) However, depending on the geographical conditions and the quantity of food grains produced in a particular region, the State Government shall have the discretion to keep procurement centers open beyond the period prescribed hereinabove, as may be necessary to ensure that the objectives of the MSP scheme are effectively achieved.

16. With the above observations and directions, the present writ petition is disposed of.

**Sd/-
(N. V. ANJARIA)
CHIEF JUSTICE**

**Sd/-
(K. V. ARAVIND)
JUDGE**

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