

August 04,2008.

Allschemes/583/Karnataka.

Shri. Sudhakar Rao

Chief Secretary

Government of Karnataka.

Sub: Regarding the Implementation of Food Schemes.

Dear Shri. Rao,

We thank you for making time, and convening a meeting of Secretaries, and for the useful and positive discussion that we had around the food and employment schemes under PUCL vs. Union of India, CWP 196/2001 which we are monitoring for the Supreme Court.

Some of the major points of discussion I summarise in this mail.

Overall

1. I will forward a soft copy of all orders to Ms. Lakshmi Venkatachalam., Principal Secretary, Planning. We will also send hard copies to send to Collectors and Secretaries.
2. I request that the Karnataka Government kindly appoint a nodal officer from among the State Secretaries for the case PUCL vs. Union of India, CWP 196/2001

Integrated Child Development Services

1. The number of children in the 0-6 age group according to the anganwadi survey register is **4314630** and of this **3075047** children (only about **71.3 %**) are beneficiaries of the SNP programme. Moreover, the number of children in the age group of 0-6 in the state as per census 2001 are **7182100**. Therefore,only about **42.8%** of the eligible children have been identified by the anganwadi survey who are actually getting SNP.

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2. Collectors may please be instructed to conduct a complete survey of SC ST hamlets and slums. These should be first covered fully with all the new sanctions, as per SC orders, because it is expected that these locations will have the largest number of malnourished children. Please separately list the numbers of SC and 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. We also sent you a letter requesting for information on coverage of SC/ST habitations and urban slums under ICDS (icds.coverage/518/allstates dated 30.11.2007). Kindly respond to this letter at the earliest.
3. Further we would like to bring it in your notice the Supreme court in its order has stated that "Communities (rural and urban) are entitled to an "anganwadi on demand" if there are more than 40 children under the age of six and there is no provision of an anganwadi centre". Therefore, we are requesting please issue detailed instructions to the concerned department about the implementation of this order and also send us the copies of the orders issued to the departments. We would be also grateful if you could please send us an action taken report within three months.
4. We appreciate that the Karnataka State has complied with the Supreme Court order of October 2004 banning contractors in supply of SNP. You have also assured that you are phasing out the ready to eat food prepared by manufacturers that is supplied twice a week, and this will be replaced by local production. May please confirm.
5. The Supreme Court in its order dated 13th December 2006 made it clear that at least Rs. 2/- per child per day, Rs. 2.30 for every pregnant women, nursing mother/adolescent girl per day and Rs. 2.70 for every severely malnourished child per day should be spent for supplementary nutrition. However, our calculation shows that per beneficiary per day expenditure of the state is just **Rs. 1.70**. What are the reasons for this, and what are your plans within what time frame to bring these to national norms?
6. Further, we urge 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.

7. We would be grateful if 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. Please send us a copy of the state Governments instructions in this regard.

National Maternity Benefit Scheme /Janani Suraksha Yojana

1. Since no data have been made available by the State, we don't have figures as to the percentage of JSY beneficiaries, who had home deliveries. We hope that there is no confusion regarding the scheme and that all BPL women are being given Rs. 500 during pregnancy, *irrespective* of place of delivery. The state needs to take care that all the pregnant women from BPL households receives RS. 500 six to eight weeks before their delivery. We would be very grateful if you can please send figures on home deliveries to us where the payment of Rs.500 was made.
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".

Targeted Public Distribution System

1. There was debate about whether or not the SC requires that BPL and AAY families must get 35 kg grain every month. I attach the relevant orders of the court. In case the state government decides to go in for a unit based quota, this cannot be less than 7 kg per unit (making 35 kg for a family of 5 persons). Instead according to your letter dated 23.01.08, the unit based system of distribution of food grains to BPL card holders ensures one family a maximum of 24 kg of food grains and, therefore, all the beneficiaries are actually receiving lesser quantity of food grains. We request you to please increase the entitlement to 35 kg of food grains for both BPL and AAY card

holders and would be grateful if you could please send an action taken report within three months.

2. I appreciate your affirmation that there is full compliance with the interim order dated May 2nd 2003, in which the Supreme Court had declared that all households belonging to six “priority groups” would be entitled to Antyodaya cards. The Government of India was directed “to place on AAY category the following groups of persons:
 - Aged, infirm, disabled, destitute men and women, pregnant and lactating women, destitute women;
 - widows and other single women with no regular support;
 - old persons (aged 60 or above) with no regular support and no assured means of subsistence;
 - households with a disabled adult and no assured means of subsistence;
 - households where due to old age, lack of physical or mental fitness, social customs, need to care for a disabled, or other reasons, no adult member is available to engage in gainful employment outside the house;

We would like information on whether all the categories of people mentioned above have been fully covered under the AAY Scheme. Please send us data pertaining to the state indicating the estimated numbers of each category, the numbers covered so far under each category, and whether clear instructions have been issued and are being complied with that future distribution of AAY cards will exclusively cover these groups until they are fully covered.

3. The Government of Delhi has started a process of identifying homeless people in the city for allocation of ration cards. We suggested that the Government of Karnataka also consider initiating a similar process of identifying homeless populations in urban areas and distributing ration cards among this category of people. We suggest that all urban homeless people should be given Antyodaya cards on a priority basis.

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 also 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.

2. We received your response to our letter regarding the worksite facilities under the NREGA and we acknowledge that the State government has made available some facilities like drinking water, medical facilities and shade, but it is also important that crèches are also ensured at the worksites and in most worksites it is being neglected. In districts like Bidar, Davanagere, Shimoga the facilities are not being provided at all at the worksites and in districts like Gulbarga, Chitradurga, Hassan and Chikmagur you have written that the number of worksites where the facilities are being provided are more than the actual number of worksites in progress, which leads to confusion. Please send us clarification on this. We urge that the worksites facilities are most important for the encouragement and participation of people especially women under NREGA and request you please take steps to ensure that in every single worksite all the facilities provided in the NREGA including the crèches should be made available and send us an updated information on the worksite facilities.

National Old Age Pension Scheme:

Office of the Supreme Court Commissioners
B-102, First Floor Sarvodaya Enclave New Delhi 110017 Telefax: +91-11-41829631; phone: +91-11-26851335/339;
Email: sc.commissioners@gmail.com, website: www.sccommissioners.org

1. We would like to bring in your notice that the NOAPS has been universalized 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.
2. We appreciate the fact that the Karnataka government had already universalized the scheme for BPL old people, and matched the central grant of 200 rupees with 200 rupees from the state. But kindly clarify that there is now no requirement to prove that the BPL aged person is not being taken care of by grown children. Kindly issue instructions accordingly.
3. We would like to bring it in your notice that that Supreme Court in its order dated 28th November, 2001 has clearly stated that "Payment of pensions is to be made by the 7th day of each month". Therefore, we request please take steps to ensure that the monthly old age pension reaches the beneficiaries at time. Please also confirm that all payments are being made through banks, as stated in the meeting.
4. We would be grateful if you could please also send us the details about the total number of the widows in the state and the present coverage of the widows under the widows' pension scheme of the state government. We would also be grateful for details of the procedure that State has been following for the identification of widows as beneficiaries for the widow pension scheme.

Mid-Day Meals

1. Kindly institute a study into the reasons for the gap between enrolment figures and coverage under MDMS.
2. We appreciate that a number of dalit cooks are appointed under the scheme, as per SC orders. Could we please have details of this?
3. In the study, please examine details of discrimination and caste prejudice in MDM, so that the state can institute measures to eliminate this.
4. Kindly consider on the Tamil Nadu pattern allowing destitute old people to share in the MDM, as a last defence against starvation.

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5. Kindly consider on the Delhi model redeploying or sharing school buildings for use as community based hostels to ensure food security and education of urban street children.

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