

**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**

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September 15<sup>th</sup> ,2008.

Allschemes/589/M.P.

Shri. R C Sahni,  
Chief Secretary  
Government of Madhya Pradesh  
Mantralaya,  
Bhopal 462 004

**Sub: Hunger and Starvation reports from Madhya Pradesh.**

Dear Shri. Sahni,

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 and NFBS.

We are writing to you with deep concern at reports not just in the media but also from our Advisor Dr Mihir Shah, about an alarming spate of malnutrition deaths among infants and children in the state. Dr Shah informed us that 9 children have died due to malnutrition recently, 5 in Hardua and Nakjheer villages in Uchhera block and 2 children in Majhgawa block of Satna district and 12 children in Karwani, Mojawadi, Dagarkot, Bhagpura and Fokatpura villages in Khalwa block of Khandwa district. Further there are number of children in the same villages who survive the harsh conditions of malnutrition and hunger. Our Advisor has received reports and complaints from other districts as well, including Satna, Khandwa, Chhattarpur, Panna ,Rewa, Tikamgarh, Sheopur and Shivpuri which not only mention deaths of children but also point out the failure of the food and employment related programmes in all these districts.

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The media reports have been even more grave, reporting even much higher figures. The Economic Times has reported that more than 125 children under six years of age have lost their lives due to malnutrition in four districts of Madhya Pradesh since May 2008. Media has also covered stories number of times and pointed the failures in the implementation of the food schemes including the NREGS in the affected areas. We are enclosing the media reports. The reports point out that the four member committee constituted by the government has also reported malfunctioning of the NREGA and PDS in the villages they visited. They have also pointed out lack of healthcare facilities in the villages.

Dr. Mihir Shah has been writing continuously to the respective District Collectors regarding the hunger and starvation deaths and the failure in the implementation of the food and employment schemes. He had also requested the District Collectors to take steps to prevent further deaths. We are enclosing those letters herewith for your perusal and also summarise the main observations and findings as below:

1. In some of the villages pointed out in the letters, there are no functioning AWCs and in most villages where there are AWCs either the SNP provided under ICDS is irregular or is not provided at all to the children in the age group of 0-6.
2. In some places, only *panjiri* is being served to the children for the last few months.
3. Take-home rations are not also being provided to the adolescent, pregnant and nursing mothers.
4. The ANM or AWW or other health workers hardly visit the families.
5. The Fair Price Shop (FPS) does not open everyday and in places FPS are open only one or two times a month.
6. BPL and AAY beneficiaries are provided food grains much less than 35 Kgs which is a legal right for them.
7. Some people don't have ration cards at all and even after applying have not received any kind of communication from the authorities.
8. Many deserving families have been dropped from the BPL list

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9. Old people who are BPL and above 65 years of age are denied the old age pension under IGNOAPS.
10. Work under NREGA has not been made available as per the demand of the people.
11. People have been denied job cards.
12. Those with job cards continue to struggle to get job under NREGA.
13. Payment of wages under NREGA is unnecessarily delayed.
14. There have been cases of denying work to the people with disabilities even after demanding.
15. Contractors have been involved as against the provisions of the NREGA Act.

In this context we would request you please take the following necessary steps immediately in Satna, Sheopur, Shivpuri and Khandwa districts :

1. Kindly investigate into the deaths of all the children and send us a report within 15 days. Please do not carry out merely a technical investigation but confirm whether the family has access to food. We would request please include our advisor in M.P, Dr. Mihir Shah and experts nominated by him in the team of investigation.
2. Please ensure that all the families of the children who died due to malnutrition have access to enough food.
3. Please undertake a survey in all these villages and identify the children who suffer from malnutrition and make necessary requirements for their food within the community. However, the severely malnourished children should be taken to the Nutrition Rehabilitation Centres. Also please send us action taken report within one month.
4. Please ensure the medical facilities at least in all these villages where malnourished children have been identified because it would be difficult for malnourished children to consume and absorb food without the medical help.
5. Ensure that all the villages have AWC (s) easily accessible to children under 6, adolescent girls, pregnant and nursing mothers.

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6. In all the AWCs all the children 6 should be provided hot cooked meals in the centre and THR should be provided to the adolescent girls, pregnant and nursing mothers.
7. 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.
8. All the PDS ration shops should be open for the whole month as per the Supreme court order dated 8 May 2002 which states: "The respondents shall ensure that the ration shops remain open throughout the month, during fixed hours, the details of which will be displayed on the notice board."
9. All the BPL and AAY card holders should be provided 35 kgs of food grain every month as per the Supreme court order dated 10 January 2008 and should also be allowed to lift their quota of grain in more than one instalments if they want. Please also send us a) a copy of instructions that would be issued in this direction within two weeks and b) an action taken report within one month.
10. All the persons who don't have ration cards and have applied for the ration cards should be provided within one month.
11. As the NOAPS have been universalised among all the BPL old persons who are above 65 years of age, therefore, please extend the scheme accordingly and ensure that all the eligible beneficiaries receive pension by 7<sup>th</sup> of each month as per Supreme Court order dated 28<sup>th</sup> November, 2001.
12. Conduct a social audit to find out the cases of corruption in all the food schemes including NREGS ; why the food schemes haven't been implemented as per the

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supreme court orders and the irresponsibilities on part of the government officials including the panchayat members. Please include Dr. Mihir Shah and experts nominated by him and Mr. Sachin Jain of the Right to Food Campaign M.P and send us an action taken report in one month.

13. Please file FIR against those found guilty.
14. Please undertake the steps and pre plan the work that can be taken up in the villages to ensure work is available on demand.
15. Ensure that wages under NREGA are provided not less than the statutory minimum wages and within 15 days of work.
16. Please ensure that in all sensitive areas, AWCs are opened on priority in every settlement or hamlet.

We urge you to look into the above listed matters on priority basis and provide us action taken report within one month on all the points raised as above. Please also consider all the suggestions made by Dr. Mihir Shah for Chhattarpur ,Panna ,Rewa, Tikamgarh and Shivpuri districts.

With regards,

Dr. N.C. Saxena

Harsh Mander

CC: Dr. Mihir Shah, Adviser to Commissioners, Madhya Pradesh.