

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

June 17th, 2007
allschemes/assam/

Shri. P C Sarma
Chief Secretary
Government of Assam
New Secretariat
Dispur
Assam

Sub: The Special Commissioner's visit to Assam.

Dear Shri Sarma,

We would like to thank you once again for the hospitality extended to the Special Commissioner, Sri Harsh Mander and our Principal Adviser, Shri.Biraj Patnaik, during their visit to Bongaigaon, Chirang and Kokrajhar districts as part of the on-going monitoring of the food and employment schemes for the Supreme Court of India for the Writ 196/ 2001.

We would also like to thank you for convening the meeting with all the key Secretaries and Commissioners of the Departments whose schemes fall under our purview. We are recapulating the principal points of agreement for follow-up that were discussed in the meeting.

Camps of Internally Displaced Persons

Government of Assam is committed to ensuring the food and livelihood security of the residents of all relief camps of internally displaced persons. These would include the Adivasi camps, the camps for the internally displaced Muslims and the camps in Karbi Anglong. Government of Assam would immediately seek to put in place basic schooling facilities with provisions for a Mid Day Meal and ICDS Centres, as per population norms in all the camps. The State Government would also ensure that Antodaya ration cards are distributed to all the families in the camps, and PDS shops that are geographically and socially accessible to them. In addition, job cards should be issued to all the applicants who are willing to work and adequate employment as per the provisions of the scheme should also be provided to them. Similarly all aged persons should be provided the benefits of the National Old Age Pension Scheme and Annapurna Yojana, pregnant women of the Janani Suraksha Yojana, and people who lose the family bread earner the National Family Benefit Scheme.

Since the numbers are not large and restricted to specific geographical areas, we hope that you will agree that it will not be difficult to achieve this within three months. We are sure that State Government, realizes the imperative for a permanent solution to the problems of persons who are internally displaced by ethnic clashes and living in camps, both in the Adivasi and Muslim camps. But while this long term

solution is unfolding, it is completely unacceptable that citizens of the country are living in conditions of destitution with chronic denial of their rights to food and livelihood.

Integrated Child Development Services

As agreed with you, we will pursue with the Government of India, the request for the matching grant made to the Government of India for the Supplementary Nutrition. We are grateful for your assurance that all the anganwadis sanctioned in 2005 will be operationalised by June 30th, 2007, as per the Supreme Court directions in this matter. We were also happy to observe that the State Government has removed all contractors from the programme and decentralised the procurement and supply of the SNP.

However, as we had mentioned in our meeting, our field visits corroborated the earlier reports that we had received from the field that the SNP was reaching many of the ICDS centres barely once a year in many places. We understand that the current budgetary provisions from the State Government and the Government of India do not permit you to supply more than half of the required amount of SNP. While we will be taking this up with the Government of India, do please also ensure that adequate provisions are made by the State Government for this, and SNP is made available on a regular year long basis in all ICDS centres in the state.

We would request you once again to ensure the provision of a hot, cooked meal in all the ICDS centres for children in the age group 3-6 years.

On the universalisation of the ICDS, according to Census 2001, there are about 45 lakh children under-6 years of age in Assam. The total population of 0-6 year children according to anganwadi survey register in 2006 is about 33.5 lakh. We would urge you to take urgent steps to ensure that this shortfall is met at the earliest.

National Rural Employment Guarantee Scheme

We were encouraged by the positive feedback that we have received from the field about the implementation of this programme. We would further encourage you to further reinforce the programmatic elements of the NREGA and full coverage of the programme in the selected districts. In particular, the extension of the scheme to the most vulnerable sections of the people, including those displaced by internal violence. One of our observations during the field visit was also that the scheme is not yet “demand-driven” and that most people did not perceive this as a right. This would need to be corrected by giving adequate publicity to the demand element of the programme.

We are also hopeful that the decision of the Government of Assam to directly deposit the wages into the bank accounts of the beneficiaries will help in reducing leakages and increasing transparency in the scheme.

Midday Meal Scheme (MDMS)

As reiterated in our meeting, we were deeply distressed to note that the MDMS, which has long been universalized in most parts of the country continues to perform so poorly in the State of Assam. This is borne out not just by the figures that we had stated in our earlier report based on the submission of the

Government of Assam to the Government of India (MHRD), but also our observations during the field visit.

Hot, cooked, mid day meals are being provided in very few of the schools currently in the State and we would request you to ensure that within three months the provision of hot, cooked meals is universalized. We would also urge you to look into the provision of cooking sheds for the schools and address the appointments of cooks and helpers across the State so as to reduce the burden on the teachers who are currently engaged in providing the meal.

We would be sending you separately, as discussed, a detailed scheme which is being operationalised by the Government of Delhi to further extend the coverage of the MDMS to out of school children, especially street children.

National Maternity Benefit Scheme

The revised Janani Suraksha Yojana continues to provide for cash assistance for women having a home delivery @ Rs. 500 per woman. This is also required to ensure compliance with the orders of the Supreme Court. An analysis of the details of the beneficiaries of the scheme shows that of all the women who were given cash assistance under JSY only 4.4% women had home deliveries while the percentage of home deliveries in the state (according to NFHS 3) is 77%. This shows that in spite of revised guidelines the focus of the scheme continues to be only on those women having institutional deliveries. This needs to be corrected and the NMBS component of the benefit must be made available to all BPL pregnant women irrespective of place of delivery.

If all the women who are reported to have received cash assistance did actually receive the benefit according to the JSY norms, the Government of Assam should have spent Rs. 24 crores, while the amount spent was only about Rs. 13 crores. This either indicates that there is mis-reporting on the number of beneficiaries or that women are being given an amount less than they are due. This matter needs to be looked into and addressed immediately.

National Social Assistance Programme

We have raised our concerns regarding the non-provision of the enhanced pension amount which was received from the Government of India. We hope that this will be corrected and that the State Government

The combined allocation for the three schemes under NSAP for Assam was Rs. 197.17 crores for the year 2006-07, of which only Rs. 86.92 crores has been spent i.e. only 44% of allocated amount has been utilised.

We would request you therefore to plug the shortfall in the implementation of the National Social Assistance Programmes.

We also hope that you would consider our request to further decentralise the distribution of the pensions, either through the means of postal orders or through bank accounts, as may be deemed appropriate by

the Government of Assam, and ensure that these are distributed on time every month with the same regularity as for pensioners among public servants.

Public Distribution System

As discussed at the meeting, we would request you to enquire into the complaints that we have been receiving regarding the issue price of Antodaya rice to consumers at Rs.4 per kg instead of Rs.3 per kg. We would also urge you to review the overall performance of the PDS in the State since our field observations, corroborated by the studies we have undertaken seem to suggest that it is not working at all in many parts of the State.

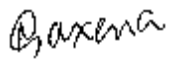
The Deputy Commissioners in the districts we visited also raised the issue of the transport costs for the food grains in the MDMS, for which there is no provision now. The State Government may kindly consider instituting a revolving fund at the districts for this purpose.

We propose to institute a detailed external review of all food and employment schemes in Assam after three months to assess the performance of these schemes in the State, in close consultation with the state government. For this, we will be seeking your support.

Our Adviser in Assam, Dr.Sunil Kaul has conducted three detailed reviews of the performance of the food and employment schemes in the districts of Dhemaji, Baksa and Golaghat. The summary of these reports have been enclosed here so that you can institute appropriate action.

We would like to thank you once again for the courtesies extended to the Special Commissioner and the useful and constructive discussions.

With regards,



Dr. N.C. Saxena



Harsh Mander

CC to Dr. Sunil Kaul and Ms Anju Talukdar, Advisors to the Commissioners to the Supreme Court, Assam.