

**GOVERNMENT OF INDIA
CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
LOK SABHA**

UNSTARRED QUESTION NO:101
ANSWERED ON:09.11.2010
ABOLITION OF APL CATEGORY
Das Gupta Shri Gurudas

Will the Minister of CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION be pleased to state:

- (a) whether the Supreme Court has recently directed the Government to abolish the Above Poverty Line (APL) category from Public Distribution System (PDS);
- (b) if so, the details thereof and the reaction of the Government thereto;
- (c) whether the implementation of the said directives is likely to adversely affect the PDS in Kerala having 80 lakh APL beneficiaries;
- (d) if so, whether, a request has been received from the State for filing a review petition before the Supreme Court; and
- (e) if so, the details thereof and the reaction of the Government thereto?

Answer

MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND MINISTER OF STATE IN THE MINISTRY OF CONSUMER AFFAIRS, FOOD & PUBLIC DISTRIBUTION (PROF. K.V. THOMAS)

(a) to (b): Hon'ble Supreme Court in its order dated 27.7.2010 in Writ Petition (Civil) No. 196 of 2001, People's Union of Civil Liberties (PUCL) Vs Union of India and Others has, inter-alia, sought the response of the Government as to why the facilities of PDS be not discontinued for people who are Above Poverty Line (APL). Further, in their order dated 31.8.2010, Hon'ble Supreme Court has, inter-alia, observed that it is desirable to abolish the category of APL altogether and in case it is not possible, then the Government should at least consider limiting households whose annual income is less than Rs.2 lakh per year.

In response, Government has submitted to the Hon'ble Supreme Court that in addition to allocation for Below Poverty Line (BPL) and Antyodaya Anna Yojana (AAY) families, foodgrains are also allocated to States and Union Territories for APL category of ration card holders but at higher Central Issue Prices (CIPs). These are made in view of additional/surplus foodgrains available in Central Pool after meeting the requirement of BPL and AAY categories. Allocation of foodgrains for APL families also needs to be made in food deficit areas/States in order to ensure food security. Presently, APL allocations to States range between 15 to 35 kg. per family per month. Keeping in view the food security requirements of APL category, especially in food deficit and food insecure States and areas and the fact that a food security law is already under consideration, Government are of the view that the present system of allocations for APL category may be continued till the finalization of the proposed law on food security.

(c) to (e): State Government of Kerala has requested the Central Government to file a Revision Petition before the Hon'ble Supreme Court against the judgement dated 31.8.2010 of Hon'ble Supreme Court. It has been stated by Government of Kerala that in case the direction of the Hon'ble Supreme Court is implemented, it would force 50 lakh families in the State out of the PDS network and they will have to depend on open market for purchase of essential commodities. Further, 14238 ration shops will become uneconomical, which will in turn create unemployment affecting roughly 1 lakh population apart from fuelling price rise in the open market.

The State Government has been intimated that detailed affidavits have been filed by Department of Food & Public Distribution, New Delhi before the Hon'ble Supreme Court. As States/UTs are also parties to the above Writ Petition, Government of Kerala has been advised to file their affidavit in the matter.