

**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**

December 08, 2007
allschemes/521/Bihar

Shri. R J Mohan Pillai
Chief Secretary
Government of Bihar,
Main Secretariat
Patna
Bihar- 800015

Sub: The meeting with the Chief Secretary on the status of Implementation of Food Schemes

Dear Shri. R J Mohan Pillai,

This is with reference to the very constructive meeting organised by your predecessor with all your colleagues on 31th October, 2007. I summarise some of the major points of discussion.

ICDS

1. The Supreme Court orders on universalising ICDS need to be operationalised in several ways. Firstly the informal limits that operate in Bihar on the number of children below 6, pregnant women (only 3), adolescent girls (also only 3) and malnourished children who can be admitted to each centre need to be removed and full coverage of all eligible person be ensured;
2. A full survey of hamlets (*tolas*) needs to be completed and authenticated by the state government, indicating uncovered hamlets and those hamlets with SC ST majority. These need to be covered systematically.
3. Suitable instructions for 'anganwadi on demand' need to be issued with a copy to the commissioners.

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4. Anganwadi worker and helper should be from the same *tola* in which the centre is located.
5. There should be special drive to cover *tolas* inhabited by Maha Dalit communities identified as most vulnerable and oppressed by the state government including the Musahars.
6. A special survey of coverage with ICDS centres of urban slums, both authorised and unauthorised, should be undertaken. As per Supreme Court instructions, there should be full coverage with ICDS of urban slums.
7. All new centres must first fully cover SC ST hamlets, urban slums or where guardians of 40 children make a demand as per the Supreme Court 'anganwadi on demand' order.
8. It was officially reported that the children are receiving in many centres dry food packets. Kindly ensure that all children be given fresh and hotly cooked food. There must also be fully decentralised procurement and disbursement.

Mid Day Meal

1. It was admitted that out of 12.6 lakhs children enrolled in 65250 schools, only 7.95 lakhs have been covered by MDM. This gap must be covered rapidly within the current year.
2. It is appreciated that the state government has prescribed a weekly menu. However it is also accepted that this is not followed in most parts of the state. This also must be enforced forthwith.
3. It was also agreed that present arrangement for supply of MDMs places high burden on the teachers. This must be replaced by Mothers Committees or panchayats.
4. It is appreciated that 60% cooks belong to the weaker sections.

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5. It was suggested and widely endorsed that destitute old people may be permitted and encouraged to come to MDM centres to share the MDM, as in Tamil Nadu and Chattisgarh. It would also ensure added community monitoring of the MDM.
6. It was also proposed and endorsed that the recent experience of the Delhi government of opening government schools (with added toilet, drinking water and luggage room) to street boys and girls as community based hostels with 3 meals assured, also be adopted in Bihar's urban centres.

PDS

1. It was agreed that the state government would ensure much better lifting and distributing food grains under PDS than its current very low levels.
2. State government officials informed us that one major constraint was that there is only 2 months validity for lifting central PDS grain allocations and you require our intervention as well. Kindly send a note on this regard and we would take it up.
3. It was reiterated that all the future AAY cards must be distributed only to the vulnerable communities designated for priority coverage by the Supreme Court, namely single women, disabled and old people. In addition, in this specific context of Bihar, every identified family of Maha Dalits beginning with the Musahars should be systematically covered.
4. There also needs to be systematic coverage of all slum dwellers with BPL cards, and urban homeless people with preferably AAY cards, or at least BPL ration cards.

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JSY

1. It was agreed after discussion that despite excellent expansion in institutional coverage by JSY by the Bihar government, an estimated minimum 40% deliveries are still being conducted in non-institutional settings. The figure shows the negligible coverage by maternity benefit of women who have non-institutional deliveries; this is a major violation of Supreme Court instructions. The state government should take note of this situation and do the needful to ensure extension of maternity benefits to this group at the earliest.

NOAPS

1. It was appreciated that the state government has covered that 13 lakhs of an estimated 15 lakh beneficiaries with pension and also has adopted an disbursal system of post office accounts for all beneficiaries.
2. The government assured that the universal coverage would be now achieved in a time frame mode.
3. It was agreed that there continue to be serious delays in allocation and disbursement of pensions to beneficiaries. An extremely positive affirmation was received for our suggestion that the same budgetary rules that ensure the salary and pension disbursal to public servants are made regardless of availability of budgetary allocations should also be enforced for the old age pension scheme.

NFBS

1. It was agreed that the administration need to publicise and simplify the procedure so that the large gap between the eligible beneficiaries and those who actually receive is bridged.

NREGA

1. It was agreed that more publicity is required to achieve greater distribution of job cards. Some instances of denial of work despite demand is brought to the notice of the government; when we communicate such instances with details strong corrective measures be undertaken.
2. It was appreciated that the state government is planning to take up a social forestry plan which would ensure that the old age and disabled and infirm people will get many job opportunities under NREGA. It was suggested that the same families also get tree patta. The scheme may be kindly be sent to the Commissioners to be recommended to other states as well.
3. It was agreed to take up urgently flood protection and rehabilitation works under the NREGA in the many districts that have been badly devastated by floods.

Coverage of Minorities

We pointed out that Survey Report Socio-Economic and Educational Status of Minorities in Bihar, undertaken by Bihar State Minority Commission has indicated very low coverage of minorities under various government schemes. It was suggested and agreed that detailed disaggregated data be collected for all the food and livelihood schemes monitored by the Commissioners for the minorities.

We are grateful again for the series of useful and important decisions. We hope that with your leadership, the Bihar government substantially will improve

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coverage and performance of food and livelihood schemes, and compliance with the various Court directives.

With Regards,

Saxena

Dr. N.C. Saxena



Harsh Mander