

**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**

November 5th, 2008.

ICDS/601/Maharashtra.

Shri. Vijay Stabir Singh,
Secretary ICDS,
Govt. of Maharashtra.

Sub: Regarding the supply of Therapeutic food to malnourished children under ICDS.

Ref: Regarding calling tender through advertisement for Supply of therapeutic food for the beneficiaries of ICDS.

Dear Shri. Singh,

This is with reference to the opinion sought by the State Government about the temporary arrangement for the supply of POUSTIC AHAR to malnourished children in the age group of 6 months to 6 years children of Grade III and IV, through the therapeutic food manufacturers in the State.

It is our considered opinion that it would run contrary to the spirit of the Supreme Court order of October 7th, 2004. We believe that this would once again open the flood gates for contractors to make a back door entry into the scheme. As you might be aware the Supreme Court has stressed in subsequent orders as well (most notably the order dated July 17th, 2006) that it will not permit the back door entry of contractors into the ICDS.

However, as the State government wanted to have such kind of arrangement only till the SHG's and Mahilla mandals will complete training in preparing and supplying of POUSTIC AHAR. Therefore, we would request you to continue with the arrangement of supplying the therapeutic food through manufacturers only for 6 months till that time SHG's and Mahilla Mandals would have been trained in preparing and Supply of POUSTIC AHAR to the malnourished children and after 6 months the same arrangement should be handled over to the SHG's and Mahilla Mandals.

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We would strongly urge you not to allow the arrangement of therapeutic food through manufacturers more than 6 months and instead deepen the process of decentralisation that the Government of Maharashtra has undertaken so far as it has the potential of becoming a national model that can be replicated by other state governments.

We would also like to request you please document the experiences of providing the therapeutic food to malnourished children by SHG's and Mahilla Mandals once they are handed over the task of arranging the supply of therapeutic food to malnourished children and send us a copy of the same.

Warm regards,

Dr. N.C. Saxena

Harsh Mander

CC: Mr. Josantony Joseph, Advisor to the Commissioners to the Supreme Court,
Maharashtra.