

**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**

October 2nd, 2008.

allschemes/593/Madhya Pradesh.

Shri. R.C. Sahni
Chief Secretary
Government of Madhya Pradesh
Mantralaya, Vallabh Bhavan
Bhopal
Madhya Pradesh.

Sub: Status of Implementation of food schemes in 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 would like to share some issues of concern with the state government as below. I felt that since we are meeting on 6 Oct about the child mortality issues, in addition to this we could also please discuss some issues about which we have been corresponding in the past:

1. We had written to you vide our letter: NMBS/545/Madhya Pradesh dated February 14th, 2008 that the state has spent only 58.2% of the funds allocated under JSY by the Government of India for the year 2006-07 and also of the JSY beneficiaries, it has been reported that a staggering 99% were those who had institutional deliveries. This indicates that in the state the scheme's focus continues to be only on institutional deliveries and not all deliveries. NFHS shows that in

Madhya Pradesh, 70% of all women have home deliveries. We hope there is no confusion regarding the scheme that *all* BPL women should be given Rs. 500 during pregnancy, *irrespective of* place of delivery. We would like to bring to 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 the state government to issue necessary instructions to ensure that there are no eligibility conditions related to age of the woman or number of children that restrict BPL pregnant women from getting the cash assistance under NMBS/JSY. Please send us a copy of the instructions within two weeks and an action taken report within two months.

2. The number of 0-6 children in the state as per Census 2001 is 10782214 and of this only 4122242 children in the age group of 6 months to 6 year are beneficiaries of the SNP in the State as on 29.2.2008 (<http://wcd.nic.in>). This shows a coverage of less than 40%. Further, it is disappointing that the increase in coverage compared to the previous year (3869502) has not been significant in spite of the expansion in the number of anganwadi centres and repeated orders by the Supreme Court towards universalisation of ICDS to reach out to every child under six and all pregnant and lactating mothers. Please examine the reasons for this.
3. We appreciate that the state government has issued instructions for decentralisation of the procurement, processing and supply of SNP under ICDS through the involvement of SHGs, Mothers' committees and mahila mandals. We haven't received any action taken report on this and therefore we request you to kindly send us one documenting the experiences of decentralisation. 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, considering the grave concern of starvation deaths in the state.

4. We appreciate that the state government has taken few initiatives like Bal Sanjeevni for the reduction of malnutrition and project Shaktiman for the proper care of malnourished children in tribal areas. You have mentioned in your letter dated 2nd April, 08 that after the completion of 11th round of Bal Sanjeevni campaign the severe malnutrition as well as the total malnutrition in the state has decreased by 10 % as against the increase in malnutrition rates shown by the NFHS-3 data. Therefore, we request you to kindly send us a detailed report on this special campaign and the findings of the 11th round of this campaign, within two weeks.
5. Under the project Shaktiman we request the state government instead of biscuits children are given a proper meal and the other two can be 'snacks' which could continue to be potato and fruits and may be some “channa” and other such things. Given the frequency of starvations deaths in the state among the children, hot cook meal under this scheme can be beneficial and can have both preventive and remedial impact on the hunger and malnutrition among the children. We would like to request you to review the scheme and document the experiences so that you can expand the scheme to other highly affected areas also, if found worthy. Please send us a copy of the report.
6. The state has issued the instructions to conduct a campaign to include the disabled children under ICDS and also to ensure that children of all the migrant workers have access to all the six services of the ICDS. Please send us an action taken report within two weeks of time.

7. Further, in line with the Supreme Court orders, we had requested a detailed survey of all urban slums and universal coverage of children living in all urban slums, across the State on a priority basis vide our letter dated 28.11.07. We acknowledge that the state government has issued instructions for this but we urge you to please send us an action taken report within two weeks enlisting 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.
8. 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.
9. 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.
10. Of the number of households who have demanded wage employment for 2007-08 the number of households that have been provided employment show acceptable coverage but the cumulative number of households which have completed 100 days of employment is just 21 % which may indicate that the state government hasn't been able to provide and make work available under NREGA from time to time. Please undertake steps in advance to ensure work is available as per requirements of the people.
11. Of the other concerns the participation of the disabled person is a serious concern which is just 0.6 % in the total no. of individual applicants who have been provided employment under NREGA. Please ensure that all the disabled people

are encouraged to participate in the NREGA work. 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. This also violates the provisions of PWD Act 1995. 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 after 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 as provided under the national operational guidelines.

12. We had requested in our last letter to the state government, dated September 15th, 2008 to kindly investigate into the reports of starvation/malnutrition related deaths of children in the state and send us a report within 15 days. We regret we haven't received any response. Please send us a report on this within one week.

We recommend that the state government must provide immediate relief to all the affected families in which a malnutrition related death has taken place by ensuring immediate food availability to the family. If there are any children, pregnant or lactating mothers in these families they must be immediately enrolled in to the anganwadi centres and double rations given. In the longer term measures such as livelihood assurance for the families which have severely malnourished children or have lost a child due to severe malnutrition must be undertaken. Further, the state government must initiate a process of identifying which are the communities that are living with starvation, what are the causes, and initiate a longer term responses to address these problems

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13. We request to the state government kindly takes steps immediately to implement the following order of the Supreme Court dated 8 May 2002 relating to establishing a grievance redressal system has not been implemented.

“Gram Sabhas are entitled to conduct social audits of SGRY (and indeed of all food-related schemes). On receipt of any complaint of misuse of funds from the Gram Sabhas, the implementing authorities shall “investigate and take appropriate action in accordance with the law.”

14. Also, a register may please be opened to receive complaints in every district collector’s office, and the receipt and disposal of the complaints posted on a website.

15. Further the District Magistrate’s office and the Gram Sabha should put on their notice boards all the complaints received and the redressal undertaken for the complaint.

We would be grateful if you could please look into the above listed matters on priority basis and send us action taken report on the same at the earliest.

With Regards,

Dr. N.C. Saxena

Harsh Mander

CC: Dr. Mihir Shah, Advisor to the Commissioners to the Supreme Court, Madhya Pradesh.