

**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**

January 17th, 2007.

MDMS.Children/528/MoHRD.

To

Shri. A K Rath

Secretary (Elementary Education and Literacy)

Ministry of Human Resource Development

Government of India.

Sub: Status of Implementation of Mid Day Meal Scheme.

Dear Shri. A K Rath,

As you know we have been appointed by the Supreme Court to monitor food and employment schemes under PUCL vs. Union of India, CWP 196/2001. We have recently submitted the Seventh report on the implementation of these schemes all across the country to the Supreme Court. We would like to bring to your notice some issues of concern in relation to the Mid Day Meal Scheme. We request you to look into the matters detailed below and send us an action taken report on the same at the earliest.

We also request an early meeting that would enable us to discuss some of these issues with you face to face.

Gaps in Universal Coverage

1. The Supreme Court has made it clear in an order dated November 2001 that every child in every Government and Government assisted primary Schools should be provided a prepared mid day meal. However, after six years of this order states like Assam(75%), Jharkhand(69.2%) and Bihar(67.9%) are not showing an acceptable coverage. We, therefore, request you kindly take steps to ensure all the children are being reached out under MDMS in all states.
2. The CAG report of 2006 states that, "In the rural areas of Chandigarh (84.23%) and Mizoram (80.85%), an overwhelming majority of the children reported not receiving the midday meals. A substantially higher proportion of the children in the urban areas of Arunachal Pradesh (86.92%), Chandigarh (94.79%), Mizoram (84.37%) and Punjab (88.33%) reported not receiving the mid-day meals. This pointed to the possibility of false reporting by schools and misappropriation or diversion of funds allotted to schools for mid-day meals." We would be grateful if

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you could please examine this and let us know the reasons why such a large gap still persists.

3. At an all-India level it is seen that in the year 2005–2006, only **76.8%** of the grain allocated for the mid-day meal scheme was actually lifted by the state governments. Since the allocations are based on estimates of enrolments and attendance, this means that either not all institutions/children were covered under the mid-day meal scheme or that the quality of the mid-day meal was compromised in the sense that not enough quantity of food was given to the children or that mid-day meal was not provided on all working days. Further the analysis of the offtake of food grains in the year 2005–2006, it is estimated that had children been given 100 grams of foodgrain a day for 220 days in a year, then only **65.7%** of the enrolled children in primary schools would have been covered. This analysis does indicate that the amount of foodgrain that is being lifted for the purpose of mid-day meal is less than what is required to provide an adequate meal for the number of children that the government statistics show are beneficiaries of mid-day meal scheme. Therefore, either fewer numbers of children than is claimed are being provided with the mid-day meal or the meal is being provided to as many children but in smaller quantities. What are the reasons for this, and what are your plans to ensure 100% offtake of food grains by the state Governments. We would appreciate it if you can kindly send us a detailed report regarding this. Please refer to the MDM section of the seventh report for the detailed analysis annexed with the letter.
4. It is a major concern that states like Himachal Pradesh (50%), Assam (27%), Jammu and Kashmir (37%) and many others are not utilising the cooking cost that has been allocated to them for the provision of mid-day meals. There is also a mismatch between the percentage utilisation of food grains and the percentage utilisation of cooking costs. Ideally the percentage utilisation of cooking costs and food grains should tally with each other. Higher utilisation of cooking cost without concomitant utilisation of food grains could be because of misuse of the cash component of the programme. On the other hand, higher utilisation of food grains 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. Kindly examine the reasons for this, and let us know the assessment of the State for this very worrying discrepancy. We also recommend that the provision for cooking costs under the mid-day meal should be increased to Rs. 3/- per child per day (not including foodgrains costs) from the current Rs. 2/- per child per day in order to be able to provide a nutritious and filling meal to the child. Further this norm should be inflation-linked, in the sense that it is constantly reviewed based on the price indices.

Diverse Menus, Infrastructure and Health Services

5. It is quite appreciable that most of the studies show an increase in the enrolment and attendance of children in primary schools after the introduction of Mid Day meals. However, the quality of the meal remains a concern. Many schools are reported still to not have a varied menu, with very little vegetables, fruits etc. served. There have been number of reported and unreported cases of children falling ill after taking mid day meal. Such reports take away the spirit out of the scheme.
6. It is requested that instructions be kindly issued to provide nutritious items such as eggs and green leafy vegetables, together with health services including immunization, deworming, growth monitoring, and health checkups. Tamil Nadu , for instance, is an excellent example in this way as they are providing eggs three days a week in the mid day meal.
7. The Central Government was directed to make provisions for the construction of cooking sheds and further directions were made to ensure better attempts towards provision of drinking water facilities etc. Looking at the data available for the states on the availability of kitchen sheds, cooking utensils and drinking water, it is seen that other than in the states of Tamil Nadu, Kerala and Karnataka, in all other states less than even half the schools have a kitchen shed. This obviously affects the quality of the meal provided considering that the mid-day meal scheme aims at providing a cooked meal to all children. Also in case of cooking utensils same picture is being revealed by some states like Maharashtra (8.0%) and Rajasthan (48.1%). Therefore, we would like you to please take necessary steps to ensure the construction of Cooking sheds in all the primary schools and make availability of drinking water and cooking utensils in all the primary schools at the earliest.

Caste Discrimination in MDM

8. Another issue of concern in the implementation of mid-day meals is the continued reports of caste-based discrimination during the serving of the meals, where children are made to sit separately or served in different plates, smaller quantities and so on. Such discrimination is also seen in the appointment of cooks where in spite of an order from the Supreme Court that preference should be given to SC/ST cooks, it is seen that in majority of places this is not so. This was corroborated in a major study undertaken by us in six states (Maharashtra, Jharkhand, Bihar, Chhattisgarh, Uttar Pradesh and Madhya Pradesh) of the country on the performance of food schemes including the MDMS.

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We urge that serious action should please be taken in the event of any form of social discrimination in mid-day meals, such as discrimination against Dalit children or Dalit cooks.

Food and education rights of urban homeless street children:

9. One of the major outcomes of the case has been orders to universalise mid day meals for all school going children. This is most welcome, but we remain worried about food and education rights of children out of school. For instance, for the large number of these children, who live and work on the streets of our cities and towns, their exclusion from schools is caused and compounded by a host of related vulnerabilities, such as deprivation of adult protection and the coercion to work and that also in unhealthy occupations like rag-picking, poor sanitary conditions, inadequate nutrition from begging, foraging of food stalls, a range of psycho-social stresses, physical abuse and sexual exploitation and exposure to hard drug abuse.

We see hope in a recent joint initiative of the Government and citizens of Delhi, the campaign for rights of homeless children of Delhi that aims to secure on scale the rights to protection, food, education, health care, recreation and love for all children who live and work on the streets. The Delhi Government is earmarking underused government buildings all over the city, and where these are not available close to the street child concentrations, redeploys school buildings outside school hours as community based residential hostels for these children, with all meals, protection, bridge education, health care, healthy recreation, leading to regular schooling and the opportunity of eventual family integration. Four such homes have already been allocated for residential hostels for urban children. The Government of AP is also considering allotting 2 buildings for street girls and one for boys for this purpose.

For finances, the Delhi Government is using SSA funds creatively. But at present, there is no specific scheme under SSA for the special needs of street and homeless children. We are using the residential bridge course programme, but present ceiling of Rs 6800 per child places limits on the possibility of providing 3 meals, bridge schooling and other needs of the child, without which education of a homeless child is impossible. More gravely, the assistance ends, after which the child would be returned to the streets and to child work instead of schooling, since the child has no adult protection. We propose that the Government of India considers expanding the SSA provisions for urban street children to include such community based hostels with financial allocations for all meals for these children, on the lines of the Kasturba Hostels for girls in low literacy regions. We also request that the Government of India commends the adoption of this approach to reach all street children with hostels and education during the 11th plan period.

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Providing MDM to the Disabled children who are being educated under Home based education.

10. One of the initiatives adapted under SSA to include children with severe disabilities is Home based Education. The rationale given to it is that it is part of the effort to provide education that is tailor made to the specific special needs of different children. It has also been seen as a strategy that fulfils the core principles of providing equal opportunities in education to children with severe and profound disabilities.

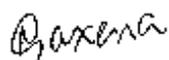
It is being claimed that 61290 children with severe disabilities are being given education in 18 states including Delhi through home based education. We are not sure whether they are being given MDM. Any education provided in an alternative setting should be of equal quality, recognition and value as the general school system. A system that excludes cannot be the same system that includes or promises to include. Therefore, our request remains that efforts must be taken to provide a hot cooked meal to the children being educated through Home based education.

Opening of primary Schools in all the relief colonies of Gujarat:

11. We had written to your predecessor Shri. Champak Chatterjee, Secretary to Govt. of India, in our letter ([MDMS.gujarat/510/Mo_HRD](#)) dated October 9th, 2007 regarding the opening of primary schools in all the relief colonies of Gujarat. We are enclosing the letter herewith for your perusal and we would like you kindly refer to that letter.

Since the Mid Day Meal Scheme (MDMS) is being monitored by us on behalf of the Supreme Court and forms a central part of the entitlement to a hot, cooked meal for all primary school children of Government and Government aided schools, we feel that it is imperative that children in these relief colonies have access to this. This would be part of the State's responsibility for compliance of Supreme Court Order on the MDMS.

With regards,



Dr. N.C. Saxena



Harsh Mander