

**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**

November 13th, 2009.

Allschemes/736/Punjab.

Shri. Subodh C. Agrawal,

Chief Secretary

Government of Punjab

Chandigarh.

Sub: Status of implementation of food and employment schemes.

Dear Shri. Agrawal,

As you are aware, in our capacity as Commissioners of the Supreme Court in CWP 196/2001, PUCL v. UOI and others, we monitor the implementation of the food and employment related schemes in the country which fall under the purview of the case including the ICDS, MDMS, NREGA, NOAPS, TPDS, NMBS /JSY and NFBS.

Mr. Harsh Mander has proposed to visit Punjab to review with you and the concerned Secretaries the progress of the state in the implementation of the schemes and compliance with court orders. In particular, the following issues need in depth discussion and would like to request you kindly respond to us on these issues within two weeks of time.

Integrated Child Development Services:

1. The number of children in the 0-6 age group in the state as per Census 2001 is 3171829 and of this only 1028938 children are beneficiaries of the SNP programme in the year 2007-08. This is very worrying that only about 32% of the eligible children have been identified and are beneficiaries of the SNP under ICDS. We urge you that 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

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has been reached out to (as per Supreme Court orders). Efforts must be also made to improve the coverage as more than 50% of the children do not receive the benefits of the SNP which is a critical part of the ICDS programme. 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. It is a matter of great concern that the percentage of children who are underweight is 27 percent in the state (NFHS-3). This amount to very high number of children who are underweight and therefore, we urge you to treat child malnutrition as a matter of top priority.

3. The Supreme Court order dated 28th November 2001 requires the universal coverage under ICDS of all urban slums and SC/ST habitations across the State on a priority basis. In line with this order, we would request you a detailed survey of all urban slums and to find out the population in each urban area under slums (both authorised and unauthorised) in the state. We would also request you to undertake a survey to list all hamlets that have more than 50% SC and/or ST population. Please send us the details of the surveys.

We also request you to please let us know, of all the hamlets in the state which have more than 50% SC and/or ST population and urban slums, what per cent have been covered by anganwadi centres? If there is a gap between the list and coverage what are the plans of the State for filling the gap.

4. We also request the state government to start collecting data of coverage with ICDS services disaggregated for gender, SC, ST, Muslims and disability, to ensure full coverage of these categories.

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5. Clear instructions may please be issued for implementing the orders of the Supreme Court dated 13 December 2006 for 'anganwadis on demand'. The Supreme Court, in its said orders directs, "Rural communities and slum dwellers should be entitled to an "Anganwadi on demand" (not later than three months) from the date of demand in cases where a settlement has at least 40 children under six but no Anganwadi'.

National Maternity Benefit Scheme:

6. 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".

Public Distribution System:

7. The offtake (2008-09) of wheat allocated under AAY category is around 61.7 % and almost 86 % for BPL. The percentages of BPL and AAY quota are already underestimated, therefore, 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.
8. In the interim order dated May 2nd 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;

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- 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 information on the following questions:

- 1) Did the State Government enumerate the numbers of the above mentioned categories of people by conducting a census survey ? If so, could you please share a copy of the order on the Antodaya survey.
 - 2) Were all the categories of the above listed groups, provided with Antodaya ration cards in line with Supreme Court Orders? If so, please attach a copy of the administrative instructions that were issued to ensure this process.
 - 3) What percentage of Antodaya families was issued Antodaya cards? A copy of the orders detailing the numbers district-wise may kindly be appended to the note.
 - 4) Was a grievance redressal mechanism put in place to address those cases where there was a grievance regarding the identification process? If so, a copy of the order setting up the grievance redressal mechanism may kindly be attached with this note?
9. 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 Jharkhand 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.

10. Further, we recommend that all slum dwellers, both authorised and unauthorised, should be given BPL cards.

Indira Gandhi National Old Age Pension Scheme:

11. The Ministry of Rural Development, GoI had estimated a total of 144060 old people, who are above 65 years of age, to be covered under the IGNOAPS and had accordingly allocated funds for 2007-08, but it is regrettable that the state has only reported 61371 old age pension beneficiaries for the reference period which amounts to only about 43 percent coverage of the eligible old people under IGNOAPS. This is very worrying that more than 50 percent of the eligible beneficiaries have been left out of the programme, which is the only government support available them. Therefore, we urge to examine the reasons for such a low coverage and send us an action plan of how the state will bring up the coverage for the present and next years.
12. We would like to bring in your notice that Supreme Court in its order dated 28th November, 2001 has clearly stated that "Payment of pensions is to be made by the 7th day of each month". Therefore, we request please take steps to ensure that the monthly old age pension reaches the beneficiaries at time.
13. 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.

National Family Benefit Scheme:

14. We would like to bring it in your notice that that Supreme Court in its order dated 28th November, 2001 has clearly stated that "BPL families are to be paid Rs 10,000 within four weeks through the local Sarpanch when the breadwinner dies". We would like to know what is the mode of payment and process for ensuring that payment is made within four weeks of time as per the Supreme Court orders? Please send us the details and guidelines of the same.
15. The Ministry of Rural Development, GoI had estimated a total of 2672 families to be supported and covered under the NFBS scheme and had accordingly allocated funds for 2007-08. However, the state has only reported 1290 beneficiaries for the reference period which amounts to only about 48 percent coverage of the eligible beneficiaries.

As with the IGNOAPS also, this is very worrying that more than 50 percent of the eligible beneficiaries have been left out of the programme and it gives an impression that State is not taking efforts to reach out to the poor, even after more than a decade of launching of these programmes. Therefore, we urge to let us know why such a gap still persists and what are the plans of the state to bring the coverage up for the present and next years.

National Rural Employment Guarantee Scheme:

16. Of the number of households who have demanded wage employment for 2008-09 the number of households that have been provided employment show acceptable coverage but the cumulative number of households which have completed 100 days of employment is just 2.69% which may indicate that the state government hasn't been able to provide and make sufficient work available under NREGA from time to time and on demand. Also only 62.4 % of the funds available have

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been spent under the scheme. Please undertake steps in advance to ensure work is available as per requirements of the people and full utilization of funds.

17. The coverage of people with disabilities out of total beneficiary households under NREGA has been only 0.05 percent for 2008-08. Though this is a demand driven programme but it has been found that the opportunities are not given to the people with disabilities to work under NREGA. Therefore, we request you to undertake a campaign for encouraging the people with disabilities to work under NREGA. 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.

18. 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.

Mid Day Meal Scheme:

19. For the 2008-09, we have found that the coverage of children under MDMS is 92.7 percent for primary and 98 percent for upper primary. However, the state government has been able to utilise only 54 percent and 35 percent of allocated food grains under MDMD for primary and upper primary respectively. This may indicate that either sufficient quantity of meals is not being provided to the students or the attendance is being fudged. The low utilisation of food grains under MDM signifies that the programme is performing less than adequate in the State, though it is doing much better than rest of India. We would request you please look into this and send us an action taken report.

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20. The Supreme Court order dated 20th April 2004 states, 'In appointment of cooks and helpers, preference shall be given to Dalits, Scheduled Castes and Scheduled Tribes". Therefore, we request you please let us know the total number of cooks appointed in the state under MDM and the number of the cooks appointed from the above categories. Kindly attach the orders and guidelines issued in this direction by the State.
21. We wanted to also know if there is any weekly menu prescribed for the MDMS in the State, please send a copy of the same. Also whether the State Government issued guidelines regarding varied menus to the districts and implementing agencies? Please send a copy of the same.
22. We request the state government to consider adopting the Tamil Nadu model of permitting aged destitute people to share in the school MDM, as a final defence against starvation.

Grievance Redressal Mechanisms and Social Audits:

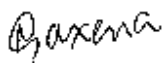
23. We request to the state government kindly takes steps immediately to implement the following order of the Supreme Court dated 8 May 2002 relating to establishing a grievance redressal system has not been implemented.
- "Gram Sabhas are entitled to conduct social audits of SGRY (and indeed of all food-related schemes). On receipt of any complaint of misuse of funds from the Gram Sabhas, the implementing authorities shall "investigate and take appropriate action in accordance with the law."
24. Also, a register may please be opened to receive complaints in every district collector's office, and the receipt and disposal of the complaints posted on a website.

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25. Further the District Magistrate's office and the Gram Sabha should put on their notice boards all the complaints received and the redressal undertaken for the complaint.

We would be grateful if you could kindly look into the above listed matters and respond to us at the earliest.

Warm Regards,



Dr. N.C. Saxena



Harsh Mander