

**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**

December 16th, 2009.

All schemes/775/Orissa.

Shri. Tarun Kanti Mishra,
Chief Secretary,
Government of Orissa
Bhuvaneshwar.

Sub: Status of implementation of food and livelihoods schemes in Orissa.

Dear Shri. Mishra,

In pursuance of our mandate from the Supreme Court for monitoring food and livelihood schemes, we undertook an intensive field study of tribal hunger. This included a field study of PTG hamlets in Mayurbhanj and Keonjhar districts. Apart from investigating the extent of hunger among the PTG households, the study looked into the functioning of food and employment related schemes in the villages. We are grateful for the support extended by the district administration to the study.

We will be sharing the findings of the study with the state government, as soon as these are compiled. But there are some issues which we felt the district administration needs to take up urgently, and we have written to the Collectors accordingly (letters attached).

In addition, we wanted to bring to your notice some issues which we feel need to be addressed at the state level. These are given below:

I had discussed with you the issues raised during their study, which I had also confirmed during my field visits on 9 and 10 Dec, 2009, with you. A brief summary is as follows:

Public Distribution System/ Antyodaya Anna Yojana:

It was found out the PDS was functioning comparatively satisfactorily in the surveyed tribal villages, in that many BPL families reported that they were getting 25 kg and AAY families 35 kg rice at the prescribed rates every month from the panchayat-run shops. In fact, PTG families regarded this to be their life line, and the main cause of their improved food security.

This is appreciable. However, our surveys reveal that the Supreme Court order dated 2nd May 2003, by which all families belonging to all the Primitive Tribal Groups must be covered by Antodaya ration cards has not been fully complied with. In the surveyed villages, we found that many Juang and Lodha households have not been covered under Antodaya ration cards. We request the state government to kindly undertake a campaign to ensure that all PTG families must be issued Antodaya cards in a maximum of 2 months.

Integrated Child Development Services:

The survey found alarmingly high levels of malnutrition both among children and women in the PTG communities, amounting to an on-going invisible humanitarian emergency. But among many of the PTG communities' hamlets, we found ICDS to be virtually non-functional. The survey overall found that ICDS was functioning in PTG hamlets at very sub-optimal levels or not at all.

PTG hamlets should have separate AWCs, with staff from the PTG community, but this was not found by us. We recognise difficulties to find PTGs of the required qualifications, but suggest that these be relaxed further for PTG hamlets. For PTGs, this is important because they are often shy to send their children to mixed AWCs. The staff of AWCs should also be entirely from the PTG Community. Kindly ensure this for PTGs in the full state in 3 months, and report to us.

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ICDS in the surveyed areas seems to rely primarily on take home rations, both for children and mothers. But this is the least preferred option, as it is likely to simply add to the family pot, but not ensure nutrition of small children or mothers. The survey also found that the SNP (THR) is provided to the beneficiaries in less quantity than the prescribed norms. Record keeping at the AWC level is found to be poor, suggesting further leakages. Many AWCs have no AWC buildings. The activities, mainly monthly THR distribution, are under the open sky. The pre-school and health activities are either irregular or non-functioning. We found little or no weight monitoring in most centres.

For the age-group 3 to 6 years, in the visits of our researchers to most centres, they found no or very few children being served hot cooked food. This is in grave contravention of the SC orders. To make matters worse, we found that the registers show attendance of 40 children, when villagers confirmed that there is rarely more than 5 children, if at all. This suggests leakages and corruption in SNP rations and cash allocations.

Given the very poor nutritional status of PTG children, and also the fact that PTG women were found to be of very low BMI, this needs to be kindly addressed on highest priority.

At the state level, we found that of 24, 618 AWCs sanctioned, as few as 9015 have been operationalised. We reiterate that appointment should be made of local women, and preference be given to SC, ST and single women. We found delays and disruption result substantially from the centralised purchase systems of pulses and other non-cereal foods, which contravene SC guidelines. The decentralised procurement which has been piloted in headquarter blocks may kindly be adopted in the whole state.

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The coverage of SC ST hamlets is satisfactory, but PTG hamlets and slums are still uncovered and need first priority. THRs should give way to locally produced weaning foods, in the way that we are told has been successfully piloted in Gajapati district.

We also found poor follow up to identified grade 3 and 4 children. I understand the difficulties in adopting an institution based nutrition rehabilitation model in Orissa interiors because of the shortage of health personnel and institutions, but the community based models need to be upgraded and professionalized.

Mid Day Meals Scheme:

The survey confirmed that MDM was functioning relatively satisfactorily in the surveyed village schools, with hot meals generally being served daily. However, the cook is often getting low and irregular salary, and therefore she is irregular leading to disruptions on cooking. Egg supply is quite irregular also broken supplied eggs force the school managements to provide eggs four to five days continuously after it is delivered to the schools. In some locations, researchers found the school closed. Finally the VEC Chairman informed us that as because the paddy harvesting is going on, the teacher has declared the school closed. Villagers were of the opinion that whenever the school remain opens they get MDM but not sure when it opens.

The status of enrolment among PTG children continues to be very low. In this context, I visited the newly opened residential ashram school for Lodha girls in Chikitamatia village. I congratulate the district and local staff, because the girls seemed well cared for and excited about education. I request that more such residential schools are opened to cover all PTG children, including PTG boys.

National Family Benefit Scheme:

The survey found that the NFBS programme of insurance payment when the bread-earner dies, is virtually non-functional at least in the PTG villages. The villagers are

not aware of this entitlement. The researchers also found recent cases of deaths in the last one year, in the sample villages, where the eligible beneficiaries have not been benefited from NFBS.

Indira Gandhi National Old Age Pension Scheme:

Under the revised norms of the central government, all BPL men and women who have crossed 65 years of age, must be universally covered with old age pensions. However, it was found in the survey that substantial numbers of eligible old people have not been covered under OAP despite the fact that they have reached the desired age, and hold BPL or AAY cards. (In the case of the PTG communities, since all households are AAY under SC orders, this means that every single person above 65 years from the community is eligible for old age pensions).

The survey found that some were debarred because the age recorded in the voter ID cards is far below the real age of beneficiaries. We request that instructions are issued that they are examined by health personnel, and are treated as old people even if the voters' ID does not acknowledge their age.

Similarly the survey found cases where widows are eligible for widow pension but not getting this, in the surveyed villages. Also there were members who are physically challenged but are not getting Disability Pension. I request that there is a drive in the PTG community, to cover all old people, widows and disabled people with pensions, within 3 months.

We were told that there are state government instructions that if old people have AAY cards, then they cannot be given pensions. Since both AAY and pensions are now legal entitlements of all aged BPL men and women, these instructions to restrict their access

to one or the other benefit are illegal, and the state government may kindly withdraw these immediately and inform us.

National Rural Employment Guarantee Scheme:

The survey found that the NREGS was probably the least functioning major programme monitored by us for the SC in the surveyed villages. Awareness level among the beneficiaries and potential beneficiaries was found to be poor. The enhanced wage rate and schedule of rates has not been communicated to the concerned GP.

There were many households who are yet to get job cards. There were cases where job cards have been issued, but taken away by GP functionaries for unknown reasons. Almost no PTG adults reported receiving work under NREGA in the last two years, except after the intervention of the researchers.

Most officials claimed to us in both districts that PTGs are not interested in manual work, but that was not our finding. In fact, through the intervention of our researcher, the Collector Keonjhar ordered commencement of NREGA works very recently in Tangarpada, and Kuladera villages, and I personally found that the response from the villagers was substantial, with both men and women from virtually every household turning up for work.

We suggest that plans are made including for land development and micro-minor irrigation to cover all PTG households who are given pattas under the FRA, or government land allocations. There can also be major afforestation plans for the area. It would be easily possible to provide all PTG families 100 days of work annually, which would go a long way in alleviating their destitution.

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Stigma and Police Harassment:

In keeping with the pattern on DNTs in many parts of the country, our survey found that men and youth of the Lodha community in Mayrbhanj are caught in a vicious cycle because of their stigma as former designated criminal tribes. They report that they are routinely picked up for crimes, even when they are innocent, with little or no evidence, only because of their Lodha identity. This same stigma prevents their access to bank credit, education and various development initiatives. Even NGOs are by and large unwilling to work with this community. There are therefore no escape paths for young Lodha men, except crime. We request that this requires compassionate and resolute leadership from the senior district officials, to break the cruel trap in which the community finds itself. The Police should be sensitised not to pick up Lodha men without enough real evidence. Lodha elders should be roped in to prevent crime among their young members. They should be assisted to benefit from development, both by full coverage in ashram schools, but also by land allocations and full NREGA employment. If these are assured, they can believe and look forward to survive with dignity and without resort to crime, as equal members of the society and country.

Warm Regards,



Harsh Mander

CC: Mr. Raj Kishor, Advisor to the Commissioners to the Supreme Court, Orissa.