

**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**

allschemes/490/assam/
04 June 2007

Shri P C Sarma
Chief Secretary,
Government of Assam,
Assam Sachivalaya,
Block C, 3rd Floor,
Dispur, Guwahati-781006

Sub: Implementation of various food/employment related schemes of the state.

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 and regularly submit reports to the Supreme Court.

There is a need to address the issues of food security, right to food and right to work in your state. Based on the data available with us, the following issues have emerged with regard to the state of Assam, which demand immediate intervention by the State Government. Many of the Supreme Court orders are not complied with in the State.

Integrated Child Development Services

1. The Supreme Court has directed that all hamlets must be provided with an anganwadi centre by December 2008. Towards this, the Government of India has sanctioned new anganwadi centres in two phases in 2005-06 and 2006-07. Of the 6659 newly sanctioned anganwadi centres in 2005-06, the Government of Assam has managed to operationalised barely 31 anganwadi centres as on September 2006. Here it must be mentioned that on 20 March 2007 the Supreme Court directed that all these anganwadi centres be operationalised by June 30 2007. Please let us know the progress made in Assam regarding operationalisation of anganwadi centres and the plans of the Government of Assam to ensure compliance with the above order.
2. The implementation of the ICDS scheme is especially poor in Assam with only 10027 anganwadi centres in Assam reporting provision of supplementary nutrition while there are 25447 operational anganwadis in the state; i.e. about 60% of the operational AWCs are not providing SNP service
3. According to Census 2001, there are about 45 lakh children under-6 years of age in Assam. The total population of 0-6 year children according to anganwadi survey register in 2006 is about 33.5 lakh. However the number of children covered under the supplementary nutrition programme was only 12.6 lakh children. A majority of children in the state of Assam are therefore not being covered by the ICDS in violation of the orders of the Supreme Court that every child under 6 must be provided services by the ICDS.
4. GoAssam has spent Rs.1.26 per beneficiary per day under SNP. This amount is much less than the Rs. 2 per beneficiary per day amount set by MoWCD and also insufficient to meet the need of the malnourished child. Please increase the expenditure as per the norms.
5. About 80% of the funds allocated for SNP were utilized in Assam in the year 2005-06. Efforts must be made to utilize 100% of funds allocated.
6. The funds allocated by Government of Assam for supplementary nutrition are hugely inadequate, as the total amount allocated by the State in the 2005-06 financial year for supplementary nutrition is only Rs. 66 crores. This allocated amount is nowhere near the Rs. 269 crores required to cover even the 0-6 year

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old population of the State, And if the allowance for rightful beneficiaries of the other three categories, namely pregnant women, nursing mothers and adolescent girls is considered, the magnitude of the shortfall will shoot up further by several counts. We request you to ensure the resource allocation as per the requirements of the state.

7. We request you to provide us status report on coverage of SC/ST settlements under ICDS projects in Assam. Please also give us details regarding the numbers of ST/SC children and women out of the total population covered under the scheme.

National Rural Employment Guarantee Scheme

1. It is appreciated that of all those who applied for work under the NREGS, 95.2% households were provided with work. However it is seen that only about 53% of those provided with job cards made a demand for work. The provisions under this scheme must be more widely publicized and people must be made aware that under this scheme they are given work when they demand for it.
2. On an average each household was provided with 65.4 days of work. This again indicates good performance when compared with the national average. Efforts should be made to ensure that the households are given 100 days of work as provided under the act.
3. Of the total person days work generated under NREGS in Assam, 24.2% work days were given to women. Women's access to the benefits under this scheme need to be improved. The share of STs at 40.3% and SCs at 7.4% show that the scheme is reaching the vulnerable sections of the population, especially in the case of STs where the share of STs in the population in Assam is about 18%.
4. The Government of Assam has however performed poorly when we look at the utilization of the allocated amount under the scheme. Only 30% of Total available Funds has been spent.
5. We request you to provide us details of availability of crèches at worksites, wages being paid to workers, status of State Employment Guarantee Council and steps being taken to ensure that people with disabilities are also provided work under the NREGS in Assam.

Midday Meal Scheme (MDMS)

1. As reported by the State Government to the Government of India, 75% of eligible primary school enrolled students are covered by the scheme in Assam. It is over five years since the Supreme Court order directing universalisation of mid-day meals has been passed and the Government of Assam must take all steps to urgently ensure that this is complied with.
2. Even with regard to offtake of foodgrain allocated for mid-day meal only about 73% of the foodgrain allocated has been utilized.
3. The per child per day offtake of foodgrain is only 64 grams. This means that either fewer number of children than reported are being provided with mid-day meal or that each child is being given less than the entitled amount of 100gms per child per day.
4. Looking at the fund utilization for 2006-07 it is seen that Government of Assam utilized only 27% of the cooking costs allocated to the state and about 40% of foodgrain allocated as on 31 December 2006. Considering that three-fourths of the year is over by 31.12.2006, the State should have utilised at least 75% of the foodgrains and the cooking costs by then. There is a mismatch between the percentage utilisation of foodgrains and the percentage utilisation of cooking costs. Ideally the percentage utilisation of cooking costs and foodgrains should tally with each other. Higher utilisation of cooking cost without concomitant utilisation of foodgrains could be because of misuse of the cash component of the programme. On the other hand, higher utilisation of foodgrains than cooking cost utilisation could be because cash flow to the schools are not regular, and this could actually be leading to interruptions in the feeding programme or forcing the school authorities to take credit, sometimes even on interest.
5. Only about 27% of schools are provided with cooking sheds
6. Request for data on provision of mid-day meal in summer vacations in drought districts, varied menus.

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National Maternity Benefit Scheme

1. The revised Janani Suraksha Yojana continues to provide for cash assistance for women having a home delivery @ Rs. 500 per woman. This is also required to ensure compliance with the orders of the Supreme Court. An analysis of the details of the beneficiaries of the scheme shows that of all the women who were given cash assistance under JSY only 4.4% women had home deliveries while the % of home deliveries in the state (according to NFHS 3) is 77%. This shows that in spite of revised guidelines the focus of the scheme continues to be only on those women having institutional deliveries. This needs to be corrected and the NMBS component of the benefit must be made available to all BPL pregnant women irrespective of place of delivery.
2. If all the women who are reported to have received cash assistance did actually receive the benefit according to the JSY norms, the Government of Assam should have spent Rs. 24 crores, while the amount spent was only about Rs. 13 crores. This either indicates that there is mis-reporting on the number of beneficiaries or that women are being given an amount less than they are due. This matter needs to be looked into.

National Social Assistance Programme

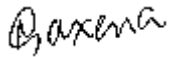
1. The combined allocation for the three schemes under NSAP for Assam was Rs. 197.17 crores for the year 2006-07, of which only Rs. 86.92 crores has been spent i.e. only 44% of allocated amount has been utilised.
2. We would request you to therefore look into this urgently and address the shortfall in the implementation of the National Social Assistance Programmes.

Public Distribution System

1. Field reports that we have received from Assam seem to suggest that there are huge implementation gaps in the PDS.
2. We are concerned that the APL Off take in the State is much lower than the allocation.

We would request you to look into these issues and send us an action taken report at the earliest.

With Regards,



Dr. N.C. Saxena



Harsh Mander

Cc: Shri Sunil Kaul, Advisor to the Commissioners, Assam.