

**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 15th , 2009

Allschemes/722/Assam.

Shri. P C Sarma
Chief Secretary
Government of Assam
New Secretariat
Assam.

Sub: Status of implementation of food schemes.

Dear Shri. Sarma,

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 employment related schemes in the country which fall under the purview of the case including the ICDS, MDMS, NREGA, NOAPS, TPDS, NMBS /JSY and NFBS.

We have recently submitted our 9th report of Commissioners to the Supreme Court. We have also been writing to you and we regret we haven't received responses to our many letters : Pension Revision/684/Assam, dated September 23rd , 2009; Allschemes/602/Assam, dated December 2nd, 2008; Allschemes/600/Assam,dated November 18th,2008 ; Data request/596 /all states , dated November 12th, 2008; icds.coverage/518/allstates, dated 28.11.2007. Please respond to these letters at the earliest. We are enclosing a copy of each letter herewith for your reference.

In particular we would like to share some issues of concern with the State Government as below:

Internally Displaced People (IDP) living in Relief Camps:

1. We appreciate the steps taken by the Government of Assam to implement the food and livelihood schemes for the relief camps. However, there are still a number of gaps and we would also like to know the latest position of the status of implementation of Supreme Court orders related to the people living in relief camps. Please provide us information on the following points:

- a) We had written to you that all IDPs living in the relief camps must be fully covered under the Antyodaya Anna Yojana Scheme, and we haven't received any information from the state regarding the issuance of AAY cards to these families other than that non-availability of quota of AAY in the state vide your letter February 7th, 2009. We would be grateful if you please apprise us about the improvement whether any step has been taken in this direction.
- b) We had been conveyed vide your letter dated February 7th, 2009 that for the full coverage of relief colonies under the ICDS scheme proposals for setting up of additional AWCs have been submitted but we regret we have no information whether the additional AWCs have been setup in the relief colonies and whether all the relief colonies are fully being covered under all the services of ICDS scheme.
- c) We haven't received any details of the numbers of adult camp residents who have been given job cards in each camp and the number of days on an average that each resident job card holding family got work in NREGS.

Public Distribution Scheme:

2. During our last visit to Assam I (Mr. Harsh Mander) had found in the field that there is wide divergence between BPL lists and persons getting BPL cards, suggesting great non-transparency and corruption. We had agreed that BPL lists would be publicised, and would form the basis for BPL cards distribution. We regret we haven't received any further correspondence about this from the state whether this has actually been done.
3. I had requested a campaign at the level of each DC to comply with the interim order dated May 2nd 2003 of the Supreme Court that all households belonging to six "priority groups" would be entitled to Antyodaya cards. In the first phase, we agreed that PTG groups, disabled and single women headed households would be fully covered. I would be grateful if this is carefully followed up and we are being apprised about this.

Integrated Child Development Services:

4. We have submitted our 9th report to the Supreme Court recently and we found that the State of Assam has spent only 0.80 Rs per day for each Child under six on SNP under ICDS in the year 2007-08. This is gross violation of the Supreme Court order dated 13th December 2006 which states that “All the State Governments and Union Territories shall fully implement the ICDS scheme by, inter alia,
- (i) allocating and spending at least Rs. 2/- per child per day for supplementary nutrition out of which the Central Government shall contribute Rs. 1/- per child per day.
 - (ii) allocating and spending at least Rs. 2.70 for every severely malnourished child per day for supplementary nutrition out of which the Central Government shall contribute Rs. 1.35 per child per day.
 - (iii) allocating and spending at least Rs. 2.30 for every pregnant women, nursing mother/adolescent girl per day for supplementary nutrition out of which the Central Government shall contribute Rs. 1.15.”

The NFHS- 3 has shown that the percentage of the severely malnourished children in the state of Assam is as high as 11.4. Therefore, we request you please examine the reasons for this and let us know why such a big gap persists in the state. We would also like to know please take efforts to increase and utilize per child cost under SNP. The Central government and has now recently revised and increased the financial and nutrition norms to almost double than earlier and therefore, we request you please send us proposed plan of action how the state will increase and utilise the per beneficiary cost as per recent guidelines issues by Ministry of Women and Child Development, Government of India.

5. We had learnt from our Advisor of Assam has informed us that SNP is being extended to only 122 days in a year for children in the age group of 3-5. We would like to bring to your notice that this is a violation of the Supreme Court order dated April 29, 2004 which states “All the sanctioned AWCs shall supply nutritious food/supplement to the children, adolescent girls and to pregnant and lactating women under the scheme for 300 days in a year”. Therefore, we request you to let us know the reasons for this inadequate supply of SNP and also to ensure that the SNP is extended to 300 days in a year immediately. Kindly send us an action taken report, in this regard, within one month. We would also like to know how many days children under 3 are being served from AWCs.

6. The Supreme Court order dated 28th November 2001 requires the universal coverage under ICDS of all urban slums and SC/ST habitations across the State on a priority basis. In line with this order, we had requested a detailed survey of all urban slums and to find out the population in each urban area under slums (both authorised and unauthorised) in the state. We learnt from you through your letter dated 12th May 2008 that a micro level survey has been conducted in the State and a comprehensive requirement proposal has also been sent to Govt. of India, therefore, we would like to request you to send us the details of the survey and the methodology used for the survey.

Further we would request you for the following :

- a) Please undertake a survey to list all the urban slums (authorised and unauthorised) and the population living there, as the order equally applies here as well and send us the details of the survey.
 - b) List all hamlets that have more than 50% SC and/or ST population and send us details.
 - c) Of all the hamlets in the state which have more than 50% SC and/or ST population and urban slums, what per cent have been covered by anganwadi centres? If there is a gap between the list and coverage what are the plans of the State for filling the gap.
7. We had learnt from you letter dated 12th May 2008 that State has initiated this process of setting up of AWCs on demand. We request you please send us information about how many total applications have been received by the state for new anganwadis under the provision of anganwadi on demand in the state and and the status of these.
8. We had requested you vide our letter Allschemes/600/Assam, dated November 18th 2008 that whether any step has been taken to put all the information related to ICDS available on website. This has been directed by the Supreme Court and we request you please inform about the same.

National Maternity Benefit Scheme:

9. We have received you letter dated April 18th, 2008 whereby it was mentioned that the sattu government continues to limit the benefits under NMBS to only those pregnant women who are BPL, aged 19 years and above, and deliver at home. Also such assistance would

be available only upto 2 live births. We have been continuously writing you that Supreme court has clearly stated in an order dated 11th November 2007 that the benefit amount shall be Rs.500/- per birth irrespective of number of children and the age of the women.

10. We have analysed in our 9th report that the total number of home deliveries in the state of Assam were 136758 in the year 2007-08 but out of them only 8621 have received any benefit under NMBS component of JSY and this amount to only 6.3 percent. This indicates that there is a high level of confusion among the nodal agencies and we therefore we strictly urge you please issue instructions to all the nodal departments that the parity of age and number of children doesn't restrict any pregnant women who is BPL and deliver at home from the benefits under the NMBS. Please send us a copy of the instructions issued in this direction.

National Old age Pension scheme:

11. We had written to you vide our letter Allschemes/585/Assam dated September 8th 2008 that the NOAPS has been extended to cover all the BPL aged persons above 65 years, and wanted to know what steps have been taken to cover all BPL aged persons with pensions. Kindly let us know what are the estimates and the current status of coverage of old people under IGNOAPS in the state and what the plan is to cover the gaps in coverage, if any.
12. We would like to bring it in your notice that Supreme Court in its order dated 28th November, 2001 has clearly stated that "Payment of pensions is to be made by the 7th day of each month". Therefore, we request please take steps to ensure that the monthly old age pension reaches the beneficiaries at time and would request you please let us know what is the system for disbursement of pension in the state.
13. It is learnt that the state of Assam is still providing only Rs. 250 per month as old age pension under the IGNOAPS to the old people who are BPL and above 65 years. This means that the state contribution to a programme which is critical to survival of most vulnerable groups is only 50 Rs. per beneficiary per month. The old age pension scheme is the only protection and social security scheme available for the most vulnerable group of old people. More than three years after the Government of India revised and increased

their contribution into the pension, therefore we would request you to kindly make a revision in the amount of old age pension provided in your state and increase it to at least Rs. 400 per month, which would include Rs. 200 from the Government of India. This has been done by many states and even some states are providing more than Rs. 400 as pension per month presently, including Maharashtra, Delhi and Goa.

National Family Benefit Scheme:

14. We have found in our 9th report that the State of Assam has only been able to provide benefit to 7514 families as against the estimated number of 21530, which amount to only 34.9 percent. This scheme affects the poorest families of the country and therefore we would like to request you please take efforts to provide the benefits to all the beneficiaries under this scheme

15. We would like to bring it in your notice that that Supreme Court in its order dated 28th November, 2001 has clearly stated that “BPL families are to be paid Rs 10,000 within four weeks through the local Sarpanch when the breadwinner dies”. Therefore, we request you please take steps to ensure that the benefit under this scheme reaches the beneficiaries at time.

16. We had written to you vide our letter Allschemes/600/Assam, dated 18th November 2008 , to let us know what is the process of identification of the beneficiaries under the scheme in the state? Kindly attach the details outlining the methodology used for such process. We had request requested please apprise us about what is the mode of payment and process for ensuring that payment is made within four weeks of time as per the Supreme Court orders? Please send us the details and guidelines of the same.

Mid-day Meal Scheme:

17. In our 9th report to the Supreme Court we found that the coverage of children under MDMS is 100 percent which is appreciable. However, the state government has been able to lift only 72 percent. This may indicate that either sufficient quantity of meals is not being provided to the students or the attendance is being fudged. We would request you please look into this and send us an action taken report.

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18. We wanted to know if there is any weekly menu prescribed for the MDMS in the State, please send a copy of the same. Also whether the State Government issued guidelines regarding varied menus to the districts and implementing agencies? Please send a copy of the same. We had written to you but we regret we haven't received any communication from the state in this regard. Please respond to us on the same.

Grievance Redressal Mechanism:

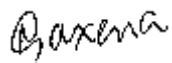
19. We request to the state government kindly takes steps immediately to implement the following order of the Supreme Court dated 8 May 2002 relating to establishing a grievance redressal system has not been implemented.

“Gram Sabhas are entitled to conduct social audits of SGRY (and indeed of all food-related schemes). On receipt of any complaint of misuse of funds from the Gram Sabhas, the implementing authorities shall “investigate and take appropriate action in accordance with the law.”

20. Also, a register may please be opened to receive complaints in every district collector's office, and the receipt and disposal of the complaints posted on a website.

21. Further the District Magistrate's office and the Gram Sabha should put on their notice boards all the complaints received and the redressal undertaken for the complaint.

With regards,



Dr. N.C. Saxena



Harsh Mander

CC: Dr. Sunil Kaul and Ms. Anju Talukdar, Advisors to the Commissioners to the Supreme Court, Assam.