

**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**

October 27th, 2007

Allschemes/516/WB

Shri. Amit Kiran Deb
Chief Secretary
Government of West Bengal,
Writer's Building
Kolkata
West Bengal -700001

Sub: Status of Implementation of Food and Employment Schemes

Dear Shri Deb,

As you are aware, in our capacity as Commissioners of the Supreme Court in CWP 196/2001, PUCL v. UOI and others, we monitor the implementation of the food and work related schemes in the country and regularly submit reports to the Supreme Court. I am extremely grateful to you and to all your colleagues for arranging a meeting on the 1st of November so that we can contribute some suggestions for your consideration. We look forward to a constructive dialogue on many aspects of the implementation of the food and employment schemes in West Bengal. Based on the data available with us, the following issues have emerged with regard to the state of West Bengal, which demand immediate intervention by the State Government. Many of the Supreme Court orders are not complied with in the State.

To summarise the current status of implementation of various programmes in the state:

Integrated Child Development Services:

1. With regard to the universal coverage of beneficiaries, the instructions of the Supreme Court have been categorical to ensure the coverage of all children below 6 years, all pregnant and lactating mothers and adolescent girls in all rural habitations and urban slums with all nutritional and health services of the ICDS in a phased manner latest by December, 2008. The order of the court dated 28.11.01 stated,

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“We direct the State Govts. / Union Territories to implement the Integrated Child Development Scheme (ICDS) in full and to ensure that every ICDS disbursing centre in the country shall provide as under:

- (a) Each child up to 6 years of age to get 300 calories and 8-10 gms of protein;*
- (b) Each adolescent girl to get 500 calories and 20-25 grams of protein;*
- (c) Each pregnant woman and each nursing mother to get 500 calories & 20-25 grams of protein;*
- (d) Each malnourished child to get 600 calories and 16-20 grams of protein;*
- (e) Have a disbursement centre in every settlement”*

Further, the order dated 13 December 2006 states that “The universalisation of the ICDS involves extending all ICDS services (Supplementary nutrition, growth

Table 1: Percentage of Children enrolled in Government Schools (including private-aided and EGS/AIE centres) who are beneficiaries of Mid-day meal scheme – 2006-07			
	Enrolment	MDM Beneficiaries	% enrolled children who are beneficiaries
West Bengal	10205750	9195381	90.1

monitoring, nutrition and health education, immunization, referral and pre-school education) to every child under the age of 6, all pregnant women and lactating mothers and all adolescent girls.”

	No. of Children 6 months - 6 years getting SNP*	0-6 year population as per anganwadi survey register**	% children getting SNP (as a % of no. of children as per AW survey)	0-6 year population as per Census 2001	% children getting SNP (as a % of no. of children as per Census)
West Bengal	2998314	6966367	43.0	11414222	26.3
All India	58185339	102795396	56.6	163819614	35.5

Unfortunately, as evident from the above table, West Bengal is one of the poorer performing states as regards coverage of children under-6, level of malnutrition and immunization coverage.

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2. We would also be grateful if you could kindly provide us with the details of the number of applications made under the “Anganwadi on Demand” as per the directions of the Supreme Court order dated December 13th, 2006. We would like to know the number of applications made, the dates when these demands were made/ applied for and the number of ICDS sanctioned (including the date of operationalisation).
3. West Bengal is one of the very few states which have submitted details of the survey of SC/ST habitations in State. Please update us on the steps taken, regarding the 4626 habitations without an AWC centre.

Mid Day Meal Scheme:

1. Data shows that under about 10 percent of children (including from private-aided and EGS/AIE centres) are not covered by the programme.
2. Statistics available suggest that West Bengal is providing even less than 70gms of foodgrain per child per day. Also, the mismatch between utilisation of cooking cost (71.0%) and utilisation of foodgrains (66.0 %) needs to be addressed.

Targeted Public Distribution System and Antodaya Anna Yojana

Subsequent to the disturbances in the State of West Bengal in relation to the Public Distribution System, we had requested our Principal Adviser, Shri. Biraj Patnaik to visit West Bengal and file a status report. We would like to share with you the principal findings with regard to the PDS in West Bengal.(It is enclosed as a separate note.)

1. Status of distribution of AAY cards is a matter of concern. 5.058 lakh cards are currently undistributed. Since this scheme affects the poorest of the poor, there is an urgency for the State to act and ensure that all the cards are distributed without any further delay. Our Principal Adviser, Shri. Biraj Patnaik and our Adviser for the State of West Bengal, Mrs.Anuradha Talwar had discussed this issue with Mrs.Meena Pandey, the Principal Secretary of the Food and Civil Supplies Department and explored the option of whether these cards could be distributed to the urban destitute in West Bengal. We would like to discuss this issue further with you when we meet.
2. An analysis of offtake of the BPL households shows that West Bengal, at 68.6% is one of the lower performing states in terms of offtake. We would like to know more about the reasons for the low offtake at the earliest.
3. We request systematic compliance of the Supreme Court orders on the coverage of the most vulnerable groups in the Antodaya Anna Yojana viz. “primitive” tribal groups, disabled, single women, widows and old people. We would also request you to update us on the current position.

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4. We would also like to know whether the State has yet constituted vigilance committees to check the level of leakages and corruption.

National Maternity Benefit Scheme/ Janani Suraksha Yojana

1. We have noticed that percentage of eligible beneficiaries covered in West Bengal, although marginally better than the national average, is still very low at 46.8 per cent, as evident from the following table.

Table 1: Percentage of Eligible Beneficiaries Covered Under NMBS			
	No. of Women eligible for NMBS*	No. of Beneficiaries of JSY in 2006-07 as reported by Government of India	Percentage of Eligible Beneficiaries Covered
West Bengal	425520	199000	46.8
Total-India	5925554	2618889	44.2

*Calculation of eligible beneficiaries based on projected population for 2006 (from Census of India), crude birth rate for 2006 (SRS Bulletin October 2006), poverty ratio for 93-94 (Report of the Expert Group on Estimation of Proportion and Number of Poor, Planning Commission) and proportion of first two births for the Year 2002 (SRS Statistical Report, 2002).

National Old Age Pension Scheme and Annapurna

1. Based on the population projection data for 2006, we estimate that there would be around 7.49 lakh people above 65 years of age eligible for an old age pension. (using the 1993-94 poverty ratios as directed by the Court). Of this from the data available with the Ministry of Rural Development, Government of India, we find that about 4.68 lakh beneficiaries have been covered. Government of India is not factoring in the contribution of the State Government for the coverage of the additional families.
2. We would like to have more details on the NOAPS, including State contribution to the Scheme, the fund disbursement mechanism, the timing of payment etc.

National Family Benefit Scheme

1. The coverage under the National Benefit scheme continues to remain very low. According to the numerical ceilings set by the Government of India in 2001, West Bengal has covered 15503 beneficiaries while the ceiling of the Government of India (age-specific mortality estimates factoring in the BPL estimates of GoI), is 42700 beneficiaries. We would be grateful if you could share with us the reasons for the gap in coverage.

BPL List

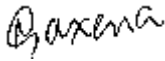
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IN THE CASE: PUCL v. UOI & Ors. WRIT PETITION (Civil) No. 196 of 2001**

There are regular field reports and complaints which we receive regarding the identification of the BPL individuals in the State. We are attaching a separate note on this issue which elaborates on some of our concerns. We would be grateful if you could kindly look into this and suggest ways by which we can overcome this.

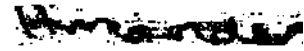
We have also requested our Adviser in West Bengal to make separate discussion notes on the issue of closed tea gardens as well as on the challenges that the implementation of the National Rural Employment Guarantee Scheme is facing.

We would request you to look into these issues and send us an action taken report at the earliest. We are hoping that you will do the needful to ensure that the full potential of these schemes is realised in the State of West Bengal.

With Regards,



Dr. N.C. Saxena



Harsh Mander

Annexure 1:

A note on the implementation of the Supreme Court Order of Feb 14th, 2006 on the BPL identification:

The order of 14th February 2006 directs that "...Food grain allocations by the Central Government to beneficiaries under TPDS will be continued to be made at the present to States on the basis of Planning commission estimates of 1993-94 poverty ratios, which is at 36% applied to the population projections of the Registrar General of India as on 1.3.2000 or on the basis of families identified and issued ration cards by the State Government whichever is less."

The calculations for coverage of BPL households in West Bengal, including Antodaya households is given below:

Planning commission Poverty ratio for 1993-94 for West Bengal	40.8%
Number of families to be covered under the TPDS as per the population projection of 2000	51.74 lakhs
Number of Individual BPL Ration cards to be issued	2.485 crores
Number of Individual Antodaya cards to be issued	95.313 lakhs
Ration cards already issued	
BPL	1.91 crores
AAY	71.98 lakhs
Total	26,409,696 (2.64 crore cards)
Undistributed AAY family cards	5.058 lakhs
Undistributed AAY Individual cards	24.278 lakhs

We would like to know what steps are being proposed to cover the 24.278 lakh undistributed Antodaya Cards. Our Principal Adviser Biraj Patnaik and our Adviser for West Bengal, Anuradha Talwar have discussed the possibility of using the additional

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Anntodaya cards for the urban destitute in West Bengal. We are already in the process of doing so for Delhi and we would like to share with you the process we are following in Delhi for your consideration.

In Delhi, the State Government has identified a nodal NGO for the process of identifying the urban homeless and issuing ration cards to them after a process of due verification by this organization. The cards are valid for a period of six months, and are re-issued to the family once the organization certifies that this family continues to live on the streets in Delhi. In addition, the address of the home less person in the card is the nearest landmark to the place where the homeless person is residing. Many of the NGOs involved in this process are also ensuring that homeless persons get their rations from the ration dealers. While this process has just begun in Delhi, it is likely to provide foodgrains to the most marginalized section of the population.

We understand that the number of families / individuals who ought to be covered under the BPL are far in excess of those being provided for by the Government of India. This is a problem that most State Governments are facing. One of the ways in which many Southern States and the State of Chhattisgarh have overcome this problem is to lift their entire quantum of APL food grains and provide an additional subsidy from the State Budget to sell this food grains at BPL rates. This additional State subsidy for rice works out to Rs.70 per family per month or Rs.840 per family in a year. The State Government may consider providing an additional subsidy under a State specific scheme to overcome the shortfall in the BPL cards.

The Supreme Court order of 14th December 2006 also states, inter-alia, that "...Provisions will be made to allow new names to be added and ineligible names deleted from the BPL List 2002 on a continuous basis during the period that the list will be applicable."

However, in reality, the process of enlisting people in the BPL list has been full of anomalies, with numerous complaints by people's organizations and political parties about wrong exclusion or inclusion and about transparency and redress. These problems include:

1. Non availability or no public display of BPL family survey.
2. Family survey has been printed in English, so many villagers are unable to read the list.
3. Guardian's name is sometimes not there on the list, making it difficult to identify the family.
4. In some areas entire hamlets have not been listed in the family survey.
5. Gram Sabha and Gram Sansad meetings have not been held to approve the list.
6. Hearings have not been organized to redress complaints on inclusion and exclusion.

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7. In contravention of the order, dates have been given time and again as deadlines beyond which deletions and additions will not be permitted.

We would urge you to consider our suggestions.