

बिहार सरकार
खाद्य एवं उपभोक्ता संरक्षण विभाग

पत्रांक-प्र06-ई0-विविध (बैठक)-19/2024
प्रेषक,

खाद्य, पटना/दिनांक-

उपेन्द्र कुमार,
सरकार के अपर सचिव ।

सेवा में,

जिला आपूर्ति पदाधिकारी,
सीतामढ़ी, मधुबनी, मुजफ्फरपुर, सारण, वैशाली, प0चम्पारण,
पूर्वी चम्पारण, शिवहर, गोपालगंज एवं सीवान ।

अनुमंडल पदाधिकारी,
सीतामढ़ी, बेलसंड, पुपरी, मधुबनी, जयनगर, फूलपरास, बेनीपट्टी, मुजफ्फरपुर
पूर्वी, मुजफ्फरपुर पश्चिमी, छपरा सदर, मढौरा, सोनपुर, हाजीपुर, महनार, महुआ,
बेतिया सदर, बगहा, नरकटियागंज, मोतिहारी, चकिया, अरेराज, रक्सौल,
सिकरहना, पकडीदयाल, शिवहर, गोपालगंज, हथुआ, सीवान सदर, महाराजगंज ।

विषय :- सचिव, खाद्य एवं उपभोक्ता संरक्षण विभाग, बिहार, पटना की अध्यक्षता में
दिनांक-28.05.2024 को पूर्वाह्न 11.00 बजे विडियो कॉन्फ्रेंसिंग के माध्यम से
आयोजित समीक्षा बैठक में भाग लेने के संबंध में ।

प्रसंग :- विभागीय पत्रांक 2302 दिनांक 29.04.2024
महाशय,

निदेशानुसार उपर्युक्त विषय एवं प्रासंगिक पत्र के संबंध में कहना है कि सचिव,
खाद्य एवं उपभोक्ता संरक्षण विभाग, बिहार, पटना की अध्यक्षता में दिनांक-28.05.2024 को
पूर्वाह्न 11.00 बजे विडियो कॉन्फ्रेंसिंग के माध्यम से Suo Motu Writ Petition (C) No. 06/2020
से संबंधित Miscellaneous Application No. 94/2022 वाद में माननीय सर्वोच्च न्यायालय, नई
दिल्ली द्वारा दिनांक 19.03.2024 को पारित आदेश के अनुपालनार्थ ई-श्रम पोर्टल पर
पंजीकृत असंगठित क्षेत्र/प्रवासी श्रमिकों को राष्ट्रीय खाद्य सुरक्षा अधिनियम के तहत राशन
कार्ड निर्गमन/e-KYC की प्रगति संबंधी समीक्षा बैठक आयोजित की गई है ।

अतः अनुरोध है कि उक्त से संबंधित आहूत बैठक में अद्यतन प्रतिवेदन के साथ
विडियो कॉन्फ्रेंसिंग के माध्यम से ससमय भाग लेना सुनिश्चित किया जाए। साथ ही सभी
संबंधित पदाधिकारियों को भी बैठक में भाग लेने का निदेश दिया जाए ।

अनु0:-यथोक्त ।

विश्वासभाजन,

सरकार के अपर सचिव ।

ज्ञापांक- प्र06-ई0-विविध (बैठक)-19/2024

खाद्य, पटना/दिनांक-

प्रतिलिपि- जिला पदाधिकारी, सीतामढ़ी, मधुबनी, मुजफ्फरपुर, सारण, वैशाली, प0चम्पारण, पूर्वी
चम्पारण, शिवहर, गोपालगंज एवं सीवान एवं सभी संबंधित सहायक जिला आपूर्ति पदाधिकारी
को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित ।

Signed by

Upendra Kumar

Date: 24/05/2024 17:36:00

बिहार सरकार
खाद्य एवं उपभोक्ता संरक्षण विभाग

पत्रांक:-प्र06-को0के0-08/2021

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खाद्य, पटना/दिनांक-२९/०४/२०२४

अति महत्वपूर्ण

प्रेषक,

डॉ० एन० सरवण कुमार,
सरकार के सचिव।

सेवा में,

सभी जिला पदाधिकारी
बिहार।

विषय :-

Suo Motu Writ Petition (C) No. 06/2020 से संबंधित Miscellaneous Application No. 94/2022, वाद में सर्वोच्च न्यायालय, नई दिल्ली द्वारा दिनांक-19.03.2024 को पारित न्यायादेश के अनुपालन के संबंध में।

प्रसंग :-

माननीय सर्वोच्च न्यायालय, नई दिल्ली द्वारा विषयांकित संदर्भ में दिनांक 19.03.2024 को पारित न्यायादेश की प्रति।

महाशय,

उपर्युक्त विषयक एवं प्रासंगिक पत्र के संदर्भ में कहना है कि Suo Motu Writ Petition (C) No. 06/2020 से संबंधित Miscellaneous Application No. 94/2022 वाद में दिनांक 19.03.2024 की सुनवाई के दौरान माननीय सर्वोच्च न्यायालय, नई दिल्ली द्वारा ई-श्रम पोर्टल पर पंजीकृत शेष असंगठित क्षेत्र/प्रवासी श्रमिकों (Migrant Labourers), जो राष्ट्रीय खाद्य सुरक्षा अधिनियम के तहत राशन कार्ड से वंचित है, को राशन कार्ड निर्गत करने/e-KYC की प्रक्रिया को सम्पन्न करने हेतु राज्यों को दो माह की समयावधि दी गई है एवं सुनवाई की अगली तिथि 16 जुलाई 2024 को निर्धारित की गई है, जिस हेतु प्रत्येक राज्य के मुख्य सचिव द्वारा इस आशय का शपथ-पत्र माननीय सर्वोच्च न्यायालय में दायर किया जाना है।

विदित हो कि वर्तमान अवधि में राज्य में लोकसभा आम चुनाव 2024 के फलस्वरूप आदर्श आचार संहिता लागू है, तथापि, माननीय सर्वोच्च न्यायालय, नई दिल्ली द्वारा उक्त वाद में पारित आदेश के अनुपालन में ई-श्रम पोर्टल पर पंजीकृत असंगठित क्षेत्र/प्रवासी श्रमिकों (Migrant Labourers) को राशन कार्ड निर्गत करने की प्रक्रिया को आदर्श आचार संहिता की अवधि में भी कार्यरत रखने की आवश्यकता है, अन्यथा माननीय सर्वोच्च न्यायालय द्वारा दिनांक 19.03.2024 को पारित न्यायादेश का अनुपालन प्रभावित होने की संभावना है। ऐसी स्थिति में आदर्श आचार संहिता की अवधि में भी राशन कार्ड निर्गमन/e-KYC की प्रक्रिया जारी रखने के प्रस्ताव पर भारत निर्वाचन आयोग द्वारा संदर्भित विषय में सहमति प्रदान कर दी गई है।

अतः अनुरोध है कि माननीय सर्वोच्च न्यायालय के द्वारा पारित न्यायादेश के अनुपालन के प्रयोजनार्थ एवं भारत निर्वाचन आयोग से प्राप्त अनुमति के आलोक में ई-श्रम पोर्टल पर पंजीकृत परन्तु राशन कार्ड से वंचित असंगठित क्षेत्र/प्रवासी श्रमिकों (Migrant Labourers) को आदर्श आचार संहिता में निहित प्रावधानों का अनुपालन करना सुनिश्चित करते हुए राष्ट्रीय खाद्य सुरक्षा अधिनियम के अन्तर्गत त्वरित गति से राशन कार्ड निर्गत करते हुए खाद्य सुरक्षा से आच्छादित करने/e-KYC की प्रक्रिया जारी रखने हेतु संबंधित पदाधिकारियों को निर्देशित करने की कृपा की जाए।

अनु० - यथोक्त

विश्वसभाजन,

सरकार के सचिव।

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Miscellaneous Application No. 94/2022

Ms. Bhupinder, Adv.

Mr. Shuvodeep Roy, AOR
Mr. Rituraj Biswas, AOR

UPON hearing the counsel the court made the following
O R D E R

1. Mr. Prashant Bhushan, learned counsel for the petitioner refers to para 5 of the order passed by this Court on 20th April, 2023 which records as follows :

"5. Having heard Ms. Bhati, learned ASG and Shri Prashant Bhushan, learned counsel and on going through the further status report, we appreciate the exercise undertaken by the UOI with the assistance of the respective States/UTs for registration of the migrants/unorganized workers on eShram portal. 28.60 crores migrants/unorganized workers are registered on eShram portal which is a commendable job. However, out of 28.60 registrants on eShram 20.63 crores are registered on ration card data. Meaning thereby, the rest registrants on eShram are still without ration cards. Without the ration card a migrant/unorganized labourer or his family members may be deprived of the benefit of the schemes and may be the benefit under the National Food Security Act. Therefore, being a welfare State, it is the duty of the concerned State/UT to see that the remaining registrants on eShram, who are still not registered on ration card data and who are not issued the ration cards, they are issued ration cards and the exercise for issuance of ration cards is required to be expediated. As the Union of India and the concerned State/UT now already have the data of the registrants on eShram portal and will be having the required information, the State/UT shall reach to them so that they can be issued the ration cards and that their names are registered on ration card data."

2. It is submitted on behalf of the petitioner that out of 28.60 registrants on eShram, 20.63 crores have been registered on ration card data thus leaving approximately 8 crores registrants who have not been issued ration cards so far though such an order was issued by this Court almost a year ago.

3. Ms. Aishwarya Bhati, learned Additional Solicitor General submits that it is for the State Governments/Union Territories to issue ration cards.

4. In the first instance, it is deemed appropriate to direct the concerned State Governments/Union Territories to issue ration cards to the remaining registrants on eShram portal who do not possess any ration card so far. On its part, Union of India may continue the exercise of

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Miscellaneous Application No.94/2022

ITEM NO.2

COURT NO.11

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No. 94/2022 in SMW(C) No. 6/2020

(Arising out of impugned final judgment and order dated 29-06-2021
in SMW(C) No. 6/2020 passed by the Supreme Court Of India)

IN RE : PROBLEMS AND MISERIES OF MIGRANT LABOURERS

(IA No. 8420/2022 - CLARIFICATION/DIRECTION
IA No. 50089/2023 - EXEMPTION FROM FILING O.T.
IA No. 77565/2022 - EXEMPTION FROM FILING O.T.
IA No. 76452/2022 - EXEMPTION FROM FILING O.T.)

WITH
DIARY NO(S). 12853/2021 (PIL-W)

Date : 19-03-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s)/ Mr. Prashant Bhushan, AOR
Item 2

By Courts Motion, AOR

Item 2.1 Petitioner-in-person

For Respondent(s) Mrs. Aishwarya Bhati, A.S.G.
Mr. Kanu Agrawal, Adv.
Mr. Rajat Nair, Adv.
Mr. Saurabh Mishra, Adv.
Mr. Ketan Paul, Adv.
Ms. Chitrangda Rastavara, Adv.
Mr. Arvind Kumar Sharma, Aor, Adv.

Ms. Aishwarya Bhati, A.S.G.
Mr. Kanu Agarwal, Adv.
Mr. Rajat Nair, Adv.
Mr. Saurabh Mishra, Adv.
Mr. Aman Sharma, Adv.
Mr. Amrish Kumar, AOR

Signature Not Verified
Digitally signed by
Date: 2024.03.22
10:19:57+05'
Reason:

Mrs. B.L.N Shivani, Adv.

Ms. K. Enatoli Sema, AOR
Ms. Limayinla Jamir, Adv.
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.

Ms. Mrinal Elkar Mazumdar, Adv.
Ms. Indira Bhakar, Adv.
Mr. Vineet Singh, AOR
Mr. M.K. Maroria, AOR

Mr. Raj Kishor Choudhary, AOR

Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Abraham C. Mathew, Adv.
Mr. Alim Anvar, Adv.

Ms. Nupur Kumar, AOR
Mr. Ejaz Maqbool, AOR
Mr. B. K. Satija, AOR

Mr. Sravan Kumar Karanam, AOR
Ms. Tayade Pranali Gowardhan, Adv.
Ms. Shireesh Tyagi, Adv.

Applicant-in-person, AOR

Mr. Prashant Bhushan, AOR
Mrs. Cheryl Dsouza, Adv.

Ms. Ranjeeta Rohatgi, AOR

Mr. Satya Mitra, AOR

Ms. Manisha Lavkumar, Sr. Adv.
Ms. Deepanwita Priyanka, AOR

Ms. Pinky Behera, AOR

Mr. Raghvendra Kumar, AOR
Mr. Devvrat Singh, Adv.
Mr. Anand Kumar Dubey, Adv.
Mr. Maneesh Pathak, Adv.

Mr. Avijit Mani Tripathi, AOR
Mr. T.K. Nayak, Adv.

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Miscellaneous Application No.94/2022

Ms. Bhupinder, Adv.

Mr. Shuvodeep Roy, AOR
Mr. Rituraj Biswas, AOR

UPON hearing the counsel the court made the following
O R D E R

1. Mr. Prashant Bhushan, learned counsel for the petitioner refers to para 5 of the order passed by this Court on 20th April, 2023 which records as follows :

"5. Having heard Ms. Bhati, learned ASG and Shri Prashant Bhushan, learned counsel and on going through the further status report, we appreciate the exercise undertaken by the UOI with the assistance of the respective States/UTs for registration of the migrants/unorganized workers on eShram portal. 28.60 crores migrants/unorganized workers are registered on eShram portal which is a commendable job. However, out of 28.60 registrants on eShram 20.63 crores are registered on ration card data. Meaning thereby, the rest registrants on eShram are still without ration cards. Without the ration card a migrant/unorganized labourer or his family members may be deprived of the benefit of the schemes and may be the benefit under the National Food Security Act. Therefore, being a welfare State, it is the duty of the concerned State/UT to see that the remaining registrants on eShram, who are still not registered on ration card data and who are not issued the ration cards, they are issued ration cards and the exercise for issuance of ration cards is required to be expediated. As the Union of India and the concerned State/UT now already have the data of the registrants on eShram portal and will be having the required information, the State/UT shall reach to them so that they can be issued the ration cards and that their names are registered on ration card data."

2. It is submitted on behalf of the petitioner that out of 28.60 registrants on eShram, 20.63 crores have been registered on ration card data thus leaving approximately 8 crores registrants who have not been issued ration cards so far though such an order was issued by this Court almost a year ago.

3. Ms. Aishwarya Bhati, learned Additional Solicitor General submits that it is for the State Governments/Union Territories to issue ration cards.

4. In the first instance, it is deemed appropriate to direct the concerned State Governments/Union Territories to issue ration cards to the remaining registrants on eShram portal who do not possess any ration card so far. On its part, Union of India may continue the exercise of

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completion of the e-KYC, procedure in terms of the affidavit dated 12th February, 2024 particularly, para 6 thereof. In our opinion both the exercise can continue contemporaneously so that all the data is compiled and ration cards can be issued to the unregistered migrants/unorganized workers, as per their eligibility and in accordance with the prescribed procedure.

5. The aforesaid exercise is directed to be undertaken by the State Governments/Union Territories and completed within two months. Compliance affidavits shall be filed with copies furnished to learned counsel for the Union of India for purposes of collation and for updation of the exercise undertaken by the Union of India as well.

6. For the present, the State Governments/Union Territories shall continue the said exercise notwithstanding the mandate of Section 3(2) of the National Food Security Act, 2013. The effect thereof shall be examined at a later stage.

7. The said affidavits shall be filed by the respective Chief Secretaries of the State Governments/Union Territories with advance copies furnished to the learned counsel for the Union of India to enable him to collate the data and file a comprehensive affidavit which shall also indicate the steps taken by the Union of India to undertake the exercise of completing the e-KYC procedure.

8. List on 16th July, 2024.

(Geeta Ahuja)
Assistant Registrar-cum-PS

(Nand Kishor)
Court Master (NSH)