

**DR. N. C. SAXENA, COMMISSIONER AND
HARSH MANDER, SPECIAL COMMISSIONER OF THE SUPREME COURT
IN THE CASE: PUCL v. UOI & Ors. WRIT PETITION (Civil) No. 196 of 2001**

August 30, 2007
ICDS.Procurements/504/MWCD

Ms.Dipa Jain-Singh
Secretary to the Government of India
Ministry of Women and Child Development
Shastri Bhavan
New Delhi 110 001

Sub: Our letter of August 1st, 2007 on decentralised procurements under ICDS

Dear Dipa,

This is with reference to our letter dated August 1st, 2007 (No .ICDS. Procurements /498/MWCD).

We are awaiting a response to our letter. We would like to reiterate that the Supreme Court has unambiguously directed (vide order dated October 7th, 2004), the banning of contractors in the Supplementary Nutrition Programme. Yet we find that a large number of states continue to violate the Supreme Court orders despite repeated follow up by us both with the Government of India and the State Governments. We would be grateful if you could kindly update us on the steps taken by your Ministry to enforce the orders of the Hon'ble Supreme Court given the fact that 50% of the budget for the SNP is borne by the Government of India. We would also be grateful if you could kindly send us a list of the State Governments who continue to violate the Supreme Court orders on the decentralisation of the SNP.

We would also like to reiterate that the spirit of the Supreme Court orders imply the strengthening of the decentralisation for all procurement including that of pre-school and medicine kits and supplementary nutrition. As you are aware, this would also help in checking the large scale corruption and leakages involved in centralised purchases. We are given to understand that the Ministry is considering centralising purchases of kits, thereby encouraging forces of corruption.

As we had mentioned in our earlier letter, this would be highly retrograde, and may invite adverse orders from the Hon'ble Supreme Court. We would be grateful if you could please inform us immediately if there is any change in the present policy. We will also request you to send us copies of the notings on the file recorded by officials on this subject, so that the Hon'ble Court is kept apprised of the exact level at which the present policy is sought to be changed.

The Supreme Court is likely to take a very dim view of the Ministry's position on this and likely to serve notice for contempt of court unless compliance with the interim orders, both in letter and spirit, are undertaken immediately. It has been three years since the Supreme Court directed the

We would therefore urge you to please respond to our repeated requests on this and send us a copy of all the notings on file recorded by the officials on this subject as well copies of all the

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relevant orders that have been issued pursuant to our earlier correspondence which have highlighted the need for decentralisation in purchases in the ICDS scheme.

With Regards,

Dr. N.C. Saxena

Harsh Mander

Cc:

1. PS to Mrs.Renuka Choudhary, Minister for Women and Child Development, Government of India.
2. Shri Gopalakrishnan, Joint Secretary, Prime Ministers Office, Government of India.
3. Shri.Montek Singh Ahluwalia, Deputy Chairperson, Planning Commission, Government of India.