

Supreme Court Commissioners, CWP 196/2001

# Ninth Report of the Commissioners

September 2009

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Office of Commissioners to the Supreme Court

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## Introduction

The Supreme Court of India, in the writ petition 196/2001; PUCL vs. Union of India, created the office of its Commissioners, charged – among other duties - with monitoring the implementation by various governments of a range of food and social security programmes which it found to be critical to ensuring the right to food of indigent and food deprived women and men, boys and girls in India.

The Commissioners have endeavoured to accomplish this duty by preparing a series of detailed reports for the Supreme Court. These reports also form the basis of directions and recommendations made by the Commissioners to various state governments and central government departments, in order to advance compliance to the numerous directions of the Supreme Court for the improved design, performance and impact of the food and social security programmes which they monitor for the Supreme Court of India.

This is the Ninth Report of the Commissioners to the Supreme Court. In this report we have looked at the compliance of 16 selected state governments in implementing Supreme Court interim orders related to each of the schemes covered under the case. We have done this on the basis of available official data in relation to the schemes, and have mostly relied on the data of the state governments themselves. Here we have used data for 2007-08, which is the latest completed financial year available to us at the time of writing this report.

This Report differs from earlier Reports in this series of reports to the Supreme Court in a few ways. Firstly, the Commissioners decided to focus this current report on 15 selected states. The states were selected on those regions of the country which have grave unaddressed problems of poverty and hunger, are mostly large states. In addition, these are states where earlier Reports have indicated that there are the largest gaps in the implementation of the orders of the Court. The states selected for the Report are Andhra Pradesh, Assam, Bihar, Chhattisgarh, Delhi, Jammu and Kashmir, Jharkhand, Madhya Pradesh, Maharashtra, Nagaland, Orissa, Rajasthan, Uttar Pradesh and West Bengal.

The Report has also not repeated detailed situation analyses of each scheme in every state, which can be encountered in earlier Reports. Instead the effort of the Commissioners' team has been to focus sharply on the degree to which the state governments under review have implemented the orders of the Supreme Court, especially of coverage, in the period of the Report.

The picture that emerges from most states is encouraging, but still not fully satisfactory. We find that in most schemes in most states that have been reviewed, there is an improvement in performance and coverage, but there still remains a lot to be done. For instance, neither Government of India nor the state governments have provided funds for meeting the full expenditure on SNP for adolescent girls. In states such as Bihar and Rajasthan, less than 40% of children under six are reported as getting supplementary nutrition and most states spent less than the stipulated amount of Rs.2 per day per child. In Assam the expenditure was lower than Re.1 per child per day. While the coverage of the Mid Day Meal Scheme has considerably expanded across the country, in Gujarat and Jharkhand according to official data less than 70% of the eligible children are covered under the mid day meal scheme. Less than 40% of the cooks in Uttar Pradesh, Jammu and Kashmir, Orissa, Gujarat and Assam are from the SC/ST communities. Chhattisgarh, Jammu & Kashmir, Jharkhand and Rajasthan reported utilising less than 50% of the budgets allocated by them for the mid day meal scheme.

Delhi, Jammu and Kashmir and Uttar Pradesh report less than 50% coverage under the JSY scheme and in most states negligible numbers of women who had home deliveries have been covered under this scheme. Maharashtra and West Bengal show a low coverage under the National Old Age Pension Scheme. Further, while

the number of beneficiaries has increased tremendously from 86.4 lakhs in the year 2006-07 to 1.27 crores in the year 2007-08, this is not much when seen in the context that in 2007 the coverage of the NOAPS was extended from 50% of BPL to all old persons below the poverty line. The coverage under NFBS is very low with the coverage being less than 20% in states like Jharkhand, Delhi, Rajasthan and Uttarakhand. Madhya Pradesh, Nagaland, Delhi, Rajasthan, Jharkhand and Maharashtra utilised less than 80% of the budget allocated under NSAP. Under PDS, the offtake of rice in the BPL quota was less than 80% in the states of West Bengal, Rajasthan, Jharkhand and Bihar. Further West Bengal had more than 5 lakh undistributed AAY cards. While the scale of work provided under NREGA has improved, in states such as Maharashtra, Gujarat, Jammu & Kashmir, Bihar, West Bengal and Orissa less than 10 days of work had been generated per rural household.

All the state governments that have not fully complied with the orders of the Hon'ble Court must be held responsible for their poor performance and give explanations for the same.

This Report has been compiled with the hard work and dedication of the Commissioners' team of young, talented and committed colleagues: Biraj Patnaik, Dipa Sinha, Tanveer Ahmed Dar and Natasha Koshy. Needless to say, the strengths and merits of the Report are to their credit, but the responsibility for the gaps and failings of the Report are ours alone.

It is hoped that the forthcoming anticipated passage of legislation would create statutory entitlements of all citizens to adequate food for a healthy and active life, and this Act would build an enduring legislative framework for the entitlements created by the Supreme Court. But for that to succeed in ending hunger and malnourishment in this land, it is necessary that all governments faithfully comply in letter and spirit to the directions of the Supreme Court for advancing various aspects of the right to food in India. Our aspiration is that this Report should help illuminate this journey, to show governments what they have achieved, and what the challenges are which remain to be met.

Harsh Mander

NC Saxena

# I Integrated Child Development Services

## Universalisation

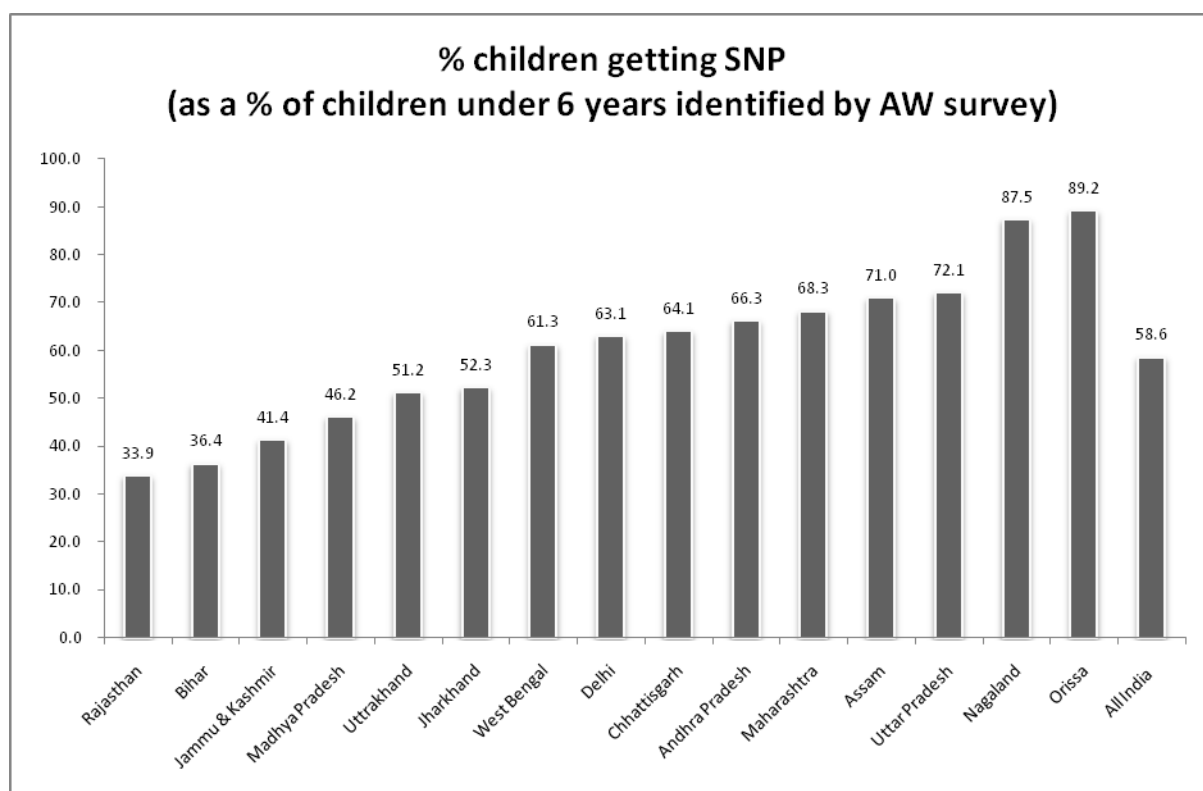
### Universal coverage of beneficiaries

The instructions of the Supreme Court have been categorical to ensure the coverage of all children below six years, all pregnant and lactating mothers and adolescent girls in all rural habitations and urban slums with all nutritional and health services of the ICDS in a phased manner latest by December, 2008. The order of the court dated 28<sup>th</sup> November, 2001 stated, "We direct the State Governments/Union Territories to implement the Integrated Child Development Scheme (ICDS) in full and to ensure that every ICDS disbursing centre in the country shall provide as under:

- (a) Each child up to six years of age to get 300 calories and 8–10 grams of protein;
- (b) Each adolescent girl to get 500 calories and 20–25 grams of protein;
- (c) Each pregnant woman and each nursing mother to get 500 calories & 20–25 grams of protein;
- (d) Each malnourished child to get 600 calories and 16–20 grams of protein;
- (e) Have a disbursement centre in every settlement"

Further, the order dated 13<sup>th</sup> December, 2006 states that "The universalisation of the ICDS involves extending all ICDS services (Supplementary nutrition, growth monitoring, nutrition and health education, immunization, referral and pre-school education) to every child under the age of 6, all pregnant women and lactating mothers and all adolescent girls."

### Coverage of Children under SNP in 2007-2008



Although the coverage of children under six under the Supplementary Nutrition Programme of the ICDS increased from 5.8 crore in the previous year to 6.8 crore in 2007-08, this is still less than 60% of the under-6 population as identified by the anganwadis in the country. The NFHS-3 data show that 81 per cent children under 6 years of age were living in an area served by an AWC. About 20% children have not even been covered by the anganwadi survey and can be assumed to be left out of any of the anganwadi benefits. Therefore, if we calculate for the entire population of children under six, then only about 46% of the children are covered by the SNP services of the ICDS.

States with less than 40% coverage: Bihar and Rajasthan

States with more than 40% but less than national average: Jammu Kashmir, Uttarakhand, Madhya Pradesh and Jharkhand.

Pregnant and Lactating Mothers: The number of pregnant and lactating mothers covered under the SNP of ICDS was 1.4 crore in 2007-08, an increase from 1.2 crore the previous year. This increase is even less than the kind of increase seen in the coverage of children under six. Further as estimated by the Seventh Report of the Commissioners, there would be about 4 crore pregnant and lactating mothers in the country so this coverage is only about 35%.

### Coverage of adolescent girls

The orders of the Supreme Court dated 28<sup>th</sup> November 2001 and 13<sup>th</sup> December 2006 also state that all adolescent girls should be given supplementary nutrition through the anganwadis. However, the Government of India has not yet made any provisions towards universalising the provision of SNP to adolescent girls. The Ministry of Women and Child Development implements two programmes for adolescent girls – the Kishori Shakti Yojana (KSY) and the National Programme for Adolescent Girls (NPAG). Neither of these schemes provide for universal distribution of supplementary nutrition for all adolescent girls. The KSY has been extended to cover all the blocks in the country. Although data on the number of beneficiaries under this scheme is not available, looking at the financial allocations made for this scheme by the Central Government to the State Governments/UTs for the implementation of this scheme one can make an estimate of how many girls can be covered. Under this scheme, grant-in-aid of Rs. 1.10 lakh per block is released to the States/UTs every year for the implementation of KSY. Given that the programme is implemented in 6108 blocks, the total grant in aid released would be around Rs. 6718.8 lakh. According to the norms for per beneficiary per day allocation of funds the amount to be allocated for adolescent girls is Rs. 2.30 of which the centre's share would Rs. 1.15. Therefore the budget allocated is sufficient to cover 19.4 lakh girls. In comparison, as per the census of 2001, the total female population in the 11–18 year age group stands at approximately 844 lakhs.<sup>1</sup> **It is therefore estimated that only 2.3% adolescent girls are being covered under this scheme, even if there are no leakages.** The NPAG programme on the other hand covers undernourished Adolescent Girls in the age group 11–19 years who are underweight (weight < 35 kg.) where free foodgrains at 6 kg. per beneficiary per month are provided to them. However this scheme is currently available in only 51 of the 604 districts in the country.<sup>2</sup> Adolescent girls continue to be an ignored section under the ICDS scheme.

The Government of India has announced that a new scheme called Rajiv Gandhi Scheme for Empowerment of Adolescent Girls will be introduced soon, which will universalise coverage. However the details of this scheme are not yet available and until the year 2009-10, no budget allocations have been made for such a scheme.

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<sup>1</sup> Sixth Report of the Commissioners to the Supreme Court

<sup>2</sup> All data related to the KSY and NPAG schemes has been quoted from the website of the Ministry of Women and Child Development, <http://wcd.nic.in>

## Universal coverage of habitations

The Supreme Court in various orders directed the Government of India and the State/UT governments to ensure not only that every child, adolescent girl and woman of required eligibility be covered, it also requires the scheme to be geographically universalised, or in other words that there is an anganwadi centre in every habitation.<sup>3</sup>

Accepting the submissions to the Supreme Court by the Commissioners that this would require at least 14 lakh anganwadi centres,<sup>4</sup> in the judgement of 13<sup>th</sup> December 2006 it was stated that "Government of India shall sanction and operationalize a minimum of 14 lakh AWCs in a phased and even manner starting forthwith and ending December 2008. In doing so, the Central Government shall identify SC and ST hamlets/habitations for AWCs on a priority basis." Although the government has not been able to meet the deadline set by the Supreme Court, there has been a lot of progress made since the passing of this order. As on March 2008 10.1 lakh anganwadis were operationalised of the 10.5 sanctioned anganwadis. Further in the end of 2008 the Government of India has sanctioned another 2.1 lakh anganwadis taking the total number of anganwadis to 14 lakh. The state governments and Government of India have to make serious efforts to ensure that these centres are operationalised at the earliest.

Sanctioned anganwadis as on March 2008	1052638
Anganwadis operationalised as on March 2008	1010912 (96%)
Number of new anganwadis sanctioned in the third phase of expansion (in 2008)	213859
Number of new mini-anganwadis sanctioned	77102
Total number anganwadis and mini-anganwadis	1380428
Additional provision for Anganwadi-on-demand	20000
Supreme Court orders on universalisation	14 lakh

According to an estimation made in the Sixth Report of the Commissioners, the procedures adopted for the recruitment of personnel, finalisation of locations of anganwadi centres and training of staff alone are anticipated to take over a year to complete. It was hence recommended that to the extent possible, administrative procedures be taken up simultaneously rather than sequentially to prevent delays in the expansion of the ICDS. The Government must seriously consider this recommendation.

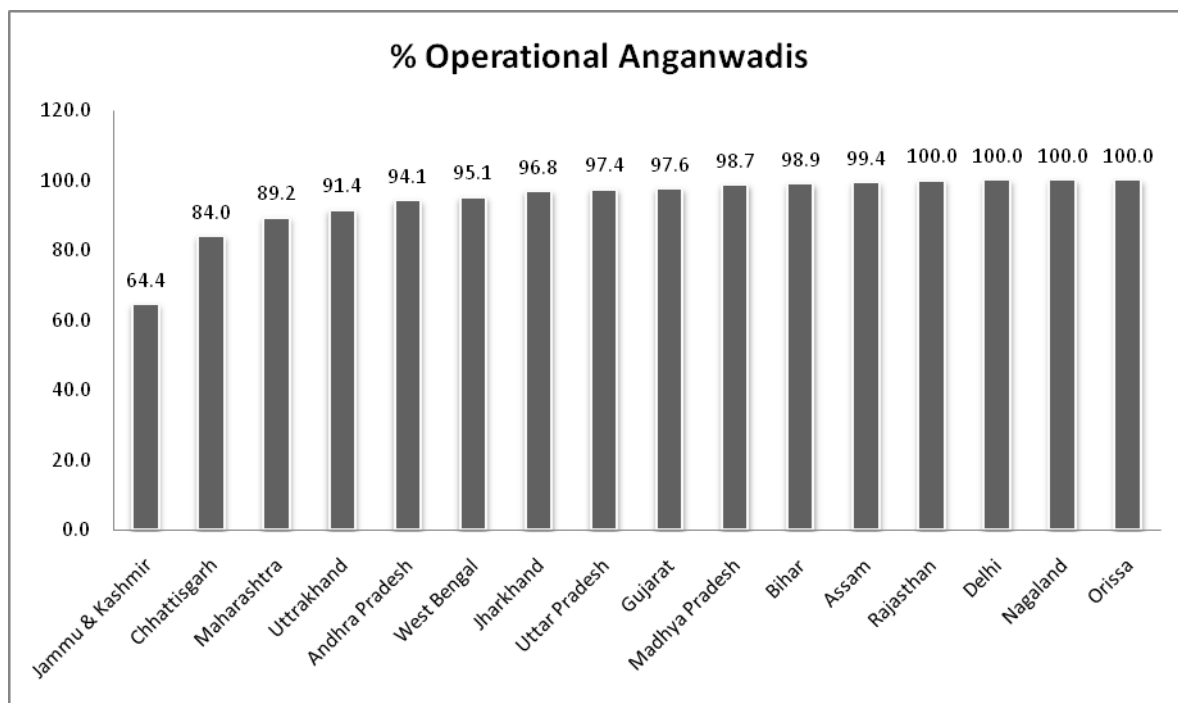
While most of the states have made good progress in the operationalisation of sanctioned anganwadi centres, Jammu and Kashmir is yet to operationalise more than 30% of the anganwadis. In Chhattisgarh and Maharashtra about 10-15% of the anganwadis are to be operationalised.

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<sup>3</sup> See order dated 28.11.2001 and order dated 13.12.2006

<sup>4</sup> 6<sup>th</sup> report of Commissioners and Letter to the Supreme Court from the Commissioners dated 19 July 2006 give details of how the figure of 14 lakh was arrived at.

### Status of operationalisation (of anganwadis sanctioned before March 2008)



### Coverage of SC/ST habitations

As mentioned earlier the Supreme Court directions specify that priority must be given to SC/ST hamlets and urban slums in the process of universalisation. The Commissioners have repeatedly written to all the state governments requesting them to conduct surveys to assess the number of SC/ST hamlets and urban slums in each state and whether these have all been covered by anganwadi centres. While many state governments have responded to these letters, specific surveys have not been conducted and it is not clear how the requirement figures have been arrived at. Further some states have not responded to the letters of the Commissioners. The data on the basis of these responses are presented in the table below. However this does not give a good idea of coverage of SC/ST hamlets because even states that have responded with information have not done so in the required format. This is probably because very few states have conducted separate surveys to firstly estimate the number of SC/ST hamlets in the states and then to establish whether they have all been covered by anganwadi centres or not.

S.No	States/Uts	Total No. of		No. having anganwadi centre		No. of urban slums	Total slum population	No. of AWCs in slums
		SC Habitations	ST Habitations	SC	ST			
1	Tamil Nadu	11199	1565	10785	906	630	1661725	1151
2	Karnataka	6353	2529	6812	2613	2578	1267759	2047
3	Haryana	390	0	390	0	970	2323237	2009
4	Punjab	6783	0	20169	0	1378	2405294	1775
5	Maharashtra	600	?		14633	Not Available	Not available	14205
6	Meghalaya	5	5574	5	3779	101	116100	190
7	Chhattisgarh	6567	27510	3716	13836	915	1227976	1264
8	Delhi	Will send after IIPA Study						
9	Tripura	277	1193	77	1088	Detailed exercise is yet to be done		
10	Puducherry	121	0	144	0	33	38944	52
11	Chandigarh	12	0	12	0	30	260144	234
12	Gujarat	117		110	10794	A survey of total number of SC/ST habitations and urban slums require to be conducted in the state within 6 months		3016
13	Andhra Pradesh	11193	18169	16534	10640			1354
14	Assam	No Response						
15	Bihar	No Response						
16	J and K	No Response						
17	Jharkhand	No Response						
18	Madhya Pradesh				30243	Order for survey issued in Feb 2008, but results not shared yet		

19	Nagaland	Data on no. of SC/ST beneficiaries given but not AWCs					11		11
20	Orissa	Data has been sent on total habitations and total required but not on the number that already exist							
21	Rajasthan	41024		31487		Data not given			
22	Uttar Pradesh	31808		28482		Data not given			
23	Uttarakhand	No Response							
24	West Bengal	28096	10010	20297	7501	8105	6352534	5863	

However, this situation will probably improve after the operationalisation of the anganwadi centres sanctioned under the 3<sup>rd</sup> phase of expansion of the ICDS scheme. The Government of India, in its guidelines to the states regarding the 3<sup>rd</sup> phase of expansion of the ICDS scheme states that:

“The sanction of new Projects/AWCs/Mini-AWCs and staff honorary workers is subject to the following conditions.....(ii) For location of AWCs: (a) Villages pre-dominantly inhabited by population belonging to SC/ST and minority community should be given priority; (b) Within a village also location of an AWC, as far as feasible, should be in the areas inhabited by population from SC/ST and minority community. **The State Governments must certify that all SC/ST and Minority community habitations have been saturated.....**”

The process of operationalisation of anganwadis must therefore be completed without delay and the state governments must also be directed to certify to the Supreme Court Commissioners that all SC/ST and Minority community habitations have been saturated, with supporting evidence, according to the guidelines of the Government of India and the orders of the Supreme Court. Further, similar guidelines must be issued by the Government of India in relation to coverage of urban slums as well.

### ICDS Finances

ICDS is a Centrally-sponsored Scheme implemented through the State Governments/UT Administrations with 100% financial assistance for inputs other than supplementary nutrition which the States were to provide out of their own resources. From 2005–2006, it has been decided to extend support to States up to 50% of the financial norms or 50% of expenditure incurred by them on supplementary nutrition, whichever is less. This Central assistance has been proposed to ensure that supplementary nutrition is provided to the beneficiaries for 300 days in a year as per nutritional norms laid down under the Scheme.<sup>5</sup>

The cost of supplementary nutrition varies depending upon recipes and prevailing prices. However, the Central Government issues guidelines regarding cost norms from time to time. The Government of India has in November 2008 issued new guidelines that are to be effective from 2009-10.

### New Financial Norms

	Existing Rates (per beneficiary per day)	Revised (per beneficiary per day)
(i) Children (6 months to 72 months)	Rs. 2.00	Rs. 4.00
(ii) Severely malnourished Children (6 months to 72 months)	Rs. 2.70	Rs. 6.00
(iii) Pregnant women and Nursing mothers	Rs. 2.30	Rs. 5.00

The cost sharing ratio between Centre and States to be effective from 2009-10 (for these new cost norms) are as under:

- (i) 90:10 for all components including SNP for North East
- (ii) 50:50 for SNP and 90:10 for all other components for all States other than North East

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<sup>5</sup> <http://wcd.nic.in/>

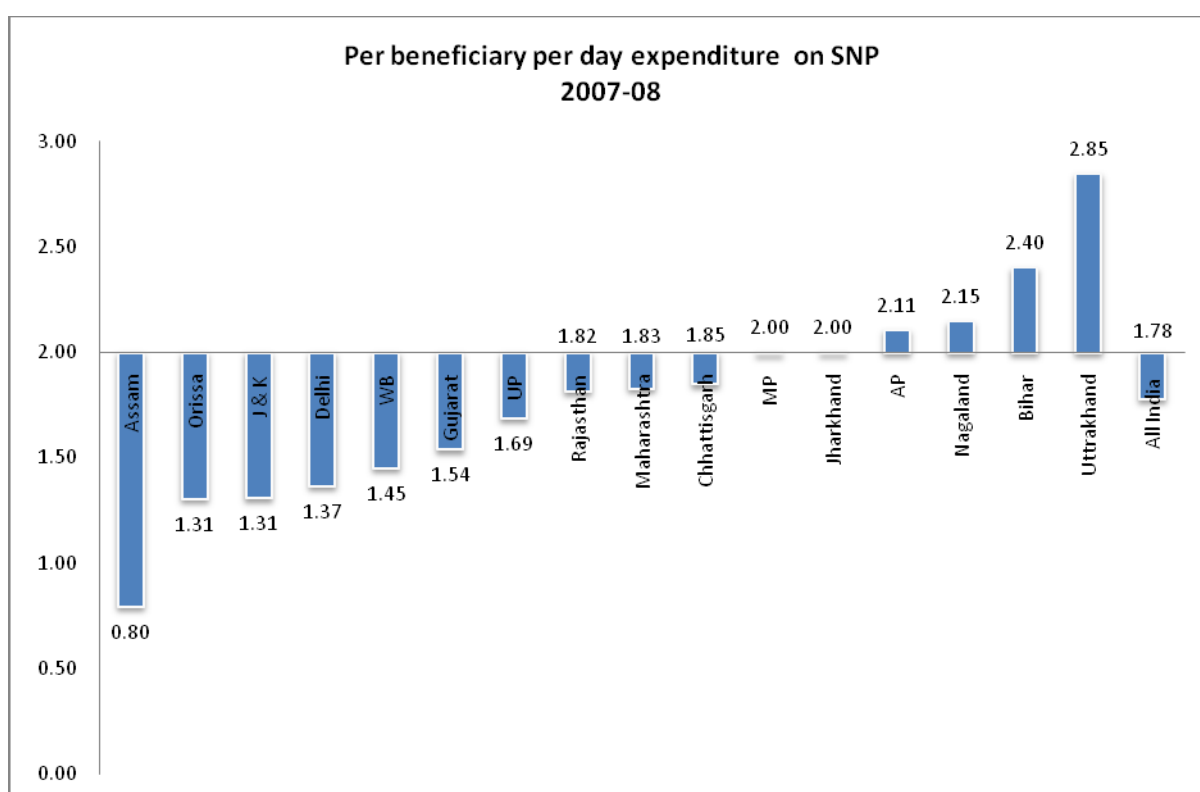
## Expenditure for SNP under ICDS: in relation to present beneficiaries

The Supreme Court in its order dated 13<sup>th</sup> December 2006 states that:

“All the State Governments and Union Territories shall fully implement the ICDS scheme by, inter alia,

- (i) allocating and spending at least Rs. 2/- per child per day for supplementary nutrition out of which the Central Government shall contribute Rs. 1/- per child per day.
- (ii) allocating and spending at least Rs. 2.70 for every severely malnourished child per day for supplementary nutrition out of which the Central Government shall contribute Rs. 1.35 per child per day.
- (iii) allocating and spending at least Rs. 2.30 for every pregnant women, nursing mother/adolescent girl per day for supplementary nutrition out of which the Central Government shall contribute Rs. 1.15.”

Since the central government releases funds to the states for SNP based on the expenditure of states for this purpose, it is more important to look at expenditure rather than allocations on SNP. In this section we look at the actual amount that was spent on SNP in the year 2007-08. Per beneficiary per day expenditure is calculated as (total expenditure on SNP/no. of beneficiaries)/300 since SNP is to be provided for 300 days in a year. (The beneficiaries included are children in the age group of 6 months to 6 years and pregnant and lactating mothers. Adolescent girls have not been included because the nutrition for this age group is given out of a separate budget.) Based on this calculation we find that at an All India level Rs. 1.78 was spent on each beneficiary per day in 2007-08 (beneficiaries include both pregnant and lactating mothers and children under six). The states that spent less than Rs. 2 per beneficiary per day are Assam, Orissa, Jammu and Kashmir, Delhi, West Bengal, Gujarat, Uttar Pradesh, Rajasthan, Maharashtra and Chhattisgarh.



State spending less Re.1 per beneficiary per day: Assam

States spending less Rs. 1.50 per beneficiary per day: Gujarat, West Bengal, Delhi, Jammu and Kashmir, Orissa and Assam

### Severe Undernutrition

The main objective of the ICDS scheme is to tackle malnutrition among children under six. The National Family Health Surveys that are conducted at regular intervals give an estimate of the percent of under-nutrition in different states in the country. In the table below is the percent of children under three who are severely underweight based on the NFHS surveys in 1998-99 and 2005-06. It is seen that according to the latest survey 15.8% of children are severely underweight in the country and this has decreased by only 2.2% in the seven year period between the two rounds of the NFHS survey. Further, in some states the percent of children who are severely underweight has actually increased in this period.

**States in which the percent of severely underweight children increased:** Madhya Pradesh and Gujarat

**States in which there was a less than 2% fall in the percent of severely underweight children:** Andhra Pradesh, Bihar, Delhi and Assam.

State	% Children Severely Underweight (children under 3)		
	Weight for Age Percentage below - 3SD		
	NFHS3 (2005-6)	NFHS2 (1998-99)	% decrease
India	15.8	18	2.2
Madhya Pradesh	27.3	24.3	-3
Gujarat	16.3	16.2	-0.1
Andhra Pradesh	9.9	10.3	0.4
Bihar	24.1	25.5	1.4
Delhi	8.7	10.1	1.4
Assam	11.4	13.3	1.9
Tamil Nadu	6.4	10.6	4.2
West Bengal	11.1	16.3	5.2
Rajasthan	15.3	20.8	5.5
Uttar Pradesh	16.4	21.9	5.5
Maharashtra	11.9	17.6	5.7
Orissa	13.4	20.7	7.3
Chhattisgarh	16.4		
Jharkhand	26.1		
Uttaranchal	15.7		

However, the data maintained at the Anganwadi Centres shows gross under-reporting of severely (grade III and IV) malnourished children. According to a report prepared by NIPPCD for the Ministry, the percentage of Grade III and Grade IV as per state government records is now only 1 percent in 2006. In case of 3-5 years children the percentage of children in Grade III & IV has reduced to 0.8 percent (2006). These figures are totally at variance with the NFHS-III figures of 15.8% children being severely malnourished. The field officials are thus able to escape from any sense of accountability for reducing malnutrition. GOI should be asked to pull up states so that they accept the NFHS-III figures, and take appropriate measures for correcting district records and show actual rates for malnutrition.

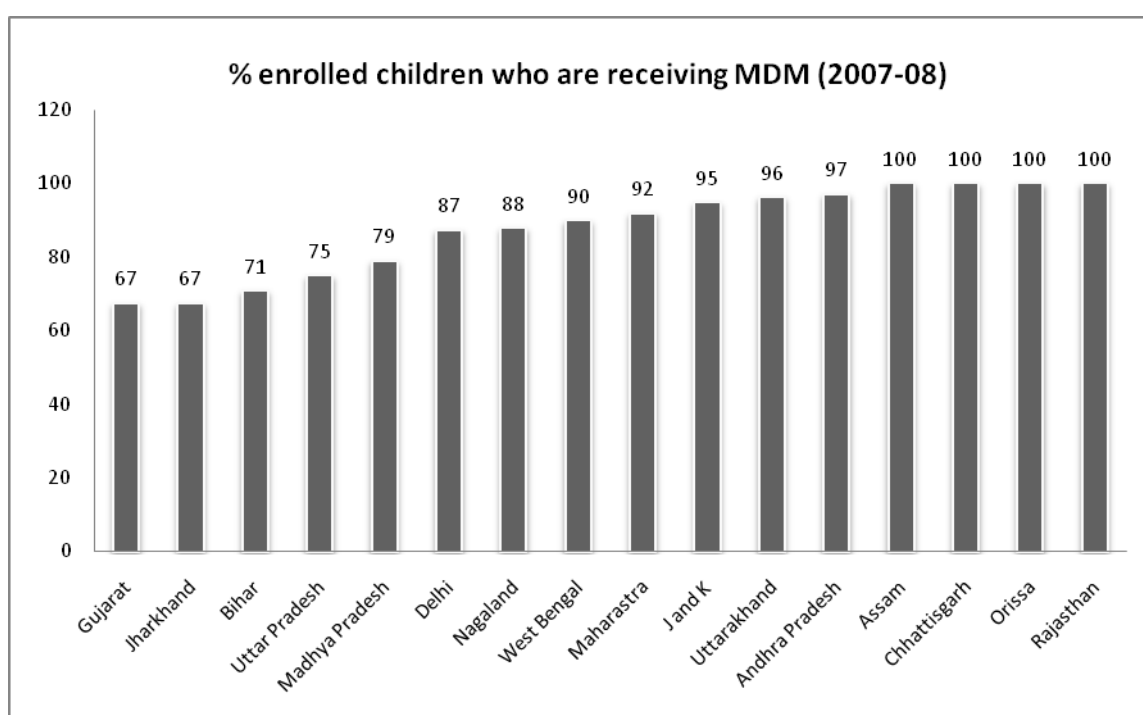
## Recommendations:

- Government of India must operationalise all the sanctioned anganwadis at the earliest.
- A simple procedure for setting up an “anganwadi on demand” must be put in place so that an AWC is sanctioned and operationalised within three months of such a demand being made, in accordance with the order of the Supreme Court dated 13th December 2006.
- Children in the 3–6 year age group should be provided a hot cooked meal at the anganwadi centre everyday. The SNP so provided should be age-appropriate, culturally appropriate, nutritious and locally procured.
- Make adequate budget allocations for the ICDS programme so as to be able to provide SNP to every child under six, every pregnant and lactating mother and every adolescent girl.
- The Government of India must make provisions for supplementary nutrition for all adolescent girls at the same norms as has been set for SNP for pregnant and lactating mothers.
- Strict action must be taken at all levels against the false reporting of data that shows inflated figures of enrolment and deflated figures of malnutrition. To check on this practice of false reporting a system of independent monitoring must be put in place, such that a sample of the households are routinely checked and the data verified by that reported by the ICDS.

## II Mid Day Meal Scheme

The Supreme Court in its order dated 28<sup>th</sup> November 2001 directed that “The State Governments /Union Territories to implement the Mid Day Meal Scheme by providing every child in every Government and Government assisted Primary Schools with a prepared mid day meal with a minimum content of 300 calories and 8–12 grams of protein each day of school for a minimum of 200 days”. Although the states were initially slow in implementing this order, it is seen that presently in all the states provision of a cooked mid-day meal for primary students has become the policy. The Government of India has now also extended the scheme to cover children in the upper primary schools.

The figure below looks at coverage of children under the mid-day meal scheme vis-à-vis enrolment of children in government schools.



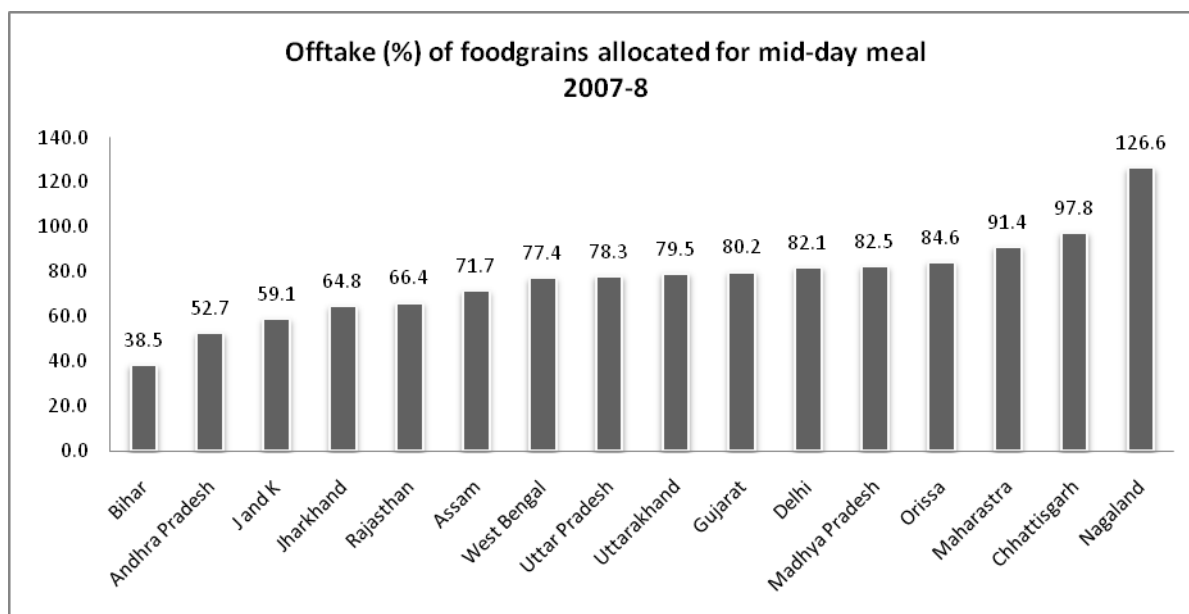
While the coverage is high in most states, it is still not 100% in many.

States with less than 70% coverage: Gujarat and Jharkhand

States with less than 80% and more than 70% coverage: Bihar, Uttar Pradesh, Madhya Pradesh

### Utilisation of Foodgrains

In the graph below, we look at the allocation and offtake of foodgrains under the mid-day meal scheme. Less than 80% of the grain allocated for the mid-day meal scheme was actually lifted by many of the state governments. Since the allocations are based on estimates of enrolments and attendance, this means that either not all institutions/children were covered under the mid-day meal scheme or that the quality of the mid-day meal was compromised in the sense that not enough quantity of food was given to the children or that mid-day meal was not provided on all working days.



States that lifted less than 60% of the grain allocated: Bihar, Andhra Pradesh and Jammu and Kashmir

States that lifted less than 80% (and more than 60%) of the grain allocated: Assam, West Bengal, Rajasthan, Jharkhand, Uttar Pradesh and Uttarakhand.

## Cooking Costs

### Cost of meal per child per day\*

S.No.	State	2007-08
1	Andhra Pradesh	2.25
2	Assam	2
3	Bihar	2.5
4	Chhattisgarh	2.5
5	Delhi	2
6	Gujarat	4.14
7	J and K	2
8	Jharkhand	2.50
9	Maharashtra	2.23
10	Madhya Pradesh	2.00
11	Nagaland	2.51
12	Orissa	2.14
13	Rajasthan	2.00
14	Uttar Pradesh	2.00
15	Uttarakhand	3.10
16	West Bengal	3

\* as per State Expenditure Norm including Central Assistance & State contribution (Unit Cost) [Excluding Cost of Food grains]

According to the revised guidelines of 2006, the cooking cost to be allocated per child per day is Rs.2 with the centre contributing Rs.1.50 subject to the state government spending Rs.0.50. Looking at the data available for

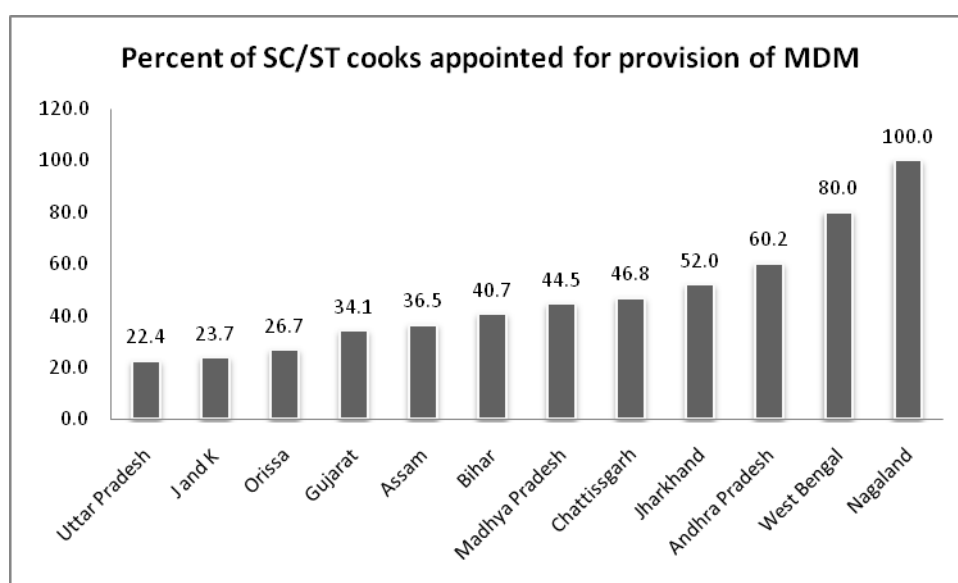
16 states for the year 2007–2008, from the Annual Work Plan & Budget documents of 2008–2009, all of these states have claimed to have allocated to Rs. 2 per child per day or even more.

### Appointments of cooks and helpers under the MDMS

A clear order was passed by the Supreme Court on 20 April 2004 stating that preference must be given to dalits, SCs and STs in the appointment of cooks and helpers. The table below gives the proportion of SC/ST cooks in some states.

#### Staff (Cook/helper/others) employed under Mid Day Meal Scheme (as reported by State Governments)

S.N	State	SC	ST	OBC	Minority	Others	Total
1	Andhra Pradesh	64000	12808	12001	2060	36631	127500
2	Assam	12290	24991	26963	27550	10328	102122
3	Bihar	34877	2248	37056	10308	6772	91259
4	Chattisgarh	2378	9699	6186	111	7456	25830
5	Delhi	In Delhi state cooked mid-day meal is out sourced. So the expenses on utensils for cooking & serving service are being managed by the NGOs/suppliers themselves.					
6	J and K	1822	2978	1957	158	13307	20222
7	Jharkhand	11389	27050	24459	4394	6579	73871
8	Maharastra	* Note cooks helpers are not employed by Government of Maharashtra. So information required in above table is nil					
9	Madhya Pradesh	31700	41965	62953	3421	24490	165474
10	Nagaland	—	1389	—	—	—	1389
11	Orissa	9732	20650			83301	113683
12	Rajasthan	Staff is not provided by this Department to School. SDMC/Centralized kitchen operators are engaging staff (cooks) as per their requirement.					
13	Uttar Pradesh	70,097	1,638	2,01,737	13,341	33,228	3,20,041
14	Uttarakhand	Not maintained at District/SPO level					
15	West Bengal	77020	35009	19605	7002	1400	140036
16	Gujarat	6336	23238	38819	0	18250	86643



States with less than 40% SC/ST cooks: Uttar Pradesh, Jammu and Kashmir, Orissa, Gujarat and Assam.

States with less than 50% but more than 40% SC/ST cooks: Bihar, Madhya Pradesh and Chhattisgarh

### Utilisation of Budgets

S.No	State	Allocations in State /UT Budget			Total Expenditure	% Utilisation
		Central Assistance (Reimbursement)	State Contribution	Total		
1	Andhra Pradesh	17266.56	18000.0	35266.6	17633.3	50.0
2	Assam	6265.39	1530.0	7795.4	8326.0	106.8
3	Bihar	28318.17	19400.0	47718.2	47718.2	100.0
4	Chhattisgarh	10245.09	6844.8	17089.9	7998.3	46.8
5	Delhi	3285.04	901.0	4186.00	2546.2	60.8
6	J and K	2742.94	1186.3	3929.2	1939.4	49.4
7	Jharkhand	17160.93	11020.0	28180.9	9089.1	32.2
8	Maharashtra	25328.3	8771.3	34099.6	45546.0	133.6
9	Madhya Pradesh	19538.22	9605.5	29143.7	20176.0	69.2
10	Nagaland	761.85	300.0	1061.9	885.9	83.43
11	Orissa	24636.14	6719.4	31355.6	30041.5	95.8
12	Rajasthan	24325.40	9500.0	33825.4	14789.9	43.7
13	Uttar Pradesh	49420	16400.0	65820.0	40585.0	61.7
14	Uttarakhand	2304.21	1536.1	3840.4	2457.6	64
15	West Bengal	30620	23726.5	54346.5	37577.9	69.1

States with less than 50% utilisation: Chhattisgarh, Jammu & Kashmir, Jharkhand and Rajasthan

States with less than 70% utilisation (but more than 50%): Delhi, Madhya Pradesh, Uttar Pradesh, Uttarakhand and West Bengal.

### **Recommendations**

- Currently the mid-day meal is provided only to children who are attending schools, whereas the most vulnerable children in the school going age are out of schools working as child labour, street children etc. The mid-day meal should be expanded to cover all children in the school-going age, irrespective of whether they are enrolled in school. The location of the meal served can continue to be the school, this might further encourage those out of school to join schools.
- The provision for cooking costs under the mid-day meal should be increased to Rs. 3/- per child per day (not including foodgrains costs) from the current Rs. 2/- per child per day in order to be able to provide a nutritious and filling meal to the child. Further this norm should be inflation-linked, in the sense that it is constantly reviewed based on the price indices.
- Proper infrastructure for mid-day meals should be mandatory, including cooking sheds, storage space, drinking water, ventilation, utensils, etc.
- Priority should be given to disadvantaged communities (especially Dalits and Adivasis) in the appointment of cooks and helpers. All cooks and helpers should be paid no less than the statutory minimum wage.

### III National Maternity Benefit Scheme (JSY for non-institutional deliveries)

The Supreme Court in its order dated November 28th, 2001 directed the State Governments/ Union Territories to implement the National Maternity Benefit Scheme (NMBS) by paying through the Sarpanch or elected head of the village panchayat, to all BPL pregnant women a maternity allowance of Rs. 500/-, 8–12 weeks prior to delivery for each of the first two births. In other words, the most important feature of this order of the Supreme Court of India is to convert the scheme into a universal entitlement of all BPL pregnant women.

The NMBS was merged into the Janani Suraksha Yojana (JSY), a scheme for promoting institutional deliveries which was introduced by the government of India in 2005. While in principle, the benefits of the NMBS remained in the newly modified JSY, this caused a lot of confusion on the ground with the objectives of the two schemes being different. While the objective of NMBS was to provide nutrition support during pregnancy, the objective of JSY was to give incentives for women to have an institutional delivery. As a result many women who were eligible for benefit under NMBS and had a home delivery were not getting any benefit. The Supreme Court in its order dated 20 November 2007 clarified that the NMBS must continue and an amount of Rs. 500/- should be paid irrespective of number of children and age of women, 8–12 weeks prior to delivery.

While the incentive for institutional deliveries is a priority for the Government, the same is not true as far as giving maternity benefits for those having home deliveries. This is seen also in the guidelines of the JSY where the benefits of JSY have been extended to all women having a delivery in a government institution irrespective of whether she belongs to the BPL category or not, whereas the BPL criterion remains for the home delivery component. However, the Court orders state that the benefits are for women in the BPL category alone. This section therefore only looks at the number of women who have had home deliveries and have been covered by maternity benefit, as the other component of the scheme has now been merged with JSY.

#### Coverage of Home Deliveries

Reports from the field continue to indicate that in spite of repeated reminders from the Supreme Court and the Commissioners, in many states it is only those women who are having an institutional delivery who are receiving benefit, while the ground level functionaries say that women having home deliveries are not eligible for any cash assistance.

In the table below we look at the number of home deliveries in the state and number of women receiving the NMBS out of this, as reported by the Ministry of Health and Family Welfare, in its correspondence with the Office of the Commissioners to the Supreme Court.

As can be seen in the table below, the number of women who have had a home delivery and have received benefit under the NMBS/JSY is very low in most states. Only Jharkhand has reported giving more than 80% of women how have delivered at home, a benefit under the scheme. ALL other states have reported a coverage of less than 50%.

States with NO coverage of home deliveries: Andhra Pradesh, Bihar and Nagaland

States with less than 20% coverage of home deliveries: Chhattisgarh, Assam, Uttar Pradesh, Rajasthan, Madhya Pradesh and Jammu& Kashmir.

## Coverage of Home Deliveries under NMBS/JSY

STATE	Total number of home deliveries	Number of JSY beneficiaries for 2007-08			% of home deliveries receiving NMBS
		Home Delivery	Institutional Delivery	Total no. of beneficiaries	
Delhi	NA	NA	0	7238	NA
Gujarat	NA	78868	107088	185956	NA
Jharkhand	264919	216879	34988	251867	81.9
West Bengal	581343	235181	337470	572651	40.5
Maharashtra	456164	156000	219000	375000	34.2
Orissa	260981	78883	411774	490657	30.2
Uttarakhand	89282	26706	42973	69679	29.9
Chhattisgarh	414599	74229	101749	175978	17.9
Assam	136758	8621	296120	304741	6.3
Uttar Pradesh	2282094	91432	706073	797505	4.0
Rajasthan	446938	15225	759652	774877	3.4
Madhya Pradesh	495620	9702	1106239	1115941	2.0
Jammu & Kashmir	46846	530	10038	10568	1.1
Andhra Pradesh	180589	0	563401	563401	0.0
Bihar	263367	0	838481	838481	0.0
Nagaland	7554	0	8457	8457	0.0
<b>Total (All India)</b>	<b>6340357</b>	<b>1130736</b>	<b>6190627</b>	<b>7328601</b>	<b>17.8</b>

(It is assumed here that all women who have home deliveries would be eligible for NMBS).

### Finances for JSY

The funds for the implementation of the scheme were released as part of the RCH flexi pool and so no separate allocation figures are available for JSY. We therefore look at the utilisation of the funds allocated under the RCH flexi pool. Of the states that are being covered in this report, Orissa (Rs. 12.5 crores), Nagaland (Rs. 1.41 crores), Gujarat (Rs. 18.85 crores) and Maharashtra (Rs. 111.45 crores) showed an unspent balance under the RCH flexi pool (including JSY) funds in the year 2007-08. The figures in the brackets indicate the amount of the unspent balance. (Source: MIS for NRHM available on <http://mohfw.nic.in/NRHM.htm>, accessed on 02.03.2009)

### Recommendations

- The Government of India must issue clear guidelines that the benefit under the NMBS/JSY scheme is to be provided for ALL BPL pregnant women irrespective of place of delivery, age and number of children. In spite of repeated clarifications and reminders by the Supreme Court and the Commissioners it is seen that women who have home deliveries, those less than 19 years of age and those with more than two children are not being given any benefit under this scheme.
- There is a need to estimate the food security requirements of pregnant women and also to account for inflation and raise the cash assistance of NMBS accordingly. The NMBS amount should be raised to at least Rs.1600 and then must be pegged to the Consumer Price Index for Agricultural Labour (so that it becomes inflation adjusted).
- The Government of India must allocate resources for NMBS to cover all beneficiaries, and the state governments must be directed to utilize the entire resources.

## IV National Social Assistance Programme

### (Indira Gandhi) National Old Age Pension Scheme (NOAPS)

NOAPS is a monthly pension scheme for the aged destitute. NOAPS has recently been modified into the Indira Gandhi National Old Age Pension Scheme (IGNOAPS) under which ALL old people above 65 years of age ( and BPL) are eligible for pension and the contribution of the Government of India has been raised to Rs. 200/- per month. The Government of India urges state governments to make an equal contribution, thereby increasing the pension amount to Rs. 400/- per month.

The Government of India uses the new poverty ratio of 28 per cent, instead of the earlier 36 per cent, in making the allocations under this scheme. The central government is bound by the court's orders to continue to use the ratio of 36 per cent (applied to the current population estimates for 2006-07) to calculate the percentage of persons eligible for assistance under NOAPS. The Government of India has already accepted this principle and interpretation of the orders of the Supreme Court in not reducing the ratio of TPDS allocations. There is no case for the reduction of support to this most food insecure group, which is most vulnerable to starvation.

Therefore, in this report we calculate the number of persons eligible for benefit under the NOAPS (and NFBS and NMBS) based on the formula above using population projection figures for 2006 and poverty ratio based on Modified Expert Group Report for 1993-94 (i.e. 36% for all India).

#### Coverage

The Supreme Court in its order dated 28 November 2001 directed all state governments to ensure that all eligible old people are paid pension regularly, before the 7<sup>th</sup> of every month.

#### Coverage of Old People under the IGNOAPS

Sl. No.	States/UTs	No. of old age beneficiaries under IGNOAPS*	Estimated no. of beneficiaries using 36% poverty line and projected population for 2006#	% Coverage
1	Assam	628949	438000	143.6
2	Delhi	98615	86000	114.7
3	Madhya Pradesh	1396213	1255000	111.3
4	Chhattisgarh	437218	446250	98.0
5	Andhra Pradesh	919230	953000	96.5
6	Uttar Pradesh	2558065	3305000	77.4
7	Bihar	1415179	2029000	69.7
8	Gujarat	434607	659000	65.9
9	Jharkhand	366236	591800	61.9
10	J & K	77649	127000	61.1
11	Orissa	643400	1064000	60.5
13	Rajasthan	445449	765000	58.2
14	Uttarakhand	76385	200819	38.0
15	Maharashtra	828193	2329000	35.6
16	West Bengal	451845	1498000	30.2
	<b>TOTAL (ALL INDIA)</b>	<b>12750358</b>	<b>18555000</b>	<b>68.7</b>

\* Source: Commissioners' Correspondence with Ministry of Rural Development, Govt. of India

# Estimated using the formula Projected Population of 65+ age group (based on population projections of Census of India) \* Poverty Ratio (based on Modified Expert Group for 1993-94, for Jharkhand, Chhattisgarh and Uttarakhand where separate

poverty estimates are not available for 1993-94, the estimates for Bihar, Madhya Pradesh and Uttar Pradesh respectively have been used)

While the number of beneficiaries has increased tremendously from 86.4 lakhs in the year 2006-07 to 1.27 crores in the year 2007-08, this is not much when seen in the context that in 2007 the coverage of the NOAPS was extended from 50% of BPL to all old persons below the poverty line. The coverage therefore must have at least doubled to 1.7 crores. This shows that some states have been lax at extending the benefit to all old persons below the poverty line, when the national scheme was modified in 2007. The coverage at the All India level was about 69%.

States with less than 40% coverage: Uttarakhand, Maharashtra and West Bengal

States with less than 70% and more than 40% coverage: Bihar, Gujarat, Jharkhand, Jammu & Kashmir, Orissa and Rajasthan

### Amount of Pension and Mode of Payment

The Government of India contributes Rs. 200 towards the monthly pension amount and expects state governments to make a matching grant thereby increasing the monthly pension for old people to Rs. 400. However many states are not making such a matching allocation. The states of Andhra Pradesh, Bihar, J&K, Orissa, Nagaland, Assam, Madhya Pradesh, Chhattisgarh and Uttar Pradesh are paying a monthly pension of less than Rs. 400 a month.

### Amount of Pension and Mode of Payment

Sl. No.	States/UTs	Amount of pension paid per month per beneficiary (Rs.)	Mode of Payment
1	Andhra Pradesh	200	Cash
2	Bihar		Post-office
3	J & K		Bank
4	Orissa		Money Order
5	Nagaland		Cash
6	Assam	250-300	Bank
7	Madhya Pradesh		PO/Bank
8	Chhattisgarh		Cash & Bank
9	Uttar Pradesh		Bank
10	Gujarat	400	Bank
11	Jharkhand		Post-office
12	Rajasthan		PO/Bank
13	Uttarakhand		Money Order
14	West Bengal		Post-office
15	Maharashtra	500	PO/Bank
16	NCT Delhi	1000	Bank

It is also seen that most of the states have shifted to payment based on banks, post-office or money orders. While this is a positive step it has to be evaluated to ensure that any loopholes in this system are not being used to divert the pension amount or to demand bribe from the pensioners.

While it is seen that many states are giving an amount less than Rs. 200 per month, it must also be mentioned that many states are contributing from their own funds towards pension for old people in the age group of 60-64, who are not covered by the National Old Age Pension Scheme.

States giving pensions to people above 60 years of age: Andhra Pradesh, Chhattisgarh, Goa, Himachal Pradesh, Jharkhand, Madhya Pradesh, Orissa, Punjab (for women), Rajasthan (above 58 for men and above 55 for women), Uttar Pradesh, Uttarakhand, Chandigarh, Delhi and Pondicherry.

### National Family Benefit Scheme

The National Family Benefit Scheme provides for central assistance under the scheme of Rs.10,000/- in the case of death of the primary bread-winner. The Supreme Court order of November 2001 directs that all BPL families are to be paid Rs. 10,000/- within four weeks through the local Sarpanch when the breadwinner dies.

### Coverage

In table below the actual coverage of beneficiaries in NFBS is compared with the estimated number of beneficiaries. The estimated number of beneficiaries is calculated based on the following formula:

Population of 20-64 age group x Poverty Ratio Age specific mortality in 20-64 age group

As mentioned above the poverty ratios of 1993-94 are used.

### Coverage under NFBS

Sl. No.	States/UTs	No. of Beneficiaries reported under NFBS	Estimated number of beneficiaries for NFBS*	% Coverage under NFBS
1	West Bengal	48132	36705	131.1
2	J & K	6123	5404	113.3
3	Madhya Pradesh	40000	41800	95.7
4	Orissa	30453	31812	95.7
5	Andhra Pradesh	17261	24646	70.0
6	Bihar	27476	55377	49.6
7	Chhattisgarh	9782	21350	45.8
8	Gujarat	7128	18268	39.0
9	Maharashtra	19488	50065	38.9
10	Uttar Pradesh	41705	109687	38.0
11	Assam	7514	21530	34.9
12	Nagaland	210	1227	17.1
13	Jharkhand	4378	28646	15.3
14	NCT Delhi	400	2997	13.3
15	Rajasthan	703	18808	3.7
16	Uttarakhand		7522	0.0
	TOTAL (All India)	334153	571372	58.5

\* Mortality figures for age group 20-64 years as per projected population as on 1.3.2006 and SRS 2003 and poverty estimates based on Modified Expert Group for 1993-94, for Jharkhand, Chhattisgarh and Uttarakhand where separate poverty estimates are not available for 1993-94, the estimates for Bihar, Madhya Pradesh and Uttar Pradesh respectively have been used)

The coverage under the scheme has greatly improved compared to last year, but is still very low. While in 2006-07, 30% of the eligible beneficiaries were covered under the NFBS, in 2007-08, 58.5% of the estimated number

of eligible beneficiaries was covered under this scheme. However, some states continue to perform very poorly even when compared with this very low national average.

States with less than 20% coverage under NFBS: Jharkhand, Delhi, Rajasthan and Uttarakhand

States with less than 50% and more than 20% coverage under NFBS: Bihar, Chhattisgarh, Gujarat, Maharashtra, Uttar Pradesh and Assam

### Finances for NSAP

The funds are allocated for NSAP by the Central Government combined for the both the schemes and the states respectively decide the proportion to be spent on each of the three schemes. The table below looks at the utilization of the funds allocated for this scheme in the year 2007-08.

### Combined Allocation and Expenditure under NSAP

Sl. No.	States/UTs	Allocation for 2007-08	Total Release 2007-08	Total Utilization	% Utilisation
1	J & K	1863.99	1863.99	3317.96	178.0
2	Uttar Pradesh	33106.56	33106.56	58176.00	175.7
3	Bihar	25909.42	25909.42	34890.00	134.7
4	Orissa	18479.38	18479.38	20932.54	113.3
5	West Bengal	17012.92	17012.92	19129.91	112.4
6	Gujarat	2468.01	2468.01	2503.63	101.4
7	Uttarakhand	1841.90	1841.90	1845.78	100.2
8	Chhattisgarh	11090.26	11090.26	10424.73	94.0
9	Assam	16872.45	16872.45	15464.00	91.7
10	Andhra Pradesh	20232.26	20232.26	17965.91	88.8
11	Madhya Pradesh	24397.63	24397.63	17387.81	71.3
12	Nagaland	789.22	789.22	525.95	66.6
13	NCT Delhi	3640.00	3640.00	2407.00	66.1
14	Rajasthan	15959.34	15959.34	10199.60	63.9
15	Jharkhand	14180.12	14180.12	8647.52	61.0
16	Maharashtra	20199.06	20199.06	11865.00	58.7
	TOTAL	289148.17	288973.21	307424.92	106.4

States that have utilised less than 80% of budget allocated under NSAP: Madhya Pradesh, Nagaland, Delhi, Rajasthan, Jharkhand and Maharashtra

### Recommendations

- For NOAPS to start with the ratio of 36% (applied to the current population estimates for 2006–2007) should be used to calculate the percentage of persons eligible for assistance under NOAPS. Over time, it should cover all old people below poverty line as well as those from SC ST, and reduce the age criteria to above 60 years instead of 65, as has been done in many states.
- Old age pension must be pegged to inflation rates, using a floor of Rs. 400/- for the year 2006–2007.
- NFBS amount must be increased and must cover deaths of any 18–64 year old member of the family in a BPL household, using the ratio of 36% (applied to the current population estimates for 2006–2007) to calculate the percentage of persons eligible for assistance under NFBS.

## V Targeted Public Distribution System and Antyodaya Anna Yojana

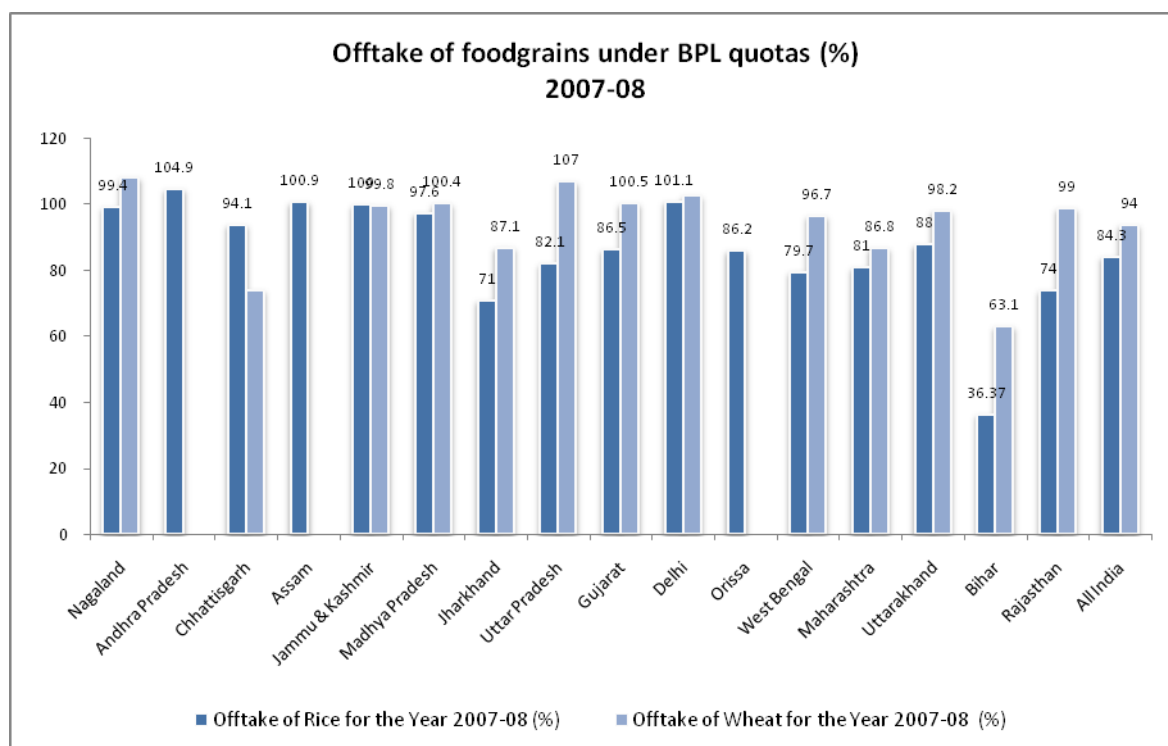
The Targeted Public Distribution system (TPDS), is one of the largest food schemes that was brought under the ambit of SC orders in the case PUCL v. UoI, CWP 196/ 2001. It is also the largest scheme in terms of the coverage with over 500 million of the population, receiving benefits under the scheme.

At present, 35 kgs of rice or wheat are provided at subsidised rates to families below the poverty line. The Below Poverty Line (BPL) families are identified by the State Governments and about 40% of these families receive an additional subsidy under the Antodaya Anna Yojana (AAY) which entitles them to the same quantity of food grains but at roughly half the price of that which is sold to the other BPL families.

Since many of the issues which are affecting the smooth functioning of the PDS are the subject of the Central Vigilance Committee (CVC) on the PDS appointed by the Supreme Court, this report will only focus on some of the broad issues of performance of the scheme. There are also larger issues related to the estimation and the identification of the poor which directly affect the functioning of this scheme, some of this was taken up in the previous report of the Commissioners (Seventh Report of the Commissioners to the Supreme Court) and in a letter to the Supreme Court from the Commissioners dated 15<sup>th</sup> October 2007.

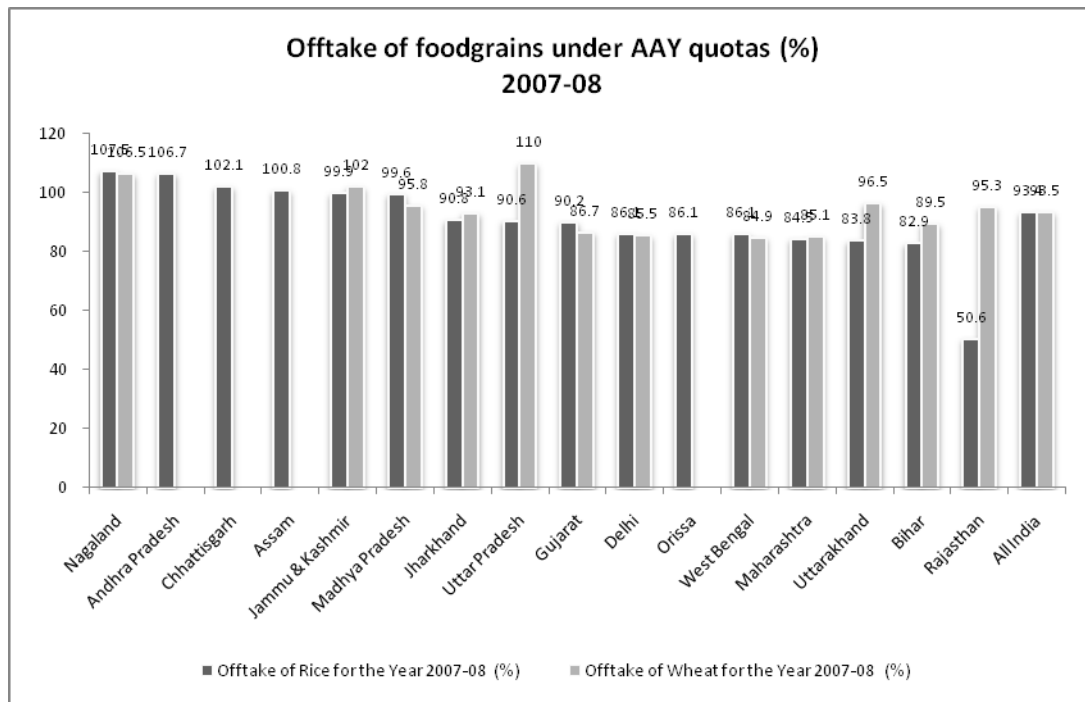
### Offtake of foodgrains allocated under TPDS for BPL:

States with less than 80% offtake of Rice under BPL: West Bengal, Rajasthan, Jharkhand and Bihar. The performance of Bihar is particularly poor with only 36.37% offtake of allocated rice under BPL.



Source: Foodgrain Bulletin, November 2008

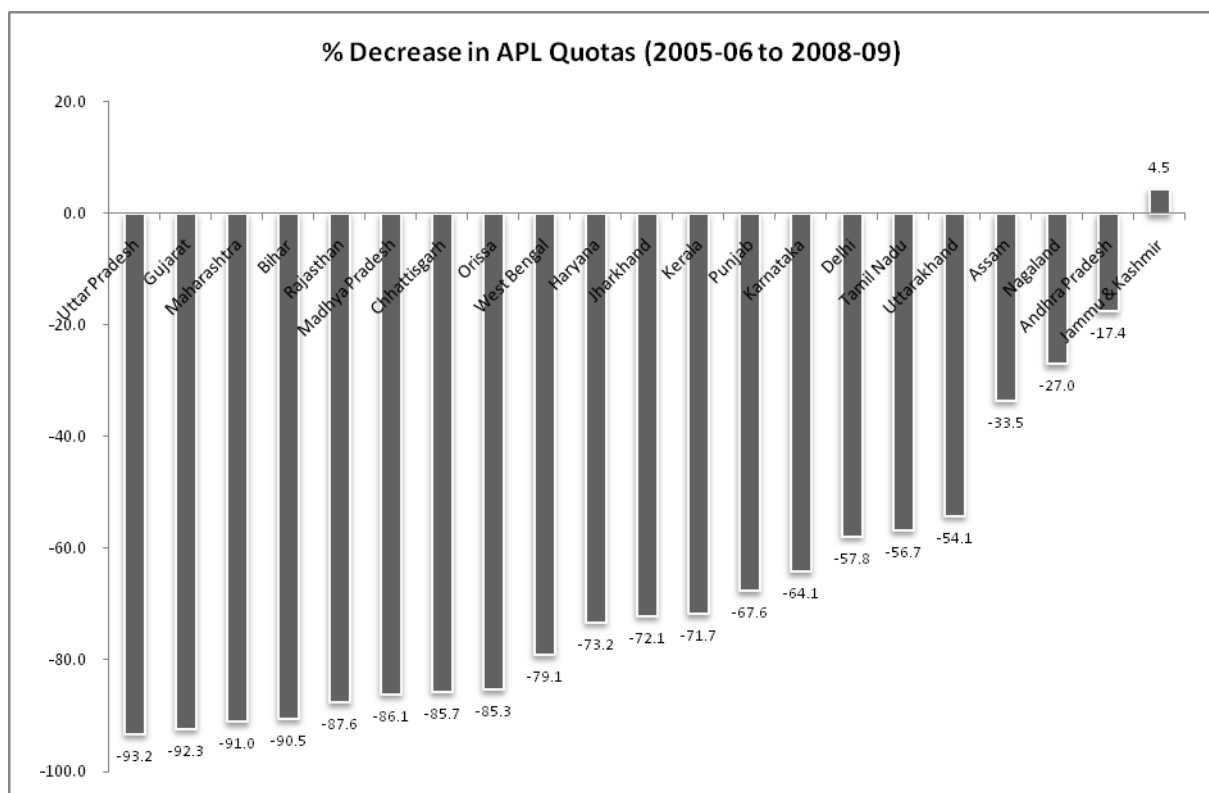
### Offtake of foodgrains allocated under TPDS for AAY:



Source: Foodgrain Bulletin, November 2008

States with less than 80% offtake of rice under AAY: Rajasthan

### Reduction in APL Quota



Source: Foodgrain Bulletin, April 2009 (For details see Annexure Table No. 6)

The Government of India in the year 2006-07 decided to reduce the foodgrains allocated under the APL quota, based on an average of the previous three years offtake in each state. This resulted in a preferential allocation of APL quota for certain states that are not the poorest as can be seen in the figure above. Those states which have from earlier been using the APL quotas, such as Andhra Pradesh and Tamil Nadu have benefitted with smaller cuts in their APL quotas of foodgrains whereas states such as Uttar Pradesh, Gujarat, Maharashtra and Bihar which had a lower offtake now have even lower allocations. Because of this unfair allocation in the foodgrains, the states which were previously inefficient now do not have the option to expand and improve their efficiency. The states which performed poorly were the states which were also the poorest in the country such as Uttar Pradesh and Bihar; and such a cut in allocations goes against them. Chhattisgarh for instance is a state where the state government initiated many reforms in the PDS to improve its efficiency but has been punished because of its past performance. This was also raised by the Commissioners in our later dated March 31<sup>st</sup> 2007, to the Ministry of Consumer Affairs & Public Distribution.

In fact, the reduction of APL quotas would be in complete contravention of Supreme Court interim orders that none of the schemes by the orders in the Writ 196/ 2001 can be discontinued or restricted in any way. The interim order passed by the Honorable Supreme Court on April 27<sup>th</sup>, 2004 is unambiguous in this regard and states, inter alia, "*...we direct that no scheme covered by the orders made by this Court including the National Old Age Pension Scheme, in particular Annapurna and National Maternity Benefit Scheme shall be discontinued or restricted in any way without the prior approval of this Court. In other words, it means that till further orders, the schemes would continue to benefit all those who are covered by these schemes...*"

#### Distribution of AAY Cards

At the same time it must be mentioned that in spite of repeated requests from the Commissioners' Office the states have not provided any information on the estimates of the vulnerable groups to be covered under AAY as per the Supreme Court order of May 2003 and whether this was indeed the criteria being used to identify AAY beneficiaries.

The Government of India was directed "to place on AAY category the following groups of persons:

- (1) Aged, infirm, disabled, destitute men and women, pregnant and lactating women, destitute women;
- (2) widows and other single women with no regular support;
- (3) old persons (aged 60 or above) with no regular support and no assured means of subsistence;
- (4) households with a disabled adult and no assured means of subsistence;
- (5) households where due to old age, lack of physical or mental fitness, social customs, need to care for a disabled, or other reasons, no adult member is available to engage in gainful employment outside the house;

States with undistributed AAY Cards: Bihar, Delhi, Gujarat, Jammu & Kashmir, Maharashtra, Uttarakhand and West Bengal. While the rest of the states have less than 1 lakh undistributed cards, West Bengal is the worst with more than 5 lakh undistributed AAY cards.

Figures in lakhs

S.No	States	No. of AAY cards sanctioned	No. of AAY families identified and ration cards issued	No. of AAY cards undistributed
1	Andhra Pradesh	15.578	15.578	0
2	Assam	7.04	7.04	0
3	Bihar	25.01	24.285	0.73
4	Chhattisgarh	7.189	7.189	0
5	Delhi	1.568	1.502	0.07
6	Gujarat	1.691	1.661	0.03
7	Jammu & Kashmir	2.822	2.557	0.27
8	Jharkhand	9.179	9.179	0
9	Madhya Pradesh	15.816	15.816	0
10	Maharashtra	25.053	24.639	0.41
11	Nagaland	0.475	0.475	0
12	Orissa	12.645	12.645	0
13	Rajasthan	9.321	9.321	0
14	Uttar Pradesh	40.945	40.945	0
15	Uttarakhand	1.909	1.512	0.40
16	West Bengal	19.857	14.799	5.06
	All India	249.998	242.755	7.24

#### Fair Price Shops

S.No	States	No. of Fair Price Shops	No. of cards per FPS
1	Delhi	2826	1024
2	West Bengal	20289	850
3	Nagaland	364	843
4	Gujarat	16275	761
5	Madhya Pradesh	20476	693
6	Rajasthan	22213	616
7	Uttar Pradesh	72171	606
8	Andhra Pradesh	40630	562
9	Maharashtra	49533	427
10	Chhattisgarh	10400	359
11	Jammu & Kashmir	5492	332
12	Orissa	29845	289
13	Uttarakhand	8435	270
14	Jharkhand	14395	202
15	Bihar	44480	179
16	Assam	33332	172
	All India	497715	477

There is a wide variation in the average number of cards per fair price shops across the states indicating that some states have less than the required number of ration shops making it difficult for people to access their rations. Delhi, West Bengal, Nagaland, Gujarat and Madhya Pradesh have a very high number of cards per FPS.

### Recommendations

- The Government of India may be directed to double the percentage of BPL card holders from the existing 36% to 72%.
- The Government of India and the States/Union Territories should be directed to indicate the estimated numbers of each category of vulnerable groups that the Supreme Court has directed for coverage under AAY, the numbers covered so far under each category, and whether clear instructions have been issued and are being complied with that future distribution of AAY cards will exclusively cover these groups until they are fully covered in compliance with the interim order of May 2nd, 2003.
- The Commissioners should be authorized to supervise the transparent, expeditious and fair distribution of ration cards to the urban homeless and slum households in the country's six metropolises: Delhi, Mumbai, Bangalore, Kolkata, Chennai and Hyderabad.
- All State/Union Territories should be directed to ensure that at least 35 kg. of foodgrains is provided to every family as stipulated in the BPL and Antodaya scheme. Further, the Government's announcement on the National Food Security Bill states that BPL families will be given 25kgs of foodgrains at Rs. 3 per kg. Under no circumstances must the Government be allowed to decrease the quota of foodgrains for BPL and AAY card holders from 35kgs. to 25kgs.
- All State Governments/Union Territories must take steps to ensure that all ghost cards and fake BPL names are eliminated and only those who are genuinely poor are given BPL cards.

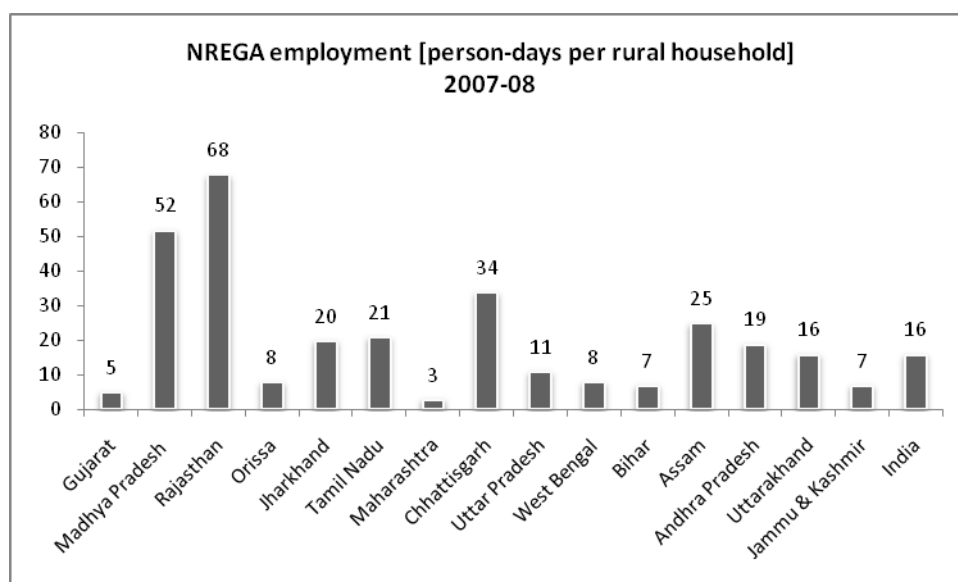
## VI National Rural Employment Guarantee Scheme

The National Rural Employment Guarantee Act was passed by the Parliament in 2005. The NREGA guarantees every rural household 100 days of work a year, based on demand from the household, at minimum wages. The NREGA also has provisions for payment of wages on time, social audits and unemployment allowances in case of failure of the state to provide work. The earlier employment programmes such as the Sampoorn Grameen Rozgar Yojana (SGRY), on which the Supreme Court has passed specific orders in the PUCL vs. Union of India and ors. Case, have now been merged into the NREGA.

The NREGA began in 200 districts and over the last two years has now been expanded to cover all the districts in the country.

### Number of days of employment per rural household

In 2007-08, the programme generated 144 crore person-days of employment, according to official data. Looking at the state-wise employment generated per household, it is seen that there is a great variation among the different states. The better performing states in this respect are Rajasthan, Madhya Pradesh and Chhattisgarh.



Source: Data presented in Jean Dreze and Christian Olidges (2009): 'NREGA: Work in Progress', Frontline, Vol 26, Issue 4, Feb. The number of households was taken from Census 2001 and the NREGA related data from the official statistics available in [www.nrega.nic.in](http://www.nrega.nic.in)

States that generated less than 10 days of work per rural household: Maharashtra, Gujarat, Jammu & Kashmir, Bihar, West Bengal and Orissa.

### 100 days of employment

While the NREG schemes have been introduced in all the districts of the country, it is seen that there are still very few households that have completed 100 days of work under the scheme. Here again there is a large variation among different states with Rajasthan being able to provide 100 days of employment for 42% of the households, while there are some states that provided full 100 days of employment for less than even 1% of the households.

### Households Completed 100 days of Employment (%)

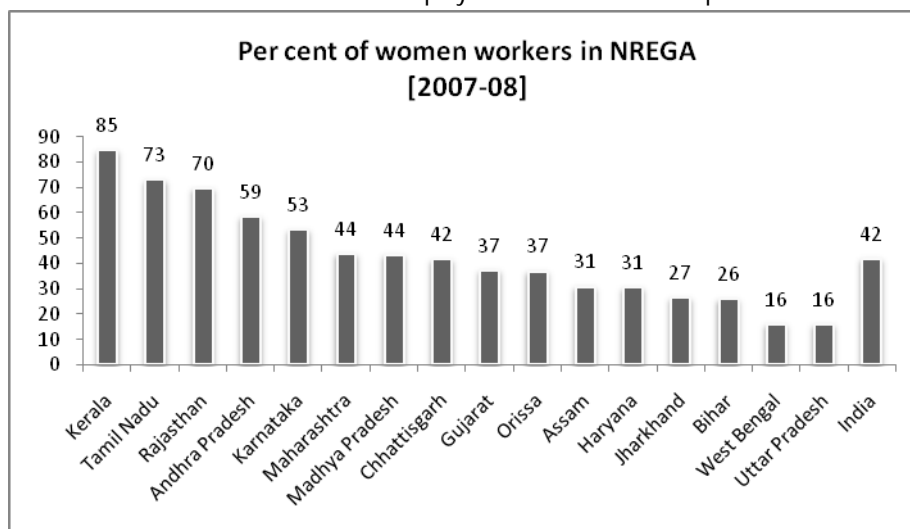
S.No	State	% of Households Completed 100 Days of Employment (2007-08)
1	Rajasthan	42
2	Madhya Pradesh	21
3	Assam	17.1
4	Chhattisgarh	11.2
5	Uttar Pradesh	10.9
6	Andhra Pradesh	9
7	Uttarakhand	8.3
8	Gujarat	3.9
9	Orissa	3.4
10	Jharkhand	3
11	Maharashtra	1.8
12	Jammu & Kashmir	1.4
13	West Bengal	0.8
14	Bihar	0.7
	Total	10.8

Source: S. Mehrotra (2008): 'NREG Two Years On: Where Do We Go From Here?', Economic and Political Weekly, August 2.

States where less than 2% of households got 100 days employment: Bihar, West Bengal, Jammu & Kashmir and Maharashtra

### Share of women workers in NREGA employment

It is mandated under the NREGA that 30% of the employment at least must be provided to women.

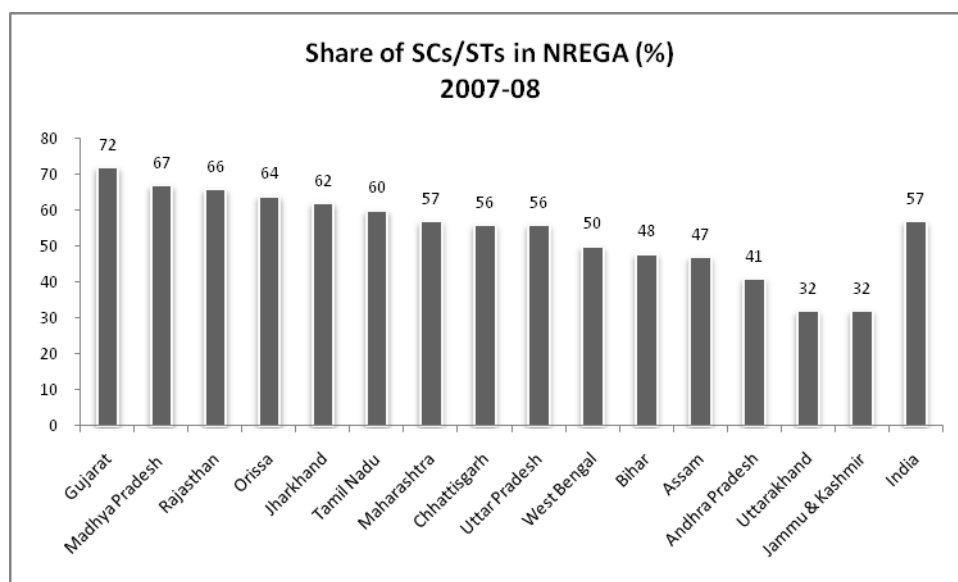


Source: Data presented in Jean Dreze and Christian Olidges (2009): 'NREGA: Work in Progress', Frontline, Vol 26, Issue 4, Feb.

While many states have surpassed this required, many states have also failed to provide work for 30% women in the NREGA.

States with less than 30% women in NREGA: Jharkhand, Bihar, West Bengal and Uttar Pradesh

### Share of SC/ST workers in NREGA employment



Source: Data presented in Jean Dreze and Christian Olidges (2009): 'NREGA: Work in Progress', Frontline, Vol 26, Issue 4, Feb.

In all the states the participation of SC/STs in NREGA is more than their share in the population indicating that NREGA has been successful in targeting the socially vulnerable groups.

### Recommendations

- Publicity and guidance material for the State Employment Guarantee Schemes should be made available in local languages.
- Muster roll maintenance needs to be improved.
- Documentation needs improvement.
- Entries in job cards should be made regularly.
- Work measurement and payment should be done on time.
- There should be an adequate number of estimated and approved projects available.
- The implementation of NREGS requires strengthening of administrative machinery at Gram Panchayat and at Block / District level in terms of placements of staff and training of the representatives of Panchayati Raj Institutions (PRIs) and officials involved.
- Independent monitors should be deployed in areas where participation of vulnerable sections is not adequate, to ensure that the weaker sections are participating and getting their entitlements.
- Job cards should be issued separately to each adult physically challenged person.

## VII Annexures

Table 1: Operationalisation of Sanctioned Anganwadis

Sl. No.	State/UT	Total Anganwadis sanctioned upto 31.3.2007	Operational as on 29.2.2008	% Anganwadis operational
1	Andhra Pradesh	73944	69611	94.1
2	Assam	37082	36849	99.4
3	Bihar	81088	80211	98.9
4	Chhattisgarh	34937	29355	84.0
5	Delhi	6106	6106	100.0
6	Gujarat	44179	43104	97.6
7	Jammu & Kashmir	25483	16409	64.4
8	Jharkhand	32097	31074	96.8
9	Madhya Pradesh	69238	68306	98.7
10	Maharashtra	84867	75741	89.2
11	Nagaland	3194	3194	100.0
12	Orissa	41697	41697	100.0
13	Rajasthan	48372	48363	100.0
14	Uttar Pradesh	150727	146785	97.4
15	Uttarakhand	9664	8834	91.4
16	West Bengal	92152	87665	95.1
	<b>All India</b>	<b>1052638</b>	<b>1010912</b>	<b>96.0</b>

Table 2: Per beneficiary per day expenditure

Sl. No.	State/UT	Total Beneficiaries (Children 6 mo-6 years plus P&LM)	Expenditure reported including state share (in Rs. Lakhs)	Per beneficiary per day expenditure
1	Andhra Pradesh	4954813	31327.83	2.11
2	Assam	3811307	9098.72	0.80
3	Bihar	4218255	30395.74	2.40
4	Chhattisgarh	2252028	12490.22	1.85
5	Delhi	728484	2988.24	1.37
6	Gujarat	2636888	12173.16	1.54
7	Jammu & Kashmir	587246	2306.62	1.31
8	Jharkhand	2770202	16645.22	2.00
9	Madhya Pradesh	5053287	30328.89	2.00
10	Maharashtra	6583729	36129.8	1.83
11	Nagaland	340397	2191.99	2.15

12	Orissa	4852248	19011.5	1.31
13	Rajasthan	3710225	20210.2	1.82
14	Uttar Pradesh	21678811	109749.59	1.69
15	Uttarakhand	541430	4627.55	2.85
16	West Bengal	5905467	25715.41	1.45
	<b>All India</b>	<b>83090382</b>	<b>443439.4</b>	<b>1.78</b>

**Table 3: Percent of Eligible Children Receiving Mid-Day Meal**

S.N	State	Total Enrolment				No. of Children availing MDM*				% eligible children receiving MDM
		Classes I-V (Govt+LB+GA)	EGS Centres	AIE Centres	Total	Classes I-V (Govt+LB+GA)	EGS Centres	AIE Centres	Total	
1	AP	5134145	5068	91142	5230355	4992721	3013	77479	5073213	97
2	Assam	3196531	401083	233008	3830622	3196531	401083	233008	3830622	100
3	Bihar	13805244	0	64946	13870190	9768081	0	59181	9827262	71
4	Chhattisgarh	2931834	0	0	2931898	2931834	0	0	2931898	100
5	Delhi	1128247	0	0	1128247	986067	0	0	986067	87
6	Gujarat	4697560	0	141441	4839001	3183914	0	79252	3263166	67
7	J and K	789891	225343	461	1015695	752031	210255	461	962747	95
8	Jharkhand	3527331	1705322		5232653	2615210	914171		3529381	67
9	Maharashtra	8545736	131093	168233	8845062	7927542	41124	163815	8132481	92
10	MP	7057876	1401168	30698	8489742	5582954	1096731	22946	6702631	79
11	Nagaland	180854	5675	19238	205767	180854	0	0	180854	88
12	Orissa	4236747	453082		4689829	4236747	453082		4689829	100
13	Rajasthan	5934666	0	421612	6356278	5934666	0	421612	6356278	100
14	UP	18166153	116369	93626	18376148	13604000	86807	69214	13760021	75
15	Uttarakhand	722685	38073	5411	766169	692035	33659	12018	737712	96
16	West Bengal	9031215	1677518	52653	10761386	8055276	1575369	40354	9670999	90

\* District wise aggregation of actual no. of children availing MDM based on school level MDM attendance register maintained.

**Table 4: Utilisation of foodgrains for MDMS**

Sno	State	RICE			WHEAT			TOTAL (RICE + WHEAT)		
		Annual Allocation	Offtake	% Offtake	Annual Allocation	Offtake	% Offtake	Annual Allocation	Offtake	% Offtake
1	Andhra Pradesh	158.65	83.61	52.7				158.65	83.61	52.7
2	Assam	91.36	65.49	71.7				91.36	65.49	71.7
3	Bihar	284.27	109.57	38.5				284.27	109.57	38.5
4	Chhattisgarh	77.18	75.5	97.8				77.18	75.5	97.8
5	Delhi	9.79	8	81.7	9.79	8.07	82.4	19.58	16.07	82.1
6	Gujarat	37.76	30.75	81.4	37.76	29.79	78.9	75.52	60.54	80.2
7	J and K	24.83	14.68	59.1				24.83	14.68	59.1
8	Jharkhand	101.25	65.56	64.8				101.25	65.56	64.8
9	Maharashtra	188.14	172.02	91.4				188.14	172.02	91.4
10	Madhya Pradesh	53.29	48.19	90.4	170.59	136.52	80.0	223.88	184.71	82.5
11	Nagaland	3.57	4.52	126.6				3.57	4.52	126.6
12	Orissa	102.28	86.56	84.6				102.28	86.56	84.6

13	Rajasthan	58.25	40.96	70.3	135.92	87.96	64.7	194.17	128.92	66.4
14	Uttar Pradesh	281.04	217.87	77.5	140.52	112.35	80.0	421.56	330.22	78.3
15	Uttarakhand	17.63	14.02	79.5				17.63	14.02	79.5
16	West Bengal	188.83	146.1	77.4				188.83	146.1	77.4

Source: Foodgrain Bulletin, October 2008

**Table 5: Offtake of foodgrains under TPDS (%), 2007-08**

S.No	States	Offtake of Rice for the Year 2007-08 (%)				Offtake of Wheat for the Year 2007-08 (%)			
		BPL	APL	AAY	Total	BPL	APL	AAY	Total
1	Nagaland	99.4	98.35	107.5	100	108.3	97.1	106.5	100
2	Andhra Pradesh	104.9	84.8	106.7	94.1	0	64.7	0	64.7
3	Chhattisgarh	94.1	77.4	102.1	96.5	74.1	50.8	0	65
4	Assam	100.9	114.4	100.8	104.79	0	99.1	0	99.4
5	Jammu & Kashmir	100	79.6	99.9	88.3	99.8	93.2	102	95.1
6	Madhya Pradesh	97.6	86.6	99.6	97.4	100.4	79.1	95.8	97
7	Jharkhand	71	5.4	90.8	75.4	87.1	32.7	93.1	83.8
8	Uttar Pradesh	82.1	101.1	90.6	85.4	107	75	110	107
9	Gujarat	86.5	35	90.2	74.8	100.5	40.6	86.7	81.8
10	Delhi	101.1	88.5	86.1	90.4	102.7	94.5	85.5	95.3
11	Orissa	86.2	32.9	86.1	84.1	0	104.7	0	104.7
12	West Bengal	79.7	97.4	86.1	82.4	96.7	91.4	84.9	92.2
13	Maharashtra	81	74.6	84.5	82.1	86.8	66.9	85.1	84.3
14	Uttarakhand	88	51.1	83.8	74	98.2	102.1	96.5	99.7
15	Bihar	36.37	0	82.9	51.4	63.1	30.8	89.5	74.3
16	Rajasthan	74	0	50.6	72.6	99	82.4	95.3	93.1
	All India	84.3	69.9	93.4	82.1	94	83	93.5	90.6

Source: Foodgrain Bulletin, November 2008

**Table 6: Allocation for APL Quota: Decrease over the years**

Sl. No.	State/UT	Allocation of Rice and Wheat under APL Quota ('000 tonnes)					
		2005-06	2006-07	2007-08	2008-09	2005-06 to 2006-07 (%)	2005-06 to 2008-09 (%)
1	Uttar Pradesh	6494.5	3842.7	65.5	440.7	-40.8	-93.2
2	Gujarat	2787.6	1444.4	273.4	215.5	-48.2	-92.3
3	Maharashtra	4700.9	2270.9	176.4	421.5	-51.7	-91.0
4	Bihar	2291.5	1307.2	28.2	218.3	-43.0	-90.5
5	Rajasthan	2763.8	1337.9	290.9	343.6	-51.6	-87.6
6	Madhya Pradesh	2535.4	1041.9	125.6	353.2	-58.9	-86.1
7	Chhattisgarh	1045.8	821.4	50.8	150.1	-21.5	-85.7
8	Orissa	1155.6	839.0	203.4	170.1	-27.4	-85.3
9	West Bengal	4089.2	3473.8	847.9	856.7	-15.0	-79.1

10	Haryana	1014.2	499.5	120.5	272.1	-50.7	-73.2
11	Jharkhand	216.3	190.0	52.2	60.4	-12.2	-72.1
12	Kerala	1808.9	1604.5	532.0	512.0	-11.3	-71.7
13	Punjab	1437.2	672.4	83.5	466.4	-53.2	-67.6
14	Karnataka	2035.0	1594.2	1372.8	730.6	-21.7	-64.1
15	Delhi	996.5	664.7	576.4	420.8	-33.3	-57.8
16	Tamil Nadu	3788.0	3763.6	2805.5	1640.5	-0.6	-56.7
17	Uttarakhand	333.6	287.8	132.4	153.1	-13.7	-54.1
18	Assam	955.1	943.8	574.6	635.3	-1.2	-33.5
19	Nagaland	102.4	77.0	78.8	74.8	-24.8	-27.0
20	Andhra Pradesh	2266.7	2194.2	2178.4	1871.3	-3.2	-17.4
21	Jammu & Kashmir	447.7	482.7	514.5	467.7	7.8	4.5

Source: Foodgrains Bulletin, April 2009