

**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**

February 3rd , 2009.
Allschemes/613/J and K.

Shri. Sham Singh Kapur
Chief Secretary
Government of J & K,
Srinagar 190004

Sub: Regarding the implementation of Food schemes in the State.

Dear Shri. Kapur,

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.

We have received a response to our letter dated April 28th, 2008 (AAY/568/J & K) from the State. We appreciate the concern that State Government has shown but there are some issues raised by us in the above referred letter unresolved. We are pointing out below some of the gaps that need to be addressed on utmost priority:

1. We had written to you that there are large numbers of women whose spouses have 'disappeared' or are missing, and should be treated on par with those whose spouses are known to have died for purposes of access to all state programmes and entitlements for widows. A simple investigation should be carried out and if the panchayat personnel or a village committee or any NGO working in the village or school Head master gives in writing that the particular person has been missing from three years and is assumed to be disappeared, should serve the purpose and the family of the deceased should be provided AAY card, widows' pensions and other entitlements as provided to the widows.
2. Further we had written to you that it has come to our notice, and we have observed directly as well in our field visits, that the widows of the state are suffering from intolerable food and livelihood insecurity and difficulties in accessing food schemes. In this regard, we had requested you please undertake a special campaign to survey, identify and allocate AAY cards to all the widows (and half widows as mentioned in para 1 of this letter) of the State within six months of the date of receipt of this letter. This is in conformity with the order of Supreme Court order dated May 2nd 2003 which states that all the widows with no regular support would be entitled to AAY cards and order dated 20th April, 2004 which states that there is also no specific requirement of BPL identification for these widows for issuing them AAY cards. We regret that we have received no confirmation of this having been accomplished, or even undertaken by the government. We regret we have not received any communication from the State on any of the above points.
3. Therefore, we request you please send us action taken report on this and enclose a copy of instructions issued in this instruction. Please also undertake a similar campaign to survey,

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identify and allocate widow entitlements like AAY cards and widow pension to all the spouses of the disappeared or missing persons.

4. We appreciate that the State Government is disbursing old age and widow pensions through Bank Accounts. But this is being done on quarterly basis which is a complete violation of the Supreme Court order dated 28th November 2001 which states that „ Payment of pensions is to be made by the 7th day of each month“. The old people and widows are among the most vulnerable categories and the pension amount they get has a large significance for them. Therefore, we request you please ensure that the pensions are disbursed regularly and reach to the beneficiaries by 7th of each month.
5. We had also requested the State to provide us the information that may be available with the state government about the total number of the widows in the state and the present coverage of the widows under AAY, BPL and APL cards; and also under the widows' pension scheme of the state government. We appreciate for sending us information on the coverage of widows under widow pension, but we are yet to receive any information on the number of widows in the State (both of conflict and natural reasons) and coverage of widows under AAY, BPL and APL cards. We request you please send us the information on the number of widows in the state and their coverage under AAY, BPL and APL cards. Kindly give the information on the number of widows disaggregated to the district, tehsil, block and village levels.
6. From the information we have received regarding the coverage of widows under Old Age Pension scheme and Integrated Social Security Scheme (ISSS) of State, it seems that the widows upto 65 years receive assistance 200 Rs. per month under the ISSS as widow pension and once they reach the age of 65 years and above they are covered under NOAPS and provided Rs. 325 per month. We would request you please simplify this to us and let us also know what are the criteria that are applied to the widows to qualify to be beneficiary for the widow pension under ISSS.
7. We appreciate that State government has extended monthly scholarship of Rs. 750 per month to all the orphans without discrimination w.e.f 01.04.2008 with the support of NFCH. Kindly send us a copy of the scheme. The information from the grassroots figure out that all the orphans are not covered under the same scheme at present. Therefore, we request you please let us know if there are further criteria than just to be a orphan to qualify for the assistance provided under the NFCH supported scheme. Also, does the state government have estimates and detailed survey of the orphans in the state?
8. Similarly the State is providing a monthly pension of Rs. 750 per month to 4914 widows, but on the other hand more than a lakh widows are provided only either 200 Rs. or 325 Rs. per month under pension schemes. Therefore we would like to request you please inform us about the criteria for this and how the widows are chosen for the higher amount of assistance under NFCH.
9. We had also written you that there are large number of orphans in the State, both natural and the result of the violence in the valley and they are observed to be suffering from the same intense food insecurity. Some voluntary organizations have taken steps to run NFE

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centres which are providing bridge education to the orphans in some parts of the valley. In that regard, we had requested you please extend the midday meal scheme to these centres as well.

10. We appreciate that State government has identified some of NFE centres and written to the Ministry of HRD Government of India. However, we have learnt that the listed centres are residential institutions/hostels run by different voluntary organisations and are provided education in regular schools and food in the hostels. What we had raised is our concern about the children who are either orphans or destitute or dropouts, are engaged in child labour, and do not attend regular schooling in any school but may attend the non-formal education (as bridge education) for short periods of day in the Non Formal Education centres run by NGOs in different areas. We request you please undertake a special campaign to survey and identify such NFE centres in all the districts with utmost priority to the most conflict areas and register them under SSA or any other State Scheme and extend mid day meal to those centres. The Ministry of HRD is usually reluctant to extend and allocate funds for non SSA NFE centres and in that case please consider the extension of Mid Day Meal to such identified centres from the State funds.

We would be very grateful if you can please send us action taken report on each of above points within a month.

We would also like to remind you that we haven't received any response to our letters Allschemes/584/J & K (dated November 07, 2008) and Data request/596 /all states (dated November 12th, 2008) and would request you please respond to these letters at the earliest.

Warm regards,

Dr. N.C. Saxena

Harsh Mander