

ITEM NO.1B COURT NO.3 SECTION PIL (For Jt.)

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

W.P.(C) No.196/2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date: 22/04/2009 This Petition was called on for hearing today.

For Appearing parties:

Mr. Gopal Subramaniam,ASG.
Mr. D.S.Mehra,Adv.
Ms. Sushma Suri,Adv.
Ms. Sunita Sharma,Adv.

Mr. Colin Gonsalves,Sr.Adv.
Ms. Jyoti Mendiratta,Adv.
Mr. Anil Kr.Jha,Adv.
Mr. V.G.Pragasam,Adv.
Mr. K.N.Madhusoodhanan,Adv.
Mr. R.Sathish,Adv.
Mr R.K.Adsure,Adv.
Mr. T.V.George,Adv.
Mr. R.C. Kaushik ,Adv
Ms. Rachna Srivastava,Adv.
Mrs. H.Wahi,Adv.

Mr. Vikas Mehta,Adv.
Mr. Gopal Singh,Adv.
Mr. Edward Belho,Adv.
Mr. Rituraj Biswas,Adv.
Mr. P.Athuimeir R.Naga,Adv.
Mr. Riku Sharma,Adv.
M/s. Corporate Law Group.
Mr. T.C.Sharma,Adv.
Mr. Sanjay R.Hegde,Adv.
Mr. K.H.Nobin Singh,Adv.
Mr. Vikas Upadhyaya,Adv.
Mr. B.S.Banthia,Adv.

Mr. Jana Kalyan Das,Adv.

Ms. A.Subhashini ,Adv.

Mr. Prakash Shrivastava,Adv.
Mr. Kuldip Singh,Adv.
Mr. K.V.Mohan,Adv.
Mr. J.K.Bhatia,Adv.
Mr. K.V.Mohan,Adv.
Mr. G.Prakash,Adv.
Mr. S.M.Jadhav,Adv.
Mr. B.V.Balram Das,Adv.
Mrs. Indira Swaney,Adv.
Mr. Aruneshwar Gupta,Adv.

Mr. Ranjan Mukherjee,Adv.
Mr. Anil Shrivastav,Adv.
Mr. Ramesh Babu M.R.,Adv.
Mrs.D.Bharathi Reddy,Adv.
Mr. Prashant Kumar,Adv.
Mr. Vishwajit Singh,Adv.
Mr. Anis Suhraqwardy,Adv.
Mr. Rajesh Shrivastava,Adv.
Mr. Anuvrat Sharma,Adv.
Mr. Pradeep Mishra,Adv.
Mr. V.R.Anumolu,Adv.
Ms. Anjana Chandrashekar,Adv.
Mr. B.B. Singh ,Adv.
Ms. Kamini Jaiswal ,Adv.
Mr. Naresh K. Sharma ,Adv.

Hon'ble Dr. Justice Arijit Pasayat pronounced Judgment of the Bench comprising His Lordship and Hon'ble Mr. Justice S.H.Kapadia.

It shall however be ensured that the following direction by order dated 7th October, 2006 which was reiterated by order dated 13.6.2008 shall continue to be operative.

It is pointed out that several States like Andhra Pradesh, Gujarat, Uttar Pradesh and Nagaland have not met the requisite norms. These States are directed to take steps as required to be taken.

Compliance reports filed by all the States and Union Territories by 15th January, 2010.

Put up thereafter.

(Suman Wadhwa)
Court Master

(Shashi Bala Vij)
Court Master

Signed Reportable judgment is placed on the file.

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
WRIT PETITION (C) NO. 196 OF 2001

People's Union for Civil Liberties ...Appellant

Versus

Union of India & Ors. ...Respondents

JUDGMENT

Dr. ARIJIT PASAYAT, J.

3. Heard learned counsel for the parties. It has been submitted by learned counsel for the Union of India that keeping in view the orders passed by this Court on several dates, several actions have been taken, which substantially comply with the directions given by this Court.
4. Colin Gonsalves, Sr. counsel on the other hand stated that though there has been substantial compliance of the directions given by this court yet there is some reservation about the revised nutritional and feeding norms for supplementary nutrition in ICDS Scheme. It is submitted that there is scope of involving contractors in the supplies which was prohibited by that Court.
5. By affidavit dated 2nd March, 2009, the Union of India has highlighted several factors which create serious dent against malnutrition. It is stated that same can be made to achieve a significant reduction in the rate of malnutrition.

The said affidavit clarifies that these interventions include universalization of ICDS (by sanctioning 13.80 lakh Anganwadi/ Mini Anganwadi Centres and 20,000 Anganwadis-on-Demand making a total of 14 lakh Anganwadis/Mini Anganwadi Centres as mandated by this Court) and, most importantly, reduction in the gap between Recommended Dietary Allowance (hereinafter referred to as "RDA") and Actual Dietary Intake (hereinafter referred to as "ADI"). On a careful consideration of the matter, the Central Government has revised both the nutritional and feeding norms as well as the financial norms of supplementary nutrition under the ICDS Scheme.

4. It is noted that the nutritional norms have remain unchanged since inception of the Scheme (in 1975) until a recent comprehensive review by a Task Force constituted by the Central Government. On the basis of the recommendations of this Task Force, the calorific and feeding norms for supplementary nutrition in ICDS Scheme in respect of children of all categories below 6 years of age and pregnant women and nursing mothers have been revised. The Table below shows the old and revised norms:

Category	Old Norms			Revised Norms		
	Rate	Calorie	Protein	Rate	Calorie	Protein
	Rs./ per	benefic	(Cal) (g)	Rs./ per	benefic	(Cal) (g),
	i-			i-		
	ary per			ary per		
(i) Children below 3	2.00	300	8-10	4.00	500	12-15

years

(ii) Children 3-6 2.00 300 8-10 4.00 500 12-15 years

(iii) Severely malnourished children 2.70 600 20 6.00 800 20-25

(iv) Pregnant & Lactating mothers (P&L) 2.30 500 20-25 5.00 600 18-20

The above revised norms are incorporated in para 8.2(b) of the affidavit.

5. The Revised Nutritional and Feeding Norms for SNP in ICDS Scheme circulated vide letter no.5-9/2005/ND/Tech (Vol. II) dated 24.02.2009 states that children in the age group of 6 months to 3 years must be entitled to food supplement of 500 calorie of energy and 12-15 gm of protein per child per day in the form of take home ration (THR). For the age group of 3-6 years, food supplement of 500 calories of energy and 12-15 gm of protein per child must be made available at the Anganwadi Centres in the form of a hot cooked meal and a morning snack. For severely underweight children in the age group of 6 months to 6 years, an additional 300 calories of energy and 8-10 gm of protein would be given as THR. For pregnant and lactating mothers, a food supplement of 600 calories of energy and 18-20 gm of protein per beneficiary per day would be provided as THR.
6. The letter dated 24.02.2009 No.5-9/2005/ND/Tech (Vol.II) has been annexed to the affidavit dated 2nd March 2009 filed by the Union of India. It is directed that norms indicated in the said letter addressed to all the State Governments and Union Territories have to be implemented forthwith and the respective States/UTs would make requisite financial allocation and undertake necessary arrangements to comply with the stipulations contained in the said letter.
7. It is further stated by the Ld. Additional Solicitor General that Supplementary Nutrition Food (SNP) in the form of THR shall be provided to all children in the age group of 6 months to 3 years, an additional 300 calories to severely underweight children in the age group of 3 to 6 years, pregnant women and lactating mothers as per paras 5(c), 5(d) and 5(e) of the letter dated 24 th February 2009. Accordingly all Union Territories and State Governments are directed to ensure compliance with the aforementioned stipulations without fail.
8. Further, all the States and Union Territories are directed to provide supplementary nutrition- in the form of a morning snack and a hot cooked meal to the children in the age group of 3 to 6 years as per Para 5(d) of the guidelines contained in the letter dated 24 th February 2009 preferably by 31 st December 2009.
9. As far as adolescent girls are concerned, they would continue to be covered by the entitlements of the Nutritional Programme for Adolescent Girls (hereinafter referred to as `NPAG') and Kishori Shakti Yojana (hereinafter referred to as `KSY') till such time as a comprehensive universal scheme for the empowerment of adolescent girls called `The Rajiv Gandhi Scheme for the Empowerment of Adolescent girls' is implemented within six months from the date of the order.
10. It shall however be ensured that the following direction by order dated 7th October, 2006 which was reiterated by order dated 13.6.2006 shall continue to be operative.

11. It is pointed out that several States like Andhra Pradesh, Gujarat, Uttar Pradesh and Nagaland have not met the requisite norms. These States are directed to take steps as required to be taken.
12. Compliance reports filed by all the States and Union Territories by 15th January, 2010.
13. Put up thereafter.

.....J.
(Dr. ARIJIT PASAYAT)

.....J.
(S.H. KAPADIA)

New Delhi
April 22, 2009