

September 26th,2008.

Allschemes/587/Gujarat.

Dr. Manjula Subramaniam

Chief Secretary

Government of Gujarat

Gandhi Nagar.

Sub: Regarding the Implementation of Food Schemes.

Dear Dr. Subramaniam,

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.

1. We are writing to remind you that in our last letter no -allschemes/576/Gujarat, dated 5-7-2008 to the State government we had raised several issues of concern regarding the implementation of food schemes in your state. We have received your letters dated 28-7-2008 and 26-8-2008 and we appreciate that state government is showing interest in the child development by starting the implementation of slogan "Nirogi Bal" as a comprehensive child development programme in the state. However, there are number of issues of concerns that state government is yet to respond. In particular, some of the following issues for which we haven't received any reply from the State government and would like to request you kindly respond to us on these issues within two weeks of time.

- a. The number of children in the 0-6 age group according to the anganwadi survey register for the year 2006-07 is **3854259** and of this **1741045** children (only about

- 45.2 %) are beneficiaries of the SNP programme. Also our calculation shows that per beneficiary per day expenditure of the state is just **Rs. 1.27** which is much below the national norm. We had asked you to examine and let us know why such a gap persists and what are your plans within what time frame to bring these to national norms.
- b. Gujarat is one of the states in the country that are making concerted efforts to comply with the Supreme Court order of October 2004 banning contractors in supply of SNP and all the procurement ,storage and distribution of SNP is done through Co-operative Societies/Govt. Undertakings/Marketing Federations. We had requested you that 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.
- c. We had also requested you to conduct a campaign to include disabled children under ICDS and in future data at ICDS centre upwards to project, district and state levels disaggregated for coverage of disabled children. Further, state should take necessary steps to ensure that children of all migrant workers have access to all the six services of the ICDS.
- d. There are two extremely vulnerable categories of migrant workers in Gujarat : Salt pan workers and Seasonal fisher folk. Kindly ensure (a) coverage of all by AAY and BPL cards (b) special flexible semi- residential schools with assured feeding.
- e. We would like to know the steps that state has taken to universalize the NOAPS among all the BPL and old people above 65 years with effect from November 2007.
- f. 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.

- g. It is our information that in maximum of cases disabled people are either not being provided job cards or not given work under NREGS. We would like to know what are the steps that state government is taking to ensure the participation of disabled persons in NREGA.
- h. You have mentioned in your letter dated 28-7-2008 that as per the state resolution all BPL pregnant women of 19 years and above are eligible for the cash assistance under NMBS/JSY up to two live births. We would like to bring it in your notice that Government of India has recently filed an affidavit in the Supreme Court and has considered the direction of the court (order dated 20.11.2007) that women delivering in government or accredited private health institutions are paid cash assistance without any restriction on the number of children or on age. Therefore, we urge you that state government should issue the necessary instructions within two weeks that no restriction of age or number of children would restrict the BPL pregnant women for getting the cash assistance under NMBS/JSY and the cash assistance should be provided 8- 12 weeks prior to delivery. Please send us a copy of the instructions and an action taken report within two months.

2. We would also like to remind you that we have been continuously raising the issue of relief colonies with the State government , vide our letters- Relief Colonies/Follow-up /503 / Gujarat ;dated August 12th, 2007 and Allschemes/576/Gujarat; dated July 5th,2008. In particular, we had given the following directions regarding residents of these colonies, and sought confirmation through this information.

- a. All families who continue to live in relief colonies must be given Antyodaya cards, as internally displaced persons, who lost all their belongings, face fear and economic boycott, and are too afraid to return to their original homes.
- b. Primary schools with mid day meals should be opened in all 81 relief colonies immediately. The location of the school should be such that it is accessible not

**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**

only to the residents of the camp, but to the surrounding host communities, to promote integration.

- c. All 81 colonies should have fully functioning ICDS centres with the entire contingent of nutrition and health services.
- d. PDS shops should be opened in all colonies where these are not available within a distance of 3 kilometres.
- e. There should be a drive to ensure that all eligible persons for NOAPS and widows pensions receive these.
- f. Job cards under NREGA should be issued in all NREGA districts to all residents of relief colonies who are desirous of these.

We regret that despite repeated reminders, we have not received satisfactory replies. Please refer to our letters mentioned above and send us the report within two weeks of time; as we would need to report to the Supreme Court.

We would be grateful if you could kindly look into the above listed matters and respond to us at the earliest.

With regards,

Dr. N.C. Saxena

Harsh Mander

Enclosed : Our letters -Relief Colonies/Follow-up /503 / Gujarat ;dated August 12th, 2007 and Allschemes/576/Gujarat; dated July 5th,2008.

CC: Prof Indira Hirway and Mr. Gagan Sethi, Advisors to the Commissioners to the Supreme Court, Gujarat.