

**August 20th, 2009
SNP/666/Nagaland.**

**Shri. Lalthara
Chief Secretary,
Government of Nagaland,
New Secretariat,
Kohima – 7797004**

Sub: Violation of Supreme Court orders relating to the Supplementary Nutrition Programme (SNP) under the Integrated Child Development Services (ICDS) Scheme in Nagaland.

Dear Shri. Lalthara,

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.

Based on our correspondence with you (Letter No. SW/SNP/GEN-10/2008-09/8 dated 6th July, 2009) it has come to our attention that the Government of Nagaland has been providing ‘Balbhog soya based food’, as well as Maggi and Top Ramen noodles as the SNP under the ICDS scheme. The letter also notes that this food is being supplied by manufacturers.

A letter from the Nagaland People's Welfare Society has also intimated us of the prevalent practice. We have also examined the correspondence between the Directorate of Social Welfare, Nagaland and M/s Rausheena Udyog, , M/s. R.M. Ao, M/s V. Angami, M/s V. C.K. Enterprise (Letter Nos. SW/SNP-3/2008-09 dated 24th

March, 2009; SW/SNP-3/2008-09/8 dated 24th March, 2009; SW/SNP-3/2008-09/dated 10th December, 2008; SW/SNP-3/2008-09/dated 10th December, 2008; SW/SNP-3/2008-09 dated 19th December, 2008; SW/SNP-3/2008-09/8 dated 10th December, 2008) regarding the supply of Balbhog, Maggi and Top Ramen for SNP under ICDS. It is clear to us from this correspondence that the Government of Nagaland is in violation of the orders of the Supreme Court regarding decentralised provision of SNP.

The provisions made by the Government of Nagaland to supply SNP through contractors is a clear violation of the Supreme Court orders of 7th October 2004, 13th December 2006 and 22nd April 2009 banning the use of private contractors in the supply of SNP. The order of the Supreme Court of 7th October 2004 states that 'contractors shall not be used for supply of nutrition in anganwadis and preferably ICDS funds shall be spent by making use of village communities, self-help groups and Mahila Mandals for buying of grains and preparation of meals'.

Furthermore, the Supreme Court order of 13th December, 2006 orders the governments to ensure 'universalization with quality'. Maggi and Top Ramen cannot by any nutritional standards be considered nutritious or suitable in terms of quality to meet the needs of a growing child. As per the Supreme Court Order of 22nd April 2009, state governments are directed to ensure that hot cooked meals are provided to children between the ages of 3 and 6 preferably by the 31st of December, 2009. The provisioning thus of Maggi and Top Ramen is a grave violation of the Supreme Court orders banning contractors from the supply of SNP and directing governments to provide SNP in a decentralised manner through mahila mandals, SHGs, village panchayats etc.

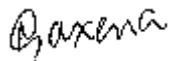
We would also like to remind you that Nagaland was one of the states mentioned by the Supreme Court in its order dated 22nd April 2009 as not having met the requisite

**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**

norms in this context. This order directed the states of Andhra Pradesh, Gujarat, Uttar Pradesh and Nagaland to take steps as required to be taken.

We therefore request you to ensure that the state government takes steps immediately towards eliminating contractors and making provisions simultaneously for the supply of SNP through local women's self-help groups and mahila mandals who can make the necessary purchases, prepare the food locally and supervise the distribution. We further request you to send us an action taken report in this regard within the next one month.

With Regards,



Dr. N.C. Saxena



Harsh Mander

CC: Shri. Chingmak Chang, Advisor to the Commissioners to the Supreme Court, Nagaland