

**WRIT PETITION (CIVIL) 196 OF 2001
(PUCL VS UNION OF INDIA & OTHERS)**

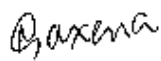
SUMMARY REPORT OF THE COMMISSIONERS

12 FEBRUARY 2004

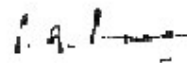
Hon'ble Sir,

With reference to the Hon'ble Court's request dated 6th February 2004, we present a summary report highlighting the issues raised by the Commissioners in their previous reports submitted to the Court. This documents also contains the status of compliance of the centre and states and recommendations to alleviate the situation of hunger and starvation in the country.

Sincerely,



Dr N.C. Saxena



S.R. Sankaran

SECTION I - SUMMARY OF MAIN ISSUES RAISED IN THE COMMISSIONERS REPORTS¹

S.No	ISSUE'S RAISED IN COMMISSIONERS REPORTS	REFERENCE
I - Midday Meal Scheme		
Court Order dated 28 November 2001: All government and government aided primary schools to be covered under the cooked midday meal scheme within six months		
1.1	No Implementation of the cooked midday meal scheme in Bihar, Jharakhand, Uttar Pradesh, Haryana and Assam despite court order dated more than two years ago.	Fourth Report Pgs 4-7 and map
1.2	Token/ Partial implementation in West Bengal, Orissa, Delhi, Punjab, Chandigarh, Arunachal Pradesh, Uttranchal, Himachal Pradesh, Mizoram and Meghalaya.	Third Report Pgs 6-8 Second Report Pgs 2-10
1.3	Qualitative improvements needed in the content of meal and in the provision of basic facilities like cooking sheds and storage space. This calls for all states to increase financial allocations for the same. Budgetary allocations vary from Rs 0.50 in Rajasthan to Rs 1.34 per child in Karnataka and Tamil Nadu and even higher in some states. Research studies have shown that significant improvements in the quality of meals can be achieved by modest increases in financial allocations. Expert Studies also show that simple health interventions (Deworming, provision of iron tablets, vitamin A etc) linked with midday meals can have a major impact on child nutrition. Such interventions are being used successfully in Gujarat with it costing only Rs 15 per child per year.	Fourth Report Pgs 4-7
1.4	Parents asked for contributions in cash and kind to meet conversion costs. In particular complaints have been received from Maharashtra and Mizoram.	Special Report Pgs 1-2
1.5	Caste discrimination in the appointment of Dalit's as cooks. Recent studies and reports sent to the Commissioners indicate evidence of this in Rajasthan, Karnataka and Chattisgarh.	Fourth Report Pgs 4-7
Although the center in a meeting at Krishi Bhawan in September 2003 ² , agreed to issue fresh guidelines and orders to the states, to look into the possibility of reservation at the state level for Dalits, allowing SGRY funds to be used for construction of kitchen sheds and SHG's for cooking and distribution of health supplements, no further action has been forthcoming.		
II - Integrated Child Development Services (ICDS)		
Court Order dated 28 November 2001: Every settlement to have a disbursement center And every child		

¹ Unless otherwise stated the reference key is as follows; Follow up Report of the Commissioners dated January 2004, Special Report of the Commissioners dated December 2003, Fourth Report of the Commissioners dated August 2003, Third Report of Dr Saxena dated April 2003, Second Report of Dr Saxena dated February 2003, First Report of the Commissioners dated October 2002.

² Source: Minutes of the meeting held between the Commissioners and all concerned Departments on 29th September 2003 at Krishi Bhavan, submitted to the Court at an earlier date.

aged 0-6, every pregnant and nursing mother and every adolescent girl to be covered under the ICDS		
2.1	<p>Coverage not extended to all settlements: For around 14 lakh habitations, there are only 6.05 lakh reporting Anganwadi centres. The Department of Women and Child Development has interpreted the Supreme Court Order within the present guidelines, which apply to specific project areas and do not call for extension of Anganwadi's to all villages, let alone "settlements" (a term not recognized in the guidelines). They maintain that only existing sanctioned centers will be operationalized over time³.</p>	
2.2	<p>Coverage not extended to all eligible beneficiaries: The result is that only 3.4 crore children are getting the benefit of supplementary nutrition, which is the theoretical entitlement with actual coverage being much less, as the states do not provide sufficient funds to meet the cost of nutrition under ICDS. This is nowhere near the number of children in the relevant age group (over 15 crores), or the numbers that are malnourished (8.5 crore), or even the numbers belonging to families below the poverty line (6 crores). The percentage of adolescent girls being covered is significantly less as the scheme for them has been sanctioned in only 2000 blocks as against over 5700 blocks for the country as a whole. The number of operational projects would be even lower.</p> <p>The Department of Women and Child Development has agreed that not every beneficiary stipulated in the Courts order is covered under ICDS. They maintain that this is because the guidelines permit the scheme's services to be extended only for "disadvantaged families". Resource constraints do not allow for the possibility of ensuring coverage as per the Court's order³. The Department's recent requests for additional resources have been turned down.</p>	<p>Special Report Pg 5-6</p> <p>Fourth Report Pg 9</p> <p>Third Report Pgs 12-14</p>
2.3	<p>Significant inter state disparity in the coverage of ICDS: Against the central norms of approx. 100 beneficiaries per center per 1000 population under the supplementary nutrition programme, the states of Bihar, Uttar Pradesh, Tamil Nadu, Assam, Gujarat and Andhra Pradesh have an average of less than even the All India average of 38. These states are clearly not allocating enough to ensure the provision of this service to even the basic minimum.</p>	<p>Fourth Report Pg 9</p>
2.4	<p>Bogus Reporting: Severe underreporting of malnutrition in the states of Maharashtra and Orissa with stark differences in the data collected between the NFHS and that reported by the districts, which is much lower.</p>	<p>Third Report Pg 9</p>
III - Antyodya Ann Yojana		
Court Order dated 28 November 2001: Six identified priority groups including primitive tribes, widows, destitute aged men and women households with disabled adults and those with no assured means of subsistence, to be given Antyodya cards		

³ Source: Minutes of the Meeting held between the Commissioners and the Department of Women and Child Development, on 25th November 2003 at Shastri Bhavan

3.1	<p>Priority groups have not been given cards as a 'matter of right.' Firstly top down fixed quotas have determined the number of cards with no flexibility to distribute more cards if eligibility is otherwise proved, despite the courts orders that <i>all</i> persons falling in these categories be given Antyodya cards. Many instances of deserving families being left out in states like Maharashtra, UP and MP were seen in recent field visits.</p> <p>Secondly little effort has been made to identify potential beneficiaries according to areas of concentration of priority groups. For a number of states including Haryana, Meghalaya and Uttranchal, the number of Antyodaya cards issued in each district has simply been increased from 15% of the existing BPL cards to 23%. Such an automatic increase does not allow for differing numbers between districts of the priority groups mentioned in the order. The result is that in areas of intense poverty, where the need for cards is greater, only a small proportion of the vulnerable households among the priority groups are covered. This problem was found, for instance, in villages of Dahi block in Madhya Pradesh and Lakhanpur block in Chattisgarh and among the Katkari Primitive Tribal Group in Maharashtra.</p>	<p>Special Report Pgs 2-3</p> <p>Fourth Report Pgs 10-13</p> <p>Third Report Pgs 11-12</p>
3.2	<p>BPL status is insisted upon as a precondition to receive Antyodya cards. Central Guidelines make BPL an eligibility criteria which leads to the exclusion of many destitute families since the distribution of BPL cards has been fraught with errors of exclusion of deserving families.</p>	<p>Special Report Pgs 2-3</p> <p>Fourth Report Pgs 10-13</p>
3.3	<p>Delay in many states in completing process of identification and distribution of Antyodya cards. The process has been completed in only five states of MP, Chattisgarh, Rajasthan, Sikkim and Nagaland.</p>	<p>Special Report Pgs 2-3</p> <p>Fourth Report Pgs 10-13</p>
IV - Employment Programmes		
4.1	<p>No efforts have been made to initiate the Jaya Prakash Narayan Employment Guarantee Yojana (JPEGY) announced during the budget of 2002-2003. This scheme was envisaged to provide a minimum of 100 days of guaranteed employment in the 131 poorest districts of the country. Given the crucial link between the right to food and the right to work, this scheme would have been instrumental in helping the situation of hunger in these areas.</p>	<p>Special Report Pgs 4-5</p> <p>Fourth Report Pgs 16-18</p>
4.2	<p>Large scale mechanization and use of labour-displacing machinery in employment relief works found in the states of Madhya Pradesh, Uttar Pradesh and Andhra Pradesh.</p>	<p>Fourth Report Pgs 16-18</p>
4.3	<p>Non-payment of minimum wages in SGRY and other relief works in Uttar Pradesh and Madhya Pradesh.</p>	
4.4	<p>Non Implementation of the Courts Orders to double SGRY allocations for the months of May, June and July, 2003</p>	<p>Fourth Report Pgs 16-18</p>

4.5	Corruption and Consequent Fudging of Muster Rolls found in employment works undertaken in Uttar Pradesh, Orissa and MP.	Fourth Report (state reports) Second Report
4.6	Low offtake of grain and utilization of funds under SGRY leading to provision of little relief to the destitute. Against a national average of 76% (2002-2003) the percentage utilization of funds was below average in the states of West Bengal, UP, Uttranchal, Sikkim, Meghalaya, HP, Assam, Jharakhand and Bihar. A similar picture emerges for the offtake of grain under the scheme. Against the national average of 68%, the performance of WB, Uttranchal, Tripura, Sikkim, Meghalaya, Mizoram, Bihar, Assam and Jharakhand was much below average.	Fourth Report (state reports) Third Report Pgs 17-19 Second Report Pgs 10-14 First Report
4.7	Arrears in wage payments were found in field investigations done in Maharashtra, UP and MP. In many places in Maharashtra, instances of grain coupons not being honoured, were encountered by the Commissioner Mr Sankaran himself.	
V - NSAP, NMBS and Annapurna		
Court Order dated 28 November 2001: NOAPS, NFBS and NMBS to be implemented as per guidelines, Pensions to be made by the 7th of each month and Annapurna beneficiaries to be identified and distributed grain		
5.1	Annapurna Scheme has been discontinued and benefits withdrawn in many states including MP, Karnataka, Haryana, Punjab, Arunachal Pradesh, Assam, Gujarat, Kerala, Manipur, Nagaland, UP and Uttaranchal ⁴ in many cases without provision of any alternative. Commissioner's recommendation to start the scheme, particularly in Madhya Pradesh, has not been implemented.	Special Report Pgs 3-4 Fourth Report Pgs 14-15 Third Report Pgs 14-16
5.2	Government of India has reduced allocation for NSAP every year in the budget. The total allocation for all the three schemes for 2003-04 is only Rs 676 crores, which includes about 50 crores for Annapurna, as against a requirement of 1482 crores excluding Annapurna, resulting in huge backlog of payment. In Bihar the number of identified pensioners has come down from 7.7 lakhs in 1997-98 to only 4.9 lakhs in 2002-03, because of insufficient releases. Likewise in West Bengal as against a requirement of Rs 3100 lakhs to disburse payments to present number of beneficiaries, the allocation from the Government of India is only Rs 2500 lakhs. Under NMBS, against a requirement of Rs 290 crores only Rs 52 crores was released in 2002-2003. In the case of West Bengal, there were 14012 candidates out of whom only 8000 beneficiaries could be paid due to receipt of insufficient funds from the Government of India. This was	Special Report Pgs 3-4 Fourth Report Pgs 14-15

4 Grains are allotted by the Department of Food and Public Distribution on receipt of demand from the states. The mentioned states have not been allotted grain under the programme for the year 2002-2003 as per the information received from FCI as on 26.6.2003

	despite repeated requests by the state to the center to allocate more funds. Under-funding leads to poor identification which leads to further reduction in allocation establishing a vicious circle.	
5.3	Coverage under social security pensions and Annapurna is inadequate: Coverage under pensions should be doubled so that all aged destitute are covered under the programme. Amount paid needs to be increased to Rs 250 from Rs 75 presently and the number of pensioners be doubled. Of all the schemes pensions appear to be distributed with greater efficiency and attracting less corruption. There is thus a need to consider expanding the scheme from present levels.	Fourth Report Pgs 14-15 Third Report Pgs 14-16 Second Report Pg 16
5.4	Long delay in the distribution of entitlements by states. Field visits to MP and UP have shown that pensions are not distributed every month. In Bihar for example no disbursement of pensions had happened till mid-August due to a delay in receiving cabinet approval, which led to a delay of more than two months. In the case of NMBS the benefits atleast in the states of UP, Bihar and MP are often given after delivery of the child, which is against the guidelines. In NFBS too, there is a backlog of two years in payment of the requisite amounts in Bihar.	Fourth Report Pgs 14-15
VI - Targeted Public Distribution System (TPDS)		
6.1	Problems in selection and identification of BPL families in the most recent survey carried out by the states. Many cases of incorrect selection with deserving families being excluded were seen in field visits made to the states of Maharashtra, UP and West Bengal. This assumes magnified proportions because failure to receive BPL status denies them other benefits as well. This is because BPL status is used as a precondition for entitlement to Antyodaya, NFBS, NMBS, NOAPS, as well as a wide and increasing range of other schemes.	Fourth Report Pgs 8-11 Third Report Pg20-21 Second Report Pgs 14-16
6.2	Refusal by states to distribute ration cards to the urban destitute including the urban homeless, migrant labour and destitute women and children. The states of West Bengal, Haryana, Maharashtra, Goa, Karnataka, Kerala, Delhi and Assam have refused to issue ration cards to the urban homeless due to lack of proof of address.	Fourth Report Pgs 18-19 Third Report Pg20-21
6.3	Low Offtake of BPL grain: No state was able to assure the full entitlement of 420 Kgs of grain to every BPL household in the year 2002-2003. However some states performance was particularly bad. States like UP, Bihar, West Bengal, Jharakhand, Orissa, Uttranchal, MP and Chattisgarh performed below average (50 kg per BPL person per year). The average offtake of grain as a percentage of allotment was only 59% in the year 2002-2003 for the country as a whole. Performance by states is adversely affected by unreliable BPL lists, overcharging, corruption, leakage of grain, irregular opening of ration shops and distribution of grain, inability of households to buy grain in installments and inability to pick up quota's from the FCI due to lack of administrative capacity and infrastructure.	Third Report Pgs 8-11

VII - Exports		
7.1	<p>Exports continue despite several reassurances that exports at the cost of expansion in domestic grain based welfare schemes will not be done. This situation is concurrent with one where increases in allocation in Annapurna, SGRY and Antyodya are not considered despite availability of grain for export.</p> <p>Between April 2002 and June 2003 more than 15 million tones of grain was exported from India at almost BPL prices. If the grain exported in the year 2002-2003, had been used for welfare schemes like the midday meal and SGRY, their coverage could have been doubled. The Department of Food and Public Distribution in personal communication have refused to increase allocations under relatively successful schemes like Antyodya at the cost of reducing exports. Subsequently at a meeting in Krishi Bhawan though agreement was reached about freezing exports, they continue presently, unabated.</p>	<p>Fourth Report Pg 20</p> <p>Third Report Pg 5</p>
VIII - Transparency and the Access to Information		
<p>Order dated November 2001: Order's to be translated in regional languages and English and prominently displayed. List of all beneficiaries and information about various schemes to be displayed to ensure transparency and publicized in Doordarshan and AIR. Further gram sabhas are entitled to conduct social audits of all Food/Employment schemes and report instances of misuse of funds on which appropriate action must be taken by concerned authorities. Order dated May 2002: Gram Sabhas are empowered to monitor the implementation of the various schemes and to have access to all relevant information.</p>		
8.1	<p>Documents pertaining to food and employment related schemes are routinely denied to the public and even to representatives of the Commissioners appointed by the Court.</p> <p>Field visits to Madhya Pradesh and Uttar Pradesh by the Commissioners team revealed the difficulties and near impossibility in accessing documents. Since corruption in the schemes can often be proved from documents like muster rolls, stock registers etc they are heavily guarded.</p>	<p>Special Report Pgs 6-7</p>
8.2	<p>Prohibitive pricing of documents including muster rolls continues despite Commissioners interventions to prevent the same. This is an easy way of dissuading public participation in governance.</p> <p>In Madhya Pradesh, while two rupees per page is charged for photocopying one page of most documents, ten times more is charged for photocopying muster rolls. The government of Madhya Pradesh has not responded to the Commissioners recommendations that the cost must be reduced to reduce the cost of photocopying and no greater than Rs 1 per page. Two letters addressed to the Chief Secretary of the state, have not received a response let alone any action.</p>	<p>Fourth Report Pgs 21-23</p>
8.3	<p>Right to Information Act passed by Parliament is yet to be brought into force with many state governments not introducing the right to information laws.</p>	

8.4	<p>Dissemination of information; Details like knowledge of entitlements list of beneficiaries, Supreme Court orders in local languages, issue prices of grains, stocks of rations received continue to be hidden and not made public. Such details are still not displayed in prominent locations like ration shops, panchayat bhawan etc, despite Court orders to do so.</p> <p>Field visits made to Madhya Pradesh revealed instances where even the authorities at the block panchayat were unaware of the Supreme Court orders. Knowledge of one's entitlements is a first step towards greater accessibility and consumption of entitlements.</p>	<p>Special Report Pgs 6-7</p> <p>Fourth Report Pgs 21-23</p> <p>Third Report Pgs 22-24</p> <p>Second Report Pg 17</p>
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IX - Follow Up Report on the situation of hunger in the tea estates of West Bengal

9.1	<p>A recent study done in the closed tea estates of North West Bengal revealed the states inability to provide food security for the destitute, who were initially covered under welfare schemes provided by their employers.</p> <p>The report brought out instances of deaths among children and aged due to hunger and starvation in the tea plantations. The report submitted by the Advisor showed that the cooked midday meal programme had not been started, operation of ICDS centers was rare and irregular in the areas where they had been sanctioned, employment provided under SGRY was almost nil and coverage was inadequate and erratic under the public distribution system. This was despite the fact that the state had resources at its disposal under most of the food related schemes.</p>	Follow-up Report
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SECTION II: RECOMMENDATIONS

In light of the above we advise the Honourable Court to:

MIDDAY MEAL SCHEME

1. Direct the states that are yet to initiate cooked mid-day meals in primary schools as well as those that have implemented it partially to comply with the order of November 28, 2001 latest by the start of the new academic year in April 2004.
2. Issue clarificatory orders that the order dated 8 May 2003 permitting partial implementation was only a temporary measure and the intention is to ensure universal coverage of all government and government-assisted primary schools with midday meal scheme immediately.
3. Direct the centre to issue orders that under no circumstance must the conversion costs needed to provide a hot nutritious meal be recovered in any form or percentage from the parents of the children enrolled in these schools.
4. Direct the centre to issue orders emphasising that complaints relating to discrimination against Dalit's or in their appointment as cooks and helpers in the implementation of the scheme will be dealt with severely. The centre should also be asked to take measures to ensure (a) reservation of at least 50 per cent for Scheduled Castes in future appointments; (b) reinstatement of cooks and helpers who have been dismissed because of their caste.
5. Direct the state to extend the scheme upto upper primary initially and thereafter till standard ten as per the announcement made by the Hon'ble Prime Minister on 15 August 2003.
6. Direct the states that financial allocation to meet the conversion costs of the scheme must be Rs 1 per child per day at the very least.

INTEGRATED CHILD DEVELOPMENT SERVICES (ICDS)

1. Direct the centre to issue new guidelines and orders to all states to comply with the Court Order dated 28 November 2001 calling for an Anganwadi centre to be available in every settlement and for coverage of every child under the age of seven, every adolescent girl and every pregnant and lactating women. The centre or the states, must not interpret the order within the context of the guidelines, as the need to operationalize only the present number of sanctioned ICDS projects and to cover only "disadvantaged families". The services must not be restricted to disadvantaged families or to a predetermined number identified and given to the states.
2. Direct the states to issue orders that all Anganwadi centres sanctioned by the centre must be operationalised immediately.

3. Direct states, also in compliance with the same direction, to ensure that all slums are within convenient reach of an Anganwadi and all urban homeless women and children must be covered under the scheme as well.

ANTYODYA ANN YOJANA

1. Direct the states to accelerate the issue of Antyodaya cards, especially to primitive tribes, in compliance of the 8 May 2003 order. Cards must be issued within four weeks to all primitive tribes and within eight weeks for other priority groups. Widows without support should receive special priority
2. Direct the Government of India and State Governments to issue revised guidelines and orders ensuring that the possession of a BPL card not be used as a precondition for inclusion in the expanded Antyodaya programme if eligibility is otherwise proved.
3. Direct the Government of India to provide additional Antyodaya cards if the existing cards are inadequate to cover all single women, primitive tribes and other priority groups listed in the order of 8 May 2003.

EMPLOYMENT PROGRAMMES

1. Direct the Government of India to implement the Jaya Prakash Narayan Employment Guarantee Yojana in the identified 131 backward districts forthwith and in any case not later than one month from the date of the order.
2. Direct that the legal minimum wage should be paid on employment works conducted in all circumstances, including conditions of scarcity or relief works.
3. Direct the center to issue orders banning the use of labour-displacing machines in wage employment works and to closely monitor its implementation.

EXPORTS

1. Direct the Government of India to reconsider the policy of export of foodgrains and resort to exports only after fully and adequately meeting the food requirements of the people in the country, particularly the poor and vulnerable. The grain meant for exports to be used instead to increase coverage under the Antyodaya Ann Yojana and Annapurna so that all members of the priority groups mentioned in the Court order may be covered. The grain must also be used to expand the food for work programme in the poorest districts of the country.

ANNAPURNA

1. Direct that no scheme covered by the orders of the court and in particular Annapurna be discontinued or curtailed in any way without the prior approval of the court. If any of the schemes have already been discontinued, the States should reintroduce them with retrospective effect.

2. Direct the states of Madhya Pradesh, Karnataka, Haryana, Punjab, Arunachal Pradesh, Assam, Gujarat, Kerala, Manipur, Nagaland, UP and Uttaranchal to restart the Annapurna Scheme immediately and report compliance to the Court within 8 weeks.

NATIONAL SOCIAL ASSISTANCE PROGRAMME (NSAP)

1. Direct the Government of India and the State Governments to double the coverage of national old age pension.
2. Direct the GoI to make full allocation for NSAP in its budget. At present against a requirement of more than Rs 1400 crores, only Rs 680 crores is being provided, resulting in huge backlog of non-payment in the states. For the National Old Age Pension Scheme the allocation per pensioner from the Government of India should be increased to Rs 250 per month from the present level of Rs 75.
3. Direct the Food Secretary U.O.I. and the Chief Secretaries/Administrators of the States and Union Territories to immediately evolve and implement a strategy to wipe out the entire backlog and to ensure that by the 31st March 2004 the entire allocation is released and utilised.

TARGETTED PUBLIC DISTRIBUTION SYSTEM

1. Direct The Food Secretary U.O.I. to immediately convene a meeting of the Chief Secretaries/Administrators of the States/UT's and to evolve and implement a strategy to ensure that the full entitlement of TPDS grain reaches the poor.
2. Seek the response of the Government of India to the recommendations of the High Level Committee on Long Term Grain Policy, as per the order of 8 May 2003.
3. Direct the center to issue orders to all states to undertake necessary steps to correct the defective BPL Lists. These lists must be corrected in consultation with the gram sabha, NGO's, civil society at large in a transparent manner. The lists must be placed for scrutiny and revision at the earliest.
4. Direct state governments and union territories to carry out annual surveys of urban destitute persons and make arrangements to protect them from hunger. Direct the Government of India to supply free grain for this purpose to state governments, and also to NGOs that are willing to provide cooked meals to the urban destitute.
5. Direct the states to issue revised guidelines that all citizens are eligible for a ration card, including the homeless. All state governments should initiate measures to provide ration cards to the homeless.

TRANSPARENCY AND ACCESS TO INFORMATION

1. Direct that all documents pertaining to food and employment schemes, including those mentioned in the interim order of 28 November 2001, should be treated as public documents, open to public scrutiny and accessible for consultation by any

individual at any time. In cases where an application is made for a copy of these documents, certified photocopies should be provided within one week of the application. The charge for the photocopies should be no greater than the cost of photocopying and in any case no higher than Rs. one per page.

2. Direct the States and the Government of India to submit an affidavit clarifying the procedure required to apply for these documents, and the available redressal mechanisms when records are not provided on time. This should explicitly include measures to be undertaken on account of refusal to accept complaints and letters of application in addition to required action that must be taken against any official found to be guilty of repeated inaction.
3. Direct the GoI to bring into force the Right to Information Act. The Parliament has passed the Freedom of Information Bill 2002 in December 2002. Presidential assent was received on 6.1.03. The Government however is yet to notify this Act or frame the rules and procedure pertaining to the Act.
4. Direct the states to ensure prompt and wide dissemination of the directions of the court, including distribution within two weeks to the District Collectors and other officers responsible for implementing the directions of the court. Information about performance of schemes and the progress reports filed with the center must be available on state websites to be accessed by all.

COMPENSATION AS A MEASURE OF REDRESSAL

1. Direct all states to provide compensation at the following rates if proof of administrative negligence/ corruption is found to hold true, in cases where people have been denied their entitlements. This would aim to address the realities of delay in entitlements, wage arrears and in distribution of cards, encountered in many field visits made to different states.

For all food related schemes that deal with payments in cash viz wage payments under SGRY, pensions, National Family Benefit Scheme, National Maternity Benefit scheme:

@10% of the amount of arrear for cash payments delayed for a period greater than a month
@25% of the amount of arrear for cash payments delayed for a period greater than a year

For payments made through transfers of grain viz wage payments made in grain under SGRY, mid day meal scheme, entitlements of BPL, Antyodya and Annapurna through the public distribution system:

*Entitlement of grain * Price used for accounting purposes, for every month the cardholder did not receive grain under the scheme.⁵*

APPOINTMENT OF A THIRD COMMISSIONER

1. To appoint Mr Harsh Mander, presently Country Director, Actionaid India as the third Commissioner.

⁵For e.g. non-receipt of Annapurna grain for three months would entitle the card holder for compensation of Rs 150 in compensation (10*5*3)