

# **Status of Implementation of Food Schemes in Bihar**

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**Office of Commissioners to Supreme Court**

**&**  
**Adviser, Supreme Court Commissioners, Bihar**  
**in the case PUCL vs. Union of India & Ors.**  
**(CWP 196/2001)**

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## **INTRODUCTION AND METHODOLOGY**

The right to food is a part of “right to life” as enshrined in article 21 of the Indian Constitution. It is one of the basic economic and social rights without which individual’s independence is incomplete. The Hon’ble Supreme Court in its different orders has clearly said that the right to life means to, “live with human dignity” and fulfilment of basic necessities such as education, health care, nutrition etc are therefore included.

Every citizen has a right to secure himself or herself from starvation and malnutrition. The Constitution of India stipulates in the Directive Principles that every human being is entitled to live a healthy life. The Supreme Court, has also said that the right to life includes 1) to lead a respectable life 2) access to food and other essential requirements of life.

The state therefore, is legally bound to guarantee food entitlements to every citizen. This can be done by adopting different measures such as Land reforms, universal Public Distribution System, increase in agricultural productivity, MNREGA and many other welfare measures for women and children of the deprived sections of the society.

The primary responsibility is to save people from hunger and starvation. However, the central and state government did not pay much attention to the Supreme Court directives.

### ***The Right to Food under Our Constitution***

Article 21: No person shall be deprived of his life and personal liberty except according to procedure established by law.

39(A): The state shall in particular, direct its policy toward securing—(a) that the citizen, men and women, equally, have the right to a adequate means of livelihood.(b) that the ownership and control of the material resources of the community are so distributed as best to sub serve the common good.

47(A): It shall be the duty of the state to raise the level of nutrition and the standard of living and to improve public health.

### *Definitions "The Right to Food" and "Food Security"*

The **World Food Summit** 1996 states that " Food Security, at the individual, household, national, regional and global levels is achieved when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life".

**FAO** the council of food and agricultural organization of the UNO, where India is also a signatory nation defined the RTF (2004) as "the right of every one to have physical and economic access at all times to adequate food or means for its procurement".

The **UN special rapporteur** on the RTF has articulated the right to food as follows: "The right to have regular, permanent and free access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures the physical and mental, individual or collective, fulfilling and dignified life free of fear".

It is, therefore, clear that India is obliged to provide every citizen nutritious food, security of the means of livelihood, increase in agricultural production, equitable distribution of resources, hygiene clean environment free from exploitation so that he or she could live a dignified life.

### *The PUCL Petition*

The Peoples' Union of Civil Liberties (PUCL) filed a Public Interest Litigation in the year 2001 in the Supreme Court regarding "Right to Food" (PUCL vs. UoI & Ors. CWP 196/2001). This PIL was filed in a context when the godowns of Food Corporation of India (FCI) were filled with sacks of grains while people were dying of starvation and

suffering from malnutrition. The petition argued that in order to save people from starvation, grains should be distributed as per food for work program through PDS and used for the Mid-day meal scheme for school children.

PUCL brought starvation deaths to the notice of Supreme Court. The Hon'ble Court categorically said that the government's first and foremost responsibility is to save people from hunger and starvation. However, the central and state governments did not pay much attention to the Supreme Court directives. Reports of starvation deaths continue to come from across the country. While the case is still pending in Court, the Supreme Court has passed more than fifty "interim orders" for upholding and strengthening the various government schemes related to food, social security and work. The following schemes have been covered in this case:

1. *Integrated Child Development Scheme (ICDS)*
2. *Mid-day Meal Scheme (MDM)*
3. *Targeted Public Distribution System (TPDS)*
4. *Antodaya Anna Yojana*
5. *National Maternity Benefit Scheme (NMBS)*
6. *National Old Age Pension Scheme (NOAPS)*
7. *National Family Benefit Scheme (NFBPS)*
8. *Sampoorna Grameen Rozgar Yojana (SGRY); now merged with the NREGA*

#### ***Role of Commissioners and Advisers***

The Supreme Court in its interim order dated 8<sup>th</sup> May, 2002, appointed two Commissioners - N.C Saxena (former Secretary Planning Commission) and S.R Sankaran (former Secretary Rural Development Department) with the objective of monitoring the working of the interim orders. However, Mr. Sankaran resigned in Nov 2004, for personal reasons. In his place Mr. Harsh Mander was authorised by the Supreme Court to assist the commissioner in an order dated 9 May 2005 as Special Commissioner.

The Commissioners are empowered to enquire into any violation of the interim orders and are authorised by the Supreme Court to demand redressal. The Commissioners' Office submits regular reports to the Supreme Court on the status of implementation of

the food schemes being monitored by it. On the basis of these reports the Hon'ble Court, keeps a close watch on the implementation of these schemes across the country.

The Commissioners have appointed Advisers in the states to advise them on the status of the schemes in their respective states. The advisers essentially serve as a bridge between the Commissioners, the State Government and various citizens' groups. The role of the advisers' includes sending periodic reports to the Commissioners, conducting enquiries into response to local complaints, sending appeals for intervention to the Commissioners whenever required, organizing research and survey, working towards a more effective monitoring and redressal system and liasoning with the state government on behalf of the Commissioners etc.

### *Profile of the State*

Bihar is located in the eastern part of the country (between 83° 30' to 88° 00' longitude). It is an entirely land-locked state, although the outlet to the sea though the port of Kolkata is not far away. Bihar lies mid-way between the humid West Bengal in the east and the sub humid Uttar Pradesh in the west, which provides it with a transitional position in respect of climate, economy and culture. It is bounded by Nepal in the north and by Jharkhand in the south. The Bihar plain is divided into two unequal halves by the river Ganga which flows through the middle from West to East.

**Table 1: Some information regarding Bihar State**

Longitude	24° 20' 10" - 27° 31' 15" N
Longitude	83° 19' 50" - 88° 17' 40" E
Rural Area	92,257.51 sq. km
Urban Area	1,095.49 sq. km
Total Area	94,163.00 sq. km
Height above Sea-Level	173 Feet(52.73 Meter)
Normal Rainfall	1,205 mm
Avg. Number of Rainy Days	52.5 Days in a Year

Table 2: Social and economic indicators in the State, including literacy rates, health indicators (IMR, MMR), sex ratio, poverty ratios, etc

Indicators	Bihar
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Total population (Million)	82.88
Rural Population (%)	89.6
Birth rate	30
Child population (0-4 Years), (Million)	12.0
Sex ratio (all)	921
Sex ratio (0-6 years)	942
Life expectancy at birth: Male	61.4
Life expectancy at birth: Female	59.5
Infant mortality rate	58
Underweight children (below 3 years), (%)	58.4
Gross enrollment ratio (6-14 years, %)	80.42
Complete immunization (all) Before 24 months), (%)	32.8
Maternal mortality rate (MMR)	371

While the state of Bihar claims to have achieved, 11.8% growth rate in the period between 2004 and 2009, it is a matter of shame that despite all the claimed development works, the state stands at the bottom of the Human Development Index ranking 32<sup>nd</sup> in the country.

Bihar is the 12th largest state in India in terms of size and 3<sup>rd</sup> largest state by population size, following Uttar Pradesh and Maharashtra. About 80 percent of the population lives in rural areas.

**Agriculture** is the mainstay of Bihar's economy. Its contribution to the state GDP is 22-30 percent. Bihar has 7.4mn hectares under cultivation. Yield per hectare is 1679 Kg which is below than the national average of 1739 Kg. Some of the reasons for stagnation of agriculture in Bihar are defective land holdings, lack of irrigation facilities, lack of modern technology and so on. Landlessness has been rising in Bihar in the last decade. It has increased from 9 percent in the early 1990's to 10 percent by the end of the decade. 67 percent of the rural poor were landless in 1993-94; by 1999-2000 it increased to 75 percent. Scheduled Castes constitute more than 25 percent of the population.

Flood in north Bihar and eastern Bihar and drought in southern Bihar affects production largely. In 2009, flood affected areas have also suffered from drought. It also renders large population unemployed or underemployed. This leads to their migration to other parts of the country also.

The **industrial sector** is in a very poor condition. Its growth rate is far below the national average. It just contributes 3.2 percent to state GDP, whereas, the national average is 20.1 percent. Its contribution to the job market is also abysmally low. The backwardness of agriculture and industry leads to unemployment, poverty, illiteracy, hunger, children's mortality, gender inequality and so on. Bihar has the highest level of migration of workers, unskilled, semiskilled and skilled.

The annual **per capita income** in 2005-06 in Bihar was Rs. 7871, whereas the national per capita income was Rs. 26003. **Health** situation in Bihar is also quite poor. Bihar's infant mortality rate is 62 per 1000, whereas, the national average is 66 per 1000. However, it is better than UP (83), Orissa (91), AP and Haryana (86) in this regard. Young people below 25 years comprise about 58 percent of population which is highest in the country. Life expectancy in Bihar is (63.6 years) which is higher than national average (62.4years). However, many infectious diseases are yet to be conquered. Maternal and child health care facilities are yet to be established in many parts of Bihar. Malnutrition, anemia in women and children are yet to be prevented.

**Women** constitute 39.7 million of population. Literacy rate among them is very low. Only 33 percent of women are literate. A great number of women living in rural areas face a lot of hardship. As agricultural and construction labourers women face discrimination in terms of wages. Women earners are not treated on par with male earner in homes. Sex ratio is far below in Bihar in comparison with the national average of 921 women per one thousand men. According to National Family Health Survey, 2005-06 violence against women in Bihar is 20% higher than the national average. In villages women of weaker section are victims of witch-hunting and very often their land and belongings are usurped by local feudal and influential persons.

**Education** level from primary to higher is almost stagnant. In the area of primary education state government is putting some efforts with the help of centrally sponsored scheme of Sarva Shiksha Abhiyan. Bihar's literacy rate is 63.8 percent against national

average of 65 percent, female literacy rate as per 2001 census is only 33.6 percent as against the national average of 54.2 percent. Only 70.9 percent children are enrolled in primary section against national average of 98.2 percent. In upper primary stage 48.7 percent are enrolled as against national average of 62.4 percent. The dropout rate is also very high in Bihar. Out of 100 children 59 don't pass grade V and 78 fail to reach class VIII while respective national figures at both stages are 31 and 52 percent. There is one teacher for 62 students in the state which is also highly over the national average of 1: 40. The poor educational output at the primary level reflects that educational services are not being delivered properly. Bihar spends per capita Rs 484.1 on education which is below than national average Rs 586.80.

### *Introduction to the Survey*

The Office of the Commissioners decided to present the next report to the Supreme Court on the implementation of the food schemes based on a field survey of the actual situation on the ground. For this purpose a survey was conducted in 10 states<sup>1</sup> across the country, including Bihar. This report presents the findings of the survey in Bihar

In Bihar, the survey was conducted in forty villages spread over four districts across the state. The four districts were selected to represent the four different geographical regions of Bihar. They belong to four divisions/commissionerates representing different climates, culture and social regions. The districts selected are Gaya, Samatipur, Araria and West Champaran (marked in yellow in the map below).

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<sup>1</sup> The survey was conducted in Uttar Pradesh, Bihar, Jharkhand, Assam, West Bengal, Orissa, Madhya Pradesh, Chhattisgarh, Gujarat and Jammu & Kashmir.



Two blocks from each district were then selected in such a manner that one was near to the District office and another was far from it. Five villages were selected from each block in all the districts on a random basis from the census list of villages for the block. Of this list of ten villages, five were selected for the survey purposively to ensure that the villages covered in the survey included those with SC, ST and muslim populations. The total villages surveyed therefore are 40 across eight blocks of four districts in four divisions from the state.

**Table 3: List of Area**

Division	District	Block	Village
Magadh	Gaya	Imamganj	1. Bark Karasan, 2. Ekamba, 3. Pathra, 4. Chotka Karasan, 5. Maira
		Barachatti	1. Rohi 2. Duvhal 3. Bibipesra 4. Bajarkar

			5. Jahangira
Darbhanga	Samastipur	Sarayranjan	1. Shahzadpur 2. Udaipur 3. Chak Alahdad 4. Bhojpur 5. Manika Buzurg
		Mohanpur	1. Matiaur 2. Chainpur 3. Bariarpur 4. Ratanpur 5. Kutubpur
Tirhut	W Champaran	Nautan	1. Chargaha 2. Bhagwanpur 3. Baikunthwa 4. Halkhorwa 5. Bairia
		Baghaha – I	1. Kaulapur Kaulanchi 2. Parari 3. Chandrapur 4. Purbari Lagunaha 5. Ahirauliya
Purnea	Araria	Bhrgama	1. Harpur Kalan 2. Hingua Chakla 3. Dhanesri Milik 4. Birnagar Milik 5. Lachmipur
		Araria	1. Salaigarh 2. Dhakia 3. Lodipur 4. Belbari 5. Rajokhar

- **Methodology of Survey**

Three types of methodology have been used to collect required information during this survey:

i) Survey of Service Providers: Different agencies governmental/ non-governmental/ staff responsible for providing food security at the village level such as the Anganwadi (Sevika/ Sahayika), Teachers (in Primary/ Middle School) and Dealer (of the Targeted Public Distribution System) were interviewed.

ii) Beneficiaries of different Food Security Schemes: Children of Anganwadi Centre, Pregnant women and lactating mothers, young girls, students of Primary/Middle School, old women and men, beneficiaries of TPDS were interviewed

iii) Focus Group Discussions: FGDs were held with the different target groups in the villages ensuring that the poorest of the poor of the village were included

**Methods of Survey:**

- o Interviews, Observation, Focus Group Discussion, Documentation
- o The Chief Secretary was intimated of the survey plans
- o Required information related to various schemes were collected from concerned officials of the State, district and blocks before the survey.
- o The list of people identified as being Below Poverty Line (BPL), List of the beneficiaries of Antyodaya Anna Yojna, List of Anganwadi Centres, List of Dealers of PDS, Allotment of funds and supplied grains at given centres, Amount of grain per school etc. were collected

**Duration of Survey:** October 2009 to December 2009

The surveyed was undertaken in 40 sample villages from 32 Gram panchayats, under eight blocks from 4 districts. In the 40 villages the survey covered 63 Anganwadi centers, 45 schools and 28 ration shops.

Table 4: List of covered institutions:

District	No. of Village Covered	No. of AWC Covered	No. of School Covered	Ration Shop
Gaya	10	14	11	8
Samastipur	10	13	12	7
W Champaran	10	16	11	8
Araria	10	20	11	5
Total	40	63	45	28

**The Schemes Covered Under the Survey**

1. *Integrated Child Development Scheme (ICDS)*
2. *Mid-day Meal Scheme (MDM)*

3. *Targeted Public Distribution System (TPDS)*
4. *National Maternity Benefit Scheme (NMBS)*
5. *National Old Age Pension Scheme (NOAPS)*
6. *National Family Benefit Scheme (NFBPS)*

## **INTEGRATED CHILD DEVELOPMENT SCHEME (ICDS)**

ICDS was introduced in 1975 with the objective to improve the nutritional and health condition of children below 6 years and to reduce the mortality, morbidity, malnutrition and school dropouts. Besides, one of its objectives is to enhance the capability of the mother to ensure all-round development of the child through community education.

The following six services are provided under the ICDS programme:

- 1) Supplementary Nutrition
- 2) Pre School Education
- 3) Immunization
- 4) Referral Services
- 5) Nutrition and health Counselling
- 6) Health Check ups

The anganwadi centre (AWC) is the nodal centre in the village for the delivery of the ICDS programme. One AWC is established for every 800 population. The *Sevika* (anganwadi worker) with the help of the *Sahayika* (anganwadi helper) is the person responsible for providing all the services under the ICDS. The implementing authority is Directorate under the supervision of the Social Welfare Department of the state government. The beneficiaries of ICDS include Pregnant and Lactating mothers, Children in the age group of 6months to 6years and Adolescent girls.

### ***Supreme Court Orders on ICDS - A Summary***

1. Every settlement in rural areas and urban slums must be covered with Anganwadi Centres.
2. Supplementary nutrition should be provided to every child under six, every adolescent girl, every pregnant woman and nursing mother for 300 days in a year.
3. All the services of ICDS including immunization, health education, pre-school education, and supplementary nutrition must be provided to ALL children up to the age of six years, adolescent girls, pregnant women and nursing mothers.
4. Efforts must be made to ensure that all SC/ST habitations in the country have AWCs as early as possible. Similar efforts shall also be made to cover all urban slums.

5. Private contractors should be banned from the supply of supplementary nutrition. Local women's SHGs and Mahila Mandals should be encouraged to supply supplementary food distributed in Anganwadi Centres.
6. The BPL status of a family is not a criterion for accessing the ICDS.
7. All State Governments/Union Territories are to put on their website full data for the ICDS schemes including where AWCs are operational, the number of beneficiaries category-wise, the funds allocated and used and other related matters
8. Communities (rural and urban) are entitled to an "anganwadi on demand" if there are more than 40 children under the age of six and there is no provision of an anganwadi centre.

Although the orders of the Supreme Court specify that anganwadi centres must be sanctioned and operationalised by December 2008, Bihar is yet to operationalise 11757 anganwadi centres that have been sanctioned to it by Government of India.

No. of anganwadi centres sanctioned by Govt. of India for Bihar	91968
No. of anganwadi centres operationalised as on 31.03.2010	80211
<b>No. of sanctioned AW centres yet to be operationalised in Bihar</b>	<b>11757</b>

Source: Ministry of Women and Child Development, <http://wcd.nic.in>

Further, according to the information available with the Ministry of Women and Child Development, Government of India, the number of beneficiaries among pregnant and lactating women and children under 6 years for the supplementary nutrition programme in Bihar as on 31.12.2009 is 42,18,255. The projected population of children in the age group of 0-6 years in Bihar in 2006 according to Census of India is 1.57 crores. Therefore, the coverage of children through SNP is only about 26.7% according to official data; while Supreme Court directions clearly state that there must be universal coverage.

A Survey on ICDS by Bihar Govt. /UNICEF in 2007 found that only 29% Anganwadi centre are being provided with funds for supplementary food from CDPO office and less than 10% Anganwadi workers are being paid honorarium regularly. 93% posts are vacant in Vigilance Committee and the Govt. allotted price per Kg for supplementary nutrition is far below the market prices, causing compromise of quality and quantity.

### *Findings of the survey*

#### **1. Sample Covered**

In each village in the sample, every anganwadi centre was covered in the study. The survey involved gathering the information on the basis of observation of the activities in the AW centre, interview of the Sevika and Sahayika, talking parents of children in anganwadi centres and inspection of the AW records.

District	No. of Villages Covered	No. of Anganwadi centres covered	No. of Anganwadi centres located in SC/ST mohallas	No. of FGDs conducted where ICDS was discussed
Gaya	10	14	12	10
Samastipur	10	11	06	10
West Champaran	10	16	07	10
Araria	10	20	07	13
Total	40	61	32	43

Every anganwadi centre in the sample villages was included in the survey. So, if there were two AWCs in a village then both were included in the survey. In this manner a total of 61 AWCs were covered from the forty sample villages. Out of the 61 AWCs surveyed it was found that 32 AWCs are located in SC mohallas which is a little more than 50 percent of the total AWCs surveyed. In two sample villages of Samastipur district, namely Chakahledad and Chainpur, there is no Anganwadi center.

#### **2. Quality of buildings in which Anganwadi centres are housed**

District	Anganwadi housed in government buildings		Number of anganwadis that are in:		
	Number	Percent	Pakka	Kachcha	Semi-Pakka
Gaya	03	21.4	05	09	0
Samastipur	0	0	0	11	0
West Champaran	03	18.7	02	07	04
Araria	02	10.0	03	17	0
Total	08	13.1	10	44	04

Out of 61 AWCs surveyed only eight anganwadis were functioning out of government owned buildings, which is mere 13.1 percent of the total AWCs surveyed. Regarding the type of building only 10 AWCs are located in pucca buildings, 44 in kachcha buildings and the remaining 4 are in semi pucca buildings. Further, 3 anganwadis in West Champaran district were running out in the open, under a tree.

#### **Anganwadi centre in a 'goat-shed'**

It was generally seen that the infrastructure for anganwadis was very poor. Apart from the few centres that ran in pakka buildings, the rest were all in very sorry conditions. When the surveyor team visited the Mushhar Tola, village Shivmangalpur of Yogapatti Block in West Champaran (at 11.15 AM on 28/1/2010) looking for the anganwadi centre, we couldn't find it. When we asked around we were pointed towards a bamboo-hut. The door of this hut was closed and there was no sign board visible. Some people were sitting outside the hut who said that this was indeed the centre. One of them was also the husband of the Sevika, but the Sevika was not to be seen – nor were any children. When we opened the door, we found that there were 8-10 goats inside!

Village: Shivmangalpur, Tola--Mushhar Tola, Panchayat-- Shivmangalpur, Block: Yogapatti, District: West Champaran

### **3. Facilities in Anganwadi centres**

Facilities	Number of anganwadis	Number of anganwadis
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	where the following facilities are available		where these are working:	
	Number	Percent	Number	Percent
<b>Weighing scaling for children:</b>				
Gaya	06	42.9	05	35.7
Samastipur	01	7.7	00	0
West Champaran	07	43.7	00	0
Araria	10	50.0	07	35.0
Total	24	39.3	12	19.7
<b>Toys for children</b>				
Gaya	03	21.4	03	21.4
Samastipur	10	90.9	08	72.7
West Champaran	04	25.0	04	25.0
Araria	18	90.0	11	55.0
Total	35	57.4	26	42.6
<b>Medicine Kit</b>				
Gaya	01	7.1	00	0
Samastipur	10	90.9	10	90.9
West Champaran	03	18.7	00	0
Araria	00	0	00	0
Total	14	22.9	10	16.4
<b>Drinking Water</b>				
Gaya	08	57.1	08	57.1
Samastipur	10	90.9	10	90.1
West champaran	02	12.5	02	12.5
Araria	17	85	17	85
Total	37	60.6	37	60.6
<b>Cooking facilities</b>				
Gaya	09	64.3	08	57.1
Samastipur	10	90.9	10	90.9
West champaran	02	12.5	02	12.5
Araria	19	95	19	95
Total	40	65.6	39	63.9
<b>Toilet Facilities</b>				
Gaya	00	0	00	0
Samastipur	01	9.1	01	9.1
West champaran	01	6.2	01	6.2

Araria	00	0	00	0
Total	02	3.3	02	3.3

The survey looked at whether basic facilities required for the functioning of the AWC such as weighing scales, cooking and water facilities, toys and medicine kits were available or not. It was seen that weighing scale was available in only in 24 out of the 61 AWCs (39.3%) and further in only twelve AWCs (19.7%) of the total AWCs surveyed were these scales functioning. These needs to be corrected considering that weighing scales are essential for growth monitoring and the nutrition interventions of the ICDS. Toys for children were available in only 35 AWCs (57.4%), however working only in 26 centers (42.6%). Medicine kits were found in only 14 AWCs (22.95%), but in working condition in only 10 centres (16.39%).

37 centres (60.6%) had a drinking water facility and cooking facilities were available in 40 centres (65.6%). Except one all the available cooking facilities are functional. Toilet facilities were found merely in only 2 centres (3.3%) and both of these were in working condition.

People in the FGDs felt that that a special building for the anganwadi should be allotted. Walls of the room should be adorned with pictures for children. There should be toys, pictures, pictorial books for children. Two toilets, one nurse, medical kit and delivery facilities should be available at every anganwadi centre. SNP must be provided to one and all of the targeted group regularly.

Pre-school is one of the important services provided by the anganwadi centre. The survey team made an unannounced visit to the AWC during working hours and recorded the number of children present and also whether any pre school activities were being conducted at the time of the visit. Further, during the FGD members of the community were asked whether any pre-school activities were conducted in the AWCs. Of the 61 AWCs visited only in 33 there was some pre-school activity being conducted during the visit and further in the case of only 23 did people say that pre-school activities were indeed conducted. The average number of children present in the centres was 16; which is also low as the estimate is that at least 40 children would be eligible to attend pre-school per AWC.

#### 4. Pre-School activities in Anganwadi centres

District	Average Number of children present during visit	Number of centres where pre-school activities were being conducted during visit:		Number of centres where pre-school activities are conducted regularly according to FGD:	
		Number	Percent	Number	Percent
Gaya	05	00	0	00	0
Samastipur	22	11	100	08	72.7
West Champaran	22	09	56.2	06	37.5
Araria	32	13	65	09	45
Total	16	33	54.1	23	37.1

There was also a large district-wise variation seen. While the average number of children at the time of visit was only 5 in Gaya, in Araria on an average there were 32 children present. Similarly while preschool activities were being conducted in all the 11 centers of Samastipur district at the time of the visit in none of the centers in Gaya district were any preschool activities being conducted during the visit to the center.

#### 5. Coverage of Children

District	Percent of children in the village enrolled and being given SNP according to AWC registers			Average number of children enrolled for SNP
	0-6months old (lactating mothers)	6 months to 3 years old	3 years to 6 years old	
Gaya	42.3 (96/227)	37.4 (480/1284)	32.1 (486/1515)	88
Samastipur	28.9 (80/376)	53.8 (400/743)	50.2 (400/796)	80
West champaran	58.2 (64/110)	50.5 (320/634)	34.5 (320/928)	88
Araria	43.9 (144/328)	29.1 (520/1784)	27.4 (520/1899)	62
Total	36.9 (384/1041)	45(2104/4676)	33.7 (1726/5138)	76

The survey team recorded the number of children in the relevant age-groups according to the survey conducted by the AWW and the number of children enrolled as beneficiaries by the AWC. It must be noted that it is quite likely that the survey by the AWW does not cover all the children in the village and therefore the figures presented

here are an underestimate of actual coverage. Further, it is also likely that not all the children enlisted as beneficiaries in the anganwadi registers actually receive benefits. While this was not individually verified, it was discussed during the FGDs. According to the data of the AWW, in the age group of 0-6 months 384 children out of 1041 children of AWC area were registered in surveyed AWC. In the age group of 6months-3 years old 2104 Children out of 4676 children of AWC area were enrolled in all centres. In the age group of 3-6 years old 1726 Children out of 5138 children of AWC area were enrolled in the centres. Therefore the coverage according to enrolment data was about 35% to 45% of the eligible beneficiaries. Further, even with this low coverage the average number of beneficiaries was as high as 76 pointing out to the need for more number of AWCs.

## 6. Caste discrimination

Although during the short visit no evidence of caste discrimination was seen, it was seen that there were 29 AWCs in upper caste mohallas and dalit children do not go to centres in upper caste mohallas and vice versa.

## 7. Frequency of opening of Anganwadi Centre

District	Average no. of days Anganwadi centre was open in a month according to attendance register	Average no. of days Anganwadi centre was open during the last month according to responses of the community from FGD
Gaya	15	4
Samastipur	15	19
West champaran	15	17
Araria	24	24
Total	18	15

According to the attendance register, the centres were open on an average for 18 days a month. However as per focus group discussions it opens only 15 days a month on an average. The highest discrepancy between what was seen in the anganwadi records and the responses of the FGD was in Gaya, where on an average according to community responses AWCs were only open for about 4 days a month, while in the AW register it was shown as being open for 15 days.

## 8. Supplementary Nutrition Programme

In all the anganwadi centres, dry rations were being given as supplementary nutrition for children under three years of age and pregnant and lactating mothers. According to AWC register dry rations of 2.5kg of Rice and 1.25Kg dal) is given to 06 months- 03 years children and 3 kg of Rice and 1.5 Kg of dal is given to pregnant/ lactating mothers each month. On the other hand the SNP provided to 3 to 6 year old children and adolescent girls was in the form of cooked food (khichdi). Three methods are being used for measuring food grains at AWC - Sevika uses her own jug, ICDS provides the jug or Sevika uses weighing machine for children.

### Distribution of ration without disruption

The AWC register was checked to see if rations were distributed without any disruption during the last three months. It was seen that except for in 6 centres in Araria and 3 centres in West Champaran, in the rest of the centres included in the survey the registers showed a disruption in supply of SNP.

District	Regularity at AWC	Irregularity at AWC
Gaya	0	14
Samastipur	0	12
west Champaran	3	13
Araria	6	12
Total	9	51

### Not All the Food is actually given...

In most of the villages in the survey, people complained that the SNP was not given regularly, and even when it was given the quantity was less than what they were entitled to. We decided to check the register of the AWW and compare with what the women were saying. And we found many discrepancies.

For e.g. Lalmuni Devi reported that when she was pregnant she received the take home rations in the form of rice and dal only once. On checking the register we found that it showed that she was given the take home rations 7 times. Further, while Lalmuni said that she was given 2kgs rice and 1kg dal; the register showed her being given 3kg rice and 1.25kg dal every month. Similarly during the lactating period too, although she

received the SNP only twice and too very small quantities, the register showed her being given 2Kg Rice, 750g Dal once and 1Kg Rice, 500g Dal.

According to the FGDs good quality of food was served only in 6 AWCs and in another 15 AWCs they said that the quality of food was average. The rest reported that the quality of food was bad.

### 9. Growth Monitoring

According to AWC register, weighing of children was done by AWWs in only 9 out of 61 AWCs in the last three months and grading was done in the same number of centers where weighing was undertaken. According to the FGDs with members of the community, weighing of children was done at 4 AWCs only and in only 3 centers were the parents informed about the nutrition status of their children enrolled in the center.

District	Number of AWWs where children were weighed in the last three months according to AWW	Number of AWWs where grading was done in the last three months according to AWW	Number of AWCs where weighing was done in the last 3 months according to FGD	Number of centers where FGD participants said parents were informed about the growth monitoring
Gaya	00	00	00	00
Samastipur	04	04	00	00
West champaran	00	00	00	00
Araria	05	05	04	03
Total	09	09	04	03

In Gaya and Samastipur neither did the AWW nor the community report that weighing of the children was done in the last three months in any of the AWCs covered in the survey. Even in the other two districts, very few AWCs actually conducted growth

monitoring in the last three months. Only in 4 cases in Araria did the community report children being weighed by the AWW in the last three months.

### 10. Health and Nutrition Counselling

District	Number of FGDs where the community responded the following:		
	Anganwadi worker holds meetings for mothers	Anganwadi worker makes home visits	Anganwadi worker comes regularly
Gaya	00	00	00
Samastipur	00	00	07
West champaran	04	04	00
Araria	09	11	00
Total	13	15	07

It came out from the FGDs that only in 13 the AWW holds meetings for mothers regularly. It came out in 15 FGDs that the AWW make home visits regularly and only in 7 FGDs were people of the view that the anganwadi workers comes to the anganwadi center regularly.

According to most FGDs Sevika does not do meeting with any age group (children, lactating mother and adolescent girls). She does not provide information to villagers about immunization. She does not provide information about how to feed child timely. People do not know about grading.

### 11. Disability

District	Number of centres where any disabled children were present during the visit	Number of centres where disability survey was conducted in the last one year	Number of centres where disability survey was NEVER conducted
Gaya	00	01	13
Samastipur	00	08	04
West champaran	05	08	08
Araria	02	03	14
Total	07	20	39

In 7 centers (in five centers of W Champaran and in two centers of Araria district) disabled children were present in the anganwadi centre at the time of visit. According to the AWW in the last one year disability survey was conducted at 20 AWCs out of 61 AWCS surveyed. It was also found that in 39 centers disability survey was never conducted.

## 12. Visit of supervisor and health worker

District	Average no. of visits by supervisor per centre in the last 12 months	Average no. of visits by health worker per centre in the last 12 months
Gaya	2	8
Samastipur	4	9
West champaran	1	6
Araria	2	0
Total	2	5

The supervisor is supposed to visit every anganwadi centre at least once every month. According to the visit registers in the AWCs it was seen that on an average the number of visits by supervisor per centre in the last 12 months is only twice. The visit by the health worker was more regular with the average no. of visits by health worker per centre in the last 12 months being five. But the number of visits by health worker in Araria & West Champaran district is 0 & 1 respectively.

Looking at official data (from wcd.nic.in), while 37 of the 545 CDPO posts are vacant in Bihar, 3273 of 3513 supervisor posts are vacant, as on 31.12.2009 i.e. 93% of the posts are vacant. It is almost impossible for a programme to function effectively with vacancies of this range.

### Problems faced by Anganwadi workers

Most of the anganwadi workers complained about their service conditions. They said they were regularly bullied by the *mukhiyas* for bribes, the supply of ration was irregular and there was a delay in payments. Further essential provisions for her to do her job properly such as drinking water facilities, government building, toilets, slates, pencils, blackboard, mat for children etc were all missing in most centres. They also said that other work given to them such as the polio immunization program hampers the work at the AWC. Their main demand was that the honorarium should be raised, especially in the context of rising prices.

According to the FGDs as well the Sevika does not work with zest for children, lactating mothers and adolescent girls and people say that the low honorarium of Rs 1500 is one of the reasons for her indifference. However, there was one case where people were very happy with the Sevika's work. They said that she teaches poems and narrates stories to children and gives information on pregnancy care etc.

### **Conclusions and Recommendations**

As can be seen, the Bihar government has not implemented completely the Supreme Court orders regarding ICDS. Even in its 35th year, not a single objective out of 5 has been implemented to a satisfactory level. Many of the anganwadi centres that have been sanctioned for the state have not yet been operationalised. Even after 8 years, the Supreme Court order on universalisation of the scheme is not being implemented. Even by the anganwadi's own data, the survey found that the coverage of under 6 children was only around 40%. These are enrolment data and the survey found that even these children are not receiving regular services of the ICDS such as growth monitoring, SNP and pre-school.

The infrastructure of the AWC is very poor with only 10 out of the 61 centres visited being housed in a pakka building. There was also a serious problem with regard to the availability of other facilities such as toys, medicine kit, weighing machines, drinking water and cooking facilities. Without these basic provisions there is no way that the anganwadi worker can provide even the basic services of the ICDS. As a result it was seen that different activities like providing nutrition, pre-school activities, immunization and other services like advice relating to health and nutrition, health checkup, AWC are not being executed properly.

During the FGDs as well, people complained that not a single severely malnourished child was referred to go to the nearest Health Centre nor were pre-school activities being conducted regularly in most centres.

However, on the other hand, it was found that the AWW's service conditions are extremely poor. Her wages are low and irregular, and even the community in many places felt that they could not expect her to provide any better services. The delay in payment of the money was SNP and supply of grains forces the Sevikas to file false records. Willingly or unwillingly the system is nurturing corruption.

The scheme also suffers from irregular monitoring and supervision. As seen in the survey the visits by supervisors or CDPOs to the AWC was very rare. This is also because of the high level of vacancies at this level in the state.

## **Recommendations**

1. **Universalisation:** All the sanctioned AWCs must be operationalised without any further delay. In doing so, priority must be given to SC ST habitations and urban slums. For this, a mapping exercise of all SC ST habitations (and urban slums) in the state must be done with a listing of those habitations that have AWCs and those that don't. Only when all these habitations have been given AWCs should the opening of AWCs in non- SC ST habitations (or urban slums) should be considered.
2. **Infrastructure and facilities:** It must be ensured that all AWCs function at least from pakka buildings. There should be enough space for pre-school children to sit and play and learn, as well as storage space for SNP and cooking space. Further, if basic facilities like weighing scales are not available there is no way that one can expect any of the activities of the ICDS to take off. It must be ensured that these basic facilities, in working condition, are available in all the centres. The state government should make provisions for the availability of public buildings for the purposes of the anganwadi centre.  
A thorough review of the infrastructure and quality of services provided by the ICDS must be undertaken and the state government must make universalisation with quality of the ICDS a priority.

3. **Allocation for SNP:** While the allocation for the SNP has been increased from Rs. 2 per child per day to Rs. 4 per child per day by the Government of India (and ordered by the Supreme Court, 22<sup>nd</sup> April 2009); this increase was not seen to be reaching the anganwadi centres during the time of the survey. With increasing food prices it is imperative that the allocation for SNP is also enhanced.
4. **AW Sevika's Working Conditions:** While providing the proper infrastructure would contribute towards encouraging the anganwadi worker, she also needs to be supported by proper monitoring, supervision and training.
5. **Regularity:** In most cases the AWC was not open for more than 15 days in a month (in Gaya this was very low); and only in 9 out of the 61 centres visited was the supply of SNP done without any disruption. This is a complete violation of the Supreme Court and therefore, it is the responsibility of the state to make the AWCs function and provide SNP everyday.
6. **Pre-School:** The ICDS also provides for pre-school activities as an informal type of learning and offers to the child the necessary preparation for primary schooling, but in majority of AWCs this is not happening. The anganwadi workers should be issued instructions to ensure that preschool activities are provided. Preschool kits and toys should be provided to all anganwadi centres.
7. **Disability:** Proper surveys should be done regularly to identify children with disabilities and they should be encouraged to participate in the activities at the AWC. Further, a campaign should be undertaken for the inclusion of the children with disability in the anganwadi centres and make all the necessary infrastructural arrangements like ramps, toilets etc to encourage children with disability to regularly attend the AWC for SNP, preschool activities and other services, with priority to those anganwadis where any child with disability has been identified and enrolled in the AWC. In the Annual census that the AWWs do in each village/hamlet, an additional column for the identification of children with disability must be added.
8. **Supervisors and CDPOs:** All vacant posts under the ICDS must be filled up immediately. Fill up the all vacant post of ICDS immediately. Visit of supervisor and CDPO to AW centres every month should be made mandatory.

9. **Fund Disbursal:** Arrangements must be made to ensure regular disbursement of funds. Funds must be provided on a quarterly basis by EFT (E banking), in advance.
10. **Transparency and Accountability:** All the information related to the AWC should be publicly displayed. There must be a system in place where the members of the community can register their complaints regarding the AW.

## MID DAY MEAL SCHEME (MDMS)

The objective of the Mid Day Meal scheme is to encourage children to attend primary as well as middle schools and improve the nutritional status of students of primary and middle school.

The Mid Day Meal scheme in Bihar was started on 15th August 1995. Bihar Government expanded the MDMS in all primary schools only in January 2005, almost four years after the order of the Supreme Court. Earlier in 2003, the government experimented by serving cooked meal in about 2531 schools of 30 blocks in 10 districts. At present 16753754 enrolled children in 71385 government primary schools and 4271205 enrolled children in 20824 government upper primary schools are being covered under MDM scheme.

### Supreme Court Orders

The supreme court passed an order on 28th Nov 2001 directing all state governments to introduce cooked mid day meals in primary schools:

" The state government/ Union Territories to implement the mid day meal scheme by providing every child in every government and government assisted primary schools with a prepared mid-day meal with a minimum content of 300 calories and 8-12 gram of protein each day of school for a minimum of 200 days."

The Supreme Court issued further orders on 20th April 2004. In this order it directed the Central Government to provide financial assistance of "one rupee per child per school day" to meet cooking costs. The Court also clarified that the responsibility to monitor the implementation of the mid-day meal scheme "essentially lies with the Central Government". Again, the Court stressed the urgency of the situation and directed that "every child eligible for a cooked meal under the Mid-Day Scheme in all States and Union Territories shall be provided with the said meal immediately".

### *Performance of Mid Day Meal Scheme in the State*

According to Bihar Govt. officials, all children enrolled in Govt. and govt. aided primary schools, upper primary schools AIE centers and govt. aided Madarsa and Maqtwas in 37 districts are getting benefits of the schemes. However, the data reflects otherwise. The following are the main findings of the Ministry of Human Development regarding the implementation of MDM scheme in Bihar (as presented in the MDM-PAB meeting, 2009). (The presentation is available at <http://education.nic.in/mdm/MDMPAB.htm>)

#### **Performance Score Card: A Summary**

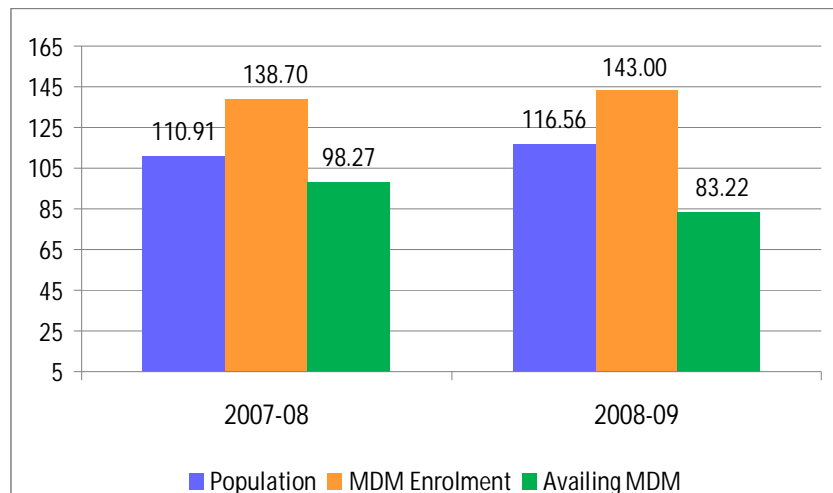
<b>Sl. No.</b>	<b>Component</b>	<b>Achievement</b>	<b>Benchmark</b>
1.	Foodgrains Lifting	50%	85%
2.	Foodgrains Utilisation	50%	74%
3.	Cooking Cost Utilisation	90%	74%
4.	MME Utilisation	75%	100%
5.	Kitchen Shed construction	50%	100%
6.	Kitchen Devices procurement	93%	100%

As can be seen in the table above, there are gaps in all the indicators of performance of the MDM scheme in the state. There is a problem especially with the lifting and utilisation of foodgrains, which shows that the MDM is not being served regularly. An assessment by the Jamia Milia University also reported that while all sample schools had a mid day meal programme, all reported disruptions of two to three months due to lack of availability of foodgrains. On the other hand, the cooking cost is being utilised and this mismatch indicates some form of leakages.

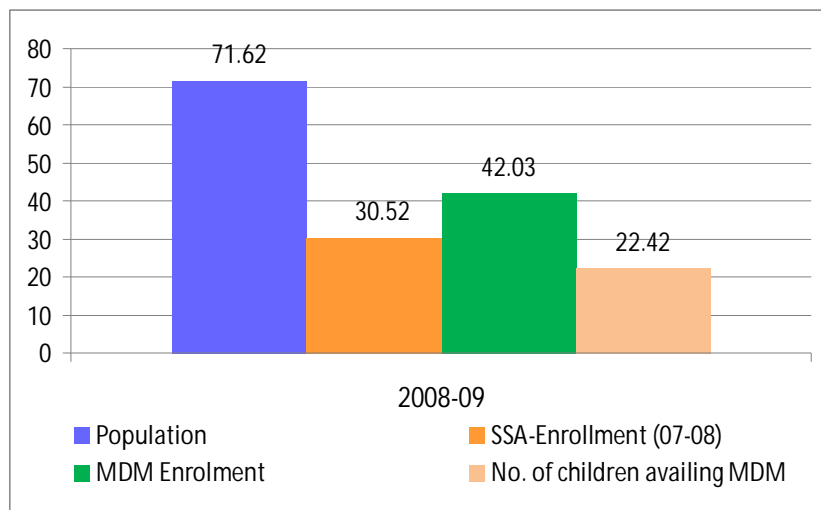
Even in terms of coverage, the state's performance can improve. As can be seen in the two graphs below, there is a wide gap between number of children shown as being

enrolled for MDM and number of children availing MDM (these graphs are also from the presentation of MHRD, available at <http://education.nic.in/mdm/MDMPAB.htm>). By these figures the coverage (in relation to MDM enrolment) is around 58% in primary schools and around 53% in the upper primary schools. The Supreme Court orders that there must be universal coverage. Further, the state shows one of the lowest coverage figures compared to all other states in the country.

### Population Vs Enrolment Vs Availing MDM (PRIMARY)



### Population Vs Enrolment Vs Availing MDM (UPPER PRIMARY)



Note: the graphs show number of children in lakhs

**Community participation:** Community participation is very essential in MDM programme in order to maintain transparency in management and to ensure food quality. However, the election of VSS is not planned to take place before 2011.

**Management and monitoring system:** As per the Bihar Government monitoring committees are active at state and district level. There is a state level MDM society for management and monitoring of the programme. The state government has recruited District Resource Persons and Block Resource Persons on contractual basis for supporting the implementation of MDMS. They are assigned a target of 50 to 100 schools in a month to monitor.

### *Findings of the survey*

#### **1. Sample covered in the survey**

District	No. of Villages Covered	No. of schools covered
Gaya	10	11
Samastipur	10	12
West champaran	10	11
Araria	10	11
<b>Total</b>	<b>40</b>	<b>45</b>

As part of the survey every government (including aided etc. if available) primary and middle school in the villages in the sample were selected. In this manner, in the 40 villages that were included in the survey, 45 schools were visited. All of these were government schools and there were no government-aided schools or EGS/AIE centres in any of these villages. All the 45 schools surveyed are government school. In

these schools the survey teams talked to the teachers, children and cooks and also observed the serving of the MDM if it was available.

#### **2. Coverage**

The first step of the survey was to make an unannounced visit to the school during the time of the MDM and observe whether a meal was being served and if so, what the

quality of the meal was. The registers related to attendance and MDM were also checked.

District	No. of schools where MDMS was served on the day of the visit		Number of FGDs where community reported that hot cooked meal is served in school	
	Number	Percent	Number	Percent
Gaya	03	27.3	09	81.8
Samastipur	06	50	08	66.7
West champaran	05	45.4	09	88.8
Araria	08	72.7	06	54.5
Total	23	51.1	32	71.1

On the day of visit MDM was being cooked in 23 of the 45 schools (51.1%). This was lowest in the case of Gaya district (27.3 percent) and highest in case of Araria district (72.7 percent). According to the focus group discussions with the community 32 schools (71.1%) MDM is served.

#### **No MDM in the Last One Year...**

This school is situated at the bank of river Budhi Gandak. In rainy season, flood in the river makes the school inaccessible for 4-6 months. The area remains water-logged for more than 3 months. The new building has been swallowed by the river. The school is left with four dilapidated rooms. Two rooms have no door and the others two have no concrete surface. They are used as storage for broken chairs and desks. Animals rest in other two rooms at night. Bad elements of the village play cards and take drugs in the premises.

There are 350 students enrolled in this school from primary to class eight. But, when we visited at 12.15 PM on 28/1/2010 there were only 37 students. We did not see MDM being prepared in the premises of the school. The children present said that no MDM was cooked in the school in the last one year. All children said that in previous years some food used to be given, but it was only *khichdi* always. This was also later confirmed by the parents. However, according to the Head Master the MDM was cooked until the previous month. But there was no document to prove this. He did not know how much money and how much rice was left in the store. Some utensils were

stolen, but there was no FIR filed. The villagers complained that he had in fact distributed the utensils amongst his relatives.

### 3. Facilities for MDM in the school

District	Drinking water		Cooking shed		Plates		Utensils	
	No.	%	No.	%	No.	%	No.	%
Gaya	00	0	05	45.4	09	81.8	11	100
Samastipur	11	91.7	07	58.3	02	16.7	10	83.3
West champaran	08	72.7	07	63.6	09	81.8	10	90.9
Araria	11	100	07	63.6	07	63.6	11	100
Total	30	66.7	26	57.8	27	60	42	93.3

Out of 45 schools surveyed only 30 schools (66.7%) have drinking water facility. Among the districts, in Gaya drinking water facility was not available in any of the schools whereas in Araria all the schools have drinking water facility.

In 26 schools (57.8%) they have their own cooking shed. It was also found that in 27 schools (60%) plates are provided to the children. It was also found that in 42 out of 45 schools (93.3%) schools utensils were available in the schools. In Gaya and Araria districts all the schools have the required cooking utensils.

### 4. Fuel used for cooking

District	No. of schools where food is cooked in the school		Fuel used - Wood	
	No.	%	No.	%
Gaya	09	24.3	11	100
Samastipur	12	32.4	12	100
West champaran	10	27.0	11	100

Araria	06	16.2	11	100
Total	37	82.2	45	100

In 37 schools food is being cooked in the school premises. In all the schools surveyed wood is used as fuel for cooking of mid day meal.

### 5. Quality of Food Given

District	Quality of grains used in MDM				No. of schools where same menu is served everyday	No. of schools where eggs or fruits are given in MDM
	Good (%)	Fair (%)	Poor (%)	Not known (%)		
Gaya	0	11	0	0	4	0
Samastipur	0	12	0	0	0	0
West champaran	0	11	0	0	1	1
Araria	0	06	5	0	3	0
Total	0	40	5	0	8	1

According to responses from the community and the children, quality of grains in 40 schools was of average quality and in 5 schools it was poor; when the MDM was supplied. In 8 schools the same menu was served everyday and in only one school egg was served one day in a week.

### 6. Regularity of Supplies

District	Schools where grain reaches on time		SHGs/cooks are usually paid on time	
	Number	Percent	Number	Percent
Gaya	03	27	09	81
Samastipur	06	50	12	100
West champaran	08	72	09	81
Araria	08	72	03	27
Total	25	55.5	33	73.3

As per the survey in 25 schools (55.5%) grains were supplied on time. In Gaya district it is less than 50 percent (27%). It was told by the cooks/SHGs that in 33 schools (73.3%)

they are paid on time. The percent is highest in Samastipur 100 percent but very low in case of Araria where only 27 percent where cooks are paid in time.

We reached Middle School of Baraka Karasan of Vagevar village at the time of lunch. However the lunch was not being prepared till then. Children had gone home to eat. Talking to the Headmaster we came to know that Rice was available but there was no money to buy other necessary things. For two days children had no lunch. Children endorsed Headmaster's opinion. Talking to villagers of Vagevar we found that ration and money were available but meal was not cooked. In stock register, money and Rice were mentioned.

### 7. Cooks

District	Who has been given responsibility to cook?		% of female cooks	% cooks from SC/ST communities
	Cooks appointed by school	SHGs / NGOs		
Gaya	11	00	20	12
Samastipur	12	00	22	06
West champaran	8	03	17	06
Araria	7	04	08	00
Total	38	07	67	24

In 38 schools (84.4%) cooking is being done by the cooks appointed by the school, while in rest of the 7 schools (15.6%) it is the responsibility of the SHGs or the NGOs to cook the MDM. Among the cooks appointed 67% of them are female and 24% of them belong to SC/ST category. The Supreme Court order clearly states that priority must be given to those belonging to SC/ST category in the appointment of cooks – so this needs to be improved.

### 8. Other Aspects of MDMS

However, in none of the schools was any evidence of caste discrimination found in the serving of the MDM. But it is well known from other studies that it is extremely difficult

to gather evidence of caste discrimination in such studies that use a methodology of rapid surveys. Further, there was also no reported case of any child falling ill as a result of consuming the MDM in any of the schools.

### 8a. Supervision

District	No. of schools where MDMS has been inspected by government official in the last one year	
	Number	Percent
Gaya	06	54
Samastipur	12	100
West champaran	07	63
Araria	07	63
Total	32	71.1

As per the school teachers the functioning of mid day meal was inspected in 32 schools (71.1%) by concerned government officials in the last one year

In school of Rohi Panchayat between 5/11/09-15/11/09 teachers went for training at IGNOU, the school was closed. When our survey team went to the school on 20-11-09 MDM was not cooked. Asking the teachers they told that amount has not been withdrawn from the bank. We checked the passbook and found sufficient money. Mukhiya of Rohi panchayat was also present with the survey team. It reflects irresponsibility of teachers and management of the school. In another school, the management had prior information of our visit; they had cooked good meal for children. Children told us that they never had good food earlier.

### Summary of Observations:

Although the performance of the MDMS was in some ways better than the ICDS, it was far from satisfactory. In most schools the MDM was not being served in a regular manner and on an average the MDM served was found to be less than the prescribed number of days

A major reason for the irregularity in the implementation of the MDMS seemed to be the problems with flow of funds and also supply of grains. The system of fund flow differs from one district to another. Though the state has reportedly taken some steps to regularise the fund flow, mechanism of close monitoring of fund is required to streamline the system across the State. The records of the last six months showed the supply of foodgrain was irregular at school level. Further, the quality of rice differed from one school to another and was below standard.

According to the state government, MME funds are utilized for payment of district and block personnel's honorarium and office maintenance. District and block personnel did not seem to know the guidelines of MDM and roles. Inspection Registers were not found in most of the schools

Community participation was not seen in any of the schools. The attitude of teachers and govt. officials to the implementation of program was very indifferent.

Infrastructure facilities were also poor. Double unit toilet was available in all schools but its maintenance was poor. Water facility was poor in all schools. Hand washing facility was not available in 50% of schools. Kitchen sheds were available in 50% schools. Most schools did not have sufficient cooking utensils and utensil to serve. As per teacher's advice, the fund for purchasing kitchen device should be on the basis of enrollment and not a lump sum one time amount. Most of the schools had no plates for children to eat.

### **Recommendations**

1. All steps must be taken to ensure that the MDM is implemented in all schools on a regular basis.
2. The money should be allocated to the schools in advance in a way that at any given point the advance should be available with school for three months. Opening of bank accounts on the name of Village education committee could be one alternative and money can be deposited in the accounts in advance, which will also lessen the chances of siphoning of money away from mid day meal.
3. Proper infrastructure for mid-day meals should be mandatory, including cooking sheds, storage space, drinking water, ventilation, utensils, etc. The procurement of

the kitchen devices must happen at the school level under the supervision of Village education committees. There should be more than Rs 5000 for kitchen devices grant in schools where the attendance is more than 400 students.

4. Provisions of safe and hygienic drinking water should be ensured in each school, as almost 34 percent of the schools surveyed don't have facilities of hygienic drinking water.
5. The meal should be provided in sufficient quantity and second helping should be offered to all the children who ask for it.
6. Priority should be given to disadvantaged communities (single women, Scheduled tribals and OBC/OSC) in the appointment of cooks and helpers. All cooks and helpers should be paid no less than the statutory minimum wage.
7. Community participation in the monitoring of mid-day meals should be strengthened, particularly to prevent corruption and ensure quality.
8. The MME funds should be used to ensure better monitoring and strengthening the existing structure.
9. The menu should be based on availability of local green vegetables and food habit. More dishes should be included in the menu. Nutritionists should be consulted in preparing the menu and checking the quality of the MDM time to time. Concept of Kitchen garden in schools to be made compulsory.
10. In every school there should be Inspection Rosters and it must be ensured that all Primary and Middle Schools and EGS/AIE centers are inspected at least once every three months.
11. The cooks and helpers of the schools needs to be well trained
12. The food grain distribution system needs to be monitored to ensure quality standards and regularity. FCI can be asked to stamp the sacs with MDM logo or provide different colour bags to maintain the quality of rice supplied.
13. The MDMS should be used as an opportunity for creating awareness about hygiene and cleanliness. School Health Programme to be initiated in all schools
14. A grievance redressal system must be set up where the children can directly give feedback on the performance of the scheme, without the fear of being punished.
15. The election of school Samiti under judicial officer must be conducted immediately.

## TARGETED PUBLIC DISTRIBUTION SYSTEM (TPDS)

Public Distribution System is meant to provide food grains and other essential items at "subsidized price" through "fair price shops". Ration card holders can only buy things from "fair price shops". In 1997 Public Distribution System (PDS) was converted into Targeted Public Distribution System (TPDS). Two different kinds of ration cards were issued-- one for Above Poverty Line (APL) and other for Below Poverty Line (BPL) people under both the categories are entitled to have 35kg of grains. APL card holders get grain at a higher rate than the BPL card holders.

The TPDS is also one of the largest food schemes that was brought under the ambit of SC orders in the case PUCL v. UoI, CWP 196/ 2001. It is also the largest scheme in terms of the coverage with over 500 million of the population receiving benefits under the scheme. The Targeted Public Distribution System is arguably also one of the worst performing schemes amongst those being monitored by the Commissioners appointed by the Supreme Court. All the evidence gathered from the field reports, observations by the Commissioners team during field visits as well as the evaluations of the Planning Commission of the Government of India seem to support this view. Large-scale corruption, improper targeting, faulty design, leakages at all levels and weak monitoring have ensured that the TPDS has not achieved the potential that it had.

### Supreme Court orders related to TPDS and AAY

- 1. Identification of BPL families:** On 28<sup>th</sup> November 2001, the Court directed the state Governments "to complete the identification of BPL families, issuing of cards and commencement of distribution of 25 kgs. grain per family per month latest by 1st January, 2002". The entitlements of BPL families were subsequently raised from 35 kgs of grain per month to 35 kgs.
- 2. Accessibility of ration shops and regular supply of grain:** On several occasions, the Supreme Court directed the government to ensure that all ration shops open regularly.
- 3. Accountability of PDS dealers:** The licenses of PDS dealers and shop-keepers should be cancelled if they: "(a) do not keep their shops open throughout the month during the stipulated period; (b) fail to provide grain to BPL families strictly at BPL rates and no higher; (c) keep the cards of BPL households with them; (d) make false entries in the BPL

cards; (e) engage in black-marketing or siphoning away of grains to the open market and hand over such ration shops to such other person/organizations”.

**4. Permission to buy in instalments:** Arrangements must be made to “permit the BPL household to buy the ration in instalments”.

**5. Awareness generation:** “Wide publicity shall be given so as to make BPL families aware of their entitlement.”

**6. Antyodaya Anna Yojana** On 2<sup>nd</sup> May 2003, the Supreme Court declared that all households belonging to six “priority groups” would be entitled to Antyodaya cards. More precisely, the Government of India was directed “to place on AAY category the following groups of persons:

- (1) Aged, infirm, disabled, destitute men and women, pregnant and lactating women, destitute women;
- (2) widows and other single women with no regular support;
- (3) old persons (aged 60 or above) with no regular support and no assured means of subsistence;
- (4) households with a disabled adult and assured means of subsistence;
- (5) 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;
- (6) primitive tribes.”

**Source:** Dreze, Jean and Yamini Jaishankar (2005), ‘Supreme Court Orders on the Right to Food: A Tool for Action’, Delhi: Right to Food Campaign Secretariat.

The PDS in Bihar is not working properly based on the offtake data available from the Ministry of Food, Consumer Affairs and Public Distribution.

YEAR	ALLOTMENT				OFFTAKE				OFFTAKE %			
	BPL	AAY	APL	TOTAL	BPL	AAY	APL	TOTAL	BPL	AAY	APL	TOTAL
2008-09	1272.1	611.9	0.47	1884.5	458.9	457.9	0.02	916.9	36.1	74.8	4.7	48.7
2009-10*	1166	560.9	19.1	1746.2	642.9	491.8	10.0	1144.8	55.1	87.7	52.5	65.6

\* Offtake upto February 2010

(The data is from the website of the Ministry of Food, Consumer Affairs and Public Distribution [http://fcamin.nic.in/ Report Table/ view\\_reporttable.asp](http://fcamin.nic.in/ReportTable/view_reporttable.asp))

This shows that the off take under the BPL and AAY categories improved in 2009-10 compared to 2008-09 but is still very unsatisfactory. Such low off take levels indicate that people are not receiving their rations regularly. The 9<sup>th</sup> report of the Supreme Court Commissioners shows that Bihar still has to distribute about 73,000 AAY cards.

### *Findings of the Survey*

#### **1. Sample covered in the survey**

To gather information on the functioning of the PDS, the survey team visited the ration shop from where people got their rations and also interviewed the ration dealer. Further five BPL and AAY card holders were visited in every village and the entry in their ration card was verified by comparing it with the distribution register of the ration dealer and also by directly asking the beneficiaries how much grain they got and what they paid for it. Questions related to regularity, selection, quantity, quality and leakages under the PDS were also asked during the Focus Group Discussions held with the community.

District	No. of Villages Covered	Villages that have a ration shop within the same village		Number of villages where nearest ration shop if ration shop is not in village is:	
		Number	Percent	<3kms away	>3kms away
Gaya	10	08	80	03	00
Samastipur	10	05	50	04	00
West champaran	10	08	80	01	01
Araria	10	05	50	03	02
Total	40	26	65	11	03

Among the forty villages surveyed there is a fair price shop in 26 villages. Among the remaining 14 villages, 11 had access to a ration shop within 3 kms distance. Another 3 villages had to go farther than 3kms to access the ration shop.

#### **2. Distribution of ration cards**

District	Total number of APL cards	Total number of BPL cards	Total number of AAY cards
Gaya	1789	1496	611

Samastipur	1732	1092	392
West Champaran	2992	1257	363
Araria	1588	1784	1030
Total	8101	5629	2396

There were 8101 APL coupon holders, 5629 BPL coupon holders and 2396 AAY coupon in all the 40 villages put together. From the register maintained by PDS shop owners, in every village 5 beneficiaries were randomly selected. The details of 73 BPL coupon holders and 127 AAY coupon holders were verified. Focus Group Discussions were conducted in all the villages and through this almost 1500 people were reached out to.

### 3. Information on ration shops

#### 3a Information display

In all the FGDs people complained that shops are open only for two to three days in a month. During visits to the ration shops it was seen that only 20 TPDS shops (50%) had displayed timings, 13 FPS (32.5%) displayed prices, 14 FPS (35%) had displayed quotas and 9 FPS (22.5%) had displayed names of card holders on their display board. The display of information was very poor in Gaya district as only one shop had displayed timing and prices of ration and none of the shops had displayed quotas and card holders detail during the survey.

District	Information publicly displayed			
	Timings	Prices	Quotas	Card Holder details
Gaya	01	01	00	00
Samastipur	07	02	04	01
West champaran	03	02	01	01
Araria	09	08	09	07
Total	20	13	14	09

30 villages out of surveyed 40 villages had the TPDS dealer from the same village. It was found that almost all beneficiaries (97.5%) keep their ration card with themselves. In none of the villages surveyed, beneficiaries can buy ration from the fair price shop in

instalments. It was also found that in none of the villages, ration records were made available for public scrutiny.

District	No. of villages where ration dealers from same village		No. of villages where ration cards are usually kept with the households		No. of villages where ration can be bought in installments		No. of villages where someone asked for ration records and it was made available for public scrutiny	
	No.	%	No.	%	No.	%	No.	%
Gaya	06	60	10	100	00	00	00	00
Samastipur	06	60	09	84	00	00	00	00
West champaran	08	80	10	100	00	00	00	00
Araria	10	100	10	100	00	00	00	00
Total	30	75	39	97.5	00	00	00	00

#### 4. Verification of records/Leakages

In every village the survey team visited the ration shop and examined all the records. From the distribution register names of 3 BPL card holders and 2 AAY card holders was chosen randomly and the details of the purchases of the previous months by these chosen beneficiaries was noted down. Then, the homes of these people were visited and the same details were taken from the entries in the ration card and according what people said.

District	Number of villages where it was possible to access the records for verification	Number of people whose ration cards and official records were cross-	Number of people for whom there was a discrepancy between what was reported in the distribution	Number of people for whom there was a discrepancy between what was reported in the	Number of people for whom there was a discrepancy between what was reported in the ration

		checked	register and what was reported in the ration card/coupon	distribution register and what was reported by the people themselves	card and what was reported by the people themselves
Gaya	10	50	00	50	50
Samastipur	08	40	00	40	40
West champaran	10	50	00	50	50
Araria	11	55	00	55	55
Total	39	195	00	195	195

The survey team could access records in 39 villages for verification. The team could verify details of 195 beneficiaries. In none of the cases there was any discrepancy found between distribution register and the ration cards/coupons. However in all the cases it was seen that what was reported by the beneficiaries was different from what was recorded in the register and ration card/coupons. Everyone said that they paid more money than was recorded and/or got less grains. Further, this process does not throw any light on the existence of ghost cards or the leakages taking place from PDS before the grain reaches the village. There was no vigilance committee for TPDS in any village. Beneficiaries in all surveyed villages unitedly complained against pilferage of food grain.

#### **PDS in Gaya District is ineffective...**

Jaglal Bhuiya a BPL card holder of village--Chhotka Karason, Block--Imamganj, Panchayat—Duvhal did not he did not receive any ration on BPL coupon in 2008-09. In 2009-10, in the month of July he received 14kg wheat for Rs 105. Therefore cost per kg is Rs 7.50, whereas, government rate per kg Rs 4.96 for BPL.

Mithilesh Yadav a AAY card holder of village--Chhotka Karason, Block—Imamganj Panchayat—Duvhal received ration only for 7 months under AAY scheme in 2008-09 In 2009-10 he received ration for 3 months till date. Grains, 23Kg (14Kg-Rice and 9Kg wheat) per month for Rs 80 against the fixed rate--Rs 3 Rice and Rs 2 wheat.

District	Number of villages where the community reported that they have to pay more than the right price for their food grains from PDS		Number of villages where there was an any interruption of supply of food grains in the last 12 months	
	Number	Percent	Number	Percent
Gaya	10	100	10	100
Samastipur	10	100	04	40
West champaran	10	100	07	70
Araria	10	100	09	81
Total	40	100	30	75

However in all villages the beneficiaries complained that they have to pay more than the stipulated price for ration. Beneficiaries from 30 villages complained regarding irregular supply of ration. They (AAY beneficiaries) did not get food grains for more than three-four months last year.

It came out from most of the focus group discussion that *Mukhias* played a partisan role in selecting beneficiaries. He chooses from his supporters and relatives. Mukhia transfers AAY card holder to BPL and BPL to APL on an ad hoc basis, thus depriving the poorest of the poor of the benefits of TPDS. Gram Sabha never happened in any of the surveyed village for the selection of beneficiaries. Whenever villagers demanded documents for inspection, TPDS shopkeepers showed reluctance. In many instances beneficiaries paid one to two rupees more per Kg of grains over the fixed price.

In none of the villages did people say that they get their entire quota of grain regularly. Further in 8 villages reported instances of grain being pilfered/sold in the black market during the FGDs.

District	No. of villages where people said that they normally get their entire quota of grain under PDS	No. of villages where people reported instances of grain being pilfered/sold in the black market	No. of villages where there is a vigilance committee for PDS

	Number	Percent	Number	Percent	Number	Percent
Gaya	00	00	02	20	00	00
Samastipur	00	00	03	30	00	00
West champanan	00	00	00	00	00	00
Araria	00	00	03	30	00	00
Total	00	00	08	20	00	00

Out of 40 TPDS shopkeepers, 10 shopkeepers were found measuring rationx with a tin. Irregular supply of grains to the TPDS dealer was complained by villagers. Three shopkeepers acted whimsically in dealing with beneficiaries. People of 11 villages, out of 40, complained that dealer gave the ration of one month and took coupons of 2-3 months. The quality of rice differs from one village to another. Rice is mainly rotten and stinking. FCI does not own up to the responsibility of having supplied inferior quality of rice.

### **Main Findings:**

The survey found that the PDS is almost not functioning in all the areas covered, especially Gaya district. This is unfortunate considering that the highest number of starvation deaths this year have been reported from Gaya. Further, in most places it was seen that the PDS grain was supplied in an irregular fashion and in spite of the coupon system the dealers were taking more money and giving less quantity of grains.

### **Recommendations**

1. The entire PDS system in Bihar needs to be overhauled. Systems must be put in place to ensure that foodgrains reach the ration shop regularly every month.
2. Dates of offtake of grains by dealers should be fixed and announced in every village. Information relating to TPDS should be displayed at every place in village Mohalla Tola etc.
3. Ensure good quality of Rice and wheat by making FCI and SFC accountable. FCI and SFC should keep samples of grains supplied to the TPDS dealer.
4. The state government should constitute vigilance committees in all the villages to monitor the functioning of ration shops in their villages. The details of stocks, allotment order, list of beneficiaries etc. should be strictly and often made

- available to this committee. Block level and panchayat level vigilance committees with the involvement of government officials and panchayat representatives must also be set up. The enforcement wing and anti-hoarding cell must be strengthened.
5. There must be a door-to-door campaign held along with the members of the vigilance committees to eliminate bogus/ghost ration cards.
  6. It must be ensured that certain communities such as the Musahars, Bhuiyas, Dom etc are automatically included in the AAY lists.
  7. The commission to the TPDS dealers must be set at a reasonable rate
  8. The state government must issue strict instructions to ensure that the ration shop is open everyday, ration is distributed at the prescribed prices and that records are maintained properly in both the distribution registers and the ration cards.
  9. The ration dealers should make rations available in installments, if the beneficiaries ask for it.
  10. The different entitlements to different categories of people with prescribed rates, telephone numbers and address for lodging complaints should be written on each ration card.
  11. A toll free number should be made available to lodge complaints and the complaints should be disposed immediately.
  12. The timings of functioning of ration shop, details of stocks, card holder names and food grain entitlements should be displayed on the ration shop.
  13. All records should be made available for public scrutiny. The government should also create a website and consider putting all record, documents and monthly progress report down to each PDS shop online regularly. Many state governments like Chattisgarh and Tamilnadu have already put such transparency measures in place and found very useful.

## **NATIONAL MATERNITY BENEFIT SCHEME (JSY/NMBS)**

This scheme was introduced in 1995, as part of the National Social Assistance Programme (NSAP) to give benefit to pregnant women of BPL families. They get cash assistance of Rs 500 per birth up to two deliveries. They were supposed to get the amount 8-12 weeks before delivery and this was meant to be a nutritional support to poor women during pregnancy.

The National Maternity Benefit Scheme was merged with the Janani Suraksha Yojana in the year 2005. The objectives of the JSY were mainly to reduce maternal mortality by providing a cash incentive for women to undergo an institutional delivery. However, by merging these two schemes with different objectives, the focus on the NMBS aspect of the scheme has been neglected over the years. This was pointed out in different reports of the Supreme Court Commissioners as well. The Supreme Court in its order dated 20<sup>th</sup> November 2007 stated that the NMBS should continue, with a benefit of Rs.500 being paid of poor pregnant women 8-12 weeks before delivery. Further this order also stated that there should be no restriction on the age of the woman and the order of birth for receiving benefit under the NMBS. However, as seen in the guidelines of the JSY, the benefit is paid only after delivery and the restriction on age and order of birth remains for women who have home deliveries. The scheme therefore denies benefits to a large number of women who are below 19 years of age and/or have more than two children and have a home delivery. These women are in fact most vulnerable and require additional nutritional support. The support for nutrition for pregnant women must be separated from the JSY and should not be made conditional upon the women undergoing an institutional delivery.

While 2, 30,464 women had home deliveries in Bihar in 2008-09; only 46,854 received any benefit under the JSY. The JSY coverage of women having institutional deliveries is improving. However, those having a home delivery are being ignored.

### *Findings of the survey*

#### **1. Sample covered in the survey**

During the survey the team visited every BPL household in the sample villages and enquired whether any woman in the household had delivered in the last one year. If there was a delivery in the household in the last 12 months, then the woman who delivered was asked the questions related to the benefits under NMBS/JSY.

District	No. of Villages Covered	No. of eligible women covered:			Age group of women	
		No. who had home delivery	No. who had hospital delivery	Total	< 19 years	> 19 years
Gaya	10	82	32	114	00	114
Samastipur	10	53	117	170	03	167
West champaran	10	97	61	158	01	157
Araria	10	224	77	301	02	299
Total	40	456	287	743	06	737

In all the 40 villages surveyed, a total of 743 women who delivered babies in last one year among the BPL families, were identified. As per the information, 6 out of 743 women were less than 19 years of age and rest of them (737) were more than 19 years of age. For 62.18 percent women place of delivery was home and rest 37.81 percent delivered at an institution. All women covered in the survey were therefore eligible for benefit under the NMBS/JST and they were therefore asked whether they received any cash benefit during or after pregnancy.

## 2. Coverage under NMBS/JSY

### 2a. Place of delivery

District	No. of eligible women covered	No. of eligible women who received monetary benefit:		
		No. who had	No. who had	Total

		home delivery	hospital delivery	
Gaya	114	00	28	28
Samastipur	170	03	89	92
West champaran	158	07	53	60
Araria	301	01	67	68
Total	743	11	236	248

Of all the women included in the survey a total of 248 women (33.4%) got benefits under the scheme. Looking at this separately based on the place of delivery, it is seen that while only 11 women out of 456 women (i.e. 2.4%) who had a home delivery received benefit, 236 women out of 287 women (i.e. 82.2%) who had a hospital delivery received any cash benefit under the scheme. There is clearly a discrimination against women having a home delivery getting any cash benefits under this scheme, despite repeated orders from the Supreme Court

## 2b. Age

District	No. of eligible women covered	No. of eligible women who received monetary benefit:		
		No. who were < 19 years of age	No. who were > 19 years of age	Total
Gaya	114	00	28	28
Samastipur	170	01	91	92
West champaran	158	00	60	60
Araria	301	02	66	68
Total	743	03	245	248

As per the survey though 743 women were eligible to receive the benefits but only 248 women received the benefits. Out of the 248 women who received the benefits 03 of them gave birth to their babies before they were 19 years of age.

## 2c. Number of children

District	No. of eligible women covered	No. of eligible women who received monetary benefit:		
		No. who had 2 or less children	No. who more than 2 children	Total

Gaya	114	18	10	28
Samastipur	170	64	28	92
West champaran	158	26	34	60
Araria	301	40	28	68
Total	743	148	100	248

Out of total 248 women who received benefits under the scheme 148 women (59. 7%) had two or less than two children and rest 100 (40. 2%) women have more than 2 children.

### 3. Total Amount Received

District	Total amount received by women who had hospital delivery and received benefit		Total amount received by women who had home delivery and received benefit	
	< Rs. 1400	>=Rs. 1400	< Rs. 500	>=Rs. 500
Gaya	17	11	00	00
Samastipur	06	86	00	00
West champaran	00	60	00	00
Araria	04	64	00	00
Total	27	221	00	00

Total 27 women (11.12%) received less than stipulated Rs.1400 after delivery and rest 221 women received total Rs.1400 after delivery.

### 4) Systems of selection and payment

Even in the focus group discussions with the community it came out that the payment is only made for women who have an institutional delivery. People reported that the benefit is given by the hospital after delivery. However they also said that to get the benefit they had to take the ASHA with them to the hospital. Some also felt that the village Mukhiya also had a role to play in the selection of the beneficiaries. The payment is made by cheque and not by cash

## Conclusions and Recommendations

The survey results show that the scheme seems to be functioning fairly well for women who have institutional deliveries (about 82% coverage). Further, the restrictions on age of the woman and birth order have been removed for women who have institutional deliveries. However, it is almost non-existent for those who are not able to go to the hospital for delivery. There is a feeling at all levels that this scheme is only for those who have institutional deliveries. This is despite the repeated Supreme Court orders on the matter.

### **Recommendations:**

1. **Increase awareness on the scheme:** It was found that there is a lot of confusion among people about the benefits of the scheme. The state government must regularly advertise the revised National Maternity Benefits Scheme and Janani Suraksha Yojana on All India Radio and Doordarshan at primetime so that the beneficiaries may become aware of and understand the two schemes. This should be pegged on the themes of nutritional education, and promoting intra family equity in food and health rights.
2. The details of NMBS and JSY schemes must be pasted on all Panchayat buildings, ICDS centres, public health centres, public health sub-centres, and block & district hospitals. Further, a regularly updated list of selected and rejected applicants should be displayed quarterly at the Panchayat Bhavan and ICDS centres. This should be pegged on the themes of nutritional education, and promoting intra family equity in food and health rights.
- 3.
4. **No restriction on place of delivery:** The order of the Supreme Court dated 20 November 2007 must be strictly implemented with all pregnant women who are BPL receiving a benefit of Rs. 500, 8-12 weeks **before delivery**.
5. **No conditionalities:** For this benefit it must be ensured that no conditionalities such as place of delivery, number of children or age at birth are imposed.
6. The Supreme Court orders in this regard must be strictly followed.
7. The state government should review the bottlenecks in the flow of funds from the state to the district and PHC levels and take steps to ensure that funds are available at the lowest level and women are paid the benefit in time.

8. The Village Health and Sanitation Committees under the NRHM should be made functional and empowered to review the status of these schemes and give feedback to the officials if the NMBS and JSY schemes are not functioning effectively.

## **NATIONAL OLD AGE PENSION SCHEME (NOAPS)**

The NOAPS scheme was launched in 1995 with the view to provide some cash assistance to old men and women (aged 65 years or more) of the down trodden sections of the society. It is part of the National Social Assistance Program (NSAP), which has two other schemes: The National Family Benefit Scheme (NFBS) and Annapurna.

The National Old Age Pension Scheme (NOAPS) covers old people who have no assured source of income to support themselves. At present they get Rs 200 as monthly pension, with the central government contributing the same amount. Some state government supplements it by contributing some amount. Recently, Government of India asked all states to cover all BPL individuals above the age of 65 under NOAPS. However, the state governments have not done much in this regard. The Government of India has also urged state governments to contribute an equal amount each month, so that the pension amount is increased to Rs. 400. However, the Government of Bihar does not make this contribution.

In 2002-03, NOAPS like other NSAP schemes was converted from being a "centrally sponsored schemes" and transferred to the state plan. As per the new guidelines the central government contributes a cash grant to the state government under "additional central assistance". After its addition to the state plan, the programme is not being implemented properly. First, the cash granted by the central government is often used by state governments for other purposes. Secondly, the central government no more closely monitors the scheme. Third, funds are released very late causing problems to the

beneficiaries and finally, the administrative charges supposed to be paid by state governments are often not paid by them on time.

Annapurna Scheme was initiated on 1st April 2000 targeting senior citizens who are entitled to the national old age pension scheme, but are not getting pension. They are entitled to 10kg of grain per month free of cost through the PDS shops. The idea behind this is to give some sort of emergency food security to old persons who are not being looked after by their family members. In 2002-03 this scheme was transferred to the state plan.

The contribution of Government of India towards the pension scheme has been increased to Rs. 200 since 2007. The Gol urges state governments to make an equal contribution towards pensions, taking the pension amount to Rs. 400 per month. However, the pension amount in Bihar is still only Rs. 200 per month. The state government does not contribute anything towards NOAPS. As far as coverage is concerned, the number of beneficiaries in Bihar is almost as many as approved by Government of India (99.6%) [Note: "Agenda Items for the Performance Review Committee (PRC) Meeting to be held on 13th April 2010", Ministry of Rural Development, available at <http://nsap.nic.in/>]

### *Findings of the Survey*

#### **1. Sample covered in the survey**

As with the NMBS/JSY, the survey on the pension scheme covered all the BPL families in the villages covered in the survey. In each household the question was first asked whether there were any old people in the family, and if there were then they were asked further questions on whether they get pension or not and the details of the same. In this manner a total of 1050 old people who were eligible to get pensions were identified during the survey. Of these those in the 60 to 65 years age group are eligible and those above 65 years for the National Old Age Pension Scheme. Since only the NOAPS is covered under the Supreme Court orders, the coverage of pensions has been assessed only for those above 65 years of age.

District	No. of Villages Covered	No. of eligible old persons visited			Age group of old persons	
		Male	Female	Total	60 – 65 years	> 65 years
<b>Gaya</b>	10	94	101	195	4	191
<b>Samastipur</b>	10	120	89	209	1	207
<b>West champaran</b>	10	95	112	207	3	201
<b>Araria</b>	10	226	211	437	0	437
<b>Total</b>	40	535	513	1048	8	1036

There are total 1048 people above 60 years of age group in BPL families in the forty villages surveyed. Out of them 535 (51.4%) are male and 513 (48.9%) are female. Total 8 (0.7%) persons were within 60 to 65 years of age group and rest 1036 persons (98.8%) were above 65 years of age. Therefore the questions were asked to the 1036 eligible persons only.

## 2. Coverage of old age pensions

District	Total no. of eligible old persons covered in survey	No. and % of eligible old persons receiving pension		
		Male	Female	Total
<b>Gaya</b>	191	37	57	94
<b>Samastipur</b>	207	18	20	38
<b>West champaran</b>	201	10	20	30
<b>Araria</b>	437	05	08	13
Total	1036	70	105	175

Out of 1036 number of eligible persons only 175 (16. 9%) are receiving the benefits under the scheme, in which 70 persons are male and rest 105 are female.

## 3. Amount of pension received and Timing of Payment

All the 175 persons who are getting pensions reported getting a pension of Rs. 200 per month. All 175 persons/beneficiaries received pension either from Post Office/bank. The problem however was in the regularity of payment. People who said that they received pensions were asked when the last time they got their pensions was. It was seen that most of the people received their pensions more than three months back. This was

especially the case in Gaya district – a district from where most starvation deaths were reported this year and where many of the starvation deaths were among old people.

#### 4. Last time that pension was given

District	Last month		Two months back		Three months back		More than three months back	
	No	%	No	%	No	%	No	%
Gaya	03		02		05		84	
Samastipur	03		32		02		01	
West champaran	01		08		00		21	
Araria	00		07		02		04	
Total	07	4	49	28	09	5.1	110	62.8

Only 7 persons (4%) received pension during the one month before the survey. Another 49 persons (28%) received two months before, 9 persons (5.1%) received three months before and rest 110 persons (62.8%) last received pension more than three months before the survey.

As per the order of the Supreme Court of India all the beneficiaries should receive their benefits within the 7<sup>th</sup> of every month but here more 95 percent of the beneficiaries did not receive the pension amount in the last month. This shows violation of Supreme Court's order.

#### 5. Annapurna Scheme

Among the 1036 eligible people for the pension scheme, only 175 reported that they were receiving any pensions. The remaining 861 should therefore be eligible to at least get the free grains under the Annapurna scheme. However, it was found that none of these people received any free grains.

#### 6. Selection of Beneficiaries

During the discussions with the community in the FGDs it was clearly pointed out that the gram sabhas did not play any role in the selection of the beneficiaries for the old age pensions. It was reported that in most cases it was the Mukhiya of the Gram Panchayat who made the selection and further that the BDO finalized the beneficiaries based on the BPL list and the recommendations of the Mukhiya.

Further, people complained that the mukhiya and the panchayat secretary ask for bribes when any poor person approaches them to be included in the list of beneficiaries for pension. Otherwise, they usually select only their relatives and supporters. People reported in the discussions that in most villages it is seen that only 2 or 3 people from BPL families receive pension, while the rest are from well off families who have connections with the local leaders.

#### **No Pensions for the Poor**

In the village Dhaneshwari of Bhargama block in Araria district there are 1171 of which approximately 820 families belong to the Scheduled Caste community. The survey team visited all the families in the BPL list and found only one person who was receiving a pension under the NOAPS. 70 year old Sukhdev Rishi (Bhuiya) gets his pension but it comes once in three-four months and not monthly. The last time he got his pension which he collected from the post office was about four months ago. This was for the previous four months. He therefore got Rs. 600 to withdraw which he had to pay a bribe of Rs. 50 to the postmaster. He says that every time he withdraws his pension he has to pay Rs 50 as bribe. Since he does not get his pension on time, he ended up taking a loan from the local 'Mahajan' on a high interest rate. The amount of pension was too little to pay back the loan.

The other old people in the villages said that they have made repeated applications to the Mukhiya (10-15 times) but till today they had not received pension. People claimed that it was normal practice to have to pay a bribe of Rs 500 to Rs 1000 for getting one's name enlisted on the pension list.

Another problem that was seen in this village was that although people were above 65 years of age their voter cards showed their age as being between 25 to 35 years. During the survey 40 such people who were in the age group of 65-70 years were shown as

being less than 35 years on their voter cards. This was another reason why those who are genuinely eligible for the pension were being deprived of benefits.

People of this village reported that getting on to the pension depended completely on the Mukhiya's whims and fancies. There were many in the village, they said, who have landholdings, a pakka house, and support from adult sons who were getting pensions. On the other hand they felt that nobody took destitute old people seriously.

### **Conclusion and Recommendations**

The survey finds that the coverage amongst eligible old people under the pension scheme is very low. From discussions with the community it seemed as if although BPL old people are not receiving any pensions, those who are not poor are included in the list. However, this could not be verified as the survey included visits to only those families which are identified as being BPL. Further, there are other problems associated with the pensions even for those who are getting them such as delayed and irregular payments and pressure for bribes.

#### **Recommendations:**

1. It is important to make the people aware of the scheme and its guidelines so that they are able to demand accountability. For this public awareness campaigns should be held and information should be displayed at tola, mohalla and village levels.
2. The IGNOAPS has been universalized among all the old people who are above 65 years and BPL but the coverage of eligible old people on the ground seems to be limited. The state government must conduct a census of all old people in the entire state and ensure that all those who are above 65 years and below poverty line are automatically included for pensions.
3. The process of identification of old people for pensions should be streamlined. A survey should be carried out to identify all people who are above 65 years of age. It should be made mandatory that selection of beneficiaries is ratified by

the gram sabha. Further, there should be a simple appeal procedure in place, where an old person who feels he/she is eligible but is being left out can apply for the benefit.

4. The responsibility of identifying and selecting the eligible old people for the pension scheme lies on the state government and there are often delays. Therefore, the old people who are eligible but aren't provided pensions for any time due to any reason should be provided arrears equal to amount they could have received if identified on time.
5. Systems should be set up to ensure that funds reach the banks/post offices every month in a regular manner. It was seen that these pensions are the only source of guaranteed income for many old people and the irregularity in receiving causes a lot of hardship. The Supreme Court also clearly directs in this regard that pensions must be paid by the 7<sup>th</sup> of every month.
6. Regular reports with disaggregated data on coverage of old men and women must be submitted to the Supreme Court Commissioners.
7. The state policy though prescribes an amount of 200 Rs. per month as a pension to all the old people above 65. The Central government contributes Rs. 200 per beneficiary and recommends that States should also contribute the same amount. Therefore, state government should consider bringing their contribution in par with the central government and provide almost 400 Rs. as old age pension.
8. The amount of pension and age of the person should be clearly written on the entitlement cards (pass books) of the old people. The entries made be clearly marked in the pass book with readable dates and amount withdrawn.
9. The old people should be allowed to withdraw their pension money on any day of the month, as other customers of the bank can do, and not necessarily on one day of a month or a quarter. This should be written clearly on the entitlement card (pass book).

## **NATIONAL FAMILY BENEFIT SCHEME (NFBS)**

Under this scheme an amount of Rs 10,000 is paid to BPL families in the case of the death of primary bread earner, if he or she is of the age between 18 and 65. Primary bread earner means one who contributes substantially to family income. In Bihar in the case of accidental deaths the amount is Rs 10,000 and in the case of natural deaths the amount is Rs 5000. However the order of the Supreme Court stipulates that a one-time relief of Rs. 10,000 to the family that has lost the primary bread winner within four weeks through a local Sarpanch and does not specify any cause of death. The payment is to be given to the surviving head of the family.

The implementation of this scheme has been quite poor right from the beginning. Allocations are low and there is no monitoring of the scheme. Further the procedures to get benefit under the scheme are very complicated making it almost impossible for any poor family to prove their eligibility and get the benefit on time. As a result there is a large backlog of applications, sometimes going back to 6-7 years or even more, pending in many states.

Only about 40% of the estimated number of eligible beneficiaries for NFBS have been covered in Bihar (estimated – 41,684, actual – 16,451) [Note: “Agenda Items for the Performance Review Committee (PRC) Meeting to be held on 13th April 2010”, Ministry of Rural Development, available at <http://nsap.nic.in/>].

### *Findings of the Survey*

#### **1. Sample covered in the survey**

As with the NMBS/JSY and NOAPS, the survey on the NFBS covered all the BPL families in the villages covered in the survey. In each household the question was first asked whether there was any death in the family in the last five years of a person in the age group of 18 to 65 years. If there were, then they were asked further questions on whether they got benefits under the NFBS and the details of the same.

In this manner a total of 305 households were identified where a person (in the age group of 18 to 65 years) died in the last five years. Since all the families visited were in the BPL list, they are all eligible for benefit under the NFBS. If the definition of breadwinner is taken to be only those who were reported to be “earning”, then it was seen that 233 out of the 305 were deaths of “earning” members. Out of the 305 deaths, 204 are male and 101 are female.

District	No. of Villages Covered	No. of eligible families covered:			Sex of Deceased	
		Deceased member was an “earning” member	Deceased member was not an “earning” member	Total	Male	Female
Gaya	10	60	08	68	54	14
Samastipur	10	96	08	104	51	53
West champaran	10	39	35	74	52	22
Araria	10	38	21	59	47	12
Total	40	233	72	305	204	101

## 2. Coverage under NFBS

Out of all the eligible beneficiaries visited merely 13 families (less than 6%) got the benefits under the scheme. None of these cases were from Araria district.

District	No. of Families Covered	No. of eligible families who received benefit under NFBS:			No. of eligible families who received benefit under NFBS:		
		When deceased was male	When deceased was female	Total	Deceased was a married person	Deceased was not a married person	Total
Gaya	05	03	02	05	00	00	00
Samastipur	05	04	01	03	02	00	02
West	03	03	00	03	00	00	00

champanan							
Araria	00	00	00	00	00	00	00
Total	13	10	03	13	02	00	02

Out of 233 eligible beneficiaries merely 13 families (5.58%) got the benefits under the scheme. Among the deceased 10 were male and 3 were female. Out of the 13 families who got the benefits under the scheme 7 got it within one month, one got the benefit 1 to 3 months after death and rest of the 5 families could not tell the time when they got the benefits.

None of the family got the stipulated amount under the scheme. Out of 10 families who could remember the amount they got, 7 families got RS 1500 only, one family got Rs 1000 only and the other two families got Rs 5000 as benefit. However rest 3 families could not remember how much they got as benefit.

### **Conclusions and Recommendations**

From the survey it is quite clear that the NFBS scheme is almost non-functioning in Bihar. This scheme must be monitored in a strict manner to ensure that the Supreme Court orders in this regard are not violated.

### **Recommendations:**

1. As this benefit is given to only BPL families and the death of any person of the working age group would have an impact on the family's earning capacity the benefit should be expanded to cover all deaths in the working age group (18-64 years) in families below the poverty line.
2. The state government must regularly advertise the provisions of the scheme on All India Radio and Doordarshan at primetime so that the beneficiaries may become aware of. The details of scheme must be pasted on all Panchayat buildings, ICDS centres, public health centres, public health sub-centres, block & district hospitals and block development offices. Further, a regularly updated list of selected and rejected applicants should be displayed quarterly at the Panchayat Bhavan/ any nominate place in village and ICDS centres.

3. The state should make a proper and transparent identification policy. The procedure for application for benefit under the scheme must be simplified.
4. The payment (by cheque) should be made immediately within a period of one month of the death and should be delivered at home of beneficiaries.
5. As the state government receives a consolidated amount from the Central government under NSAP to be spent on IGNOAPS and NFBS, therefore, the state government should make clear allocation separately for both schemes based on the estimates and ensure that all the money allocated for NFBS is being spent under this scheme and not diverted to IGNOAPS or any other state scheme.
6. NFBS amount must be increased.