

**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 9th, 2009

Allschemes/Gujarat

Shri. D. Rajgopalan,
Chief Secretary,
Government of Gujarat,
Gandhi Nagar.

Sub: Regarding the implementation of food schemes.

Dear Shri. Rajgopalan,

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 separately written in detail about the issues that need in depth discussion vide our letters: DataRequest/596/AllStates, icds.coverage/518/allstates, NREGA/519/allstates, 576/allschemes/Gujarat, 587.allschemes.gujarat and Colonies/689/Gujarat. However we regret to inform you that we are yet to receive responses to our letters in spite of having sent reminders for the same in the past. We request you to provide us with the responses at the earliest along with responses to the queries listed below. We are attaching copies of the above mentioned letters for your perusal.

In addition, a number of issues regarding the PDS, ICDS, JSY, NFBS, NOAPSS and NMBS were raised by the organisation Anandi - ASAA, Gujarat in a special civil

application, details of which are illustrated in the note enclosed. Kindly look into the matter at the earliest.

Based on our 9th Report submitted to the Supreme Court, a number of issues regarding the functioning of food and employment schemes in Gujarat have come to our notice. They are elaborated in detail below.

Integrated Child Development Services

1. The report makes mention of a survey of the SC/ST habitations and urban slums to have been conducted in Gujarat. Kindly send us a copy of the report of the survey.
2. The per day per beneficiary SNP cost is Rs. 1.54 in Gujarat. This is a violation of Supreme Court order dated 13 December 2006 which instructs all State Governments and Union Territories to fully implement the ICDS scheme. In light of the revision in nutrition and feeding norms deriving from the Supreme Court order dated 22.04.2009 raising the per capita expenditure to Rs. 4 per child per day for normal children, Rs. 6 per child per day for severely malnourished children and Rs. 5 for pregnant women, lactating mothers and adolescent girls. Please provide us with information regarding the unit cost for the various categories of beneficiaries.
3. Our report notes that there has a -0.1% decrease in the percentage of children under 3 years of age who are severely underweight between NFHS 2 and NFHS 3. Kindly provide us with reasons for the same, and details of the steps taken to reduce the number of severely malnourished children in the state.

Mid-day Meal Scheme

4. Our report indicates that only 67% of children enrolled in schools receive benefits under MDM in Gujarat. Please provide a detailed explanation for the same.

5. The Report also notes that no persons belonging to the minority communities are employed as staff under the MDM.

Janani Suraksha Yojana

6. Kindly provide us with details regarding the number of women who undergo home deliveries in the state.
7. According to data collected from the MIS from NRHM reported in our 9th report, Rs. 18.85 crores of funds under RCH flexi pool (including JSY) remained unspent in 2007-08. Kindly look into the matter and send us a detailed explanation for the same.

(Indira Gandhi) National Old Age Pension Scheme

8. Our report indicates that only 65.9% of eligible old persons are covered by the NOAPS in Gujarat. This is in violation of the Supreme Court in its order dated 28 November 2001 which directed all state governments to ensure that all eligible old people are paid pension regularly, before the 7th of every month. Kindly look into the matter and send us a detailed explanation for the same.

National Family Benefit Scheme

9. The coverage of eligible beneficiaries under NFBS according to our Report is only 39%. Kindly look into the matter and send us a detailed explanation for the same.

Public Distribution System

10. According to our 9th Report, 0.03 lakh Antyodaya Anna Yojana cards remain undistributed. Please look into the matter on a priority basis and ensure that all the cards are distributed at the earliest.

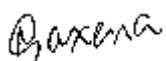
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National Rural Employment Guarantee Scheme

11. Gujarat's lags behind in its implementation of the NREGS. According to our Report, the average number of person days of employment provided per rural household is 5. Furthermore, only 3.9% of households completed 100 days of employment in 2007-08. Kindly look into the matter and send us a detailed explanation for the same.

We would request you to please look into the above listed matters on a priority basis and send us an action taken report on the same at the earliest.

With regards,



Dr. N.C. Saxena



Harsh Mander

Encl: DataRequest/596/ AllStates, icds.coverage/518/allstates, NREGA/519/allstates, 576/allschemes/Gujarat and 587.allschemes.gujarat, Colonies/689/Gujarat and Summary of High Court intervention in the Right to Food case: Special Civil Application No. 3055 by ANANDI- ASAA, Gujarat.

CC: Prof Indira Hirway and Mr. Gagan Sethi, Advisors to the Commissioners to the Supreme Court, Gujarat.