

July 5<sup>th</sup>,2008.

Allschemes/576/Gujarat.

Dr. Manjula Subramaniam

Chief Secretary

Government of Gujarat

Gandhi Nagar.

**Sub: Regarding the Implementation of Food Schemes.**

Dear Dr. Subramaniam,

As you know we have been appointed by the Supreme Court to monitor food and employment schemes under PUCL vs. Union of India, CWP 196/2001. We have recently submitted the Seventh Report on the implementation of these schemes all across the country to the Supreme Court. We would like to bring to your notice some issues of concern in relation to the food and employment related schemes in Gujarat.

**Integrated Child Development Services :**

1. The number of children in the 0-6 age group according to the anganwadi survey register is **3854259** and of this **1741045** children (only about **45.2** %) are beneficiaries of the SNP programme. Moreover, the number of children in the age group of 0-6 in the state as per census 2001 are 7532404. Therefore, only about **23.1%** of the eligible children have been identified by the anganwadi survey who are actually getting SNP. A mapping must please be done to ensure that every habitation and slum has been covered by an anganwadi centre and within each area every child has been reached out to (as per Supreme court orders). We would be grateful if you could please also examine and let us know the reasons why such a large gap still persists in this basic element of ICDS operationalisation.

2. The NFHS-3 data has shown the coverage under immunisation in the state has decreased from 53 % to 45 % during the last eight years since NFHS-2. Kindly examine the reasons for this, and let us know the assessment of the state government for this very worrying decrease.
3. It is matter of great concern the percentage of children who are underweight (under 3 years) have increased from 45% to 47% during the last eight years since NFHS-2. Therefore, the Government of Gujarat must treat this as an area of utmost priority for State intervention.
4. We acknowledge that Gujarat is one of the states in the country that are making concerted efforts to comply with the Supreme Court order of October 2004 banning contractors in supply of SNP and all the procurement ,storage and distribution of SNP is done through Co-operative Societies/Govt. Undertakings/Marketing Federations. As we have repeatedly pointed out in the past, the direction of the Supreme Court is unambiguous and efforts must be made to ensure that a total decentralisation of the SNP procurement, processing and supply is completed without any further delay. This entails the handing over of this process to the most appropriate decentralised unit at the village level like the women's SHGs, Mahila Mandals, Panchayats, Mother's/ Parent Committees etc. This must happen both for the 0-3 age group, lactating and pregnant women and adolescent girls where THR is being provided as well as the 3-6 age group where hot, cooked meals are being provided at the centre.
5. The Supreme Court in its order dated 13<sup>th</sup> December 2006 made it clear that at least Rs. 2/- per child per day, Rs. 2.30 for every pregnant women, nursing mother/adolescent girl per day and Rs. 2.70 for every severely malnourished

child per day should be spent for supplementary nutrition. However, our calculation shows that per beneficiary per day expenditure of the state is just **Rs. 1.27**. What are the reasons for this, and what are your plans within what time frame to bring these to national norms.

6. Further, we urge you to conduct a campaign to include disabled children under ICDS. For this Anganwadi level survey of disabled children should be undertaken in a time bound manner, and in future data at ICDS centre upwards to project, district and state levels disaggregated for coverage of disabled children.
7. We would be grateful if the State Government ensures that the necessary steps are taken to ensure that children of all migrant workers have access to all the six services of the ICDS. Please send us a copy of the state Governments instructions in this regard.
8. The information provided by the state regarding the coverage of SC/ST habitations and urban slums under ICDS is incomplete in many ways as given below:

The block wise information regarding the ST beneficiaries and the urban areas doesn't provide any idea about the coverage of ST habitations and urban slums. The coverage of the number of villages with SC population more than 40 % and having AWC seems to be appreciable but the strength of the villages is not given which makes it ambiguous about the full coverage of all the beneficiaries under ICDS because a village may have more than one hamlet and may require more than one AWC to reach to all the beneficiaries.

Further we haven't received any correspondence about the status of the survey of number of SC/ST habitations and urban slums in the State which was supposed to be complete this time.

**National Maternity Benefit Scheme /Janani Suraksha Yojana:**

1. Since no data have been made available by the State, we don't have figures as to the percentage of JSY beneficiaries, who had home deliveries. We hope that there is no confusion regarding the scheme and that all BPL women are being given Rs. 500 during pregnancy, *irrespective* of place of delivery. The state needs to take care that all the pregnant women from BPL households receives RS. 500 six to eight weeks before their delivery. We would be very grateful if you can please send figures on home deliveries to us where the payment of Rs.500 was made.
  
2. We would also like to bring to your notice the latest order of the Supreme Court (dated 20.11.2007) which states that, "The Union of India and all the State Governments and the Union Territories shall (i) continue with the NMBS and (ii) ensure that all BPL pregnant women get cash assistance 8-12 weeks prior to the delivery." The above order also states that, "The amount shall be Rs.500/- per birth irrespective of number of children and the age of the women".

**Targeted Public Distribution System:**

1. The offtake (2006-07) of food grain allocated under AAY category is around 83.6% and under the BPL category is almost 91.4%. While this is appreciated, efforts must be made to ensure that the entire food grain quota allocated for the state is utilised, so that all those need subsidised grains get it.
  
2. In the interim order dated May 2<sup>nd</sup> 2003, the Honorable Supreme Court had declared that all households belonging to six "priority groups" would be entitled to Antyodaya cards. The Government of India was directed "to place on AAY category the following groups of persons:

- Aged, infirm, disabled, destitute men and women, pregnant and lactating women, destitute women;
- widows and other single women with no regular support;
- old persons (aged 60 or above) with no regular support and no assured means of subsistence;
- households with a disabled adult and no assured means of subsistence;
- 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;

We would like information on whether all the categories of people mentioned above have been fully covered under the AAY Scheme. Please send us data pertaining to the state indicating the estimated numbers of each category, 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.

3. There are two extremely vulnerable categories of migrant workers in Gujarat : Salt pan workers and Seasonal fisher folk. Kindly ensure (a) coverage of all by AAY and BPL cards (b) special flexible semi- residential schools with assured feeding.
4. The Government of Delhi has started a process of identifying homeless people in the city for allocation of ration cards. We suggest that the Government of Gujarat also consider initiating a similar process of identifying homeless populations in urban areas and distributing ration cards among this category of people. We suggest that all urban homeless people should be given Antyodaya cards on a priority basis.

**Mid-day meal Scheme:**

Please refer to your letter dated February 14<sup>th</sup>, 2008, the total enrolment of children in primary schools including Govt., Govt. aided and local body, EGS and AIE centres is **4012647** for the period of April to September 2007. However, the total number of children being provided the MDM in all these institutions is just **3094651** which is **77%** of the children coming to the schools. We would be very grateful if you could please examine the reasons and let us know why so many children are not being provided MDM.

**National Rural Employment Guarantee Scheme**

1. It is our information that in maximum of cases disabled people are either not being provided job cards or not given work under NREGS. The national operational guidelines are clear that if disabled persons demand work they should be provided work, therefore, not providing work on demand would be a violation of the NREGA. We would like to request you that State government should also consider the increase in the number of work days to 150 to the households with a disabled member and should ensure that work is being provided to disabled persons on demand. The government of Andhra Pradesh has recently issued order in this direction. A listing of all the light tasks like carrying drinking water for labourers, looking for the children accompanying nursing mothers, maintaining muster rolls and attendance register etc. should be done before the work actually begins at the worksite and allocated to the disabled persons. And also the data on the coverage of the disabled persons under NREGA should be collected separately for disabled persons as provided under the national operational guidelines.

2. We received your response to our letter regarding the worksite facilities under the NREGA and we acknowledge that the State government has made available some facilities like drinking water, medical facilities and shade, but it is also important that crèches are being provided at the worksites. In districts Narmanda, Panchmahal, Sabarkantha and Valsad not at a single place crèches have been made available for the children accompanying women. We urge that crèches are most important for the encouragement and participation of women under NREGA and request you please take steps to ensure that in every single worksite all the facilities provided in the NREGA including the crèches should be made available.

**National Old Age pension Scheme:**

We would like to bring in your notice that the NOAPS has been universalized among all the BPL and old people above 65 years with effect from November 2007, therefore, the eligible beneficiaries would increase to almost double. We would like to know the steps that state has taken to achieve the target.

We would be grateful if you could please also send us the details about the total number of the widows in the state and the present coverage of the widows under the widows' pension scheme of the state government. We would also be grateful for details of the procedure that State has been following for the identification of widows as beneficiaries for the widow pension scheme.

**Relief colonies of people displaced by the communal violence in 2002:**

Kindly provide us with an updated report on the steps that you have taken with detailed figures for each of the following points:

1. Whether all families who continue to live in relief colonies have been given Antyodaya cards, as internally displaced persons, who lost all their belongings,

**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**

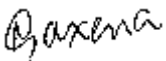
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face fear and economic boycott, and are too afraid to return to their original homes.


2. Whether Primary schools with mid day meals have been opened in all relief colonies.
3. Whether all the colonies have fully functioning ICDS centres with the entire contingent of nutrition and health services.
4. Whether PDS shops are open in all colonies within a distance of 3 kilometres.
5. Whether a drive has been taken up to ensure that all eligible persons are being covered under IGNOAPS and widows pensions.
6. Whether Job cards under NREGA have been issued in all NREGA districts to all residents of relief colonies who are desirous of these and what is the status of the work provided under NREGA to the residents of relief colonies.

We would request you to please look into the above listed matters on a priority basis and send us an action taken report on the same at the earliest.

With regards,



Dr. N.C. Saxena



Harsh Mander

CC: Prof Indira Hirway and Mr. Gagan Sethi, Advisors to the Commissioners to the Supreme Court, Gujarat.