

October 25, 2007

Shri Anil Kumar Tripathy
Chief Secretary
Government of Orissa
Secretariat
Bhubaneswar
Orissa

Sub: Visit to Bolangir to review Food and Employment Schemes

Dear Shri. Tripathy,

In the context of my responsibilities as Special Commissioner to the Supreme Court in the writ petition 196/ 2001 (PUCL v. UoI and Ors), I spent two days on 10 and 11 Oct 07, visiting some villages in Bolangir district to assess the functioning of food schemes, followed by a detailed and constructive meeting with the district collector Mr. Gopalan. I found encouraging the work in the district, particularly the functioning of Shishu Ghars to retain children of migrant workers. However, on the other food and employment programmes I have the following observations:

1. The mid-day meals do not have varied weekly menus. The children are fed rice and watery dal on a daily basis. We request that weekly varied and nutritious menus based on local food preferences are put in place without delay.
2. Despite the fact that the district has certified that ICDS centres have been opened in all hamlets, I found that many hamlets are uncovered, even at distances of 2 to 4 kilometres from the main village. I checked from the Collector and found that the district has 1761 revenue villages and 1782 *palli sabhas*, whereas there are 1346 functional ICDS centres only. I found that there was confusion about the actual number of hamlets in the district. We discovered after considerable investigation by the district officials, that the Rural Water Supply and Sanitation (RWSS) survey puts the number of hamlets at 3262, but this was unknown to the CDPO.

3. I am not sure whether these figure are correct since they do not seem to match with the data sent to us by the Department of Women and Child Development, Government of Orissa (Ref No. 336/SWCD dated 20.08.07). Further, the letter from the State Government seems to indicate that a detailed exercise was undertaken, using the census data, and involved the an external institution SPARC. Yet neither the CDPO, nor the Collector had any information about this.
4. I request therefore that clear instructions be kindly issued to all Collectors regarding the status of AWC centres and the details of the SC/ ST habitations for planning to cover all hamlets in the state with ICDS centres, fulfilling the population norm for full fledged and mini ICDS centres, beginning with full coverage of all SC ST hamlets.
5. We found that many ICDS centres are still distributing only dry rations in place of hot, cooked meals. I would request you to please ensure that hot cooked food is supplied to children in the 3 to 6 years age group.
6. We found large numbers of destitute aged people, as well as single women and disabled people who are living with extended periods of hunger, but are still not covered by pensions or by emergency feeding. This leaves them vulnerable to starvation, and needs comprehensive interventions by the state government. Emergency feeding is done in ICDS centres to designated beneficiaries, under quota limits. In the spirit of the programme, it should be a self selecting programme, open to all aged and destitute people who seek it, especially destitute aged people, as well as single women and disabled people. The programme should not be suspended on holidays as it is at present.
7. We found small numbers of these most destitute - the uncared for aged, single women headed households and households with disabled people- covered by BPL cards, none by Antyodaya. This is in contravention of the clear instructions of the Supreme Court dated 2 May 2003, which states:

The following groups to be given Antyodaya cards:

(1) Aged, infirm, disabled, destitute men and women, pregnant and lactating 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 no 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; and*
- (6) *Primitive tribes.*

The district administration was not even aware of these instructions. I request that the state government issues clear instructions for phased coverage of these most vulnerable categories by all future allocations of AAY, and please send a copy of these instructions to us.

8. In PDS, we found that most beneficiaries are getting no more than 16 kg grain against the court mandated 35 kg per month per household (16 @ Rs.4.75 and 9 @Rs.6.30 for BPL HH and in KBK areas). This needs to be corrected. We also found that one major source of black marketing is the continued use of private storage agents. Now that the state government has enough public storage locations, we believe that it should end the system of private storage agents altogether.
9. Likewise, the State Government may consider extending the relatively favourable experience of panchayat management of PDS in KBK districts to other parts of Orissa as well.
10. I also observed that APL households are denied getting their quota of food grains in many places, which may kindly be rectified.
11. Based on the initial feedback from the survey which is currently underway in Bolangir District on the NREGA by Prof. Jean Dreze and his team, we would suggest that the State Government undertakes the following measures:
 - a. Job cards need to be redesigned and replaced. A column for "wage payments" should be added, and the design should be such that labourers are able to verify their own job cards.

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

- b. Responsibility should be fixed for regular maintenance of Job Cards (e.g. by the Gram Rozgar Sevak where available).
- c. Muster rolls should be kept at the worksite, available for public scrutiny at all times, and verified on a regular basis.
- d. The ban on contractors should be strictly enforced.

We are enclosing a copy of the draft initial finding of the survey undertaken by Prof. Jean Dreze and his team. They have made very specific suggestions to improve the implementation of the NREGS in Orissa. We hope that the Government of Orissa will take up these very constructive suggestions.

We hope that the Government of Orissa will take all necessary steps to ensure that relevant Supreme Court orders are complied with that we have raised in our letter.

Yours Sincerely,



Harsh Mander

CC: Mr. Rajkishor Mishra, Advisor to the Commissioner