

**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**

April 28th, 2008.
AAY/568/J&K.

Shri. B R Kundal
Chief Secretary
Government of J & K,
Srinagar 190004

Sub: Regarding the implementation of Food schemes in the State.

Dear Shri. Kundal

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, NFBS.

We are writing to you to draw your attention towards the vulnerability of the abnormally large number of widows of the state, who have continuously suffered through the disturbances in the valley. One of the Commissioners (Harsh Mander) visited the state from 31 March to 2 April, 2008 to assess the situation and problems of food rights. We have learnt that an overwhelming problem of food and livelihood security is that of widows. The widows of the state are suffering from intolerable food and livelihood insecurity and difficulties in accessing food schemes. It is our information that the large majority of them haven't been allocated the AAY cards.

We would like to bring to your kind notice that the Supreme Court has made it clear in one of its orders dated May 2nd 2003 (attached) that all the widows with no regular support would be entitled to AAY cards. Therefore, the withholding of the AAY cards from widows would be the violation of the Supreme Court. There is also no specific requirement of BPL identification for these widows, as per the order of the Supreme Court dated 20th April, 2004 (also attached).

There are also large number of women whose spouses have 'disappeared' or are missing, should be treated on par with those whose spouses are known to have died. A simple investigation should be carried out and if the panchayat personnel or a village committee or any NGO working in the village or school Head master gives in writing that the particular person has been missing from three years and is assumed to be disappeared, should serve the purpose.

In this regard, we would like to request you please undertake a special campaign to survey, identify and allocate AAY cards to all the widows of the State within six months of the date of receipt of this letter. Further the State Government should ensure that all

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the widows get widow pension before seventh day of every month. Kindly also ensure their full coverage within the same time frame with the state government programme of widows' pensions.

We would be grateful if you could please also send us information on the steps proposed by the state government to implement this order; also the information that may be available with the state government about the total number of the widows in the state and the present coverage of the widows under AAY, BPL and APL cards; and also under the widows' pension scheme of the state government. We would also be grateful for details of the procedure that State has been following, and proposes in the light of the Supreme Court order, for the identification of widows as beneficiaries for the schemes.

Moreover, there are large number of orphans in the State, both natural and the result of the violence in the valley over the last almost two decades. They are observed to be suffering from the same intense food insecurity. We appreciate the fact that State government has taken efforts and established residential hostels for their rehabilitation, and request that the state government ensures that they are supplied with AAY grain. Also there are a large section of the orphans who do not find place in the hostels and are denied education primarily because of the fact that they have to work in the day time to secure a meal for themselves. However, some voluntary organizations have taken steps to run NFE centres which are providing bridge education to the orphans in some parts of the valley. Therefore, we would like to request you please extend the midday meal scheme to these centres as well.

We would be very grateful if you can please send us a) proposed action plan on these issues in one month; b) interim action taken report in 3 months; and c) final action taken report in 6 months.

Warm regards,

Dr. N.C. Saxena

Harsh Mander