

Hunger in the Valley

Report on the Implementation of Food and Livelihood Schemes of Government in Kashmir



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Preface

In the popular imagination, when Kashmir is mentioned, people tend to think either of an idyllic paradise or of a valley wrought with the suffering of two decades of violent conflict. Both these images have tended to exclude Kashmir from the more everyday discourse of poverty and hunger, governance and the delivery of programmes for disadvantaged people.

Official data confirms that indeed levels of poverty are negligible in the valley. As compared with 28.3 per cent people officially estimated to survive below the poverty line in India in the year 2004-05. The comparable ratio for the state of Jammu and Kashmir in the same year was a meager 4.5 per cent¹. These low levels of poverty in the state are partly the result of the fact that Kashmir is one of the most egalitarian societies in the country, in which land reforms were implemented with greater vigour than in most other regions of India.

However, in the summer of 2008, I (Harsh Mander) had spent ten days in villages and slums in Kashmir, investigating the impact of the two decade long conflict on children. I found evidence everywhere not of extreme destitution of the kind I had observed in Bihar, Orissa, Madhya Pradesh and Jharkhand, but of widespread poverty.

A careful examination of the disaggregated official data suggests that although overall ratios of poverty are much lower than in the rest of India, Jammu and Kashmir lag behind many other states in several specific indicators of poverty. 80 per cent of the population of the state is dependent on agriculture directly or indirectly². But 97 per cent of the farmers are small or marginal farmers with an average land holding of 0.7

¹ : Saxena, N. C (2009), 'BPL Identification : Expert Group Report', Delhi. Available online at <http://www.scommissioners.org/articles/articlespoverty>

²: Zargar, Abdul Aziz (April 2008), 'no food insecurity beyond 2010'; *Epilogue* 2(4):18-20

hectares³. Further, the per capita income of the state at Rs 17,174, is only two thirds of the national average of Rs 25,907 in India taken as a whole. The unemployment rate in the state is 4.21 per cent against a national rate of 3.09 per cent. The literacy rate of state is 55.52 percent as against 64.84 per cent at all India level. The female literacy rate is 43.0 percent for the state while it is 53.67 percent for the country. The road length per 100 sq km area in the state is 35.71 kms as against 104.64 kms in the country⁴. There has been a worrying deceleration of agricultural production in the state. The valley suffers from a 44 per cent deficit in foodgrain production, 33 per cent in vegetables and 69 per cent in oilseeds, all of which are imported into the state from the rest of India⁵.

The Commissioners of the Supreme Court in the case PUCL Vs. UoI & Ors. (CWP 196/2001), which has come to be popularly known as the right to food case, decided therefore to undertake a survey of the status of actual implementation of food, social security and livelihood schemes in Kashmir. This survey was led, as a labour of love, by Tanveer Ahmad Dar, a post graduate in social work, who belongs to Kashmir and works in the office of the Commissioners. He recruited for the study students and alumni of the Department of Social Work in the University of Kashmir in Srinagar. It covered 50 villages in the 10 districts of the valley including Anantnag, Kulgam, Pulwama, Shopian, Srinagar, Budgam, Ganderbal, Bandipora, Baramulla and Kupwara.

The findings of the study are instructive. Overall, the decision to not hold elections to panchayats for two decades has meant that people do not have local elected representatives from whom they can seek redress for everyday survival problems. It has also impacted badly on the actual implementation and reach of various food, social security and livelihood programmes, which are critical to the survival with dignity of

³: Alam, Anwar, (April 2008), 'scenario in Kashmir, Ladakh'; *Epilogue* 2(4):25-33

⁴ : Kashmir Newz Board (January 2007), 'Kashmir Lags Behind in Development: Survey', <http://www.kashmirnewz.com/n00089.html> (last checked by the author June 2009).

⁵ : Aslam, Faheem (2008), 'Conversion of Agricultural Land into Commercial Goes Unabated', www.greaterkashmir.com

the poor and vulnerable residents of the region. The conflict had had its adverse impact, but also provided an alibi for public officials to not perform.

The researchers found it difficult, for instance, to even find 5 job card holders in each of the surveyed villages under JKREGS (the local version of the NREGA). 65 per cent respondents overall reported that they could not get job cards, and even those who did could not get an average of more than 30 days of work per year. The programme anyway is designed for failure, with wage rates at 70 rupees a year well below the prevailing wage rate; and no work provided in winters when the demand for work is highest. Only around 6 per cent eligible women received maternity benefits. The coverage with old age pensions was only slightly better, with 35 per cent eligible aged people being able to access pensions. Pension rates are low, and very irregular.

However, the situation was not uniformly bleak. The researchers found that only less than 4 per cent people did not have ration cards, and most reported that they were regularly able to access the subsidized grain. Given that this is a food deficit state, the contribution of PDS to food security of the residents of Kashmir cannot be over-stated. The study found gaps in the opening of ICDS centres in some remote locations, but the supply of hot cooked supplementary nutrition was heartening. The coverage of mid day school meals was even better, with 98 per cent children reporting that they ate hot cooked meals regularly at school.

The principal collaborators of the study were the Department of Sociology and Social Work and HRLN Kashmir. Associated with the study were also G. D. Memorial Welfare Society, Kupwara; Humanity Welfare Helpline Organization (HWHO); Service Oriented Trust for Empowerment of People (STEP); Jammu and Kashmir Association of Social Workers (JKASW). In particular, we wish to thank from the Department of Sociology and Social Work Aneesa Shafi , Shazia. Manzoor , Adil Bashir , Wakar Amin, students of MSW; from HRLN Faisal Qadri , Irshad Ahmad , Jawaid Iqbal , M. Ismail,

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The study indicates that even as people and the government must struggle to find a just and peaceful solution to the on-going militant conflict in the Kashmir valley, impoverished women, boys and girls who live in this beautiful but troubled land must in the meanwhile be enabled to survive with dignity. The state government must be held far more accountable than it is at present to secure the rights of people, to food, health care, education, livelihoods and security. It indicates the unfinished agenda for public officials in the state, to implement various programmes that are critical for the everyday survival with dignity, and social and economic development, of the people of Jammu and Kashmir.

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Abbreviations

AAY	<i>Antyodaya Anna Yojana</i>
ANM	<i>Auxiliary Nurse and Midwife</i>
APL	<i>Above Poverty Line</i>
AWC	<i>Anganwadi Centre</i>
AWH	<i>Anganwadi Helper</i>
AWW	<i>Anganwadi Worker</i>
BMI	<i>Body Mass Index</i>
BPL	<i>Below Poverty Line</i>
CDPO	<i>Child Development Project Officer</i>
DSW	<i>District Social Welfare (office)</i>
EGS	<i>Employment Guarantee Scheme</i>
FGD	<i>Focused Group Discussion</i>
GDP	<i>Gross Domestic Product</i>
ICDS	<i>Integrated Child Development Services</i>
IGNOAPS	<i>Indira Gandhi National Old Age Pension Scheme.</i>
ISSS	<i>Integrated Social Security Scheme.</i>
JSY	<i>Janani Suraksha Yojana</i>
JKREGS	<i>Jammu and Kashmir Rural Employment Guarantee Scheme.</i>
J & K	<i>Jammu and Kashmir</i>
MDM	<i>Mid Day Meal</i>
MDMS	<i>Mid Day Meal Scheme</i>
MLA	<i>Member of Legislative Assembly</i>
Mts.	<i>Metric Tonnes</i>
NFBS	<i>National Family Benefit Scheme</i>
NFHS	<i>National Family Health Survey</i>
NGO	<i>Non Government Organisation</i>
NMBS	<i>National Maternity Benefit Scheme</i>
NOAPS	<i>National Old Age Pension Scheme</i>
NREGA	<i>National Rural Employment Guarantee Act</i>
NSAP	<i>National Social Assistance Programme</i>
NSSO	<i>National Sample Survey Organisation</i>
NA	<i>Not Available.</i>
PDS	<i>Public Distribution System</i>
PUCL	<i>People's Union for Civil Liberties</i>
SC	<i>Scheduled Caste</i>
SNP	<i>Supplementary Nutrition Programme</i>
ST	<i>Scheduled Tribe</i>

SGRY	<i>Sampoorna Grameen Rozgar Yojana</i>
TPDS	<i>Targeted Public Distribution System</i>
UoI	<i>Union of India</i>
UT	<i>Union Territory</i>
VLW	<i>Village Level Worker</i>
VEC	<i>Village education Committee</i>

1. Back ground of the Study

Jammu and Kashmir is one of the most beautiful states of India, with high mountains and forests occupying most of its geographical area. However, in last two decades, the state has been racked by conflict, and as a result has been gripped with stagnation, signaling low levels of development and growth in its economy. One of the most damaging policy decisions that were taken in Jammu and Kashmir after the start of the conflict was the abolishment of elected Panchayats, which completely ruined the decentralized and fourth layer of governance and pushed all the powers and authority into the hands of government officers and political members and workers. The conflict became both the cause and the alibi for unaccountability and unresponsiveness of the state authorities, and the excuse for public functionaries at all levels for not fulfilling their duties.

Agriculture and its allied sectors, including horticulture, sheep rearing, animal husbandry and fisheries are the core sectors of the state economy, and major contributors to the state GDP. 37 percent of the net GDP of the state is contributed by this sector and nearly 2/3rd of the work force is employed in the agriculture and about 80 percent of the population of the state is directly or indirectly dependent on this sector⁶. This means that there is a huge difference between the population dependent on the primary sector and the availability of land, and there has been a lot of pressure on cultivable land. The cultivable land availability per head of agricultural population is as low as 0.5 hectares, and nearly 97 percent of the farmers are small and marginal farmers with the average land holdings of 0.7 hectares⁷.

Historically, Kashmir has been a more egalitarian society. Land reforms were implemented extensively in the state, and became one primary factor for reducing the poverty in the state down to the officially estimated level of 4.5 percent, as compared to 28.3 percent at the national level⁸. However, the reduction in the poverty does not necessarily imply the general prosperity of the state and people, as the per capita income of the state is just Rs 17,174⁹.

J and K lags behind in many development indicators and this fact was also reflected in the economic survey carried out by the state government in 2007. According to this survey the per capita income of the state at Rs 17,174, is only two thirds of the national average of Rs 25,907 in India. Further, there are large differences across regions and districts. The unemployment rate in the state is 4.21 per cent as against a national rate of 3.09 per cent. The literacy rate of state is 55.52 percent as against 64.84 per cent at all

⁶: Zargar, Abdul Aziz (April 2008), 'no food insecurity beyond 2010'; *Epilogue* 2(4):18-20

⁷: Alam, Anwar, (April 2008), 'scenario in Kashmir, Ladakh'; *Epilogue* 2(4):25-33

⁸: Saxena, N. C (2009) , 'BPL Identification : Expert Group Report', Delhi. Available online at <http://www.scommissioners.org/articles/articlespoverty>.

⁹: Kashmir Newz Board (January 2007), 'Kashmir Lags Behind in Development: Survey', <http://www.kashmirnewz.com/n00089.html> (last checked by the author June 2009)

India level. The female literacy rate is 43.0 percent for the state while it is 53.67 percent for the country. On an average there is one medical institution to serve 3127 persons. The road length per 100 sq km area in the state is 35.71 kms as against 104.64 kms in the country¹⁰.

1.1. Food Security of the state:

Food security includes at least four basic components: food availability, stability, accessibility and nutrition content. All these are important aspects of food security of any nation or state and are complementary to each other.

A). Availability: To ensure food security of a nation or a state, it is a pre-condition to have an adequate quantity of food available. The state of Jammu and Kashmir faces a massive deficit of 40% in foodgrain, 70% in oilseeds and 30% in vegetables¹¹. The deficit is spread almost equally through both the regions of Kashmir and Jammu. The productivity level of all agricultural crops in the state is lower than the national average, which however provides scope to increase productivity in the state¹².

In Kashmir, the official estimates are that against a requirement of over 10.20 lakh Mts. of food-grains, the production has been 6.32 lakh Mts. during 2006-07, therefore, leaving deficit of about 42 per cent in meeting the local foodgrains requirements¹³. Kashmir also produces a huge variety of temperate fruits and nuts under which an area of 1.75 lakh hectares is under cultivation, with an annual production of 12.28 lakh metric tons¹⁴. However, these are cash crops and offer much better economic yields but cannot be a substitute to the basic food like cereals and pulses.

The irony is that the deficit in food has increased over the last three decades in the Kashmir region. In 1980-81, the Kashmir valley had a food deficit of 23 per cent for a total population of 33 lakhs, while in 2005-06 the food deficit reached 40 per cent for a population of 60 lakhs. Presently the valley suffers from 44 percent deficit in food production, 33 in vegetable production and 69 in oilseed production¹⁵. The deficit trend can be seen from the table given below:

¹⁰: Kashmir Newz Board (January 2007), 'Kashmir Lags Behind in Development: Survey', <http://www.kashmirnewz.com/n00089.html> (last checked by the author June 2009).

¹¹: 'Perspective in Agriculture Sector', <http://diragriju.nic.in/swot.html> (last checked by author July 2009).

¹²: 'Perspective in Agriculture Sector', *ibid*.

¹³: 'About Agriculture Kashmir', <http://diragrikmr.nic.in> (last checked by author July 2009).

¹⁴: Talib, Arjmand Hussain (2007) *On the Brink: A report on the Climate Change and its Impact in Kashmir*, Srinagar : Books for Change.

¹⁵: Aslam, Faheem (2008), 'Conversion of Agricultural Land into Commercial Goes Unabated', www.greaterkashmir.com

Table 1.1: Trends in food grain deficit in Kashmir				
Year	Production '000' tonnes	Population	Requirement '000' tonnes	Deficit
1950-51	206.30	1795304	307.00	32 %
1980-81	486.92	3269276	559.05	23 %
2005-06	620.00	5985340	1023.49	40 %
Production/Requirement: As per Minimum Nutritional Standards of Cereals = 420 gm/day/head, Pulses = 50 gm/day/head.				
Source: Directorate of Agriculture, Kashmir; available online at http://diragrikmr.nic.in/account.html				

It can be seen from the table 1.1 that the increase in the production in food grains has not been in proportion to the increase in the population over the last two and half decades in Kashmir region. In 1950, the deficit in food grains

was 32 percent and the deficit decreased to 23 percent by 1980, because the total production rate increased by 136.03 percent whereas the total population increase was just 82.10 percent in this period of 30 years. However, the rate of increase in population has slightly increased from 1980 to 2005, with almost 83.08 percent total increase in these 25 years, but there has not been a corresponding increase in the production of food grains, with only 27.33 percent total increase in this time period. Therefore, the deficit again increased to over 40 percent in 2005. Abdul Aziz Zargar, former state Agriculture Minister, also recognises that agriculture development in J and K has not kept pace with the rapidly increasing demographic changes¹⁶.

Other than the low increase in the production rate of food grains, the other prime reasons for the deceleration of agricultural growth has been conversion of land into the rain-fed horticulture and commercial purposes. The report 'on the brink' points out that it has been found in a sample survey that almost 11909 *kanals* (1475.76 acres) of paddy land has been converted into rain-fed dry land in the districts of Kupwara, Baramula, Bandipore, Budgam, Pulwama, Kulgam and Shopian in recent years¹⁷. The major reason for this conversion has been irrigation water scarcity. Among other reasons, the farmers also cited the poor quality and lack of availability of seeds, affecting crop yield. However, better economic returns and less inputs in horticulture may also be the reasons for switching over to the rain-fed horticulture (cash crops).

The available records also show that residential colonies, brick-kilns and shopping malls have been constructed on hundreds of acres of agricultural land. It is noteworthy that this contravenes the the Revenue Act of the state that bars conversion of any land under the cultivation of paddy, maize, vegetable or saffron, but the state government has not been able to implement the Act in its letter and spirit¹⁸.

It is more worrying that Kashmir's current 44 per cent food grain deficit is likely to touch over 60 per cent in the coming 10 years, if the current rate of change of converting

¹⁶ Zargar, Abdul Aziz (April 2008), 'no food insecurity beyond 2010'; *Epilogue* 2(4): 18-20

¹⁷ Talib, Arjmand Hussain (2007) *On the Brink: A report on the Climate Change and its Impact in Kashmir*, Srinagar : Books for Change

¹⁸ Aslam, Faheem (2008), *ibid*.

paddy land into rain-fed orchards continues. This will pose more problems for the state to ensure the availability of the food to its people¹⁹.

The state covers a huge geographical area of 2.23 lakh square kms (including those parts which are under the control of Pakistan and China), but most of this area is covered by mountains and high density forests. This leaves the state with a total of almost 12.5 lakh hectares of gross cropped area and out of which 7.3 lakh hectares is the net cropped area and only 4.36 lakh hectares of land has assured irrigation facilities²⁰.

The availability of the water in the rivers and streams have certainly decreased to a large extent over the last few decades. However, M S Swaminathan finds in his study, conducted in 2003, that about 90 percent of the ground water in the state still remains unutilized and offers scope for increasing the intensity of irrigation and bringing more land under irrigation.

Also, with 27781 Km of rivers and streams, the state has a potential to increase the production of fish up to 40 million tons, which was though only 19 lakh tons in 2007-08. Apart from boosting export to generate revenue, they can be also consumed locally to decrease the dependence on poultry and meat, which are largely imported²¹.

Therefore, with the given topography, geographical and climatic conditions, it is hypothesised that state of J and K has the potential to meet the food requirements of its people but the irony is that is that presently the state has to import the food grains to feed all its people.

B). Stability: The demand for food is always stable and continuous throughout the year, but production is always seasonal and therefore, the availability of food can be ensured only by effective storage and efficient marketing functions in the state.

Kashmir produces food grains only once a year. However, it has been a part of culture among the people in Kashmir to store the food grains for a longer period up to next agricultural season depending upon the capacity of the household. The reasons are the climatic conditions of the region. Large tracts may get blocked for months in the winters because of the heavy snowfall. Therefore, the people have to store food for months of time before the onset of the winters to survive through these difficult months.

Secondly, most of the farmers are small in Kashmir, therefore they do not produce surplus food grains to sell in the market; instead they prefer to store it for their own needs, as most of the people living in the rural areas of Kashmir have the capacity to store the food grains for longer periods of time.

¹⁹ Talib, Arjimand Hussain (2007), *ibid*.

²⁰ Zargar, Abdul Aziz (April 2008), 'no food insecurity beyond 2010'; *Epilogue* 2(4): 18-20

²¹: Sharma, Nagendra (April 2008), 'meeting challenges in Jammu province'; *Epilogue* 2(4):21-24

Also the Public Distribution System is functioning in the state for decades now, and the government imports food grains from other states. The PDS system in J and K is also unique in the fact it is completely controlled by the state government and the PDS shops (nodal distribution centers) are run by government directly, rather than contracting it out as is done in most states of India. However, the state is now moving towards establishing commission based shops, and has already done so in many villages. The PDS system is not only helpful in meeting the regular food demands of people, but also is the main agency to help in coping with fluctuations in annual food grains production of the state, if any.

Our survey results also show that PDS is functioning better in Kashmir than most parts of India. This might be due to the fact that it is being controlled by the government and the employees get a good salary and therefore they do not indulge in black marketing. There is a recent move towards establishing commission based shops in the state, as it has been seen in many parts of the country that the FPS are not viable and the ration dealers resort to corruption and the ration supplied is siphoned away through black marketing.

C). Nutrition Content (and health): Food security is not restricted to just availability of enough food to restrict hunger and starvation, but it would include avoidance of malnutrition which would occur if the daily energy requirements are unmet or often imbalanced. Since food security includes the “healthy life” as a component, nutritional dimensions have to be considered.

Looking into the indicators of health and nutrition, the state of J and K provides a better picture as compared to India as a whole. The table below summarizes some of most common used indicators of health and nutrition²²:

Table 1.2: Status of Health and Nutrition in J & K					
Type of Indicator		J & K (%)			India (%)
		Total	Rural	Urban	
1 : Immunization coverage					
	Percentage of children 12 to 23 months who have received all recommended vaccines.	67	65	73	44
2 : Infant Mortality Rate					
	Number of infant deaths per 1,000 live births in the last five years	45	46	39	57

²² : National Family Health Survey -3 (2005-06).

3: Anaemia among Children and Adults					
	Children aged 6-35 months who are anaemic	68.1	72.0	67.3	79.2
	Ever-married women aged 15-49 who are anaemic	53.1	51.5	53.6	56.2
	Pregnant women aged 15-49 who are anaemic	54.0	54.8	53.8	57.9
	Ever-married men aged 15-49 who are anaemic	17.9	18.6	17.6	24.3
4: Nutrition status of children					
	Percentage of children under age 3 who are-				
	Stunted (too short for age)	28	25.2	28.3	38
	Wasted (too thin for height)	15	12.2	16.1	19
	Under weight (too thin for age)	29	20.6	31.6	46
5: Nutritional Status of Ever-Married Adults (age 15-49)					
	Women whose Body Mass Index is below normal	21.3	26.1	9.1	33.0
	Men whose Body Mass Index is below normal	19.9	22.2	14.1	28.1

Therefore, it can be seen that a total of 29 percent of children under age 3 years are under weight as per NFHS-3 and this figure has reduced by six percent (from 35 percent) since NFHS-2. The percentage of women and men whose Body Mass index (BMI)²³ in the age group of 15 to 49 is below normal are 21.3 and 19.9 percent respectively.

Further the percentage of population consuming less than 1890 kilo calories per day (the bare minimum required to ward off malnourishment) is only 2.4 percent compared to the national average of 13.2 percent²⁴.

Also 53 percent of rural women in the age group 15 – 49 are anaemic and 26 percent of women in the same category suffer from chronic energy deficiency compared to the all India level of 39 percent²⁵.

Therefore, the Jammu and Kashmir provides comparatively a better picture than the national level with respect to indicators of health and nutrition. But the percentages of under weight children or anaemic women and other indicators are still high and need to be taken as a serious concern which merits attention.

²³ BMI is a widely used and accepted indicator of nutrition for adults.

²⁴ Swaminathan, M S (April 2008), 'towards a food secure Jammu, Kashmir, Ladakh'; *Epilogue* 2(4): 11-17

²⁵ Swaminathan, M S (April 2008), *ibid*.

D). Accessibility (and affordability): The other critical factor is the accessibility or entitlement to food. The J and K is one of the states where land reforms have happened extensively. 71 percent of the land holdings are below two hectares in size and the average size of landholding is 0.76 hectares. Therefore, the state agricultural produce is shared among the major sections of the state. However, most of the farmers in J and K are very small and marginal farmers with small land holdings and, therefore, are always exposed to the risk of food insecurity especially in times of fluctuations in annual production.

Further, the poverty in the state is just 4.5 percent (lowest in any of the states of India) and the Central government gives subsidy to 40.86 percent of the population on the food grains²⁶. This means that the majority of the people can afford to the food grains distributed through PDS.

- **Social barriers:** For the majority of poor, food security is directly linked with their livelihood, but along with secure and well paid livelihoods, there are many other factors like availability, stability etc which are critical in ensuring food security. Besides, there are social factors in accessibility which go beyond the questions of livelihood. For example: women are the last to eat in the family and if food is not enough they eat the least. This is also reflected in the figures of nutrition and more women are anaemic and underweight than men.
- **Geographic barriers:** Since J and K is a mountainous region occupied and surrounded by high mountains all around, this topography of J and K creates barrier in the state for many economic and government activities to be carried out smoothly. There are some areas like Ladakh, Gurez (In district Bandipora), Karnah (in district Kupwara) and many others which remain cut off from the rest of the state for months at a time, because of high snowfall during winters and therefore are very susceptible to food unavailability. In many areas, the trend the state has developed over the time is that the food is being supplied to these areas before the onset of winters. However, the irony is that the all these areas which gets blocked during the winters are connected through Kashmir, which is in turn connected to Jammu and the rest of India through one road passing through the high altitude mountains. This road often gets blocked in winters and monsoons. Many times the snow slides on this road have taken number of lives and blocked the road for months at a time. Kashmir also happens to fall under the highly vulnerable seismic zone and therefore, any major earthquake (like the one happened on October 2005) with subsequent road blockades could also pose a serious threat of food insecurity to many areas, given its landlocked nature and frequent closure of roads in winters due to snowfall. Therefore, in this situation the food sovereignty of state occupies primary importance among other high priorities.

²⁶ Ministry of Consumer Affairs and Public Distribution (March 2009), 'Monthly Food Grain Bulletin', Delhi.

- **Human made barriers:** There have been frequent long protests, strikes, curfews and hartals (strike action) in the valley since the conflict began in 1989, which increases further the vulnerability of the valley and hinders the smooth move of food supplies in the state. For instance, during the last year (2008) when protests and strikes on the Amarnath land issue took place for months at a time, the Kashmir valley saw a huge shortage of food among other essential items. Many people reported in another recent survey conducted by the Commissioners' Office on the "Access of widows and orphans to food and livelihood in the state of J and K²⁷" that they did not receive ration from PDS shops for 2 to 3 months during that period. The situation became worse when people in the Jammu region blocked the road which connects Kashmir to rest of world for almost a month, and did not allow any food supplies to pass through Kashmir. The situation became so critical that hundreds of thousands of people living in Kashmir were at the edge of starvation and if same situation would have continued for more time many thousands would have actually starved. This was also the time when the food grains available were very short in Kashmir, because the valley produces food grains (rice) only once in a year and harvesting takes place in the month of October. The blockade of road happened in the month of July, when all people of valley, including those who produce from their own agriculture, are dependent on external food supply. Therefore, the conflict in the state also adds to the food insecurity of the people and any such long protests or strikes and curfews may have devastating consequences.

However, this provides an example also of why the direct food security schemes like PDS, ICDS and MDMS are important, and only the state government has the capacity to combat the big threats like the above one, when the food security of whole state was in jeopardy. The contractors and retail shops gave up instantly because of lack of supply and nobody could hold them accountable for this. In situations of food shortages at a state level, cash transfer schemes can hardly be of any value in ensuring food security of people because they need to be able to physically access food. Therefore, it is the responsibility of the state, which alone has the capacity, to look into the broader issues of food security of people and run food schemes effectively, in order to make food available and accessible to people. The government can be also held accountable for not making the food available even in situations as discussed above like road blocking etc.

1.2. Life Cycle Approach of State:

The Government of India implements many feeding schemes including the ICDS, MDMS, PDS ; cash transfer schemes like NFBS, NMBS and IGNOAPS and employment generating schemes like NREGS, primarily with the purpose of either making the food directly accessible to the people or provide the means to acquire the food.

²⁷ : This survey was conducted in more than 40 villages across all the 10 districts of Kashmir in March 2009

The schemes cover the entire life cycle of a human being, from the time when the child is in Mother's womb to the time when a person becomes incapable of doing any hard labour for his survival. The assistance provided under the NMBS scheme to women during pregnancy is based on the premise that it would be used for the nutritional support of women during pregnancy which would be good for the coming child's health. The ICDS programme addresses the needs of children under six years, pregnant and lactating mothers and adolescent girls. The Mid-Day Meal programme covers all the school going children. The Sampoorna Grameen Rozgar Yojana (now replaced by NREGA) provides work to all the adults in rural areas of India. Similarly the pensions provided under National Old Age Pension Scheme, all the old people above 65 who are BPL are being assisted.

1.3. The Right to Food Case in the Supreme Court:

In the year 2001, a group of activists under the banner of the People's Union for Civil Liberties, filed a case in the Supreme Court (now known as the "right to food" case), demanding that the right to food should be recognized as a legal right of every person in the country, whether woman or man, girl or boy. The basic argument is that the right to food is an implication of the fundamental "right to life" enshrined in Article 21 of the Indian Constitution. The petition argues that Central and state Governments have violated the right to food by failing to respond to the drought situation, and in particular by accumulating gigantic food stocks while people went hungry²⁸.

Since the hearings of this case have proceeded in recent years, the Supreme Court of India has passed a series of significant, and at times even historic interim orders, that have touched the lives of millions of indigent Indians living with desperate poverty and hunger. On 28 November, 2001, the Supreme Court passed a significant "interim order" pertaining to eight nutrition-related programmes. These are: Targeted Public Distribution System (TPDS); Antyodaya Anna Yojana (AAY); Mid Day Meal Scheme (MDMS); National Old Age Pension Scheme (NOAPS); Annapurna; Integrated Child Development Scheme (ICDS); National Maternity Benefit Scheme (NMBS) and National Family Benefit Scheme (NFBS). The significance of the interim order is that it converts the benefits of these nutrition-related programmes into legal entitlements and it directs the state and central governments to adopt specific measures to ensure public awareness and transparency of these programmes. Since this order of 2001, over the last six years more than 50 interim orders have been passed, most of them relating to the schemes listed above. Orders have also been passed in relation to the Sampoorna Grameen Rozgar Yojana (SGRY), thereby acknowledging the critical role of access to work and livelihood in ensuring the right to food.

²⁸ See www.righttofoodindia.org for details of the PIL.

Although there have been a series of very significant interim orders, the implementation of all of these has not taken place. The Supreme Court orders provide a tool for action of local organizations/movements to rally around and demand for the access to these schemes as a legal entitlement.

Role of Commissioners: On 8th May 2002, the Supreme Court appointed two “Commissioners” for the purpose of monitoring the implementation of the interim orders. Initially, the two Commissioners were Dr. N.C. Saxena (former Secretary, Planning Commission) and Mr. S.R. Sankaran (former Secretary, Ministry of Rural Development). Mr. Sankaran resigned in November 2004, for personal reasons. Dr. Saxena continues, with the help of Mr. Harsh Mander as Special Commissioner and a network of advisors in the various states in the country.

The Commissioners are empowered to enquire into any violations of the interim orders and to demand redressal, with the full authority of the Supreme Court. They are also expected to report to the Court from time to time, and may seek interventions going beyond existing orders if required. Further, in an order dated 29 October 2002, the Court clarified that the mandate of the Commissioners included “monitoring and reporting to this Court of the implementation by the respondents of the various welfare measures and schemes.” (Supreme Court Order dated 29th October, 2002.) This is quite important, as it means that the Commissioners may scrutinise any aspect of food-related “measures and schemes”, even if they are not the object of any specific order. Other tasks of the Commissioners include analysis of secondary data to monitor the performance of state Governments, seeking responses from them on specific issues, taking up complaints from grassroots organizations, setting up enquiry committees for verification purposes, and so on²⁹.

The Commissioners have been submitting detailed reports, special reports and updates to the Supreme Court from time to time. So far, six reports have been submitted. In its deliberations, apart from the pleadings of the petitioner and replies and reports of the Union of India and several state governments, the justices of the Supreme Court have relied significantly on a series of Reports submitted by the Commissioners appointed by the Supreme Court to assist it in its deliberations. In their reports, the Commissioners have (a) attempted firstly to monitor the implementation of various interim orders passed by the Supreme Court in the course of the hearings in the case PUCL vs. UoI and others, Civil Writ Petition 196 of 2001 (b) They have further reviewed and analysed the performance of Central and state Governments in implementing various schemes and programmes related to the food security of the people of India, particularly vulnerable people. (c) They have investigated and reported on complaints and reports of local failures in food programmes, including of starvation deaths. (d) And finally, they have, from time to time, made recommendations to both governments and the Supreme Court

²⁹ Dreze, Jean and Yamini Jaishankar (2005), ‘Supreme Court Orders on the Right to Food: A Tool for Action’, Delhi: Right to Food Campaign Secretariat.

of India for possible steps that they may consider to defend and promote the food security of the people of India, particularly vulnerable people.

1.4. Relevance to J and K:

All these food and employment schemes are equally being implemented in the state of the Jammu and Kashmir as in other parts of India and the Supreme court orders on these schemes are also binding on the state in the case of PUCL Vs. UoI & others.

However, many individuals, families and communities, in both villages and cities, continue to struggle with hunger, which is for them still a way of life. These tend to come substantially from the unorganized sector, such as landless workers and artisans, socially oppressed groups like tribal people, single woman headed households, destitute persons, children in specially difficult circumstances like street and working children, orphans, disabled and old people without care-givers, migrant workers. This silent daily tragedy continues to play out in many homes and on the streets in our country.

This is also reflected in macro data which shows almost one in every three children remains under weight, almost one in two women are anemic women and almost two in three children are anemic. Such a situation, though provide comparatively a better picture than the national level, is intolerable and worse to be taken as a serious concern and needs attention.

Also looking into the production and availability of food grains in the state which shows 40 percent deficit, the role of state gets increased with the given mountainous topography of the state and law and order problems.

In the same context this study has been done and this report assesses the accessibility of the people to these schemes and also finds out the status of compliance of Supreme Court orders and problems of implementation of these schemes in Kashmir.

2. Study Design

The study was conducted in the Kashmir division of the state Jammu and Kashmir. Within Kashmir all the ten districts were covered under the survey including Anantnag, Pulwama, Kulgam, Shopian, Srinagar, Budgam, Ganderbal, Baramula, Kupwara and Bandipora. The survey was focused on the functioning of the food and livelihood schemes that come under the purview of the right to food case and includes Integrated Child Development Services (ICDS), Mid Day Meal Scheme (MDMS), Indira Gandhi National Old Age Pension Scheme (IGNOAPS), National Family Benefit Scheme (NFBS), National Maternity Benefit Scheme (NMBS), Public Distribution Scheme (PDS) and National Rural Employment Guarantee Scheme (NREGS).

It was decided to survey five villages in each district, with a sample size of five respondents for each scheme in each village. In this way the survey covered a total of fifty villages across ten districts of Kashmir.

The study was focused only on rural areas for a number of reasons. First of all, rural areas are characterized by low levels of infrastructure. Secondly, the monitoring of government food schemes is poor in these areas. Because the state of Jammu and Kashmir does not have a panchayat system in place, the accountability of implementing departments towards the people is usually distorted. Thirdly, the NREGS which formed a component of the study is being implemented only in rural areas. Another consideration for the selection of the survey area was the concentration of almost 75% of the state's population in rural areas. The study did not include the urban areas as well because the problems of implementation of these schemes in urban areas differ from those of rural areas. Furthermore, including urban areas in the study design would have required additional resources.

2.1. Objectives of Study:

The status of implementation of food schemes and Supreme Court varies across the regions and states. As mentioned earlier there are number of orders of the Supreme Court which are yet to be implemented in letter and spirit, the study was thus planned with the following objectives in mind:

- i) To assess the access of the rural poor and socially vulnerable people to various government food, livelihood and pension schemes in Kashmir.
- ii) To assess the compliance by the state government with various directions of the Supreme Court of India relating to the various government food, livelihoods and pension schemes in Kashmir.
- iii) To suggest improvements in the implementation of government food, livelihood and pension schemes in Kashmir.
- iv) The outputs will most importantly contribute to the Reports of the Commissioners to the Supreme Court in the Right to Food case (PUCL Vs. UoI

- and ors.), and to the directives issued from time to time to the Jammu and Kashmir Government to ensure right to food of vulnerable segments.
- v) The outputs would be used by civil society as an advocacy document to ensure the right to food of vulnerable populations.

2.2. Methodology:

2.2.1. Village:

The names of the villages were selected from the Census list. The geographical limits of the village were however defined on the basis of consultation with the residents of the village. In practice no dispute arose between Census data and local perceptions.

2.2.2. Village Strength:

The study design included the visiting of service delivery nodal points like the AWC, schools for MDM, PDS shop etc. The establishment of such institutions requires some minimum strength of households in a village. To avoid the risk of including villages that were too small in the survey, it was decided that villages with less than 60 households would not be selected, and would instead be replaced by the next village from the random list of villages.

2.2.3. Selection of Villages:

As described above, the sample included 50 villages. The villages were selected based on a set of five criteria given below. The purpose for using a range of criteria for selecting the villages was to get a range of different types of villages, and to allow for a higher probability of different groups of population being included, thus permitting representation of all the groups in the sample.

Therefore, in each district five villages were selected based on these five criteria, with each village selected on the basis of its fulfilling one criterion. The selection of villages was conducted on each criterion as follows:

A. Scheduled Tribe: In each district the villages were ranked based on the population of Scheduled Tribes. The top ten ranked villages having a ST population of less than but close to fifty percent were then selected. This fifty percent limit was considered in order to select villages with a mixed population of STs and other categories, which would allow observing whether the ST population was being discriminated in accessing the schemes. The discrimination was difficult to be noticed if villages with a more greater proportion of ST population would have been selected..

From the ten selected villages researchers were given the choice of surveying any one village based on their convenience.

B. Relatively Low literacy: The same procedure was followed and all the villages of each district were ranked based on the levels of literacy and ten villages with low levels of literacy were selected. The researchers were given the choice of selecting any one village for the survey from the list of ten villages based on their convenience.

While the initial design required that only five villages be selected on the basis of their fulfilling each of the above criteria, many of the villages which got selected were located in far-flung areas and were therefore difficult to access. Therefore, the list of villages selected from the Census was increased to 10 for each of the above categories.

C. Marginal Workers: Again the villages were ranked separately for each district and five villages with the highest percentage of marginal workers were selected. The researchers were given the choice of selecting one village from the list of five villages based on their convenience.

D. Residents of Backward areas: In this category the researchers were given a list of the notified backward areas of their respective districts and were allowed to select any one village for the survey from the list. The number of villages declared as backward varies across districts³⁰.

E. Non-Muslim Community: Again the researchers were given the flexibility to identify any one village in their respective districts where both non-Muslims (Hindus or Sikhs) and Muslims are residing in same village.

In the case of last two categories, the villages were not randomly selected as they were for the first three categories. The reasoning behind this decision was that it is difficult to ascertain the degree of backwardness of a village. Furthermore, there is hardly data available in the public domain which gives the names of villages where non-Muslims continue to reside in Kashmir.

The villages were selected randomly from the census list of villages, but few tehsils in some of the districts were deliberately excluded because of the inconvenience it would have caused the students who conducted the survey to reach these tehsils. Those tehsils include Karnah tehsil in Kupwara district, Gurez in Bandipore district, Uri and Gulmarg tehsils in Baramulla district, Kangan in district Ganderbal, Beerwah in district Budgam, Pahalgam and Duru in ditrict Anantnag. However, as the researchers were

³⁰: The state of J and K has a policy of declaring certain villages as backward on the basis of their very low socio-economic profile and the persons belonging to those areas enjoy reservations in government jobs, colleges and universities etc., among other things.

given the option of selecting any village in their district based on the criteria of it being a “backward area” and comprising a ‘non-Muslim community’, in a few districts the researchers selected villages from these tehsils which had been excluded as well.

Each one of the criteria used for the selection of villages except the non-Muslim status contributes to the marginalization and backwardness of the people belonging to such villages and the people are likely to be benefited less from the food schemes because the villages of such criteria are usually located in rural and far flung areas.

The non-Muslim criterion has been chosen because the non-Muslims are in greater minority in Kashmir, after a large section of the Non-Muslim population left Kashmir in the early 1990s because of the conflict in the state. This may in turn affect negatively their access to food and work schemes. Therefore, by including such villages (and people) purposively would allow capturing any kind of discrimination faced by them in accessing the government food and employment schemes.

2.2.4. Selection of Respondents:

Respondent: Each food scheme covered under the study requires that a predetermined set of criteria be fulfilled in order for a person or household to qualify for benefits under the scheme (details are given in the respective sections of each scheme). Persons who fulfilled these criteria automatically qualified as respondents.

In this way, in each village selected, five people who were eligible for the benefits under any particular scheme, irrespective of whether they were actually getting the benefits, could be selected for the survey. For example: for the mid-day meal scheme, all the primary school going children qualified as respondents for the mid-day meal scheme survey.

2.2.5. Selection of Households:

The households were selected on systematic random basis. In each of the villages surveyed the researchers would start from any part of the village and would select the households at regular intervals in a particular geographic direction. The interval size was pre-decided depending on the number of the households in the village. For villages up to 100 households the interval undertaken was 5; for villages up to 300 households an interval of 10 was considered and for villages with more than 300 households an interval of 15 was considered for selection of households in the row. The specific intervals were considered in order to cover as large portion of the village as possible under the survey and reach maximum number of beneficiaries.

The survey was undertaken simultaneously for seven schemes in the village by the same team. The respondents for each scheme would differ however, as the different schemes have different eligibility criteria. The research process would therefore require that researchers enquire about the schemes and potential respondents in each household that they visited, and later conducting interviews as applicable.

Thus it was possible that in the same household there was more than one eligible respondent, depending upon the family structure. For example, one household may have comprised a person falling in the BPL category and above 65 years of age thus eligible for IGNOAPS, as well as a child below six years of age eligible for services under the ICDS. Both persons would then have been the potential respondents.

In the same way it was possible that there was an overlap in terms of schemes and a single respondent. For example, an adult person who had a job card may have been a respondent for the NREGS scheme and also for the PDS scheme.

The researchers were required to move through the village and visit households at regular intervals as described above. They were required to repeat the procedure till they had interviewed five respondents for the scheme in question. Once five persons had been interviewed in connection with a particular scheme, the researchers would then enquire in households in regard to other schemes for whom adequate number of respondents had not been covered.

Because of the universalized nature of schemes like PDS, ICDS and MDM, the identification of respondents poses no problems³¹. However, for schemes like NFBS, NMBS/JSY and NOAPS the researchers were not able to identify respondents as easily. They thus had to go around the village more than once. Therefore in such cases, the researchers would start with the household located right after the first household visited, and follow the same procedure as before and would select households through the village with same intervals as had considered in the first round.

In some villages, researchers were unable to identify the required number of respondents for schemes like NFBS, NMBS and NREGS because with the exception of NREGS, these schemes use multiple criteria to identify beneficiaries. Therefore, in such cases the researchers would adopt purposive sampling, enquiring from the people of village about such persons who could qualify as respondents and visit them accordingly.

However, the researchers would require to complete two rounds through the village with the standard procedure to identify required respondents before they would adopt purposive sampling.

2.2.6. Sample Size:

The sample size of respondents for each scheme is given in the table on the right. Ideally 250 interviews should have been conducted per scheme, but in many villages the researchers couldn't find the required number of eligible beneficiaries these schemes

³¹ : It is necessary to mention here that such schemes are universalized and the respondents would have been both beneficiaries and non-beneficiaries (but eligible for the scheme), therefore, finding out the respondents easily shouldn't be taken to mean the coverage of the schemes is necessarily higher. Please refer to the respective sections of schemes for such details.

use multiple targeting criteria. Also the villages selected for the survey were diverse in terms of village strength and many of them were small villages. For NREGS the reasons for the inability to interview 250 respondents were diverse and in most cases people had not applied for job cards.

Table 2.1: Sample size for different schemes.					
S. No	Scheme	No. of Districts	No. of Villages	Targeted Respondents	Actual Respondents Covered
1	ICDS	10	5*10=50	250	234
2	NMBS/JSY	10	5*10=50	250	207
3	IGNOAPS	10	5*10=50	250	226
4	NFBS	10	5*10=50	250	123
5	TPDS	10	5*10=50	250	266
6	NREGS	10	5*10=50	250	161
7	MDMS	10	5*10=50	250	259
Total		10	50	1750	1476

2.2.7. Tools of Data Collection:

The data was collected by administering a set of interview schedules separately, one for each scheme. The schedule was the same for both beneficiaries and excluded eligible non beneficiaries, but with separate set of questions for both categories.

The study design also required that researchers personally visit the nodal service delivery points such as the ICDS centre, PDS ration shop and school (for MDM) which were locally present and observe the effectiveness of the services provided as well as the infrastructure available. Other than this, an interview schedule was also used to evaluate the functioning of these institutions and to include the views of nodal functionaries like AWW, school teachers, PDS shop keeper, parents and village committees about the functioning of these nodal service delivery points.

Besides this, in-depth interviews and focused group discussions (unstructured) were also conducted in many villages to develop an insight into the problems faced by the people in accessing the benefits under these schemes

The interview schedules used for the data collection for each of the schemes are appended in the Annexure 1.

2.2.8. Research Team:

The survey was conducted simultaneously in all the districts by ten teams of researchers with each team consisting of two to three members. Each district was covered by one team. In this way the survey was completed over a period of ten days from 27th July to 4th August 2008 though a few interviews were conducted in the month of September and October 2008.

The research team mostly comprised Social Work students from the University of Kashmir, as well as community volunteers. Most of the students were deputed to the districts they belong to, which helped in mobilizing the people in the villages and conducting the survey smoothly.

2.2.9. Data Analysis:

The data collected by interview schedules was tabulated and analyzed by using softwares such as CSPRO and SPSS.

2.2.10. Validity of Data:

In order to make data collected more reliable and decrease the chances of errors, the following steps were taken:

- **Coding:** The interview schedules were fully coded to avoid the chances of repetition of interviews by the different team members in the same household and to lessen the errors in selecting the options provided.
- **Writing:** The researchers were asked to write down the response of the respondent if it was not relevant to the options provided and at a later stage of tabulation these responses were coded and incorporated into the data.
- **Symbols like** \longrightarrow **which represented 'go to' or 'skip to' were also used in the interview schedule to help researchers follow the questionnaire properly.**
- **Observation:** The researchers would write their observations in the space provided after conducting each interview. This not only provided insights but also helped in cross-checking the data in the case of data errors.
- **Peer Review:** At the end of each survey day, the team members would exchange the completed interview schedules amongst each other within the team, cross check the same and correct the mistakes on the next day.

2.2.11. Limitations of Methodology:

One of the peculiarities of social research, which in most cases is a shortcoming of it, is that what is planned outside the field cannot be practically conducted in the same manner. The field work always puts forth a number of challenges and many times the methodology initially proposed cannot be translated as planned. This study also suffered from a few limitations.

1. First of all, it was initially planned that a village with a predominantly SC population be included in the sample from each district. However, on examining the Census data it became evident that there were insufficient number of villages

with a high enough SC population to have enjoyed the equal probability of being selected in the survey.

2. Secondly, the five villages selected on ST and literacy criteria turned out to be inconveniently located and very far away in a few districts with mountainous topography, and therefore the list of villages selected on the basis of these criteria were increased from five to ten in order to give more choice to the researchers.
3. Thirdly, the criterion of including one village with a non-Muslim community in each district was incorporated into the methodology in place of the previous criterion of SC population. As mentioned earlier there was hardly any structured information available in the public domain regarding the presence of non-Muslims in different villages in Kashmir. Therefore, the researchers had to identify the villages on their own on the basis of consultation with local people in the district. In many districts in the identified villages the number of non-Muslims turned to be too low to share an equal probability of getting selected in the survey as Muslims.

Therefore, the data collected from the field did not provide a concrete basis to make a comparison on the basis of caste or religion or investigate whether any kind of discrimination is occurring on such basis, other than the evidence derived from anecdotal accounts.

4. Fourthly, four villages which did not qualify to be selected for the survey were selected while conducting the survey. In one village Choti pora identified in district Shopian for surveying non-Muslims, researchers were unable to find any non-Muslim living there. In district Srinagar, most areas are urban with a few dozen of villages on the outskirts of city. There was hardly any village which could have been identified to survey non-Muslims. Therefore, a slum called MotiMohalla Khurd, which is water locked within the Dal lake was selected for the survey. In district Ganderbal, the shortlisted village was “Lari” but the researchers conducted the survey in “Lar” which was not in the list due to some confusion arising from the similarity in names. In district Budgam, researchers by mistake conducted the survey in two villages in the literacy category and the village “Galwan Pora” was selected in place of some other village from ST list. These four villages are highlighted in the table below.

Table 2.2: Profile of the Study Area.

S.No	Name of the Village	Criteria for Selection	Total Households	Total Population	Sex Ratio	Literacy	SC Population	ST Population	Work Participation Rate	Marginal Workers	Non Workers	Population (0-6 yrs)
Anantnag												
1	DADO (MIRHAMA)	Backward area	1314	12133	982	44.7	0	11.3	34.4	13.6	65.6	2013
2	TAKIA BAL	Marginal Workers	99	789	910	24.3	0	0	57.3	37.9	42.7	142
3	HUGAM	Non Muslim community	233	1692	823	73.5	0	1.1	45.1	21.3	54.9	228
4	THAJI WARA	Scheduled Tribes	90	688	1054	50.3	0	12.1	46.8	19.9	53.2	96
5	GADHANJI PORA	Literacy	100	1045	1078	22	0	0	27.8	3.5	72.2	140
Budgam												
6	POSHKER	Backward area	206	1548	1045	30.1	0	0	49.7	26.4	50.3	281
7	ATINU	Non Muslim community	144	955	809	59.9	0	0	22.2	0.1	77.8	114
8	CHANDA PORA	Literacy	302	1408	964	13.5	0	0	42.4	16.8	57.6	216
9	GALWAN PORA	Literacy	215	1869	1100	13.4	0	0	40.2	15.9	59.8	198
10	DORU	Marginal Workers	83	597	970	56.8	0	0	55.4	36.5	44.6	88
Bandipora												
11	CHALIWAN	Non Muslim community	Not Available									
12	CHONTI MULA	Literacy	324	2434	915	17.4	0	54.9	41.6	28.1	58.4	556
13	SONER WANI	Marginal Workers	244	1740	718	68.9	0.9	7.5	52.7	24.7	47.3	212
14	MALAN GAM	Scheduled Tribes	1013	6703	943	33	0	45.7	32.1	8.7	67.9	1251
15	KHURSHI PORA (BUTHOO)	Backward area	86	584	980	17.7	0	0	34.6	31.3	65.4	86
Baramulla												
16	YAMBERZAL WARI	Backward area	180	1285	938	33.7	0	0	44.7	20.8	55.3	259
17	ARAM PORA	Literacy	137	1332	879	9.6	0	0	43.4	19.7	56.6	147

18	HAMRAY	Marginal Workers	206	1419	925	37.3	0	0	51	34.2	49	182
19	CHANDUSA	Scheduled Tribes	412	2994	875	39.8	0	12.2	31.2	12	68.8	550
20	LAGHAMA	Non Muslim community	Not Available									
Ganderbal												
21	LAR	Backward area	Not Available									
22	GOTLI BAGH	Marginal Workers	112	796	773	65.3	0.1	0	31.2	18.8	68.8	148
23	CHUNT VALIWAR	Scheduled Tribes	607	4523	1157	35.5	0	57.3	22	17.5	78	884
24	NARAYAN BAGH	Literacy	111	569	872	18.4	0	0	22.1	1.4	77.9	81
25	TULMULLA	Non Muslim community	822	5410	898	48.5	0.1	0	27.5	5.6	72.5	640
Kupwara												
26	ZEB GERIPORA	Backward area	139	1029	857	51.5	0	0	51.4	28.9	48.6	192
27	NELI PORA	Marginal Workers	214	1497	907	52	0	0	61.9	41.1	38.1	293
28	MAIDANI CHUGAL	Non Muslim community	511	3421	998	60.4	0	0	29.6	3.9	70.4	464
29	HAFRADA	Scheduled Tribes	593	3749	1216	30.2	0	48.1	26.4	7	73.6	878
30	LACHAM PORA	Literacy	119	709	891	16.1	0	0	39.8	0.8	60.2	105
Kulgam												
31	BRINIAL LAMAR	Backward area	928	6745	960	31.5	0	2	27.8	5.5	72.2	1061
32	MALWAN	Non Muslim community	400	3263	924	30.9	0	0.4	27.6	9.3	72.4	642
33	KOJAR	Marginal Workers	246	2027	955	41.1	0	0	44.7	39.2	55.3	391
34	QASBA DEVSAR	Scheduled Tribes	280	2094	959	45	0	18.9	24.1	2.4	75.9	397
35	HANGAL BOCH	Literacy	89	624	1130	35.7	0	0	22.1	0.2	77.9	75
Pulwama												
36	QASBA YAR	Backward area	423	2720	928	33.3	0	5.6	28.4	6.1	71.6	428
37	SANGER WANI	Scheduled Tribes	114	699	884	22.1	0	14.7	17	0.1	830	143

38	CHEKIDEWAN BADRI NATH	Literacy	237	1541	846	27.3	0	1.1	30.4	10.8	69.6	270
39	RAKH LITRI	Marginal Workers	165	1146	863	61	0	0	68	48.3	32	170
40	KALAMPORA	Non Muslim community	Not Available									
Srinagar												
41	DARA	Scheduled Tribes	398	2669	881	36	0	24.1	29.2	9.7	70.8	402
42	MOTI MOHALLA KHURD	Slum/Water locked place	Not Available									
43	ANCHAR (DUGA PORA)	Marginal Workers	165	1066	867	35.5	0	0	44.5	10.4	55.5	86
44	FAQIR GUJRI	Backward area	209	1238	1006	14.5	0	95.4	23.4	0.9	76.6	301
45	RAKH MUJGUND	Literacy	214	1485	1031	18.4	0	0	22.1	1.3	77.9	232
Shopian												
46	HIR PORA	Literacy	951	6579	927	27.1	0	18.8	31.4	4	68.6	1156
47	ARAHAMA	Scheduled Tribes	328	2338	995	30.6	0	18.8	48.2	31.3	51.8	691
48	TUKROO	Marginal Workers	112	664	930	51.9	0	0	53.9	39.5	46.1	86
49	CHOTI PORA	Non Muslim community	61	480	992	42.5	0	0	23.5	5.4	76.5	66
50	CHITRA GAM	Backward area	297	2208	870	48	0	0	22.9	8.3	77.1	420
Source: Census of India, 2001.												

3. Targeted Public Distribution System

3.1 Introduction:

The Public Distribution System (PDS) is one of the oldest food subsidy programmes in the country. Rationing was introduced in 1939 by the British Government and the basic framework for the PDS was firmed up in 1942. Since then, this programme has seen many changes with the most recent change being the introduction of the Targeted Public Distribution System (TPDS) in 1997 which made a distinction between households below the poverty line and those above it and provided for a major proportion of the subsidy to be transferred only to those households who are below the poverty line (BPL). Foodgrains are also provided to families above the poverty line (APL) but the quantum of subsidy is very low as compared to that provided to the BPL families.

The TPDS is also one of the largest food schemes that was brought under the ambit of SC orders in the case PUCL v. UoI, CWP 196/ 2001. It is also the largest scheme in terms of the coverage with over 500 million of the population receiving benefits under the scheme.

At present, 35 kgs of rice or wheat, sugar and kerosene are provided at subsidised rates to families below the poverty line. The BPL families are identified by the state Governments and about 40% of these families receive an additional subsidy under the Antyodaya Anna Yojana which entitles them to the same quantity of food grains but at roughly half the price of that which is sold to the other BPL families.

The Targeted Public Distribution System is arguably also one of the worst performing schemes amongst those being monitored by the Commissioners appointed by the Supreme Court. All the evidence gathered from the field reports, observations by the Commissioners team during field visits as well as the evaluations of the Planning Commission of the Government of India seem to support this view. Large-scale corruption, improper targeting, faulty design, leakages at all levels and weak monitoring have ensured that the TPDS has not achieved the potential that it had.

3.2. Orders of the Supreme Court:

Some of the significant orders in relation to the Targeted Public Distribution System and the Antyodaya Anna Yojana are presented in the box below. The Supreme Court also appointed a Central Vigilance Committee in July 2006 to specifically look into issues of corruption in PDS with special reference to Delhi. This Committee has recently submitted its report to the Supreme Court.

Box 3.1: Supreme Court orders related to TPDS and AAY

1. Identification of BPL families: On 28th November 2001, the Court directed the state Governments “to complete the identification of BPL families, issuing of cards and commencement of distribution of 25 kgs. grain per family per month latest by 1st

January, 2002". The entitlements of BPL families were subsequently raised from 35 kgs of grain per month to 35 kgs.

2. Accessibility of ration shops and regular supply of grain: On several occasions, the Supreme Court directed the government to ensure that all ration shops open regularly.

3. Accountability of PDS dealers: The licenses of PDS dealers and shop-keepers should be cancelled if they: "(a) do not keep their shops open throughout the month during the stipulated period; (b) fail to provide grain to BPL families strictly at BPL rates and no higher; (c) keep the cards of BPL households with them; (d) make false entries in the BPL cards; (e) engage in black-marketing or siphoning away of grains to the open market and hand over such ration shops to such other person/organizations".

4. Permission to buy in instalments: Arrangements must be made to "permit the BPL household to buy the ration in instalments".

5. Awareness generation: "Wide publicity shall be given so as to make BPL families aware of their entitlement."

6. Antyodaya Anna Yojana On 2nd May 2003, the Supreme Court declared that all households belonging to six "priority groups" would be entitled to Antyodaya cards. More precisely, the Government of India was directed "to place on AAY category the following groups of persons:

- (1) Aged, infirm, disabled, destitute men and women, pregnant and lactating women, destitute women;
- (2) widows and other single women with no regular support;
- (3) old persons (aged 60 or above) with no regular support and no assured means of subsistence;
- (4) households with a disabled adult and assured means of subsistence;
- (5) households where due to old age, lack of physical or mental fitness, social customs, need to care for a disabled, or other reasons, no adult member is available to engage in gainful employment outside the house;
- (6) primitive tribes."

Source: Dreze, Jean and Yamini Jaishankar (2005), 'Supreme Court Orders on the Right to Food: A Tool for Action', Delhi: Right to Food Campaign Secretariat.

3.4. Performance on the Ground:

3.4.1. Sample: The study was conducted in 50 villages in all the 10 districts; with five villages in each district of Kashmir. The sample was to select randomly five households in each village, irrespective of the type of ration card they possess. This added up to a total sample of 266 households across all the districts.

Districts	No. of Respondents	Percentage
Anantnag	26	9.8
Bandipora	30	11.3
Baramulla	26	9.8
Budgam	27	10.2
Ganderbal	31	11.7
Kulgam	25	9.4
Kupwara	25	9.4
Pulwama	26	9.8
Shopian	25	9.4
Srinagar	25	9.4
Total	266	100

3.4.2. Coverage of Ration Cards:

Overall, among 266 households covered under the survey, only 10 (3.8 %) reported not having any kind of ration card.

Any ration card	Responses	Percent
Yes	256	96.2
No	10	3.8
Total	266	100.0

The families who don't have ration cards, few mentioned that they are being provided ration from the ration shops. Some even reported that they can lift the enough quantity of food grain as per their requirements, even more than 35 kgs, but at the rate of 10 Rs /Kg for rice.

All the 10 families have applied for the ration cards years before but ration cards haven't been issued to them and when approached the government officials, they weren't given any justified reason.

Some families also reported paying bribe of Rs. 1000 to 1500 for the issuance of ration card. The researchers also reported that some of the families who have been denied ration card are poor and deserve to have a BPL (or AAY) ration card rather.

Instead of the fact that some of these families are supplied ration without possessing ration cards, they aren't satisfied with the TPDS scheme mainly because they have to buy the ration at rates more than APL, though deserve to be beneficiaries of BPL and AAY

One respondent who heads his family but is incapacitated in his one leg said that they have haven't been provided the ration card and they applied too; they buy ration of 5 Kgs for 50 Rs (which is 10 Rs. per Kg). As mentioned earlier the Supreme Court in its order dated 2nd May 2003 has directed the States to provide an AAY card to the people with disabilities, among other categories.

The other important finding was that in few villages tens of families were identified not having ration cards of any type. In a village called Chitragam in district Shopian researchers met almost 20 to 25 families who don't have ration cards and purchase their ration from the market. In one another village called Chaliwan in Bandipora district villagers said that more than 100 families dont have a ration card. Narayan Bagh in district Ganderbal also provided a same picture where most of the families are without the ration cards.

The case of Chaliwan becomes more critical when people also reported that they have applied for the ration card also.

3.4.3. Different Ration cards:

The recent Planning Commission estimates of poverty in Jammu and Kashmir state is 4.5%, less than any other state, and the Ministry of Food and Civil Supplies, GoI identifies 40.86 of total population as BPL (including of AAY) and is provided subsidy for ration under TPDS³².

Category	Beneficiaries	Percent
BPL	136	53.1
Antyodaya	76	29.7
APL	44	17.2
Total	256	100.0

Among the families who reported having ration cards, 53.1 % had BPL ration cards, 29.7 had AAY cards and 17.2 had APL ration cards. The high number of BPL and AAY ration cards (collectively 82.8) is because the survey was mostly conducted in the areas which are economically backward and people living there are poor³³.

Given the high allocation of subsidized ration for 40.86 % population against the actual poverty ratio of 4.5%, it could be assumed that the probability of inclusion errors will be more and very less exclusion errors³⁴ under TPDS. However, the ground situation reflects that many families who were covered under the survey though having APL ration cards but deserve to have either AAY or BPL ration card.

³² : Ministry of Consumer Affairs and Public Distribution (March 2009), 'Monthly Food Grain Bulletin', Delhi

³³ : Please refer to the profile of the Study Area.

³⁴ : An exclusion error is a measure of the percentage of poor households excluded from the PDS.

The latest (61st) round of the National Sample Survey Organisation (NSSO) of the Government of India finds that almost a fourth of the poorest families in the country do not have any access to any ration card. On the other hand 87.5% of the richest quintile of the population has access to ration cards and 16.8 % of the richest quintile has BPL cards. Most wondering is that though 100% of the poorest quintile should have had access to Antyodaya cards, but only 49% of the poorest families in the country have either BPL or Antyodaya cards. Similarly only 43 % of the next poorest quintile have access to BPL and Antyodaya cards. Commissioners of the Supreme Court (2007): 'Seventh Report of the Commissioners', New Delhi

It is agreed that it is difficult to claim within the present contextual framework of identifying BPL families that a specific household having APL ration card should have been provided BPL status. But the people who claimed to deserve the status of BPL rather than APL simplifies it and justify by comparing their socio-economic status with their neighbours who have been provided BPL ration cards. The researchers also found number of households, which though deserve to be under the BPL, but share the APL status. Among others, few cases where the family has lost its primary bread earner; family having no land and include an adult disabled member; and family with very low economic conditions are also excluded from the BPL category.

3.4.4. Quantity of Ration:

Most of the respondents have reported that 35 kgs of rice when they were asked how much food grain³⁵ they can get each month from the ration shop. However, 5.51 percent of the respondents reported that they get less than 35 kgs of food grain from the ration shop but the reasons for this are mostly self

Quantity	Beneficiaries	Percent
35 Kg	229	90.16
Between 26 and 34 Kg	12	4.72
Between 15 and 25 kgs*	2	0.79
As per requirement	11	4.33
Total	254	100.00

* The two responses are 25 kg and 18 kg

chosen. Most of them produce sufficient food grains in their agricultural fields and lift extra required ration from the ration shops, which amounts to less than 35 kgs.

Also 4.33 percent of the respondents told that they can get the quantity of ration as per their requirement and even more than 35kgs.

Moreover, in some of the districts the researchers were told by the respondents that they can get ration even more than 35 kgs from the ration shop depending upon the availability of ration in the ration shop. Therefore, if a beneficiary has a BPL card and if he lifts more than 35 kgs of food grains from ration shop, for the first 35 kgs he will be given subsidy and for the extra quantity the APL rates will be charged to him.

Quantity	BPL	AAY	APL
35 Kg	134	74	21
Between 26 Kg and 34 Kg	1	2	9
Between 15 and 25 kgs			2
As per requirement	1		10

3.4.5. Denials from Ration:

The important aspect of the functioning of the PDS system is the regularity in the supply of the ration. The Supreme Court order dated 10 January 2008 states that each and every

³⁵ : Kashmir has the culture of eating mostly rice, unlike other areas of India, and therefore, mostly rice is being supplied through the PDS and occasionally wheat is made available and supplied by ration shops. Thus the terms “food grain” and/ or “ration” are used to mean by rice in this report, unless otherwise specifically mentioned.

BPL family (including AAY) identified shall be provided ration of 35 kgs every month³⁶.

Among the 256 respondents, 10.16 percent reported that they have been denied ration few times.

Also the percentage of BPL and AAY who reported denials in providing ration is much higher as compared to APL³⁷.

Category	No. of beneficiaries denied ration	Total respondents	Percent
BPL	15	136	11.03
Antyodaya	9	76	11.84
APL	2	44	4.55
Total	26	256	10.16

First come First served: The reasons given by the ration shop keeper for denying ration to them are mostly “shortage in supplies or less supply”. In cases of the less supply, the process of distributing ration varies across the villages. In some areas the principle of “First Come First Served” is being followed up in distributing the ration. In a village called Ashmuji of district Kulgam, a widow reported that she has been denied ration number of times³⁸. On asking what is the reason that the ration store keeper mentions to her, she says that she is being asked to come to get ration later after few days, though ration is being supplied to other beneficiaries, and then sometimes the ration keeper just denies by saying that now the ration is over. Recently, she was asked to come after few days to collect her ration and then the ration store keeper offered her the rice collected from the floor after cleaning and she herself then refused to take the ration which was full of dust.

In a FGD³⁹ with people in the village Ashmuji, the Mukhya (village head) mentioned that our village used to get 140 quintals of rice every month but during the Governor’s rule the quantity was reduced to just 40 quintals.

There are also anecdotal evidences of occasional irregularities in supply of ration because the most supply of state goes to Ladakh on the onset of winters. However, whether it is reflected in the policy of the state but this is what the beneficiaries are being told by the ration store keepers (and kerosene distributors for not supplying kerosene on the onset of winters).

³⁶ The actual text of the order 10 January 2008 reads as ,”the order dated 28. 11. 2001 is modified to the extent that the allotment shall be 35 KG in view of the increase, subsequent to the order”. However, the order dated 28.11.2001states as, “the States are directed to complete the identification of BPL families, issuing of cards and commencement of distribution of 25 kgs. grain per family per month”.

³⁷: Though the sample is much smaller to draw any conclusion that mostly BPL (and AAY) households are denied ration but in a few cases AAY and BPL beneficiaries have said that they are denied ration because they are poor and voiceless.

³⁸ : The family of the widow is very poor and have been living a life full of sufferings and destitution. The husband of the widow has been killed by the militants a decade before which left her with two disabled children, one daughter and one elder son. All of the children were very young when they lost their father. The house where the family is housed in is completely destroyed all its sides.

³⁹: In the FGD (Focused Group Discussion) , almost 10 people participated which included an AWW, Mukya, few shop keepers, few Govt. employs and few labourers.

Before, the survey was conducted; Kashmir had observed long strikes and protests extending to almost a month. In some villages people also reported not being supplied ration for more than two months in that period.

3.4.6. Ration in Installments:

The Supreme Court order dated 2nd May, 2003 directed that “arrangements must be made to permit the BPL household to buy the ration in installments” and therefore, to find out whether the order is being complied with the respondents were asked whether they can buy the ration from the ration shops in more than one installment. A major percentage (67.58) of respondents said that they aren’t allowed to lift the ration in more than one installment.

Table 3.7: Ration provided in Installments.		
Beneficiaries	Responses	Percent
Yes	83	32.42
No	173	67.58
Total	256	100.00

The Supreme Court order is more significant for the AAY and BPL beneficiaries who can’t have enough amounts of cash available to buy their quota of ration at a single time.

During the individual interviews and focused group discussions in number of villages across all districts, beneficiaries mentioned that they are provided only whatever they can lift at the time when ration is being distributed. On asking whether beneficiaries are not provided ration if they don’t lift the ration on times of distribution, most responded that they are not being given ration later. However, few people mentioned if ration is available even after the distribution they can collect it from the ration shop.

Kashmir produces food grains (rice) once in a year and the average landholding of the people is not too much and, therefore, a major section of the population depends on PDS system and market for the ration.

In a situation where the ration shops aren’t open frequently and the ration is being sold out for few days only in a month, the poor people who will miss lifting the ration from the ration shop for the reasons of not having the money available would have to then rely on the market to purchase the required rice.

Most beneficiaries also reported if they can’t lift their ration on any month even for reasons associated with ineffective functioning of PDS system, they aren’t provided the ration on the next month because the ration gets lapse as are told by the ration shop keepers.

In view of the above responses one can think of questions like if some beneficiaries aren’t able to lift their monthly ration and aren’t provided later then where the undistributed

ration goes, is it being returned back to the FCI godowns, among others. Some people responded in the interviews to this that the ration is being black marketed.

In a FGD in village Ashmuji, few people reported that some part of ration is being sold out and supplied on the back of horses during the nights. One another person reported witnessed a full load carrier of ration being taken away illegally from their village.

3.4.7. Quality of Ration:

When people were asked how they rate the quality of the rice being supplied in the ration shops, only 30 percent of the respondents rated the quality as “good” but a significant proportion of the respondents (about 68.4 %) said that the ration provided from the ration shops is of “average” quality. Also only 1.6 percent of the respondents rated the food grains as of “bad” quality⁴⁰.

Quality	Beneficiaries	Percent
Good	77	30.1
Average	175	68.4
Bad	4	1.6
Total	256	100.0

Further, the responses recorded by different categories of beneficiaries (APL, BPL and AAY) were almost in equal numbers, pointing out towards the fact that the ration of same quality is provided to all types of beneficiaries.

Subsidy but not Quality: The FGDs and in-depth interviews with people added to the findings that there are occasional instances when the ration available at the ration shop is of bad quality. Also there are quality variations in the different bags of food grains at the same ration shop. The people who are acquainted to the store keeper and are influential enjoy the option of checking the quality of ration before they will take the ration from the shop but the beneficiaries not influential (mostly poor people) have no option of deciding upon the quality of ration to be taken to home. The people who are rich take the ration always in multiples of bags and before selecting the bag(s) of food grains they make a small pore in the bag and check the sample of food grain in that particular bag and decide accordingly whether to take that bag or not. But the poor people who are given subsidy only for 35 kgs, which doesn't amount to one full bag of 50 kgs, aren't given the same option. The bags of bad quality are mixed with the whole lot and then the beneficiaries are provided the ration. In certain cases this mixing destroys the whole ration.

⁴⁰ : It is agreed that it is difficult to get an accurate sense about the quality of the food grains provided on the ration shops because the variable “quality” is relative/subjective in nature and same food grains will be rated as of good quality by some people and of average quality by others. However, such variations in the responses may not be significant in this case because the same food grains are likely to be rated as “good” or as “average” by different people (which in both cases are considered as fair) but unlikely as “good” and as “bad” (which is taken as serious) because in the later case the responses lie on two extremes and therefore, unlikely to be interchangeable.

Among other things, one respondent reported that last month (month preceding the survey) they received the ration full of small insects (bugs) and they had requested the ration store keeper for replacement of the ration but they were denied.

Many beneficiaries had complaints on the quality of the ration given and called for the good quality of ration to be supplied with from the PDS shops.

3.4.8. Accountability and Transparency:

This section analyses the implementation of the measures of accountability and transparency provided by the Supreme Court and PDS guidelines.

Box 3.2: Provisions of Accountability and Transparency on Paper

In cognizance with the Essential Commodities Act, 1955, the Central Government furnished an order called Public Distribution System (Control) Order, 2001. The order finds its applicability to the whole of India and provides certain accountability and transparency measures, among other things, to be taken up by the state government for effective functioning of the PDS system.

Among other things, the order directs the following⁴¹:

1) Sale of essential commodities as per the entitlement of ration card holders at the retail issue prices fixed by the concerned state Government under the Public Distribution System;

2) Display of information on a notice at a prominent place in the shop on daily basis regarding (a) list of BPL and Antyodaya beneficiaries, (b) entitlement of essential commodities, (c) scale of issue, (d) retail issue prices, (e) timings of opening and closing of the fair price shop, (f) stock of essential commodities received during the month, (g) opening and closing stock of essential commodities and (h) the authority for redressal of grievances/lodging complaints with respect to quality and quantity of essential commodities under the Public Distribution System⁴².

Vigilance Committees: In the Model Citizens' Charter, issued in November, 1997, constitution of Vigilance Committees by the state Governments at the level of Panchayat /Ward, Taluk, District and state/UT has been emphasised. In the guidelines issued in June 1999 for the Involvement of the Panchayati Raj Institutions in the implementation of TPDS, it is mentioned that the Gram Panchayat/Gram Sabha should be encouraged to form FPS committees. The main functions of Vigilance Committee are to ensure smooth functioning of PDS and redressal of problems related

⁴¹: These directions are specifically included in the roles and responsibilities of Ration shop keeper.

⁴² : The Revised Model Citizens Charter, 2007 (adopted under PDS) also provides for the same transparency measures, available online on the website : www.fcamin.nic.in.

with it.

However, in Kashmir these committees at the village level have hardly been constituted and therefore, no monitoring of PDS shops of such type happens there.

From Supreme Court: The Supreme Court in its order dated 2nd May, 2003 also established certain lines of accountability for the functioning of PDS shops and directed as, “ The licenses of PDS dealers and shop-keepers should be cancelled if they: “(a) do not keep their shops open throughout the month during the stipulated period; (b) fail to provide grain to BPL families strictly at BPL rates and no higher; (c) keep the cards of BPL households with them; (d) make false entries in the BPL cards; (e) engage in black-marketing or siphoning away of grains to the open market and hand over such ration shops to such other person/organizations”. Further, “the concerned authorities/functionaries would not show any laxity on the subject”.

3.4.9. Price of Rice:

The price norms for the food grains vary among the beneficiaries of different ration cards. The Central government supplies rice to J & K govt. at the rates of 795 Rs. for APL, 565 for BPL and 300 for AAY per quintal⁴³. But the issue price at PDS shops in J and K is 9.50 Rs. for APL, 6.25 Rs. for BPL and 3.0 Rs for AAY per Kg.⁴⁴.

When enquired about, only 21 percent of respondents reported getting rice at the genuine and prescribed rates, who all were AAY beneficiaries (3 Rs. per Kg). All other beneficiaries reported getting rice at rates higher than what is prescribed in the state as per the state policy.

It is more critical to find out that not a single BPL and APL beneficiary reported getting rice at the prescribed rates. Also the variations are serious because many beneficiaries reported paying almost more than 50 paise extra per Kg.

Category	Price (Rs.)	Beneficiaries	Percent
AAY	3.0	47	20.98
	3.1 to 4.0	22	9.82
BPL	6.25	0	0.00
	6.26 to 6.50	32	14.29
	6.50 to 7.0	87	38.84
APL	9.50	0	0.00
	9.60	1	0.45
	10.0	33	14.73
	11.0	2	0.89
Total		224	100.00

⁴³: This is effect from 2002 to till date.

⁴⁴ : The end retail price is fixed by the States/UTs after taking into account margins for wholesalers/retailers, transportation charges, levies, local taxes etc. Under TPDS, the States were required to issue foodgrains at a margin of not more than 50 paise per kg., over and above the CIP (central issue price) for BPL families. However, in 2001-02, flexibility to States/UTs has been given in fixing the retail issue prices by removing the restriction of 50 paise per kg. over and above the CIP for distribution of foodgrains under TPDS except with respect to Antyodaya Anna Yojana where the end retail price is to be retained at Rs. 2 a kg. for wheat and Rs. 3 a kg for rice. (Ministry of Consumer Affairs and Public Distribution 2002), ‘Annual Report 2001-02’, Delhi).

3.4.10. Frequency of Opening of Ration shops:

The Supreme Court directs in its orders that ration shops shall be open on every day for fixed hours so that the ration shops are at easy access to the beneficiaries⁴⁵.

However, when the beneficiaries were asked how often the ration shop was open during the last month, the responses recorded are diverse pointing out the fact that either there is no policy in the state on this or the shop keepers enjoy the liberty to decide upon how often they want to open the shops.

Out of the total respondents, 50.39 % reported that ration shops are open every day and 49.61 % mentioned that ration shops don't open on daily basis.

The more critical finding is that beneficiaries even reported that ration shops open for only 1 , 2, 3 and 4 days in month (with different percentages for each response as given in the table 3.10).

Frequency of opening	Responses	Percent
Every day	129	50.39
Twice a week	3	1.17
Every alternate day or 3-4 days a week	79	30.86
Every week but less than two times a week	19	7.42
2-3 times during the month	20	7.81
One day in the month	3	1.17
Others	3	1.17
Total	256	100.00

The observations of researchers and discussions with the community members in the villages covered under the study also added to the findings that the rations shops don't open every day.

In almost 30 villages (out of total 50 villages) the ration shops were closed on the day the researchers visited the villages for the survey. The researchers even visited some of the villages second time to collect information from the ration store keeper but the ration shops were again closed.

In a village Lacampora in district Kupwara, the people of village said that their village is drought prone and most of the times there is shortage of food supply. The ration store remains mostly closed and there is no stock available from about one and half months.

3.4.11. Display of Information at Ration shops:

⁴⁵ On several occasions, the Supreme Court directed the government to ensure that all ration shops open regularly. For instance, one of the very first interim orders (dated 23 July 2001), states: "We direct the States to see that all the PDS shops, if closed, are re-opened and start functioning within one week from today and regular supplies made." Similarly, an interim order dated 8 May 2002 states: "The respondents shall ensure that the ration shops remain open throughout the month, during fixed hours, the details of which will be displayed on the notice board."

The functioning of the Public distribution system at the village level largely depends on the monitoring system and level of transparency ensured at the ration shop. The survey also included visiting the ration shops and observing whether the required information, as is mandatory, is displayed at the ration shops⁴⁶.

Out of the 30 ration shops about which the information was collected, 26 ration shops don't display the timings of functioning of the ration shop; 22 ration shops don't display details of the stocks; 21 ration shops don't display the names of the card holders and 21 ration shops don't display the food grain entitlements.

a). Time of functioning		Percent
Yes	4	13.33
No	26	86.67
Total	30	100.00
b). Details of stocks		Percent
Yes	8	26.7
No	22	73.3
Total	30	100.0
c). Card holders names		Percent
Yes	9	30.0
No	21	70.0
Total	30	100.0
d). Food grain entitlements		Percent
Yes	9	30.0
No	21	70.0
Total	30	100.0

3.4.12. Ownership of Ration cards:

The ration card is an asset of the beneficiary and has to be with the beneficiary. The whole essence of providing ration cards is also about ensuring transparency and accountability by keeping records of the quantity of ration allotted to the beneficiary, prices paid for the ration, and other things, in written with the beneficiary.

The PDS Control order, 2001 stated clearly that the fair price shop owner shall not retain ration cards after the supply of the essential commodities. The order further states if any person contravenes with this provision, he shall be liable to punishment under Section 7 of the Essential Commodities Act, 1955.

When asked to the respondents, 8 percent of them reported not having ration cards with them and out of the total 21 respondents who reported not having ration card with them, 19 respondents said the ration card is with ration shop keeper.

Beneficiaries who have possession of their ration cards	Responses	Percent
Yes	235	91.80
No	21	8.20
Total	256	100.00

Also keeping the ration cards with the ration store keeper seems to be a practice in some villages like Kojjar (in district Kulgam) and Chitragam (in district Shopian) in which the discussions with the community people revealed that many ration cards are with the store keeper.

⁴⁶ : As mentioned earlier when the researchers visited the villages, most of the ration shops were found closed. Therefore, in some of the villages researchers had to rely on the community members to collect the required information.

This is a serious concern as the ration card can be misused by the ration shop keeper and, infact, there is no need that the ration shop keeper should keep the ration card of beneficiaries with him/her.

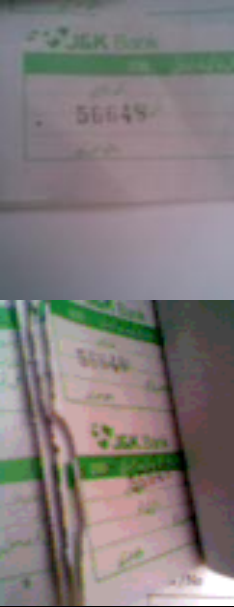
3.4.13. (In) valid Entries in Ration cards:

In order to find out whether the ration is distributed on the lines of transparency and whether the entries in the distribution register match with the entries in the ration cards, a random check of entries was carried out in the surveyed village. This involved random selection of 5 beneficiaries in the distribution register in each village and finding out the quantity of rice given to these beneficiaries and then verifying this against the entries in the ration card of these same beneficiaries.

The survey was carried out in 50 villages across 10 districts, but the random checks of entries have been conducted only in 17 villages, mainly because the ration shops were closed on the day the researchers visited the villages and some of the ration shop keepers didn't allowed the researchers to see the distribution register. Some of the researchers even visited the villages second time as well to meet the ration shop keeper but ration shops were closed on that day also.

In all the villages across all the districts, the first important finding was that the entries are not being made on the ration card. The practice seems to be that the ration shop keeper just puts a line across the slip on the ration card or cuts the half of the slip in the ration card for that particular month, but they don't write the quantity of food grain given to the beneficiaries.

Therefore, in 17 villages almost 83 beneficiaries have been randomly selected, with almost 5 beneficiaries in each village, and entries in the distribution register against their names were recorded. Then the researchers visited all these beneficiaries and checked their ration cards and also asked them verbally how much food grain they actually received from the ration shop for that particular month. Because there were no entries in the ration cards but the comparison of the entries in the distribution register against what the beneficiaries claimed to have received shows lot of mismatches. In 5 out of 17 villages there were cases where either the distribution register has shown entries less than what beneficiaries claimed or more than that, as given in the table 3.13 below.

Table 3.13: Comparison of entries made in the Ration cards and the Distribution Registers					
S. No	Village	Name of Respondent	No. of Kgs of rice given according to distribution register	No. of Kgs of rice received according to beneficiary	No. of Kgs of rice received according to ration card entry*
1	Hangal Boch	Gh.Hassan.Wagay	35	50	
2		Ali Mohd Dar	35	100	
3		Bashir Ahd Teeli	35	100	
4		Bashir Ahd Itoo	35	50	
5		Gh.Hassan Teeli	35	100	
6	Brinial Lammer	Mohd Subhan	35	50	
7	Malwan	Mohd.Ayoub	35	50	
8		Janki Nath	35	10	
9		Raini	35	20	
10	Faqir Gujri	Gh. Nabi Famda	70	35	
11		M.Yaseen; S/o Akbar	80	35	
12		Nazir; S/o Jumma	80	35	
13	Chunt Valiwar	Nazir.Ahd	66	60	

* The Photographs of ration cards show that entries aren't made on the Ration cards.

3.5. Key Issues and Recommendations:

PDS in Kashmir is a very important system in making foodgrains accessible to people at all times, given the mountainous terrain of the state and the fact that the state is 40% deficit in food production. Our survey shows that unlike in the rest of the country, especially North Indian states like Uttar Pradesh, Bihar, Madhya Pradesh etc. where the PDS is seen to be a scheme with very high leakages and least effectiveness, in Kashmir the PDS seems to be functioning in a reasonably satisfactory manner. However there are some issues of concern that still remain and need to be addressed to ensure that the PDS in Kashmir is effective in providing food security for all; especially the most needy.

The public distribution system in Kashmir is to a large extent able to meet the regular food demand of the people and also help them cope with fluctuations in the annual foodgrains production in the state. One of the reasons for the success of the PDS in the state of Jammu and Kashmir seems to be that the fact that the ration shops are controlled by the state government with the PDS shops (nodal distribution centers) being run by government directly, rather than by private dealers, as seen in most parts of the country.

The employees running the shops get a regular salary from the government and do not depend on the commission from sale of the foodgrains; and therefore have lesser incentives to cheat and to sell the grains in the black market.

The other feature of the PDS in Kashmir that seems to be contributing to its better functioning is that although there is a difference in the prices at which different categories of people get grains from the PDS, almost all people in the village seem to be using the PDS system for buying foodgrains. This makes the scheme near universal in its coverage, unlike other states where the offtake by APL cardholders is very low, and therefore a greater pressure on the scheme to function properly. In J and K the offtake of food grains by APL category is almost 80 percent for 2007-08 and 99 percent for 2008-09⁴⁷.

In this context, the recent move towards establishing commission based shops in the state could be a setback to the entire PDS system in the state. The premise that has been given for this shift in policy is to create employment, but it would have been meant same if the shops would have been directly controlled by the government and run by the govt. employ, as is the case for almost 1900 PDS shops run by government. It has been seen in many parts of the country that the FPS shops are not viable because of the low commission, corruption by ration dealers who siphon away PDS grain through black marketing. Further, the state government has also recently prescribed that only 35 Kgs will be supplied to any household per month. Though earlier households with BPL and AAY ration cards were given subsidy for 35 Kgs, there was a provision to lift more 35 kgs, if required but not at subsidized rates. This provided an open system for the use of any excess grains in the ration shop because of low utilization by some beneficiaries.

There are also some critical gaps that remain in the implementation of the scheme as brought out by the survey. As seen in the results presented above, ration is being sold at higher prices, as almost 80 percent of the respondents reported getting ration at a price which is 50p to Re.1 per kg. higher than the prescribed rates . Ration shops are not open regularly as required by the Supreme Court order and ration is not being provided in installments with two-thirds of the respondents reporting that they aren't allowed to lift the ration in more than one installment. People also reported that there are occasional shortages in food supply as well. Ration is being denied to some card holders.

The survey also found that the ration shops were not accountable to the people they serve. Most of the ration shops were closed on the day the researchers visited, mandatory information like time of functioning, details of stocks, card holder names and food grain entitlements were not publicly displayed and there were no entries made in the ration cards. There are also reports about the diversion and black marketing of rice. The Crime Branch of state police had recently disclosed a huge scandal in the import of food grains by the Food Corporation of India for public distribution in the valley. During their investigation it was reported that out of the 480 trucks known to have entered into the

⁴⁷ Ministry of Consumer Affairs and Public Distribution (April 2009), 'Monthly Food Grain Bulletin', Delhi.

valley, almost 250 FCI trucks had allegedly skipped the toll post to enter the valley in 2008, which amounts to almost 23,000 quintals of rice⁴⁸.

Further, there was some discrepancy between the amount of grain beneficiaries reported to have received from the ration shop and the amount recorded in the distribution registers.

In the light of these findings, following are some of the recommendations for improving the PDS system in the state:

1. The decision to privatize the system of fair price shops should be reviewed. This should be done on the basis of a systematic study of the functioning of the system as run by government employees compared with the new system of contracting out fair price shops to private dealers. If the shift to private dealers has not already been made in all parts of the state, we recommend that this process be suspended immediately and a study be conducted comparing the districts where the new system is in place with those where this has still not been introduced.
2. The state government must issue strict instructions to ensure that the ration shop is open everyday, ration is distributed at the prescribed prices and that records are maintained properly in both the distribution registers and the ration cards.
3. The ration dealers should make rations available in installments, if the beneficiaries ask for it.
4. The different entitlements to different categories of people with prescribed rates, telephone numbers and address for lodging complaints should be written on each ration card.
5. A toll free number should be made available to lodge complaints and the complaints should be disposed immediately.
6. The entries should be clearly marked in the pass book every month with readable dates, quantity of food grains lifted, and the amount paid.
7. The timings of functioning of ration shop, details of stocks, card holder names and food grain entitlements should be displayed on the ration shop.
8. The state government should constitute vigilance committees in all the villages to monitor the functioning of ration shops in their villages. The details of stocks, allotment order, list of beneficiaries etc. should be strictly and often made available to

⁴⁸ G K News Network (1st June 2009), 'CB unearths rice import scam :250 FCI Trucks Skip Toll Post To Enter Valley In 2008', http://www.greaterkashmir.com/full_story.asp?Date=1_6_2009&ItemID=70&cat=1 (last checked by author 29th July 2009)

this committee. Alternatively, the social institutions like Awqaaf committees (village based committees) functioning in many villages of Kashmir can be charged with this responsibility.

- 9. All records should be made available for public scrutiny. The government should also create a website and consider putting all record, documents and monthly progress report down to each PDS shop online regularly. Many state governments like Chattisgarh and Tamilnadu have already put such transparency measures in place and found very useful.**
- 10. Effective monitoring system of FCI and PDS shops, as the Crime Branch of state police had reported that no less than 23,000 quintal rice had allegedly been siphoned away in 2008.**
- 11. In some of the villages, there was a problem of many people not having ration cards. These villages are Chitragam in district Shopian, Chaliwan in Bandipora and Narayan Bagh in district Ganderbal. Steps must be taken to ensure that people in these villages are issued ration cards at the earliest.**
- 12. The state government should look into the complaints on the varying quality of the food grains supplied under the PDS.**

4. Integrated Child Development Services

4.1. Introduction:

The ICDS is the only scheme in the country providing comprehensive services to address the health, nutrition and development needs of children under six. It is the largest such scheme in the world, but in terms of outreach it still reaches only about 35% of children under six in the country⁴⁹. It is a complex scheme both for the range of diverse and difficult objectives that the scheme seeks to achieve and the complexity and scale of its implementation.

The scheme was started in 1975 with the following objectives –

- To improve the nutritional and health status of children below the age of six years
- To lay the foundation for the proper psychological, physical and social development of the child
- To reduce the incidence of mortality, morbidity, malnutrition and school dropouts.
- To achieve effective coordination of policy and implementation among various departments to promote child development
- To enhance the capability of the mother to look after the normal health, nutritional and developmental needs of the child through proper community education.

Although the most visible and best known of the services of the ICDS is supplementary nutrition, it provides in fact a range of other services, which are arguably even more vital, and should be monitored as well. The six services covered under the ICDS programme are:

1. Supplementary nutrition.
2. Pre-school education.
3. Immunization.
4. Referral services.
5. Nutrition and health counseling.
6. Health check ups.

The ICDS scheme has been in focus in the recent past, in policy and civil society discussions, especially after the release of the results of the National Family Health Survey (NFHS-3) which showed that 46% of children under three in the country are underweight. Even more worrying is the fact that there has been almost no improvement in this figure since 1998-99 when the previous NFHS survey was conducted which found that about 47% children under three were underweight. Such poor performance in improving the nutritional status of children in the country has called for rapid improvements in the ICDS scheme both in terms of expanding coverage and enhancing quality.

⁴⁹. Commissioners of the Supreme Court (2007): 'Seventh Report of the Commissioners', New Delhi.

4.2. The Supreme Court on ICDS:

Since 2001, the Supreme Court has passed many significant orders in relation to the ICDS. Most importantly, through the orders of the Court the services of the ICDS have become legal entitlements for all children under six, all pregnant and lactating mothers and all adolescent girls.

BOX 4.1: Supreme Court order on ICDS

- **Order dated 28 November 2001:**
 - Each child up to 6 years of age is to get 300 calories and 8-10 grams of protein.
 - Each adolescent girl to get 500 calories and 20-25 grams of protein.
 - Each pregnant woman and each nursing mother to get 500 calories and 20-25 grams of protein.
 - Each malnourished child to get 600 calories and 16-20 grams of protein.
 - Every settlement is to have a disbursement centre [Anganwadi].
- **Order dated 29 April 2004:**
 - All 0-6 year old children, adolescent girls, pregnant women and nursing mothers shall receive supplementary nutrition for 300 days in the year.
- **Order dated 7 October 2004:**
 - The number of Anganwadis shall be increased from 6 to 14 lakhs.
 - The minimum norm for the provision of supplementary nutrition should be increased to Rs. 2/- per child per day.
 - All sanctioned Anganwadis shall be operationalised immediately.
 - All SC/ST hamlets shall have Anganwadis as early as possible, and hamlets with high SC/ST populations should receive priority in the placement of new Anganwadis.
 - All slums shall have Anganwadis.
 - Contractors shall not be used for the supply of supplementary nutrition.
 - Local women's Self-Help Groups and Mahila Mandals should be encouraged to supply the supplementary food distributed in Anganwadis. They can make purchases, prepare the food locally, and supervise the distribution.
 - The Central Government and States/UTs shall ensure that all amounts allocated are sanctioned in time so that there is no disruption in the feeding of children.
 - All state Governments/UTs shall put on their websites, full data for the ICDS

programme including where AWCs are operational, the number of beneficiaries category-wise, the funds allocated and used, and related matters.

- **Order dated 13 December 2006:**

- Government shall sanction and operationalize a *minimum* of 14 lakh Anganwadis.
- All SC/ ST hamlets to be identified and given anganwadis on “a priority basis”.
- Rural and slum communities with atleast 40 children under six are entitled to an “Anganwadi on demand”.
- Universalisation of ICDS involves extending *all* ICDS services to *every* child under six.
- At least Rs. 2/- per child per day must be allocated and spent on supplementary nutrition.

- **Order dated 22 April 2009:**

- 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.
- 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.

Source: Dreze, Jean and Yamini Jaishankar (2005), ‘Supreme Court Orders on the Right to Food: A Tool for Action’, Delhi: Right to Food Campaign Secretariat.

The Ministry of Women and child development has recently increased the calorific and feeding norms of SNP and also increased the monetary assistance to provide a delicious, sufficient and quality meal under SNP, as given in the table 4.1 below:

Table 4.1: Revised norms of SNP under ICDS						
Category	Old Norms			Revised Norms		
	Rate Rs./per beneficiary	Calories (Cal)	Protein (g)	Rate Rs./per beneficiary	Calories (Cal)	Protein (g)
Children below 3 years	2.00	300	8-10	4.00	500	12-15
Children below 3-6 years	2.00	300	8-10	4.00	500	12-15
Severely malnourished children	2.70	600	20	6.00	800	20-25
Pregnant & Lactating (P&L) mothers	2.30	500	20-25	5.00	600	18-20
Source: Ministry of Women and Child Development, GoI, available online at http://wcd.nic.in/.						

The Supreme Court in its order dated 22 April 2009 also directed all states to comply with all these revisions in the scheme and make requisite financial allocation and undertake necessary arrangements to implement these new revisions under ICDS. Therefore, with this revision in nutritional and financial norms it would be possible for the state to provide better services and reach out to all the beneficiaries under ICDS.

4.3. Performance on the Ground:

4.3.1. Sample: The sample included five randomly selected mothers in a village who had children below six years of age.

A total of 234 respondents were interviewed in 50 villages across all the ten districts of Kashmir. The table on the right shows the distribution of the sample among the districts.

Further, among the 234 children whose details were recorded for the survey, 67.1 percent of the children were in the age group of 4 to 6 and 32.9 percent were in the age category of 0 to 3 years.

Table 4.2: District-wise classification of respondents for ICDS.

Districts	No. of respondents	Percent
Anantnag	25	10.7
Kulgam	19	8.1
Pulwama	21	9
Shopian	20	8.5
Srinagar	18	7.7
Ganderbal	25	10.7
Budgam	26	11.1
Baramulla	27	11.5
Bandipora	28	12
Kupwara	25	10.7
Total	234	100

4.3.2. Presence of the Anganwadis:

Only 87.6 percent of the respondents interviewed reported having AWCs in the habitation/hamlet they live in.

Looking into the data disaggregated at the district level there is little difference in the performance of the different districts except the Bandipora district where a large number of the respondents (16 out of 28) reported not having AWCs in their habitations.

Presence of AWC	Responses	Percent
Yes	205	87.6
No	29	12.4
Total	234	100

The Supreme Court in one of its orders has directed that every hamlet/habitation shall have a functional AWC⁵⁰. This is important because the children who constitute the main target group of the ICDS scheme can't go on their own to the AWC if it is located far off. Also in families where the mother has to go out to work taking the child to the AWC becomes almost impossible.

This is more significant in Kashmir because the snow covers the whole valley during winter and not only does the temperature go down but the snow freezes out on the roads and passages till the afternoon during harsh winters. Therefore, it would be very difficult for the children under six to cross through the freezed routes to attend AWC and parents would rather prefer that their children to be in home, if AWC it is located far off or in another hamlet.

⁵⁰: Full text of Supreme Court order dated 28th November 2001 is available on the website : www.sccommissioners.org

Therefore, the children are likely to be excluded from ICDS if AWCs are not easily accessible. This was confirmed by the mothers who were interviewed in the survey and many said they are not able to send their children to the ICDS centers because the AWCs are located far from their homes and they are scared of children may meet with accidents if sent unaccompanied.

Box 4.2: Villages with no Anganwadis

In a village called Malangam (of district Bandipora), respondents reported having only one AWC in the village. The Malangam is a village of more than 6700 population and almost 1250 children in the age group of 0-6. Malangam is also located in a hilly area and is inhabited by more than 3000 ST population (Census 2001). Therefore, as per the ICDS norms and Supreme Court order the village should have almost more than one dozen AWCs in the village and instead the village has only one AWC which is a clear violation of the Supreme Court orders and is tantamount to children being excluded from the ambit of services provided under ICDS.

In another village called Lammer of district Kulgam, one of the respondents was not aware of the scheme and mentioned that there is no AWC in their hamlet even though the hamlet is inhabited mostly by ST population and is located at a distance from rest of the village. The hamlet has a strength of more than 40 families which is enough to qualify it for at least a mini AWC.

In a village called Lar of district Ganderbal one of the respondents reported not having an AWC in her hamlet called Shah mohalla and that the children do not go to AWC located in another hamlet. The irony is that the hamlet had an AWC a year ago but it has been shifted to another hamlet since. It would have been much better to sanction a new AWC in the other hamlet rather than shifting the AWC from Shah mohalla.

In Chuntwaliwar the survey also included a small hamlet which is located in a hilly part of the village and didn't have an AWC . Though parents have enrolled their children in the nearby AWC they do not send them to the anganwadi for SNP and other activities. The reason was that the parents are afraid of sending their small kids to the AWC down the hill. It is considered that the hamlet was too small to establish a full fledged AWC. However the ICDS scheme envisages the provision of setting up of mini AWCs in such hamlets having a population in between 150 to 300. In the Mini AWCs only SNP is provided in the centre and all five services provided under ICDS are made available in the adjoining full-fledged AWC.

In Neelipora the researchers found two AWCs had been sanctioned in the village but are operating close to each other in only one hamlet named Malik Mohalla and in the other hamlet, Bonapora Mohalla, there was no AWC even though the people had made a

demand for it.

Mujgund is a village located in district Srinagar with a population of almost 790 and 145 households (Census 2001). However it was reported that there is no AWC in this village. The irony is that the people had applied but no AWC has been sanctioned yet.

Checki badrinath is another village with 237 households and more than 1500 population (Census 2001) and the researchers were told that there is no AWC in the village. Chotipora is a small village with almost 480 population (Census 2001) but there is no AWC operational.

Chuntimulla is another village where one side of village doesn't have an AWC and when people demanded the AWC they were told that there was no qualified woman who could be appointed as an AWW if an AWC was sanctioned in their hamlet. People in the area, however, mentioned to the researchers about a girl who had passed 12th class, and therefore qualified to be an AWW as per the state rules.

In the survey almost 12 percent of the respondents have reported no AWC in their hamlets/habitations. There would be number of hamlets/habitations in the Kashmir where children are barred from the services of ICDS because there are no AWCs located at easy access. Considering the topography of Kashmir establishing the AWCs in each hamlet is a need rather than just complying with Supreme Court if children are to provide the benefits of ICDS scheme.

4.3.3. Enrollment of Children in Anganwadis:

The Supreme Court in its order has reckoned that each child under six shall have access to all the six ICDS services. Therefore, to comply with the order all the children should at least be enrolled even though children may not go to the AWCs for

some reason. When respondents were asked about this, almost 12 percent of the respondents said that their child was not enrolled in the AWC.

Enrollment	Responses	Percent
Yes	204	87.6
No	29	12.4
Total	233	100

For non-enrolment of children in AWCs there are mainly two reasons. First of all, as few respondents mentioned some people are not aware about the scheme. The second, which is also the main reason, is the absence of easily accessible AWCs and is confirmed by the fact that there is a close link between not having AWCs in each hamlet and children not enrolled in the AWCs.

Among the 29 respondents who reported not having AWCs in their habitations, 22 also said that their children were not enrolled in the AWC. Further, in the Bandipora District

where maximum respondents (16 out of 28) had reported not having AWC in their habitation the maximum of them (13 out of 28) also said that their children were not enrolled in AWCs because the AWCs were located far away.

	Children enrolled	Children not enrolled
AWC is in the habitation	198	7
No AWC in the habitation	6	22

4.3.4. Restrictions for getting Admission:

As mentioned earlier, the Supreme Court has clearly mentioned that every child under the age of six, all pregnant women and lactating mothers and all adolescent girls shall be provided all the services and, therefore, any restriction for getting admission into the AWC will not hold valid. The Supreme Court in its order dated December 13th, 2006 also specifically mentioned that BPL must not be used as a criterion for enrolment into an anganwadi centre.

It is quite appreciable that almost all respondents except two said that there is no restriction/condition for getting admission into the AWC. Among the two respondents who mentioned restrictions, one said that AWC is only for malnourished children and the other said that the AWC is only for those living in vicinity of it.

4.3.5. Opening of Anganwadis:

When respondents were asked how often the AWC opens, more than one fifth (22.2%) of the respondents reported that the AWCs are open only occasionally.

Frequency of opening	Responses	Percent
Everyday	167	71.4
Occasionally	52	22.2
Others	15	6.4
Total	234	100

The Supreme Court in one of its orders directed that AWCs shall provide feeding for 300 days in a year and, therefore, AWCs have to remain open for all the working days and thus, not opening AWCs for all days is a violation of the Supreme Court order.

4.3.6. Hot cooked Meals provided at AWC:

Respondents were asked about whether their child is given food/SNP at the anganwadi that he/she can eat in the centre itself and almost 79 percent of them reported on-site feeding and only 8 percent said that their child is provided with take home ration(dry ration).

Type of feeding	Responses	Percent
On-site feeding	185	79.1
Take Home Ration	19	8.1
NA	30	12.8
Total	234	100

It is on one hand impressive that on-site feeding is being provided for both ‘under three’ and ‘above three’ children. However, the 8 percent respondents who mentioned that their children are given take home rations also included persons whose children fall in the above 3 years age category which is a serious concern and needs to be addressed immediately.

In a more recent order⁵¹, the Supreme Court directed all the States and Union Territories are directed to provide as supplementary nutrition a hot cooked meal to the children in the age group of 3 to 6 years.

Therefore, providing take home rations to any child in the age group of 3-6 years would be a violation of this order.

Age group	On-site feeding	Take Home Ration
Up to 3 yrs	57	9
4 to 6 years	128	10

4.3.7. Regularity in SNP:

The respondents were asked about how often their child gets food/SNP at/from the anganwadi centre. Among those who reported, 58.7 percent said, “it is everyday”, almost 18.4 said occasionally, 10.9 said twice a week and other 5 percent said once in a week.

Frequency	Responses	Percent
Everyday	118	58.7
Once a week	10	5.0
Twice a week	22	10.9
Occasionally	37	18.4
Others	14	7.0
Total	201	100

As mentioned earlier the Supreme Court has stated that the AWCs shall be open every working day and shall provide feeding for 300 days in a year.

Therefore, that almost 41.3 percent respondents stated that their children do not get food everyday points towards a violation of the Supreme Court order and a denial of food to children.

Also not providing food everyday has been reported by those parents who said that their children are given food at the AWC that they can eat in the centre itself and also by those parents who have children in the age group of 3 to 6 years. This means that irregularity in providing food at AWCs is not occurring solely in cases where Take Home Rations are given but also in cases of on site feeding which should ideally happen everyday.

Box 4.3: Anganwadis without Supply

SNP is an important component of the ICDS scheme and food is being provided in AWCs even if no other activities take place there. The significance of SNP can be understood by the fact that it intends to bridge the calorie gap in children under six by providing a supplementary meal to the children in the AWC. The latest National Nutrition

⁵¹ : Supreme Court order dated 22nd April, 2009.

Monitoring Bureau (NNMB) data (2006–2007) shows that there is a deficit of over 500 calories in the intake of 1–3 year olds and about 700 calories among the 3–6 year olds. However, it is regrettable that in Kashmir the AWCs often find shortages in supplies. The critical finding of the survey was that in many villages across almost all the districts both parent respondents and AWW/AWH respondents reported shortages in food supply for a period of one to three months prior to the survey. Therefore, the children under six years do not attend the AWCs because children are not being fed there.

In all the villages of the district Anantnag (Thajiwara, Hugam, Dado, Takiabal and Gadhanjipora) it has been reported that children don't go to the AWC because no food is provided in AWC. This is due to the fact there had been no supply of food for the few months preceding the survey.

In Yamberzal wari (district Baramulla) it was reported that supply has been disrupted since December 2007. In Chandusa supply had been stopped for the 3 months preceding the survey. In Hamray not a single children was present in the AWC when researchers visited it and the last time the centre had received supplies was a few months prior to the survey.

In Hajan, researchers could not find any child in the centre and the AWH reported that children visit the centre only when food is provided to them.

In Lar and Chuntwaliwar (district Ganderbal) children do not go to the AWC because of the same reason that they aren't being provided any food, as the AWC had not received supplies for the few months preceding the study.

In Kojar (District Kulagm) children are being given food once in two months only because of the shortages in supply. In Lammer (district Kulgam) the AWC has been reported to remain closed because of frequent shortages of food. In another village called Qasba Devsar of the same district few respondents weren't satisfied with the scheme and mentioned that the food provided to the children is often not sufficient and there is no schedule of how much food has to be given to the children.

In Anchar (district Srinagar) the AWC seems to be in good condition but without a regular supply of food and medicines. The AWW also reported that they aren't provided the facilities like toys and supply on time. In Faqir Gujiri respondents also reported food is not being provided from last 3 months.

In Lachampora (Kupwara district) respondents reported that the AWC had not received supplies for the one and half months preceding the study. In Neelipora (Kupwara) the AWC was functioning better but because food had not been supplied since twenty days preceding the survey, the children did not attend the AWC.

In Sangerwani (district Pulwama) the local residents reported that the AWC had not been functioning properly. The Centre had also not received supplies for the 4 months preceding the survey. In another village Shadimarg (Pulwama), it was reported that there was a shortage of supply for the twenty days preceding the survey.

In Hirpora (of district Shopian) there had been no supply from July 10th, 2008 till the conduction of the survey (28th July 2008).

It is important to mention that the survey was conducted at a time before the road was blocked in Jammu in August 2008 and the food supplies were stopped from going to Kashmir .Therefore, the shortages in supply should have no relation with the road blockade in Jammu. Furthermore, these were not the first instances of shortages in supply as far as the AWCs were concerned.

Many respondents from different villages like Arampora, Yemberzalwari, Chandusa, Hamray, Chuliwan, Hafrada, Maidani Chugal, Lachampora also said that their children were provided with food at the AWC only occasionally when supply was available, which might mean that there are occasional shortages in supply.

One AWW in district Anantnag noted that because children are used to getting food from the AWC the children do visit, and the AWW finds it difficult to tell the children that there is no food to distribute. Though on occasions the AWW is able to provide Khichadi, she is unable to do so regularly.

The procurement of food items under ICDS in Kashmir is being carried out at the District level and then supplied to AWCs. The scheme involves a lot of money and there is always a danger of funds being siphoned away in this type of centralized procurement. The shortages of food items would have never taken place if the procurement were to take place at the village or AWC level under the supervision of the village committee. In cases of food not being provided at AWC parents can go and enquire at the AWC about why there is a shortage but will find no way and means to enquire from the district head quarter.

4.3.8. From the AWC to the Home:

As part of the anganwadi worker's tasks she is supposed to make regular home visits to provide nutrition and health education and counseling to pregnant and lactating mothers, children under six and adolescent girls. The job chart of the anganwadi worker requires her to visit at least five families every day. In this manner she is supposed to cover all the eligible families in the village at least once.

Home visits	Responses	Percent
Yes	101	45.7
No	120	54.3
Total	221	100.0

When asked respondents about whether the AWW has ever visited them at home, more than half of the respondents (54.3 percent) said 'No' and only 45.7 percent of the respondents reported that AWW had ever visited their homes.

The adverse impact of AWWs not making home visits is that the eligible families are not aware of all the services provided from the AWC even after decades of implementation of the ICDS scheme. This was also brought into notice by many respondents that AWW worker does not spread awareness about the benefits provided under ICDS scheme. Many also said that they do not receive any advice from the AWW, as she never makes home visits.

4.3.9. Quality of Food:

The quality of food provided at AWCs is equally important as its quantity, to make a dent on the nutritional status of the children being fed.

The respondents were asked about their assessment of the quality of food being provided in the AWC and more than half of the respondents (57.4 %) reported that the quality is average. This was followed by 31.4 percent respondents who rated the quality of food as good and almost 11.3 percent described it as being of poor quality⁵².

Quality	Responses	percent
Good	64	31.4
Average	117	57.4
Poor	23	11.3
Total	204	100

4.3.10. Pre-school Activities:

Among other services provided, the ICDS scheme also seeks to provide primary education to the three-to six year old children in the Anganwadi centre for their optimal growth and development and offers to the child the necessary preparation for primary schooling.

When interviewed, more than half of the respondents with children above 3 years of age, (50.4 %) reported pre-school activities not being carried out at the AWCs.

Pre-school activities	Responses	Percent
Yes	68	49.6
No	69	50.4
Total	137	100.0

This was also confirmed by visiting the AWCs by the researchers and in almost one third of the AWCs visited (18 out of 54) it was reported by the AWWs/AWHs that pre-school activities are not being conducted in their AWCs.

One reason for this could be the lack of playing equipments and toys in AWCs. Among

⁵² It is acknowledged that the variable 'quality' is subjective in nature and is very difficult to evaluate accurately but it does indicate to some extent whether the food provided is 'OK'.

the 54 AWCs visited in the survey, in almost 44 percent (24 out of 54) Anganwadis it was reported that there were no playing equipments available.

Few respondents also mentioned that they were under the impression that the AWCs are only meant to provide food to the children and are not meant to provide pre-school activities. In many villages visits to AWCs revealed that children come to the AWC at 12 a. m for the meals provided and leave immediately after.

In village Laghama researchers reported that children come to the AWC only at the time when lunch is being provided. There is a weighing machine available but no records are being maintained about the weight of the children and no pre-school activities are being conducted at all. In another community called Motimohalla, it was reported that children come to the AWC at 12 a. m for SNP and go back home after half an hour.

In many AWCs children were not present in the AWC at the time of visit because no SNP was being served at AWC due to a shortage of supply for a few months.

4.3.11. Growth Monitoring:

Growth Monitoring in the ICDS entails that all the children below the age of three years be weighed once a month Children between 3-6 years of age are weighed every quarter which helps to detect growth faltering and helps in assessing nutritional status.

When respondents were interviewed almost 58.4 percent reported that their child is never weighed in the AWC and only about 16.2 percent of respondents said that their children are being weighed once a month. The table on the right shows others responses recorded:

One of the reasons for children not being weighed in AWCs may be the lack of weighing machines in AWCs, as in 35 percent AWCs (19 out of 54) it was reported that weighing machines were not available.

Table 4.13: Weighing of Children in AWCs		
Frequency	Responses	Percent
Never	108	58.4
Once a month	30	16.2
Once in three months	14	7.6
Once in six months	19	10.3
Once in a Year	6	3.2
Others	8	4.3
Total	185	100.0

Further, among the respondents who reported their child was ever weighed, only 31.2 percent of them (24 out of 77) mentioned that they were informed by the AWW about how well their child is growing.

Box 4.4: Trainings of AWWs

Many AWWs reported being trained only once at the time of recruitment and therefore, are likely to be unaware about the new developments in the scheme. However, a few AWWs could recall being trained a second time by some non governmental

organizations and evaluated the training as very useful for them in delivering the services to the people. Though state policy provides for the training of AWWs, it does not seem that the policy has been translated into reality.

4.3.12. A look at AWCs:

The study design also included visiting the AWCs of the surveyed villages and studying the infrastructure available at the AWCs. The respondents were the AWWs for this exercise. In cases where the AWWs weren't present in the AWC on the day of survey the Anganwadi helpers were interviewed. A total of 54 AWCs were visited by the researchers during the survey across all 10 districts.

A). Building of AWCs:

A maximum of AWCs (almost 78 percent) were located in the AWH's house and only 22 percent AWCs were reported to be housed in rented places.

Location	Responses	Percent
Rented house	11	21.6
AWW/AWH's house	40	78.4
Total	51	100.0

One AWW in an interview stated that the state government of Jammu and Kashmir envisages a policy of locating the AWC in the AWH's house and it is a mandatory requirement for women appointed as an AWH to provide house for the AWC. In situations where the AWH's house is not large enough to house AWC the woman may not be appointed as an AWH. The AWH's are provided with rent for the house as well as a separate salary for their work. Therefore, in the above cases where 22 percent of the AWCs have been reported to be housed in a rented place are likely to be housed in AWH's house.

Most of the AWCs were found to be operated from a single room with the kitchen of the house being shared by the AWC and family of the AWH. The AWWs also mentioned that AWC buildings are being constructed in very few villages.

The women who are AWH's are mostly the poor women of their villages and the policy of situating the AWCs in their houses would further increase their earnings for the month, and therefore this seems to be a great step towards the empowerment of such women.

However, such women are not the only poor women in their villages and the selection procedure for this always has not been found to be transparent and genuine. In many villages it has been reported that it is the political workers of the village who decide where the new sanctioned AWC is to be located and in many cases the women have to return the favour by casting their votes according to the wishes of these political workers. In a village called Lammer one AWC has been sanctioned a few years ago. The people of the village had strongly resisted the attempts made to locate the AWC in a house of a

particular family that had strong political affiliations. The sanctioned AWC was later cancelled only for reason that people of the village wanted AWC to be in some other location.

However, in some of the villages where the village committees are strong enough the women are selected in consultation with those committees.

B). (De) centralized Procurement of Food:

When respondents were asked about whether the food provided at the AWC is locally procured, more than half of the respondents (55 percent) reported that food is being supplied from outside and the remaining 45 percent stated that food items are being supplied by the Supervisor (18 percent) and/or CDPOs office (26.5 percent).

Table 4.15: Procurement of Food items		
Procurement	Responses	Percent
Supplied from outside	27	55.1
Supervisor of AWC	9	18.4
CDPO'S Office	13	26.5
Total	49	100.0

AWWs did not seem to have any knowledge of whether the procurement of food items is occurring at the CDPO office or whether the items are also supplied from elsewhere.

The Supreme Court in its order dated October 7th, 2004 has directed, “Contractors shall not be used for supply of nutrition in Anganwadis and preferably ICDS funds shall be spent by making use of village committees, self-help groups and Mahila Mandals for buying of grains and preparation of meals.”

However, the Department of Social Welfare procures all the supplies, centrally at the district level and this is then supplied to the villages. This contravenes, in letter and spirit, the above order (and many other orders) of the Supreme Court which stress on the decentralization of the supply.

There is always a danger of funds being siphoned away in this type of centralized procurement. Many AWW’s also reported occasional shortages in supply of food items which may be due to corruption at the procurement level.

C). Unarmed Anganwadis:

Apart from providing SNP, to conduct all the other activities at the AWC, AWCs should be well equipped with the requisite facilities. When enquired about, only two AWCs had drug kits available, only 55.6 percent of the AWCs had playing equipments available and only 64.8 AWCs were equipped with weighing scales.

Because the young children attend the AWCs (for a few hours if pre-school activities are conducted) the AWCs should necessarily have toilet facilities available for the use of the children and other beneficiaries. However, only in 9 AWCs

Table: 4.16: Availability of Facilities in AWCs.			
Facilities	Availability	Total AWCs	Percent
Drug Kits	2	54	3.7
Weighing Scales	35	54	64.8
Playing equipments	30	54	55.6
Toilet	9	54	16.7

out of 54 surveyed AWCs were toilets present. When basic facilities aren't available in the AWCs, expecting AWCs to provide all the services would be unrealistic and foolish.

In a few villages the weighing machines were not functional and in a few villages AWW's reported that they had demanded weighing machines but the Supervisors had told them they would be provided when weighing machines were available.

Box 4.5: Anganwadis subcontracted to AWHs.

The ICDS scheme provides six services including supplementary nutrition, non-formal education, immunization, health checkups, nutrition and health education and referral services. Thus delivering all the services to the fullest would require a lot of energy and time. The ultimate responsibility of delivering all these services and making the programme effective lies on the AWW who is in charge of the AWC. However, it has been seen that the AWW does not give the the AWC the time and energy required, resulting in the programme suffering.

In Kashmir the survey revealed that it is mostly the AWHs who run the anganwadi centres. In a number of villages, the researchers found that AWW's were not present at the AWC on the days of visit. In a village Kalampora, when researchers enquired whether the AWW had asked for leave and had informed the AWH, one of the family members of the AWH marked quickly the AWW's absence in the attendance register.

In many villages it was reported that the AWW come to the AWC twice a week only and in many others the AWW attends the AWC only occasionally.

It is the AWH who cooks the food, serves it among the beneficiaries, cleans the centre, and at times goes and makes announcements to the neighbours that the food is ready for distribution among the beneficiaries. If any activity takes place at the centre the AWH has to organize and manage it. Her list of tasks also includes justifying the AWWs absence to the visitors.

The reasons for the AWW not attending the AWCs regularly are manifold. Firstly, the AWWs are considered to be volunteers and are paid a very low honorarium even though

being an AWW entails many responsibilities in terms of dissemination of services. Secondly, the AWWs who belong to different villages find it difficult to travel to the centre and have to bear the travel expenses from their honorariums. The AWWs who get married in other villages often don't come to anganwadi centre.

During my visits to a few AWCs, what I found worst was that the AWH had to go and knock on the door of the AWW to tell her that somebody had arrived at the centre and was enquiring about her.

D). 'No' to the disabled:

When respondents were asked about whether a disability survey was conducted by the AWW, it was found that the surveys had been conducted in only in 61 percent of the AWCs.

Further, it was recorded that in only 44 percent of the AWCs any disabled children did attend the AWC regularly.

The estimates on disability go up to 10 percent but most international agencies seem to be agreed on the fact that there are at least 5 %persons with disability in any community at a given point of time. This would amount to almost 0.8 percent of children facing a disability in the age group of 0-6 years.⁵³

The reasons for children with disability not attending the AWC are not just limited to AWW not conducting surveys to identify them, there are many others. Anganwadis do not have ramps and the rural roads to the Anganwadi centre are typically uneven. The anganwadi workers are not sensitive to the needs of disabled children and welcoming. The parents of many challenged children are afraid to send their children even outside their homes, being apprehensive about harassment from other children and taunts from adults including the official care givers.

Their comprehensive exclusion from most ICDS facilities which they acutely need is particularly regrettable, as it is an established finding that malnutrition is one of the major causes of disability among children.

Table 4.17: Conduction of Disability surveys by AWWs

Disability survey	Responses	Percent
Yes	33	61.1
No	21	38.9
Total	54	100.0

Table 4.18: Attendance of Children with disability in AWCs.

Attendance	Responses	Percent
Yes	24	44.4
No	30	55.6
Total	54	100.0

⁵³The children under 6 constitute almost 16 percent of the total population.

4.4. Key Issues and Recommendations:

The results of the survey give an impression that the AWCs aren't functioning up to the optimal level. Where they are functioning, the anganwadi centres are seen only as feeding centres with the other components of pre school and nutrition and health education being completely absent. The infrastructure of the anganwadis is poor, anganwadi workers are not regular and there are areas that do not have easy access to an anganwadi centres. The survey brings out many serious issues which have to be addressed if AWCs are to provide the quality of all the six services and reach to all the beneficiaries including the children under six, pregnant and lactating mothers and adolescent girls.

Following are some of the recommendations to be considered for improving the scheme in the state:

- 1. In many habitations and hamlets AWCs haven't been yet established as almost 14 percent respondents reported there is no AWC in their habitations. Further even where there is an anganwadi centre in the village, it is found that it is not easily accessible to all the children and in some large villages where there is a requirement for more than one anganwadi there is only one. The state Government should undertake a process of mapping all the villages in the state, the number of anganwadis each village requires and the current location of anganwadis. Based on this, the situation in the state should be reviewed with some anganwadis being re-located within the village so that they are accessible for all children and new anganwadis being set up in area where there is a requirement.**
- 2. Almost one third respondents reported that AWCs aren't open everyday and more than 40 percent reported that SNP isn't given everyday. This is a complete violation of the Supreme Court and therefore, it is the responsibility of the state to make the AWCs function and provide SNP everyday.**
- 3. It was also seen that even when the anganwadi centres are open the anganwadi worker is often absent, leaving the entire responsibility of the centre with the anganwadi helper. The Supervisors and CDPOs should be issued instructions to monitor regularly the work of the anganwadi workers and take action where necessary.**
- 4. More than 50 percent of the respondents reported AWW doesn't make home visits and almost 60 percent respondents said that children aren't weighed at AWCs. The fact that in J and K almost 29 percent children under 3 are under weight, therefore, growth monitoring and home visits of AWW are important to identify children who aren't growing well and to improve their nutrition status the quantity of SNP given to them should be made double and mothers should be counseled about this. One of**

the reasons for the absence of growth monitoring is probably the lack of weighing machines in many centres. This should be immediately addressed.

5. The ICDS also provides for pre-school activities as an informal type of learning and offers to the child the necessary preparation for primary schooling, but in majority of AWCs this is not happening. The anganwadi workers should be issued instructions to ensure that preschool activities are provided. Preschool kits and toys should be provided to all anganwadi centres.
6. The proper surveys should be done regularly to identify children with disabilities and should be encouraged to participate in the activities at the AWC, other than just sending them SNP to home. Further, a campaign should be undertaken for the inclusion of the children with disability in the anganwadi centres and make all the necessary infrastructural arrangements like ramps, toilets etc to encourage children with disability to regularly attend the AWC for SNP, preschool activities and other services, with priority to those anganwadis where any child with disability has been identified and enrolled in the AWC. In the Annual census that the AWWs do in each village/hamlet, an additional column for the identification of children with disability must be added.
7. It has been reported across all the districts that there are regular shortages in supply to the AWCs. The principal reason for the disruption of supply seems to be the fact that the Department of Social Welfare procures all the supplies, centrally at the district level and this is then supplied to the villages. This contravenes, in letter and spirit, the numerous orders of the Supreme Court which stress on the decentralisation of the supply. Except perhaps a few remote scheduled tribal hamlets where availability of food grains at the local level may be a problem, a decentralised procurement system can very easily be put in place across J&K, with village communities being given this responsibility. Wherever this has been undertaken, we find that the ownership of the ICDS scheme has gone up tremendously.
8. Many AWWs reported being trained only once at the time of recruitment and therefore, are likely to be unaware with the new developments in the scheme. The state government should make provisions for regular trainings of AWWs with special focus on growth monitoring and preschool education.
9. For proper functioning of the anganwadi centre, a proper building for conducting preschool activities, cooking and distributing food should be made available. As of now most of the anganwadi centres run out of the anganwadi helpers' homes. The

state government should make provisions for the availability of public buildings for the purposes of the anganwadi centre.

10. The infrastructure in the centres also seems to be very poor. A thorough review of the infrastructure and quality of services provided by the ICDS must be undertaken and the state government must make universalisation with quality of the ICDS a priority.
11. Despite the fact that data is being collected, compiled and Monthly Progress Reports being prepared on ICDS, it is noted that none is available on the state website. The state government should take necessary steps to make these reports and all the information related to the ICDS available on the website. This has also been directed by the Supreme Court in order dated 7 Oct. 2004.

5. Mid Day Meal Scheme

5.1. Introduction:

Mid Day Meal in schools has had a long history in India. In 1925, a Mid Day Meal Programme was introduced for disadvantaged children in Madras Municipal Corporation. By the mid 1980s three States viz. Gujarat, Kerala and Tamil Nadu and the UT of Pondicherry had universalized a cooked Mid Day Meal Programme with their own resources for children studying at the primary stage.

With a view to enhancing enrollment, retention and attendance and simultaneously improving nutritional levels among children, the National Programme of Nutritional Support to Primary Education (NP-NSPE) was launched as a Centrally Sponsored Scheme on 15th August 1995, initially in 2408 blocks in the country. By the year 1997-98 the NP-NSPE was introduced in all blocks of the country. It was further extended in 2002 to cover not only children in classes I-V of government, government aided and local body schools, but also children studying in centres run under the Education Guarantee Scheme (EGS) and Alternative and innovative Education (AIE) Scheme. Today, the NP-NSPE is the world's largest school feeding programme reaching out to about 12 crore children in over 9.50 lakh schools/EGS centres across the country.

Currently, each child in the primary school is to be provided with a hot cooked meal. As per the norms, each child is given 100gms of grain per day and the conversion costs which is to provide for all the other ingredients and the cooking costs is Rs. 2 per child per day of which Rs. 1.50 is contributed by the Government of India, on the condition that the state government contributes 50p. The mid-day meal is provided on all school working days. Further in drought prone districts, the mid-day meal is to be provided during summer vacations also.

5.2. Supreme Court interventions on the Mid Day Meal Scheme:

On November 28th, 2001, the Supreme Court of India passed a landmark interim order on the Mid Day Meal Scheme. The order was in a petition (PUCL v. UoI, CWP 196/ 2001), popularly known as the "Right to Food Case". The Supreme Court directed the state governments and Union Territories *"to implement the Mid Day Meal Scheme by providing every child in every Government and Government assisted primary school with a prepared mid day meal with a minimum content of 300 calories and 8-12 grams of protein each day of school for a minimum of 200 days"*. This interim order has made the mid day meal a legal entitlement of every child in India attending a Government or Government aided primary school. The Supreme Court has also subsequently passed a series of interim orders given below:

Box 5.1: Supreme Court Interim Orders on Mid Day Meals

The Supreme Court has been issuing “interim orders” on mid-day meals from time to time, starting with the landmark order of 28 November 2001. The key orders are summarized below.

- 1. Basic entitlement:** “Every child in every government and government-assisted primary school should be given a prepared midday meal; with a minimum content of 300 calories and 8-12 grams of protein each day of school; for a minimum of 200 days a year.” *(Order dated 28 November 2001)*
- 2. No charges:** “The conversion costs for a cooked meal, under no circumstances, shall be recovered from the children or their parents.” *(Order dated 20 April 2004)*
- 3. Central assistance:** “The Central Government... shall also allocate funds to meet with the conversion costs of food-grains into cooked midday meals.” *(Order dated 20 April 2004)*
- 4. Kitchen sheds:** “The Central Government shall make provisions for construction of kitchen sheds.” *(Order dated 20 April 2004)*
- 5. Priority to Dalit cooks:** “In appointment of cooks and helpers, preference shall be given to Dalits, Scheduled Castes and Scheduled Tribes.” *(Order dated 20 April 2004)*
- 6. Quality safeguards:** “Attempts shall be made for better infrastructure, improved facilities (safe drinking water etc.), closer monitoring (regular inspection etc.) and other quality safeguards as also the improvement of the contents of the meal so as to provide nutritious meal to the children of the primary schools.” *(Order dated 20 April 2004)*
- 7. Summer holidays:** “In drought affected areas, midday meals shall be supplied even during summer vacations.” *(Order dated 20 April 2004)*
- 8. Joint quality monitoring:** “We direct the Union of India and the FCI to ensure provision of fair average quality grain for the Scheme on time. The States/UTs and the FCI are directed to do joint inspection of food grains. If the food grain is found, on joint inspection, not to be of fair average quality, it will be replaced by the FCI prior to lifting.” *(Order dated 28 May 2001)*

Source: Extracted from the Primer on the Mid Day Meal Scheme developed by the Right to Food Campaign.

5.3. Performance on the ground:

5.3.1. Sample: The respondents for this scheme were the students of the government or government aided primary schools. Five respondents were selected and interviewed randomly from each village surveyed under the study and therefore, a total of 259 students were interviewed⁵⁴.

The district-wise distribution of respondents is given in the table on the right.

District	No. of respondents	Percent in total
Anantnag	25	9.7
Kulgam	25	9.7
Pulwama	25	9.7
Shopian	25	9.7
Srinagar	25	9.7
Ganderbal	27	10.4
Budgam	25	9.7
Baramulla	27	10.4
Bandipora	30	11.6
Kupwara	25	9.7
Total	259	100.0

5.3.2. (Omni) presence of MDM:

Among the respondents covered in the survey, almost 98 percent reported being provided MDM in the school. The meal provided is a hot cooked meal. However, among the respondents who reported not being provided hot cooked meals most (4 out of 5) said they receive dry rations from the school. The quantity of rice received also varies. Some mentioned receiving 1 kg per month and few reported receiving up to 3 kgs per month.

MDM	Responses	Percent
Yes	254	98.1
No	5	1.9
Total	259	100.0

An important finding was that the respondents who reported having received dry rations studied in EGS schools in their village Chaliwan situated in the district Bandipora. This has occurred even when the respondents were aware of the provision of hot cooked meals being provided in the schools, as they were aware that hot cooked meals are being served in the neighbouring village. This may indicate that either the provision of hot cook meals has not been extended to the EGS schools in the state or the teacher (or any other in charge of MDM) has taken off the extra money provided as cooking cost. However, the Supreme Court order dated 28th November 2001 is equally applicable to the EGS schools and therefore, not providing hot cooked meals in the EGS schools is a violation of the Supreme Court order⁵⁵.

⁵⁴: Among the respondents, almost 59 percent were boys and a lesser percentage of only 43 percent were girls and shows the lesser enrolment of girls in schools.

⁵⁵: On 28th November, 2001, this Court directed the state Governments/Union Territories to implement the Mid-day meal Scheme by providing every child in every government and government aided primary school with a prepared mid-day meal with a minimum content of 300 calories and 8-12 grams of protein each day of school for a minimum of 200 days.

Box 5.2: (In) accessibility of Schools

Universalisation of primary education is a mandate that finds a place in the Millennium Development Goals and is a fundamental right under the Indian Constitution now (Article 21 A). Therefore, it is necessary that the schools are at easy access for all the children in all areas. However, in some of the villages surveyed schools are yet to be established.

Motimohalla Khurd, a slum located within the Dal lake, is waterlocked on all sides. The area is a notified area and therefore any further construction in the area is illegal. The schools which the children of this area attend are about 4 kms away from the area. Because the area is waterlocked the children travel in small shikaras (boats) to the school and return by the same means. However, the parents are scared of sending children to the schools and noted that there is a risk of wind storms occurring in the Dal Lake especially in winters which can cause fatal accidents. Few parents also mentioned a scarcity of the boats available with the families and stated that most of the families own a single boat which is used for traveling across the Dal Lake by all the members of the family. Therefore, in the list of activities to be conducted, sending children to the school enjoys the least priority. Most of the adults in the area are illiterate and keen that their children be educated.

In another village called Buthoo of district Bandipora, children and parents reported that there is no school in the village and the students have to walk 14 Kms to and fro for the school.

There may be many villages in Kashmir like Buthoo and Motimohalla Khurd which do not have schools that are easily accessible and children have to undergo hardships to reach their schools. In such areas the priority of the people living there would be to have schools in their own villages apart from what else is provided in schools.

5.3.3. (In) sufficient Quantity:

The Mid-day Meal Scheme provides 100 gms of food grains for each child per school day. When the children were asked whether food provided under MDM is sufficient, almost 10 percent of them reported receiving insufficient quantities of meal.

Sufficient meals	Responses	Percent
Yes	227	90.08
No	25	9.92
Total	252	100

The discussions with the people in few villages also confirmed the same findings. In one village called Lachampora of district Kupwara, people mentioned that the teachers and the school staff do tamper with the rations allocated for the mid-day meal and utilize only half of the rations that the children are entitled to. In village Thajiwara of district Anantnag the parents said that their children don't get sufficient quantities of food.

In another village called Checki Badrinath in district Pulwama, the children of Gujjar families (ST families) aren't satisfied with the quantity of food provided. They say that insufficient food is prepared under MDM and more recently (before the survey took place), they were denied sufficient food and instead told, "You people eat too much food".

Second Helpings: The above findings are also consistent with the percentage of children who reported not being provided second helpings when asked for. Almost 11 percent of respondents responded "No" when asked about whether the children are given second helping if they ask for.

Second helping	Responses	Percent
Yes	223	89.2
No	27	10.8
Total	250	100.0

In the survey parents views were also considered in many cases and many of them were happy with the MDM scheme being run for the children in schools but also raised their concern that the quantity of 100 gms of food grains allocated under the MDM for each child should be increased.

5.3.4. Quality of Meal:

The quality of meal provided under MDMS is equally important as is quantity. However, when asked the respondents about whether they like the meal, almost one third (32 %) of the respondents reported not liking the meal provided under MDMS.

Satisfaction with quality of meal	Responses	Percent
Yes	172	68.25
No	80	31.75
Total	252	100

The reasons given by those who didn't like the meals were mostly of the nature that the meal is not tasty (70 %) or that the meal is not hygienic (16%).

Few respondents also mentioned that food is cooked in the morning and is served at 1:00 p.m (lunch time in schools of Kashmir). Given the moderate nature of the temperature in Kashmir the time gap of 3 to 4 hours between the time of cooking and time of serving does not affect the quality of meal though the taste of the food may be affected unless the food is heated prior to serving. This might be the reason why the meal doesn't taste good for those who said meal provided isn't tasty.

Some respondents also had complaints regarding the quality of the rice being supplied to the schools by the FCI. In village Sonerwani of district Bandipora the school has to appoint an additional person to clean the food grains being supplied from FCI ration shops. One teacher in a village Sangerwani of district Pulwama also mentioned that the rice supplied for the MDM is not of good quality. It is the responsibility of Food

Corporation of India (FCI) to “ensure provision of fair average quality grain” for mid-day meals, as has been directed by the Supreme Court.⁵⁶

5.3.5. Varied Menus:

For the children to like the meal, the variety in the food provided is important and makes the meal delicious. The varied menu is also an indication of the quality of the meal provided and the respondents were asked whether there was a weekly menu for the mid-day meal.

Variety	Responses	Percent
Yes	212	84.5
No	39	15.5
Total	251	100.0

Almost 84 percent of respondents interviewed said there was some variety in the menu followed for the week and 15 percent said there was no varied menu for the mid-day meal.

The menu followed in most districts varied around two items including dal chawal (pulses with rice) and sabzi chawal (potato/onion/spinach with rice). In some areas only pulses with rice are provided for the whole week and in some villages respondents reported that the menu is limited to only potatoes/onion with rice throughout the week.

In some villages of Pulwama district respondents also reported that eggs were served in the meal when the scheme was started but this practice was discontinued later. In one village of Srinagar district respondents reported that cheese is also occasionally served in the meal. In one village of district Baramulla also, one respondent reported sometimes cheese or meat is also served in the meal.

However, the frequency of the number of times a particular recipe will be provided in a week varied and entirely depended on the decisions of teachers. Also which days a particular recipe would be provided to the students was not predetermined.

Some children mentioned that they were fed up with the same menu. Many said they find satisfaction with the meal but would like the menu to be modified. A few children and parents also said that because the same menu is served everyday the children aren't willing to participate in meals regularly.

5.3.6. Regularity of Meal:

When respondents were asked about whether the meal is given regularly on all working days through out the year, almost 13 percent of the respondents said 'No'.

Regular meal	Responses	Percent
Yes	216	83.4
No	35	13.5
Total	251	96.9

⁵⁶: Supreme Court order dated April 20th, 2004

Among those who said no, a higher proportion of almost 69 percent (24 out of 35) reported that on Fridays meal is not served, followed by 9 percent who said that the meal is served on alternative days and 17 percent said that meal is not served when supplies are insufficient.

The percentage of respondents who said that the meal is not served when supplies are insufficient is very less but is of great concern and needs to be addressed immediately, whether it derives from a problem of supplies not reaching schools on time or whether due to deliberate manipulation by teachers.

Day	Responses	Percent
Friday	24	68.6
Alternatively	3	8.6
Insufficient supplies	6	17.1
Others	2	5.7
Total	35	100.0

This was also confirmed by a teacher in a village called Kojar of district Kulgam who said the MDMS becomes dysfunctional when food supply is not available.

Box 5.3: Fridays are No excuses

On Fridays schools in Kashmir used to shut down after the first half on the lunch time. The reason for this was that teachers and elder students had to participate in the Friday prayers. It is very recent trend that the schools continue after Friday prayers as well though schools remain closed for one and half hours in the afternoon. Therefore, attendance of Friday prayers might be used as a reason by the teachers for not serving MDM in the schools on Fridays in some areas. However, mid-day meals are to be served when schools are functioning on Fridays and has nothing to do with teachers because the meal is being cooked by the cooks and the serving can be supervised by the female teachers who do not go to the mosques for prayers.

The discussions with the respondents unrevealed many other aspects of the irregular distribution of the mid-day meal in the schools. In one village Checki Badrinath of district Pulwama one student reported MDM was not provided in the school for three months in the last year (2007). In another village called Arampora of district Baramulla one student stated, “MDM is served only three times in a week”. He further added that the teachers are involved in both the cooking and serving of food, and don’t provide second helpings. In a village called Dadoo of district Anantnag, the father of one student said that the MDM is not being served in the school for the few weeks preceeding the survey. In a village called Laghama (of district Baramulla) one student mentioned that MDM is not served in the school when less number of students attends the school.

Recently in May 2009, during a visit to Kashmir, two teachers working in two different villages of block Devsar (which is an educational zone as well) in district Kulgam said that the MDM had not been served in any of the schools in the whole zone of Devsar in the last two months of March and April 2009. One teacher who was also an incharge of MDM in his school said that not a single school in the whole zone had been given any

allotment order to lift rice from the FCI godowns for two months. The reason attributed to this phenomenon was laid out by the teacher who stated that there was no officer in charge of MDM in the zonal office which created the problem.

Box 5.4: Issues of Discrimination in MDMS

From the day that MDM was instituted in India, the discrimination issues in the serving of MDM in the schools has received tremendous attention and newspapers have widely cited instances of discrimination being practiced in the serving of MDM.

Though the complexities of the issue of discrimination is difficult to capture in this type of a rapid survey, the survey does indicate whether there are such concerns prevailing in the society which need immediate attention.

When respondents were asked whether children of all castes are made to sit together, only one respondent said “No”. Also only two respondents reported that all children of all castes are not given the same quantity of food.

A minor percentage of 2.3 (6 out of 259) respondents said the plates provided in the schools aren't identical for all children of all castes which might be a sign of discrimination and needs immediate attention before it escalates into a full-blown issue.

Among other communities the survey also included a village Malwan inhabited by Hindus and Muslims, and researchers were told that all the children of both religions enjoy the meals, eat together and are served together without any discrimination.

The survey included different types of villages with mixed populations of ST, OBC, Hindus (in a few villages) and different classes of Muslims, and therefore, if discrimination issues were present in the MDMS in Kashmir, it would have in all likelihood been captured by the survey.

5.3.7. A view of Schools:

The study design also included researchers going to the school and observing the mid-day meal being served and talking to either a teacher or a VEC member or parent or cook/helper or the village Sarpanch/Adyaksh/head to study the processing of the MDM and the infrastructure available at schools. However, during the time period the survey was conducted, the schools remained closed on most days because of the summer vacations and therefore in most cases researchers could not observe the mid-day meal processing and serving in schools. They were however able to interview teachers because in most villages the teachers employed in schools were from the same village. In this way

the information about 38 schools was collected. The findings of these interviews about the arrangements of MDM at different schools surveyed in Kashmir are given below.

A). Procurement/processing of Food:

Under the MDMS the central government provides 100 gms of free food grains (wheat/rice) per child per school day from the nearest FCI godown. Also Rs. 2.00 is allocated as cooking cost per school day for each child on the 75: 25 sharing basis between the centre and state.

The amount allocated for the scheme at the block /district level amounts to lakhs per month and is therefore, always at risk to attract the eyes of corrupted officials. Therefore, it is very necessary the more it is decentralized the lesser are the chances of corruption in the scheme. Also the levels of accountability do increase with the levels of decentralization.

When enquired about mostly it was reported that the food provided at the school is locally procured and processed at the school under the supervision of teachers.

Procurement	Responses	Percent
Locally procured/ prepared/processed	34	91.9
Dept. of Education	3	8.1
Total	37	100.0

B). Engagement of Teachers:

The procurement and processing of MDM has, though, been decentralized but there is no staff appointed separately for the management of mid day meal in the schools except the cooks. Therefore, one of the teachers is charged with the responsibility of procuring the cooking materials on time, lifting of food grains from PDS shop, ensuring the preparation of MDM, managing the accounts, liaison with the zonal office, supervising the distribution of meal, among others.

When asked about almost 76 percent (29 out of 38) respondents reported that teachers are involved in the organizing, procuring raw materials and cooking of the mid day meal.

Therefore, it is likely that the engagement of any one teacher in the MDMS in the school is going to take his/her couple of hours of time regularly. When this was asked to the respondents, almost 79 percent were agreeing with that teachers give up to 1 hour of their time in MDM, followed by 14 percent who reported 2 to 3 hrs of time.

Engagement time	Responses	Percent
Up to 1 hour	22	78.6
1 to 2 hours	4	14.3
2 to 3 hours	1	3.6
More than 3 hours	1	3.6
Total	28	100.0

One teacher interviewed in the survey in a village called Takiyabal of district Anantnag said MDM is wasting the time of teachers while serving among the students as they have to take call on maintaining discipline among the students so that they can eat easily. He also added it influences the concentration of the students during their classes as they are eagerly waiting for the mid day meals to be served. In a village called Hamray of district Baramulla the teacher interviewed said the scheme should be shut down in J and K as it wastes lot of time. The teacher interviewed in Hangalboch village (of district Kulgam) complained that two teachers in their school get engaged in the management of MDM for an hour which is lot of time. He further said that the funds for cooking are provided after 6 months and have to take the cooking material on credit from the local shops which make the scheme to function poorly.

One could assume that the teacher who is charged with the responsibility of managing MDM in a school should be freed of few classes equal to the time he/she needs to give for the mid day meal. However, when asked this to one teacher, he said that there is already less availability of teachers in almost all schools in our zone and therefore, the teacher who is in charge of MDM has to attend equal classes⁵⁷. He further said that the particular teacher manages giving less time in the immediate class before lunch and never attends the class when asked to visit the zone office regarding the MDM.

The significance of the MDM for the students can be realized with the fact that few students mentioned that they are missing school in these summer vacations only for the reasons of mid day meal. This shows that MDM has proved a great incentive for the students to attract to the school.

Therefore, the concern that teachers have to give time for MDM can be sorted out by appointing an additional staff for managing the mid day meals in the school as has been done in the states like in Gujarat and Tamilnadu.

C). Infrastructure in Schools:

Providing a hygienic and delicious meal also requires a proper infrastructure like kitchen, store, containers, utensils, plates, source of clean drinking water etc. The mid day meal 2006 guidelines envisages the provision of providing assistance to construct kitchen-cum-store in a phased manner up to a maximum of Rs. 60,000/- per unit and an assistance Rs. 5,000/- per school for provisioning and replacement of kitchen devices.

However, the survey included only questions on availability of drinking water, facilities of plates and appointment of cooks in the schools.

⁵⁷: The student-teacher ratio in J&K is 30: 1. This is encouraging as against the national average of 43:1, however, the government has failed to maintain this uniformly. In the urban schools, the ratio is as low as 10:1 while in the remote villages of the state the ratio is more than 100:1. <http://www.merineews.com/catFull.jsp?articleID=146864> (last checked by author June 2009)

i). Drinking water Facilities: Among the 38 schools the respondents reported only 66 % did have a source of drinking water. Also it was reported that drinking water available is not hygienic in 3 schools out of those which had a source of drinking water available.

Table 5.11: Provision of Drinking water		
Availability of drinking water	Responses	Percent
Yes	25	65.8
No	13	34.2
Total	38	100.0

ii). Facilities of Plates: When asked respondents (children and parents) about did they bring their own plates from home for eating MDM in the school, almost 63 percent of the respondents said “yes”.

Table 5.12: Provision of Plates		
Availability of plates	Responses	Percent
Yes	157	62.8
No	93	37.2
Total	250	100.0

iii). Cooks Appointed: The Supreme Court has directed the States that “In appointment of cooks and helpers, preference shall be given to Dalits, Scheduled Castes and Scheduled Tribes.”

Table 5.13: Appointment of SC/ST/OBC cooks		
SC/ST/OBC cook	Responses	Percent
Yes	16	44.4
No	20	55.6
Total	36	100.0

When enquired about whether the cook appointed in the school is a SC or ST or OBC, only in 44 percent of schools the cooks have been appointed from the above three social groups.

Box 5.5: How MDMS functions in Kashmir

The MDMS is being implemented from years now and the scheme finds lot of significance among the children who say that they miss the school days in vacations because of the mid day meal. The reports and evaluation studies have also established that the scheme is being implemented in a better way than the other social welfare schemes. However, there is other hard part of the story as well. In an interview, a teacher who is working in the Devsar zone of district Kulgam and has been in charge of MDM from years now tells me the story how the MDMS is being implemented and about the problems they face in running the scheme effectively.

The universalisation of primary education is a primary mandate for the education department among other things; therefore, the teachers are pushed to increase enrollment and retention of students in their areas. The attendance of the students for the MDM also becomes an indicator of the retention of children in school, and if the attendance is less for the MDM, the teachers are likely to be questioned on this.

Attendance: When I asked same to this teacher how they could mark a genuine attendance for the MDM if it goes against their primary mandate of increasing attendance in the school, he said, “We do fudge attendance for the MDM but for increasing the quality of meal”. He explains that the amount of money provided for the MDM is not sufficient for providing a delicious meal and therefore, we mark maximum children in the attendance register and the money they could collect out of this extra attendance is only utilized for the MDM to increase the quality.

This was also confirmed by a teacher in a village Chanda pora of district Budgam and said the cooking cost of Rs. 2.00 for each child is not sufficient for making a delicious meal.

Food grain Supply: The scheme provides 100 gms of rice for each child per school day. All the schools are given an allocation order for lifting the food grains from the nearest PDS shop in advance of the month. However, he says that in block Devsar (which is a educational zone as well) of district Kulgam MDM hasn't been served in any of the schools in the whole zone in the last two months of March and April 2009, only because not a single school in the whole zone have been given any allotment order of lifting rice from the FCI godowns for these two months. The reason that other teacher traces out is that there was no officer in charge of MDM in the zone office which created this problem.

The survey also found many complaints about the quality of rice being supplied for MDM.

Delayed cooking assistance: The scheme also provides an amount of Rs. 2.00 for each child per school day which is used for converting the raw food grains to the meal and includes all costs of fuel, labour of cooks, oil, spices, vegetables/pulses. This amount of money is being provided in extra to the 100 gms of rice to each child per school day. Therefore, for the proper functioning of the scheme this amount should be given in advance to the school for the procurement of necessary items for providing MDM to the children. When I asked this teacher about did you get this amount of cooking cost in advance for each month, he said usually we get this money after 5 to 6 months against the utilization certificate and we manage to provide the MDM in the school only by taking the cooking material on credit from the local shop.

He added this greatly affects the quality of the meal served in the schools because the local shop keeper is not willing to provide the cooking material after huge delays of not paying him. This system of paying the cooking cost after huge delays also seems to have been adopted across other educational zones as well. One teacher of village Hangal Boch in Qaimoh block also mentioned that the cooking cost is being provided to them only after 6 months and they have to lift the cooking material on credit which makes the scheme function very poorly.

Infrastructure: When asked him about the availability of the infrastructure in the school for the MDM, he said that recently one room Kitchen-cum-store was constructed in their school. Also they received cooking gas cylinder, stove and few utensils and one container from the ZEO office.

The MDM scheme envisages the provision of providing assistance in a phased manner for provisioning and replacement of kitchen devices at an average cost of Rs. 5,000/- per school. However, he could count the cost of utensils, gas and container on his finger tips and says they were worth of not more than Rs. 3500. The ZEO office had purchased the items for the whole zone and schools were not consulted even to know their requirements but were made to sign for receiving these items at ZEO office.

This centralized procurement at ZEO office might have been done to grab money by the people engaged in this and therefore, it needs immediate attention.

The discussion with this teacher unrevealed many facts and though the survey finds the MDM is present almost in all the schools but the teachers are burdened with many problems to ensure the smooth functioning of MDM in the schools.

5.4. Key Issues and Recommendations:

The results of the survey confirm that MDM is one of the best implemented schemes among other food related schemes of GoI across all the states. In most areas surveyed including those located on the hillocks people reported the presence of mid day meal in their schools. Most people are aware of the scheme and the important fact that came into notice that the scheme has been to develop interest among the children towards the school. Some children mentioned that they are missing school in their summer holidays because of mid day meal. The MDM is also being served almost regularly and there is a variety in the meal being served in the school. In few schools, children were happy for being provided cheese, eggs and meat occasionally in the mid day meal but were disappointed that these things have been discontinued immediately after introducing into the menu.

However, there are still some issues related o quality that the study raises and need to be looked upon. The quality of the meal is greatly compromised as almost 31 percent of the respondents said that didn't like the meal being served in the schools. In few villages, people also reported that the ration being supplied by FCI is not of fair quality. Further, the meal provided to the children is not adequate and sufficient and almost 10 percent respondents said that they aren't provided sufficient meals and almost same percentage of the respondents also mentioned that they aren't provided the second helping even

when asked for. Almost 13.5 percent of the respondents also reported irregularities in the mid day meal and few teachers also recalled shortages in supply of food grains.

The other main concern was long delays up to six months in the allocation of funds to the schools for procuring the food items locally, which has a large affect on the quality of the meal. Further, the procurement of the kitchen devices including the cooking gas and containers is being done at the zone level and not at the school level which involves corruption.

Now that the mid-day meal scheme has been launched all over the country and extended up to the standard 8th, the governments must concentrate on trying to improve the quality of the meal to meet the objectives of addressing classroom hunger, malnutrition among children and fostering social equity more effectively.

Following are some of the suggestions for improving the mid day meal in the state:

1. The provision for cooking costs under the mid-day meal should be increased to Rs. 3 per child per day (not including food grains costs) from the current Rs. 2 per child per day in order to be able to provide a nutritious and filling meal to the child. Further this norm should be inflation-linked, in the sense that it is constantly reviewed based on the price indices.
2. The quality of the meal should be increased and the menu should be fixed for each day and the students should know which recipe would be served on each day in advance and not on the decision of teachers. The state government should also consider including eggs or cheese or meat in the menu, as almost 29 percent children in state are underweight and 20 percent have BMI less than normal.
3. The money should be allocated to the schools in advance in a way that at any given point the advance should be available with school for three months. Opening of bank accounts on the name of Village education committee could be one alternative and money can be deposited in the accounts in advance, which will also lessen the chances of siphoning of money away from mid day meal.
4. Mid day meal should be given regularly including on Fridays, days of less attendance of students and examination days.
5. The mid day meal should be provided in all the government and government aided schools including the EGS schools. Only one EGS was included in the survey and it was found that the students of that school are supplied with dry rations only.
6. Proper infrastructure for mid-day meals should be mandatory, including cooking sheds, storage space, drinking water, ventilation, utensils, etc. The procurement of the

kitchen devices must happen at the school level under the supervision of Village education committees.

7. Provisions of safe and hygienic drinking water should be ensured in each school, as almost 34 percent of the schools surveyed don't have facilities of hygienic drinking water.
8. Almost one teacher in each school is highly engaged in the preparation of the meal in the schools and has to compromise with the classes of students and therefore, the state government should consider the appointing one additional staff for the mid day meal in the schools, as done by the Gujarat and Tamil nadu.
9. The meal should be provided in sufficient quantity and second helping should be offered to all the children who ask for it.
10. Priority should be given to disadvantaged communities (single women, Scheduled tribals and OBC/OSC) in the appointment of cooks and helpers. All cooks and helpers should be paid no less than the statutory minimum wage.
11. Community participation in the monitoring of mid-day meals should be strengthened, particularly to prevent corruption and ensure quality.

6. National Maternity Benefit Scheme/ Janani Suraksha Yojana

6.1. Introduction:

National Maternity Benefit Scheme (NMBS) came into effect as a component of Nation Social Assistance programme (NSAP) on 15th August, 1995. The scheme provided Rs.500 as assistance to BPL pregnant women, 8-12 weeks prior to delivery, for each of the first two births. In 2001, under PUCL vs UOI Civil writ petition 196 of 2001, this scheme was one among the schemes taken by the Supreme Court, whereby implying that the ‘maternity relief’ in form of cash assistance worth Rs. 500, also has a food security component in it. The National Maternity Benefit Scheme was modified into a new scheme called Janani Suraksha Yojana (JSY) and launched w.e.f 12.04.2005. The objectives of the JSY are reducing maternal mortality/infant mortality through promotion of institutional deliveries through incentivisation, while the focus of the NMBS was provision of maternity benefits. As mentioned in the guidelines for implementation of JSY, “While NMBS is linked to provision of better diet for pregnant women from BPL families, JSY integrates the cash assistance with antenatal care during the pregnancy period, institutional care during delivery and immediate post-partum period in a health centre by establishing a system of coordinated care by field level health worker.”⁵⁸ Although the main objective of the JSY scheme remains promoting institutional delivery, the component of Rs. 500 payment has been retained for all eligible women, irrespective of place of delivery. This is so, because of the order of the Supreme Court that no existing eligibilities for food rights can be abridged without the consent of the Court.

6.2. Orders of the Supreme Court on the NMBS:

NMBS was one of the schemes that was covered in the initial order of the Supreme Court which called for implementation of existing food schemes. The matter then came up in the context of the Government of India’s attempts to do away with the scheme entirely and replace it with the Janani Suraksha Yojana. With the interventions of the Court and the Commissioners’ office, the benefits of the NMBS have however been retained under the JSY. The orders that have been passed until now in relation to NMBS are summarized below.

Box 6.1: Supreme Court orders on NMBS

1. The Supreme Court order of 28th November 2001 calls for prompt implementation of the National Maternity Benefit Scheme.
2. This scheme is not to be discontinued or restricted in any way without the permission of the Supreme Court (Supreme Court Order dated 27th April, 2004).
3. The Supreme Court refused to allow the Government of India to phase out NMBS

⁵⁸ Guidelines of JSY, available on the website: www.mohfw.nic.in

and provide maternity benefits under a new scheme, Janani Suraksha Yojana (JSY). The reason for this refusal is that it is not clear whether the new scheme preserves all the benefits available under NMBS, as the government claims. The Court requested the government to submit further information on JSY, and asked the Commissioners to “examine the matter in depth and file a report”. “Meanwhile, the existing National Maternity Benefit Scheme will continue.” (Supreme Court Order dated 9th May, 2005)⁵⁹.

4. In the context of NMBS/JSY, the order of the Supreme Court says, “it would be appropriate if the Union of India and the state Governments take steps to make the beneficiaries aware of the benefits of the schemes and the entitlements flowing therefrom” (Supreme Court Order dated 01.02.2007).
5. The Union Of India and all the state Governments and the Union Territories shall (i) continue with the NMBS and (ii) ensure that all BPL pregnant women get cash assistance 8-12 weeks prior to the delivery. The amount shall be Rs. 500/- per birth irrespective of number of children and the age of the women (Supreme Court order of 11 November, 2007).

Source: Dreze, Jean and Yamini Jaishankar (2005), ‘Supreme Court Orders on the Right to Food: A Tool for Action’, Delhi: Right to Food Campaign Secretariat.

6.3. Performance on the ground:

6.3.1. Sample: The sample was to be cover five or all women, which ever was less, who were pregnant (in the trimester) or had a delivery in the last one year and were eligible for the benefit under NMBS.

A total of 207 women were interviewed for the study. All the women were above 18 years of age and more than one third of women (37.9 %) interviewed were in the age group of 24 -29 years.

District	No. of respondents	Percent
Anantnag	22	10.6
Kulgam	21	10.1
Pulwama	13	6.3
Shopian	24	11.6
Srinagar	22	10.6
Ganderbal	24	11.6
Budgam	11	5.3
Baramulla	18	8.7
Bandipora	27	13.0
Kupwara	25	12.1
Total	207	100.0

⁵⁹ Dreze, Jean and Yamini Jaishankar (2005), ‘Supreme Court Orders on the Right to Food: A Tool for Action’, Delhi: Right to Food Campaign Secretariat.

6.3.2. Applications for the Entitlement:

When women were asked about whether they had applied for the benefit under the scheme, a sizeable portion of more than one third (37.2 %) hadn't applied for NMBS benefit.

Applied	Responses	Percent
Yes	130	62.8
No	77	37.2
Total	207	100.0

This shows the low level of awareness among the potential beneficiaries. Also almost 87 % of women quoted "Unawareness about the scheme" as a reason for not applying for the scheme. This level of unawareness about the scheme among the potential beneficiaries is quite surprising considering the duration of more than a decade of functioning of the scheme⁶⁰.

In a FGD almost six women mentioned, "Nobody tells us about the scheme and how can we apply for the benefit under this scheme"

One of the women interviewed in the survey, originally belongs to Bihar and now has been married in Kashmir, said she had received the benefits for her first delivery in Bihar and in Kashmir she hasn't even applied for the scheme for her second delivery because there is neither any AWC nor an Asha worker would help her in getting the benefit.

Among those who had applied, almost 40 % of women had applied before delivery and 60 % had applied after delivery. The Supreme Court order⁶¹ clearly states that the benefit under NMBS is to be paid 8-12 weeks prior to the delivery. This is because the amount is to support the woman for nutrition during the most crucial final stages of pregnancy. However it is seen that a sizeable proportion of the women interviewed, applied for the benefit (24.6%) only after the delivery.

Time	Responses	Percent
Before delivery	52	40.0
After delivery	78	60.0
Total	130	100.0

6.3.3. Place of Delivery:

Of the respondents, almost 30 % women had a delivery in the home and a major portion of almost 70 % women happen to deliver in institutions.

Also all the women who had a home delivery were BPL and therefore, were eligible for benefit under NMBS.

Place	Responses	Percent
At home	60	29.6
Institution	143	70.4
Total	203	100.0

⁶⁰ The NMBS scheme was started earlier in 1995 as a part of NSAP.

⁶¹ : Supreme Court order of 11 November, 2007

The NFHS-3 data has revealed that almost 46 percent of the deliveries are happening at home. This high level of home deliveries in the state might be due to the fact that the medical institutions aren't easily accessible, as the state lacks adequate infrastructure. On an average one medical institution has to serve 3127 persons and there are only 111 hospital beds & 48 doctors/vaid/hakims available per lakh of population. Also the road length per 100 sq km area in the state is 35.71 kms as against 104.64 kms in the country⁶². There is a huge disparity in the road density across the districts in the state. Further the law and order problems in Kashmir have barred the transport facilities during the nights completely.

6.3.4. Coverage of Scheme:

When the respondents were asked about whether they have received any benefit under the scheme and only 6.3 % respondents (13 out of 207) reported received any benefit amount under the scheme.

Payment	Responses	Percent
Yes	13	6.3
No	184	88.9
NA ⁶³	10	4.8
Total	207	100.0

Of the respondents, 70 % had delivery in institutions and therefore, were eligible to the JSY component of the scheme. However, out of 143 institutional deliveries only 9 women have been given any benefit under the scheme.

The other 30 % of the respondents who had delivered at home but were BPL and therefore, were eligible to NMBS component of the scheme. But only 4 out of 60 home deliveries have been given benefit under the scheme.

One women interviewed had delivered in an institution and had been operated but wasn't provided any benefit under the scheme even she had applied for it.

6.3.5. Amount of Benefit given:

According to the guidelines of the Janani Suraksha Yojana, women who have home deliveries are to receive a benefit of Rs. 500 while those who have an institutional delivery get an additional Rs. 900 (a total of 1400 Rs).

However, it is seen that all the 4 women who had home delivery and are BPL reported received 500 Rs as is prescribed under the scheme but out of 9 beneficiaries who had deliveries in institution, more than half women reported received only 500 Rs as benefit amount under the scheme,

Amount of Benefit	Home delivery	Institution delivery
Rs. 500/-	4	5
More than Rs. 500/-		4

⁶² Kashmir Newz Board (January 2007), 'Kashmir Lags Behind in Development: Survey', <http://www.kashmirnewz.com/n00089.html> (last checked by the author June 2009)

⁶³ All haven't applied and had no awareness about the scheme; therefore, they are likely to have not received any benefit under the scheme.

though should have received 1400 Rs. This is probably because of some form of corruption at the level of disbursement whereby women are not receiving the entire amount that is due to them.

6.3.6. Timings of Payment:

The timings of payment are very important as providing payment for the scheme to achieve its objectives. The Supreme Court order clearly states that the benefit under NMBS is to be paid 8-12 weeks prior to the delivery. This is because the amount is to support the woman for nutrition during the most crucial final stages of pregnancy. All the beneficiaries reported received benefit at one time. However, it is seen that not a single beneficiary reported received before the delivery and more than half beneficiaries (5 out of 8 recordings) reported received benefit much after the delivery.

6.3.7. Documents Needed:

The Janani Suraksha Yojana guidelines specify that the procedure to provide benefit has been simplified and that there is no requirement of a ration card to be shown to get benefit under this scheme.

Documents	Responses	Percent
Yes	9	81.8
No	2	18.2
Total	11	100.0

The beneficiaries were asked whether they required ration card or any other documentation to get benefit under the scheme. Almost 82 % of the respondents (9 out of 11 recordings) said that they were required to present some kind of documentation for availing the benefit⁶⁴. The three beneficiaries who had deliveries in institution reported asked for BPL card for getting the benefit.

One women interviewed in the survey was working as an Asha and hasn't received the benefit just because there was a mistake in her in the documents she had produced for getting the benefit. Another respondent said they had misplaced their registration number and therefore, they couldn't apply. One another women recalled that they were refused the benefit for not doing checkups in the govt. institution.

6.3.8. Use of the Benefit:

When asked about what was the money received under the scheme spent for, maximum responses (7 out of 13) recorded were the money goes to the family pool and almost 31 % (4 out of 13) women responded they spent the money on the food for themselves and only 15 % (2 out of 13) women reported use of money for

Use	Responses	Percent
Food for yourself	4	30.8
Medical care for self	2	15.4
Included in the family pool	7	53.8
Total	13	100.0

⁶⁴ : Four respondents said BPL card, one said Age certificate and others said medical reports/Hospital Card.

the medical care.

The premise for providing the benefit amount varies between the NMBS and JSY. “While NMBS is linked to provision of better diet for pregnant women from BPL families, JSY integrates the cash assistance with antenatal care during the pregnancy period, institutional care during delivery and immediate post-partum period in a health centre by establishing a system of coordinated care by field level health worker.”⁶⁵

Therefore, in the above maximum of women saying that the money received was added to the family pool and wasn't specifically used by the mothers either for their food or for their medical care, gives an impression of not achieving the objectives of the scheme. However, it is because of the fact that 11 out of 13 beneficiaries are BPL and also the quantum of assistance provided is small, as maximum of the beneficiaries has been provided only Rs. 500, therefore, it won't be possible for a women to keep this money exclusively for herself and neglect other basic needs of family which are also equally important for her.

6.3.9. Mere Excuses of Denial:

The results of non coverage of eligible women under the scheme are surprising both for the home and institution deliveries and give an impression that probably the scheme hasn't been functional at all in J and K for 2008-09 during which the survey was conducted.

The women who were interviewed figured out multiple reasons which are being quoted and narrated by the government officials for not providing the benefits to the beneficiaries.

Not BPL: When asked to the women about why they were refused for the benefit under the scheme, 3.4 % women reported refused for not having BPL card. The fact that among those 4 women, 3 had a delivery in institutions which doesn't require having a BPL status in LPS states including J and K.

Table 6.9: Reasons for refusal of Benefit		
Reason	Responses	Percent
Not BPL	4	3.42
More than two children	11	9.40
Had a home delivery	11	9.40
Officials negligence	37	31.62
Lack of funds	17	14.53
Unawareness	25	21.37
Not known to respondents	12	10.26
Total	117	100.00

More than Two children: Also 9.4 % women were refused for having more than two children. Almost 60 % of the women who were interviewed had children up to 2 and 40 % of the women had more than two children. However, the Supreme Court states clearly that all BPL pregnant women shall get cash assistance 8-12 weeks prior to the delivery irrespective of number of children and the age of the women⁶⁶. The JSY guidelines also

⁶⁵ Commissioners of the Supreme Court (2007): 'Seventh Report of the Commissioners', New Delhi

⁶⁶ Supreme Court order dated 11 November 2007.

state the same policy that all pregnant women for all births delivering in Government health centres are eligible for the benefit under this scheme⁶⁷. Therefore, any number of children doesn't restrict a woman from enjoying the benefits under both NMBS and JSY.

No to Home deliveries: 9.4 % women reported refused for delivering at home. However, among those 11 women, 9 women are BPL which makes them eligible for NMBS scheme as established by the Supreme Court.

Lack of Funds: Almost 14.5 percent of respondents said that they have been told that there are no funds available under the scheme to be given to the beneficiaries.

Negligence of Officials: Almost 32 % of the women mentioned the negligence of the government officials in refusing their benefits.

Many women said that they have been told by the concerned government officials that funds aren't available at present and once they will get money under the scheme they will deliver the benefits at your home. This seems to be an extra-ordinary commitment that one can hear from government officials. Some respondents also mentioned they were told that it would need some paper work to provide them benefits and once it is done they will get their benefits. However, again these commitments just turned out the excuses of government officials to rescue themselves from being chased out from the beneficiaries for the benefit.

Some respondents also mentioned that they visited the government offices number of times for getting their benefits. One respondent says "We lost our working days only. The officials said that money will be sent to your home and now it is eight months after the delivery and nothing has been provided yet ". Another respondent says, "We have almost spend 200 Rs. for getting this benefit and now we fed up with the procedures for availing the benefit".

Box 6.2: Who is to be Blamed

The discussion with the respondents gave an impression that Asha workers aren't performing their roles in helping the women to get their benefits under the scheme. Few women mentioned that it is Asha's negligence that women are not getting their benefits. A few said Asha is not working at all.

The discussions also pointed out that Asha workers are corrupt and mismanage the funds. One woman who had applied for the scheme but hasn't received any benefit under the scheme says, "We came to know that Asha has done something in this". Another woman says "Asha worker has mismanaged the funds under the scheme".

⁶⁷ This provision is for Low performing states (LPS) which also include J and K.

“Asha workers don’t make them aware about the scheme”, few women also reported.

Those women who had received any benefit under the scheme didnt seem to be happy with the Asha workers performing their duties and some beneficiaries mentioned that Asha workers are also responsible for the delays in payments.

One women recalled visiting Asha worker number of times for the benefit and says” She had promised me giving some assistance but later she refused and said you delivered at home and there is no special provision for home deliveries”. She had visited some government office also for getting the benefit but was told to come after 3 -4 months when funds will be released.

One woman also reported that Asha said that the scheme has expired. Another woman had worked in Asha’s house for a full day for free to get this benefit but turned useless.

Few Asha workers acknowledged and told researchers that no one has got the benefit in their villages because of lack of funds.

When discussions with Asha workers were called, it reflected a different picture.

One women interviewed in the survey was working as an Asha and hasn’t received the benefit just because there was a mistake in her in the documents she had produced for getting the benefit. Another women interviewed was also an Asha and says authorities (higher officials) delay the benefit. She had also not received any benefit under the scheme.

This is quite surprising that Asha workers, who are seen as a link between the beneficiaries and the government institution and are charged with the responsibility of helping the women to avail the benefits under the scheme, are themselves being denied the benefit under the scheme.

6.3.10. (No) funds for the Scheme:

The discussions with the Asha workers and women who had applied but not received any benefit revealed that the scheme has suffered due to the lack of funds. Many women mentioned that they have been told by the concerned government officials that there are no funds available to be given to the beneficiaries. Some women also said that they have been told by the government officials that they haven’t received any amount under this scheme. Some were also refused by saying others who had applied earlier haven’t been yet provided the benefit.

Interviews with gross root level functionaries also confirmed that the funds weren't available under the scheme to be given to the beneficiaries. In few villages the Asha workers were asked about why women aren't provided benefit, they said that women who though were eligible but haven't received any benefit under the scheme because of lack of funds.

One former employ of NHRM told me in an interview that in the district he was employed, the funds for the scheme weren't released for the year 2008-09 till January 2009 and, therefore, how could the beneficiaries would have been benefited in that district. He further added that the same problem was in other districts as well.

Another employ of NHRM said that in his district not even all the Asha workers who guided women to deliver in institutions have given commissions as prescribed under the scheme.

Further, the state government hasn't reported number of institution deliveries to the Ministry of the Health and Family welfare for the year 2008-09, which might be due to the same reason that beneficiaries weren't benefited at all.

The scheme hasn't been functioning in the Kashmir valley because there was no money available with the disbursement agencies to implement the scheme and provide the benefits to the beneficiaries. Therefore, it needs an investigation to find out why the funds haven't been made available with the disbursement agencies and where the gap persisted in the fund flow channel.

6.4. Key Issues and Recommendations:

The results of the survey suggest that the scheme hasn't been functional in most of the areas of Kashmir during the year 2008-09. Of the respondents, 70 % had delivery in institutions and therefore, were eligible to the JSY component of the scheme. However, out of 143 institutional deliveries only 9 women have been given any benefit under the scheme. Other 30 % of the respondents who delivered at home and were BPL, therefore, they were eligible to NMBS component of the scheme. But only 4 out of 60 home deliveries have been given benefit under the scheme. The scheme has suffered mainly due to lack of funds for its implementation in the state.

Further, the people are not aware about the scheme as almost 40 percent of the respondents who though we eligible but have applied for the benefits under the scheme. Also the government officials who are charged with the responsibility of implementing the scheme are confused about the provision of the scheme. Looking into the reasons quoted by the officials to the beneficiaries for not providing benefit to them, it seems that state government doesn't have internalised the new norms of the scheme and haven't

provided any information down to the implementing agencies about the Supreme Court orders on the scheme.

The NFHS-3 has revealed that almost 46 percent of the deliveries are happening at home. This high level of home deliveries in the state necessitates the fact that state cant go away from providing benefit to the women who deliver at home, because this section of women are mostly poor and are located in far off. Therefore, women who are denied their right for better care in institutions during delivery periods by not establishing institutions accessible, therefore, they can't be also denied the benefit for delivering at home.

Among the beneficiaries, many said that they used the money for their own food and medical related expenses which make it more important to make the scheme more effective.

The following are the some of the recommendations for this:

1. The state government must regularly advertise the revised National Maternity Benefits Scheme and Janani Suraksha Yojana on All India Radio and Doordarshan at primetime so that the beneficiaries may become aware of and understand the two schemes. This should be pegged on the themes of nutritional education, and promoting intra family equity in food and health rights.
2. The details of NMBS and JSY schemes must be pasted on all Panchayat buildings, ICDS centres, public health centres, public health sub-centres, and block & district hospitals. Further, a regularly updated list of selected and rejected applicants should be displayed quarterly at the Panchayat Bhavan and ICDS centres. This should be pegged on the themes of nutritional education, and promoting intra family equity in food and health rights.
3. The state government should clearly instruct the nodal department and the implementing agencies down to the PHC level about the following provisions:
 - Rs. 500/- will be paid to all pregnant eligible BPL women irrespective of place of delivery and no. of children under NMBS component of JSY and also it is not mandatory that the benefits are given only after ante-natal checkups.
 - Women who have institutional delivery will be paid a higher amount under JSY.
 - The age bar and restriction on number of births for getting benefit amount would no more apply.
 - For institutional delivery BPL criteria has been removed.
4. The state government should review the bottlenecks in the flow of funds from the state to the district and PHC levels and take steps to ensure that funds are available at the lowest level and women are paid the benefit in time.

- 5. The Village Health and Sanitation Committees under the NRHM should be made functional and empowered to review the status of these schemes and give feedback to the officials if the NMBS and JSY schemes are not functioning effectively.**

7. Indira Gandhi National Old Age Pension Scheme

7.1. Introduction:

National Social Assistance Programme (NSAP) was initiated in August 1995 and since then has undergone many changes in its design. The present structure of NSAP includes National Old Age Pension Scheme (NOAPS) and National Family Benefit Scheme (NFBS), which are implemented along with the Annapurna Scheme. NSAP comprises of NOAPS, which is a monthly pension scheme for the aged destitute, and NFBS, which is a one-time relief to the family that has lost an earning member. Annapurna provides food grains on a monthly basis to the aged poor to ensure their food security. It is objectively meant for “those senior citizens who though eligible have remained uncovered under the National Old Age Pension Scheme”. This is a very critical programme as most of starvation deaths are either of infants or aged people from very poor families or without care givers.

The scheme started as a 100 percent centrally sponsored programme that extended complete central assistance to state Governments in order to enable them to provide benefits as per the norms and guidelines laid down by the Central Government. But the NSAP and Annapurna have been transferred to state/UT Plans from the financial year 2002-03. As per the available centralized guidelines of the Ministry of Rural Development (MoRD), funds for the operation of the Schemes are allocated by the Planning Commission and released as Additional Central Assistance (ACA) to the States/UTs by the Ministry of Finance. The ACA provided to the States / UTs under NSAP and Annapurna could be utilized by the States / UTs on Welfare Schemes of Old Age Pension, Family Benefit or free food grains to the aged by taking up one or two or all of the three or in any other combination in accordance with their own priorities and needs.

These programmes often suffer from low priority and monitoring, both by government and even sometimes civil society activists, but it must be remembered that for several sections of the country’s most food vulnerable and at-risk categories, these schemes constitute their sole lifeline to bare survival.

The National Old Age Pension scheme has recently been expanded to cover ALL old people above 65 years of age and below the poverty line and the amount of pension has also been increased to Rs. 400 per month.

7.2. Supreme Court orders on NOAPS:

NOAPS was one of the schemes covered under the interim order of November 2001. Further orders were also issued in 2004 that were relevant to this scheme. The following box gives the gist of the orders related to the old age pension scheme:

Box 7.1: Supreme Court orders related to IGNOAPS

1. State governments have been directed to complete the identification of persons

entitled to pensions under NOAPS, and to ensure that the pensions are paid regularly (Supreme Court Order dated 28th November, 2001).

2. Payment of pensions is to be made by the 7th day of each month (Supreme Court Order dated 28th November, 2001).
3. The scheme must not be discontinued or restricted without the permission of the Supreme Court (Supreme Court Order dated 27th April, 2004).
4. The NOAPS grants paid by the Central Government to the state Governments under “Additional Central Assistance” should not be diverted for any other purposes (Supreme Court Order dated 18th November, 2004).

Source: Dreze, Jean and Yamini Jaishankar (2005), ‘Supreme Court Orders on the Right to Food: A Tool for Action’, Delhi: Right to Food Campaign Secretariat.

The orders that are relevant to the Annapurna scheme are the ones calling for prompt implementation of all the food schemes and that the scheme is not to be discontinued or restricted in any way without the permission of the Supreme Court.

7.3. Performance on the Ground:

7.3.1. Sample: The study was conducted in 50 villages in all the 10 districts; with five villages in each district of Kashmir. The sample was to select randomly households in each village, and asking the five old people who are above 65 years and BPL (who are eligible persons for the old age pension) whether they are being paid the pension benefit under the IGNOAPS. This added up to a total sample of 226 households across all the districts⁶⁸.

Further among the 226 respondents who were covered under the study, almost 62% (141 out of 226) were male and almost 58 % respondents were in the age group of 65 to 70 years.

District	No. of respondents	Percent in Total
Anantnag	25	11.1
Kulgam	24	10.6
Pulwama	13	5.8
Shopian	24	10.6
Srinagar	22	9.7
Ganderbal	25	11.1
Budgam	23	10.2
Baramulla	23	10.2
Bandipora	26	11.5
Kupwara	21	9.3
Total	226	100

7.3.2. Coverage of Old age pension:

The IGNOAPS policy provides that every old person who is above 65 years and BPL is entitled to pension benefit under the IGNOAPS.

The survey covered only those old people who are eligible to the pension benefit and therefore, all of them should have been covered under the IGNOAPS scheme. However when asked, almost 65 % of them reported not receiving pension under the old age pension scheme and only 35 % said they could get pension.

Beneficiary	Responses	Percent
Yes	79	34.96
No	147	65.04
Total	226	100.00

Box 7.2: Status of Annapurna scheme

The Annapurna Scheme was launched in 2000 and was meant to cover the proportion of the old people (above 65 years of age and BPL) who though eligible to the pension under NOAPS but were not covered due to the limited quota provided under the NOAPS. The beneficiaries identified under this scheme were given a special ration card and were entitled to 10 kgs of free grain per month .However, with the revision of the NOAPS to

⁶⁸: The sample size of 226 is less than what ideally should have been covered as per proposed methodology (which is 250) but in some villages researchers weren't able to find out the five eligible old people because of small size of those villages and also some old people who were interviewed weren't eligible for the pensions under IGNOAPS and therefore, haven't been considered valid responses.

the IGNOAPS which provides pension to all the old people above 65 years of age and BPL, the Annapurna scheme was discontinued from November 2007 accordingly.

To confirm this that the state government has adopted the IGNOAPS provisions to provide the pensions to all the eligible persons and no one is provided food grains still, the eligible old people who reported not receiving pension were also asked whether they could get the free ration of 10 kgs under the Annapurna scheme and all of them reported not receiving any grain.

7.3.3. Amount of Pension:

The central government provided Rs. 200 to each beneficiary per month under IGNOAPS and suggests the state governments to contribute an equal amount.

The J and K government contributes an amount of 125 Rs. for each beneficiary per month, which makes the total pension amount paid under the IGNOAPS to 325 Rs.

However, when enquired about this among those who are beneficiaries, only 5 respondents reported receiving Rs. 325 per month as pension under IGNOAPS. A majority of 87 % respondents reported being paid only Rs. 200 under the scheme and few said even less than Rs. 200.

Amount	Responses	Percent
Rs. 100 to 150	2	2.56
Rs. 200/-	68	87.18
Rs. 325/-	5	6.41
Others*	3	3.85
Total	78	100.00
* others include: 300 and more than 325		

Few respondents said that they are receiving less than Rs. 200 and this could be a sign of corruption and leakage of pension.

The reasons for majority of respondents saying that they are receiving only Rs. 200 is because of the fact that state government runs one another scheme called “Integrated Social Security Scheme (ISSS)” in the state and under which all the destitute old people who are above 60 years of age (but 55 years in case of females) are entitled to Rs. 200 as old age pension. The scheme is convergent in its focus and provides different benefits to the different categories of vulnerable groups including persons with disability, widows and old people. The IGNOAPS is also operated as a component of the same scheme and all the old people who are BPL and above 65 years of age supposed to be provided Rs. 325 as pension for each month.

Therefore, all the destitute old people, who are provided pension under state scheme, should be shifted to the IGNOAPS once they turn to be 65 years old. But looking into the data above, it seems that this is the gap area in the policy implementation and the shift of

the beneficiaries from one component to another component doesn't take place smoothly on time.

Box 7.3 : ISSS is Not better than IGNOAPS

The survey also covered 12 respondents who though weren't eligible for IGNOAPS but qualify to be the beneficiaries under the state run scheme called Integrated Social Security Scheme (ISSS), as they all were in the age group of 60 to 64. Their responses aren't included in the analysis of data for IGNOAPS. However, they provide very useful insights into how the ISSS scheme is performing in the state.

The respondents interviewed were from many districts including Shopian, Pulwama, Srinagar, Baramulla and Kupwara; and half of them were men and half were women.

All of them were poor and had BPL ration cards, therefore, should have been provided pensions under ISSS. However, when asked about this, almost 58 percent (7 out of 12) of respondents reported not getting any pension and only about 42 percent (5 out of 12) are getting pension. Those who reported not getting pensions were also asked if they are getting any grain under Annapura and all of them reported 'No'.

Among the five respondents who were getting pension, four said they could get 200 Rs. for each month as pension, which is same as prescribed under ISSS, but one respondent reported getting Rs. 325 for each month. The 325 Rs are provided under the IGNOAPS, therefore, this point to the fact that identification mechanism is flawed completely. The person who wasn't entitled to IGNOAPS but to ISSS was selected for IGNOAPS and many others, as the reports reveals, who were eligible for IGNOAPS haven't been provided pension.

Further, most of the respondents reported irregularities in the pension and few said that the amount paid is insufficient.

Among those who didn't get pension, only two had applied for the scheme and all others said they are totally unaware about the scheme. One respondent who had applied recalled showing receipt of application to officials but they told him they can't help him. Other remembers applying many times for the scheme but he never got any benefit. He says, "government officials never care for anything and actually they don't want to listen to us".

The sample size for ISSS was too small to draw any conclusion but it gives a call that the scheme equally suffers through the implementation problems as IGNOAPS and isn't performing well in Kashmir.

7.3.4. Regularity of Pension:

The Supreme Court also prescribed on the timings of payment of the pension under NOAPS and directed the states to ensure that the payment of pensions is to be made regularly and by the 7th day of each month⁶⁹.

The J and K government, however, provides a policy of paying the pensions quarterly to the beneficiaries by depositing the benefit amount in their bank accounts⁷⁰. A majority of the respondents who are beneficiaries of old age pension (72 out of 79) also confirmed that the pensions are being paid irregularly. This policy is a complete violation of the Supreme Court orders.

The entries in the pension entitlement cards of the beneficiaries provided another picture that the pensions are not even being received regularly after quarters. The discussions with the beneficiaries added to the same finding that the pensions aren't being deposited in bank accounts regularly and delays happen in depositing the pensions in bank accounts.

The discussions with the beneficiaries also revealed that number of times the beneficiaries return with empty hands from the banks because the pensions haven't been deposited on time in their accounts. The beneficiaries also seem to have no knowledge about which days pensions will be deposited and aren't also conveyed about when the pensions are deposited.

This system of paying the pensions through bank is a recent trend in many states and it seems to be a good move to prevent leakages in the pension amount but there are equally pitfalls in this system. Loose of "accountability and answerability" can be a major critique of outsourcing the payment system to the banks. The beneficiaries don't have a say of asking the bank service providers why their pension amount hasn't been deposited on time and why they have to return empty hands even waiting for a quarter (of year) for the pensions.

Some beneficiaries even mentioned that earlier system of payment through money order was good because they didn't have to travel to the banks to confirm whether the money has been deposited and then collect the money. Also collecting money from banks requires investing energy, time and small amount of money (travel fare) because the network of banks in J and K is not established at every corner of the street⁷¹. Also 29.1 percent (23 out of 79) of the beneficiary respondents mentioned they have to travel a long distance to collect the pension.

⁶⁹ : Supreme Court orders dated 28 November, 2001.

⁷⁰ : Correspondence of J and K government vide letter no. SW/ICDS/155/08; dated 21 November 2008.

⁷¹ : The pensions are being paid through only branches of J and K bank, which has just more than 500 branches across the country. One could assume that there would be also much differences between urban and rural areas and among different districts with more branches in urban areas and less branches in hilly districts. Therefore, the branches of J and K bank wouldn't be at easy access to the old people especially those who are residing at far off and rural areas.

Therefore, the J and K payment system needs to be revised in the context of above views to make it a best way of providing payment under the IGNOAPS. To prevent delays the amount of one quarter of a year should be deposited in advance in the accounts of each beneficiaries and if the pension amount for any quarter is not being deposited by the state government before a specified date, the branch managers should enjoy authority to pay the pensions to the beneficiaries from the advances as a credit to the government which has to be settled immediately. The benefit with this system is that the bank personnel can be equally hold accountable and answerable to the beneficiaries for not paying them regularly and on time, even if there are delays from the government side in depositing a particular installment.

Among other ways, one can also be announcing each time on the radio that pensions have been deposited in the bank accounts and beneficiaries can go and collect the money from the banks. But looking into previous experiences of pitfalls in the advertising and informing the people about any government programme through radio or any other media doesn't make this option foolproof.

7.3.5. Value of Pension:

The old people who are destitute, poor and dependents on their families and are paid pension under IGNOAPS, have reached at a stage in their lives when they aren't able to perform any hard physical labour for their living. Even if their troubles of life make them ready to work but they aren't given work in the market because of their weak bodies which makes them unable to do work at faster rate as they do when they were young.

Table 7.4: Sufficiency of Pension for food needs		
Sufficiency	Responses	Percent
Yes	3	3.8
No	76	96.2
Total	79	100.0

Therefore, the pension amount paid under the IGNOAPS carry a tremendous significance for them. However, this is the only social security scheme for such a vulnerable group and the amount paid under this scheme is very meager to provide an enough support for their living.

On asking the beneficiaries, almost 96 % of the respondents (76 out of 79) said that the pension amount paid under this scheme is not enough to satisfy just their food needs. This again craves for the rise in the pension amount. It is only recently in March 2006 that Central government had increased its contribution to the pension amount from 75 to 200 per month, and recommended the States to contribute the same amount but in J and K beneficiaries receive only Rs 200. In J and K though the policy provides for an amount of 325 Rs. to old people above 65 years and BPL but it seems that it hasn't been translated into reality as 87% of the beneficiary respondents reported getting paid only Rs. 200 per month.

The need of the hour, therefore, is to bring the state contribution in par with the Central government and ensure all the old people once turn out to be 65 years are being paid a higher amount under IGNOAPS and not continue to be paid under state scheme. The old people who are eligible but aren't provided pensions for any time due to any reason should be provided arrears equal to amount they could have received if identified on time.

7.3.6. Difficulties faced in receiving and using the Pension:

When asked about whether any difficulties are faced in availing the benefits of the pension scheme, the main problems identified by the respondents were that they have to travel a long distance to get the pension (29.1) and that there was corruption (7.7%). 15.4% reported that the authorities were not co-operative and almost 6.4% reported that other family members take away the pension money.

Difficulty	Responses	Percent
Have to travel a long distance to get pension	23	29.1
Apathy of officials	12	15.4
Corruption/have to pay a bribe	6	7.7
Family members take away the money	5	6.4

Many respondents also mentioned that they have to stand for a longer time in the long queues at bank for collecting their pension, because in many banks the pensioners are being asked to come on a particular day once in quarter or so to collect their pensions and aren't given pensions any other day.

7.3.7. Blockades to Pension

Among those old persons who were though eligible for the pensions but aren't getting pension amount, 42.5 percent (62 out of 146) reported applied for the scheme. It sounds pathetic even if the eligible old people have applied for the pension but haven't been provided their entitlements under the IGNOAPS. Also the limitations of quota on the number of beneficiaries to be selected for the pensions is no longer applicable as the scheme was universalized among all the old people who are above 65 years of age and BPL.

Applied	Responses	Percent
Yes	62	42.5
No	84	57.5
Total	146	100.0

The old people who are eligible but haven't applied for the pensions under the scheme are mainly because they aren't aware of the scheme and don't find ways out to apply.

The old people who are eligible but haven't applied for the pensions under the scheme are mainly because they aren't aware of the scheme and don't find ways out to apply.

A). Identification by Chance: The identification of beneficiaries is the part of the programme implementation and the responsibility of this lies on the government officials who are charged with the task of implementing the programme. Therefore, if the eligible

people haven't been able to apply for the scheme is the sign of government officials not performing their duties.

The policy for the identification of beneficiaries in theory might reflect provisions of transparency, effectiveness and accountability but what was found in practical is completely ineffective and problematic.

In a village called Ashmuji in district Kulgam, during a discussion with the AWW it was found that the AWW has been given two application forms to be distributed in the locality the AWC is located, among the old people who are eligible for the old age pension. The forms were sent to the AWW by the Supervisor of ICDS programme without a single instruction who is eligible for the pensions. When I asked the AWW how many old people without the pensions you have in your locality, she had no knowledge about this. Again I asked her, how you will choose the two old persons to be given the application forms, if there are many more and she replied, "I was also wondering who are the old people here in my locality who are eligible for the pension and whom I will give the application forms and I also asked my husband and he suggested me the names of two old people"

B). Lengthy Procedures: Also the application forms run through number of columns and need to be attested by two people including the Patwari (land record clerk) for certifying the income of the old person. The procedure seems to be too hectic that makes the old people to rely on number of other persons both government and neighbors either for filling their forms or for the certifying the form.

After the application is filled and duly certified, it goes to the nodal department for scrutiny and approval of pensions.

With this lengthy process of selection there are chances that old people can be asked for bribe to speed up the procedure. This was also confirmed by six respondents (out of 79) who reported paying bribe to be selected for the pension.

7.4. Key Issues and Recommendations:

The results of the survey reveal that the coverage of the scheme is very limited and almost 65 percent of the respondents reported not receiving the pensions. There was also high level of unawareness about the scheme among the potential beneficiaries which makes the beneficiaries to rely upon the department to be approached and identified for the scheme. Most of the beneficiaries reported receiving an amount of just 200 Rs. under the scheme. There are huge delays in delivering the pension to beneficiaries and the state has, in fact, made a policy of depositing pension in the bank accounts of the beneficiaries

only quarterly, as against the Supreme Court order and there are even delays in that as well.

At the same time, respondents also reported that the pension they could get under the scheme is of great help to them. The scheme is the only assistance implemented for the old persons which makes it more important to be implemented effectively. Following are the some of the recommendations for improving the implementation of scheme:

1. The IGNOAPS has been universalized among all the old people who are above 65 years and BPL but the coverage of eligible old people on the ground seems to be limited. The state government must conduct a census of all old people in the entire state and ensure that all those who are above 65 years and below poverty line are automatically included for pensions.
2. The identification and selection procedures need to be refined and made simple and focused. The nodal department should consider this as their own work rather than relying on the AWW who are already over worked with multiple tasks of their own.
3. The old people should be identified at the age of 64 years and all the procedures of sanction of pension should be fulfilled before they turn to be 65 years old so that they can get pension immediately after becoming eligible.
4. The responsibility of identifying and selecting the eligible old people for the pension scheme lies on the state government and there are often delays. Therefore, the old people who are eligible but aren't provided pensions for any time due to any reason should be provided arrears equal to amount they could have received if identified on time.
5. The state policy though prescribes an amount of 325 Rs. per month as a pension to all the old people above 65, but most of the old people reported just receiving Rs. 200 per month. The Central government contributes Rs. 200 per beneficiary and recommends that States should also contribute the same amount. Therefore, state government should consider bringing their contribution in par with the central government and provide almost 400 Rs. as old age pension.
6. There are delays in depositing the pension in the bank accounts of beneficiaries, therefore, to prevent delays the amount of one quarter should be deposited in advance in the accounts of each beneficiaries and if the pension amount for any quarter is not being deposited by the state government before a specified date, the branch managers should enjoy authority to pay the pensions to the beneficiaries from the advances as a credit to the government which has to be settled immediately.

- 7. The amount of pension and age of the person should be clearly written on the entitlement cards (pass books) of the old people. The entries made be clearly marked in the pass book with readable dates and amount withdrawn.**
- 8. The old people should be allowed to withdraw their pension money on any day of the month, as other customers of the bank can do, and not necessarily on one day of a month or a quarter. This should be written clearly on the entitlement card (pass book).**
- 9. The points in para 7 and 8 should also be displayed on a notice board in each bank where pension is being distributed among beneficiaries.**

8. National Family Benefit Scheme

8.1. Introduction:

The National Family Benefit Scheme is one of the components of the National Social Assistance Programme. NFBS is a one-time relief of Rs. 10,000 to the family that has lost the primary bread winner within four weeks through a local Sarpanch. The implementation of this scheme has been quite poor right from the beginning. Allocations are low and there is no monitoring of the scheme. Further the procedures to get benefit under the scheme are very complicated making it almost impossible for any poor family to prove their eligibility and get the benefit on time. As a result there is a large backlog of applications, sometimes going back to 6-7 years or even more, pending in many states.

8.2. Supreme Court orders on NFBS:

NFBS was one of the schemes covered under the interim order of November 2001. The following box gives the gist of the orders related to the old age pension scheme:

Box 8.1: Supreme Court orders on NFBS

1. As with other food-related schemes, the Supreme Court order of 28th November 2001 calls for prompt implementation of the National Family Benefit Scheme. BPL families are to be paid Rs 10,000 within four weeks through the local Sarpanch when the breadwinner dies.
2. As with NOAPS, this scheme is not to be discontinued or restricted in any way without the permission of the Supreme Court.
3. None of the benefits should be withdrawn from this scheme as a result of this order till further orders, by any of the state Governments or Union Territories.

Source: Dreze, Jean and Yamini Jaishankar (2005), 'Supreme Court Orders on the Right to Food: A Tool for Action', Delhi: Right to Food Campaign Secretariat.

8.3. Performance on the Ground:

8.3.1. Sample: The sample for the survey was to select randomly five families in a village where the head/earning member died in the last five years.

However, the researchers weren't able to find five such families in every village and in this way the total sample across all the villages turned out to be 123⁷². The table on the right gives the no. of respondents covered in different districts.

District	No. of respondent	Percent in total
Anantnag	8	6.5
Kulgam	19	15.4
Pulwama	6	4.9
Shopian	3	2.4
Srinagar	12	9.8
Ganderbal	15	12.2
Budgam	5	4.1
Baramulla	12	9.8
Bandipora	22	17.9
Kupwara	21	17.1
Total	123	100.0

8.3.2. Coverage of Scheme:

All the families covered under the survey had lost their primary bread earners and among them 119 families are BPL and 4 families didn't had BPL ration card but were very poor and deserved to be included under the BPL category. Therefore, all the families should have been provided the benefit under this scheme as a matter of their right established by the Supreme Court in its order dated November 28th, 2001⁷³

When asked to the respondents, almost 92 percent (113 out of 123) families reported not received any benefit amount under this scheme after the death of the bread earners in their families.

Beneficiary	Responses	Percent
Yes	10	8.13
No	113	91.87
Total	123	100.00

8.3.3. Applications for the Entitlement:

From the 123 families who all were eligible for the assistance under the scheme, only 48.8 % of the families had applied for the assistance.

The fact that even more than half the families that were eligible didn't applied for benefit under the NFBS shows that the scheme is probably non-functioning in

Applied	Responses	Percent
Yes	60	48.8
No	63	51.2
Total	123	100.0

⁷² : The total number of families interviewed under the survey were 132 but few families didn't had BPL status and aren't therefore included in the analysis because they aren't eligible for this scheme.

⁷³ : Refer to the section 8.2,' Supreme Court orders on NFBS' for the text of this order.

most places and that the level of awareness among the general public regarding the scheme is also very low.

It is seen that even the 48.8 % of the respondent families had applied for the assistance but only 16.6 % (10 out of 60) of them have been given the benefit. This is very critical that the families who had even applied have not been provided the benefit.

8.3.4. Amount of Assistance given:

All those who had been provided benefit reported received a lump sum amount of Rs. 10,000 as prescribed under the scheme. All the 10 beneficiaries have also reported not paying any bribe for getting the pension.

Amount	Responses	Percent
Rs. 10,000/-	10	100

8.3.5. Timings of Payment:

The essence of the assistance provided under this scheme is to support the poor families in immediate distress to restore the daily life. The Supreme Court in its order dated November 28th, 2001 directs that the BPL families are to be paid Rs 10,000 within four weeks through the local Sarpanch when the breadwinner dies and therefore, the state governments are bound by this order to deliver the benefit amount within four weeks of time after the death of a primary bread earner.

When asked to the respondents, not even a single beneficiary reported receiving assistance within one year after the death of a bread earner in their families and the two families reported receiving benefit after three years. Not providing the assistance on time takes the whole essence of the scheme away.

Time period	Responses	Percent
1 to 1.9 years	2	20.0
2 to 2.9 years	4	40.0
3 to 3.9 years	2	20.0
Others	2	20.0
Total	10	100.0

8.3.6. Blockades to Entitlement:

The reasons for less coverage of the scheme can be looked into the fact that there is no mechanism in the state to track the deaths in the poor families. In places where Panchayat is functional, a register is to be maintained to list down the births and deaths in each village which infact is shared with the Block development office to sanction the benefit amount to the poor and eligible families under this scheme. In J and K the panchayats are not functional and the deaths especially in poor families in villages don't come into eye.

A). No Identification policy: The nodal department of the state doesn't have any policy of identifying the beneficiaries under this scheme and expect the eligible families to arrive at their offices to claim the benefit. The situation becomes worse when attempts aren't being made to raise the awareness about the scheme among the potential beneficiaries.

B). No Delivery mechanism: The payments are being made through cheques in the state to prevent leakages in the scheme. The fact that all the 10 beneficiaries reported received full amount of assistance under the scheme adds to it. But the mode of delivery of cheques is so weak that sometimes cheques remain pending in the offices for months. In the district social welfare office Bandipora, the researchers were showed few cheques on the name of beneficiaries and the employees told the researchers, “These families aren’t visiting our office to collect their cheques and now we can’t go also to deliver at their home”. The researchers reported that the cheques were pending in their office from almost last six months and would have lapsed in couple of days.

One widow in the district Budgam reported visiting the BDO office number of times for getting the assistance but has been told that there are no funds available and would be paid in the March, 09 (next financial year).The widow said the names of the beneficiaries would be published in the newspaper and her name will also come out in the newspaper and then she has to go and collect the cheque from the BDO office. The worst thing is that how that woman who is widow, illiterate and more than 50 years old will keep track of newspapers in the village which is located very far off and at the brink of the district.

C). Politics in the Scheme: It also came into the notice that the MLA’s are also very concerned about the scheme and in many places they decide whom to pay the benefit under this scheme. Their signature on the application is equal to the sanctioning stamp. Some of the beneficiaries also reported that they have been given this benefit by their MLA. This highly concern of the MLAs is just to get return of their favors by votes. However, this makes the scheme dysfunctional and distorts any policy made for proper identification of beneficiaries and besides, gives opportunity to the officers to divert the funds.

8.4. Key Issues and Recommendations:

The death of any earning member in a poor family would have a highly impact on the family and many times pushes the family further down to the margin of subsistence. Therefore, this scheme is the most significant in a sense that this is the only insurance scheme which provides immediate help for the people living in poverty and destitution.

However, the results of the survey this is one scheme that has been completely neglected. The survey raises many issues which have to be rectified if the scheme is to function more effectively. The coverage of the scheme is very limited and almost 92 percent of the respondents, who though eligible, haven’t received any benefit. The reasons are mostly the high level of unawareness about the scheme. Further, the beneficiaries who have received any benefit reported that the benefit has been given to them after years of time which defy the objectives of the scheme to provide an immediate help to the family living

in poverty. There is no identification mechanism for identifying the beneficiaries for the scheme.

Following are some of the recommendations for improving the scheme:

1. As this benefit is given to only BPL families and the death of any person of the working age group would have an impact on the family's earning capacity the benefit should be expanded to cover all deaths in the working age group (18-64 years) in families below the poverty line.
2. The state government must regularly advertise the provisions of the scheme on All India Radio and Doordarshan at primetime so that the beneficiaries may become aware of. The details of scheme must be pasted on all Panchayat buildings, ICDS centres, public health centres, public health sub-centres, block & district hospitals and block development offices. Further, a regularly updated list of selected and rejected applicants should be displayed quarterly at the Panchayat Bhavan/ any nominate place in village and ICDS centres.
3. The state should make a proper and transparent identification policy. The procedure for application for benefit under the scheme must be simplified.
4. The payment (by cheque) should be made immediately within a period of one month of the death and should be delivered at home of beneficiaries.
5. As the state government receives a consolidated amount from the Central government under NSAP to be spent on IGNOAPS and NFBS, therefore, the state government should make clear allocation separately for both schemes based on the estimates and ensure that all the money allocated for NFBS is being spent under this scheme and not diverted to IGNOAPS or any other state scheme.
6. NFBS amount must be increased.

9. National Rural Employment Guarantee Scheme

9.1. Introduction:

The National Rural Employment Guarantee Act 2005 was passed unanimously in the Lok Sabha on 23 August 2005. It came into force in 200 districts on 2 February 2006, and was extended in phases to the whole of rural India including all the districts of Kashmir.

The idea of the NREGA is to give a legal guarantee of employment to anyone who is willing to do casual manual labour at the statutory minimum wage. Any adult who applies for work under the Act is entitled to being employed on public works without delay. However, the work guarantee in NREGA 2005 is subject to an initial limit of “100 days per household per year”.

The National Rural Employment Guarantee Act 2005 directs every state Government to prepare a Rural Employment Guarantee Scheme (REGS) within six months, in order to implement the work guarantee and the J and K state has also framed a scheme under this Act and is called Jammu and Kashmir Rural Employment Guarantee Scheme (JKREGS).

The basic features of Jammu and Kashmir Rural Employment Guarantee Scheme are summarised as under:

A). Amount of Wages: Labourers are entitled to the statutory minimum wage applicable to agricultural workers in the state and the J and K state provides an amount of Rs. 70 per day.

B). Payment of Wages: Wages are to be paid every week or in any case “not later than a fortnight after the date on which such work was done”. In such cases wages are not paid on time, labourers are entitled to compensation as per the provisions of the Payment of Wages Act 1936.

Men and women are entitled to the same wages. In fact, any form of gender discrimination is prohibited.

C). Unemployment allowance: Anyone who has not been provided with work within 15 days of applying (or within 15 days of the date for which employment is sought, in the case of "advance applications") is entitled to an unemployment allowance at the rate which shall not be “less than one-fourth of the wage rate” for the first thirty days, and “not less than one-half of the wage rate” after that.

D). Worksite facilities: The following facilities are supposed to be available at the worksite: “safe drinking water, shade for children and periods of rest, first-aid box with adequate material for emergency treatment for minor injuries and other health hazards connected with the work”

The JKREGS also states that “in case the number of children below the age of six years accompanying the women working at any site are five or more, provisions shall be made to depute one of such women workers to look after such children” Further, the person who is deputed to look after young children is entitled to the same minimum wage as other labourers

E). Area of work: As far as possible, the applicant shall be provided work within the village. If an applicant is provided employment outside a radius of five kilometers of the village where he/ she resides at the time of applying he/ she shall be paid an extra 10% of the prevailing wage rate to meet additional transportation and living expenses.

F). Transparency and Accountability: The JKREGS includes various provisions for transparency and accountability. For instance, job cards are to be issued to all labourers; wages are to be paid “directly to the person concerned and in presence of local committee”; muster rolls and other relevant documents are to be made available for public scrutiny; and so on. Also, the scheme makes the provision of regular “social audits” of all JKREGS works.

G). Grievance Redressal mechanism: Any grievance shall be enquired and action initiated within 7 days by the Panchayat Secretary at village level, Programme Officer at the block level and District Project Coordinator at the district level. Details of all the grievances received and disposed at each level should be maintained in the Grievance Register. Acknowledgement shall be given for any grievance received.

9.2. Performance on the Ground:

9.2.1. Sample: The sample was to systematic randomly select and interview five people who have a job card in a village. In case of not finding five people with the job cards in a village, people who had applied for the job cards was to be selected.

Researchers weren't able to find the required number of respondents by randomness and therefore, many other respondents were selected conveniently.

The sample included 57 respondents who had received job cards, 67 respondents who had applied for job cards but not received till the time survey was done and 37 respondents who neither had job cards nor applied for it. In this way a total of 161 people were interviewed across all the ten districts.

District	No. of respondents	Percent
Anantnag	22	13.7
Kulgam	25	15.5
Pulwama	16	9.9
Shopian	12	7.5
Srinagar	5	3.1
Ganderbal	7	4.3
Budgam	14	8.7
Baramulla	10	6.2
Bandipora	25	15.5
Kupwara	25	15.5
Total	161	100.0

9.2.2. Coverage of Job cards:

Of all the respondents only 35 % households reported having job cards. Among those respondents who had no job cards, almost 64 % (67 out of 104) had applied for the job cards. Some of them had applied even in 2007 but had not been issued job card yet till the time survey was conducted⁷⁴.

In many villages, discussions with the people revealed the reasons for people not having job cards.

First the wages given under the JKREGS are only 70 Rs. per day which are very less compared to the market rates at any point of time and therefore, people have lost interest in JKREGS.

However, securing a job card shouldn't have been affected with the less wages provided under JKREGS because applying for a job card doesn't automatically mean that people have to work under JKREGS. It can be assumed, infact, that people should have applied and secured the job cards without considering the wages provided, with the thought that in times of need they can avail the opportunity of work under JKREGS if they don't get work elsewhere in the job market.

Job cards	Responses	Percent
Yes	57	35.4
No	104	64.6
Total	161	100.0

⁷⁴ The survey was conducted in the time period of July to October 2008, therefore, job cards have not been issued in one year even after applying for it.

In number of villages, when researchers make the people aware about the JKREGS, the responses were amazing. Many people said they didn't know anything about the scheme and would apply for the job cards now.

In some villages, village workers have been reported to mislead the people rather than creating the awareness and encouraging the people for applying for the job cards. In one village in district Ganderbal, a school teacher mentioned that all these government people who came here in the village for making people aware about the scheme were mainly telling to the people all the disadvantages of the scheme which discouraged the people to apply for the job cards.

Few people also reported that they were anxious they shouldn't be forced to work under JKREGS if they will apply for job cards

In few villages, people also reported that employees of BDO office had visited their villages and collected the photographs of people for the job cards, but have been charged money for making the job cards. Instead of this, they haven't been provided job cards even after months.

In some villages, it was learnt that some people in the village had been provided the job cards and number of people haven't received yet. When asked for the reasons, people mentioned that the village level worker had come one day to their village and made a list of the people for the job cards but many haven't been able to get their names listed and are left out. People also mentioned that they don't see the village level worker coming to their village so that they could also enlist their name for the job card.

Therefore, the reasons are not only less wages but are mostly connected with the lack of will and failure of the government in implementing the scheme in the state.

9.2.3. Awareness about the 'Work on demand':

When asked whether they are aware that they can demand work under JKREGS, almost 73 % respondents said they are aware of it.

This high level of awareness among the respondents shouldn't be taken to mean that there would be same high level of awareness among the general people because of the fact that most of the respondents are such who have either job cards or have applied for it.

Aware	Responses	Percent
Yes	113	72.9
No	42	27.1
Total	155	100.0

It is seen, infact, that among the respondents who had neither job cards nor applied for it, the level of awareness is very low. Only 32 % (11 out of 34) have reported that they know they can demand work under JKREGS.

9.2.4. Demand for Work:

Among those who reported they are aware that they can demand work, almost 18.5 % of the respondents reported not demanded work.

The reasons are different and mixed for not applying under the scheme. Almost one third respondents said they haven't been issued job cards yet, one fifth of the respondents said wages given are less and 26 % reported work is not provided even if they would have demanded.

Demand	Responses	Percent
Yes	86	76.11
No	21	18.58
NA	6	5.31
Total	113	100.00

9.2.5. Work within 15 days:

The NREG Act clearly states that those who demand for work must be provided work within 15 days of making the demand.

However, when asked those who reported demanded work, almost 74 % of the respondents said they couldn't get work within 15 days of making the demand for work under JKREGS⁷⁵.

Work provided	Responses	Percent
Yes	22	25.58
No	64	74.42
Total	86	100.0

Also the people who had no job cards haven't largely been provided work within 15 days. The reasons could be those who have job cards might be given priority for providing the work. But the fact that the job cards are long overdue to the people and is absolutely the failure of the nodal department and shows lack of will for implementing the JKREGS in the state in letter and spirit.

Box 9.1: Village offices are a Way out

In villages the reasons of not functioning of JKREGS were diverse, some people didn't know about the JKREGS, some said wages are less, some reported misled by the government officials and many others mentioned not able to catch up the village level worker.

The researchers have been asking about why the village people didn't make a complaint to the higher officials if they find anyone in the nodal department is not performing his/her duty, the responses were mostly discouraging and showed lack of faith of people on the government grievance redressal system.

⁷⁵ : This percentage shouldn't be taken to mean that only 26 % of the respondents have been provided work under NREGA, as the respondents were asked about whether they could get work within 15 days and may be those who reported not getting within 15 days have got after 15days.

In a village Bakairar, in a FGD when people were asked if your PDS shop is working effectively as they had mentioned in the discussion and why couldn't they complain to the BDO office for not providing them the job cards. One old person among others replied saying, "We will fire him away, if the ration shop keeper will do any mismanagement in the ration". He further said every one's eyes are on ration shop and they come to know when the ration will be supplied to their village and when the ration is distributed but about the visits of village level worker (VLW) to their village no body is aware of. The village level worker comes occasionally to the village and also not on specified dates. Whenever VLW visit he has no address to be found out, he will be staying in some ones home acquainted to him and only those who will know him and those who will see him in the way coming to the village can meet him. Therefore, the people who had gone out for their work miss this golden chance of meeting VLW.

Another person participating in the discussion said many people in their village even don't know the VLW. One person further said they can protest and would rather take a rally to the BDO office but only if they would know that something they are entitled to had been denied to them.

"If the village worker comes to their village on some specified day and sits on some place know to each one in the village, we could go collectively and individually and can ask him about the benefits of the schemes", mentions another person.

This was rather a good suggestion that came out of the discussion. Therefore, if a small office (of one room) would be established as a rural development office in each village and the village level worker can go and sits in that office on a pre-determined dates so that people know it and could make out to that office for their any work and enquiry. It won't need any infrastructure to be developed and also when the department is spending crores of funds on the implementation of any scheme getting a room in a village won't be costly.

When the same suggestion was shared in other villages, many responded in a positive way and said if the VLW visits their village just once in two weeks it would be very useful for them but on known dates and address.

In a village Ashmuji in district Kulgam, the Namardar of the village also related the importance of the panchayat in implementing the schemes and says, "earlier when panchayat used to function in Kashmir, government officials used to come to the panchayat ghar (panchayat house) and discuss the development and welfare plans with the panchayat and people also used to attend that and become aware of the schemes". He further said that the panchayat houses (panchayat ghar) are being constructed now and if the VLW can come once in a month on pre-determined date and he can use that panchayat ghar (Panchayat house) for discussing the JKREGS and like schemes with the people in

the village.

The VLW is a secretary to the panchayat, as per the J and K Panchayat Raj Act 1989 and has been charged with the responsibility of assisting the panchayats in formulating and implementing development plans. When the Panchayats were dissolved in J and K, VLWs were further charged with the responsibility of organizing the Halqa Majlis (meeting of adult voters in village) to discuss the development plans in the village and implement the schemes. However, it is regrettable that this policy provision hasn't been translated into the reality and the present youth of Kashmir hardly have any idea of this, as Halqa Majlis were never organized in the villages of Kashmir in the last two decades.

Ideally, VLW should visit each village of his/her Halqa at least twice a week as one VLW is associated with only one Halqa panchayat (comprising of 4000 population) and may include one to few villages. Therefore, it shouldn't have been difficult for the people of the villages to meet the VLW and their demand that VLW should come to the village on specified dates seems justified and practicable to discuss how JKREGS can be properly implemented in their villages. It is highly recommended that the state government should strictly make it mandatory for each VLW to conduct the meeting of village people once in three months for the proper implementation of JKREGS in the state.

Among the other benefits of establishing the village office of VLWs, few would be of establishing lines of accountability, decentralized and accessible grievance redressal system and most importantly better ways of creating awareness regarding the JKREGS in the villages.

9.2.6. Unemployment Allowance:

The JKREGS scheme provides for an unemployment allowance if work is not made available to the people within 15 days of making the demand. Paying employment allowance is very important and provides a clear "signal" that the responsible authorities are failing to provide employment to all applicants. More importantly it is seen as a "penalty" on the state Government for this failure, since the payment of unemployment allowances is the responsibility of the state Government.

When asked to those who had demanded work but reported not getting work within the 15 days, not a single respondent reported getting an unemployment allowance. This signifies that this provision has remained on the paper only.

Payment	Responses	Percent
No	64	100.0
Total	64	100.0

9.2.7. Wages under JKREGS:

Among the responses recorded, almost 28 % reported getting wages on piece date basis and 72 % said reported getting daily wages.

The JKREGS specifies that the wages for any work done under this must be paid within one week of completion of the work, and not later than fortnight, in any case. When asked respondents about when they were given wages, the responses were diverse, almost 35.5 % reported getting wages after 1-2 months of completing the work and 10 % of the respondents reported getting wages after more than two months of completing the work.

Category	Responses	Percent
Daily Wage	49	72.1
Piece Rate	19	27.9
Total	68	100.0

Box 9.2: Politics behind Wages

In Jammu and Kashmir the wages provided under JKREGS are 70 Rs. per day. However, the wages in job market in Kashmir are much higher in all kinds of jobs from agriculture to construction work.

The Jammu and Kashmir is labour scarce state which keeps a high demand of labourers but only during summer. This is also the reason why the wages of the labourers are high in the state.

In most of the villages covered in the survey people reported getting more than 100 Rs. wages for a day and could get at least Rs. 150 per day in the agricultural season.

The governments officials recognize this that the less wages provided under the JKREGS are very less and is the reason for lack of interest of people in JKREGS.

The NREGA Act provides for a statutory minimum wage applicable to agricultural labourers in the state, unless and until the Central Government “notifies” a different wage rate, subject to a minimum of Rs 60/day. Also the Central Government is required to pay for the wages of labourers employed under REGS, and for three fourths of the material costs. The state Government has to pay only for one fourth of the material costs, and also the unemployment allowance.

In the last years numbers of states have increased the wages provided to the labourers under NREGA and few states have raised the wages upto Rs 100 per day. This happened even when the market wages are very less in those states down to Rs. 50 per day for men and Rs. 30 per day for women.

Therefore, it is quite surprising why the government of Jammu and Kashmir doesn't

increase the wages under JKREGS in their state for encouraging the people to work in JKREGS.

When asked to one higher government official dealing with the JKREGS work in Kashmir, he said that they haven't been able to increase the wages under JKREGS, because it will invite problems for the state because the state is providing Rs. 70 as wages to many daily wage based employees who work for the state in different department.

Therefore, increasing the wages under JKREGS wouldn't cost the state because it would be entirely borne by the Central Government but if it will mobilize the other state daily wage based employees for increased wages that will heavily cost the state.

9.2.8. Content with the Work provided:

The JKREGS guidelines provide for 100 days of guaranteed employment to each rural household. However, when asked to the beneficiaries a significant proportion of 24 percent (9 out of 37) reported worked for up to a maximum of 10 days in one year preceding the survey, followed by 40 percent (15 out of 37) who reported worked for a maximum of 11 to 20 days in a year and only 27 percent (10 out of 37) of beneficiaries reported being provided more than 60 days of work.

Work days	Beneficiaries	Percent
Up to 10 days	9	24.3
11 to 20 days	15	40.5
21 to 30 days	3	8.1
60 days	5	13.5
90 days	5	13.5
Total	37	100.0

The fact that this is a demand based scheme and the work under this scheme will be provided to households only after making a demand for it. However, the fact that the unemployment rate in the state of J and K is almost 4.21, which is very high as compared to the national level of 3.09, therefore, not providing work (or providing very less work as can be seen from the table above) might be an indicator of failure in the implementation of the scheme properly.

This was also confirmed by most of the respondents who mentioned that they aren't content with the work they could get under JKREGS.

9.2.9. Transparency and Accountability:

Attendance being marked everyday at the worksite is one of the indications that the data on the work done is not being fudged.

Only 61 % of the respondents mentioned marking the attendance at the worksite. Among those only

Attendance	Responses	Percent
Yes	41	61.2
No	26	38.8
Total	67	100.0

31.7 % reported signing the muster roll and others said they marked attendance on the register/note book.

It is also important to know where the attendance is marked. It has been seen that while the attendance is marked in some register or piece of paper at the worksite, what is filled in the muster roll is actually something different. It is therefore important to ensure that it is directly entered into the muster roll leaving very little scope for tampering later.

9.2.10. Visiting the Worksites:

The study design of the JKREGS included researchers visiting the worksites and observing whether worksites facilities are being made available to the people and machines are not being used for the work being undertaken. However, out of 50 villages surveyed under the study, researchers couldn't find a single worksite across all the districts. This shows how badly the JKREGS is being implemented in the state.

9.2.11. If not JKREGS?

The respondents were asked about what they would have done if not provided work under JKREGS, almost 40 % responses recorded (19 out of 47) were they would have migrated to other different places for work. Though the sample size is small but it gives a clue how important the JKREGS can prove in checking the migration of people for work within and outside the state.

Box 9.3: Why JKREGS is Important?

Kashmir is a labour scarce valley and provides a unique example of two-way migration. In the summer thousands of people mostly from Uttar Pradesh and Bihar visit the valley for searching the work and leave immediately on the onset of winter. This trend has increased in more recent years.

However, in the winters Kashmir has long history of people migrating to other nearby states like Punjab and Haryana for work. The trend has reduced drastically in the last one and half decades.

The discussions with the old people revealed that reasons for migration were manifold. Kashmir used to have big snowfalls, hardly leaves any option of work. The winter could remain severe for couple of months. Therefore, people from villages used to migrate in winters to find work outside and could also rescue chill cold.

Many people mentioned that the earnings weren't much and a substantial amount of earnings would be spent on their own expenses and on the travel from Kashmir and back. The main reason for their migration has been the non- availability of work in

Kashmir during the winter.

Now the migration had drastically reduced and people attribute the reason to the decrease in poverty, increased food security and increased employment in formal organized sector, over the years. Instead of all this, maximum of the laborers, engaged in unorganized sector in the villages, find themselves idle during the winter especially when the snow has covered the whole valley.

Therefore, this becomes very critical if an employment generation programme like JKREGS fails to provide employment to the people in times of need. When asked to the people in number of places, most of them welcomed the idea and were willing to work under JKREGS during the winter on the wages as provided.

It has to be recognized that it is not also possible to plan and carry any kind of work in the periods of snow. One such task can be cleaning of snow from the roads. Presently this task is being undertaken by one of the government departments. The main roads and towns are being cleaned of snow by big machines and most of the roads connecting villages are being manually cleaned by the people. The cleaning of the snow by machines needs a simple order of administration to begin with but the cleaning roads in villages invite tenders and the entire process becomes slow. The delays create serious troubles to the people and block the entire transport system even for days.

The irony is that though the roads are being cleaned manually in villages but the work hasn't been made part of the JKREGS. A senior government official working with the department of Rural development of J and K said that the state has written to the Ministry of the Rural Development, GoI for the approval of including the Snow cleaning in the List of "JKREGS permissible works", the ministry didn't approve the idea and justified on the fact that this work doesn't lead to the creation of any durable asset which is a pre-requisite condition for any work to be taken up under JKREGS.

However, the same work could have been started under "rural connectivity" which is permissible under JKREGS and there is nothing in NREGA that says the works should necessarily lead to creation of durable assets.

The only concern of this work would be the limitation of its potential to provide the work to the people throughout the winters. However, it provides a way of making the JKREGS successful and beneficial to the people of Kashmir and the need of the hour is to call a very thought full exercise to actually list down the similar tasks that can be planned and worked out during the periods of snow in specific and winter in general.

9.3. Key Issues and Recommendations:

The fact that the National Rural Employment Guarantee Scheme has been introduced under an act of the Parliament (NREGA), it makes it different from the other schemes that have been looked at in this report. It is also a more complicated scheme and also fairly new.

The Central Government is required to pay for the wages of labourers employed under JKREGS, and for three fourths of the material costs. The state Government has to pay for one fourth of the material costs, and also the unemployment allowance. If the labour-material ratio is 60:40 (the “minimum” ratio under the Act), this means that state Governments will pay only 10 per cent of the employment costs, plus the unemployment allowance. Therefore, by not implementing the JKREGS properly, the state government is not only denying the right of the people to work, but it also shows the inefficiency of the state in not being able to use the money available from the central government.

The results of the survey are discouraging. There is low level of awareness about the provisions of JKREGS and how to demand work, among the general masses. People have not been provided job cards, as is also reflected in the survey, and it was difficult to find even five persons with job cards in many of the villages surveyed. More discouraging was the fact that even the people who were aware of JKREGS and have secured job cards do not make demands for the work under the provisions of the Act. Also, among those who need work and have made legal demands for work under JKREGS have not been provided work within a period of 14 days as guaranteed under JKREGS. Almost 74 % of the respondents said they could not get work within 15 days of making the demand for work under JKREGS. Further, not a single respondent reported getting unemployment allowance.

The fact is that so far, the JKREGS scheme has not been able to provide any guarantee of work to the people in the state. One main reason is that the wages prescribed by the state under JKREGS are very low as compared to the local wage rates in the state. Also the JKREGS in the state has not been able to provide employment during the winters which is the ‘off season’ for employment for daily wage workers. Therefore, the NREGS scheme has been designed to fail in the state. The macro figures on the status of implementation of JKREGS across the districts also reflect the same situation.

The Act has built in monitoring mechanisms such as the social audit, which must be used more actively to both monitor the scheme and raise awareness. Since this is a demand based scheme, how effective it will be also depends on the level of awareness among on the people about the scheme.

The following are some of the recommendations for making the scheme more effective in the state:

- 1. The daily wages under JKREGS must be increased to almost 100 Rs., as has been done by many states. Haryana provides wages under NREGA at Rs. 141 per day, Kerala provides Rs. 125, Andaman and Nicobar provides 130 to 139 rupees per day, Chandigarh provides 140 , as do many other states. J and K is among the few states which are providing less wages than Rs. 70 per day under NREGA. This is particularly damaging because of the high wage rates in the state.**
- 2. The wages should be strictly paid on time, as prescribed under JKREGS. The state government deposits the wages in the bank accounts of the workers. However, there are often delays in depositing the wages in the bank accounts of workers, therefore, to prevent delays the payment system should be made decentralized to the extent possible. A fixed amount should be kept in advance with all the banks involved in this, and on every weekend the payment order should go directly to the banks from the lower level in the payment administration, and the banks would deposit the wages in the accounts of each worker who worked for that weekend. Subsequently the advance would be settled against the wages paid and new amount of the advance would be given to the banks. The state of A.P has designed the payment system on these same lines.**
- 3. A campaign should be launched to make people aware of their rights under the Act, and to issue job cards.**
- 4. A special campaign should be launched to include women under JKREGS.**
- 5. As there are no panchayats in the State, therefore, the State government should strictly make it mandatory for each VLW to organize the meeting of the village community once in three month for formulating plans and their implementation under JKREGS in the State. The village level worker should also visit each village in his list for a full day not less than once every week. The date and the place where village level worker could be approached by the community should be intimated to them in advance since there are no panchayat premises in the most villages of J&K which could have been used for this.**
- 6. Work should be provided on demand and within the time frame. Adequate work should be made available and provided within 15 days of making demand.**
- 7. Attendance should be marked on a muster roll and worksites facilities including shades, safe drinking water, first aid and crèches for children under six are be made available on each worksite under JKREGS.**
- 8. The worksites facilities including shades, safe drinking water, first aid and crèches for children under six should be made available on each worksite under JKREGS.**

- 9. The unemployment allowance should be strictly paid to the workers by the state if not provided work within the 14 days of making the demand. This is important as would be a “penalty” on the state Government for this failure, since the payment of unemployment allowances is the responsibility of the state Government.**

- 10. Creation of water harvesting structures in rainfed areas is a great opportunity in the state, and this can be explored to make work available under JKREGS. As noted earlier, a higher percentage of agricultural land in the state is dependent on rainwater availability and this as high as 84 percent in Jammu division. This would be also useful for the state to increase the water availability for the agriculture, which will lead to increase in the production of food grains. This would also serve as an incentive to the farmers to work under JKREGS.**

- 11. The state government must institutionalize the social audit under JKREGS and for other food schemes. This is a provision though provided under NREGA but has not translated into reality and practice.**

- 12. Government of India has already notified that NREGS funds can also be used for land development activities in the private lands of Scheduled Castes/ Scheduled Tribes and Below Poverty Line (BPL) households. This provides an unique opportunity to create durable assets in the private lands of vulnerable groups and is likely to lead to an increase in productivity of these lands in the long run.**

10. Summary and Conclusion

The Government of India implements many feeding schemes including the ICDS, MDMS, PDS ; cash transfer schemes like NFBS, NMBS and IGNOAPS and employment generating schemes like NREGS, primarily with the purpose of either making the food directly accessible to the people or provide the means to acquire the food. These schemes cover the entire life cycle of a human being from the time when the child is in the mother's womb to the time when a person becomes incapable of doing any hard labour for his or her survival.

However, the analysis of the results of the survey supports the conclusion that the Supreme Court orders passed in the right to food case have not been implemented in the state in their full spirit. Also the level of implementation varies between the different schemes covered under this study. There are a few schemes like PDS and MDM which are performing far better than the schemes like ICDS and IGNOAPS. The other schemes like NREGA, NMBS and NFBS are hardly in place. One of the main reasons for these schemes for not performing well was the high level of unawareness among the people.

- **TPDS:** Ration is being sold at higher prices, as almost 80 percent of the respondents reported getting ration at a higher price than prescribed. Ration shops are not open regularly and mandatory information like time of functioning, details of stocks, card holder names and food grain entitlements aren't being displayed at the ration shops. Entries are not being made in the ration cards.
- **ICDS:** In many habitations and hamlets AWCs have not yet been established. AWCs are not open every day and more than 40 percent reported that SNP isn't given on every day. AWW doesn't make home visits and almost 60 percent respondents said that children aren't weighed at AWCs. The pre-school activities aren't happening mostly. The preparation of the meal is decentralized but the procurement of food items is centralized which is the reason for the shortages in food supply to AWCs.
- **MDMS:** The quality of the mid day meal is greatly compromised. In few villages, people also reported that the ration being supplied by FCI is not of fair quality. Further, the meal provided to the children is not adequate and sufficient. Almost 13.5 percent of the respondents also reported irregularities in the mid day meal and few teachers also recalled shortages in supply of food grains. The other main concern was long delays up to six months in the allocation of funds to the schools for procuring the food items locally, which has a large affect on the quality of the meal.
- **NMBS:** The NMBS scheme hasn't been functional in most of the areas of Kashmir during the year 2008-09. Out of 143 institutional deliveries only 9 women and only 4 out of 60 home deliveries have been given benefit under the scheme. The scheme has suffered mainly due to lack of funds for its implementation in the state.

- **IGNOAPS:** The coverage of the scheme is very limited. Most of the beneficiaries reported receiving an amount of just 200 Rs. under the scheme. There are huge delays in delivering the pension to beneficiaries and the state has, infact, made a policy of depositing pension in the bank accounts of the beneficiaries only quarterly, as against the Supreme Court order and there are even delays in that as well.
- **NFBS:** This is one scheme that has been completely neglected. The coverage of the scheme is very limited and almost 92 percent of the respondents, who though eligible, haven't received any benefit. Further, the beneficiaries who have received any benefit have been given benefit after years of time which defy the objectives of the scheme to provide an immediate help to the family living in poverty. There is no identification mechanism for identifying the beneficiaries for the scheme.
- **NREGA:** The results of the survey for NREGA are discouraging. People haven't been provided job cards, and who had made demands for work under NREGA haven't been provided work within a period of 14 days as guaranteed under NREGA. Further, not a single respondent reported getting unemployment allowance. The wages prescribed by the state under NREGA are very less as compared to the local wage rates in the state. Also the NREGA in the state hasn't been able to provide employment during the winters which is off season of employment for daily wage workers.

On 28 November, 2001, the Supreme Court passed a significant "interim order" pertaining to all these schemes in the right to food and the order converts the benefits of these nutrition-related programmes into legal entitlements and it directs the state and central governments to adopt specific measures to ensure public awareness and transparency of these programmes.

The state of J and K is also a food insecure state, as the state has a deficit of 40 percent in the food grains; therefore, the state is heavily dependent on the food imports from the other states to meet the requirements of the people. The hilly topography and the conflict in the state make the situation further worse and often provide barriers for the smooth supply of food grains within the state.

The J and K state in the history has been a more egalitarian state and post independence the land reforms have happened extensively in the state. Therefore, the state's agricultural produce is shared among most of its population. However, most of the farmers in the state are very small and marginal and therefore, are dependent on the market for the food grains for some period of the year. Also in a situation if other main producing states of India would face a food crisis and can't export food to other states and in that case this would be serious concern for the state where from they would fill the deficit and meet the requirements of the people.

Therefore, the role of state becomes more inevitable in such a situation. The state has the potential to increase the production of food grains, as almost 5 lakh hectares of the gross cropped are left unused, about 3 lakh hectares of the net cropped area doesn't have an assured irrigation and 90 percent of the ground water is still unutilized, but this would require an investment and an effective policy of the state.

The above food and livelihood schemes provide a means of access to the people to food and nutrition and therefore, not implementing these schemes in a proper and effective way is a violation of the Supreme Court order and denial of the rights to the people. In J and K, 29 percent of the children under three are under weight and 28 percent are stunted. Also 68 percent of children in the same age group and 53 percent of the ever-married women aged 15-49 are anaemic. This high level of malnutrition in the state increase the significance of these schemes and demands an effective implementation at the gross root level, but this would require certain level of policy changes in these schemes in the state. Each different section of the schemes provide a set of recommendations that has to considered if the schemes are to reach out to all the beneficiaries and to be implemented in compliance with the Supreme Court orders.

Annexure I: Letter sent to the J and K Government based on this Report

August 25th, 2009
Schemes.survey/670/J&K.

Shri. Sham Singh Kapur
Chief Secretary
Government of J & K,
Srinagar 190004

Sub: Implementation of food and employment schemes in the state.

Dear Shri. Kapur,

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. In order to assess the status of implementation of these schemes in the state of Jammu and Kashmir, we have conducted a survey in the state, with the involvement of students of the Department of Social Work, University of Kashmir. The greater part of the survey was completed over a period of ten days from 27th July to 4th August 2008.

The survey was conducted across 50 villages in the state, covering all the ten districts of Kashmir valley. It was found that while some of the schemes are functioning well, others require major improvements. The report is being finalised and will be shared with you. However, we would like to share with you in advance some of the major findings of our study and request you to take necessary steps, as indicated below, to ensure that all the food and employment schemes in the state work effectively providing services to all eligible beneficiaries.

I. Targeted Public Distribution System (TPDS):

While the overall functioning of the TPDS was found to be better than in most states of North India, there were some issues of concern that remain. The following are major findings and recommendations in relation to the TPDS:

1. It was seen that most of the households visited during the survey possessed some kind of a ration card. However there was a problem in some villages where several households complained that they did not have a ration card, in spite of many of them having applied for one. These villages are Chitragam in district Shopian, Chaliwan in Bandipora district and Narayan Bagh in district Ganderbal. We would be grateful if you could kindly enquire into the reasons for the same and appraise us about the steps taken to ensure that ration cards are distributed immediately to all households.

2. About 90% of the respondents said that were getting the full quota of 35kgs of foodgrain per month. This is a much better scenario than most other states that we have surveyed in the past. However two-thirds of the respondents complained that rations were not available to them in instalments. This is against the order of the Supreme Court dated 2nd May, 2003 which clearly states that ration should be made available in instalments if the beneficiaries ask for it. It would also be fairly simple to operationalise by the State Government. We would therefore urge you to look into this.
3. It was also found that the records in the ration shop were not maintained properly. There was no public display of all the information related to the PDS in more than 85% of the ration shops visited. The entries in the ration cards were not properly maintained and the recall of the beneficiaries and the entry made in the distribution register did not always match. Only 50% of the respondents said that the ration shop was open everyday. Further almost 80% of the respondents reported paying a higher price of 50p. to Re.1 per kg. than what was declared by the state as the issue price. In order to rectify these gaps in the implementation of the PDS in the state we recommend that the state government issue strict instructions to all the fair price shops to publicly display information such as timings of opening of the ration shop, details of stocks, card holder names and food grain entitlements. Further they must also be instructed to make available all records for public scrutiny. The government should create a website and consider putting all record, documents and monthly progress report down to each PDS shop online regularly. The state government should also constitute vigilance committees in all the villages to monitor the functioning of ration shops in their villages. The details of stocks, allotment order, list of beneficiaries etc. should be made available to this committee. States like Tamil Nadu and Chhattisgarh have already put such transparency measures in place and it should not be difficult for J&K to do so.
4. One of the reasons for the success of the PDS in the state of Jammu and Kashmir seems to be that the fact that the ration shops are controlled by the state government with the PDS shops (nodal distribution centers) being run by government directly, rather than by private dealers, as seen in most parts of the country. The employees running the shops get a regular salary from the government and do not depend on the commission from sale of the foodgrains; and therefore have lesser incentives to cheat and to sell the grains in the black market. However, we have learnt that the state government has recently decided to privatize the system by handing over the running of fair price shops to private dealers on a commission basis. This decision should be reviewed on the basis of a systematic study of the functioning of the system as run by government employees compared with the new system of contracting out fair price shops to private dealers. If the shift to private dealers has not already been made in all parts of the state, we recommend that this process be suspended immediately and a study be conducted comparing the districts where the new system is in place with

those where this has still not been introduced. We have documented evidence from a number of States that the privatisation of the PDS outlets led to very large scale leakages and corruption.

5. The different entitlements to different categories of people with prescribed rates, telephone numbers and address for lodging complaints should be written on each ration card. The entries should be clearly marked in the ration card every month with readable dates, quantity of food grains lifted, and the amount paid. A toll free helpline number should be made available to lodge complaints and the complaints should be disposed immediately. These are again steps that many state governments have already undertaken.

II. Integrated Child Development Services (ICDS):

According to the NHFS-3, 29% of children under three years of age in the state are malnourished. The ICDS is the main intervention to address malnutrition among children and is therefore a very critical programme in the state. Unfortunately, the survey found that there were many gaps in the coverage and quality of the ICDS in the state. The following are our main findings and recommendations:

1. We would like to remind you that the Supreme Court in its orders dated 28 November 2001 and 13 December 2006 has directed all state government to ensure that every hamlet is covered by an anganwadi centre. Further the current norms of the Government of India provide for one anganwadi for every 800 population. About 12% of the respondents reported that there is no anganwadi in their habitation. For instance, one hamlet of Lammer in district Kulgam; one hamlet of Lar in district Ganderbal; one hamlet of Chuntwaliwar in district Ganderbal; Mujgund in district Srinagar; Checki badrinath in district Pulwama; Chotipora in district Shopian are villages/hamlets visited by our researchers that have no anganwadi centre. Malangam of district Bandipora has a population of almost 7000 and only one anganwadi. Further, in Neelipora in district Kupwara the researchers found two AWCs have been sanctioned in the village but are operating close to each other in only hamlet called Malik Mohalla and the other hamlet called Bonapora Mohalla there is no AWC even after people have made a demand for it, under the "Anganwadi on demand" order of the Supreme Court.
2. The anganwadi centres also do not function regularly. About 30% of the respondents reported that the anganwadi centre in their village does not open everyday. Further it was found that even where the anganwadi centres are opened regularly it is only the anganwadi helper who is present and the anganwadi worker only visited occasionally. We would like to request you kindly issue strict instructions that the AWCs must open regularly and all the anganwadi workers must be present at the AWCs regularly.

3. Eight percent of the children reported getting a take home ration, whereas in most places children are being fed in the centre. Steps must be taken to ensure that hot cooked meals are available in all the anganwadi centres in the state.
4. What is cause for concern is that more than 40% of the respondents said that the supply of nutrition in the anganwadis is not regular. In the villages of Thajiwara, Hugam, Dado, Takiabal and Gadhanjipora in district Anantnag; Yamberzal wari, Chandusa, Hamray and Hajan in district Baramulla; Lar and Chuntwaliwar in district Ganderbal; Lammer in district Kulgam; Anchar and Faqir Gujiri in district Srinagar; Lachampora in district Kupwara; Sangerwani in district Pulwama respondents reported that there has been a disruption in the supply of SNP ranging from a period of one and half months to six months in some cases. We request the state government to immediately look into the reasons for the irregularity in the supply of SNP and set up systems place to ensure that children and other beneficiaries receive SNP for at least 300 days in a year as directed by the Supreme Court.
5. The principal reason for the disruption of supply seems to be the fact that the Department of Social Welfare procures all the supplies, centrally at the district level and this is then supplied to the villages. This contravenes, in letter and spirit, the numerous orders of the Supreme Court which stress on the decentralisation of the supply. Except perhaps a few remote scheduled tribal hamlets where availability of food grains at the local level may be a problem, a decentralised procurement system can very easily be put in place across J&K, with village communities being given this responsibility. Wherever this has been undertaken, we find that the ownership of the ICDS scheme has gone up tremendously.
6. The other activities of the ICDS also seem to be of a poor quality. Less than 50% respondents reported that an anganwadi worker ever made a home visit, more than half of them (50.4%) reported pre-school activities are not being carried out in the AWCs and majority of them (58.4%) reported that their child has never been weighed in the anganwadi. The Supervisors and CDPOs should be issued instructions to monitor regularly the work of the anganwadi workers and take action where necessary.
7. Further, the infrastructure in the centres also seem to be very poor with almost 80% of the anganwadi centres visited running from the homes of either the anganwadi worker or the anganwadi helper, only two anganwadis had drug kits available, only 55.6% of the anganwadis had playing equipments and only 64.8% AWCs had weighing scales available. A thorough review of the infrastructure and quality of services provided by the ICDS must be undertaken and the state government must make universalisation with quality of the ICDS a priority.

8. More than 50% of the anganwadi centres had no disabled child attending the centre. We urge you please undertake the survey for identifying the children with disability in the all the hamlets regularly every year and undertake a campaign for the inclusion of the children with disability in the anganwadi centres and make all the necessary infrastructural arrangements like ramps, toilets etc to encourage children with disability to regularly attend the AWC for SNP, preschool activities and other services, with priority to those anganwadis where any child with disability has been identified and enrolled in the AWC. In the Annual census that the AWWs does in each village/hamlet, an additional column for the identification of children with disability must be added.
9. Many AWWs reported being trained only once at the time of recruitment and therefore, are likely to be unaware with the new developments in the scheme. The State government should make provisions for regular trainings of AWWs with special focus on growth monitoring and preschool education.
10. The State government should take necessary steps to make documents, reports and all the information related to the ICDS available on the website. This has also been directed by the Supreme Court in order dated Oct 7th, 2004.
We hope that you will review the working of the ICDS in J&K based on the inputs that have emerged from the survey.

III. Mid-day Meal Scheme (MDMS):

The survey confirmed the belief that the mid day meal scheme is one of the better run schemes in most parts of the country and is also very popular among parents and children. However, some issues of quality of the meal were brought out by the survey which has to be addressed. The following are the major findings and recommendations in relation to the mid-day meal scheme:

1. It is appreciated that almost all (98%) of the children who were interviewed in the survey responded that they were provided with a mid day meal in school.
2. However, about 10% of the children felt that the quantity of the meal was not sufficient. About 30% of the children also felt that the quality of the meal was not good and 15 percent said there was no varied menu for the mid day meal. This must be looked into. The quality of the meal should be increased and the menu should be fixed for each day and the students should know which recipe would be served on each day in advance. The State government should also consider including eggs or cheese or meat in the menu.
3. About 13% said that the meal was not regularly served and a large majority (~70%) complained that the meal was not being given on Fridays. The discussions with the respondents unveiled many other aspects of irregular serving of mid day meal in

the schools. There were complaints of irregularity or disruption in mid day meals from the following villages – Checki Badrinath of district Pulwama; Arampora of district Baramulla; Dadoo of district Anantnag and Laghama of district Baramulla. Therefore, we request you to please issue strict instructions to all the schools that the mid day meal should be served in all the working days including Fridays and examination days and enquiry must be done in the above listed villages about why there was disruption in serving the mid day meal in the schools.

4. To avoid disruptions in the serving of the meal, money should be allocated to the schools in advance in a way that at any given point the school has the required funds for serving the meal for a period of three months. Opening of bank accounts in the name of Village Education Committee could also be considered as this will increase the accountability to the community.
5. Almost 76 percent respondents reported that teachers are involved in the organizing, procuring raw materials and cooking of the mid day meal. Further about 80% of the teachers said that they give up to one hour of their time everyday for the mid day meal while the rest give even more. The State government should consider the appointing one additional staff for the mid day meal in the schools, as done by the Gujarat and Tamil Nadu.
6. The infrastructure for the mid day meal also needs improvement. About a third of the schools visited had no drinking water facilities; a third did not provide plates to the students.
7. Further, it has been noticed that the Zonal Education Officers procure all the cooking utensils including gas stove, cylinder and containers centrally at the zone level and then the utensils are supplied to the schools. The centralised procurements provide opportunity of money being siphoned away and therefore, any such procurement must happen at the school level by the school staff and village education committee.
8. Only in 44% of the schools were the cooks from the SC/ST or OBC categories, whereas the Supreme Court order specifies that women from these groups should be given priority in the appointment of cooks for the mid day meal.

IV. National Maternity Benefit Scheme (NMBS):

The results of the survey with respect to the functioning of the NMBS/JSY scheme are very disappointing. It seems as if the scheme has still not taken off in the state in spite of repeated orders from the Supreme Court and the high priority given to it under the National Rural Health Mission. The following are the main findings of the survey:

1. Only 6.3% of the eligible beneficiaries reported getting any benefit under the NMBS/JSY schemes. Out of 143 women who had institutional deliveries only 9

women and only 4 out of 60 women (BPL) who had home deliveries have been given benefit under the scheme.

2. Further, of the 9 women who had institutional deliveries; 5 reported getting only Rs. 500 as benefit whereas they should have got Rs. 1400.
3. There is clearly a lack of awareness about the scheme among the beneficiaries and also service providers. The State government must regularly advertise the revised National Maternity Benefits Scheme and Janani Suraksha Yojana on All India Radio and Doordarshan at primetime so that the beneficiaries may become aware of and understand the two schemes. This should be pegged on the themes of nutritional education, and promoting intra family equity in food and health rights.
4. The details of NMBS and JSY schemes must be pasted on all Panchayat buildings, ICDS centres, public health centres, public health sub-centres, and block & district hospitals. Further, a regularly updated list of selected and rejected applicants should be displayed quarterly at the Panchayat Bhavan/ any nominated place and ICDS centres. This should be pegged on the themes of nutritional education, and promoting intra family equity in food and health rights.
5. Women who applied for benefit and were rejected were given reasons such as not being BPL (although they had an institutional delivery and therefore are eligible for the beneficiary since Jammu and Kashmir is a Low Performing State, according to JSY guidelines); having more than two children (the Supreme Court order of November 2007 clearly states that there should be no restriction on the number of children for a woman to be eligible for benefit under NMBS); having a home delivery (again the Supreme Court has repeatedly clarified that Rs. 500 should be given irrespective of place of delivery) and lack of funds. All these reasons indicate that the state government has not given priority to this scheme and the provisions under this scheme have not been adequately conveyed to the district and PHC levels. We request the state government to immediately inform all the districts and PHCs about the provisions under the scheme, including the fact that there is no restriction on age, place of delivery or number of children to receive a benefit under the scheme.
6. Further since the Government of India is providing the funds for this scheme in advance, there should be no reason why funds are not available at the PHC level to be given to the women on time. The state government should review the bottlenecks in the flow of funds from the state to the district and PHC levels and take steps to ensure that funds are available at the lowest level and women are paid the benefit in time.
7. The Village Health and Sanitation Committees under the NRHM should be made functional and empowered to review the status of these schemes and give feedback to the officials if the NMBS and JSY schemes are not functioning effectively.

V. National Old Age Pension Scheme:

It has been over a year since the National Old Age Pension Scheme has been extended to cover all old people above 65 years and below the poverty line. However the results of the survey show that this expansion is yet to take place in the ground level. As can be seen below, there needs to be efforts to improve coverage and implementation of the old age pension scheme:

- 1. Of the eligible people who were interviewed almost 65% were not receiving any pensions. Further almost 90% of those getting pensions were getting Rs. 200 or less as pension per month, with the rest getting Rs. 325 per month. With the enhanced scheme (Indira Gandhi National Old Age Pension Scheme) in operation since November 2007, we request the state government to take immediate steps to cover all the old people who are BPL under the pension scheme and to also enhance the pension amount to Rs. 400 as the contribution of the Government of India has been increased to Rs. 200 per person per month.**
- 2. The responsibility of identifying and selecting the eligible old people for the pension scheme lies on the state government and there are often delays. Therefore, the old people who are eligible but aren't provided pensions for any time due to any reason should be provided arrears equal to amount they could have received if identified on time.**
- 3. The system of payments of pensions in the state as reported by the beneficiaries is through banks. While this is a better system compared to cash payments, it is important that the payments are made on time and that the old people do not have to make repeated visits to the bank to get their pensions. Almost 30% of the respondents reported having to travel long distances to get the pension and also many complained that when went to the bank once in three months, the pension was not yet deposited. Further, there were complaints of the banks allowing the pensioners to withdraw their money only on a fixed day leading to overcrowding and long waits. The State Government should send instructions to the banks to allow the old people to withdraw their pension money on any day of the month, as other customers of the bank can do, and not necessarily on one day of a month or a quarter. This should be written clearly on the entitlement card (pass book) and should also be displayed on a notice board in each bank where pension is being distributed.**
- 4. We further recommend that to prevent delays the amount of one quarter should be deposited in advance in the accounts of each beneficiary and if the pension amount for any quarter is not being deposited by the State government before a specified date, the branch managers should enjoy authority to pay the pensions to the beneficiaries from the advances as a credit to the government which has to be settled immediately.**

5. The amount of pension and age of the person should be clearly written on the entitlement cards (pass books) of the old people with clearly marked entries in the pass book with details of dates and amount withdrawn.

VI. National Family Benefit Scheme (NFBS):

It is unfortunate that the National Family Benefit Scheme which provides a small support to poor families at a difficult time, seems to be almost non-functional in the state. We urge the state government to take this scheme seriously and ensure that it is implemented according to the guidelines of the scheme and the orders of the Supreme Court.

1. Of the eligible beneficiaries identified in the survey, 92% reported not getting any benefit under the NFBS.
2. Even the few people who received the cash benefit received this amount at least a year or a more after the death of bread winner.
3. The State government must regularly advertise the provisions of the scheme on All India Radio and Doordarshan at primetime so that the beneficiaries may become aware of. The details of scheme must be pasted on all Panchayat buildings, ICDS centres, public health centres, public health sub-centres, block & district hospitals and block development offices. Further, a regularly updated list of selected and rejected applicants should be displayed quarterly at the Panchayat Bhavan/ any nominate place in village and ICDS centres.
4. The state government should put in place a proper and transparent procedure to identify beneficiaries for this scheme. The procedure for application for benefit under the scheme must be simplified. The payment (by cheque) should be made immediately within a period of one month of the death and should be delivered at home of beneficiaries.
5. As the State government receives a consolidated amount from Government of India under NSAP to be spent on NOAPS and NFBS, therefore, the State government should make clear allocation separately for both schemes based on the estimates and ensure that all the money allocated for NFBS is spent under this scheme and not diverted to IGNOAPS or any other State scheme.

VII. National Rural Employment Guarantee Act :

The results of the survey on the rural employment scheme are discouraging. There is low level of awareness about the provisions of JKREGS and how to demand work, among the general masses.

1. People haven't been provided job cards, as also reflected in the survey and it was difficult to find five persons with job cards in many of the villages surveyed.

- 2. More discouraging was the fact that even the people who were aware of JKREGS and have secured job cards don't make demand for the work. Also among those who need work and had made demands for work under JKREGS haven't been provided work within a period of 14 days as guaranteed under JKREGS. Almost 74 % of the respondents said they couldn't get work within 15 days of making the demand for work under JKREGS. Further, not a single respondent reported getting unemployment allowance. Therefore, a campaign must be launched to make people aware and to issue job cards to all the households in rural areas. We also request you please take steps to ensure that the work is made available to the people who made demand for the work under JKREGS within a maximum period of 14 days of making the demand, as prescribed under the scheme.**
- 3. One main reason for the lack of enthusiasm for the scheme is that the minimum wage of Rs. 70 per day prescribed by the State under JKREGS is very low compared to the prevailing local wage rates in the state. Government of India is willing to pay upto Rs.100 for NREGS. We would strongly recommend that the Government of J&K revises the minimum wage of the State to at least increased to Rs. 100, as done by many states.**
- 4. Also the JKREGS in the state hasn't been able to provide employment during the winters which is off season of employment for daily wage workers. Therefore, the JKREGS scheme has been designed to fail in the State. We request you to please make necessary arrangements and ensure that some kind of work is available in the winters to the people under JKREGS, which would have a drastic impact on the reducing the migration of people from Kashmir to other states during winters.**
- 5. The state government should take further steps to ensure that the wages are strictly paid on time, as prescribed under JKREGS, work is provided on demand and within the time frame, attendance is marked on the muster roll and worksites facilities including shades, safe drinking water, first aid and crèches for children under six are be made available on each worksite under JKREGS.**
- 6. We further recommend that a campaign be launched to make people aware and issue job cards and to include women under JKREGS.**
- 7. As there are no panchayats in the State, therefore, the State government should strictly make it mandatory for each VLW to organize the meeting of the village community once in three month for formulating plans and their implementation under JKREGS in the State. The village level worker should also visit each village in his list for a full day not less than once every week. The date and the place where village level worker could be approached by the community should be intimated to them in advance since there are no panchayat premises in the most villages of J&K which could have been used for this.**

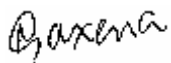
8. Creation of water harvesting structures in rainfed areas is a great opportunity in the State that can be explored to make work available under JKREGS, as a higher percentage of agriculture in the State is dependent on rainwater availability and this as high as 84 percent in Jammu division. This would be also useful for the State to increase the water availability for the agriculture which will lead to increase the production of food grains and would also serve as an incentive to the farmers to work under JKREGS.
9. The State government must institutionalize the social audit under JKREGS and for other food schemes. This is a provision though provided under NREGA but hasn't translated into reality and practice. We are willing to assist in the process of institutionalization of the social audit as an integral part of the JKREGS if the Government of J&K requires assistance.
10. Lastly, Government of India has already notified that NREGS funds can also be used for land development activities in the private lands of Scheduled Castes/ Scheduled Tribes and Below Poverty Line (BPL) households. This provides an unique opportunity to create durable assets in the private lands of vulnerable groups and is likely to lead to an increase in productivity of these lands in the long run.

We hope that the state government reviews all the above concerns related to the different schemes with the respective departments and plans actions to ensure that the gaps that remain in the implementation of the food and employment schemes in the state are addressed.

We would be grateful if you kindly respond to us with a plan of action within the next one month. We would be happy to assist you further with any further inputs that you may need and our colleagues could come to Srinagar to meet the concerned department officials, in case of need.

We would also like to take the opportunity to remind you of our earlier letters -- Allschemes/584/J&K, dated November 07, 2008 and Allschemes/613/J and K, dated February 3rd, 2009-- sent to you but we regret we haven't received any correspondence from the State. We urge you kindly respond to these letters within the two weeks time.

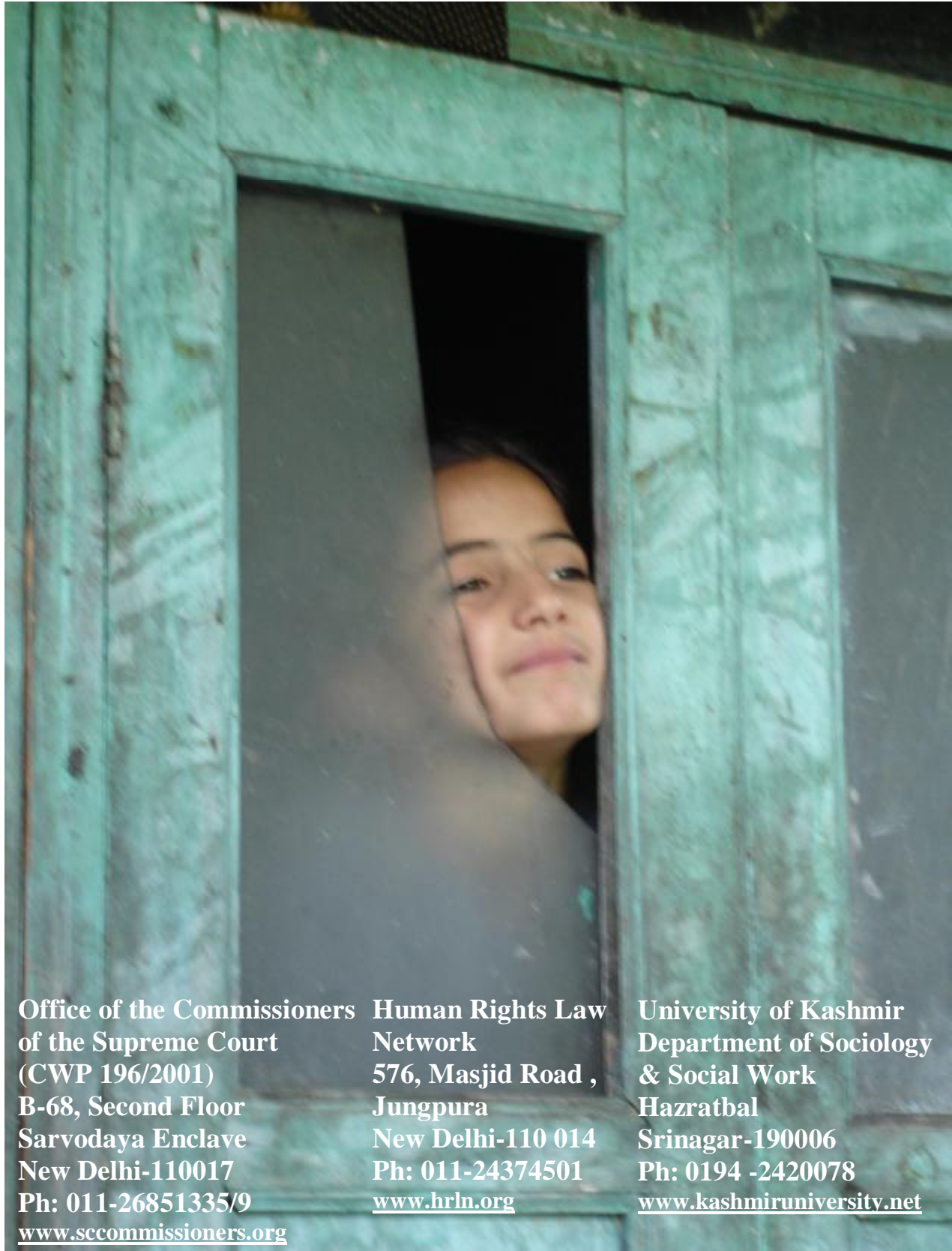
With Regards,



Dr. N.C. Saxena



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