

May 5th, 2008.
Allschemes/570/Rajasthan.

Shri. D.C. Samant
Chief Secretary
Government of Rajasthan
Government Secretariat
Jaipur
Rajasthan.

Sub: Status of Implementation of Food Schemes in Rajasthan.

Dear Shri. Samant,

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. There is a need to address the issues of food security, right to food and right to work in your state. Many of the Supreme Court orders are not complied with in the State.

Below are some of the key issues of concern with regard to the implementation of some of the food and employment schemes in your state. In this context, we request you to also refer to our previous letters : ICDS/537/Rajasthan, dated: 29.01.2008; NMBS/539/Rajasthan, dated: 08.02.2008; icds.coverage/518/allstates, dated: 28.11.2007 and NREGA/519/all states, dated : 29. 11. 2007 .

Integrated Child Development Services :

1. The total number of Children in the 3-6 age group according to the Anganwadi survey (reference your letter dated 3.11.07) is 4105040 and only 1167724 children¹ have been provided SNP which is just 28 % of the beneficiaries identified in this age group. Moreover, according to the Administrative Report and Progress Details (2007-2008), the target for 3-6 age group under SNP was 18.37 lakhs. The Supreme Court in one of the orders 28th November 2001 has universalized the entitlements of the ICDS among all the children upto to six years of age, all pregnant woman and nursing mothers and all the adolescent girls. Therefore, we would like to know why the coverage of 3-6 age group children under SNP has been too less and why the target of only 18.37 laks was kept against the potential beneficiaries of almost 41 lakhs in the 3-6 age group.
2. Further the coverage of pregnant and lactating women under SNP of the ICDS is also low. The number of Pregnant and Lactating mothers in the state as per the Anaganwadi

¹ : the total number of beneficiaries in the age group of 3-6 reported till 29.02.08; Ministry of Women and Child development website (<http://wcd.nic.in>)

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Survey details are 1474546 and only 780969 (about 53 %) are the actual beneficiaries and have been covered under SNP². Further only 81240 adolescent girls are being covered under SNP. We, therefore request you kindly take steps to ensure all the beneficiaries are being reached out under ICDS.

3. The total amount allocated by the state and received from Central government constitutes about 14125.89 lakhs for the year 2007-08, however, only 6147.16 lakhs has been spent on the SNP programme till September 2007 which is almost 44 %. It seems that the state government would not have been able to spend the remaining budget which is about 56% of the total budget with the given pace and strategy in the next six months. Therefore, we request you to please examine the reasons and let us know why such a huge gap persists.
4. We would also like to bring it in your notice The order of the Supreme Court dated October 7th 2004 which states, "...contractors shall not be used for supply of nutrition in Anganwadis and preferably ICDS funds shall be spent by making use of village communities, self-help groups and Mahila Mandals for buying of grains and preparation of meals". In spite of the order, the state government is still using private traders/contractors for the supply for SNP, in defiance of the Supreme Court orders. As we have repeatedly pointed out in the past, the direction of the Supreme Court is unambiguous and efforts must be made to ensure that a total decentralisation of the SNP procurement, processing and supply is completed without any further delay. This entails the handing over of this process to the most appropriate decentralised unit at the village level like the women's SHGs, Mahila Mandals, Panchayats, Mother's/ Parent Committees etc. This must happen both for the 0-3 age group, lactating and pregnant women and adolescent girls where THR is being provided as well as the 3-6 age group where hot, cooked meals are being provided at the centre. We also acknowledge that Rajasthan is making concerted efforts to comply with the Supreme Court order of banning contractors in supply of SNP and have involved SHGs/Mahila Mandals in supplying SNP to 3-6 year age group .We hope that the rest of the supply is also soon handed over to local groups.
5. We have also been raising the concern in number of our previous letters that in line with the Supreme Court orders a detailed survey of all urban slums and universal coverage of children living in all urban slums, across the State should be undertaken on a priority basis. Also separately list the numbers of SC ST dominated hamlets and the population in each urban area under slums (both authorised and unauthorised) in the state, what is the current coverage of ICDS centres in these hamlets and slums, and the plans for filling the gap. However, we have not received yet any kind of communication regarding this and it seems that state government has not taken any efforts in this direction to comply with the Supreme Court Order.

²: The total number of beneficiaries in the Pregnant and Lactating mothers group reported till 29.02.08, according to the Ministry of Women and Child development website ,Government of India.

6. We had also recommended you to conduct a campaign to include disabled children under ICDS. For this Anganwadi level survey of disabled children should be undertaken in a time bound manner, and in future data at ICDS centre upwards to project, district and state levels disaggregated for coverage of disabled children. Further the State Government ensures that the necessary steps are taken to ensure that children of all migrant workers have access to all the six services of the ICDS. We would appreciate it if you could kindly send us a copy of the state Government's instructions in this regard.

Mid day Meal Scheme:

1. The total allocation for MDMS in the State including the Central assistance was 275 crores for 2007-08 excluding the food grain component but the actual expenditure on MDMS is just 65 crores till September 2007. This huge gap in the utilization of funds points out that either the money is spent less than the norm or the data showing the number of children being served the meals in the state is fudged. We would like to request you please ensure that the meal served is nutritious and adequate and also let us the know what are reasons for this.
2. The number of schools with kitchen shed facilities are 34115 and with drinking water facilities are 63215. However the number of institutions in the State are 74690. Therefore, we request you please take steps to ensure that hygienic drinking water facilities are available in every single institution.
3. It is our information that the meal served in the state through the centralized kitchen system has been greatly compromised. the state has taken efforts to decentralize the MDM by establishing the different and number of kitchens in the state, but to serve a nutritious and tasty meal the system needs to decentralize further and the state shall make provisions for construction of kitchen sheds in each single school and employ cooks and helpers particularly from amongst the Dalits, Scheduled castes and Scheduled tribes..

Targeted Public Distribution System:

1. The quantity of 52461 MT food grain allocated per month by GOI under BPL scheme is sufficient only for 14.99 lakh families at the rate of 35 KG per family, however, there are 16.52 identified BPL families and have issued cards. There are also no additional cards issued by State government using their own resources, therefore, it seems that the State government has reduced the entitlements. We would like to request you that State government should cover these extra families using their own resources to provide 35 kgs of food grains to all the identified families.
2. We continue to receive a large number of representations from civil society organizations in Rajasthan regarding the lack of an effective appeal mechanism in Rajasthan with reference to the BPL list.

3. There is a need to strengthen the grievance redressal system. Any appeal by the BPL/AAY cardholder or person claiming to be eligible for BPL/AAY card should be dealt within a period of 60 days.

National Rural Employment Guarantee Scheme

1. It is our information that in maximum of cases disabled people are either not being provided job cards or not given work under NREGS. The national operational guidelines are clear that if disabled persons demand work they should be provided work, therefore, not providing work on demand would be a violation of the NREGA. We would like to request you that State government should consider the increase in the number of work days to 150 to the households with a disabled member and should ensure that work is being provided to disabled persons on demand. The government of Andhra Pradesh has recently issued order in this direction. A listing of all the light tasks like carrying drinking water for labourers, looking for the children accompanying nursing mothers, maintaining muster rolls and attendance register etc. should be done before the work actually begins at the worksite and allocated to the disabled persons. And also the data on the coverage of the disabled persons under NREGA should be collected separately for disabled persons as provided under the national operational guidelines.

National Maternity Benefit Scheme (Janani Suraksha Yojana):

1. The data sent by the State (your letter dated 3.11.07) to us for the period April 07 to September 07 specifies that the number of women who had home deliveries and who were paid RS. 500 per month (i.e received NMBS) is Zero. However, the same data shows that amount being paid for home deliveries for both rural and urban areas is about 43 lakhs. Therefore, we request you to please make it clear to us that when no women received RS 500 under NMBS in the state, then what for the state government has spent 43 lakhs.
2. We would also like to bring to your notice the latest order of the Supreme Court (dated 20.11.2007) which states that, "The Union of India and all the State Governments and the Union Territories shall (i) continue with the NMBS and (ii) ensure that all BPL pregnant women get cash assistance 8-12 weeks prior to the delivery." The above order also states that, "The amount shall be Rs.500/- per birth irrespective of number of children and the age of the women". Therefore, we request you that no such restrictions should be considered for the identification of beneficiaries.

National Old Age pension Scheme:

We would like to bring in your notice that the NOAPS has been universalised among all the BPL and old people above 65 years with effect from November 2007, therefore, the eligible beneficiaries would increase to almost double. We would like to know the steps that state has taken to achieve the target.

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We would request you to please look into the above listed matters on a priority basis and send us an action taken report on the same at the earliest.

With regards

Dr. N.C. Saxena

Harsh Mander

CC: Shri. Ashok Khandelwal, Advisor to the Commissioners to the Supreme Court, Rajasthan.