

**Preliminary Report of the Joint Commission of Enquiry constituted at the behest of the Commissioners of the Supreme Court**  
*(Writ 196/2001, PUCL vs Uoi) Surguja*

February 4, 2004

The Joint Commission of Enquiry (JCE) was conducted at the behest of the Commissioners of the Supreme Court to investigate the charges of non-functioning of the Mid-Day meal scheme (MDMS) at Pandripani village (Losga Panchayat, Lakhanpur Block, Surguja District, Chhattisgarh). The commission was empowered to check the functioning of the mid-day meal programme as well as the distribution of Antyodaya cards to the primitive tribal groups in Lakhanpur block (Birhor and Pahari Korba). The collector Surguja had (vide MDMS/2004, dated 10/01/04) constituted the JCE.

The members of the JCE included:

- 1) Shri Biraj Patnaik (Adviser to the commissioners of the Supreme Court)
- 2) Shri. Sudhakar Khalko (Additional Collector, Surguja District)
- 3) Shri. Valentine Lakra (Food Officer, Surguja District)

Shri Samir Garg was the official rapporteur of the JCE. The JCE was conducted between Feb 3rd-4th, 2003. Presented below are the principal findings and recommendations of the Commission based on their investigations, field observations and discussions during the period of enquiry.

**Implementation of the Mid-day Meal Scheme in Pandripani Village during July-Oct, 2003**

A complaint had been filed with the commissioners of the court after it was reported by a team of observers that the MDMS in Pandripani village was non-functional between the months of July-October, 2003. Subsequently, the Government of Chhattisgarh (GoC) had reported back to the commissioner that one of the original complainants, Shri. Pramod Kumar Paikra had signed the affidavit that was submitted to the commissioners of the Honorable Court without having read its contents and that the MDMS was functional during the said period.

The JCE has now established the following facts after discussions with the Sarpanch, Panchayat Secretary, other members of the panchayat, villagers of Pandripani and the teacher at the primary school that:

- a. The mid-day meal programme was not functional in Pandripani from July-October 2003
- b. There had been gross misrepresentations made to the enquiry committee headed by Shri M.L.Verma (CEO, Janpad Panchayat, Lakhanpur Block) by Pramod Kumar Paikrara and other villagers. This was done since Pramod Kumar Paikara

had been pressurised by Rajesh Kumar Rajak, one of the teachers at the Pandripani primary school

- c. The above mentioned enquiry committee headed by the CEO had been unable to establish the facts regarding the functioning of MDMS. All the statements recorded by the said enquiry committee were bound to be false
- d. The MDMS in the entire panchayat and many parts of the block had been functioning irregularly or not functioning at all during the said period
- e. Three statements which were recorded in Pandripani are also enclosed with this report.

One of the teachers (Rajesh Kumar Rajak) of the primary school had proceeded on leave while the other, Jagdish Prasad Paikara had not yet arrived on duty even though he was aware that the JCE would be visiting Pandripan.

Similarly, none of the three teachers were present at the Labji primary and middle school (Sakharia Panchayat, Lakhanpur block). Consequently no mid-day meal was served to the children on Feb 3rd, 2004.

Nearly a thousand people from across Lakhanpur and the adjoining Mainpat Block arrived at Pandripani with complaints related to the implementation of the interim orders of the Supreme Court in the writ 196/2001. Complaints ranged from petty corruption in the implementation of the nine welfare schemes to the non-inclusion in the list of beneficiaries.

The Additional Collector took cognizance of these complaints and assured that requisite action would be taken within three weeks. The Advisor is therefore not forwarding any of the complaints to the Commissioners of the Supreme Court but will instead forward an action taken report, which will be submitted by the district collector within a month.

The JCE noted with concern the following which will have to be taken up by the district administration:

- a. Most of the PDS shops in the block are not functioning optimally.
- b. There is a very large unrealised potential in the functioning on the National Old Age Pension scheme and the Annapurna scheme. Leakages persist at the lower levels
- c. Antodaya cards have been distributed on a war footing across the Block to all the primitive tribal groups with a few exceptions which will be covered shortly. However, the discrepancies in the functioning of the PDS are unlikely to permit full utilization of the benefit by the beneficiaries of the scheme.
- d. The National Maternity Benefit Scheme has reached only a fraction of the potential beneficiaries. No allocation has been received by the district for more than a year now in this scheme.

## **Recommendations of the JCE**

The JCE recommends that:

- a. No further complaints be forwarded to the Commissioners of the Court from Lakhanpur Block for the next one month and the District Administration should be provided with an opportunity to first deal with all the complaints received by the JCE during the course of their investigation
- b. Action should be taken against the errant teachers of Pandripani school and Labji primary school.
- c. Appropriate action should be initiated against the Sarpanch (Lsoga Panchayat), the Panchayat secretary and the PDS shop holder at Pandripani.
- d. The District Administration should also initiate action against the CEO, Lakhanpur and the Block Education Officer- Lakhanpur for failing to monitor the orders of the Honorable Court.
- e. A Compliance Report should be submitted by the District Collector to the Commissioners of the Honorable Court within a month.

In addition to these, some issues pertaining to the food schemes which can be dealt with only at the GoC and the Central Government level have been listed out by the district administration which will be outlined by the Adviser in a separate report to the Commissioners.

Shri. Biraj Patnaik

(Adviser to the Commissioners of the Supreme Court- writ 196/2001, PUCL vs UoI)

Shri Sudhakar Khalko

(Additional Collector, Surguja District)

Shri. Valentine Lakra

(Food Officer, Surguja)