

**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**

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October 27<sup>th</sup>, 2007

allschemes/513/Bihar/

Shri. A K Choudhuri  
Chief Secretary  
Government of Bihar,  
Main Secretariat  
Patna  
Bihar- 800015

**Sub: Status of Implementation of Food Schemes**

Dear Shri Choudhuri,

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 our colleagues for arranging a meeting on the 31<sup>st</sup> of October 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 schemes in Bihar. Based on the data available with us, the following issues have emerged with regard to the state of Bihar, 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, "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;

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- (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 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)
<b>Bihar</b>	<b>3463564</b>	<b>10545140</b>	<b>32.8</b>	<b>16806063</b>	<b>20.6</b>
<b>All India</b>	<b>58185339</b>	<b>102795396</b>	<b>56.6</b>	<b>163819614</b>	<b>35.5</b>

Unfortunately, as evident from the above table, Bihar is one of the worst performing states as regards coverage of children under-6, level of malnutrition and immunization coverage. In Bihar, it has been come to our notice that the process of operationalising the 3046 AWCs sanctioned in 2005-06 has not yet begun. Kindly let us know (a) the current status of operationalisation of anganwadi centres in the State, (b) the plans to operationalise the remaining centres that have been sanctioned to the State (remaining AWCs that were sanctioned in 2005-06 + the ones sanctioned in 2006-07). The Court in its order dated states, “The backlog has to be cleared immediately and the centres which have been sanctioned upto September, 2006 shall be made operational and functional by 15th July, 2007 .... Those centres which have been sanctioned upto January, 2007 shall be made functional by 30.09.2007.”

2.

States/UTs	Allocation (Rs. in crores)	Expenditure (Rs. in crores)	% Utilisation
Bihar	347.80	189.89	54.6
<b>Total</b>	<b>2818.63</b>	<b>2142.70</b>	<b>76.02</b>

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It has been found that of the funds that were allocated for SNP, only 54.6 per cent was utilised by Bihar during 2005-06. Please let us know the details of the same.

3. 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

**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**

	<b>Enrolment</b>	<b>MDM Beneficiaries</b>	<b>% enrolled children who are beneficiaries</b>
Bihar	12638427	8581264	67.9

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).

4. Bihar 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 3233 habitations without an AWC centre.

**Mid Day Meal Scheme:**

1. Among all states reported, Bihar had the worst coverage of children under the mid-day meal scheme vis-à-vis enrolment of children in government schools (including private-aided and EGS/AIE centres).
2. It has also been noticed that foodgrain Offtake under Mid Day Meals Scheme (2005-2006) is just 72 per cent. We would like to have an update on this.
3. Statistics available suggest that Bihar is providing even less than 60gms of foodgrain per child per day. Also, the mismatch between utilisation of cooking cost and utilisation of foodgrains needs to be addressed.

**Targeted Public Distribution System and Antodaya Anna Yojana**

1. Status of distribution of AAY cards is a matter of concern. 0.72 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. Please let us know what the progress on this front has been.
2. An analysis of offtake of the BPL households shows that Bihar, at 22.2% is the worst performing state in terms of offtake. We would like to know more about the reasons for the lower 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 Bihar is abysmally low at 23.4 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
Bihar	732891	171352	23.4
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).

2. Bihar has utilised only 31.1 per cent of the funds allocated to them under JSY. The situation merits a review and we would like to know about the progress vis-à-vis the programme.

**National Old Age Pension Scheme and Annapurna**

1. Based on the population projection data for 2006, we estimate that there would be around 10.14 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 9 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, Bihar has covered 18795 beneficiaries while the ceiling of the Government of India (age-specific mortality estimates factoring in the BPL estimates of GoI), is 90500 beneficiaries.

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**National Rural Employment Guarantee Scheme**

1. Data shows that the percentage of job cards issued in Bihar is less than 50 per cent of rural households. Given the acute poverty in Bihar, these figures seem to indicate a low outreach of the NREGS in the State.

<b>Percentage of households who have been issued job cards until October, 2007</b>			
	Total number of households (in NREGA districts) (in lakhs)	Number of households issued job cards (in lakhs)	Percentage of households issued job cards
<u>Bihar</u>	7755942	2546677	32.8

What is even more worrying is that less than a third of the total rural households were provided with job cards. We would request you to urgently redress this situation.

With reference to the number of days of employment provided, we are sure that the performance of the State Government has now considerably improved for the current financial year. We would be grateful if you could apprise of the steps taken by the State Government to ensure full utilization of the sanctioned funds and the provide 100 days of employment to all the applicants who have sought work under the scheme.

**Share of SC and ST households among total households that were issued job cards**

STATE	SCs households to total households issued job cards (%)	STs households to total households issued job cards (%)
BIHAR	41.04	1.64
Total	23.64	19.35

Analysis of both the proportion of ST households who have been provided job cards is again abysmally low for the State of Bihar as is the share of the ST households and women in the work generated. We would request you to apprise us for the steps undertaken to ensure that these proportions are optimised in the current financial year.

**Actual Expenditure as a Share of funds allocated under NREGA - By States (%)**

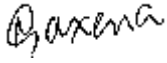
State	Total Available Funds ( in Lakhs)	Total Expenditure ( In Lakhs)	% of Expenditure to Total available Funds
BIHAR	94856.24	29188.31	30.77
Total	922080.27	418492.40	45.39

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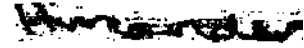
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We would request you to look into these issues and send us an action taken report at the earliest. We are hoping that you will do the needful to ensure that the full potential of these schemes is realised in the State of Bihar.

With Regards,



Dr. N.C. Saxena



Harsh Mander