

Seventh Report of the Commissioners of the Supreme Court

in the case: PUCL v. UOI & Ors. Writ Petition (Civil) No. 196 of 2001

November, 2007

To: The Registrar

Supreme Court of India

New Delhi

Dear Sir,

We present the Seventh Report of the Commissioners in the case PUCL v. UoI and Others (CWP 196/ 2001).

This document contains the status of compliance of the centre and the states to the orders passed by this Court. It also submits recommendations to facilitate better implementation of the schemes covered by these orders and in general to alleviate the situation of hunger and starvation in the country.

In the preparation of the Seventh Report, we have been ably assisted by our young dedicated team of whole time researchers, especially Biraj Patnaik, Principal Advisor to the Commissioners, Dipa Sinha, Oommen Kurian and Tanveer Dar, to whom we owe whatever scholarship and analysis that this report has been able to muster. Prof. Jean Dreze, Kavita Shrivastava and Dr. Veena Shatrughana have assisted in furthering our knowledge base both at the field level and through their theoretical contributions.

We are also deeply indebted to the network of State Advisers who voluntarily undertake the responsibility of monitoring the food and employment schemes in the States.

Sincerely,

Dr. N.C.Saxena

Harsh Mander

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Introduction

‘Food security is a situation that exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life’.¹

The right to food is the right of all people at all times to be food secure, and the principal duty bearer for the enforcement of this right is the national (and in federal polities like India sub-national) governments. The right to food as a fundamental human right has a strong foundation in international level and covenants, as well as the constitution and laws of several countries including India.

The contemporary international regime of human rights was established by the problem of the Universal Declaration of Human Rights by the UN General Assembly, 1948 which states that the ‘recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world’ (UDHR, 1948)²

The same declaration recognises national governments to be the principal duty-bearers for the enforcement of these rights. It states that ‘if persons have human rights they are entitled to a fundamental claim that others must do, or refrain from doing, something, since States speaking for States are primarily responsible for order and social justice in their jurisdictions, States are the primary targets of these personal and fundamental claims...’³

The most explicit reference to the right to food can be found in Article 47 of the Indian constitution:

Article 47 (Duty of the State to raise the level of nutrition and the standard of living and to improve public health) directs that ‘The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purpose of intoxicating drinks and of drugs which are injurious to health.’

The limitation has been that unlike the Fundamental Rights, which are unambiguously justiciable, the Directive Principles of state policy (of which Article 47 is a part) have moral rather than legal binding.

However Article 21 included in the chapter on Fundamental Rights Article 21 of the constitution, entitled ‘Protection of life and personal liberty’, says, ‘No person shall be deprived of his life or personal liberty except according to procedure established by law’. Over the years, a series of judicial interventions and interpretations have expanded the frontiers of this right to include several other socio-economic rights, including the right to food, right to housing and right to work. The interpretation is that the right to life implies life with dignity, and the complementary rights that are mandatory for the realisation of this right are also by implication fundamental rights. Since life is biologically impossible without regular nutrition, the right to food has been widely recognised by implication as a fundamental right.

1 FAO (2003); “Food Security- Concepts and Measurement”, Trade reforms and food security - Conceptualising the Linkages, Commodity Policy and Projections Service, Commodities and Trade Division, FAO, Rome, 2003, Available at <http://www.fao.org/documents/> . Also see Appendix 1 for a detailed conceptual review of the terms food security, food rights and food sovereignty.

2 UDHR (1948), “Universal Declaration of Human Rights”, <http://www.unhchr.ch/udhr/index.htm>

3 idib

However, in practice, in the past a great deal of ambiguity surrounds the actual justifiability of this right, which depends ultimately on the discretion and interpretation of individual judges. In the event of progressive and responsive judges, judicial intervention has cumulatively strengthened the realization of this right. The most significant case in this regard is the Writ Petition (Civil) No. 196 filed before the Supreme Court on 2001, by the People's Union for Civil Liberty (PUCL), Rajasthan.

In this case, the Supreme Court through a series of interim orders, has held both the union and state governments accountable for securing food especially of vulnerable populations. On July 23rd, 2001 the Court observed:

In our opinion, what is of utmost importance is to see that food is provided to the aged, infirm, disabled, destitute women, destitute men who are in danger of starvation, pregnant and lactating women and destitute children, especially in cases where they or members of their family do not have sufficient funds to provide food for them. In case of famine, there may be shortage of food, but here the situation is that amongst plenty there is scarcity. Plenty of food is available, but distribution of the same amongst the very poor and the destitute is scarce and non-existent leading to mal-nourishment, starvation and other related problems.

The Supreme Court also established its own independent monitoring mechanisms to track both hunger and government's performance across the country, through the device of appointing its independent Commissioners. In more than six years of hearing, the Supreme Court has passed a number of significant orders to advance the right to food of specific populations, especially by creating universal entitlement to all children in government and government aided primary schools to state funded hot cooked nutritious midday meals, and supplementary nutrition for all children below the age of six throughout the country. The effectiveness of civil and judicial intervention in securing the people's 'right to food' can be assessed from the range of the interim orders of the court so far.

The Supreme Court Commissioners have submitted a series of six reports so far to assess the functioning of nine food and livelihood schemes and the performance of the central and state governments to the Supreme Court. This is the seventh report of the Commissioners in this series. It assesses based on data generated by various governments, and independent demographic and other data, the performance of state policy for direct interventions for food security of all its citizens, ensuring adequate food at all times for healthy and active life, and the compliance of various governments in complying with the orders of the Supreme Court. These schemes introduce firstly a variety of direct food and income transfers, such as supplementary nutrition to children below six years and expectant mothers, midday meals for all primary school, old age pensions and food transfers; death compensation for bread winners and national maternity benefit schemes. Second there is the targeted public distribution scheme, involving procurement, storage and sale of subsidised food grains. Finally, there are programmes of wage employment more recently, work guarantee and public works.

In this report, we have tried to review the strengths of these schemes as well as the gaps. These include low allocation and utilization, poor coverage, corruption, leakages, low standards of assistance etc. The state also continues to deny the widespread persistence of starvation and destitution. Whereas there is remarkable improvement since the case commenced, the highly uneven performance of the majority of state governments confirms that the achievement of assured food security of all people, especially vulnerable social groups, cannot be left to executive discretion alone. It must become a judicial legal entitlement binding on every government, union, state and local, if the enormous human suffering, indignity, economic and social cost and enduring injustice associated with entirely preventable food denials and malnutrition is to be overcome, and hunger banished from every home in the country.

1.1 Introduction

The ICDS is the only Government programme in the country that caters to the nutrition requirements and other health, immunization and early education needs of the most vulnerable groups of population namely children under six years of age, pregnant and lactating mothers and adolescent girls. The recent National Family Health Survey (NFHS III) (2005–2006) shows that there has not been much improvement in the nutrition status of children in the last eight years. While during the NFHS-2 (1998–1999) 47% children under three years of age were found to be under-weight this number decreased by only one percent with 46% children under three years of age being under-weight according to the NFHS-3.

This corroborates other comprehensive surveys conducted by the Government of India. The latest National Nutrition Monitoring Bureau (NNMB) data (2006–2007) show that there is a deficit of over 500 calorie in the intakes of 1–3 years old and about 700 calorie among the 3–6 years old.

It is therefore extremely important that the ICDS programme reaches out to all the target populations and that there are improvements in the quality and equity aspects of the programme ensuring greater effectiveness in dealing with the problem of malnutrition.

The following report is mainly based on data available with the Ministry of Women and Child Development, Government of India and the affidavits filed in Court by the State Governments in response to the order dated December 13th, 2006.

1.2 Universalization

The instructions of the Supreme Court have been categorical to ensure the coverage of all children below six years, all pregnant and lactating mothers and adolescent girls in all rural habitations and urban slums with all nutritional and health services of the ICDS in a phased manner latest by December, 2008. The order of the court dated November 28th, 2001 stated, “We direct the State Governments/Union Territories to implement the Integrated Child Development Scheme (ICDS) in full and to ensure that every ICDS disbursing centre in the country shall provide as under:

- (a) Each child up to six years of age to get 300 calories and 8–10 grams of protein;
- (b) Each adolescent girl to get 500 calories and 20–25 grams of protein;
- (c) Each pregnant woman and each nursing mother to get 500 calories & 20–25 grams of protein;
- (d) Each malnourished child to get 600 calories and 16–20 grams of protein;
- (e) Have a disbursement centre in every settlement”

Further, the order dated December 13th, 2006 states that “The universalisation of the ICDS involves extending all ICDS services (Supplementary nutrition, growth monitoring, nutrition and health education, immunization, referral and pre-school education) to every child under the age of six, all pregnant women and lactating mothers and all adolescent girls.”

In this section, we will review the progress on coverage of the relevant target groups, and habitations, with operational services of ICDS especially supplementary nutrition and immunisation.

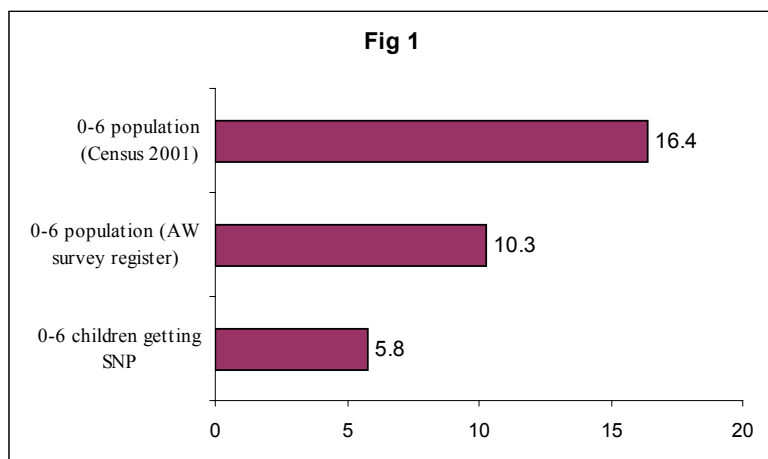
1.2.1 Universal Coverage of Beneficiaries

Supplementary Nutrition Programme

The orders of the Court have stated that the ICDS services must be made available to every child up to six years of age, every adolescent girl and every pregnant woman and nursing mother. Since projected population figures are not available for these groups of population, the number of present beneficiaries is compared with the population of these groups according to the Census 2001 and also with the population of these groups according to the survey conducted by the anganwadi workers.⁴ While the latter is more recent, the drawback is that this only covers settlements where there are existing anganwadi centres and therefore misses out on those who are not under the project area of any anganwadi. Research has also shown that some of the most vulnerable groups within the project area of the anganwadi are socially excluded and therefore not included in the anganwadi survey. These include socially ostracized dalit, adivasi, minority and disabled children, and economic groups like minorities.

a. Children under six years:

At an all India level only about half the children (56.6%) who have been identified by the anganwadi survey are beneficiaries of supplementary nutrition provision. As expected, in comparison with the population of children under six according to the Census (2001) the coverage is even poorer. While there are about 16 crore children in the 0–6 years age group according to Census 2001, the number of SNP beneficiaries is only 5.8 crores,⁵ i.e. only 35.5% children under six years of age in the country are receiving SNP under the ICDS, , even if there are no leakages, leaving out about 10 crore children (~66%). Further, in the states of Assam, Bihar, Kerala and Rajasthan the percent of children getting the benefit of supplementary nutrition is less than even 40% of the eligible children who have been identified in this age group by the anganwadi survey. (as seen in the table below).



4 As on 31.09.2006, MoWCD Correspondence with Commissioners' Office

5 Status report of the ICDS, DoWCD, Government of India dated 31 March 2007

Table 1.1 Coverage of Beneficiaries under ICDS (0–6 years)

Sl. No.	State/UT	No. of children 6 months to 6 years getting SNP*	0–6 year pop. as per AW survey register**
1	Andhra Pradesh	3255815	5867191
2	Arunachal Pradesh	149241	88841
3	Assam	914369	3356205
4	Bihar	3463564	10545140
5	Chhattisgarh	1652830	2349402
6	Delhi	428922	614494
7	Goa	43726	107557
8	Gujarat	1741045	3854259
9	Haryana	1119039	1920665
10	Himachal Pradesh	347244	589178
11	Jammu & Kashmir	424768	898684
12	Jharkhand	1606592	3321359
13	Karnataka	3075047	4314630
14	Kerala	959868	2742781
15	Madhya Pradesh	3869502	6670504
16	Maharashtra	5108750	8262248
17	Manipur	259997	352352
18	Meghalaya	287773	274187
19	Mizoram	125681	136185
20	Nagaland	301539	284055
21	Orissa	3770595	4427112
22	Punjab	864528	1873831
23	Rajasthan	2594188	7093107
24	Sikkim	38620	44570

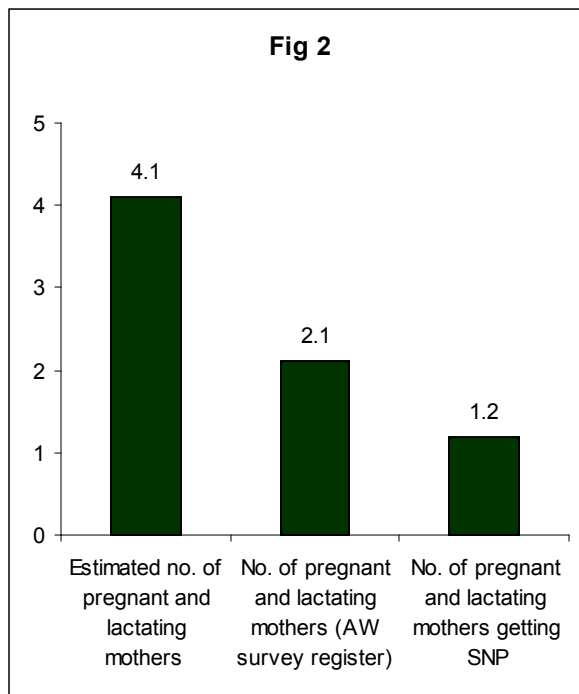
25	Tamil Nadu	1862205	4156309
26	Tripura	233427	280038
27	Uttar Pradesh	16041539	20419884
28	Uttaranchal	538644	762747
29	West Bengal	2998314	6966367
30	A & N Islands	21106	27774
31	Chandigarh	32958	81300
32	D & N Haveli	11935	13394
33	Daman & Diu	6694	32302
34	Lakshadweep	5758	
35	Pondicherry	29516	66744
	All India	58185339	102795396
*Source: Status report of the ICDS as on 31.03.2007, MoWCD, Government of India			
**Source: Status report of the ICDS as on 30.09.2006, MoWCD, Government of India			

Table 1.1 Coverage of Beneficiaries under ICDS (0–6 years)

% children getting SNP (as a % of no. of children as per AW survey)	0-6 year population as per Census 2001	% children getting SNP (as a % of no. of children as per Census)
55.5	10171857	32.0
168.0	205871	72.5
27.2	4498075	20.3
32.8	16806063	20.6
70.4	3554916	46.5
69.8	2016849	21.3
40.7	145968	30.0
45.2	7532404	23.1
58.3	3335537	33.5
58.9	793137	43.8
47.3	1485803	28.6
48.4	4956827	32.4
71.3	7182100	42.8
35.0	3793146	25.3
58.0	10782214	35.9
61.8	13671126	37.4
73.8	308585	84.3
105.0	467979	61.5
92.3	143734	87.4
106.2	289678	104.1
85.2	5358810	70.4
46.1	3171829	27.3
36.6	10651002	24.4
86.7	78195	49.4

44.8	7235160	25.7
83.4	436446	53.5
78.6	31624628	50.7
70.6	1360032	39.6
43.0	11414222	26.3
76.0	44781	47.1
40.5	115613	28.5
89.1	40199	29.7
20.7	20578	32.5
	9091	63.3
44.2	117159	25.2
56.6	163819614	35.5
*Source: Status report of the ICDS as on 31.03.2007, MoWCD, Government of India		
**Source: Status report of the ICDS as on 30.09.2006, MoWCD, Government of India		

b. Pregnant and lactating mothers:



The coverage is even worse if we look at the number of beneficiaries among pregnant and lactating mothers. The number of pregnant women and nursing mothers is estimated to be 4% of the total population at any point in time as per ICDS Scheme guidelines.⁶ Based on 2001 Census data we can assume that there are about 4.1 crore pregnant women and nursing mothers. However, according to the anganwadi survey register only 2.1 crore pregnant women have been identified and of these about 1.2 crore women are beneficiaries of the SNP under the ICDS. Hence, currently only about 25% of the eligible pregnant women and nursing mothers are being reached out to under the SNP of the ICDS, even if there are no leakages.

Incidentally, not even all or even the majority of SNP distributed can be assumed to actually be contributing to better nutrition for expectant and nursing women, because the majority is in the form of take-home dry rations, which research shows gets into the

common household food pool, rather than be specifically allocated in the household to women.

c. Adolescent Girls:

In the case of adolescent girls too the coverage is abysmally poor. The adolescent girls are not part of the main supplementary nutrition programme of the ICDS. The ICDS reaches out to adolescent girls mainly through two programmes—the Kishori Shakti Yojana (KSY) and the Nutrition Programme for Adolescent Girls (NPAG). The KSY has been extended to cover all the blocks in the country. Although data on the number of beneficiaries under this scheme is not available, looking at the financial allocations made for this scheme by the Central Government to the State Governments/UTs for the implementation of this scheme one can make an estimate of how many girls can be covered. Under this scheme, grant-in-aid of Rs. 1.10 lakhs per block is released to the States/UTs every year for the implementation of KSY. Given that the programme is implemented in 6108 blocks, the total grant in aid released would be around Rs. 6718.8 lakhs. According to the norms for per beneficiary per day allocation of funds the amount to be allocated for adolescent girls is Rs. 2.30 of which the centre's share would be Rs. 1.15. Therefore the budget allocated is sufficient to cover 19.4 lakh girls. In comparison, as per the census of 2001, the total female population in the 11–18 year age group stands at approximately 844 lakhs.⁷ It is therefore estimated that only 2.3% adolescent girls are being covered under this scheme, even if there are no leakages. The NPAG programme on the other hand covers undernourished Adolescent Girls in the age group 11–19 years who are underweight (weight < 35 kg.) where free foodgrains at 6 kg. per beneficiary per month are provided to them. However this scheme is currently available in only

6 This is the estimate used under the ICDS scheme itself. Vide para 28 and 29 of the ICDS Scheme quoted in para 2 of DoWCD D. O. No. 4-2/2005-CD-I dated 7 February 2005 to Secretaries in charge of the ICDS in all States/UTs, the number pregnant women and nursing mothers is estimated to be 4 per cent of the population. If we estimate the number of pregnant women (roughly the same as number of births) based on the crude birth rate of the population (population * crude birth rate), that would come to around 2 crores. Further, there would be as many lactating mothers.

51 of the 604 districts in the country.⁸ Adolescent girls continue to be an ignored section under the ICDS scheme.

1.3 Malnutrition Among Children—NFHS 3

The supplementary nutrition programme of the ICDS, along with other services such as nutrition counselling and referral health services are aimed at reducing malnutrition among children under six. The recently released data of the National Family Health Survey (NFHS 3) shows the current status of malnutrition among children under three, measured in terms of weight for age. As seen in the table below almost half (46%) children under three are underweight for their age in the country. Further, there has been almost no improvement in the percent children underweight in the eight years since NFHS 2 when it was about 47%. In Madhya Pradesh, Jharkhand, Bihar and Chattisgarh the percent of children malnourished is more than half and in Madhya Pradesh, Bihar and Jharkhand this figure has actually gone up since NFHS-2. Chattisgarh on the other hand, although still has a high rate of malnutrition has done comparatively well in the last eight years, with a fall in percent children underweight of nine percentage points. The other states where the situation of malnutrition among children under three has worsened are Arunachal Pradesh, Meghalaya, Haryana, Nagaland, Assam, Gujarat, Kerala, Sikkim and Goa.

8 All data related to the KSY and NPAG schemes has been quoted from the website of the Ministry of Women and Child Development, <http://wcd.nic.in>

Table 1.2 Percent of Underweight Children (under 3 years)

State/UT	Underweight Children (Under 3 Yrs)	
	NFHS-2 (%) (1998)	NFHS-3 (%) (2006)
Andhra Pradesh	38	37
Arunachal Pradesh	24	37
Assam	36	40
Bihar	54	58
Chatisgarh	61	52
Delhi	35	33
Goa	29	29
Gujrat	45	47
Haryana	35	42
Himachal Pradesh	44	36
Jammu and Kashmir	35	29
Jharkhand	54	59
Karnataka	44	41
Kerala	27	29
Madhya Pradesh	54	60
Maharashtra	50	40
Manipur	28	24
Meghalaya	38	46
Mizoram	28	22
Nagaland	24	30
Orissa	54	44
Punjab	29	27
Rajasthan	51	44
Sikkim	21	23

Tamilnadu	37	33
Tripura	43	39
U.P.	52	47
Uttranchal	42	38
West Bengal	49	44
All India	47	46

1.4 Immunisation Coverage

As mentioned above, the Supreme Court in its recent order on December 13th, 2006 directed that ALL the services of ICDS must be universalised. Here we look at the immunisation coverage based on the data of the National Family Health Survey (NFHS-3) of 2005–2006 and also compare it with NFHS-2 (1998–1999) to assess the improvement in coverage in the last eight years. At an all India level the percent of children who have received all recommended vaccines is as low as 44%, showing little improvement of 42% coverage seen during NFHS-2. Looking at the state-wise performance it is seen that the coverage is very low in the states like Bihar, Jharkhand, Rajasthan and Uttar Pradesh and the north-eastern states Assam, Meghalaya and Arunachal Pradesh. What is also worrying is that in better performing states like Tamil Nadu, Kerala, Andhra Pradesh and Gujarat the coverage under immunisation has actually fallen during the eight years since NFHS-2.

Ensuring full coverage of immunisation is a joint responsibility of the ICDS and the health department. While the anganwadi workers of the ICDS have role in motivating families to get their children immunised, the immunisation will not be possible unless the ANM visits the village regularly and there is adequate supply of the vaccines.

Table 1.3 Immunization Coverage

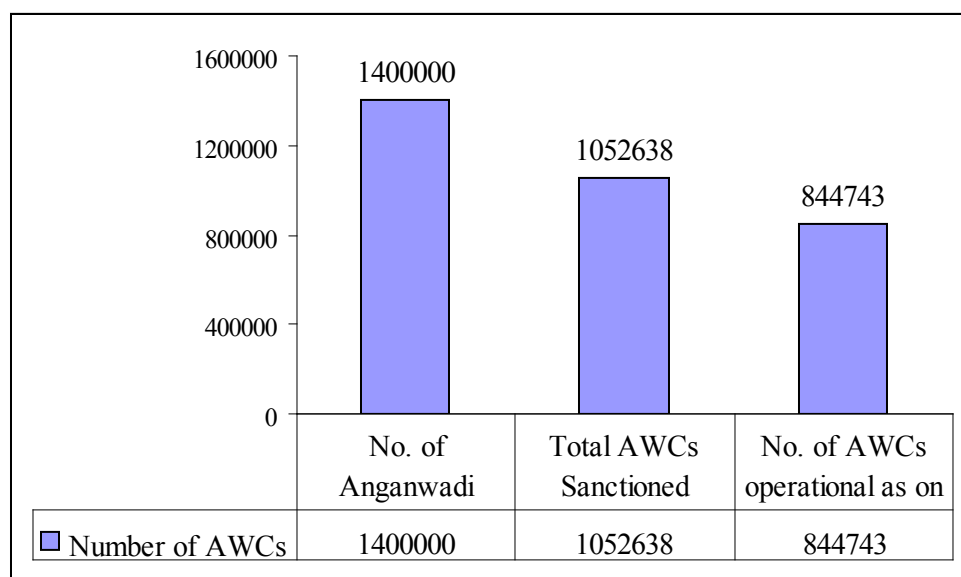
State/UT	Immunization Coverage (% of 12–23 months children who have Received all recommended vaccines)	
	NFHS-2 (%) (1998)	NFHS-3 (%) (2006)
Andhra Pradesh	53	46
Arunachal Pradesh	21	28
Assam	17	32
Bihar	12	33
Chhatisgarh	22	49
Delhi	-	63
Goa	83	79
Gujrat	53	45
Haryana	63	65
Himachal Pradesh	83	74
Jammu and Kashmir	57	67
Jharkhand	9	35
Karnataka	60	55
Kerala	80	75
Madhya Pradesh	23	40
Maharashtra	78	59
Manipur	0	47
Meghalaya	-	33
Mizoram	-	46
Nagaland	-	21
Orissa	44	52
Punjab	72	60
Rajasthan	17	27

Sikkim	47	70
Tamilnadu	89	81
Tripura	-	50
Uttar Pradesh	20	23
Uttranchal	41	60
West Bengal	44	64
All India	42	44

1.5 Universal Coverage of Habitations

The Supreme Court in various orders directed the Government of India and the State/UT governments to ensure not only that every child, adolescent girl and woman of required eligibility be covered, it also requires the scheme to be geographically universalised, or in other words that there is an anganwadi centre in every habitation.⁹ Accepting the submissions to the Supreme Court by the Commissioners that this would require at least 14 lakhs anganwadi centres,¹⁰ in the judgement of December 13th, 2006 it was stated that “Government of India shall sanction and operationalize a minimum of 14 lakhs AWCs in a phased and even manner starting forthwith and ending December 2008. In doing so, the Central Government shall identify SC and ST hamlets/habitations for AWCs on a priority basis.” However, the progress on the ground has been slow and unsatisfactory.

Table 1.4: Status of the Operation of AWCs—All India



Source: Status report of the ICDS as on **31.03.2007**, MoWCD, Government of India

⁹ See order dated 28.11.2001 and order dated 13.12.2006

¹⁰ 6th report of Commissioners and Letter to the Supreme Court from the Commissioners dated 19 July 2006 give details of how the figure of 14 lakh was arrived at.

Currently, the Government of India has sanctioned 10.5 lakhs anganwadi centres, of which 1.02 lakh centres were sanctioned in December 2006. Therefore, an additional 3.5 lakhs centres have to be sanctioned for the Court order of 14 lakhs anganwadi centres to be implemented. With the latest budget (2007–2008) not making an allocation for these additional centres, it is impossible for 14 lakhs centres to be sanctioned and made operational by the end of 2008, as directed by the Court.

While there has been an increase in the number of anganwadi centres in the last two years, albeit not at a sufficient rate, the process of operationalising these centres has been very slow. Further the Supreme Court in its order dated July 9th, 2007 directed that, “The backlog has to be cleared immediately and the centres which have been sanctioned up to September, 2006 shall be made operational and functional by July 15th, 2007 in the case of all States except the State of U.P. where the last date is fixed to be July 31st, 2007. Those centres which have been sanctioned up to January, 2007 shall be made functional by September 30th, 2007.”

The table below therefore looks at the status of operationalisation of anganwadi centres that were sanctioned up to September 2006. The 1.2 lakhs anganwadi centres that were sanctioned after this period are not looked at here as the deadline for operationalisation of these as set by the Supreme Court is September 30th, 2007, and therefore there is still time.

Table 1.5 Status of Operationalisation

S.no	State/UT	No. of anganwadi centres sanctioned as on September 2006 (Phase I expansion)	No. of anganwadis operationalised	% of anganwadis operationalised	Source
1	Andhra Pradesh	66101	61761	93.4	As on March 2007*
2	Arunachal Pradesh	3037	3037	100.0	
3	Assam	32075	31796	99.1	As per Affidavit filed in July/Aug 2007
4	Bihar	80528	80101	99.5	
5	Chhattisgarh	29437	28498	96.8	
6	Goa	1012	1012	100.0	As on March 2007*
7	Gujarat	41484	40888	98.6	As per Affidavit filed in July/Aug 2007
8	Haryana	16359	16359	100.0	
9	Himachal Pradesh	18248	18248	100.0	
10	Jammu & Kashmir	18772	17767	94.6	
11	Jharkhand	30854	30854	100.0	
12	Karnataka	51614	51478	99.7	As on March 2007*
13	Kerala	28651	27980	97.7	
14	Madhya Pradesh	59324	59324	100.0	
15	Maharashtra	74990	73996	98.7	As per Affidavit filed in July/Aug 2007
16	Manipur	4501	4501	100.0	
17	Meghalaya	3179	3162	99.5	As on March 2007*
18	Mizoram	1592	1592	100.0	As per Affidavit filed in July/Aug 2007
19	Nagaland	3035	2770	91.3	As on March 2007*
20	Orissa	37480	36527	97.5	

21	Punjab	17421	17216	98.8	As per Affidavit filed in July/Aug 2007
22	Rajasthan	46862	46809	99.9	
23	Sikkim	988	988	100.0	
24	Tamil Nadu	45726	45726	100.0	As on March 2007*
25	Tripura	6094	6122	100.5	As per Affidavit filed in July/Aug 2007
26	Uttar Pradesh	137557	137798	100.2	
27	Uttaranchal	7792	7747	99.4	As on March 2007*
28	West Bengal	74640	70230	94.1	As per Affidavit filed in July/Aug 2007
29	A & N Islands	621	621	100.0	As on March 2007*
30	Chandigarh	329	329	100.0	As per Affidavit filed in July/Aug 2007
31	Delhi	4428	4425	99.9	As on March 2007*
32	Dadra & N Haveli	215	138	64.2	
33	Daman & Diu	97	97	100.0	
34	Lakshadweep	74	74	100.0	
35	Pondicherry	688	688	100.0	

* From Status of ICDS Report, March 2007, Ministry of Women and Child Development, Government of India. Note: Some states are showing more than 100% operationalisation because these have already started the process of operationalising the anganwadi centres that were sanctioned after September 2006.

As seen in the table above all the states have complied with the orders of the Supreme Court and have almost completed the process of universalisation. This is also the case with the states of Bihar, Orissa, Rajasthan, Himachal Pradesh and Kerala, states to which, notice of contempt was issued by the Supreme Court in the order dated August 25th, 2007.

However, the problem now remains at the level of the Government of India, which has to sanction another 3.5 lakhs AWCs (up to now 10.5 lakhs AWCs have been sanctioned) to comply with the order of the Court (dated December 13th, 2006) that at least 14 lakhs anganwadi centres must be operationalised by December 2008. The Government of India must be asked to present to the Supreme Court a detailed roadmap, along with time frame on how it proposes to

sanction and operationalise 14 lakhs anganwadi centres. It is also important that the Government of India allocate the required amount of funds for the universalisation of ICDS to 14 lakhs centres and for all services to be provided to all the eligible beneficiaries.

According to an estimation made in the Sixth Report of the Commissioners, the procedures adopted for the recruitment of personnel, finalisation of locations of anganwadi centres and training of staff alone are anticipated to take over a year to complete. It was hence recommended that to the extent possible, administrative procedures be taken up simultaneously rather than sequentially to prevent delays in the expansion of the ICDS. The Government must seriously consider this recommendation in order to comply with the order of the Supreme Court to sanction and operationalise 14 lakhs anganwadi centres by December 2008.

1.6 Finances for ICDS

ICDS is a Centrally-sponsored Scheme implemented through the State Governments/UT Administrations with 100% financial assistance for inputs other than supplementary nutrition which the States were to provide out of their own resources. From 2005–2006, it has been decided to extend support to States up to 50% of the financial norms or 50% of expenditure incurred by them on supplementary nutrition, whichever is less. This Central assistance has been proposed to ensure that supplementary nutrition is provided to the beneficiaries for 300 days in a year as per nutritional norms laid down under the Scheme.¹¹

The cost of supplementary nutrition varies depending upon recipes and prevailing prices. However, the Central Government issues guidelines regarding cost norms from time to time. The latest (since October 19th, 2004) are as under:¹²

	Revised Rates
(i) Children (6 months to 72 months)	Rs. 2.00 per child/ per day.
(ii) Severely malnourished Children (6 months to 72 months)	Rs. 2.70 per child/ per day.
(iii) Pregnant women and Nursing mothers/Adolescent Girls (under KSY).	Rs. 2.30 per beneficiary per day.

Further, the Supreme Court in its order dated December 13th, 2006 states that:

“All the State Governments and Union Territories shall fully implement the ICDS scheme by, interalia,

- (i) allocating and spending at least Rs. 2/- per child per day for supplementary nutrition out of which the Central Government shall contribute Rs. 1/- per child per day.
- (ii) allocating and spending at least Rs. 2.70 for every severely malnourished child per day for supplementary nutrition out of which the Central Government shall contribute Rs. 1.35 per child per day.
- (iii) allocating and spending at least Rs. 2.30 for every pregnant women, nursing mother/adolescent girl per day for supplementary nutrition out of which the Central Government shall contribute Rs. 1.15.”

11 <http://wcd.nic.in/>

12 *ibid.*

Expenditure for SNP under ICDS: in relation to present beneficiaries

Since the central government releases funds to the states for SNP based on the expenditure of states for this purpose, it is more important to look at expenditure rather than allocations on SNP. In this section we look at the actual amount that was spent on SNP in the year 2006–2007.

Table 1.6 Per beneficiary per day expenditure on SNP: 2006–2007

State/ Union Territory	Expenditure on SNP in 2006–2007 (Rs. in lakhs)**	Total no. of SNP beneficiaries (women and children)*	Per beneficiary per day expenditure***
Andhra Pradesh	20830.23	4103963	1.69
Chandigarh	211.75	40345	1.75
Chhattisgarh	7017.56	2096058	1.12
Dadra & N Haveli	88.43	13955	2.11
Daman & Diu	63	8392	2.50
Goa	303.58	54485	1.86
Gujarat	7781.86	2042347	1.27
Hary'ana	7273.83	1405833	1.72
Jammu & Kashmir	2811.91	522958	1.79
Karnataka	19116.76	3752367	1.70
Lakshadweep	77.64	7516	3.44
Madhya Pradesh	17159.58	4724630	1.21
Manipur	1778.5	314597	1.88
Meghalaya	2092.65	341873	2.04
Mizoram	1365.21	154963	2.94
Nagaland	1798.71	349376	1.72
Orissa	7977.99	4494394	0.59
Rajasthan	15722.1	3252132	1.61
Sikkirn	521.77	46182	3.77
Tamil Nadu ^	6235	2384946	0.87
Tripura	1711.9	271947	2.10
Uttar Pradesh	79421.07	19345747	1.37

*Source: Status report of the ICDS as on 31.03.2007, MoWCD, Government of India

** Source: MoWCD Correspondence with Commissioners Office

*** Per beneficiary per day expenditure is calculated as (total expenditure on SNP#/no. of beneficiaries)/ 300 since SNP is to be provided for 300 days in a year.

^ The figure for Tamil Nadu is misleading because this state spends on SNP also from a separate programme called the Puratchi Thalaivar M.G.R Nutritious meal programme under which cooked noon meal is provided for children in the age group of 2+ to 4+ for which Rs. 10756.21 lakhs was spent in the year 2005–2006

As can be seen in the table most states (for which data is available) are spending less than the norm of Rs. 2/- per beneficiary per day. (the actual amount would be even lower considering that the norm for SNP for pregnant and lactating mothers is Rs. 2.30 per day). Orissa is spending the least i.e. Rs. 0.59 per day per beneficiary. Uttar Pradesh, Madhya Pradesh, Gujarat and Chattisgarh are also spending much lower than the norm (less than Rs. 1.50 per day per beneficiary). Since the expenditure data up to March 2007 is not available for all the states, the average spending at an All India level cannot be estimated with respect to 2007–2008. However looking at the previous year it is seen that the total expenditure reported by the States on SNP for the year 2005–2006 was Rs. 2142.70 crores, while the total number of beneficiaries as on 31.3.06 was 5.6 crores. Therefore, it is seen that on an average only Rs. 1.27 was spent per beneficiary per day on SNP in the year 2005–2006 while the norms for spending on SNP is Rs. 2/- per beneficiary (Rs. 2 for children under six and even more for pregnant and lactating mothers, adolescent girls and malnourished children). (for state wise details of expenditure in 2005–2006 see Annexure 2). This low expenditure on SNP per beneficiary per day could mean one or more of the following: (1) the actual number of beneficiaries are lower than what is being reported by official statistics, (2) the quality of SNP being supplied is poor, (3) there are gaps in the supply of SNP; SNP is not being supplied regularly everyday.

1.6.2 Utilisation of SNP funds

This dichotomy between allocation and expenditure obviously means that the amount allocated for SNP is actually not being utilised. In the year 2005–2006 of the Rs. 2818.63 crores allocated by states/UTs and the Government of India for the provision of supplementary nutrition Rs. 2142.7 crores was spent, i.e. about 76% of the funds were utilised. (Such an analysis could not be done for the year 2006–2007 because data was available only on expenditure and not allocation). The states of Chhattisgarh, Bihar, Delhi, Tripura, Kerala, Punjab, Uttaranchal, Gujarat and Arunachal Pradesh utilised even less than 60% of the funds that were allocated for SNP. The states/UTs that spent all the amount allocated (or even more) were the states (UTs) of Lakshadweep, Nagaland, Manipur, Tamil Nadu, Chandigarh, Mizoram, Himachal Pradesh, Pondicherry, Haryana, A & N Islands, Karnataka, Dadra & N.Haveli, Daman & Diu and Sikkim.

Table 1.7 Status of Utilisation of SNP Funds 2005–2006

States/UTs	Allocation (Rs. in crores)	Expenditure (Rs. in crores)	% Utilisation
Lakshadweep	0.08	0.60	802.66
Nagaland	9.53	20.08	210.72
Manipur	6.70	13.29	198.48
Tamil Nadu	35.70	57.78	161.85
Chandigarh	1.41	2.17	154.15
Mizoram	6.65	10.06	151.28
Himachal Pradesh	10.50	14.54	138.48
Pondicherry	2.51	3.35	133.44
Haryana	30.56	40.46	132.38
A & N Islands	3.11	4.01	129.06
Karnataka	109.79	127.19	115.85
Dadra & N Haveli	0.69	0.69	100
Daman & Diu	0.57	0.57	100
Sikkim	5.44	5.44	100
Uttar Pradesh	494.45	459.16	92.86
West Bengal	132.32	118.45	89.52
Maharashtra	249.64	206.77	82.83
Jammu & Kashmir	26.92	21.90	81.34
Jharkhand	157.12	127.11	80.9
Assam	66.00	53.38	80.87
Rajasthan	159.52	123.32	77.31
Andhra Pradesh	117.95	88.46	75
Meghalaya	32.01	22.79	71.19
Goa	4.46	3.15	70.74

Orissa	121.78	76.22	62.58
Madhya Pradesh	154.20	94.58	61.34
Chhattisgarh	119.46	71.30	59.69
Delhi	15.34	8.40	54.72
Bihar	347.80	189.89	54.6
Tripura	14.47	7.84	54.15
Kerala	89.27	47.03	52.69
Punjab	47.06	24.36	51.76
Uttaranchal	33.66	15.23	45.25
Gujarat	200.41	81.99	40.91
Arunachal Pradesh	11.56	1.13	9.81
Total	2818.63	2142.70	76.02
<p>Apart from actual expenditure, committed liability of Rs. 1032.59 Lakhs in the year 2005–2006 has been reported by Arunachal Pradesh.</p> <p>Source: MoWCD Correspondence with Commissioners Office. (See available data for 2006–2007 in Annexure 4)</p>			

1.6.3 Allocations Required

While the data on state/UT contributions is not available for 2006–2007, the budget released by Government of India for this year is about Rs. 1520 crore works out to a contribution of Rs. 0.71 per beneficiary per day, still below the norm of Rs. 1/- per beneficiary per day.¹³ Further, considering that according to the norms of the government each anganwadi centre is to cater to a total of 100 beneficiaries comprising of 80 children and 20 pregnant and lactating mothers the following calculation is made:¹⁴

- No. of operational centres: 8.4 lakhs
- No. of beneficiaries to be catered to (according to norms):¹⁵
8.4 lakhs*100 = 8.4 crore
- No. of days SNP is to be provided: 300 days

¹³ Here, the per day per beneficiary allocation is calculated on the basis of 7.05 crore beneficiaries which is the no. of beneficiaries (children + women) as on 31.03.2007

¹⁴ The Supreme Court in its order dated October 2004 states that “all the State Governments/Union Territories shall allocate funds for ICDS on the basis of norm of one rupee per child per day, 100 beneficiaries per AWC and 300 days feeding in a year, i.e., on the same basis on which the Centre make the allocation”. (October 7th, 2004).

¹⁵ If the ICDS were to be universalised to cover all children under 6, all pregnant and lactating mothers and all adolescent girls, then the norm of 100 beneficiaries per anganwadi centre would be an underestimate, and the required funds for SNP would be even higher.

- Required minimum allocation by Government of India for SNP (in 2006–2007):
8.4*300 = Rs. 2520 crores
- Required allocation in 2007-08 if 10.4 lakhs AWCs are operationalised:
10.5*300 = Rs.3150 crores
- Required if 14 lakhs AWCs are operationalised according to Court orders:
14*300 = Rs. 4200 crores

Further, each state government would have to spend an equal amount to be able to eligible for such a contribution from the Government of India. (See Annexure 4 for state-wise details)

While the previous sections look at the allocation and expenditure of funds in relation to the existing number of beneficiaries, there is also a need to estimate the amount of funds required should the ICDS services be universalised to cover every child under six. The funds allocated by State/UT Governments for supplementary nutrition are hugely inadequate to cover all children under six years of age. It may be noted that the amounts allocated are nowhere near adequate even for the 0–6 year old population of the States, which is only one of the 4 broad groups of beneficiaries that the ICDS is intended to cater to. If, for the purpose of analysis, the entire fund for SNP is regarded as an SNP fund for 0–6 year olds alone, then the shortfall of funds is to the tune of 71% of funds that should have been allocated as per norms. It may be emphasised that if allowance is made for rightful beneficiaries of the other three categories, namely pregnant women, nursing mothers and adolescent girls, the magnitude of the shortfall will shoot up further by several counts.

Table 1.8 Shortfall of SNP funds with reference to the 0–6 population

	0–6 population as per 2001 Census (figures in crores)	Amount required to be allocated for the 0-6 population (in Rs. crores)#	Amount allocated in 2005-2006 (in Rs. crores) (Centre + State)*	% Shortfall
Total	16.38	9829.17	2818.63	71.3
# Required funds = (total 0-6 year old population) (Re.2 per child per day) (300 days).				
* Source: MoWCD Correspondence with Commissioners Office				

(See Annexure 5 for state-wise details)

1.7 Banning Of Contractors for SNP

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

In terms of the supply of supplementary nutrition, it is to be observed that widely varying systems of procurement and supply of supplementary nutrition are adopted by different States. Broadly, there are three kinds of sources of supply of SNP (or raw material for SNP) that is seen: (1) Contractors/Manufacturers/Wholesale Dealers who are given

contracts based on open tenders, (2) Self Help Groups or procuring through locally formed committees at the level of the AWC, block or district and (3) co-operative societies or government undertakings such as state Civil Supply Corporations. Some states such as Maharashtra, Sikkim and Uttar Pradesh have indicated that they are working towards a system where contractors are not used for the supply for SNP in compliance with Supreme Court orders. Of the 25 states/UTs for which data is available, Chandigarh, Daman&Diu, Madhya Pradesh, Mizoram, Orissa, Rajasthan, Tamil Nadu, Uttar Pradesh and Utaranchal are still using private traders/contractors for the supply for SNP, in defiance of the Supreme Court orders.

Table 1.9 System of Procurement, Storage And Distribution Of SNP

State/UTs	Contractors/Manufacturers/ Wholesale Dealers	SHGs/Local Procurement	Co-operative Societies/Govt. Undertakings/Marketing Federations
Andhra Pradesh			(in 159 projects)
Assam			
Bihar			
Chandigarh			
Chhattisgarh		w.e.f 1.4.2007	
Daman & Diu			
Delhi			
Goa			
Gujarat			
Haryana		w.e.f 31.12.2006	
Jharkhand			
Lakshadweep			
Madhya Pradesh	directed districts to stop using contractors once existing contracts expire		
Maharashtra			
Manipur		w.e.f 29.12.2006	
Meghalaya		district level committees	
Mizoram			
Orissa			
Punjab			
Rajasthan			
Sikkim			
Tamil Nadu	35% weaning food out- sourced on annual tender basis		

Uttar Pradesh		in 20 blocks, to be expanded in a phased manner	
Uttaranchal			WFP
West Bengal			
*Source: MoWCD correspondence with Commissioners Office and affidavits of State Governments to Supreme Court			

1.8 Coverage of SC/ST hamlets

Supreme Court order dated October 7th, 2004 states that “all SC/ST habitations should have an anganwadi as early as possible. Further, until the SC/ST population is fully covered, all new anganwadis should be located in habitations with high SC/ST populations”. The ICDS guidelines envisage that in the selection of projects in rural areas priority consideration will be given, inter-alia, to areas predominantly inhabited by SC and ST populations. Further, in response to the order of the Supreme Court letters have been sent to all state governments from the Government of India instructing them to adhere to these guidelines and ensure that areas with majority SC/ST populations be selected for setting up of new AWCs. (Letters No. 4-2/2005 CDI dt. 4 July 2005; D.O. No. 4-2/2005-CD-1 dt. 7 February 2005; No, 14-1/2004-CD-1 (VoL II), dt. 10 January 2007). However there is no system of verifying this as the data is not disaggregated on caste basis.

In the order of December 13th, 2006 it was stated that “the Central Government shall identify SC and ST hamlets/ habitations for AWCs on a priority basis”. Further this order also stated, “Chief Secretaries of all State Governments/ UTs are directed to submit affidavits with details of all habitations with a majority of SC/ST households, the availability of AWCs in these habitations, and the plan of action for ensuring that all these habitations have functioning AWCs within two years.”

However, only some of the state governments had this information in the affidavits submitted to the Court (as seen in the table below).

Table 1.11 Coverage of SC/ST habitations

State	No. of SC/ST habitations	No. with AWC	No. without AWC
Bihar	25522	22289	3233
Uttar Pradesh	31808	28482	3326
Tamil Nadu	9760	8817	943
West Bengal	13993	9367	4626
Madhya Pradesh	17153	12985	4168
Gujarat		10026	
Goa		251	
Assam		8818	
Orissa		4167 (in 9 districts)	

From the table above it seems that in the states for which data is available majority of SC/St habitations have been covered under the ICDS scheme. However, this data is insufficient and in future data must be collected by the governments to understand the availability of AWCs in SC/ST habitations and also the no. of SC/ST beneficiaries among all beneficiaries.

1.8.1 Coverage of Girls

Similarly disaggregated data on the basis of the sex of the beneficiaries of SNP must also be collected. Currently this is available only for pre-school beneficiaries, and this shows that 49% of the pre-schoolers under ICDS are girls. (for details see Annexure 6)

1.9 Summary of Compliance

The table below summarises the status of compliance vis-à-vis some of the important orders of the Supreme Court in relation to ICDS. The Hon'ble Court passed orders in relation to the ICDS on November 28th, 2001, April 29th, 2004, October 7th, 2004 and December 13th, 2006 are looked at. Based on the report above, the following table summarises the status of compliance vis-à-vis each of the major orders that were passed.

Table 1.12 Status of Compliance

Order	Status of Compliance
Have a disbursement centre in every settlement (Nov. 2001); Increase the no. of AWCs to 14 lakhs (Oct. 2004 and Dec. 2006)	Presently 10.4 lakhs AWCs sanctioned. An additional 3.5 lakhs centres must be sanctioned and operationalised by December 2008
Operationalise all AWCs immediately (April 2004), Operationalise 14 lakhs AWCs by December 2008 (Dec 2006)	Currently most of the sanctioned anganwadis have been operationalised. In order to meet the deadline set by the Court to sanction and operationalise 14 lakh AWCs by December 2008, 3.5 lakhs more anganwadis must be sanctioned and the process of operationalisation of new centres needs to be quickened.
All SC/ST habitations to have an AWC; (Oct 2004) SC/ST habitations to be given priority, (Dec 2006)	SC/ST Habitation survey is yet to be conducted in most states. Field reports suggest that many SC/ST habitations do not have an AWC.
Cover every child, pregnant and lactating mother and adolescent girl (Nov. 2001; Dec 2006)	Presently, One-third of children under six, one-fourth of pregnant and lactating mothers and only 2.3% adolescent girls being covered under SNP.
All the State Governments/Union Territories shall allocate funds for ICDS on the basis of norm of one rupee per child per day, 100 beneficiaries per AWC and 300 days feeding in a year, i.e., on the same basis on which the Centre make the allocation. (Oct. 2004). Allocations later increased to Rs. 2 per day for children under-6 (Dec 2006) The Dec 2006 order also states that the allocated amount must be spent.	Shortfall to the tune of Rs. 1200 crore (to be shared on a 50-50 basis between Government of India and State Governments) for SNP based on the norm of 100 beneficiaries per AWC, this increases manifold when estimates are made for universalisation to cover every child (as directed by the Court in other orders). Further, utilisation of funds in 2005-06 has been 76% and the amount actually spent per day per beneficiary is Rs. 1.27. (against the norm of Rs. 2)
ICDS services not be restricted to BPL families (Oct. 2004)	Instructions to this effect sent to all state governments from MoWCD vide letter no: 19-5/2003-CD-1 (Pt) dated 29.11.2005 and again reiterated in letter dated 7.3.2006.
The vacancies for the operational ICDS shall be filled (Oct 2004)	As on 30.09.2006, of the 8048 CDPO posts sanctioned, only 5406 were in position (37.3% positions vacant); of 41739 sanctioned posts of supervisors, only 25085 were filled (39.9% posts vacant) and of the 946060 posts of AWWs sanctioned, 769582 were in position (18.6% vacant)1.
Cover Slums under ICDS (Oct. 2004)	Presently, One-third of children under-6, one-fourth of pregnant and lactating mothers and only 2.3% adolescent girls being covered under SNP.
Contractors not to be used for supply of SNP (Oct 2004)	Contractors still in use openly or indirectly in many states

1.10 Quality of ICDS

While the above sections look at the outreach of ICDS services in terms of number of habitations and beneficiaries reached and the financial allocations and expenditures on ICDS, it is also important to look at the quality of the provision of these services. Extending coverage under ICDS is not enough and a radical improvement in the quality of ICDS services is also required. The real objective should be “universalisation with quality and equity”. The quality of ICDS varies a great deal between different states, and sometimes even between different Anganwadis within the same state. The quality of AWCs is seen on the basis of reports of some field studies.

1.10.1 Physical Infrastructure

It is seen that in terms of physical infrastructure such as the buildings AWCs are located in, availability of toilet and drinking water facilities, weighing scales, medicine kits, pre-school education material etc. the anganwadi centres in the country are very poorly equipped. For instance, according to a Rapid Facility Survey of ICDS conducted by NCAER, more than 40% AWCs (Anganwadi Centres) across the country are neither housed in ICDS building nor in rented buildings. Only one-third of the anganwadis are housed in ICDS building and another one-fourth are housed in rented buildings. As regards the status of anganwadi building, irrespective of own or rented, more than 46% of the anganwadis were running from pucca building, 21% from semi-pucca building, 15% from kutcha building and more than 9% running from open space.¹⁶ Further, the survey data reveals that more than 45% anganwadis have no toilet facility and only 39% anganwadis reported availability of hand-pumps.

1.10.2 Outreach to Children under 3¹⁷

The ICDS has been weak in addressing the needs of children below the age of three years, when this is exactly that stage of the life-cycle where malnutrition is most likely to set in, and its consequence most grave and enduring and in many cases irreversible. If ICDS is to seriously impact on child malnutrition, it needs to focus on management of severe malnutrition in the 0–3 age group. Supplementary nutrition, for this age group, should be not just foodgrain, as is the case in many parts of the country, but specially prepared weaning foods made from nutritious locally grown food appropriate for this age-group.

This in turn means that the bulk of the activities of the AWC should focus on the families in the community. The training and supervision of the AWW should prepare her to make regular, focused, structured home visits. These visits would be to homes with expectant mothers, infants and young children, especially in critical periods such as the last trimester of pregnancy, the day of delivery, the first month after birth, 6–9 months and 9–12 months. In these visits, she would attempt to educate and build capacities of families regarding infant and young feeding practices, newborn care and the nutrition needs of women. To be able to make such regular home visits and provide breastfeeding support and nutrition counseling, there should be two anganwadi workers in every anganwadi centre. Then one anganwadi worker would be able to provide the much needed focus on children under three, pregnant and lactating women which are mainly community based services while the other can provide pre-school education and other centre based services required for children in the 3–6 years age group.

16 Main results of the Rapid Facility Survey of Infrastructure at Anganwadi Centres conducted by NCAER is available at <http://wcd.nic.in>

17 This section draws heavily from “Promises to Keep: ICDS at Crossroads”, Harsh Mander

1.10.3 Preschool

The Supreme Court in order dated December 13th, 2006 states that all services of the ICDS are to be universalised. This includes pre-school for children in the age group of 3–6 years. According to the Status Report of the ICDS as on 30.09.2006 (MoWCD) enrolment in pre-school at the anganwadi is on an average 36.4 children per centre. This would roughly be around 50% of eligible children under an AWC (since each AWC would cover about 150 children under six, it is assumed that those in 3–6 age group would be around 75). Even in centres where pre-school is supposed to be provided, field studies show that in reality nothing much happens. For instance, the FOCUS report states that “The FOCUS survey suggests that, where early childhood education is provided at the anganwadi, such activity is sporadic and limited. Tamil Nadu and Himachal Pradesh were the only states with a fairly active educational component in ICDS...86% of the mothers in Tamil Nadu, and 74% in Himachal Pradesh, said that educational activities were taking place at the Anganwadi. In the sample as a whole, however, the corresponding proportion was only 47%.” Here again the presence of two anganwadi workers becomes crucial to ensure that both the age groups of children under three and children in the 3–6 years age group are provided essential services.

1.10.4 Training

The Nationwide Evaluation of ICDS Survey by NCAER showed that though about 84% of the functionaries reported to have received training, the training was largely pre-service training. In-service training remained largely neglected. The current training given to the anganwadi worker does not equip her to perform the multiple (all equally important) tasks of growth monitoring, nutrition counseling, pre-school education etc.

1.10.5 Exclusion

There are very few systematic studies of the precise degree of social exclusion, the groups that tend to be structurally excluded, and the reason on barriers that result in these denials. There is rich anecdotal data, including that which is reported to the Commissioners, such as of dalit children being refused access to ICDS feeding, or the boycott by upper-caste families of ICDS centres run by dalit AWCs or even helpers. Further, certain categories of children such as disabled children or migrant children do not figure in the design of the ICDS programme. These groups obviously need special provisions and there is no mention of this in any guidelines. There hasn't even been a disability survey conducted by most anganwadi centres.

Evaluation of ICDS by NIPCCD,

Ministry of Women and Child Development

Infrastructure

Availability of sanitation facilities is most crucial for reducing mortality and morbidity in rural and tribal areas. Data from the study showed that only 31% of the households had toilet facilities. Sewage/drainage system was reported in 30% of villages under regular ICDS Projects whereas 27% of villages of those projects, which were assisted by World Bank, were having such facilities. Out of ten villages, 4 (40%) of projects covered by NGOs had these facilities also. While around 41% of Anganwadis had toilet facilities, 17% of these facilities were not found to be in good condition and 59% AWCs were even deprived of this amenity.

It was found that educational facility of lower primary school (class I-V) existed in nine out of 10 villages (90%). Middle school (VI-VIII) facility was available in 61% of villages whereas high schools were functioning in 39% of sample areas.

About 97% Anganwadi Centres in urban areas, 93% in rural areas and 74% in tribal areas were connected by roads. Primary Health Centres and sub-centres were available in 29% and 43%, respectively, in Anganwadi areas. Data thus reveals that accessibility to important services of health was limited.

Data also revealed that around 89% of rural project areas, 94% urban and 68% of the tribal project areas had telephone facilities. Another interesting information was availability of LPG in 72% of the Anganwadi areas.

Hand pumps and tap water were the main sources of water in majority of the Anganwadi Centres, thereby bringing home the point that ICDS programme has succeeded, to a large extent, in arranging safe drinking water for the children attending Anganwadis in collaboration with Public Health Engineering Department of State Governments.

It was gratifying to note that majority of the Anganwadi Centres were located in pucca buildings. It reflects that efforts have specially been made in housing Anganwadi Centres in pucca buildings. However, space was found to be a problem in most of the Anganwadi Centres in urban areas. Adequate outdoor and indoor space and separate space for storage was available in only 44, 36% and 39% Anganwadi Centres. This situation was found to be little better in rural and tribal areas. Overall, about 49% of the Anganwadi Centres had inadequate space for outdoor and indoor activities and 50% had no separate space for storage of various materials. Around half (49.0%) of the rural and tribal (50.6%) projects and 40% of urban projects had adequate cooking space separately.

Most of the AWCs (60.3%) were found to be easily accessible to children as they were brought either by their parents/siblings/older ladies of the locality to the Anganwadi Centres. Helpers mainly concentrated in bringing newly admitted children to Anganwadis.

Weighing scales were available in 97% Anganwadis of World Bank-assisted ICDS Projects, followed closely by NGO run projects (95.3%) and 85% of regular ICDS projects. Around 89% of them were in working condition also.

Non-availability of the kits in 44% of the Centres is a matter of concern and this aspect needs to be looked into by the programme implementors carefully. Availability of adequate number of cooking and serving utensils in the Anganwadi

Centres is of paramount importance for the success of the nutrition programme. The study revealed that cooking utensils were available in 61.8% of rural, 49.2% of urban and 65.9% of tribal projects.

Profile of Functionaries

It was gathered that 15% positions of Child Development Project Officers (CDPOs), 48% of Assistant Child Development Project Officers (ACDPOs) and about 18% of Supervisors were vacant in the surveyed projects. However, the position with regard to the appointment and availability of AWWs and Helpers has been quite satisfactory. The training status has been quite satisfactory. It was observed that Arunachal Pradesh was the only State where 50% CDPOs were untrained. In other states, by and large, training of functionaries has been highly satisfactory.

Selection of AWWs

It was found that around 80% of the Anganwadi Workers belonged to the same village/locality. However, wide variations were observed on this aspect between projects supported by World Bank, NGO operated and regular ICDS.

Data on age of AWWs depicts that about 66% of AWWs were 35 years and above. Percentage of AWWs in regular and World Bank assisted ICDS projects was evenly divided in the age-group 35–45 years while 30% of AWWs were in the age-group 25–35 years.

62% of the AWWs had work experience over 10 years whereas 28% of them had experience of more than five years. Majority (43.2%) of the AWWs were matriculate, 23% Higher Secondary and about 10% graduates. There were hardly any illiterate workers, their percentage being around one only.

Supervisors

It was found that direct, promotion from amongst AWWs and deputation from line departments and contractual appointment of Supervisors under World Bank Scheme was carried out in States like Uttar Pradesh. In 25 States of India, supervisors were promoted to the post of CDPO/ACDPO. Policy of reservation of seats was existing in 21 States and seven States did not adopt any such policy. A large majority of the supervisors were above the age of 35, either graduates or post graduates and possessed experience of more than 10 years. This is a positive sign as ICDS seems to be managed by experienced and qualified supervisors.

Child Development Project Officers (CDPOs)

xiv) Data show that 21 states had exclusive cadre of CDPOs whereas 10 states had a joint cadre comprising deputation, promotion and contract. In all, 25 states had adopted the policy of promotion of Supervisors to the post of CDPOs/ACDPOs. Mode of recruitment in terms of reservation was reported to be followed as per orders of State Governments issued from time to time.

Though the guidelines of the scheme envisages that CDPO should preferably be a female, yet it was observed that about one-third (32.7%) of CDPOs were males.

Most of the CDPOs (48.3%) were in the age group 45–55, followed by 33% in the age group 35–45. It was found that 57% CDPOs were post graduate with only 6% being undergraduates. About 31% of CDPOs were having less than 3

years of experience which was reflective of frequent transfers of this category of functionary in some States.

Profile of Beneficiaries

Expenditure on different services has gone up more than three times (from 144.00 crore during 1990–1991 to 452.36 crore during 2004–2005) in 15 years. The scenario is similar to the number of beneficiaries under various services—all categories of beneficiaries have gone up three times during the period under reference.

Target Population in Sample Households

Data indicate that 0.83% of children in households covered under the study are handicapped. Out of these children, 55.56% children have been receiving benefits from ICDS programme.

Maximum percentage of beneficiaries were from backward classes (29.6%) followed by scheduled castes (26.3%). Differences between representation of other castes and that of scheduled tribes was meagre (21.4% and 20.4%, respectively).

It was found that 55% of them were landless while another 28% owned land which was less than one hectare. It was found that less than 8% possessed land holding between one and two and above two hectares. Those who possessed land more than four hectares were residing in hilly, desert and tribal areas.

Six out of ten families of beneficiaries were nuclear while joint family constituted one-third of all types of families. Data demonstrated that in urban areas 62% families were nuclear while this type of family constituted almost similar percentage in rural (59.0%) and tribal (59.8%) projects. Increasing trend of extended families was seen in regular ICDS projects (7.03%) and drastic reduction in other categories of projects (4.12% in World Bank projects and 4.80% in NGO-run projects).

Six out of ten families (59.7%) conformed to the national figure in respect of size of families (up to 5 persons), followed by 36% of households having family members between six and ten. Another interesting finding is that households with 11 and above family members constituted 4%. Normal belief is that urban households are nuclear and smaller in family size but the data revealed that even urban ICDS projects also recorded family size between six and ten (32.7%).

A little over 60% families under World Bank assisted ICDS projects (62.48%) had monthly income less than Rs. 2000/- per month, followed by NGO-run projects (51.41%) and regular ICDS projects had this share with 47% of households. Income of households was analysed as per location of projects in rural, tribal and urban areas. It revealed that a little over half (52.8%) tribal families had income less than Rs. 2000/-, followed by rural families (49.5%). Forty per cent urban families belonged to this income group. Four out of ten families in urban projects had also income ranging between Rs. 2000/- and Rs. 4000/- per month, followed by rural (32.1%) and tribal projects (30.4%).

Main Occupation of Sample Households

One-fourth of heads of households (25.7%) had non-agriculture labour as main occupation, maximum being in urban areas (36.4%), followed by heads of households in rural areas (24.2%) and tribal areas (21.9%). It was interesting to know that a little over one-third of respondents of tribal projects (34.3%) were cultivators who constituted 27% in rural ICDS projects. Cultivators in urban projects were those who lived on fringe of urban areas and went to adjoining villages for cultivation were of negligible percentage (3.4%). Percentage of self employed and agricultural labourers was almost equal (16.0%). Self employed were mostly blacksmiths, carpenters, cattle grazers, potters, shoe makers, weavers, petty shop keepers etc. Around 12% were in service—Government, semi-government, private companies etc.

Coordination in ICDS

Project level Coordination Committee

More than 70% projects of rural and tribal areas were having Coordination Committee at the project level, whereas urban projects (83%) were having Coordination Committee at project level. So far as existence of Coordination Committee at project level by type of management is concerned, regular ICDS projects and projects supported by World Bank were having lesser number of Coordination Committees as compared to the projects run by NGOs. In urban regular ICDS projects more than 80% CDPOs, Supervisors and health functionaries reported adequate coordination at their level. In NGO-run projects, coordination at CDPO level was somewhat adequate but at the field/village level, it was not up to the mark. The situation is similar to tribal projects too. Coordination with health department was somewhat lacking at field/village level especially in tribal areas. By and large coordination at project level was found to be satisfactory. A little over two-third (68%) CDPOs were of the view that meeting of Coordination Committee was effective whereas about one-fifth (21%) found it very effective. The Research team found that around 73 per cent CDPOs had reported adequate coordination between ICDS and health functionaries. But remaining 27% mentioned inadequate coordination.

Source: “Three Decades of ICDS – An Appraisal”, Ministry of Women and Child Development, Government of India, 2007
available at: www.wcd.nic.in

1.11 Recommendations

a) Universalisation

- Government of India must operationalise at least 14 lakhs anganwadis by December 2008 and present to the Supreme Court a plan for putting up these additional centres. This plan should include details of how all rural habitations and urban slums are proposed to be covered.
- A simple procedure for setting up an “anganwadi on demand” must be put in place so that an AWC is sanctioned and operationalised within three months of such a demand being made, in accordance with the order of the Supreme Court dated 13th, December 2006.

b) Equity

- AWCs in SC / ST hamlets – Universalisation must ensure that all habitations with majority SC/St population are provided with an anganwadi centre on a priority basis. The state governments must get conducted through District Collectors a survey of habitations with majority SC/ST population and ensure availability of anganwadi

centres in all of these.

- Special provisions should be made for the inclusion of marginalized children in ICDS, including differently-abled children, street children, and children of migrant families. For instance, migrant children should be entitled to admission at the nearest Anganwadi without any requirement of permanent residence in that area. Simply the presence of a child of the appropriate age group should be sufficient to qualify the child for admission to all services of the anganwadi.
- Monitoring data of the ICDS should be disaggregated on the basis of sex, SC, ST and disability. A disability survey must be conducted at regular intervals and ways of including disabled children in the ICDS programme must be worked out. The data should also be provided separately for urban and rural areas.
- Severe malnutrition: Rehabilitation facilities (e.g. Nutrition Rehabilitation Centres) should be available at the PHC level for children suffering from Grade 3 or 4 malnutrition, and their mothers. Anganwadi workers should be responsible for identifying such children and referring them to rehabilitation facilities. Financial provision should be made to support these children's families during the period of rehabilitation. Also, these children should be entitled to enhanced food rations under the Supplementary Nutrition Programme. ICDS and the Health Department should be jointly responsible for the prevention of severe malnutrition and hunger deaths.

c) Supplementary Nutrition Programme

- Make adequate budget allocations for the ICDS programme so as to be able to provide SNP to every child under six, every pregnant and lactating mother and every adolescent girl.
- Cost norms: A provision of at least Rs. 3/- per child per day (at 2006–2007 prices) should be made for SNP in the 3–6 age group. This is similar to the current norms for mid-day meals in primary schools (two rupees per child per day, plus 100 grams of grain). To achieve this norm, central assistance of at least Rs 1.50 per child per day would be required. The cost norms should be adjusted for inflation every two years using a suitable price index.
- Children under three should be provided with take-home rations (or hot cooked and mashed food where they are able to come to the centre every day)
- Hot cooked meal for children in the 3–6 year old age group: Children in the 3–6 year age group should be provided a hot cooked meal at the anganwadi centre everyday. The SNP so provided should be age-appropriate, culturally appropriate, nutritious and locally procured.

d) Second Anganwadi Worker

A major effort should be made to extend ICDS services to all children under the age of three years, without affecting the entitlements of children in the 3–6 age group. In particular, this would involve posting a second Anganwadi worker in each Anganwadi (see below). Her primary responsibility would be to take care of children under three as well as pregnant or nursing mothers. This new focus would also involve giving much greater attention to “infant and young child feeding”, nutrition counselling, ante-natal care and related matters.

e) Right to information

All ICDS related information should be in the public domain. The provisions of the Right to Information Act, including pro-active disclosure of essential information (Section 4), should be implemented in letter and spirit in the context of ICDS. All agreements with private contractors (if any) and NGOs should be pro-actively

disclosed and made available in convenient form for public scrutiny. All AWCs should be sign-posted and the details of ICDS entitlements and services should be painted on the walls of each Anganwadi. Social audits of ICDS should be conducted at regular intervals in Gram Sabhas and/or on “health and nutrition day”.

Note: For Commissioners’ recommendations on ICDS also see special report on ICDS “Update on compliance of orders related to ICDS and some further recommendations”, from Commissioners to the Supreme Court, dated 30 August 2007.

2 Mid Day Meal Scheme

2.1 Introduction

The National Programme of Nutritional Support to Primary Education (NP-NSPE), commonly known as the Mid Day Meal Scheme (MDMS) provides a free cooked meal to every child children in classes I-V of government, government aided and local body schools, and also children studying in centres run under the Education Guarantee Scheme (EGS) and Alternative and Innovative Education (AIE) Scheme. This is a primarily a centrally assisted scheme with the state governments contributing partially towards the cooking costs.

Under the Mid Day Meal Scheme that was launched by the Central Government in 1995, the Government of India provided only free foodgrains while the cooking costs were entirely borne by the state governments. It was seen however that, many State Governments/ UT Administrations resorted to distribution of food grains, rather than providing cooked mid day meals because they were unable to provide adequate funding for meeting the cooking costs. The Planning Commission requested State Governments in December 2003 to earmark a minimum of 15% of Additional Central Assistance under the Pradhan Mantri Gramodaya Yojana (PMGY) towards cooking cost under the mid day meal scheme. Nonetheless, the programme continued to suffer on account of budgetary constraints in the States and UT Administrations. The mid-day meal scheme was therefore revised in September 2004 to provide cooked mid day meal with 300 calories and 8–12 grams of protein to all children studying in classes I – V in Government and aided schools and EGS/ AIE centres wherein in addition to free supply of food grains, the revised scheme provided Central Assistance for the following items:

- Cooking cost at Rs. 1/- per child per school day
- Transport subsidy was raised from the earlier maximum of Rs. 50/- per quintal to Rs. 100/- per quintal for special category states, and Rs. 75/- per quintal for other states
- Management, monitoring and evaluation costs at 2% of the cost of foodgrains, transport subsidy and cooking assistance
- Provision of mid day meal during summer vacation in drought affected areas.

It was later found that even this amount was not adequate to provide a nutritious meal for children and therefore the scheme was further revised with effect from June 2006.

It is appreciated that the Government of India in the revised norms for mid-day meal scheme has taken steps towards improving the scheme by increasing the amount of central assistance towards cooking costs. This report looks at the implementation of the scheme in relation to the orders of the Supreme Court and also the guidelines for the scheme. The analysis in the report is primarily based on data available in the Annual Work Plan and Budget (AWP&B) documents submitted to the Government of India by the state/UT governments for the years 2006–2007 and 2007–2008.

National Programme of Nutritional Support to Primary Education, 2006

[Mid Day Meal Scheme]

Guidelines

The revised norms for midday meal as shown in the table below increased the calories to be provided through the meal from 300 to 450.

Nutritional Content	Norm as per NP-NSPE, 2004	Revised Norm as per NP-NSPE, 2006
Calories	300	450
Protein	8–12	12
Micronutrients	Not prescribed	Adequate quantities of micronutrients like iron, folic acid, Vitamin A etc.

Further, the assistance from Central Government under NP-NSPE, 2006 will be as under:

- (i) Supply of free food grains (wheat/rice) at 100 grams per child per School Day from the nearest FCI godown;
- (ii) Reimburse the actual cost incurred in transportation of food grains from nearest FCI godown to the Primary School subject to the following ceiling:
Rs.100 per Quintal for 11 special category States viz. Arunachal Pradesh, Assam, Meghalaya, Mizoram, Manipur, Nagaland, Tripura, Sikkim, J&K, Himachal Pradesh and Uttaranchal, and Rs.75 per quintal for all other States and UTs.

Provide assistance for cooking cost at the following rates:

(a)	States in North-Eastern Region	at Rs. 1.80 per child per school day, provided the State Govt. contributes a minimum of 20 paise
(b)	For Other States & UTs	at Rs. 1.50 per child per school day provided the State Govt./UT Admn. Contributes a minimum of 50 paise

State Governments/UT Administrations will be required to provide the above minimum contribution in order to be eligible for the enhanced rate of Central assistance mentioned above.

- Provide assistance for cooked Mid-Day Meal during summer vacations to school children in areas declared by State Governments as “drought-affected”.
- Provide assistance to construct kitchen-cum-store in a phased manner up to a maximum of Rs. 60,000/- per unit. However, as allocations under MDMS for construction of kitchen-cum-store for all schools in next 2–3 years may not be adequate, States would be expected to proactively pursue convergence with other development programmes for this purpose.

- Provide assistance in a phased manner for provisioning and replacement of kitchen devices at an average cost of Rs. 5,000/- per school. States/UT Administration will have the flexibility to incur expenditure on the items listed below on the basis of the actual requirements of the school (provided that the overall average for the State/ UT Administration remains Rs. 5000/- per school):
 - o Cooking devices (Stove, Chulha, etc)
 - o Containers for storage of food grains and other ingredients
 - o Utensils for cooking and serving.
- Provide assistance to States/ UTs for Management, Monitoring & Evaluation (MME) at the rate of 1.8% of total assistance on (a) free food grains, (b) transport cost and (c) cooking cost. Another 0.2% of the above amount will be utilized at the Central Government for management, monitoring and evaluation.

2.2 Coverage

The Supreme Court in its order dated November 28th, 2001 directed that “The State Governments /Union Territories to implement the Mid Day Meal Scheme by providing every child in every Government and Government assisted Primary Schools 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”. Although the states were initially slow in implementing this order, it is seen that presently in all the states provision of a cooked mid-day meal for primary students has become the policy. Some states have also extended the scheme to cover children in the upper primary schools. Seeing that the 28th November 2001 order of the Court had not been implemented, in the order dated 17 October 2004, this Court directed that every child eligible¹⁸ for the cooked meal under the Mid-Day Meal Scheme in all States and Union Territories, shall be provided with the said meal immediately and, in any case, not later than the month of January, 2005.

The table below looks at coverage of children under the mid-day meal scheme vis-à-vis enrolment of children in government schools.

18 All children enrolled from class I to V in Government, Government aided or local body schools or in EGS or AIE schools are eligible for the mid day meal.

**Table 2.1 Percentage of Children enrolled in Government Schools
(including private-aided and EGS/AIE centres)
who are beneficiaries of Mid Day Meal scheme 2006–2007**

State/UT	Enrolment	MDM Beneficiaries	% enrolled children who are beneficiaries
Andhra Pradesh*	6700878	6700878	100.0
Arunachal Pradesh	218905	218905	100.0
Chandigarh*	59993	59993	100.0
Chhattisgarh*	3104573	3104573	100.0
Delhi*	1142020	1142020	100.0
Himachal Pradesh	530016	530016	100.0
Jammu & Kashmir	975954	975954	100.0
Manipur*	299859	299859	100.0
Meghalaya	627596	627596	100.0
Mizoram	93192	93192	100.0
Orissa*	5002269	5002269	100.0
Punjab*	1466299	1466299	100.0
Rajasthan*	7335359	7335359	100.0
Sikkim	102520	102520	100.0
Uttar Pradesh*	18644467	18644467	100.0
Uttaranchal*	779826	754785	96.8
Gujarat*	5278984	5036021	95.4
Haryana	1573698	1443761	91.7
West Bengal	10205750	9195381	90.1
Kerala	2160354	1909491	88.4
Karnataka	4413471	3852508	87.3
Madhya Pradesh	8914634	7611372	85.4
Maharashtra*	9440846	8054552	85.3

Assam	4700623	3525467	75.0
Tamil Nadu	4968668	3647086	73.4
Jharkhand	5200283	3597579	69.2
Bihar	12638427	8581264	67.9

Source: Annual Work Plan and Budget (AWP&B) of State Governments submitted to MoHRD for 2007–2008

*For these stats the figures are for the year 2005–2006 taken from AWP&B for 2006–2007

As seen in table 1, most states reported full coverage of enrolled children under the mid-day meal scheme. The states that did not report full coverage are Uttaranchal, Gujarat, Haryana, West Bengal, Kerala, Karnataka, Madhya Pradesh, Maharashtra, Assam, Tamil Nadu, Jharkhand and Bihar. Jharkhand and Bihar reported coverage of a little less than 70% of the children who were enrolled in primary schools in government or private-aided schools and EGS/AIE centres. In the Annual Work Plan documents the common reasons given by the state governments for non-coverage of some children are as follows:

- Children refuse to eat/ parents prevent children from eating
- Private aided schools have not yet started provision of mid-day meal schemes

2.3 Utilisation of foodgrains

In the table below, we look at the allocation and offtake of foodgrains under the mid-day meal scheme. At an all-India level it is seen that in the year 2005–2006, only 76.8% of the grain allocated for the mid-day meal scheme was actually lifted by the state governments. Since the allocations are based on estimates of enrolments and attendance, this means that either not all institutions/children were covered under the mid-day meal scheme or that the quality of the mid-day meal was compromised in the sense that not enough quantity of food was given to the children or that mid-day meal was not provided on all working days.

Table 2.2 State-wise Allocation and Offtake under Mid Day Meals Scheme (2005–2006) (In ' 000 Tonnes)

State/UTs	Rice		Wheat		Total		% Offtake
	Allocation	Offtake	Allocation	Offtake	Allocation	Offtake	
Mizoram	1.84	2	0	0	1.84	2	108.7
Uttaranchal	14.18	14.69	0	0	14.18	14.69	103.6
Andhra Pradesh	114.1	115.4	0	0	114.1	115.4	101.1
Kerala	28.22	27.62	0	0	28.22	27.62	97.9
Himachal Pradesh	11.45	10.85	0	0	11.45	10.85	94.8
Meghalaya	10.04	9	0	0	10.04	9	89.6
Tamil Nadu	76.59	68.42	0	0	76.59	68.42	89.3
Sikkim	2.13	1.89	0	0	2.13	1.89	88.7
Gujarat	33.96	30.3	33.96	29.59	67.92	59.89	88.2
Tripura	9.88	8.46	0	0	9.88	8.46	85.6
Madhya Pradesh	46.46	37.66	144.62	125.24	191.08	162.9	85.3
Uttar Pradesh	225.1	190.6	110.87	95.61	335.97	286.21	85.2
Delhi	10.08	9.36	10.08	7.25	20.16	16.61	82.4
Orissa	104.11	85.57	0	0	104.11	85.57	82.2
Haryana	14.34	16.21	14.34	6.93	28.68	23.14	80.7
Manipur	6.54	5.24	0	0	6.54	5.24	80.1
West Bengal	205.42	161.99	0	0	205.42	161.99	78.9
Jharkhand	82.69	64.16	0	0	82.69	64.16	77.6
Pondicherry	0.88	0.65	0	0	0.88	0.65	73.9
Assam	92.13	67.54	0	0	92.13	67.54	73.3
Karnataka	107.83	79.91	5.03	2.55	112.86	82.46	73.1
Nagaland	3.76	2.75	0	0	3.76	2.75	73.1
Bihar	218.07	157.02	0	0	218.07	157.02	72.0
Maharashtra	207.81	149.59	0	0	207.81	149.59	72.0

Arunachal Pradesh	4.54	3.13	0	0	4.54	3.13	68.9
Rajasthan	58.83	31.93	137.28	90.4	196.11	122.33	62.4
Jammu and Kashmir	18.76	8.77	0	0	18.76	8.77	46.7
Andaman and Nicobar Islands	0.67	0.25	0	0	0.67	0.25	37.3
Punjab	12.8	3.05	15.26	5.71	28.06	8.76	31.2
Daman and Diu	0.3	0.09	0	0	0.3	0.09	30.0
Dadra and Nagar Haveli	0.61	0.17	0	0	0.61	0.17	27.9
Goa	1.41	0.11	0	0	1.41	0.11	7.8
Chandigarh	0	0	1.01	0	1.01	0	0.0
Chhattisgarh	52.35	0	0	0	52.35	0	0.0
Lakshadweep	0	0	0	0	0	0	
India	1777.88	1364.38	472.45	363.28	2250.33	1727.66	76.8

Source: Ministry of Consumer Affairs, Food & Public Distribution, Govt. of India

Looking at state-wise variations states that lifted less than even 50% of the foodgrain allocated them for the purpose of mid-day meal provision are Jammu and Kashmir (46.7%), Andaman and Nicobar Islands (37.3%), Punjab (31.2%), Daman and Diu (30%), Dadra and Nagar Haveli (27.9%) and Goa (7.8%). Further, Chandigarh, Chattigarh and Lakshadweep show zero offtake. Of these Chhattisgarh being a rice producer, it is known that uses grain from the state for mid-day meal.

2.4 Percent of children covered under MDMS based on offtake of foodgrain

In this section we look at the offtake of food grains in the year 2005–2006 and estimate the number of children this would be sufficient for if children were provided 100 grams a day for 220 days in the year. While providing 100 grams a day is the norm, 220 working days is considered as the average number of working days in a year accounting for school holidays etc. and is the figure used by the education departments in the various states to estimate requirements.

State/UTs	Offtake of foodgrain (in '000 tonnes)*	No. of children who could have been provided MDM based on offtake of foodgrain (in lakhs)**
	1	2
Sikkim	1.89	0.86
Mizoram	2	0.91
Uttaranchal	14.69	6.68
Madhya Pradesh	162.9	74.05
Himachal Pradesh	10.85	4.93
Andhra Pradesh	115.4	52.45
Manipur	5.24	2.38
Karnataka	82.46	37.48
Orissa	85.57	38.90
Tamil Nadu	68.42	31.10
Tripura	8.46	3.85
Nagaland	2.75	1.25
Jharkhand	64.16	29.16
Uttar Pradesh	286.21	130.10
Maharashtra	149.59	68.00
Meghalaya	9	4.09
West Bengal	161.99	73.63
Kerala	27.62	12.55
Arunachal Pradesh	3.13	1.42
Assam	67.54	30.70
Haryana	23.14	10.52
Delhi	16.61	7.55
Pondicherry	0.65	0.30
Bihar	157.02	71.37

Rajasthan	122.33	55.60
Gujarat	59.89	27.22
Jammu and Kashmir	8.77	3.99
Andaman and Nicobar Islands	0.25	0.11
Daman and Diu	0.09	0.04
Punjab	8.76	3.98
Dadra and Nagar Haveli	0.17	0.08
Goa	0.11	0.05
India	1727.66	785.30

** (Calculated on the basis of no. of grams of foodgrain offtake)/(220days)/(100gms per child). No. of children is then presented in terms of no. of lakhs of children.

No. of children enrolled in primary schools and being provided mid-day meal according to Government of India#	% of enrolled children who could have been covered based on offtake of foodgrains***	% of enrolled children who could have been covered based on off-take of foodgrains (assuming 80% attendance)##
3	4	5
0.98	87.66	109.6
1.04	87.41	109.3
7.80	85.61	107.0
86.65	85.45	106.8
5.78	85.33	106.7
63.62	82.45	103.1
2.95	80.74	100.9
49.63	75.52	94.4
51.56	75.44	94.3
41.52	74.90	93.6
5.26	73.11	91.4
1.74	71.84	89.8
41.02	71.10	88.9
186.44	69.78	87.2
97.79	69.53	86.9
5.98	68.41	85.5
108.86	67.64	84.5
19.07	65.83	82.3
2.19	64.96	81.2
47.96	64.01	80.0
16.46	63.90	79.9
12.38	60.99	76.2

0.51	57.93	72.4
126.38	56.47	70.6
102.16	54.43	68.0
51.33	53.03	66.3
10.28	38.78	48.5
0.35	32.47	40.6
0.15	27.27	34.1
15.52	25.66	32.1
0.33	23.42	29.3
0.67	7.46	9.3
1193.81	65.78	82.2

Status of implementation of mid-day meal scheme, 2005-06 available at education.nic.in

*** Col. 2/Col.3 * 100

Col.4/0.8

Based on this calculation it is estimated that had children been given 100 grams of foodgrain a day for 220 days in a year, then only 65.7% of the enrolled children in primary schools would have been covered. It must be mentioned that this assumes that all children attend schools on all days of the year, which is not realistic. On the other hand, it is also seen that in most states the number school working days is more than 220 days. To some extent these two effects may balance out. While it is not fully accurate, this analysis does indicate that the amount of foodgrain that is being lifted for the purpose of mid-day meal is less than what is required to provide an adequate meal for the number of children that the government statistics show are beneficiaries of mid-day meal scheme. Therefore, either fewer numbers of children than is claimed are being provided with the mid-day meal or the meal is being provided to as many children but in smaller quantities.

The states where the coverage calculated on the basis of foodgrain offtake is less than 60% are Pondicherry, Bihar, Rajasthan, Gujarat, Jammu and Kashmir, Andaman and Nicobar Islands, and less than even 30% are Daman and Diu, Punjab, Dadra and Nagar Haveli and Goa.

A calculation was also made to look at the number of children who would have been covered assuming an average attendance of 80%. Even then most states show less than full coverage on the basis of offtake of foodgrain. Only Sikkim, Mizoram, Uttaranchal, Madhya Pradesh, Andhra Pradesh, Himachal Pradesh and Manipur show 100% coverage.

2.5 Per child per day offtake of foodgrain

Looking at it the other way round, we see how much foodgrain each beneficiary would have got based on the foodgrains that were allocated for mid-day meals and the number of beneficiaries as reported by the Ministry of Human Resource Development, Government of India.

Table 2.4 Per child per day allocation and offtake of foodgrain

State/UTs	Allocation (In '000 tonnes)	Offtake (In '000 tonnes)	No. of beneficiaries (In lakhs)	Quantity of foograin per day per child (in gms.)*	
				Allocation	Offtake
Sikkim	2.13	1.89	0.98	98.79	87.66
Mizoram	1.84	2	1.04	80.42	87.41
Uttaranchal	14.18	14.69	7.8	82.63	85.61
Madhya Pradesh	191.08	162.9	86.65	100.24	85.45
Himachal Pradesh	11.45	10.85	5.78	90.04	85.33
Andhra Pradesh	114.1	115.4	63.62	81.52	82.45
Manipur	6.54	5.24	2.95	100.77	80.74
Karnataka	112.86	82.46	49.63	103.36	75.52
Orissa	104.11	85.57	51.56	91.78	75.44
Tamil Nadu	76.59	68.42	41.52	83.85	74.90
Tripura	9.88	8.46	5.26	85.38	73.11
Nagaland	3.76	2.75	1.74	98.22	71.84
Jharkhand	82.69	64.16	41.02	91.63	71.10
Uttar Pradesh	335.97	286.21	186.44	81.91	69.78
Maharashtra	207.81	149.59	97.79	96.59	69.53
Meghalaya	10.04	9	5.98	76.31	68.41
West Bengal	205.42	161.99	108.86	85.77	67.64
Kerala	28.22	27.62	19.07	67.26	65.83
Arunachal Pradesh	4.54	3.13	2.19	94.23	64.96
Assam	92.13	67.54	47.96	87.32	64.01
Haryana	28.68	23.14	16.46	79.20	63.90
Delhi	20.16	16.61	12.38	74.02	60.99

Pondicherry	0.88	0.65	0.51	78.43	57.93
Bihar	218.07	157.02	126.38	78.43	56.47
Rajasthan	196.11	122.33	102.16	87.26	54.43
Gujarat	67.92	59.89	51.33	60.15	53.03
Jammu and Kashmir	18.76	8.77	10.28	82.95	38.78
Andaman and Nicobar Islands	0.67	0.25	0.35	87.01	32.47
Daman and Diu	0.3	0.09	0.15	90.91	27.27
Punjab	28.06	8.76	15.52	82.18	25.66
Dadra and Nagar Haveli	0.61	0.17	0.33	84.02	23.42
Goa	1.41	0.11	0.67	95.66	7.46
Chhattisgarh	52.35	-	28.89	82.37	-
Chandigarh	1.01	-	0.57	80.54	-
India	2250.33	1727.66	1193.81	85.68	65.78

* Quantity of foodgrain per day per child (in gms.) = (Allocation or Offtake in gms)/(number of children)/220

Here again it is seen that none of the states are lifting grain that is sufficient to provide 100 grams of foodgrain per child per day. The per child per day offtake of foodgrain for mid day meal scheme ranges from 87.6 grams in Sikkim to 7.46 grams in Goa. The states/UTs that seem to be providing even less than 60grams of foodgrain per child per day are Pondicherry, Bihar, Rajasthan, Gujarat, Jammu and Kashmir, Andaman and Nicobar Islands, Daman and Diu, Punjab, Dadra and Nagar Haveli and Goa.

2.6 Mismatch between utilisation of cooking cost and utilisation of foodgrains

In table 5 it is seen that many states are not utilising the cooking cost that has been allocated to them for the provision of mid-day meals. States that have performed particularly badly on this front are Assam and Jammu and Kashmir.

Table 2.5 Mismatch between utilisation of cooking cost and utilisation of foodgrains

		Utilization of cooking cost (%)	Utilization of food grains (%)
1	Andhra Pradesh	100.0	101.1
2	Bihar	75.0	72.0
3	Chhattisgarh*	73.2	58.0
4	Delhi	100.0	82.4
5	Gujarat	85.1	88.2
6	Himachal Pradesh*	50.0	75.3
7	Karnataka	100.0	73.1
8	Kerala*	88.6	68.2
9	Madhya Pradesh	90.0	85.3
10	Maharashtra	103.4	72.0
11	Manipur	126.1	80.1
12	Mizoram	89.4	108.7
13	Punjab*	68.0	52.0
14	Rajasthan	83.2	62.4
15	Sikkim	100.0	88.7
16	Uttar Pradesh	82.2	85.2
17	West Bengal*	71.0	66.0
18	Assam*	27.0	39.4
19	Tamil Nadu*	100.0	64.1
20	Jammu & Kashmir*	37.0	58.0

* Figures are for the year 2006–2007, up to December 31st, 2006. Considering that three-fourths of the year is over by 31.12.2006, the States should have utilised at least 75% of the foodgrains and the cooking costs by then.

The rest of the figures are for the year 2005–2006

Source: Annual Work Plan and Budget documents 2006–2007 and 2007–2008

As can be seen in the table above in most of the states there is a mismatch between the percentage utilisation of foodgrains and the percentage utilisation of cooking costs. Ideally the percentage utilisation of cooking costs

and foodgrains should tally with each other. Higher utilisation of cooking cost without concomitant utilisation of foodgrains could be because of misuse of the cash component of the programme. On the other hand, higher utilisation of foodgrains than cooking cost utilisation could be because cash flow to the schools are not regular, and this could actually be leading to interruptions in the feeding programme or forcing the school authorities to take credit, sometimes even on interest.

This discrepancy between utilization of foodgrains and cooking costs is revealed even further if the analysis is carried out at a district level. For example, in Valsad district of Gujarat foodgrains utilisation was 39% whereas cooking cost utilisation was 64%. Similarly in Shimla district of Himachal Pradesh it was 91% and 44%. In Jharkhand Palamu district shows foodgrains utilisation and cooking cost utilisation of 100% while in Jamtara district foodgrains utilisation was 100% whereas cooking cost utilisation was 36%.

2.7 Utilisation of Funds

Further, one can also look at the utilisation of funds allocated under the state-budget for mid-day meals. As seen in table 6 below, while the utilisation of funds under the MDMS is overall better than the utilisation seen in other welfare schemes, some funds are still going unused in many states. As can be seen below among the states for which data is available; Bihar, West Bengal, Uttar Pradesh, Rajasthan, Chhattisgarh, Andhra Pradesh and Karnataka have not fully utilised the amount allocated under state budgets for mid-day meal scheme.

Table 2.6 Utilisation of State Budget Provisions for Mid-day meal

States/UTs	State Budget Provisions for MDM (2005–2006)		
	Allocation	Expenditure	Utilisation
Maharashtra	15614.36	24486.04	156.8
Tamil Nadu	22375.60	23157.59	103.5
Kerala	10200.00	10200.00	100.0
Manipur	860.00	860.00	100.0
Sikkim	90.00	90.00	100.0
Uttaranchal	4543.00	4543.00	100.0
Chandigarh	312.00	312.00	100.0
Haryana	5568.38	5568.00	100.0
Bihar	13933.80	12608.44	90.5
West Bengal	24000.00	20570.69	85.7
Uttar Pradesh	33387.94	28036.24	84.0
Rajasthan	10000.00	8000.00	80.0
Chhattisgarh	14432.36	11205.00	77.6
Andhra Pradesh	24000.00	18000.00	75.0
Karnataka	28683.00	21362.52	74.5

2.8 Cooking Costs

According to the revised guidelines of 2006, the cooking cost to be allocated per child per day is Rs.2 with the centre contributing Rs.1.50 subject to the state government spending Rs.0.50. Looking at the data available for 15 states for the year 2006–2007, from the Annual Work Plan & Budget documents of 2007–2008, all of these states have claimed to have allocated to Rs. 2 per child per day or even more. (Kerala, Tamil Nadu, Uttaranchal, West Bengal, Karnataka, Haryana, Bihar, Himachal Pradesh, Tripura, Sikkim, Delhi , Manipur, Rajasthan, Arunachal Pradesh and Jharkhand)

2.9 Appointments of cooks and helpers under the MDMS

A clear order was passed by the Supreme Court on April 20th, 2004 stating that preference must be given to dalits, SCs and STs in the appointment of cooks and helpers. The table below gives the proportion of SC/ST cooks in some states.

Table 2.7 Percent of SC/ST cooks appointed for provision of Mid-day meals

States /Uts	SC/ST Cooks (%)
Bihar	65.0
Andhra Pradesh	57.9
Manipur	55.0
Haryana	42.3
Kerala	35.0
Gujarat	33.5
Karnataka	33.3
Chattisgarh	25.8
Uttaranchal	19.7
Tamil Nadu	14.9
Arunachal Pradesh	89.8

Only ten states provided information on the percent of SC/ST cooks among all cooks appointed for provision of mid-day meals, as seen in the table above. Of these Bihar had the highest percent of cooks belonging to the SC/ST category with 65% of the cooks being SC or ST followed by Andhra Pradesh where 57.9% cooks were from SC/ST categories. This figure was the least in Tamil Nadu with only 14.9% of cooks belonging to SC/St categories and in Uttaranchal where it was 19.7%.

2.10 Varied Menu

15 states mentioned that they were providing a varied weekly menu in the mid-day meal for the children. These are Bihar, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Manipur, Orissa, Rajasthan, Tamil Nadu, Uttaranchal, Uttar Pradesh and Delhi.

2.11 Infrastructure for mid-day meal

Two orders were passed by this court on April 20th, 2004 directing that infrastructure for the implementation of the MDMS be developed. The Central Government was directed to make provisions for the construction of cooking sheds and further directions were made to ensure better attempts towards provision of drinking water facilities etc.

Looking at the data available for the states on the availability of kitchen sheds, cooking utensils and drinking water, it is seen that other than in the states of Tamil Nadu, Kerala and Karnataka, in all other states less than even half the schools have a kitchen shed. This obviously affects the quality of the meal provided considering that the mid-day

meal scheme aims at providing a cooked meal to all children. Himachal Pradesh, Punjab, Rajasthan and West Bengal have reported that none of the schools providing mid-day meals have a kitchen shed. The data on cooking utensils and drinking water is available for a fewer number of states. Even here it is seen that in states like Maharashtra (8.0%) and Rajasthan (48.1%) a very low percent of schools have cooking utensils. It is hard to imagine how a cooked meal is being provided to children in these states without the availability of cooking utensils.

Table 2.8 Infrastructure for Midday meals

States/Uts	% Schools with Kitchen Sheds	% Schools with Cooking Utensils	% Schools with Storage for Drinking Water
Andhra Pradesh*	19.9		
Arunachal Pradesh	30.7		
Assam	27.6		
Bihar	25.6		
Chhattisgarh	27.6	100.0	100.0
Gujarat*	32.4	93.2	0.5
Himachal Pradesh	0.0		
Jharkhand	12.9		
Karnataka*	54.5	All the kitchen centers are provided cooking and storage utensils at the rate of Rs 5000/centre and Rs 6000/centre for permanent drinking water facilities.	
Kerala*	88.2	100	
Madhya Pradesh*	7.4		
Maharashtra*	3.9	8.0	70.9
Manipur*	21.0	100.0	12.7
Meghalaya*	0.7	100.0	19.3
Mizoram	27.1	0.0	14.5
Punjab*	0.0	0.0	0.0
Rajasthan*	0.0	48.1	65.2
Tamil Nadu	96.3	80.8	83.7
Tripura	32.3	0.0	0.0
Uttar Pradesh*	6.5	88.6	12.0
West Bengal	0.0	92.9	68.4

Chandigarh*	Since meals are cooked at Govt. accredited food institute so kitchen sheds are not required in schools.	1.0	100.0
Delhi*	In Delhi state cooked mid-day meal is out sourced. so kitchen sheds are being maintained by the NGOs/suppliers themselves.	In Delhi state cooked mid-day meal is out sourced. So the expenses on utensils for cooking & serving service are being managed by the NGOs/suppliers themselves.	

Source: Annual Work Plan & Budget documents, 2007–2008. * AWP&B of 2006–2007

With respect to drinking water Uttar Pradesh (12.0%), Gujarat (0.5%) and the north-eastern states of Manipur (12.7%), Meghalaya (19.3%) and Mizoram (14.5%) are providing very poorly for children in primary schools.

The Mid Day Meals guidelines, 2006 also raise this concern and observe that “Absence of kitchen sheds in schools had emerged as a critical factor impacting the quality of the programme. Though convergence with other centrally assisted programmes was envisaged for construction of kitchen sheds, progress in construction has been poor. Consequently, classrooms tend to be used for storage and cooking purposes, which is not only undesirable, but also fraught with risk. In the alternative, cooking is done in the open, which is unhygienic & hazardous.” Therefore it makes the following provision for the construction of kitchen sheds “Provide assistance to construct kitchen-cum-store in a phased manner up to a maximum of Rs. 60,000/- per unit. However, as allocations under MDMS for construction of kitchen-cum-store for all schools in next 2–3 years may not be adequate, States would be expected to proactively pursue convergence with other development programmes for this purpose.” It also provides assistance in a phased manner for provisioning and replacement of kitchen devices at an average cost of Rs. 5,000/- per school.

2.12 Key Issues

a) Enrolment

Many field studies have been conducted to assess the impact of mid-day meals¹⁹. Most of these studies show an increase in the enrolment and attendance of children in primary schools after the introduction of Mid Day meals.

b) Quality

While the studies found that the midday meal was being provided in most places, quality of the meal remains a concern. Many places still don't have a varied menu, with very little vegetables, fruits etc. served. Further, the

¹⁹ See Reetika Khera (2006), “Mid-day Meals in Primary Schools: Achievements and Challenges”, *Economic and Political Weekly*, November 18 2006 for a comprehensive review of recent studies on the mid-day meal scheme.

nutritional effect of the meal has not been studied enough. Expressing concern over the quality of the mid-day meal the parliamentary standing committee on HRD states, “The Committee however, is apprehensive of the quality, variety and hygiene of the food served under the scheme in view of the fact that there are many reported and unreported cases of children falling ill after taking their mid-day meal. Such incidents take away the spirit out of the scheme. On a specific query about cases of irregularity notice in MDM scheme, the Department has given details of instances which have taken place in some states during 2005–2006. All these cases indicate diversion misuse of foodgrains by those very authorities which were responsible for implementation of the scheme.”²⁰

c) Equity

Another issue of concern in the implementation of mid-day meals is the continued reports of caste-based discrimination during the serving of the meals, where children are made to sit separately or served in different plates, smaller quantities and so on. Such discrimination is also seen in the appointment of cooks where in spite of an order from the Supreme Court that preference should be given to SC/ST cooks, it is seen that in majority of places this is not so. Instances of upper caste children refusing to eat when the cooks belong to dalit communities have also been reported.

d) Administration

Problems such as irregular supplies, inadequate monitoring, incomplete reimbursement of fuel or transport costs, low and delayed remuneration of cooks and helpers, etc. have also been found in the studies. Teachers also complain about too much of their time being wasted in the preparation and monitoring of the meals thereby affecting their teaching and academic activities.

e) CAG findings

The CAG report of 2006 states that, “In the rural areas of Chandigarh (84.23%) and Mizoram (80.85%), an overwhelming majority of the children reported not receiving the midday meals. On the contrary, a very high proportion of the children in the rural areas of Tamil Nadu (89.42%) and Dadra & Nagar Haveli (81.03%) had reported receiving the mid-day meals. A substantially higher proportion of the children in the urban areas of Arunachal Pradesh (86.92%), Chandigarh (94.79%), Mizoram (84.37%) and Punjab (88.33%) reported not receiving the mid-day meals. The findings of the survey conducted at the instance of audit indicated that there were large difference in the figures of schools serving mid-day meals and those emerging from the survey of schools and households. This pointed to the possibility of false reporting by schools and misappropriation or diversion of funds allotted to schools for mid-day meals.”

f) Centralised Kitchens

In many urban areas, the preparation of mid-day meals is being contracted out to either NGOs or contractors who prepare the meals in centralized kitchens and supply it to many schools. There have been newspaper reports that such food is stale, quantities are either inadequate or in excess leading to wastage etc. On the other hand it is also argued that in urban areas due to lack of space and infrastructure facilities, it makes sense to have centralized kitchens. The pros

20 Department-related Parliamentary Standing Committee on Human Resource Development, 173rd report on Demands for grants 2006-2007 (demand no.55) of the Department of Elementary Education and Literacy (Ministry of Human Resource Development), May 2006

and cons of this model needs to be further studied before any conclusion can be arrived at on which is the better system for provision of a cooked meal in urban areas. Like in the ICDS scheme, one could probably still say that private contractors should be banned in the supply of mid-day meals irrespective of whether it is in rural or urban areas.

Summary of Observations of Monitoring Institutions for Mid Day Meal Ministry of Human Resource Development, Government of India

Andhra Pradesh

- 98.7% schools were found to be serving 'hot food'.
- 83.7% schools serve the same menu (rice, dal, sambhar, kichdi); 88.4% schools were providing green vegetables.
- Overall satisfaction level on quality and quantity was appreciative.
- In 56% schools, cooks were from the under privileged social communities from the respective villages; majority were women.
- In 56.3% schools payment to cooks was quite regular; in the other schools the frequency of payment was not regular.
- In 83.7% schools there was no discrimination in serving MDM on basis of gender, caste and class.

Assam

No uniformity in the implementation of the mid day meal scheme. Many schools are serving cooked meal, and many schools are distributing uncooked rice. Fruits, eggs and green vegetables are rarely served.

Bihar

- 80% sampled schools served hot cooked meals—generally khicchri.
- Almost 70% students, teachers and parents stated that there is a weekly menu, but there is limited variety.
- 60% students reported that green vegetables are included.
- 70%–80% children were found happy with the quality of the meal; but only one-third found the quantity adequate.
- In almost 90% of the cases cook / helper is an under privileged person, preferably woman.
- Schools engage the cook/helper on the basis of a monthly remuneration of 0.50 paise per child or a monthly remuneration of Rs 1500/-. Remuneration is generally paid regularly.
- In almost half the cases pucca sheds are available for cooking; in the rest it is cooked in the open.
- Generally foodgrains are kept at safe places in the village either in the CRC building or at the residence of the Mukhiya.
- Hygiene and cleanliness among students varies from village to village; in most cases (80%) they are encouraged to wash hands, conserve water and collect and eat meal in an orderly manner.
- Generally (95%) no discrimination is observed.

Chattisgarh

- Hot cooked meal is served daily; Almost 100% children take MDM in school
- The Menu has been standardized by the SPO and followed in each school: Green vegetables and fruits are part of the meal
- Children are happy with the quality and quantity.
- In some schools iron and vitamin tablets are provided by the Health Centre to those children who are deficient.

- Cooks are appointed by Nagar Palika and Self Help Groups and in most cases they are women of SC/ OBC category.
- Kitchen shed are under construction; the quality of design and construction needs to be looked into.
- Facilities for storage of grains are satisfactory and utensils are available in most schools.
- Most schools use firewood as fuel; only 15%–20% use gas.
- Children wash their hands before and after eating.
- No discrimination was observed.

Gujarat

- Meals were served hot and were cooked well
- All schools had a menu for the entire week which included different combinations of wheat and pulses Brinjals and potatoes were the only vegetables served; no other green vegetables were served.
- Children were happy with the quality and quantity of meals, but some children took the meals home in the afternoon.
- Cooks and helpers were appointed by the Department; Dang district has 100% tribal population and cooks and helpers belonged to the underprivileged group.
- Kitchen sheds were available in most schools visited.
- Utensils were adequate and procured from MDM funds.
- Drinking water is a major problem in Dang.
- Safety arrangements were very good; discipline was good and hygiene and cleanliness was fair.
- Participation of parents, VEC, panchayat members and school teachers was negligible in regard to the daily supervision of the MDM programme.

Himchal Pradesh

- 100% sample schools serve hot cooked meals to children on a daily basis.
- Food items served include rice, dal, potatoes, nutrela and green vegetables.
- Children's reaction to mid day meal is positive.
- Cooks are appointed by the SMC—mostly women from deprived categories; cooks are paid Rs 400 per month.
- All schools have potable water for cooking and drinking.
- 100% schools use LPG for cooking; If LPG is not available fire wood is used.
- All children are encouraged to wash hands before and after meals.
- No discrimination on the basis of gender, caste or class in the school; there is need to ensure that there is no discrimination against children in EGS centres too.

Karnataka

- 94 % of schools were serving a variety of MDM.
- 96 % of schools include green vegetables in the MDM.
- In 93% schools in Yelandur, 100% children avail of the MDM, but in Chamarajanager only 56% children avail of the MDM.
- 56% schools have a pucca kitchen shed and over 80% have a bore well or a water tank in the school premises.
- Large majority of the schools were found to be using cooking gas for MDM preparation.

- Large majority also reported that the overall environment in which MDM is served is good.
- In Yelandur block, issues of caste discrimination give cause for concern.

Madhya Pradesh

- Meal of different variety is served for which the school maintains a day wise calendar.
- All schools serve dal, chapatti and sabji daily.
- Children are happy with the quantity and quality of food; children do not bring tiffins from home.
- Health workers administer micronutrients.
- Cooks are appointed as per the guidelines issued by the Department; they are paid honorarium of Rs 20 per day.
- Foodgrains and other items are stored in a safe place.
- Potable water is available for cooking and drinking purpose.
- Utensils are purchased from SSA funds.
- All schools were rated as 'fair' on the criteria of safety, hygiene, and cleanliness.
- No caste or gender discrimination was observed in partaking MDM.
- Children wash their hands before and after eating; eat in an orderly manner.
- Daily supervision of MDM was rated as good in 18 out of 21 schools visited; inspection is conducted by BRC, CRC and BAC.

Maharashtra

- Almost all schools visited provided mid day meals to their children
- In most cases cooked rice or kichadi was provided; some schools also serve bananas
- Some schools were reported to have been serving biscuits, rather than cooked meals
- In a majority of schools students were happy about the quality of food, but in a few cases students were dissatisfied with the quality.
- Most schools (60%) have appointed a cook or helper for cooking, but in some schools teachers are involved in cooking.
- In 70% of the schools, the remuneration of the cook ranges from Rs 1.50–1.75 per student; 10% schools give a monthly remuneration in the range of Rs 1600–2000.
- SHG and Mahila Bachat Gat have also been involved in the cooking
- In most schools MDM is inspected regularly either by the teachers and/or principal. In some schools VEC also inspect.

Orissa

- In all schools in the sample districts, except Dhenkanal same food items (rice and dal) are provided to children everyday. In Dhenkanal rice and dal is served in 69.4% schools. In other schools Khechudi, saga, alu bharata, rice, dal etc. is given on different days.
- Green vegetables is provided as follows:
 - » Dhenkanal, Khordha and Nayagarh Districts: 100% of the sampled schools
 - » Angul and Cuttack Districts: 80% of the sampled schools
 - » Deogarh and Jharsuguda: 20-40 % of the sampled schools
- All districts except Sundargarh have appreciated both the quantity and quality of MDM.
- Micronutrients and de-worming tablets are not given in any of the sample schools.

- The average percentage of the children taking MDM widely vary in the sample Districts, ranging from 63.2% in Cuttack District to 95% in Sundargarh District.
- MDM preparation and distribution is managed by the VEC, NGO or SHG; cooks and helpers are not regularly paid by these agencies.
- In majority (>83%) of the sample schools, water is available at a close proximity for cooking.
- In almost all (92% to 100%) of the sample schools, MDM programme has been regularly inspected by teachers and parents.
- The children wash hands both before and after taking in most of the sample schools in all the sample Districts. Similarly, the children also take and eat MDM in an orderly manner and there exists no caste / gender / disability based discrimination among children while eating MDM in a majority of the sample schools in the sample Districts.

Rajasthan

- Mid day meal was available in all schools barring one or two where there was a temporary delay in getting supplies or cook.
- Menu was changed on a daily basis in all schools.
- Supply of green vegetables and fruits was reported to be regular.
- Children were generally satisfied with the quantity and quality of mid day meal.
- Medicines and deworming tablets were also supplied regularly in most schools.
- A majority of children are reported to be receiving meals; however, only in 30% schools, all 100% children have meals.
- Pucca sheds for cooking are available in 54% schools.
- Water for cooking was easily available in 85% schools and pots for cooking in 92% schools.
- Wood is used as fuel in 88% schools.
- Quality of MDM was described as good in 65% and average in 32%.

Uttar Pradesh

- MDM was served in 57 out of 64 sampled schools in Auraiya, in 75 out of 78 schools in Bareilly and 75 out of 77 sampled schools in Unnao.
- About 90% students were satisfied with the quality and quantity of meals served in Auraiya and 70% found it satisfactory in Unnao. The level of satisfaction in Bareilly district was lower.
- In Bareilly, 87% cooks were from the OBC category, 7% represented the SC category and 5% from other. In Unnao 59% belonged to OBCs, 14% to SC and 26 from others.
- In Varanasi district, the menu was displayed in 88% of the schools, and 76% of the schools were serving food according to the menu displayed.
- In about 80% of the cases in Varanasi and 70% in Bareilly, the food grains were stored in the house of the pradhan. This is expected to change as the kitchen-cum-stores are constructed.

West Bengal

- Hot cooked meal was served in all, except one school visited.
- Class V is part of the middle school (Classes V – X) in West Bengal. Only 7 schools visited served the mid day

meal to children in class V

- The menu included rice, dal, sabji/ Egg/fish.
- Children were happy with the quality and quantity served.
- However, health check ups were not conducted and micro-nutrients not provided.
- Cooking was largely managed by SHG, identified by the local self government and VEC. Majority of the SHG members belonged to weaker sections.
- Storage space is a common problem.
- The general impression on safety, hygiene and cleanliness is good.
- Participation of parents and VECs in MDM is very good, but there is lack of supervision from members of the community.
- Drinking water is by and large available at school or a nearby place. In respect of six schools visited drinking water had to be fetched from a distant place.
- Schools use firewood and soft coal for cooking.
- There was no gender or caste difference observed in the serving of the meal.
- Some problems have been observed:
- Some school discontinue classes after serving the mid day meal.
- In some places there is lack of coordination among the SHG members and schoolteachers.
- There are underage and overaged children in the primary schools due to the attraction of MDM.
- Food grains mainly rice supplied by local ration shop in bad quality.
- Schoolteachers find it hard to settle bills of mid day meal.
- SHGs sometimes purchases rotten vegetables for mid day meal.

Source: Commissioners' Correspondence with MoHRD, GOI

2.13 Recommendations

1. Currently the mid-day meal is provided only to children who are attending schools, whereas the most vulnerable children in the school going age are out of schools working as child labour, street children etc. The mid-day meal should be expanded to cover all children in the school-going age, irrespective of whether they are enrolled in school. The location of the meal served can continue to be the school, this might further encourage those out of school to join schools.
2. In the budget of 2007–2008, the Finance Minister made an announcement expanding mid-day meal provision to upper primary schools in EBBs. The MDMS should be expanded to cover upper primary schools all across the country.
3. The provision for cooking costs under the mid-day meal should be increased to Rs. 3/- per child per day (not including foodgrains 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.
4. Mid-day meals should be linked with nutrition education and related educational activities. State governments should be encouraged to adapt their textbooks for this purpose, as the NCERT has already done for some textbooks.

5. Nutritious items such as eggs and green leafy vegetables should be provided regularly.
6. Proper infrastructure for mid-day meals should be mandatory, including cooking sheds, storage space, drinking water, ventilation, utensils, etc.
7. Serious action should be taken in the event of any form of social discrimination in mid-day meals, such as discrimination against Dalit children or Dalit cooks.
8. Priority should be given to disadvantaged communities (especially Dalits and Adivasis) in the appointment of cooks and helpers. All cooks and helpers should be paid no less than the statutory minimum wage.
9. Community participation in the monitoring of mid-day meals should be strengthened, particularly to prevent corruption and ensure quality.
10. Mid-day meals should be integrated with school health services, including immunization, deworming, growth monitoring, health checkups and micronutrient supplementation.

3 National Maternity Benefit Scheme

3.1 Introduction

The National Maternity Benefit Scheme (NMBS) was launched in the year 1995 as part of the National Social Assistance Programme (NSAP) and later transferred to the Health Ministry in the year 2001. Under NMBS, pregnant women from BPL families were entitled to lump-sum cash assistance of Rs. 500, up to two live births, 8–12 weeks before delivery. This scheme was entirely sponsored by the Central Government. Right from the beginning the implementation of this scheme has been in a bad shape characterized by low allocations, under-utilisation, long delays and procedural complications.

The National Maternity Benefit Scheme was modified into a new scheme called Janani Suraksha Yojana (JSY) and launched w.e.f April 12th, 2005. The objectives of the JSY are reducing maternal mortality/infant mortality through increased delivery at health institutions 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.”²¹ Further the scheme was envisaged in a manner where the cash assistance would be linked to availing ante-natal check ups and having an institutional delivery. The guidelines did not retain the objective of ensuring food security for all pregnant BPL women unencumbered by any other conditionalities. This would entirely defeat the purpose of the NMBS as it was initially thought of, which was to provide social security to pregnant women. Linking the accruing of benefits of the scheme with various conditions would severely undermine the rights of a woman to use the social assistance under NMBS to access food and nutrition, rest and regain her strength and not have to labour immediately or soon after delivery and also the rights of the child to breast feeding and be cared. Calculations in the Sixth Report of the Commissioners showed that on an average nearly 65.5% of the eligible beneficiaries under NMBS would get zero direct cash assistance under JSY, because they would be debarred by the eligibility requirements introduced by JSY.

The Commissioners reacted to this proposal by writing to the Ministry of Health (and having a series of meeting with the GOI) reminding them of the Court order of April 27th, 2004 whereby it was directed that no scheme covered by the orders of the Court shall be discontinued or restricted in any way without the prior approval of this Court and that until further orders, the schemes would continue to operate and benefit all those who are covered by the schemes.

In response to the intervention by the Commissioners, a letter communicating the following modifications to the Janani Suraksha Yojana was sent to the Commissioners:²²

- Rs. 500/- will be paid to all pregnant eligible BPL women irrespective of place of delivery under JSY and also it is not mandatory that the benefits are given only after ante-natal check ups.
- Women who have institutional delivery will be paid a higher amount.

21 Guidelines of JSY

22 Letter No. D.O. No. Z. 14012/39/2001-NMBS, dt: July 13th 2007 from Secretary, Health & family Welfare, Govt. of India to Dr. NC Saxena, Commissioner to the Supreme Court

- In low performing states, the age bar and restriction of number of births for which assistance is provided under NMBS, have been removed. For institutional delivery BPL criteria has been removed.

Therefore, in a positive development the newly modified Janani Suraksha Yojana would ensure that all those who would have benefited under the NMBS would continue to benefit under this scheme, while those who meet the conditionality of institutional delivery would be eligible to get additional cash assistance.

However, given the frequent changes and low priority of the scheme to many state governments, the scheme had become almost non-functional in many states. It is now being revived, but as JSY and not NMBS, with the focus largely on institutional deliveries and not nutritional security for women. The government's own documents indicate that the reason why the Rs. 500/- for women having home deliveries is being continued is because of compulsions of having to obey orders of the Supreme Court.

Although the scheme was modified in consonance with the Supreme Court's mandate that no existing eligibilities for food rights can be abridged without the consent of the court²³, this did not permeate down to many of the states, where it appears that this revised guideline has not been communicated adequately to or been sufficiently internalised by the state governments. The Supreme Court took notice of this and ordered all the state governments and the Government of India to file an affidavit in the court within four weeks. While this order was passed on February 1st, 2007 only five states have filed their affidavits in Court until June 2007.

Affidavits submitted by State Governments in Response to order dated 01.02.2007

S.No.	State	Date affidavit filed	Remarks in Affidavit on benefit to women having home deliveries
1	Madhya Pradesh	01.03.2007	Rs. 500/- being given in case of home deliveries. 1687 women who had home deliveries given Rs. 500 in 2006–2007. Letter directing disbursement of cash assistance for home delivery under JSY sent to all Chief Medical and Health Officers in the state on July 20th, 2006
2	Mizoram	24.01.2007	No mention specifically on home deliveries. Only says that benefits under JSY are being given according to guidelines and instructions from Government of India.
3	Punjab	09.03.2007	6128 women who had home deliveries have been given benefit.
4	Uttar Pradesh	27.06.2007	72888 women who had home deliveries given benefit under JSY up to the quarter ending March 2007
5	Himachal Pradesh		The affidavit says that instructions given by Government of India are being carried out and implemented in the State and suggests that Rs. 250/- should be given in first trimester and another Rs. 250/- in 2nd trimester for nutritional support.

²³ As per the order of the Court dated 27th April 2004, it is explicitly stated that, “till further orders, the schemes would continue to operate and benefit all those who are covered by the schemes.”

Assistance for Home Delivery

In LPS and HPS States, BPL pregnant women, aged 19 years and above, preferring to deliver at home is entitled to cash assistance of Rs. 500/- per delivery. Such cash assistance would be available only upto 2 live births and the disbursement would be done at the time of delivery or around 7 days before the delivery by ANM/ASHA/ any other link worker. The rationale is that beneficiary would be able to use the cash assistance for her care during delivery or to meet incidental expenses of delivery. It should be the responsibility of ANM/ASHA, MO PHC to ensure disbursement. It is very important that the cash is disbursed in time. Importantly, such woman choosing to deliver at home should have a BPL certificate to access JSY benefits.” (JSY Guidelines).²⁴

3.2 Coverage

The Supreme Court in its order dated November 28th, 2001 directed the State Governments/ Union Territories to implement the National Maternity Benefit Scheme (NMBS) by paying through the Sarpanch or elected head of the village panchayat, to all BPL pregnant women a maternity allowance of Rs. 500/-, 8–12 weeks prior to delivery for each of the first two births. In other words, the most important feature of this order of the Supreme Court of India is to convert the scheme into a universal entitlement of all BPL pregnant women.

To arrive at the number of beneficiaries under the scheme, the Government of India uses the following formula:

No. of beneficiaries = population*poverty ratio*CBR*proportion of first two births in total live births

Based on this formula the government set a numerical ceiling of 57.5 lakhs beneficiaries as the annual target for NMBS. However, the number of beneficiaries under JSY, as reported by the Government of India, in 2006–2007 was only 26.2 lakhs i.e. 44.2% and in the year 2005–2006 this was as low as 5.7 lakhs i.e. 10%. While there has been an improvement in the last one year, the coverage under this scheme is still way below the target number of women to be covered by the NMBS.

The Government of India calculations were done only once, when the scheme was launched in 1995. In order to look at the state-wise performance, a fresh calculation is made here based on latest available data on the number of women who would be eligible for the NMBS.²⁵

The table below looks at the number of beneficiaries under JSY (according to the Government of India, this figure includes those who had home deliveries as well as those who had institutional deliveries. However the amount given was different based on the place of delivery) vis-à-vis the annual targets set by the Government of India for NMBS.

24 Janani Suraksha Yojana, Features and Frequently Asked Questions and Answers, Government of India, October 2006, available at mo-hfw.nic.in

25 The Government of India figures are also incomplete because they do not take into account union territories such as Andaman and Nicobar Islands and Pondicherry. Further, these figures consider the erstwhile undivided states of Madhya Pradesh, Bihar and Uttar Pradesh.

Table 3.1 Percentage of Eligible Beneficiaries Covered Under NMBS

State/UT	No. of Women eligible for NMBS*	No. of Beneficiaries of JSY in 2006–2007 as reported by Government of India	Percentage of Eligible Beneficiaries Covered
Andhra Pradesh	296033	457000	154.4
Rajasthan	280123	387648	138.4
J & K	50494	57798	114.5
Assam	182894	183231	100.2
Orissa	264249	227204	86.0
Madhya Pradesh	472840	401184	84.8
Mizoram	4429	3330	75.2
Chattisgarh	148876	74778	50.2
Uttaranchal	37117	18614	50.1
West Bengal	425520	199000	46.8
Tamil Nadu	301676	136091	45.1
Karnataka	289339	81152	28.0
A & N Islands	2295	600	26.1
Kerala	107602	27683	25.7
Bihar	732891	171352	23.4
Puducherry	6446	1315	20.4
Gujarat	212845	42373*	20.0
Punjab	41297	8276	20.0
Maharashtra	529777	97390	18.4
Tripura	20601	3203	15.5
Manipur	11112	1684	15.2
Goa	3188	483	15.1
Lakshadweep	333	42	12.6

Sikkim	4598	446	9.7
Meghalaya	22768	2031	8.9
Himachal Pradesh	29222	2508	8.6
Uttar Pradesh	1073341	71456	6.7
Haryana	92856	3294	3.5
D & N Haveli	3850	76	2.0
Chandigarh	2108	0	0.0
Delhi	42447	20	0.0
Arunachal Pradesh	10399	NR	NR
Daman & Diu	632	NR	NR
Jharkhand	208592	NR	NR
Nagaland	12763	NR	NR
Total India	5925554	2618889	44.2

*Calculation of eligible beneficiaries based on projected population for 2006 (from Census of India), crude birth rate for 2006 (SRS Bulletin October 2006), poverty ratio for 93-94 (Report of the Expert Group on Estimation of Proportion and Number of Poor, Planning Commission) and proportion of first two births for the year 2002 (SRS Statistical Report, 2002).

As can be seen in the table above the NMBS/JSY scheme has virtually not taken off in many states. Delhi has given the benefit under the NMBS to only 20 women in 2006–2007, while in Chandigarh the number of beneficiaries is 0. In **Sikkim, Meghalaya, Himachal Pradesh, Uttar Pradesh, Haryana and Dadar & Nagar Haveli** less than even 10% of the eligible beneficiaries have been covered under the NMBS. Except for the states of Andhra Pradesh, Jammu & Kashmir, Rajasthan, Madhya Pradesh, Assam, Orissa and Mizoram where more than 75% of the eligible beneficiaries seem to have been reached out to, the performance of this scheme has been very poor in all other states.

3.3 Coverage of Home Deliveries

Reports from the field indicate that with the introduction of the modified JSY in place of the NMBS, in most states it is mainly those women who are having an institutional delivery who are receiving benefit, while the ground level functionaries function on the premise still that women having home deliveries are not eligible for any cash assistance. We regret the conclusion that this amounts to an acceptance of the orders of the Supreme Court only in letter but not in spirit, enabling or even facilitating its subversion in practice. The Government itself states that it is continuing with the assistance to women having home deliveries due to compulsions of the Court order and not out of any serious consideration for the nutrition requirements of pregnant women. This attitude of the government can be seen in the following lines from the ‘Frequently Asked Questions’ document of the JSY (<http://health.nic.in>) “Q.8 If the focus of the scheme is to promote institutional delivery, why should there be a provision for home delivery? (Ans.) It is true that we have to discourage home delivery. However, in view of the Hon’ble Supreme Court’s direction, it is mandatory to

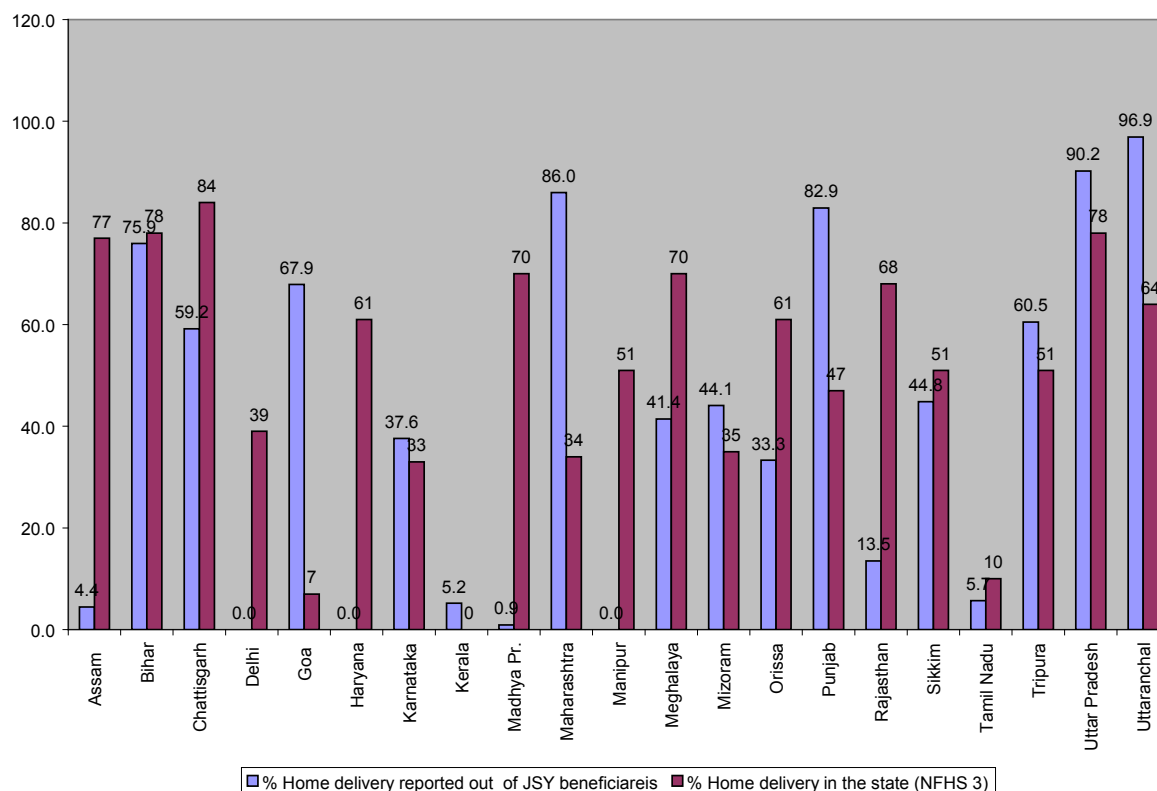
provide for home delivery. In case of home delivery, cash benefits of JSY are as provided under NMBS. It would be the responsibility of the ANM, ASHA to counsel the pregnant woman to deliver in a health institution.”

If in fact the scheme was reaching out to women having home deliveries as much as those having institutional deliveries, then it is reasonable to expect that this should be reflected in trends among the beneficiaries of the JSY which should show that the proportion of beneficiaries who had a home delivery among all beneficiaries should be roughly corresponding to the proportion of home deliveries in the state. (In fact it should be even higher because the scheme reaches out to only BPL women and it is seen that proportion of institutional deliveries is lower among BPL women). In the table below we compare the % of beneficiaries among JSY who had home deliveries with the proportion of home deliveries in the state from the National Family Health Survey 3 (2004–2005). It can be seen that in 12 out of the 20 states the proportion of home deliveries in the state is higher than the proportion of women who got benefit under the JSY after having a home delivery.

**Table 3.2 Percentage of Home delivery among JSY beneficiaries
(as reported by Government of India)**

State/UT	No. of beneficiaries as reported by the State	Institutional delivery reported out of JSY beneficiaries	% Institutional delivery reported out of JSY beneficiaries	% Home delivery reported out of JSY beneficiaries	% Home delivery in the state (NFHS 3)
Andhra Pradesh	457000	650000			31
Assam	183231	175113	95.6	4.4	77
Bihar	171352	41222	24.1	75.9	78
Chattisgarh	74778	30531	40.8	59.2	84
Delhi	20	20	100.0	0.0	39
Goa	483	155	32.1	67.9	7
Haryana	3294	3294	100.0	0.0	61
Karnataka	81152	50640	62.4	37.6	33
Kerala	27683	26248	94.8	5.2	0
Madhya Pr.	401184	397442	99.1	0.9	70
Maharashtra	97390	13676	14.0	86.0	34
Manipur	1684	1684	100.0	0.0	51
Meghalaya	2031	1190	58.6	41.4	70
Mizoram	3330	1862	55.9	44.1	35
Orissa	227204	151452	66.7	33.3	61
Punjab	8276	1412	17.1	82.9	47
Rajasthan	387648	335300	86.5	13.5	68
Sikkim	446	246	55.2	44.8	51
Tamil Nadu	136091	128367	94.3	5.7	10
Tripura	3203	1265	39.5	60.5	51
Uttar Pradesh	71456	7009	9.8	90.2	78
Uttaranchal	18614	580	3.1	96.9	64

Figure 3.1: Comparison of percent of home deliveries among JSY beneficiaries with percent of home deliveries in state (according to NFHS 3)



In the states of Madhya Pradesh, Haryana, Manipur and Delhi there are almost no JSY beneficiaries who had a home delivery. This indicates that in these states the scheme's focus continues to be only on institutional deliveries and not all deliveries. Even in the states of Assam, Rajasthan, Meghalaya, Orissa and Chhattisgarh the JSY has been disproportionately given to only those who have had institutional deliveries.

3.4 Financial Performance

The Janani Suraksha Yojana is a centrally-sponsored scheme with the centre providing 100% of the funds. Some states such as Andhra Pradesh make their own contribution thereby increasing the amount of cash assistance for institutional deliveries. Tamil Nadu has introduced a separate scheme for providing mothers with Rs. 1000/- per month for six months, three months prior to the delivery and three months after. Here, we look at the allocation and utilisation of the funds provided by the Central Government.

3.4.1 Utilisation

In this section we look at the utilisation of the funds vis-à-vis the allocation made for Janani Suraksha Yojana in 2006–2007. Overall 71.2 % of the funds allocated under JSY has been utilised in the year 2006–2007.

Table 3.3 Utilisation of funds allocated under JSY*

Name of the State/UTs	Funds released in 2006–2007	Expenditure Reported by States	% Utilisation
Andaman & Nicobar Islands	10.00	1.99	19.9
Andhra Pradesh	4073.20	4550.00	111.7
Arunachal Pradesh	26.20	0.31	1.2
Assam	1300.00	1331.32	102.4
Bihar	610.00	190.00	31.1
Chandigarh	5.23	0.00	0.0
Chattisgarh	513.00	516.55	100.7
D & N Haveli	9.17	0.73	8.0
Daman & Diu	5.23	0.00	0.0
Delhi	65.49	0.20	0.3
Goa	7.86	3.38	43.0
Gujarat	851.85	185.56	21.8
Haryana	350.00	39.11	11.2
Himachal Pradesh	100.00	20.66	20.7
J & K	138.33	123.84	89.5
Jharkhand	392.89	64.67	16.5
Karnataka	916.00	594.02	64.8
Kerala	511.94	284.45	55.6
Lakshadweep	4.38	0.31	7.1
Madhya Pradesh	4261.00	2482.00	58.2
Maharashtra	785.79	209.07	26.6
Manipur	78.57	13.45	17.1
Meghalaya	39.29	42.75	108.8
Mizoram	78.57	37.27	47.4
Nagaland	65.49	0.00	0.0

Orissa	1600.00	1571.31	98.2
Puducherry	19.64	6.10	31.1
Punjab	145.37	56.84	39.1
Rajasthan	4085.00	3056.35	74.8
Sikkim	13.10	7.46	56.9
Tamil Nadu	1827.00	1441.00	78.9
Tripura	117.86	43.70	37.1
Uttar Pradesh	1375.00	436.80	31.8
Uttaranchal	79.56	56.06	70.5
West Bengal	1678.99	1233.67	73.5
Total	26141.00	18600.93	71.2

*Rs. In Lakhs

Looking at the state-wise break-up it is seen that states like **Delhi, Nagaland and Arunachal Pradesh, and union territories of Chandigarh and Daman & Diu** have not at all utilised the funds allocated to them for the purpose of JSY. Among other states, **Manipur, Jharkhand and Haryana** utilised less than 20% of the funds released to them. Only 10 states spent more than 70% of the funds allocated to them under JSY.

3.5 Required Funds to Cover Present Number of Beneficiaries

According to the guidelines of the Janani Suraksha Yojana, the scale of cash assistance is as follows:

Category	Rural Area		Total	Urban Area		Total
	Mother's Package	ASHA's Package	Rs.	Mother's Package	ASHA's Package	Rs.
LPS (Low Performing States)	1400	600	2000	1000	200	1200
HPS (High Performing States)	700		700	600		600

Further, all those BPL women aged 19 years and above, preferring to deliver at home are entitled to cash assistance of Rs. 500/- per delivery. Such cash assistance would be available only up to 2 live births.

In this section a calculation is made based on these guidelines to see how the allocation and expenditure of funds

compare with what is required if cash assistance is truly given to all the beneficiaries reported, on the basis of the above guidelines. The table below shows those states where the allocation turns out to be less than the required funds to cover reported beneficiaries. It is seen that all the states here are those that come under the category of “Low Performing States” i.e. where the programme is most needed.

Such low allocation and expenditure probably means that either fewer women than reported actually benefited from the scheme or that the women received cash assistance of an amount less than they were entitled to.

State/UTs	Required Funds to cover reported beneficiaries* (assuming they were ALL paid the ENTIRE amount according to the JSY guidelines)	Funds released in 2006–2007
Assam	2492.2	1300.00
Bihar	1227.8	610.00
Chattisgarh	648.7	513.00
Madhya Pradesh	5582.9	4261.00
Orissa	2499.1	1600.00
Rajasthan	4955.9	4085
Uttaranchal	98.3	79.56

* Calculated as (no. of beneficiaries reported for 2006–2007 who had institutional delivery)*Rs.1400 + (no. of beneficiaries reported for 2006–2007 who had home delivery)*Rs. 500/-

Expenditure Reported by States	% of required funds allocated	% of required funds utilised
1331.32	52.2	53.4
190.00	49.7	15.5
516.55	79.1	79.6
2482.00	76.3	44.5
1571.31	64.0	62.9
3056.35	82.4	61.7
56.06	80.9	57.0

3.6 Funds required to cover all eligible beneficiaries (only for NMBS)

Here we make an estimation of the funds required to cover ALL the eligible beneficiaries under NMBS. The calculation is made on the basis of an allocation of Rs. 500/- per pregnant woman irrespective of place of delivery. The additional funds that would be required for covering the benefits under JSY for institutional delivery are not calculated here. It is seen that in order to cover the estimated number of eligible women under NMBS, an amount of Rs. 296.3 crore would be required, while the amount allocated under JSY for the year 2006–2007 was only Rs. 261.4 crore and this amount was supposed to cover both the benefits under NMBS and JSY. A calculation is also made to see the amount required for NMBS if the restriction on birth order is removed for eligibility to get benefit under the scheme. Here it is seen that the allocation required would be about Rs. 494 crores.

**Table 3.5 Funds required to cover all eligible beneficiaries
(only NMBS component i.e. Rs.500/- per pregnant woman)**

States/UTs	Estimated no. of eligible beneficiaries*	Required Funds to cover all eligible beneficiaries	Funds released for 2006–2007 under JSY
Andaman & Nicobar Islands	2295	0.1	0.1
Andhra Pradesh	296033	14.8	40.7
Arunachal Pradesh	10399	0.5	0.3
Assam	182894	9.1	13.0
Bihar	732891	36.6	6.1
Chandigarh	2108	0.1	0.1
Chhatisgarh	148876	7.4	5.1
Dadra & Nagar Haveli	3850	0.2	0.1
Daman Diu	632	0.0	0.1
Delhi	42447	2.1	0.7
Goa	3188	0.2	0.1
Gujarat	212845	10.6	8.5
Haryana	92856	4.6	3.5
Himachal Pradesh	29222	1.5	1.0
Jammu & Kashmir	50494	2.5	1.4
Jharkhand	208592	10.4	3.9
Karnataka	289339	14.5	9.2
Kerala	107602	5.4	5.1
Lakshadweep	333	0.0	0.0
Madhya Pradesh	472840	23.6	42.6
Maharashtra	529777	26.5	7.9
Manipur	11112	0.6	0.8
Meghalaya	22768	1.1	0.4

Mizoram	4429	0.2	0.8
Nagaland	12763	0.6	0.7
Orissa	264249	13.2	16.0
Pondicherry	6446	0.3	0.2
Punjab	41297	2.1	1.5
Rajasthan	280123	14.0	40.9
Sikkim	4598	0.2	0.1
Tamil Nadu	301676	15.1	18.3
Tripura	20601	1.0	1.2
Uttar Pradesh	1073341	53.7	13.8
Uttaranchal	37117	1.9	0.8
West Bengal	425520	21.3	16.8
India	5925554	296.3	261.4

3.7 Key Issues

This section looks at some of the key issues of concern that emerge in relation to the implementation and design of the National Maternity Benefit Scheme. It must be mentioned here, that there are many concerns regarding the Janani Suraksha Yojana – its design, goals, effectiveness and the availability of public health services – which are not addressed here. In this report, we are only interested in the NMBS as a scheme to provide nutritional support to pregnant women. There cannot be any debate that such support is required. The results of the National Family Health Survey III show how poor the nutritional condition of women in our country is and also that this is not showing any signs of improvement.

1. NMBS and JSY

The National Maternity Benefit Scheme has been replaced now by the Janani Suraksha Yojana. The objectives of both these schemes are very different. While the aim of the NMBS was to provide nutritional support to pregnant women, the JSY is towards encouraging women to have institutional deliveries. There is no doubt that institutional deliveries will help improve maternal health; however this does not mean that women no longer require nutritional support. Further, the Government of India is continuing with the benefit for those having home deliveries because of the Court orders, but within the larger framework of the JSY. This is causing a lot of confusion in the field with the focus of cash assistance being on only those having institutional deliveries. Although the scheme has been amended information regarding this amendment has not been sent to various states as a result of which the NMBS benefits continue only on paper and lakhs of poor women in the rural areas have been denied the benefit. The Government of India on its part has

failed to effectively monitor the scheme.

NMBS in Madhya Pradesh*

A study was conducted on the implementation of the NMBS in four districts of Madhya Pradesh—Bhopal, Seoni, Barwani, and Sheopur during March 2007. This report finds that the government has failed to clearly communicate to the people the different schemes available to pregnant women causing confusion around these schemes and resulting in widespread underutilization. Women do not know the eligibility criteria, benefits, and implementing agency for the scheme. It was also found that in many cases women were not getting correct amount that they were entitled to under the scheme and also that they reported inconvenience in getting money related to JSY. The corruption seemed to be less in areas where the payment was made by cheque. Further it was found that although many women reported that the money was being used for food and medicine, it was often the husbands, brothers or fathers who took the money received under JSY or NMBS and decided what to use it for. Further the amount of money given was frequently cited as being too low to adequately meet the nutritional and other needs of pregnant women. * Based on “A Report on the implementation of The National Maternity Benefit Scheme & JSY in Four districts of Madhya Pradesh”, Nick Robinson, April 2007.

2. Lack of Awareness

The NMBS scheme has always been poorly publicised. Further, with the repeated modifications to the scheme recently, there has not been clear communication to the people who the eligible beneficiaries under the scheme are. The advertisements on Janani Suraksha Yojana focus only on the cash benefits for institutional delivery without even mentioning the benefit available to all BPL women under the NMBS, irrespective of place of delivery, and the objective of strengthening the nutritional status of pregnant and nursing women. The publicity of the programme could also be an opportunity for nutritional education, and promoting intra family equity within families.

3. Timing of Payment

The order of the Supreme Court clearly states that the cash assistance must be given 8 – 12 weeks prior to the delivery. This is so that the woman has some money available with her for additional nutrition etc. during the crucial third trimester of pregnancy. However the guidelines of the Janani Suraksha Yojana state that assistance for home delivery is to be given “at the time of delivery or around 7 days before the delivery by ANM/ASHA/ any other link worker. The rationale is that beneficiary would be able to use the cash assistance for her care during delivery or to meet incidental expenses of delivery.” This is in violation of the orders of the Court. Further, it is seen how the nutrition focus of the NMBS has been completely neglected and replaced only by concerns for safe delivery. (We are not saying that safe delivery is not important, it is an equally crucial right of all women. The point being made is that there cannot be a trade-off between nutrition and safe delivery, and facilities must be provided to ensure that women have access to both.)

4. Requirement of BPL certificate

Another case of discrimination against women having a home delivery is the insistence on a BPL certificate of

receiving cash assistance. This is again a requirement that has been exempted for those having an institutional delivery. In case of home delivery it is stated, “Importantly, such woman choosing to deliver at home should have a BPL certificate to access JSY benefits”. The responsibility of ensuring all the paper work for receiving benefits under the scheme must of the government and not of the pregnant women. Further, there should be a database of BPL families in each village available in the public domain so that no certificate is required.

5. Low Cash Assistance

The financial assistance under NMBS, as provided by GoI is very low. In the year 1995, Rs. 300/- was fixed as the cash entitlement under NMBS, which was raised to Rs. 500/- in year 1998. Since then there has been NO increase in the amount paid under NMBS. Considering that a woman would have to stay away from work for at least three months (to ensure exclusive breastfeeding for six months, the woman might have to stay away from work for six months unless crèche facilities are provided at the workplace), this amount is neither enough to compensate her for the loss of wages nor enough to help her access additional nutrition during pregnancy and lactation. In fact, taking this into account, the Tamil Nadu Government has introduced a Maternity Benefit Scheme (Dr. Muthulakshmi Reddy Maternity Benefit Scheme) where pregnant women are paid Rs. 1000/- per month for six months, three months before delivery and three months after. The amount being paid under NMBS must therefore be raised, if not to Rs.6000 then at least to Rs. 1600 which is what it would be if the amount was raised in line with the increase in pay for the lowest paid employee of the Central Government in the Fifth Pay Commission.²⁶

3.8 Recommendations

There is a need to estimate the food security requirements of pregnant women and also to account for inflation and raise the cash assistance of NMBS accordingly. The NMBS amount should be raised to at least Rs.1600 and then must be pegged to the Consumer Price Index for Agricultural Labour (so that it becomes inflation adjusted).

The Government of India must allocate resources for NMBS to cover all beneficiaries, and the state governments must be directed to utilize the entire resources.

The Government of India 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.

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.

The states of Jharkhand, Delhi, Haryana and Uttar Pradesh are the worst performers (excluding union territories and north eastern states, except Assam) in terms of coverage and expenditure. These states must be asked to explain the reasons for the poor performance and also present an action plan to the Court on how they intend to increase coverage

26 The basic pay was revised from Rs.750/- to Rs. 2400/- for the lowest paid employee of the Central Government. This amounted to 3.2 times increase for a period of 10 years. Rs. 1600/- was arrived at as 220 times of Rs. 500/-.

and improve implementation of the NMBS and JSY.

Note: On the November 20th, 2007, the Supreme Court passed a new order on the NMBS directing the Government of India and the State governments to continue the NMBS in such a manner that all BPL pregnant women are paid Rs. 500/-, 8–12 weeks prior to delivery, irrespective of number of children and age of the woman. This is a highly significant order, clarifying once again that the NMBS is a separate scheme which must be continued. The future reports of the Commissioners will be presented in the context of this order.

4

Targeted Public Distribution System and Antodaya Anna Yojana

4.1 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 for the BPL families.

The TPDS, is also one of the largest food schemes that was brought under the ambit of Supreme Court 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 Antodaya 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, 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. We will look at some of these problems more closely in the section on problem analysis. The observations made by the Supreme Court (vide interim order dated July 12, 2006) while appointing the Central Vigilance Committee on the PDS that “...*We are giving this unusual direction in view of the almost accepted fact that large scale corruption is involved and there is hardly any remedial step taken to put an end to this. The ultimate victim is the poor citizen who is deprived of his legitimate entitlement of food grains...*” reflect adequately the extent of the problem.

Since many of the issues which are affecting the smooth functioning of the PDS are the subject of the Central Vigilance Committee (CVC) on the PDS appointed by the Supreme Court, we will restrict ourselves here to the some key issues that of the CVC has dealt with.

4.2 Number of families living below the Poverty line (BPL)

The CVC has rightly observed that the number of BPL cards is completely inadequate and has questioned the basis of the poverty line that has been set. In fact the poverty line, drawn up by the Planning Commission is very low and in terms of per capita income, stands at approximately Rs. 17 per day for urban areas and Rs. 11 per day for rural areas. Even a person earning Rs. 12 per day in a village is not considered BPL as per the current BPL norms. The current BPL

norms leave a large proportion of the deserving poor outside the safety net. The recommendation of the CVC therefore to enhance the number of BPL families is appropriate.

Even if we accept the extremely low figures for defining the poverty line used by Government of India, we find that the rural per capita monthly income that was taken in 1999–2000 as the cut-of line for defining BPL was Rs. 327.56. For 2004–2005 it was raised to only 358.03, an increase of only 9.1%, whereas prices increased during that period by about 25%. Had it been taken at Rs. 410 or so, at least 40% people would have been shown as below poverty line. For urban India, although the increase was slightly better at 19% (from Rs. 454.11 to Rs. 540.40), even this increase did not fully reflect the changes in prices for the poor during the above period.

The logic of enhancing the number of families under the poverty line also emerges from multiple sources of information and data sources of the Government of India. That the Government has chosen not to act on this data and enhance the poverty line is a matter of deep concern to us.

The data from the third round of the National Family and Health Survey (NFHS 3), released in 2007 shows that the rate of child malnutrition in India is a staggering 46%. The fact that half of the children in the country are underweight is serious enough. But what is even more disturbing is that there has been virtually no change in the rate of malnutrition since the NFHS 2 survey of 1999 which estimated the percentage of malnourished children at 46%. This is completely unacceptable since it is double the rate of malnutrition for Sub-Saharan Africa.

Absolute Weights – A 25 year trend (Mean in Kg)								
	Rural 1977		Rural 1996		Rural 2003		NCHS Median Values	
Age	F	M	F	M	F	M	F	M
01+	7.5	8.1	8.1	8.7	8.1	8.6	9.5	10.2
5	13.7	14.1	13.6	14.4	14.1	14.6	17.7	18.7
10	22.0	21.6	22.4	22.6	23.1	23.1	32.5	31.4
20-24	42.9	48.1	43.5	50.3	43.8	50.9	56.6	68.9
>70**	-	-	39.1	47.3	41.5	49.2		

Source:** Quoted by Arvind Wadhwa et al, from NNMB 1990-91.

- I. National Nutrition Monitoring Bureau Report, 1977
- II. National Nutrition Monitoring Bureau Report, 1996, 2002
- III. WHO, 1983, Quoted by Hanumanth Rao & Vijayaraghavan, 1996.

An age wise distribution of absolute weights for the population as compared to the international norms (NCHS Median Values) shows that for every age group the weight is much lesser than the international norms. At the age of one, male children in India are 1.4 kg. less than the international norm and girl children are 1.6 kg. less than the international norm. This increases to gaps of 3.6 kg. and 4.1 kg. respectively for boys and girls by the age of five. In the age group of 20–24 the difference in weight of Indian adult males as compared to the international average is 12.8 kg. and it is 18 kg. for women.

This represents a situation of alarming proportions since the difference with regard to the international standards is so high. This trend is evident for heights as well. While it is well known that weights represent a robust indicator of nutritional status, it is now scientifically established that heights also represent nutritional status similarly. The table below shows us that the difference in heights, as compared to the international standards has also remained largely unchanged over the decades. From a difference of 5.9 cm. for male children and 6.7 cm. for girl children, at the age of five, the difference in heights of the Indian population as compared to the International standard by the time they reach adult hood becomes 15.2 cm. for adult males 13.5 cm. for adult females.

These figure show that the average Indian population is not only underweight but also stunted and that there has been no significant increase in the weights or the heights of the Indian population over a period of time.

Absolute Heights – A 25 year trend (Mean in cm)								
	Rural – 1977		Rural-1996		Rural-2002		NCHS Median Values	
	I		II		III		IV	
Age	F	M	F	M	F	M	F	M
01+	71.9	73.1	72.8	75.0	73.8	75.3	74.3	76.1
05+	99.6	100.5	100.4	102.1	102.5	103.2	108.4	109.9
10+	125.7	125.1	126.8	127.9	128.5	128.7	138.3	137.5
20-24	151.2	163.4	151.5	164.0	151.1	163.3	163.7	176.8
>=60	147.9	162.3	147.9	161.0	146.8	160.0	-	-

Source:

NNMB Reports, 1977, 1996, 2002

The most robust indicator of nutritional status, according to nutritionists today is the Body Mass Index (BMI). BMI is a measure of whether a person has adequate weight for his/her height. Any individual with a BMI of less than 18.5 is considered to have Chronic Energy Deficiency and therefore malnourished.

If we use the Body Mass Index (BMI) to calculate the nutritional adequacy of the Indian population, and take a 20 year trend analysis, we would find that nearly 40% of the adult population in the country have a BMI of less than 18.5. The World Health Organisation classifies such a situation as ‘alarming’ and a nutritional emergency.

% DISTRIBUTION OF ADULTS ACCORDING TO BMI CLASSIFICATION 20 YEAR TREND

BMI CLASSES		1974-79* (RURAL)	1988-90* (RURAL)	1996-97** (RURAL)	1993-94*** (URBAN)	2002* (RURAL)
<18.5 (CED)	F	51.8	49.3	47.7	36.7	38.9
	M	55.6	49.0	45.5	42.8	36.6
(NORMAL) 18.5-25.0	F	44.8	46.6	46.3	51.7	52.4
	M	42.1	48.3	50.4	51.8	57.2
(OBESE) ≥25	F	3.4	4.1	6.3	11.6	8.7
	M	2.3	2.7	4.1	5.5	6.2

* NNMB, 1991, quoted by N,Nadamuni Naidu et al, 1994.

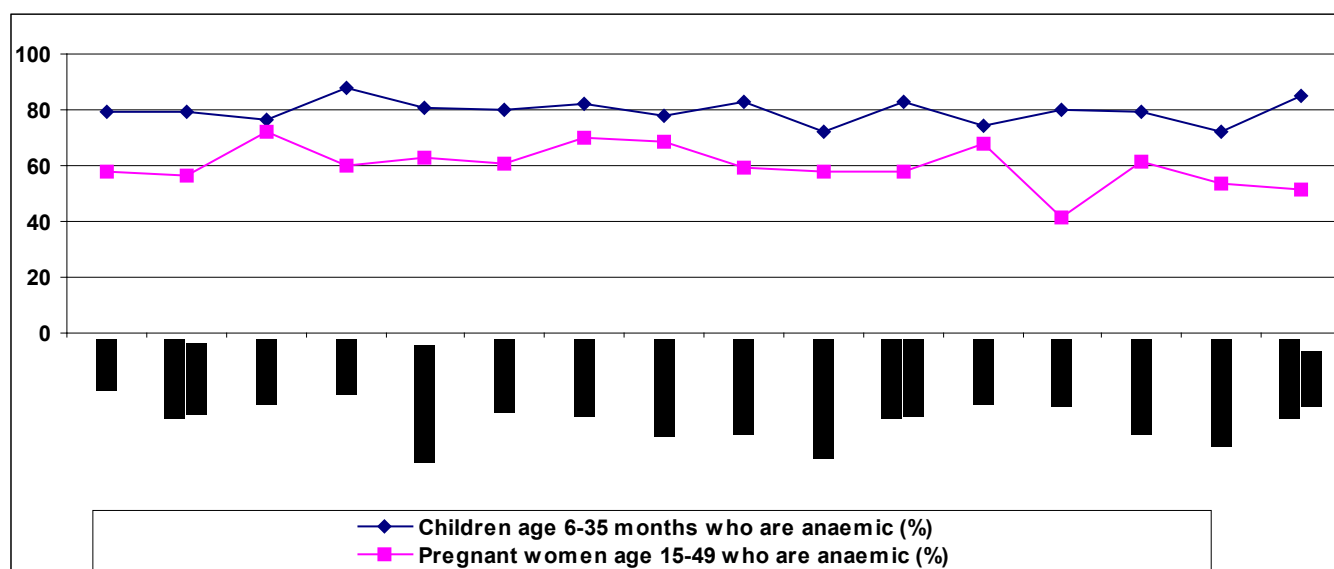
* Rural, 2002

** NNMB, Rural surveys, 1996; *** NNMB Urban Surveys, 1994

We are also enclosing the figures for states where the prevalence of anemia among pregnant women and children is more than 70%. This is the data from NFHS 3.

Prevalence of anemia among pregnant women and children

(States with anemia levels more than 70% among children)

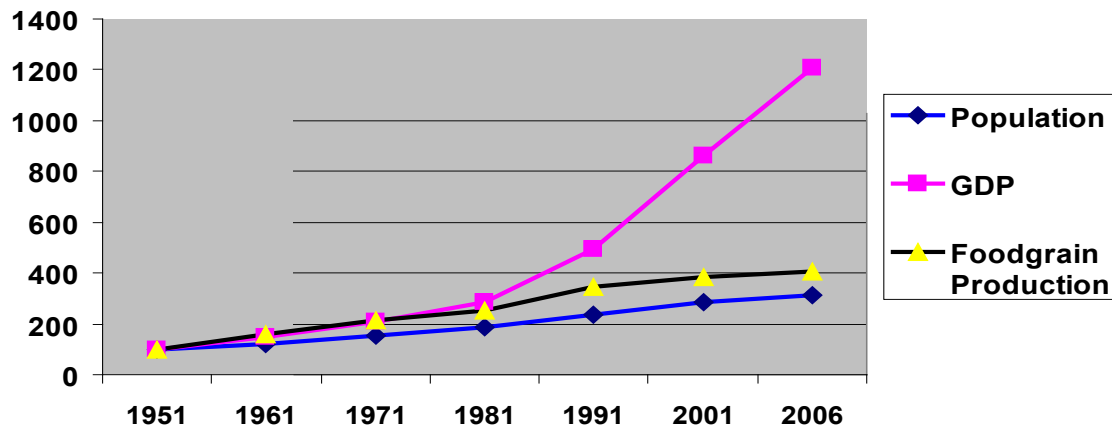


Source: NFHS-3 (2005–2006), IIPS, Ministry of Health and Family Welfare, GoI.

It is important to reflect on the reasons for this situation and correlate it with the declining consumption and availability of food grains in the country. The paper by Prof. Utsa Patnaik shows the clearly declining trends on consumption and availability of foodgrains that has led to this situation.

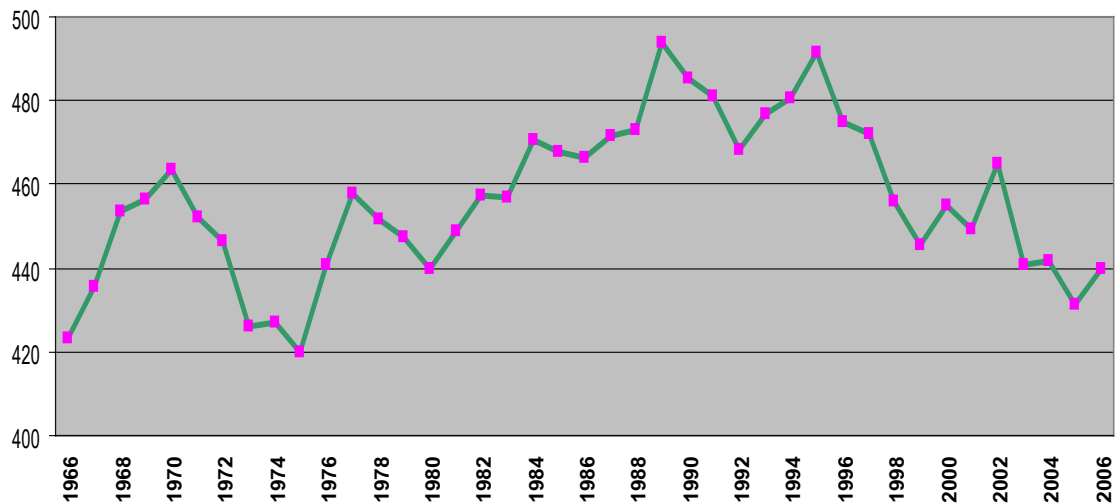
The first graph below shows that overall food grain production in India has kept pace, and actually modestly outpaced the growth in population after the 1960s until the early 1990s, but since then there has been a worrying decline. The growth in GDP has even more outpaced both the foodgrain production and the growth in population after the mid 1960s up to 1990s.

Population, GDP and Foodgrain Production

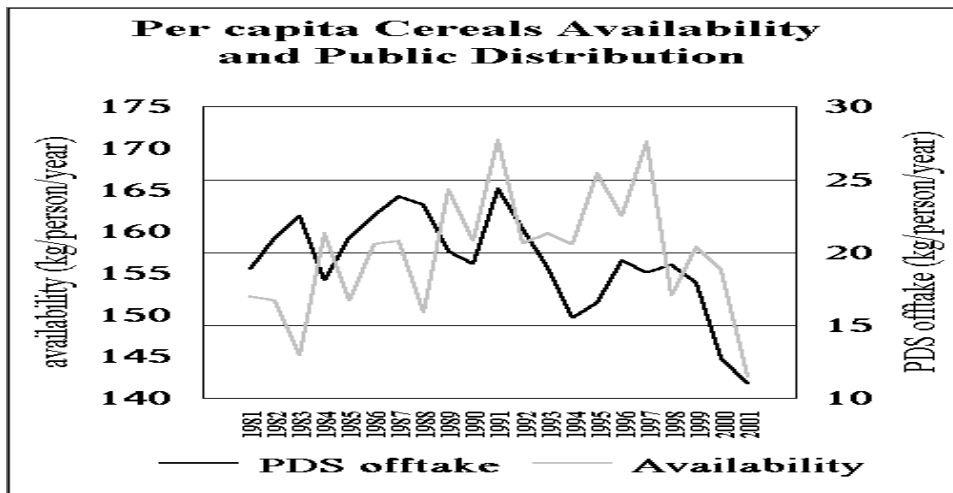


When we examine the per capita availability of foodgrains in the country, we see a clearly declining trend after the early 1990s.

Per capita foodgrain availability per day in gms



The steepest decline in availability of foodgrains, in recent years is from 1997. This is the year when Government of India moved from a universal Public Distribution System when food grains were available at subsidised rates for the entire population to a system of targeting it to a BPL population based on the poverty line drawn up by the Planning Commission. There has been a reversal of this trend marginally now with the focus on food schemes that has been brought about because of the PUCL case and the subsequent monitoring by the Supreme Court. The Government of India acknowledged this gap in availability of food grains with the reduced off-take from the PDS in the Long Term Grain Policy Report (Abhijit Sen Committee Report) way back in 2001. The graph reproduced below, from the Long Term Grain Policy Report, shows the stark reduction in the off-take and availability of grain from the PDS after 1997, when it was targeted.



If we look at the trend state-wise on the decline for both rural and urban areas as we have examined in the table below we find that this trend is across States and holds true both for rural and for urban areas.

Changes in average per capita cereal consumption in physical terms over the last decade in the major States

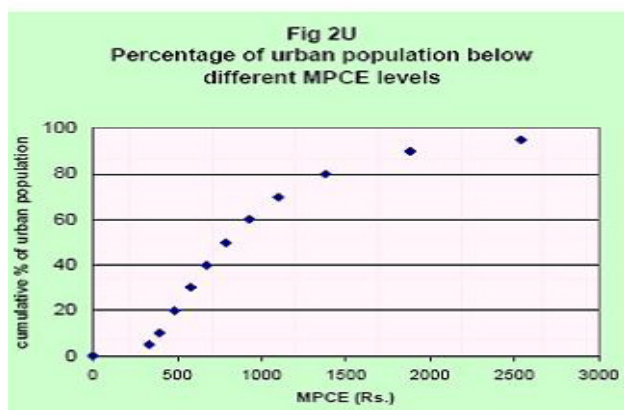
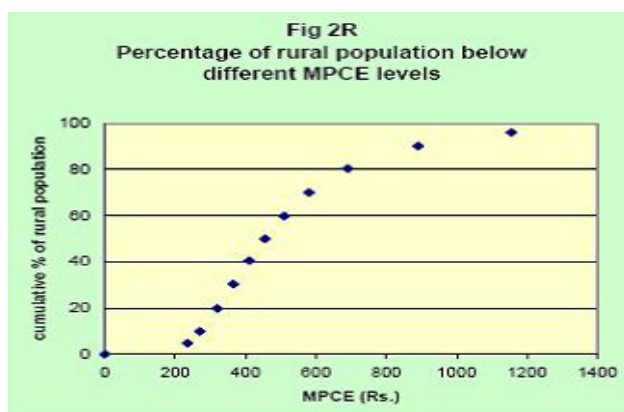
Year	Rural Monthly per capita cereal consumption (kg.) in							
	AP	ASM	BHR*	GUJ	HAR	KTK	KRL	MP**
1993–1994	13.3	13.2	14.3	10.7	12.9	13.2	10.1	14.2
1999–2000	12.65	12.63	13.75	10.19	11.37	11.53	9.89	12.94
2004–2005	12.07	13.04	13.08	10.07	10.66	10.73	9.53	12.16
	MAH	ORS	PUN	RAJ	TN	UP^	WB	IND
1993–1994	11.4	15.9	10.8	14.9	11.7	13.9	15.0	13.4
1999–2000	11.32	15.09	10.58	14.19	10.66	13.62	13.59	12.72
2004–2005	10.50	13.98	9.92	12.68	10.89	12.87	13.18	12.12

Year	Urban Monthly per capita cereal consumption (kg.) in							
	AP	ASM	BHR*	GUJ	HAR	KTK	KRL	MP**
1993–1994	11.3	12.1	12.8	9.0	10.5	10.9	9.5	11.3
1999–2000	10.94	12.26	12.70	8.49	9.36	10.21	9.25	11.09
2004–2005	10.51	11.92	12.21	8.29	9.15	9.71	8.83	10.63
	MAH	ORS	PUN	RAJ	TN	UP^	WB	IND
1993–1994	9.4	13.4	9.0	11.5	10.1	11.1	11.6	10.6
1999–2000	9.35	14.51	9.21	11.56	9.65	10.79	11.17	10.42
2004–05	8.39	13.11	9.01	10.84	9.48	10.94	10.39	9.94

* includes Jharkhand

**includes Chhattisgarh

^ includes Uttaranchal



We now move to the final details for the basis of the fixation of the poverty line. As we have shown in the analysis using multiple source of official data, there is a drastic decline in the availability and consumption of foodgrains over the years and this is directly linked to the foodgrain availability through the Public Distribution System.

We believe that the poverty line for access to subsidised food under TPDS should be separated from other debates and calculations of poverty levels (around which the Commissioners also have serious reservations, but these are not

germane to the debate around access to subsidised food). In order to look at the level at which this poverty line should be fixed, we will also examine the monthly per capita expenditure data for rural and urban areas and suggest the level at which this poverty line could be fixed.

The MPCE data of the Government of India (for urban areas) given in the table shows that current MPCE data of the Government of India shows that the current level of Rs.500 per person per month (which is the poverty line for urban areas as defined by the Planning Commission) and corresponds to roughly 20% of the population.

We are of the view that this should be increased to the MPCE band of Rs. 915/- to Rs.1120/- for urban areas. This would comprehensively cover all the urban poor. This would roughly cover 70% of the population.

Since the same argument holds true for the rural areas, the Honourable Court may consider enhancing the MPCE limit for identification of the rural poor to Rs.525 to Rs. 615 for rural areas.

This would roughly cover around 72% of the rural population.

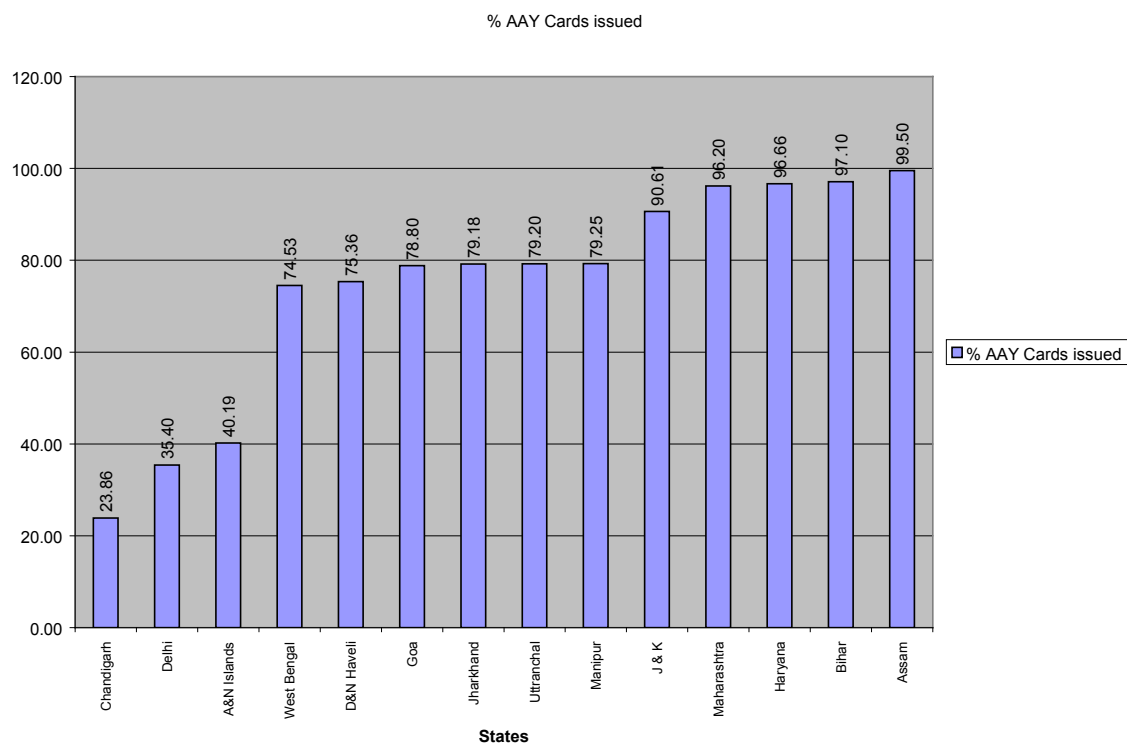
The details of the MPCE categories are given in the table below:

Monthly per capita expenditure (MPCE) Rural			Monthly per capita expenditure (MPCE) Urban		
MPCE class	no. of persons per 1000	av. hh size	MPCE class	no. of persons per 1000	av. hh size
0–225	24	6.19	0–300	20	6.05
225–255	27	6.65	300–350	30	6.48
255–300	64	6.01	350–425	64	6.05
300–340	83	5.98	425–500	69	5.72
340–380	96	5.85	500–575	91	5.58
380–420	96	5.66	575–665	85	5.36
420–470	108	5.5	665–775	117	5.31
470–525	100	5.29	775–915	103	4.96
525–615	122	4.93	915–1120	123	4.28
615–775	126	4.56	1120–1500	123	3.86
775–950	67	4.39	1500–1925	70	3.4
950+	88	3.9	1925+	106	2.87
All classes	1000	5.08	All classes	1000	4.43

The fixation of the poverty line for the purposes of identifying the poor at 70% for urban areas and 72% for rural areas would not only realistically cover all the poor whom the PDS is meant to serve but would also be in line with the recommendation made by the CVC on the APL category.

4.3 Identification of Antodaya AnnaYojana Families

There has been considerable improvement in the status of distribution of Antodaya cards, and most States and UTs, including Delhi (which had amongst highest level of default) have complied with SC orders and distributed their entire share of AAY cards. The graph below illustrates the status with regard to the distribution of Antodaya cards



However as Table 4.3 shows, the states of West Bengal (5 lakhs), Jharkhand (1.9 lakhs), Maharashtra (0.95 lakhs) and Bihar (0.72 lakh) have the highest number of undistributed cards.

Table 4.3 Status of Distribution of AAY Cards

S.No.	State	Number of AAY Cards sanctioned (in lakhs)	Number of AAY cards distributed (in lakhs)	Number of Undistributed cards (in lakhs)
1	West Bengal	19.857	14.799	5.058
2	Jharkhand	9.179	7.268	1.911
3	Maharashtra	25.053	24.1	0.953
4	Bihar	25.01	24.285	0.725

State Governments of West Bengal, Jharkhand, Maharashtra and Bihar should be directed to distribute their entire quota of cards under the AAY. Since this scheme affects the poorest of the poor, there is an urgency for the States/UTs to act and ensure that all the cards are distributed without any further delay.

In the interim order dated May 2nd 2003, the Honorable Supreme Court had declared that all households belonging to six “priority groups” would be entitled to Antodaya cards.¹ 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 no 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;

We had written to State Governments for information whether all the categories of people mentioned in the interim order of May 2nd, 2003 have been fully covered under the Antodaya Anna Yojana Scheme. However, since the State/ Union Governments have not responded to our request for information on the above-mentioned categories of people, Government of India and the States/ Union Territories may therefore be directed to file affidavits indicating the estimated numbers of each category, the numbers covered so far under each category, and whether clear instructions have been issued and are being complied with that future distribution of AAY cards will exclusively cover these groups until they are fully covered in compliance with the interim order of May 2nd, 2003.

The finding of the CVC on there being a large number of inclusion and exclusion errors in the provision of BPL and AAY cards and the existence of a large number of bogus ration cards is further reinforced by the recently released data from the latest (61st) round of the National Sample Survey Organisation (NSSO) of the Government of India. This shows 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 have access to ration cards. What is even more alarming that is that 16.8 % of the richest quintile has BPL cards whereas only 49% of the poorest families in the country have either BPL or Antodaya cards, whereas 100% of the poorest quintile should have had access to Antodaya cards. Similarly only 43 % of the next poorest quintile have access to BPL and Antodaya cards.

Table 4.2 % of HH that possess ration card 2004/05 (NSSO 61st round)

	Any card	BPL card	APL card	AAY card
Poorest	77.3	44.2	28.2	4.9
Q2	81.6	40.5	38.4	2.7
Q3	83.3	40	41.6	1.8
Q4	84.9	30.5	52.7	1.7
Richest	87.5	16.8	70.1	0.6

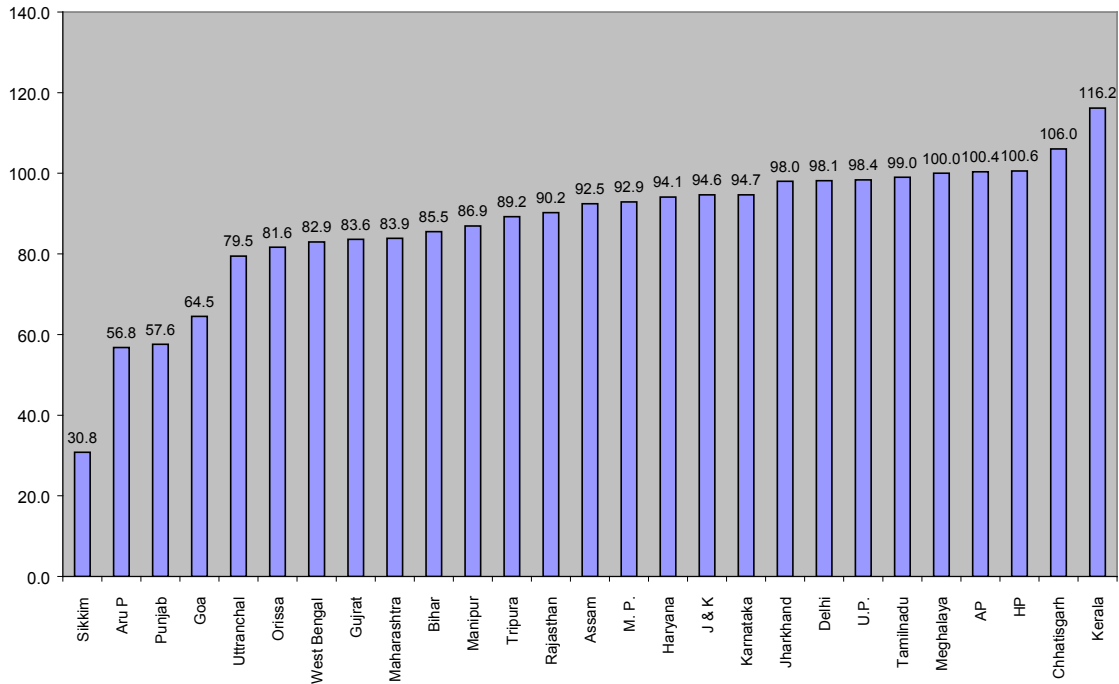
While for most rural areas, BPL census surveys have been carried out from time to time, we have found no systematic attempt to do so for urban areas. Government of India may therefore be directed to design and develop a comprehensive census survey for the identification of the urban poor in consultation with the Supreme Court Commissioners, as has been done for rural areas. This would be necessary to eliminate the bogus cards, as suggested by the CVC and also ensure that the food grains meant for the poor actually reach them. Only on the basis of such a census in urban areas should existing ration cards be renewed, and new cards sanctioned.

4.4 Offtake of PDS grains for Antodaya Anna Yojana, Below Poverty Line and Above Poverty Line Families

There has been a significant increase in the offtake of food grains for the BPL and AAY schemes by the State Governments/ Union Territories since the last report was submitted to the Supreme Court. Table 2.0 and Table 2.1 show the offtake figures for the State/Union Territories for the AAY and BPL schemes respectively.

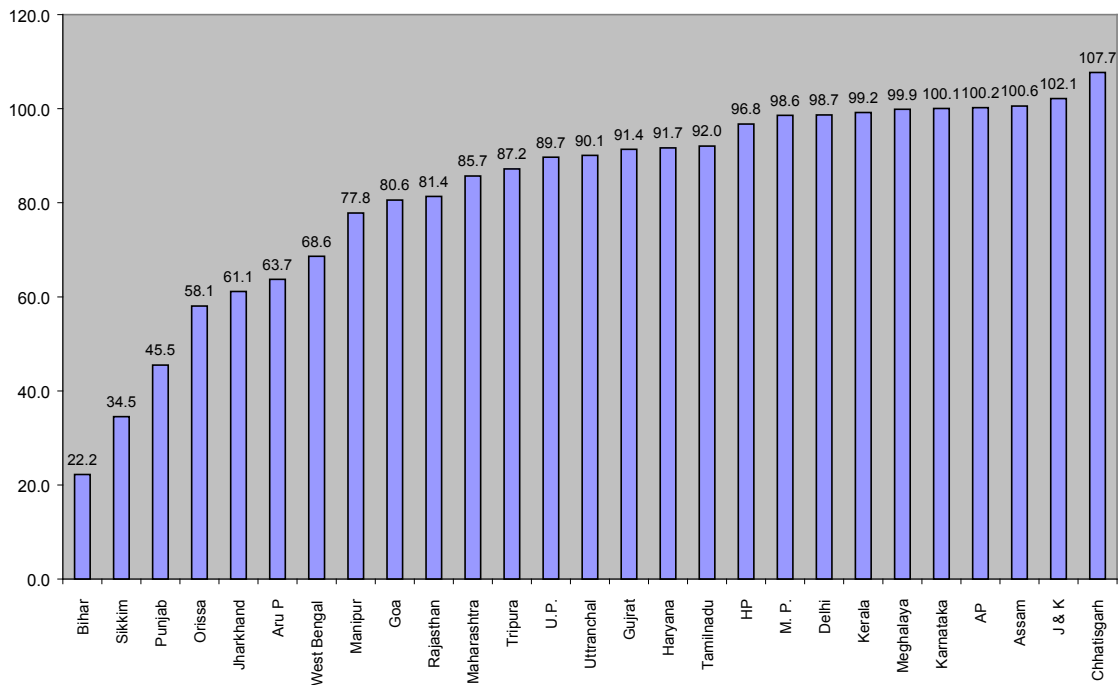
An analysis of the data shows that the States with the offtake of less than 80% (of what? I take it that what you are looking at here is offtake of allocation. Have we not missed the earlier stage, which is an assessment of what should be the allocations if all the eligible populations were to be covered.) for the AAY scheme are Sikkim (30.8%), Arunachal Pradesh (55.8%), Punjab (57.6%) and Goa (64.5%). Notice should be served to these States to explain the low offtake.

Offtake Percentage (AAY)



Similarly, an analysis of offtake of the BPL households shows that the States of Bihar (22.2%), Sikkim (34.5%), Punjab (45.5%), Orissa (58.1%), Jharkhand (61.1%), Arunachal Pradesh (63.7%) and West Bengal (68.6%) have similarly an offtake of less than 80%. These States may be asked to file affidavits explaining the reason for the lower offtake).

BPL Offtake %



4.5 Other Issues Pertaining to the PDS

1. Antodaya and BPL Cards for Urban Homeless and People living in JJ Clusters

We have written repeatedly to the Government of India and State Governments/Union Territories for covering all urban homeless families and families living in JJ clusters under the TPDS. However, most State Governments have not conducted an objective survey of the households living below the poverty line and the distribution of ration cards in urban areas is either arbitrary or dependant on the income criteria which are difficult to assess in the urban context. It has already been established by court rulings that ration cards should not be used as proxy identity cards, as this acts against slum dwellers, rural migrants and urban homeless populations. Government of India may therefore be directed to draw up a methodology for a comprehensive survey of urban homeless and slum dwelling households, similar to the survey for rural households which is objective and based on verifiable criteria. There should be clear and transparent guidelines for these categories to access BPL or AAY cards, and reduced paper work to prevent corruption and harassment. In the first instance, the Commissioners should be authorized to ensure that these instructions are complied with in the country's 6 metropolises: Delhi, Mumbai, Bangalore, Kolkata, Chennai and Hyderabad.

Since the category of "primitive tribes" is relevant largely for rural areas, we would request the Honorable Court to consider urban homeless people instead of "primitive tribes" for the AAY card in the context of urban areas like NCR of Delhi. The direction to Government of India could thus to be amended to include urban homeless people.

We would submit that for urban areas, the Government of India may be directed to place on AAY category the following groups of persons:

- Aged, infirm, disabled, destitute men and women, pregnant and lactating women, destitute women;
- Widows and other single women with no regular support;
- old persons (aged 60 or above) with no regular support and no assured means of subsistence;
- households with a disabled adult and no assured means of subsistence;
- 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;
- Urban homeless families.

2. Issuing of a lower quantity of food grains than that stipulated by the scheme:

Since the actual number of poor households in the State are in excess of the number families which are provided subsidised grains under the TPDS, many State Governments/Union Territories have provided additional cards, in excess of the number sanctioned by the Government of India. While this is indeed laudable, one of the problems that has arisen because of this is that State/Union Territories have decreased the quantity of rations that each family is entitled to. The States of Tamil Nadu, Andhra Pradesh, Kerala and Chhattisgarh use additional state subsidies to ensure that there is no cut back in the entitlements. Most States/ Union Territories however, use the same quantity of food grains that are provided by the Government of India and distribute it to more number of households.

State Governments and Union Territories should therefore be directed to ensure that the quantity of foodgrains provided is not less than the 35 kg. stipulated within the scheme.

Findings of Performance Evaluation of Targeted Public Distribution System, Planning Commission:

➤ Taking into account all the inefficiencies of PDS, it is found that GOI spends Rs. 3.65 to transfer Re 1 to the poor.
➤ About 57% of subsidized grains does not reach the target group, of which a little over 36% is siphoned off the supply chain.
➤ Implementation of TPDS is plagued by large errors of exclusion and inclusion.
➤ A fresh BPL identification survey through independent agencies engaged in social science research is required to eliminate targeting errors.
➤ PDS is a less efficient mode of income transfer to the poor. The Economic costs of grains are higher than the market prices in most of the States.
➤ FPS Viability: Only 23% of sample FPSs are viable. The rest survive on leakages and diversions of subsidized grains.
➤ Delivery Mechanism: Irregular delivery of quota to FPSs. In some States quota is door delivered. Kerala allowed consumer off-take of monthly quota in installments.
➤ To make the delivery system effective and efficient, it is necessary to ensure timely door step delivery of FPS quota, rationalise the cost structure of handling food grains through public agencies, make FPSs financially viable, involve PRIs effectively and bring in transparency through e-governance. The welfare gain and saving will far outweigh the additional cost implicit in the reform measures suggested.

Performance Evaluation of Targeted Public Distribution System (TPDS), Programme Evaluation Organisation, Planning Commission, March 2005.

4.6 Directions Sought

- The following directions are being sought with reference to the Public Distribution System:
- The Government of India may be directed to double the percentage of BPL card holders from the existing 36% to 72%.
- The Government of India should be served notice on the inordinate delay in the finalization of the BPL methodology and the conduct of the fresh BPL survey which was to be concluded by April 2007.
- The Government of India and the States/Union Territories should be directed to indicate the estimated numbers of each category of vulnerable groups that the Supreme Court has directed for coverage under AAY, the numbers covered so far under each category, and whether clear instructions have been issued and are being complied with that future distribution of AAY cards will exclusively cover these groups until they are fully covered in compliance with the interim order of May 2nd, 2003.
- The Commissioners should be authorized to supervise the transparent, expeditious and fair distribution of ration cards to the urban homeless and slum households in the country's six metropolises: Delhi, Mumbai, Bangalore, Kolkata, Chennai and Hyderabad.
- Notice should be served to the States of Sikkim, Arunachal Pradesh, Punjab and Goa to explain the low offtake in AAY scheme.
- Notice should be served to the States of Bihar, Sikkim, Punjab, Orissa, Jharkhand, Arunachal Pradesh and West Bengal to explain the low offtake for the BPL scheme.
- Notice should be served to the States of Sikkim, Arunachal Pradesh, Punjab and Goa to explain the low offtake for the Antodaya scheme.
- All State/Union Territories should be directed to ensure that at least 35 kg. of food grains is provided to every family as stipulated in the BPL and Antodaya scheme.

5 National Social Assistance Program and Annapurna

5.1 Introduction

The National Social Assistance Programme (NSAP), introduced in August 1995, initially comprised of the National Maternity Benefit Scheme (NMBS), the National Old Age Pension Scheme (NOAPS) and the National Family Benefit Scheme (NFBS). NMBS was transferred to the Ministry of Finance w.e.f. 1st April 2001. The present structure of NSAP includes NOAPS and NFBS, which are implemented along with the Annapurna Scheme. 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 as has already been brought to the notice of the Supreme Court in the reports earlier submitted, 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.

As mentioned in the guidelines, the Additional Central Assistance to the States must constitute a genuine additionality over and above the normal allocation of the State for such Welfare Schemes as reflected in the State's budget, both under Plan and Non-Plan. The States/UTs must, therefore, provide a Mandatory Minimum Provision (MMP) for these schemes under their own budget.

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 categories of the country's most food vulnerable and at risk categories, these schemes constitute their sole lifeline to bare survival. In this report we look at the coverage under the schemes covered under the NSAP and also on the financial allocations and utilizations for these schemes. The entire analysis, unless mentioned otherwise, is based on the data received by the Commissioners Office from the Ministry of Rural Development on the status of implementation of the schemes under NSAP.

5.2 National Old Age Pension Scheme (NOAPS)

NOAPS is the first and by far the most significant scheme implemented at the national level to address the basic survival needs of the aged destitutes in the country. Looked at from another perspective, it is also the only national scheme, however limited, for the pension of unorganized workers. Likewise NFBS is the only life insurance scheme for the families of unorganized workers who lose their bread winners.

NOAPS was started in 1995 and at that time the quantum of benefit was fixed at Rs. 75/- per month per pensioner. The three eligibility criteria laid out for the scheme include:

- BPL Status
- Destitute status
- Above 65 years of age

The enhanced budget under NSAP & Annapurna is a consequence largely of the increase in the central contribution to the pension amount announced by the Union Finance Minister in the budget for the financial year 2006–2007. The central contribution to the pension amount under NOAPS has been increased from Rs. 75/- to Rs. 200/- per month per pensioner. But the fact that it took the Government well over a decade to bring about a revision in the subsistence amount given to the aged destitute needs review. The Central Government employees and pensioners get an increment twice a year that is pegged to the Consumer Price Index. Likewise, the pension amount should also be appraised in the light of the inflation in the economy every half a year, using Rs. 200/- in 2006 as the baseline.

With this revision in the pension entitlement under NOAPS, the government has also drastically reduced the proportion of people eligible for NOAPS using the new poverty ratio of 28% mentioned in the Approach Paper to Eleventh Plan instead of the earlier 36%. As per the order of the Court dated 27th April 2004, it is explicitly stated that, “till further orders, the schemes would continue to operate and benefit all those who are covered by the schemes.” Especially in relation to the NSAP and Annapurna it is directed that till the matter is fully heard the schemes shall not be discontinued and restricted in any way without the prior approval of the Court. The central government is bound by the court’s orders to continue to use the ratio of 36 per cent (applied to the current population estimates for 2006–2007) to calculate the percentage of persons eligible for assistance under NOAPS. The Government of India has already accepted this principle and interpretation of the orders of the Supreme Court in not reducing the ratio of TPDS allocations. This scheme applies to the destitute aged. There is even less rationale for the reduction of support to this most food insecure group, which is most vulnerable to starvation.

Secondly, the GoI allocates funds for only 50% of the people below poverty line. The formula used by the GoI to calculate the number of people is as follows:

Population * Poverty Ratio * Proportion of 65+ age group in total population * 0.5

In the table below we calculate the number of persons eligible for benefit under the NOAPS based on the formula above using population projection figures for 2006 and poverty ratio based on Modified Expert Group Report for 1993–1994. It is seen that at an all India level the coverage is quite high with about 93% of eligible beneficiaries receiving benefit. However, there are wide state-wise variations with Punjab, Kerala and Gujarat showing less than 50% coverage. The coverage in Gujarat is particularly poor with only 12% of eligible beneficiaries being shown as receiving benefit under NOAPS.

Table 5.1 State-wise Coverage in 2006–2007

States / Union Territories	Coverage under NO- APS in the year 2006 – 2007	People eligible as per population projections as on 1st March 2006 using 36% poverty ratio as per the formula used by the government
Assam	628949	219000
North Eastern States (excluding Assam)	227407	110000
Delhi	84000	43000
Orissa	643400	532000
Rajasthan	418566	383000
Karnataka	533334	508000
Jammu and Kashmir	66038	63000
Andhra Pradesh	466000	477000
Uttar Pradesh	1576481	1653000
Bihar	904916	1014000
Himachal Pradesh	41342	60000
Madhya Pradesh	421132	628000
Tamil Nadu	485597	760000
Haryana	95800	152000
West Bengal	467846	749000
Maharashtra	723369	1164000
Punjab	45853	101000
Kerala	134409	333000
Gujarat	40117	329000
Chhattisgarh	198906	NA
Jharkhand	366236	NA
Uttaranchal	65752	NA
India	8645371	9278000

Table 5.1 State-wise Coverage in 2006–2007 (continued)

% Eligible Population being covered under NOAPS	People eligible for universalisation using 36% poverty ratio	% Receiving benefit under NOAPS in relation to ALL old people above 65 below poverty line
287.2	438000	143.6
206.7	219000	103.8
195.3	86000	97.7
120.9	1064000	60.5
109.3	765000	54.7
105.0	1017000	52.4
104.8	127000	52.0
97.7	953000	48.9
95.4	3305000	47.7
89.2	2029000	44.6
68.9	120000	34.5
67.1	1255000	33.6
63.9	1520000	31.9
63.0	304000	31.5
62.5	1498000	31.2
62.1	2329000	31.1
45.4	202000	22.7
40.4	665000	20.2
12.2	659000	6.1
	NA	
	NA	
	NA	
93.2	18555000	46.6

There is no mechanism laid out by the Government of India to ensure that the poorest 50% of the BPL are covered under the scheme. Given that nutritional vulnerability and threat of starvation are more imminent in the old age, it is necessary to universalize the old age pension scheme. If the scheme is universalised to all old people above 65 years of age below the poverty line, then the no. of eligible beneficiaries increases to about 1.85 crores. Currently 46.6% of these people are being covered under the NOAPS.

5.3 National Family Benefit Scheme (NFBS)

The NFBS, as has been briefly discussed above, is not among the priority schemes with very scant coverage. The National Family Benefit Scheme provides for central assistance under the scheme of Rs.10,000/- in the case of death of the primary bread-winner. The formula used by the Government of India to calculate the number of people eligible for benefit under this scheme is as follows:

Population x Poverty Ratio x Proportion of 18–64 age group in total population x Age specific mortality in 18-64 age group x 0.5

In the year 2006–2007, the total number of beneficiaries reported from all the States/UTs is 1,71,232 as against a numerical ceiling of 5,71,500, i.e. only 30% of the eligible beneficiaries. States such as Haryana, Karnataka and Delhi reported NO beneficiaries under the NFBS.

Table 5.2 Percentage Coverage of Eligible Beneficiaries under NFBS

	Numerical Ceiling	Number of Actual Beneficiaries	Percentage coverage
Andhra Pradesh*	28800	11759	40.8
Assam	21500	7877	36.6
Bihar	90500	18795	20.8
Goa	300	313	104.3
Gujarat	18300	1055	5.8
Haryana	6100	0	0.0
Himachal Pradesh	2300	2401	104.4
J & K	3100	603	19.5
Karnataka	24500	0	0.0
Kerala	9200	3644	39.6
Madhya Pradesh	60000	16460	27.4
Maharashtra	48000	13500	28.1
Orissa	34900	7928	22.7
Punjab	3800	1290	33.9
Rajasthan	18800	7040	37.4
Tamilnadu	36600	16214	44.3
Uttar Pradesh	113300	40640	35.9
West Bengal	42700	15503	36.3
NCT Delhi	2300	0	0.0
Total	571500	171232	30.0

In the above formula, half the number of deaths in the 18–64 age group population are assumed to relate to the primary breadwinner. As in the case of NOAPS there is no substantial basis for this assumption. In the case of NFBS too, the proportion of people eligible is being calculated using the new poverty ratio of 28% mentioned instead of the earlier 36%. However, as mentioned earlier, the central government is bound by the court’s orders to continue to use the ratio of 36% (applied to the current population estimates for 2006–2007) to calculate the percentage of persons eligible for assistance under NOAPS. Further 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. Such universalisation would double the number of eligible beneficiaries to about 12 lakhs.

5.4 Annapurna

The Annapurna scheme, launched in 2002 to cover a proportion of people eligible for the old age pension but left uncovered in the scheme, entitles 10 kgs of free grains every month. With the pension amount enhanced to Rs. 200/- a month, absence of a matching increase in the entitlement under Annapurna makes it even less lucrative and beneficial.

The Ministry of Rural Development launched the scheme in 2000–2001. Indigent senior citizens or 65 years of age or above who though eligible for old age pension under the National Old Age Pension Scheme (NOAPS) but are not getting the pension, are covered and 10 kgs. of foodgrains per person per month are supplied free of cost under the scheme. From 2002–2003 it has been transferred to State Plan along with the National Social Assistance Programme comprising the National Old Age Pension Scheme and the National Family Benefit Scheme. The funds for the transferred scheme are being released by the Ministry of Finance as Additional Central Assistance (ACA) to the State Plan and the States have the requisite flexibility in the choice of beneficiaries and implementation of the Scheme. The implementation of the Scheme at the ground rests with the States/UTs. The foodgrains is released to the State Governments on the existing norms at BPL rates. Allocation/offtake of foodgrains under the scheme during the last four years is as under:

Table 5.3 Allocation and Offtake of Foodgrain under Annapurna Scheme*

	Allocation			Offtake			% Offtake
Year	Rice	Wheat	Total	Rice	Wheat	Total	
2003–2004	0.56	0.67	1.23	0.45	0.64	1.09	88.6
2004–2005	0.90	0.77	1.67	0.64	0.68	1.32	79.0
2005–2006	0.90	0.77	1.67	0.69	0.70	1.39	83.2
2006–2007	0.90	0.77	1.67	0.60	0.29	0.89	53.8

Source: Website of Department of Food and Public Distribution, Government of India

As can be seen in the table above, the offtake of the grains allocated under the Annapurna Scheme at only 53.8% is particularly low for the present year.

* Figures in lakh tones

Looking at the offtake for Annapurna state-wise (see table below) it is seen that while states such as Andhra Pradesh, Orissa and Rajasthan used almost the entire allocation made under the scheme, states like Delhi, Manipur, Uttar Pradesh and Manipur did not use any of the allocation made to them under the Annapurna Scheme.

Table 5.4 Allocation and Offtake under Annapurna Scheme 2006–2007 (Rice & Wheat) in ‘000 tonnes

	State/UT	Annual Allocation	Annual Offtake	% Offtake
1	Andhra Pradesh	11.16	10.99	98.5
2	Arunachal Pradesh	0.60	0.06	10.0
3	Assam	8.28	2.05	24.8
4	Bihar	20.04	15.58	77.7
5	Chattisgarh	3.24	0.04	1.2
6	Delhi	0.02	0.00	0.0
7	Goa	0.10	0.04	40.0
8	Gujrat	1.00	0.82	82.0
9	HP	0.77	0.34	44.2
10	J & K	1.22	0.35	28.7
11	Jharkhand	6.59	5.23	79.4
12	Karnataka	8.16	0.51	6.3
13	Kerala	3.72	3.27	87.9
14	Maharashtra	14.40	11.84	82.2
15	Manipur	1.08	0.00	0.0
16	Meghalaya	1.08	0.75	69.4
17	Mizoram	0.36	0.32	88.9
18	Nagaland	0.84	0.28	33.3
19	Orissa	7.80	7.33	94.0
20	Rajasthan	12.60	12.71	100.9
21	Sikkim	0.24	0.08	33.3
22	Tamilnadu	8.64	7.87	91.1
23	Tripura	1.80	1.05	58.3
24	U.P.	42.00	0.04	0.1
25	Uttranchal	1.32	0.16	12.1

26	West Bengal	9.60	7.32	76.3
27	A&N Islands	0.06	0.00	0.0
28	Chandigarh	0.06	0.00	0.0
29	D & N Haveli	0.05	0.00	0.0
30	Damen & DIU	0.01	0.00	0.0
31	Lakshadweep	0.01	0.00	0.0
32	Pondicherry	0.00	0.67	
	All India	166.85	89.70	53.8

5.5 Allocation And Utilisation Under Nsap & Annapurna

5.5.1 Allocation vs. Expenditure

NSAP and Annapurna draw a significant amount of contribution from the Central Government. The funds are allocated by the Central Government combined for the three schemes and as is mentioned above, the states respectively decide the proportion to be spent on each of the three schemes. The table below shows the total money allocated by the Central Government for all the states and the total expenditure reported by all the states for the previous four years.

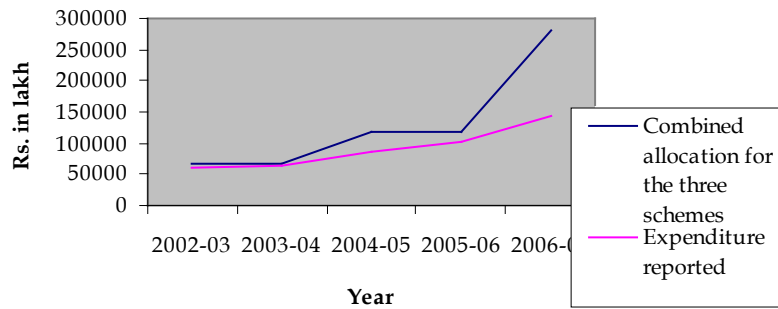
Table 5.5 Utilisation on Allocated Funds*

Year	Combined allocation for the three schemes	Expenditure reported	Percentage of money spent
2002–2003	68000.00	59378.30	87.32
2003–2004	67987.00	64906.99	95.47
2004–2005	118987.00	84738.96	71.22
2005–2006	119000.00	102826.76	86.41
2006–2007	280054.25	144436.49	51.57
2007–2008	239191.00	-	-

*Rs. in lakhs

In the year 2003–2004, the money utilized was close to optimum with less than 5% of the funds allocated left unused. But in the two subsequent years, the expenditure reported declined steeply with unused balances as high as 29.05% in 2004–2005 and 21.59% in 2005–2006. Last year, i.e. 2006–2007 showed lowest levels of utilization with almost half the funds allocated left unused.

Allocation v. Expenditure



Except for the year 2003–2004, the gap between allocation and expenditure has significantly widened leading to sub optimal benefits and coverage under the schemes. Table 2²⁷ gives the allocation and expenditure reported statewise. The table shows that only six states of Mizoram, Goa, Himachal Pradesh, Jammu & Kashmir, Orissa and Manipur and one union territory Chandigarh, have reported expenditure above 80%.

Table 5.6 State-wise Utilisation of Allocated Funds 2006–2007**

Sl. No.	States/UTs	Combined Allocation for 3 schemes	Expenditure Reported	Percentage expenditure
1	Andhra Pradesh*	14882.08	9324.95	62.66
2	Bihar*	36002.21	14921.10	41.44
3	Chhattisgarh*	7321.38	3355.87	45.84
4	Goa*	66.95	98.04	146.44
5	Gujarat*	5601.09	2464.11	43.99
6	Haryana*	3296.24	2360.00	71.60
7	Himachal Pradesh*	1389.07	1260.00	90.71
8	J & K*	1716.73	1540.14	89.71
9	Jharkhand*	12746.83	6247.62	49.01
10	Karnataka*	11238.58	6418.67	57.11
11	Kerala*	5040.98	1959.28	38.87
12	Madhya Pradesh*	17387.81	10260.63	59.01
13	Maharashtra*	22213.90	9218.24	41.50
14	Orissa*	17021.70	14106.84	82.88
15	Punjab*	1601.91	419.60	26.19
16	Rajasthan*	8533.25	5591.14	65.52
17	Tamilnadu*	13159.75	9700.88	73.72
18	Uttar Pradesh	50432.59	19291.93	38.25
19	Uttarakhand*	3217.40	1525.03	47.40
20	West Bengal*	18914.86	11725.87	61.99
21	Arunachal Pradesh*	759.10	404.00	53.22
22	Assam*	19717.54	8692.52	44.09
23	Manipur*	1320.90	1147.92	86.90
24	Meghalaya*	1479.85	577.47	39.02

25	Mizoram*	345.30	333.01	96.44
26	Nagaland*	1016.70	430.00	42.29
27	Sikkim*	378.18	141.08	37.30
28	Tripura*	2386.93	876.69	36.73
29	A&N Islands*	78.42	7.14	9.10
30	Chandigarh*	16.00	20.00	125.00
31	D&N Haveli*	78.42	16.72	21.32
32	Daman & Diu*	4.00	0.00	0.00
33	NCT Delhi*	567.00	0.00	0.00
34	Lakshadweep*	5.60	0.00	0.00
35	Pondicherry*	115.00	0.00	0.00
	Grand Total	280054.25	144436.49	51.57

* Released upto March, 2007.

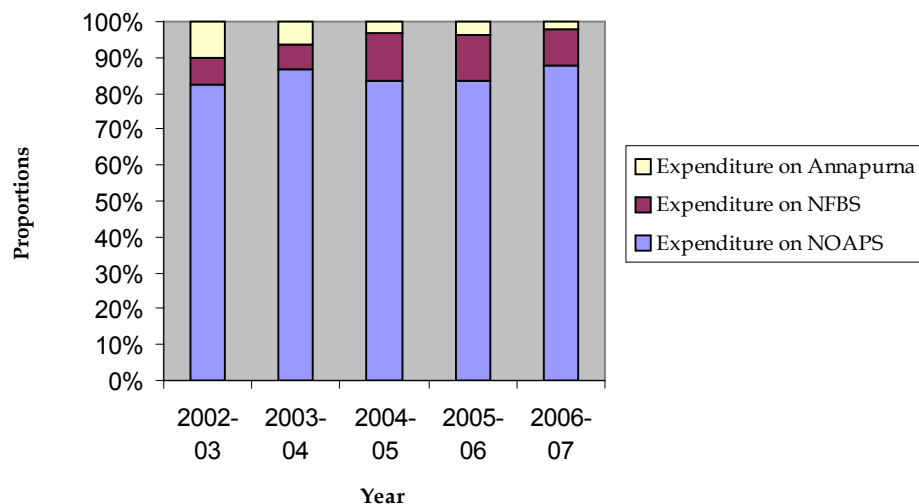
** Rs. in Lakh

This low utilization of a scheme that is significantly supported by central grants, and is the lifeline of food survival for the most indigent families and individuals, is deeply regrettable. The Government of India and state governments need to monitor these schemes much more closely, and ensure that they are backed by much greater political and administrative will.

5.5.2 Proportion Spent on Different Schemes

At this point it is also worthwhile to look at the proportions of the total money allocated spent on NOAPS, NFBS and Annapurna. The data available for the past five years show that the money is predominantly spent on NOAPS while the other two schemes receive very modest proportions of the money allocated by the Central Government. Graph 1 below shows the break up of the Central Government money expended on the various schemes. States have reported additional expenditure from their coffers on NOAPS, but it is evident that NFBS as a scheme is most laggardly and receives minimum attention from the governments themselves.

Money Spent on NOAPS, NFBS & Annapurna *



*Since some states have given only the combined allocation, the NOAPS figures may be somewhat inflated.

5.5.3 Required Allocation

The allocation made under NSAP and Annapurna has undergone steep revision in the financial budget for the year 2006–2007. The budget allocated for NSAP and Annapurna has been enhanced to Rs. 2800.54 crore during the current year (2006–2007) from budget allocation of Rs. 1190 crore during 2005–2006. Even though this may not suffice to run the three schemes fully adequately, it nonetheless is a move that was long overdue.

In the table below we make a rough calculation of the amount of funds required to be allocated for these three schemes to reach all the eligible beneficiaries.

Table 5.7 Required Allocation to Cover Beneficiaries

Scheme	No. of Eligible Beneficiaries	Required Allocation (in Rs. crores)
NOAPS*	9278000	2226.7 [^]
NFBS**	571500	571.5 ^{^^}
Annapurna***	6881000	545.55 ^{^^^}
Total		3343.8
<p>*based on calculations made above (see table 1)</p> <p>** the numerical ceilings set up Government of India in the NSAP guidelines.</p> <p>***number would be equal to number of NOAPS beneficiaries as NOAPS covers 50% of old people below poverty line and Annapurna is supposed to cover the rest.</p> <p>[^] = no. of beneficiaries * Rs.200 * 12 months</p> <p>^{^^} = no. of beneficiaries * Rs. 10000</p> <p>^{^^^} = no. of beneficiaries * 10kgs * 12 months * Rs.4.9 (The price of Rs. 4.9 is the average of the central issue price for BPL families for rice (565) and wheat (415).</p>		

Although this is strictly not accurate, as mentioned before this is just a rough calculation to indicate the scale of allocation required if the NSAP is to be implemented properly. While the required allocation was at least Rs. 3343 crores, the combined allocation in 2006–2007 for these three schemes was only Rs. 2800 crores. More importantly of this only about Rs. 1444 crores was utilized.

5.6 Delay in Transfer of Funds

The Finance Minister in his budget speech of March 2006 announced an enhancement in the pension amount of Rs. 75/- to Rs. 200/-. This was something that was also recommended by the Commissioners in their previous reports. However, the enhanced allocations were not transferred to the state governments by the Government of India until as late as September 2006, despite repeated reminders from the Commissioners to the Ministry of Rural Development. This inordinate delay led to state governments not paying pensions for a period of almost six months.

5.7 Key Issues and Recommendations

For NOAPS to start with the ratio of 36% (applied to the current population estimates for 2006–2007) should be used to calculate the percentage of persons eligible for assistance under NOAPS. Over time, it should cover all old people below poverty line as well as those from SC ST, and reduce the age criteria to above 60 years instead of 65, as has been done in many states.

Annapoorna should be an additional assistance to single women among old people, who are most vulnerable.

Old age pension must be pegged to inflation rates, using a floor of Rs. 200/- for the year 2005–2006.

NFBS amount must be increased and must cover deaths of any 18–64 year old member of the family in a BPL household, using the ratio of 36% (applied to the current population estimates for 2006–2007) to calculate the percentage of persons eligible for assistance under NFBS.

Families of persons who died allegedly of starvation, farmer suicides, natural and human made disasters should get first priority in NFBS releases.

6

National Rural Employment Guarantee Act

The Indian Parliament passed NREGA on September 25th, 2005. And it was officially launched in 200 districts of the country on February 2nd, 2006. It aims at strengthening livelihood base, generating productive assets, make a dent on distress migration, and foster social equity. The Act entails a guarantee of 100 days of work (in a financial year) to a rural household who is willing to do unskilled manual work, at the state minimum wage.

200 districts were identified for implementation of the NREG Act in the first phase. The Ministry of Rural Development has earmarked Rs.11,300 crore as Central Government Budget outlay for the year 2006–2007. This will mainly cater to 100% of the wage component and 75% of the non-wage component under this scheme, the rest 25% of the non-wage component is to be borne by the respective State Governments. This is an open-ended employment guarantee scheme so that these funds are only suggestive. The NREGA has subsequently been extended to cover all the districts in the country.

6.1 Salient Features of the Scheme

The focus of the Scheme shall be on the following works in their order of priority:

- water conservation and water harvesting
- drought proofing (including afforestation and tree plantation)
- irrigation canals including micro and minor irrigation works;
- provision of irrigation facility to land owned by households belonging to the Scheduled Castes and Scheduled Tribes or to land of beneficiaries of land reforms or that of the beneficiaries under the Indira Awas Yojna of the Government of India;
- renovation of traditional water bodies including desilting of tanks;
- land development;
- flood control and protection works including drainage in water logged areas;
- rural connectivity to provide all-weather access; and
- any other work which may be notified by the Central Government in consultation with the State Government.

Creation of durable assets and strengthening the livelihood resource base of the rural poor is an important objective of the Act. The works taken up under this Act are to be in rural areas. The State Council can prepare a list of preferred works for different areas based on their ability to create durable assets. Under no circumstances are the labourers to be paid less than the minimum wage rate. When wages are directly linked with the quantity of work, the wages shall be paid according to the schedule of rates fixed by the State Government for different types of work every year, in consultation with the State Council. The schedule of rates of wages for unskilled labourers shall be so fixed that a person working for seven hours would normally earn a wage equal to the minimum wage rate relevant to the State. The cost of material component of projects including the wages of the skilled and semi-skilled workers taken up should not exceed 40 percent of the total project costs.

Contractors

The Act does not permit engaging any contractor for implementing of the projects under it. As far as practicable, a task funded under the Act shall be performed by using manual labour and no machines.

Accountability and Transparency

Provisions for regular inspection and supervision of works taken up under the Scheme are made to ensure proper quality of works as well as to ensure that the total wages paid for completion of the work is commensurate with the quality and quantity of work done. The District Programme Coordinator, the Programme Officer and the Gram Panchayat implementing the Scheme prepare annually a report containing the facts and figures and achievements relating to the implementation of the Act within his or its jurisdiction and a copy of the same is to be made available to the public on demand and on payment of such fees as may be specified in the Scheme. All accounts and records relating to the Scheme are to be made available for public scrutiny and any person desirous of obtaining a copy or relevant extracts there from may be provided such copies or extracts on demand and after paying such fee as may be specified in the Scheme. A copy of the muster rolls of each project are to be made available in the offices of the Gram Panchayat and the Programme Officer for inspection by any person interested after paying such fee as may be specified.

Monitoring, Social Audits and Evaluation

The guidelines of the scheme provide that all works should be inspected by Gram Level Officials. 10% of the works should be inspected by District level officials and 2% by State level Officials. The Gram Sabha is to monitor all the works at the village level as well as the registration & issues of Job Cards and the timely payment of wages. The NREG Act (section 17) provides for a central role to social audits as a means of continuous public vigilance. In this direction, the Mazdoor Kisan Sangthan Sangh in Rajasthan has done social audits of all NREGA works in Dungarpur district, AASHA; a civil society organisation, has begun social audit in Hardoi (Uttar Pradesh); in Andhra Pradesh, the State Government has done social audit on NREGA works over most of the Ananthapur district and NIRD has done social audit in Kalahandi.

6.2 Registration

Rural households in the notified districts will have the right to register themselves with the local Gram Panchayat as persons interested in getting employment under the Act. The gram Panchayat after proper verification will register the household and issue a Job Card to the registered household. The Job Card is the legal document that entitles a person to ask for work under the Act and to get work within 15 days of the demand for work.

The table below provides state-wise data on number of households that have been issued job cards under the NREGA. The table shows that in eight states, the percentage of job cards issued is less than 50%. These are Tamil Nadu, Gujarat, Sikkim, Haryana, Bihar, Punjab, Kerala and Meghalaya. In seven states, the percentage of job cards issued falls in the range of 50% to 70%. Further, in five states, the percentage is higher than 70.

6.3 Work demanded and allocation of employment opportunities

One feature that makes NREGA unique is that it provides 'work on demand'. Individuals are mandated to demand or apply for work, while the state guarantees that it will provide work for all those who ask for it, subject to the provisions under the Act. Applications are to be submitted to the Gram Panchayat. Awareness regarding this feature therefore forms the backbone of NREGA implementation.

The following table depicts the number of job card holders who demanded work and who were provided work.

Table 6.1 Percentage of households who have been issued job cards

State	Total number of households (in NREGA districts) (in lakhs)	Number of households issued job cards (in lakhs)	Percentage of households issued job cards
Arunachal Pradesh	7878	16926	214.8
Madhya Pradesh	3550273	4424414	124.6
Rajasthan	1294087	1498134	115.7
Tripura	57788	64587	111.7
Manipur	16149	17880	110.7
Mizoram	21661	22918	105.8
Uttaranchal	206059	194559	94.4
Chattisgarh	2023402	1788745	88.4
Nagaland	31939	27884	87.3
Assam	817286	699478	85.5
Andhra Pradesh	6715598	4768530	71.0
Jammu and Kashmir	240978	162196	67.3
Maharashtra	3713013	2467037	66.4
West Bengal	7064480	4415770	62.5
Orissa	3836278	2389160	62.2
Himachal Pradesh	150715	91507	60.7
Jharkhand	3395640	1914800	56.3
Karnataka	1282966	658137	51.2
Uttar Pradesh	7162466	3591596	50.1
Tamil Nadu	2067689	972037	47.0
Gujarat	1388048	618847	44.5
Sikkim	10649	4323	40.5
Haryana	257304	91468	35.5

Bihar	7755942	2546677	32.8
Kerala	616309	141742	22.9
Punjab	221815	37326	16.8
Meghalaya	101657	0	0
Total		33626678	

Table 6.2 Percentage of job card holders (households) who demanded work and who were provided employment under the NREGA

	State	Total households that were issued job cards	Total households demanded employment	Total households provided employment
1	Manipur	17880	17800	17880
2	Andhra Pradesh	4768530	1448647	1448647
3	Arunachal Pradesh	16926	16926	16926
4	Gujarat	618847	126028	126027
5	Haryana	91468	33119	33119
6	Maharashtra	2467037	191272	191272
7	Mizoram	22918	20801	20801
8	Punjab	37326	30828	30828
9	Rajasthan	1498134	1027231	1027231
10	Sikkim	4323	3611	3611
11	Tamil Nadu	972037	394082	394082
12	Bihar	2546677	638523	638185
13	Jharkhand	1914800	581689	578343
14	Orissa	2330601	1131798	1119218
15	Karnataka	658137	337382	332847
16	Chattisgarh	1788745	765207	754419
17	Tripura	64587	73971	72348
18	Madhya Pradesh	4424414	2432374	2338668
19	Uttar Pradesh	3591596	2002689	1919725
20	Assam	512170	276001	262645
21	Himachal Pradesh	91507	52446	49272
22	West Bengal	4415770	1841553	1664640
23	Uttanchal	194559	84318	61711

24	Kerala	141742	26148	16040
25	Jammu & Kashmir	162196	39579	16079
26	Meghalaya	0	0	0
27	Nagaland	27884	0	0
	Total	33380811	13594023	13134564

** 0 denotes non-reporting by concerned States*

Table 6.2 (continued)

% households with job cards who demanded employment	Employment provided to households out of total demanded (%)	Employment provided to households out of total job cards issued to households (%)
99.6	100.4	100.0
30.4	100	30.4
100.0	100	100.0
20.4	100.0	20.4
36.2	100.0	36.2
7.8	100.0	7.8
90.8	100.0	90.8
82.6	100.0	82.6
68.6	100.0	68.6
83.5	100.0	83.5
40.5	100.0	40.5
25.1	99.9	25.1
30.4	99.4	30.2
48.6	98.9	48.0
51.3	98.7	50.6
42.8	98.6	42.2
114.5	97.8	112.0
55.0	96.1	52.9
55.8	95.9	53.5
53.9	95.2	51.3
57.3	93.9	53.8
41.7	90.4	37.7
43.3	73.2	31.7

18.4	61.3	11.3
24.4	40.6	9.9
	0.0	0.0
0.0	0.0	0.0
40.7	96.6	39.3

It is seen in the table above that the proportion of households demanding employment is much less than those issued job cards. Only 40.7% households that were issued job cards demanded for work. This figure is less than 30% in Bihar (25.1), Jammu and Kashmir (24.4), Gujarat (20.4), Kerala (18.4) and Maharashtra (7.8).

However, the above table also shows almost all the households demanding work were given work. Among those who demanded for work it is seen that 96.6% households were given work. The states that didn't perform as well on this account are Uttaranchal (73.2%), Kerala (61.3%) and Jammu and Kashmir (40.6%).

6.4 Number of days of work provided

As mentioned earlier under the NREGA, each household can demand and be given work for 100 days in a year. In this section we look at the number of days for which work for provided to each household on an average.

Table 6.3 Number of days of work provided

	House Holds	Employment Generated in Person days	Days employed by the households
Tripura	64551	4543000	70.4
Rajasthan	1038089	70878000	68.3
Assam	452475	29587000	65.4
Madhya Pradesh	2435462	148572000	61.0
Chattisgarh	887253	38232000	43.1
Gujarat	137092	5896000	43.0
Nagaland	27800	1133000	40.8
Sikkim	4111	155000	37.7
Orissa	1206942	45331000	37.6
Haryana	36283	1215000	33.5
Karnataka	504599	14032000	27.8
Uttar Pradesh	2059332	54188000	26.3
Andhra Pradesh	1598382	40115000	25.1
Himachal Pradesh	72421	1734000	23.9
Uttanchal	95837	2049000	21.4
Tamil Nadu	420831	8487000	20.2
Meghalaya	14459	201000	13.9
Mizoram	19020	243000	12.8
Bihar	2074139	21411000	10.3
West Bengal	2340000	23552000	10.1
Kerala	43500	326000	7.5
Jammu and Kashmir	839630	965000	1.1
Arunachal Pradesh	16926	0	0.0
Maharashtra	0	0	

Manipur	0	826000	
Punjab	0	1108000	
Jharkhand	0	21759000	
Total	16389134	536537000	32.7

* 0 denote non-reporting by concerned States

On an average only 32.7 days of work was provided to each household for the year 2006–2007 (up to December 2006). The worst performing states are Meghalaya (13.9 days), Mizoram (12.8 days), Bihar (10.3 days), West Bengal (10.1 days), Kerala (7.5 days) and Jammu & Kashmir (1.1 days).

6.5 Equity Reaching out to SCs/STs/Women/disabled

Table 6.4 Share of SC and ST households among total households that were issued job cards

State	SCs households to total households issued job cards (%)	STs households to total households issued job cards (%)
Andhra Pradesh	26.83	13.69
Arunachal Pradesh	0.00	100.00
Assam	9.00	41.00
Bihar	41.04	1.64
Gujarat	13.22	49.23
Haryana	55.63	0.00
Himachal Pradesh	33.21	20.25
Jammu and Kashmir	4.21	27.40
Karnataka	32.82	18.82
Kerala	16.59	10.22
Madhya Pradesh	13.94	40.47
Maharashtra	0.00	0.00
Manipur	0.00	0.00
Meghalaya	0.00	0.00
Mizoram	0.00	0.00
Nagaland	0.00	0.00
Orissa	24.19	46.36
Punjab	65.00	0.00
Rajasthan	18.11	56.45
Sikkim	0.00	0.00
Tamil Nadu	48.93	2.77
Tripura	0.00	0.00
Uttar Pradesh	55.38	1.72

West Bengal	20.70	8.24
Chattisgarh	11.92	48.09
Jharkhand	0.00	0.00
Uttranchal	22.84	1.07
Total	23.64	19.35

SCs and STs account for a majority of those to whom job cards were issued, i.e. those who came out and applied for job cards). In fact, in such states are UP and Bihar where the proportion of SCs is quite significant, and well above the national average, the share of SCs getting job cards issued is well above their share in the total population. In the country as a whole, SCs accounted for 24% of all job cards issued, and STs for 19%, both well above their respective share in the national population. In other words, the demand for employment is being generated from the appropriate sections of the population.

Table 6.5 Share of SC, ST and Women in Work Generated under NREGA (Up to Nov 2006)

State	SC households (%)	ST households (%)	No of days worked by women to total person days
Andhra Pradesh	31.4	12.9	46.7
Arunachal Pradesh	0.0	100.0	0.0
Assam	7.4	40.3	24.2
Bihar	45.0	0.7	16.2
Gujarat	5.5	67.3	61.5
Haryana	59.4	0.0	28.0
Himachal Pradesh	31.7	22.7	10.6
Jammu and Kashmir	7.4	12.6	0.1
Karnataka	31.7	20.6	56.2
Kerala	14.3	14.7	65.2
Madhya Pradesh	14.9	47.2	41.0
Maharashtra	0.0	0.0	0.0
Manipur	0.0	0.0	40.1
Meghalaya	0.0	0.0	0.0
Mizoram	0.0	0.0	33.3
Nagaland	0.0	0.0	30.0
Orissa	23.1	46.5	34.3
Punjab	0.0	0.0	38.0
Rajasthan	17.8	60.3	60.3
Sikkim	0.0	0.0	30.0
Tamil Nadu	47.5	4.2	55.6
Tripura	0.0	0.0	29.9
Uttar Pradesh	56.1	1.8	13.1
West Bengal	38.0	17.8	14.4

Chattisgarh	11.8	50.1	35.2
Jharkhand	0.0	0.0	30.8
Uttaranchal	23.9	1.1	33.0
Total	29.9	25.5	38.3

*0 denote non-reporting by concerned States

Even among those who were given work the share of SCs and STs at 29.9% and 25.5% is higher than share in population. Given that this scheme is for the poorest who are unable to find work, it must reach out even more to the most vulnerable groups in society.

The table above shows that the goal in the NREG Act to ensure women get work is also being fulfilled to some extent. In populous states the share of days worked by women to total person days is 47% in AP, 60% in Rajasthan, 55% in Tamil Nadu, 62 % in Gujarat, 56% in Karnataka, 35% in Chattisgarh and 31% in Jharkhand. However, it is notable that in the states where the status of women by all other social indicators is the weakest, the share of women getting work remains low: UP 13%, Bihar 16%, Haryana 28%. West Bengal is also low at 15%.

6.6 Financial Performance

As of end-November 2006, of the Rs. 9220 crores amount allocated in India, Rs. 4184 crore was spent, or only 45%. Even allowing for the expenditure going up in the next 6 months to March 2007 to Rs 1000 cr per month, the total expenditure is unlikely to exceed Rs 7000–8000 crores in fiscal 2006–2007. The total expenditure reached 100% of total available funds only in Punjab. The expenditure share of funds allocated was a third or less in the following states: Andhra Pradesh, Assam; Jammu and Kashmir; Kerala; Maharashtra; Orissa; Sikkim; and Tripura.

Table 6.6 Actual Expenditure as a Share of funds allocated under NREGA—By States

S.No.	State	Total Available Funds (in Lakhs)	Total Expenditure (In Lakhs)	% of Expenditure to Total available Funds
1	Andhra Pradesh	93318.84	33504.25	35.9
2	Arunachal Pradesh	273.25	179.68	65.76
3	Assam	55078.74	16422.13	29.82
4	Bihar	94856.24	29188.31	30.77
5	Gujarat	8993.87	4180.15	46.48
6	Haryana	2795.24	1626.14	58.18
7	Himachal Pradesh	2882.70	1920.95	66.64
8	Jammu and Kashmir	3836.68	1062.65	27.7
9	Karnataka	22163.02	11766.98	53.09
10	Kerala	3343.56	252.15	7.54
11	Madhya Pradesh	166489.79	110235.63	66.21
12	Maharashtra	41627.20	11130.38	26.74
13	Manipur	1250.92	950.00	75.94
14	Meghalaya	2064.68	0.00	0
15	Mizoram	1074.04	575.55	53.59
16	Nagaland	1485.05	975.45	65.68
17	Orissa	79326.16	28455.18	35.87
18	Punjab	1501.18	1501.12	100.00
19	Rajasthan	77417.30	42515.72	54.92
20	Sikkim	510.07	34.83	6.83
21	Tamil Nadu	16055.66	5502.36	34.27
22	Tripura	4282.00	1412.50	32.99
23	Uttar Pradesh	79055.64	44157.46	55.86
24	West Bengal	43341.54	16989.54	39.2

25	Chattisgarh	49074.87	24826.52	50.59
26	Jharkhand	64901.40	27198.28	41.91
27	Uttaranchal	5080.63	1928.48	37.96
	Total	922080.27	418492.40	45.39

6.7 NREG expenditure by type of public works

Table 6.7 shows the distribution of NREG expenditure by type of public works. Eight types of work have been approved, though the list can be expanded in consultation between the Central and State governments (according to the Act). Remarkably, only two types of work listed in the Act actually account for two-thirds of the entire expenditure at the national level so far: road connectivity (38%) and water conservation and water harvesting (30%). The remaining six of the eight listed activities account for a total of 27% of expenditure, while ‘any other activity’ (the ninth item in the list of permissible works in the Act) is barely 5%. Clearly the list of permissible works needs to expand.

Table 6.7 Distribution of REGA Expenditure by type of Public Works (% of Total NREGA Exp)

State	Road connectivity	Flood Control & Protection	Water Conservation and water Harvesting	Drought Proofing
Andhra Pradesh	0.23	0.00	57.70	7.31
Arunachal Pradesh	0.00	0.00	0.00	0.00
Assam	51.05	9.61	6.78	4.67
Bihar	91.45	0.47	2.44	0.31
Gujarat	21.50	1.14	67.96	3.38
Haryana	45.79	0.32	33.56	0.64
Himachal Pradesh	42.52	11.86	9.76	7.05
Jammu and Kashmir	0.00	0.00	0.00	0.00
Karnataka	27.85	5.78	36.92	4.46
Kerala	0.00	0.00	0.00	0.00
Madhya Pradesh	0.00	3.39	61.86	9.13
Maharashtra	0.00	0.00	0.00	0.00
Manipur	0.00	0.00	0.00	0.00
Meghalaya	0.00	0.00	0.00	0.00
Mizoram	0.00	0.00	0.00	0.00
Nagaland	0.00	0.00	0.00	0.00
Orissa	54.31	2.53	15.08	4.37
Punjab	75.57	0.58	0.00	0.24
Rajasthan	29.59	0.55	36.39	9.84
Sikkim	0.00	0.00	0.00	0.00
Tamil Nadu	7.01	0.98	21.13	0.02
Tripura	0.00	0.00	0.00	0.00
Uttar Pradesh	50.26	3.64	18.12	5.56
West Bengal	32.40	10.48	16.53	14.84

Chhattisgarh	36.55	0.28	24.27	25.44
Jharkhand	0.00	0.00	0.00	0.00
Uttaranchal	8.64	20.77	42.62	15.27
Total	37.63	2.58	30.30	7.21

Table 6.7 (continued)

Micro Irrigation Works	Provision of irrigation Facility to land owned by Sc and ST	Renovation of Traditional Water Bodies	Land Development	Any other Activity approved by MRD
7.20	0.13	9.81	17.63	0.00
0.00	0.00	0.00	0.00	0.00
5.31	0.01	2.84	8.32	11.40
0.22	0.16	0.42	0.08	4.45
1.19	0.00	3.05	1.78	0.00
4.73	0.00	2.99	11.37	0.61
4.97	0.26	2.20	3.82	17.55
0.00	0.00	0.00	0.00	0.00
2.62	2.52	5.82	2.96	11.07
0.00	0.00	0.00	0.00	0.00
1.05	10.89	4.66	4.73	4.29
0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00
0.09	0.41	12.30	0.32	10.61
0.00	0.00	18.41	5.19	0.00
1.59	0.33	20.94	0.76	0.01
0.00	0.00	0.00	0.00	0.00
24.23	0.00	46.63	0.00	0.00
0.00	0.00	0.00	0.00	0.00
1.77	0.63	12.13	3.23	4.67

6.34	1.19	7.94	6.48	3.81
6.19	0.00	6.56	0.24	0.48
0.00	0.00	0.00	0.00	0.00
3.44	0.02	1.36	0.34	7.54
2.64	2.31	8.95	3.75	4.62

6.8 Minimum Wages

As per the information received from the state governments, the following provides information on (i) whether the State Employment Guarantee Council has been constituted and (ii) the amount of Minimum wage fixed by the state government under NREGA.

	State	Time period	Yes/No	Minimum wages (Rs.)
1	Tamil Nadu	April–October, 2006	Yes,	80 (revised from 54 per day)
2	Karnataka	April–October, 2006	Yes,	69 (enhanced from 62.5 per day)
3	Arunachal Pradesh	April–July, 2006	Yes	57 per day
4	Tripura	April–October, 2006	Yes	60
5	Meghalaya	April–July, 2006	Yes	70 for unskilled 75 for semi skilled 85 for skilled
6	Madhya Pradesh	April–September, 2006	Yes	61.37
7	Himachal Pradesh	April–July, 2006	Yes	70
8	West Bengal	April–July, 2006	No	68
9	Orissa	April–July, 2006	Rules have been framed an vetted by the law dept.	66
10	Assam	April–July, 2006	Preliminary work done, approval from the State government awaited	
11	Mizoram	April–July, 2006	No	91
12	Andhra Pradesh	April–July, 2006	Yes	80
13	Uttaranchal	April–July, 2006	No	73
14	Rajasthan	April–August, 2006	Yes	73
15	Uttar Pradesh	April–July, 2006	Yes	58

Among the states for which information is available, in West Bengal, Mizoram and Uttaranchal the State Employment Guarantee Councils have not been formed. As can be seen in the table above there is a great variation in the minimum wages among different states with the minimum wage being even less than Rs. 60/- per day in Uttar Pradesh and Arunachal Pradesh.

6.9 Impact

National Monitors appointed by Ministry of Rural Development (MORD) have visited 137 work-sites to check the actual implementation. The MORD has also appointed independent professional agencies to review the scheme viz; the Centre for Budget and Governance Accountability in two districts each in Andhra Pradesh, Chhatisgarh, Madhya Pradesh and Jharkhand, the Centre for Development Alternatives in all six districts of Gujarat, the Institute of Human Development in six districts of Bihar, the Indian Institute of Management, Bangalore in one district each in Andhra Pradesh and Karnataka and the Institute for Women Studies Organisation in two districts each of Maharashtra, Orissa, Tamil Nadu and West Bengal. However, as the scheme was launched only ten months back when these studies were conducted, more fruitful evaluation can be done only at the end of a one-year period.

This section briefly discusses the difficulties in NREGA implementation, drawn from the reports received from the field.

Definition of household

Confusions still prevail about the definition and application to the term 'household'. For instance, reports from Madhya Pradesh (Dhar district) show that the gram panchayat are treating joint families as one household. And thus, issuing them a single job card.

Denial of registration

Reports from the field point towards some incidents of denial of registration to single-women headed households and physically challenged individuals. Discrimination based on caste has also been noted in some states like Gujarat.

Delay in distribution of job cards

It has been noted that though job cards have been prepared across most states, but in many states they have not reached the people, thereby restricting their right to demand work.

Unsolicited fees being charged for work application forms

Fees for application forms is being charged in many states like Gujarat, Madhya Pradesh, Jharkhand. The fee ranges from Rs. 5 and goes on upto Rs. 50 in some states. They are also found to be sold openly in local markets or haats, flouting the NREGA guidelines.

Absence of worksite facilities

Absence of worksite facilities (such as safe drinking water, shade for children and periods of rest, first-aid box) is another noted problem that cuts across most states. Some reports from the field including Orissa (Kalahandi district),²⁸ Chhatisgarh (Jashpur district), Jharkhand (Palamau district), Madhya Pradesh (Jhabua, Khandwa and Umaria district), Gujarat (Sabarkantha district) have reported a complete lack of facilities at the worksites. But in Dungarpur district of Rajasthan it was heartening to note that medical kits were found at most worksites.

Presence of contractors

Contractors are increasingly becoming a threat to the NREGA also. Though it does not seem very clear from the surface, yet the private contractors are slowly finding their way into the system. The act clearly states (Schedule I, section 11), that no contractor is permitted in the implementation of the projects. Reports from the states of

Chhattisgarh and Orissa point towards this emerging problem.

Non-availability of Muster Rolls at the work sites

It is a rare opportunity when one finds the muster rolls at the worksites. Reports across the NREGA districts show that kuccha muster rolls/attendance sheets are being maintained by the mates at the worksites. Roughly kept notebooks, diaries are being used for marking attendance and making wage payments at worksites.

Shortage of staff and delay in appointments

Launching of the Act has not been accompanied with appointment of additional staff for its implementation, thus burdening the existing staff. At the panchayat level, the Guidelines had specifically advised appointment of a 'rozgar sevak'. Disappointingly, this has not taken place so far. Such dearth of staff is having an adversarial impact on the working of the NREGA. A survey at Jashpur block of Chhattisgarh district found that sub-engineers were being burdened with the task of maintaining job cards which implies that their primary tasks suffer.

Stopping of works in monsoons

Some states like Chattisgarh have disrupted works under the NREGA on account of monsoons. A circular, issued by the Chhattisgarh government, clearly states that from 15th June to 15th October, the state will not be liable to open works within 15 days or provide unemployment allowance. Rumours of similar disruption are also floating in the state of Orissa. Such declarations not only violate the Act but also affect the landless farmers. Field organisations from Chattisgarh report that with such stoppage, the wage rate has decreased to as low as Rs. 15. The landless farmers are left with no negotiating power, and are forced to accept whatever is being determined by the rich landlords, giving rise to a distress situation.

Disruption due to imposition of election code of conduct

Elections (including by-polls, state-elections) are also disrupting implementation of the Act. Early this year (in March, 2006) states like West Bengal, Kerala, Tamil Nadu and Assam witnessed disruption in NREGA due to imposition of election code of conduct. And lately, yet again, the process of NREGA is getting disturbed in Malda and Puruliya districts of West Bengal on account of by-polls.

Delay in wage payments

Delay in wages has always been a matter of concern in previous employment programmes and continues to plague NREGA. Wage payments are delayed for weeks and sometimes for months. The time period of lag, however, varies from state to state. For instance, in Jashpur district of Chhattisgarh, delays of months were noted. In some places like Barwani district of Madhya Pradesh delay was for a period of 15 to 30 days. Delays were also noted in Manika and Manatu blocks of Jharkhand.

Payment of less than minimum wage

In many states, workers are not earning minimum wages. For instance, in Sabarkantha district of Gujarat the paid wages are as low as Rs. 4 to Rs. 7,²⁹ in Kalahandi district (Bhawanipatna block) of Orissa, workers are earning wage between Rs. 40–50, whereas the minimum wage is Rs. 55. Women are getting paid even less, about Rs. 30 per day. In some states like Jharkhand workers are getting paid as low as Rs. 10.

The reasons behind payment of less than minimum wages are varied. In some states the soil type is not being considered as a result of which the payment are getting affected. Following the system of *chauka*³⁰ in some states like Jharkhand is also leading to lowering of the wage.

The National Rural Employment Guarantee Act has the potential of productive employment of differently abled persons. In this regard, there is a concrete example to cite. In Badwani district of Madhya Pradesh, 79 differently abled persons have been employed across 27 villages in NREGA. They are engaged in tasks such as ground digging, ground leveling, providing water to the workers at the sites etc. Some differently abled are also performing the tasks of mates and supervisors. This data was provided by the civil society groups and not by the state government.

It is disappointing to note that the state governments are not taking an interest in the issue. Reports state that many states like Rajasthan, Madhya Pradesh, Karnataka, Arunachal Pradesh are not monitoring data regarding employment of differently abled persons in NREGA. Other states have mentioned that the figures for employment for People with Disabilities (PwDs) is nil, these include Uttaranchal, Uttar Pradesh. The government of Andhra Pradesh reported that 0.08 % differently abled persons form a part of NREGA work force. Furthermore, in the state of Uttar Pradesh, only 927 disabled people are employed out of the total workforce of about nine lakh persons.

A field study conducted by Hirway and Singh, 2006³¹ in six districts in Gujarat where the NREGA is being implemented suggests that the slow spread of implementation is fundamentally due to ignorance amongst workers of their rights. Without such awareness, the three concerns arise:

- Individuals do not realise that ‘employment’ is their right. In fact they are loathe to apply for employment—as previous experience suggests that this does not have any definite outcome. Lack of awareness then gets easily disguised in quantitative statistics into ‘low demand’
- There is neither public pressure nor evidence (as job applications are hardly ever made in writing) to demand employment benefit if a job is not provided within 15 days.
- In fact there is some evidence that the ‘guarantee’ aspect is making the administrative machinery wary of

29 Status report on Implementation of NREGA in Gujarat prepared by Sabar Ekta Manch and Janpath, April 2006.

30 “Under this system, the workers are supposed to dig a *chauka* (pit) of pre-specified size (e.g. 100 cubic feet in the case of soft soil) in order to earn the minimum wage. In practice, this system raises several problems. To start with, it typically takes more than a day for an average labourer to complete the specified task, making it hard to earn the statutory minimum wage. This is a violation of the Act, which states that the “schedule of rates” should be such that a labourer working for seven hours would normally earn the minimum wage (Schedule I, Section 8).” As elaborated by Jean Dreze and Bela Bhatia in their article titled: Employment Guarantee in Jharkhand: Ground Realities, EPW, July 22, 2006

31 Concurrent monitoring of NREGA, Feedback from the Field, Feb-July 2006. Submitted to MORD, GOI, and UNDP, New Delhi, Centre for Development Alternatives, October 2006

publicising the scheme for fear of being held legally responsible in case of inability to provide employment. In the field study by Hirway and Singh, there has not been a single case of receipt of the unemployment benefit, (which are to be paid from State government funds) while there are plenty of complaints of having applied unsuccessfully for employment under the scheme.

- The demand for a social audit which could greatly reduce corruption, does not exist.

6.10 Recommendations

Although workers know about the programme, there is need to raise awareness about procedures under the Act (especially in about 80 of the 200 districts), such as the need to apply for employment.

- Publicity and guidance material for the State Employment Guarantee Schemes should be made available in local languages.
- Muster roll maintenance needs to be improved.
- Documentation needs improvement.
- Entries in job cards should be made regularly.
- Work measurement and payment should be done on time.
- There should be an adequate number of estimated and approved projects available.

The implementation of NREGS requires strengthening of administrative machinery at Gram Panchayat and at Block / District level in terms of placements of staff and training of the representatives of Panchayati Raj Institutions (PRIs) and officials involved. At present, 2% of the budget allocation is allowed towards administrative expenses. The State Governments have been continuously asking for an increase in the administrative expenses.

There are several good initiatives undertaken by States to introduce transparency in implementation like social audit (in Dungarpur in Rajasthan and Anantpur in Andhra Pradesh), use of banks and post network for paying wages to workers (Karnataka and Andhra Pradesh), MIS (Orissa and AP), signboards (Rajasthan and MP) and work time and motion studies (AP, Tamil Nadu and Gujarat).

Independent monitors should be deployed in areas where participation of vulnerable sections is not adequate, to ensure that the weaker sections are participating and getting their entitlements.

The requirements of training are considerable at all levels: a. the relevant NREG officers need training; b. PRI officials need training since NREG is implemented by them; and c. the local vigilance committee needs training. The NIRD and the state IRDs are being incorporated into the training programme.

In addition to such capacity development, there is need for a shelf of projects in each district ready and waiting to be taken up for rural work and employment generation. This is a requirement since NREG is a demand-based programme, and projects cannot be formulated when the work demand suddenly mounts. It is therefore, necessary, that each of the National, State and District Employment Guarantee Councils (created to oversee the implementation of NREG in each)

should have at least three professionals to help prepare projects in advance (as in PMGSY).

For better implementation and monitoring, e-connectivity at the local level needs to be strengthened. Orissa, Andhra Pradesh, alongwith some other States have taken a lead in this direction.

Job cards should be issued separately to each adult physically challenged person.

Household should be defined to mean a nuclear family i.e. husband, wife and minor children, and may include any person wholly or substantially dependent on the head of the family



Sampoorna Grameen Rozgar Yojana

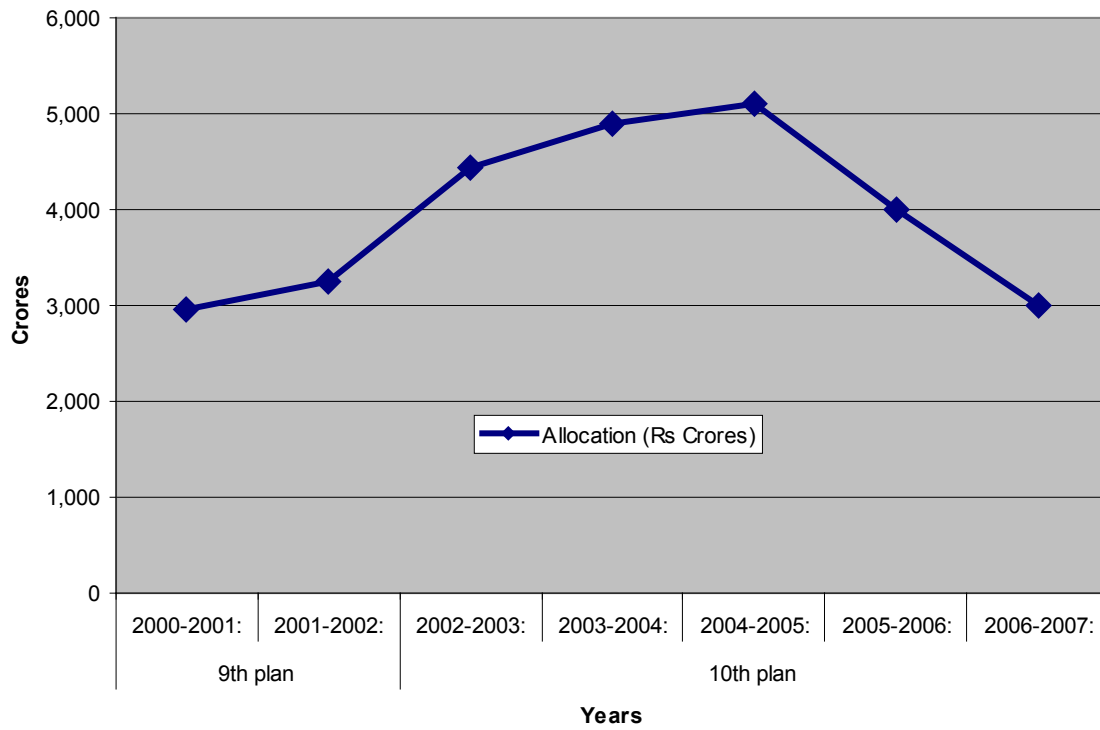
The Sampoorna Grameen Rozgar Yojana (SGRY) is a wage employment scheme launched in September 2001, and the Jawahar Gram Samridhi Yojana (JGSY) and Employment Assurance Scheme (EAS) were merged under this programme from April 1st, 2002. The primary objective of the scheme is to provide additional wage employment in all rural areas and thereby provide food security and improve nutritional levels. The secondary objective is the creation of durable community, social and economic assets and infrastructure development in rural areas. A special component under SGRY provides foodgrains to calamity stricken states for undertaking relief activities. Thirty per cent of employment opportunities under the programme are reserved for women. The programme is implemented through the Panchayati Raj Institutions (PRIs).

Each local body prepares an annual action plan to include the works to be undertaken under the scheme. Completion of incomplete works is given priority and emphasis is laid on labour-intensive works. Priority is to be given to soil and moisture conservation, minor irrigation, rejuvenation of drinking water sources, augmentation of ground water, traditional water harvesting structures, desiltation of village tanks/ponds, construction of rural link roads, drainage works, afforestation, schools, kitchen sheds for schools, dispensaries, community centres, panchayat ghars, development of haats (markets), etc. However, the nature of works should be such that they could be completed in one or two years. Up to a maximum of 15% of the funds can be spent on maintenance of assets created under the programme.

While the SGRY was being implemented throughout the country until 2006, with the passing of the National Rural Employment Guarantee Act in 2005, SGRY was phased out and replaced by the NREG scheme in 200 districts in the country. This year the NREG scheme was expanded to cover 330 districts across the country. In these additional 130 districts, the works being carried out under SGRY have also been merged under NREGA. Over time, once NREGA is expanded to cover all the districts in the country, the SGRY programme will be closed entirely. This section therefore looks briefly at how the SGRY is being implemented in relation to its present guidelines. It is therefore complementary to the section on NREGA.

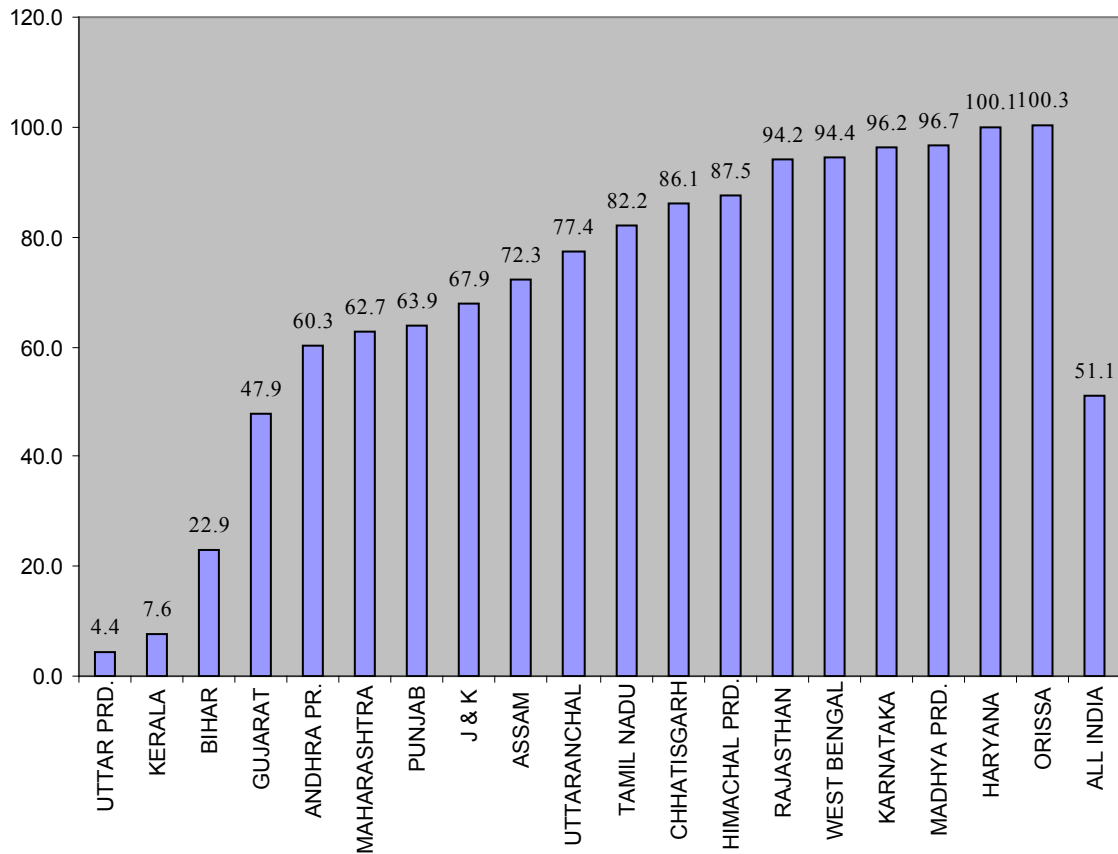
The allocation for SGRY, as given in the following graph, shows a clearly declining trend lately, since the SGRY is being phased out and is being replaced by the NREGA.

Allocation for SGRY



Source: http://www.cseindia.org/programme/nrml/pdf/NREGA_Briefing_Online.pdf

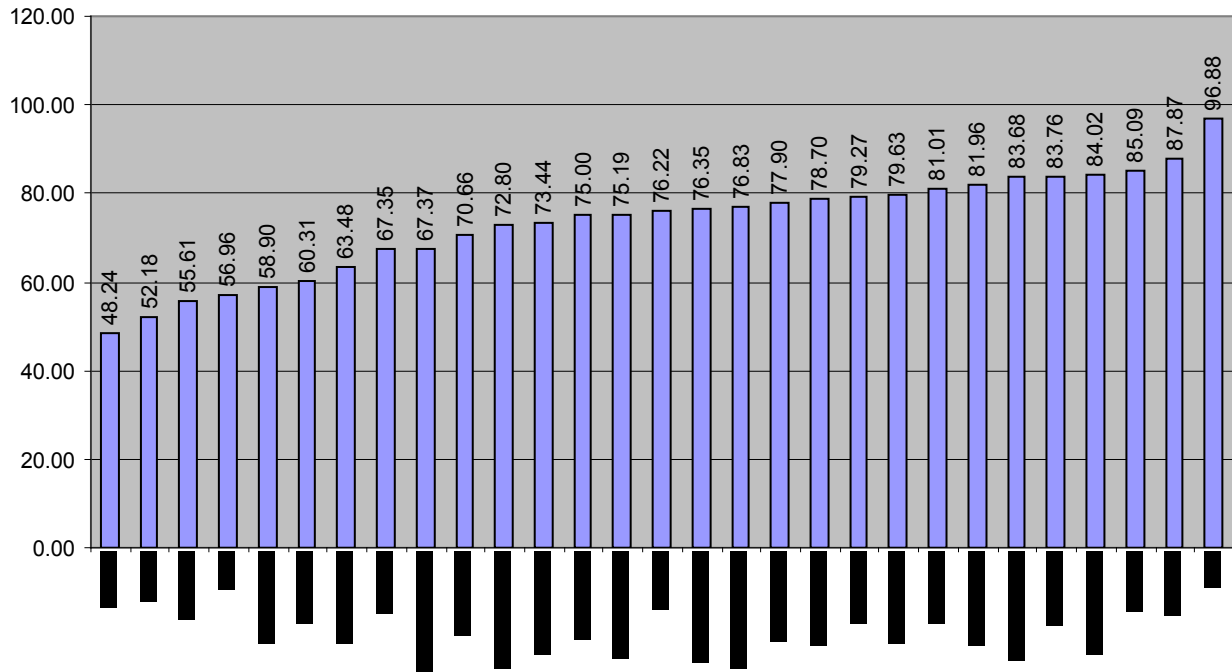
% Utilization of foodgrains under SGRY 2006-07



Source: Ministry of Rural Development, GoI

While the overall utilization of foodgrains at the national level is 51.1 percentage, there is wide state-wise variation as is clear from the figure above. Even though the scales of operation are different as NREGS is in place, once the smaller states are excluded, states like Uttar Pradesh, Bihar, Kerala, Gujarat, Andhra Pradesh, Maharashtra, Punjab, Jammu and Kashmir, Assam and Uttaranchal show foodgrain utilisation that is lower than 80%.

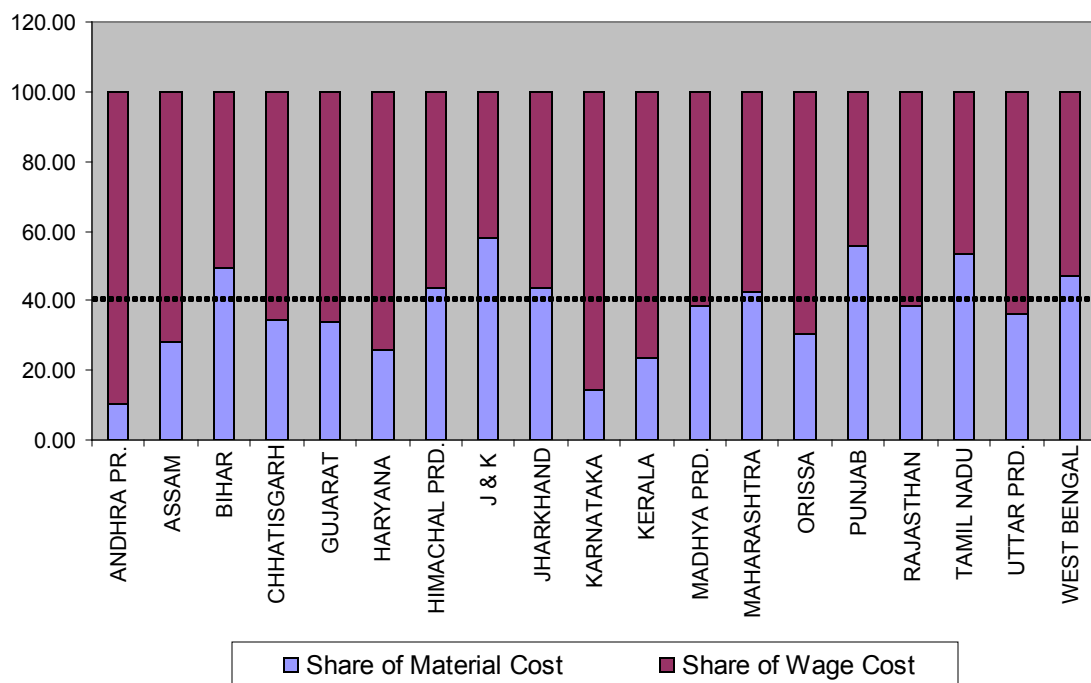
Percentage expenditure against total available funds



Source: Ministry of Rural Development, GoI

So far as the utilization of financial resources, the overall percentage is markedly higher, at 73%, and the contrast in the distribution is not as stark as with foodgrain utilisation. A majority of states utilised less than 80% of the total available funds, the worst performers being Sikkim, Bihar, Tripura, Jammu and Kashmir, Rajasthan, Gujarat, Andhra Pradesh, Kerala, West Bengal, Uttar Pradesh and Assam, among others.

Share of Wage and Material Costs under SGRY



Source: Ministry of Rural Development, GoI

SGRY guidelines clearly state that while creating rural infrastructure, emphasis should be given on labour intensive works. Clearly in violation to the stipulated 40–60 proportion of wages to material costs, states like Bihar, Himachal Pradesh, Jammu and Kashmir, Jharkhand, Maharashtra, Punjab, Tamil Nadu and West Bengal have material costs higher than 40%.

Problems and Issues

The main issues that undermine the effective implementation of SGRY guidelines and subsequent court orders could be summarised as follows:

- Same works are taken every third year
- No funds for operations and maintenance
- Poor monitoring
- Acute shortage of technical staff
- Extensive use of outside contract labour & heavy machinery
- Planning commission estimated that only Rs. 15/- of every Rs. 60/- expenditure reached the beneficiaries.

Recommendations

- Earmark SGRY funds for drought proofing & afforestation and planting of fruit trees on the lands of STs/ SCs etc.
- Monitor quality of completed works, and not just employment
- Put the list of registered labourers, the muster of all works, payments made, absentees, etc. on website

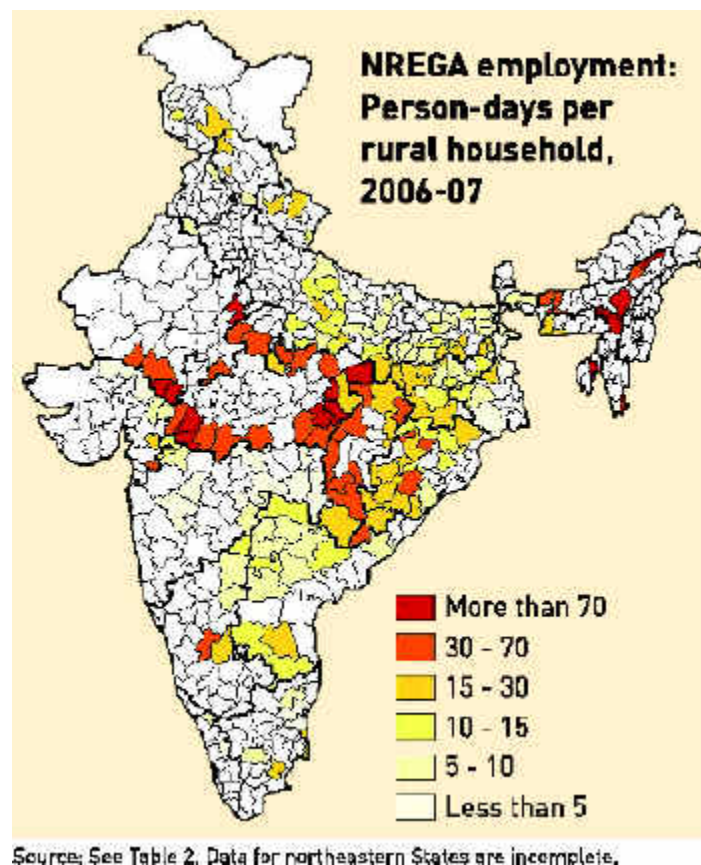
- Provision of an effective citizen interface mechanism that would enhance accountability.
- Payment of wages is made by account payee cheque.
- Use laminated cards to reduce leakages.
- Appoint civil society for monitoring & audit.

Annexure

Extracts from an article from Frontline

(Commendable Act, Jean Dreze and Christian Oldiges, Frontline, Volume 24– Issue 14, Jul. 14–27, 2007).

The National Rural Employment Guarantee Act (NREGA) has been a subject of lively debate in the past two years or so. Unfortunately, the factual basis of this debate has been, so far, rather thin. This has made it possible for extremist positions to flourish without being put to the test of careful evidence. While the Act is regularly pilloried in the corporate-sponsored media as an “expensive gravy train” (as a former Chief Economic Adviser described it), the government gets away with extravagant claims of success.



Fortunately, the scope for informed analysis is rapidly growing as reports are beginning to pour in from various parts of the country. Some statistical evidence is also available, notably on the NREGA website launched by the Ministry of Rural Development (www.nrega.nic.in). This website is not exactly a model of clarity and elegance. Many of the links do not work, quite a few tables are blank, and essential facts that ought to be available at a glance tend to be oddly scattered through the site. More importantly, much of the site is a rather puzzling mix of valuable data and dubious statistics. It is hard to understand why a Ministry that spends more than Rs. 10,000 crore a year on implementing the NREGA is unable to ensure that this crucial resource is up to the mark. Be that as it may, there is much to learn here for those who have the patience to find their way through the maze.

Table 1 presents a simple “fact sheet” on the NREGA based on official data from the Ministry’s website. The data pertain to the financial year 2006–2007, and should be interpreted bearing in mind that this was essentially a “learning phase” for the NREGA. The Act came into force on February 2nd, 2006 in 200 districts. Many districts were unable to put the required systems in place before the summer months (April to June), which tend to be the period of peak demand for employment in public works. Some of these districts had much higher levels of NREGA employment this

summer, but this is not captured in Table 1 since the reference period ends on March 31st, 2007. Quite likely, the levels of NREGA expenditure and employment in these 200 districts will be much higher in 2007–2008 than in 2006–2007 (that is, if the Finance Ministry cooperates). Nevertheless, it is useful to look at the record of the NREGA in “year zero”, so to speak.

As Table 1 indicates, works under the NREGA generated 90 crore (nearly one billion) person-days of employment in 2006–2007, at a cost of about Rs. 9,000 crore. By any reasonable analysis, this is much below the employment and expenditure levels that would materialize if the Act were implemented in letter and spirit. For instance, based on rather conservative assumptions, the National Advisory Council estimated two years ago that fair implementation of the Act in the country’s poorest 200 districts would create about 200 crore person-days of employment - more than twice the actual level of employment generation in 2006–2007. Nevertheless, 90 crore person-days is a start of sorts, and certainly more – much more – than the amount of employment generated in these districts in earlier years under the National Food For Work Programme (NFFWP) and the Sampoorna Grameen Rozgar Yojana (SGRY).

Having said this, there are startling differences in the levels of the NREGA employment in different States. The point is illustrated in Table 2, where States are ranked in descending order of employment generated per rural household (in the relevant districts). Some State governments have clearly decided to “own” the NREGA and have seized this opportunity to provide large-scale employment to the rural poor at the cost of the Central government (which foots about 90% of the bill). In other States, the whole programme is yet to take off.

Looking first at the top of the scale, it is perhaps not surprising to find that Rajasthan was the best performer among all major states in 2006–2007 (in terms of employment generation per rural household). Indeed, employment guarantee has been a lively political issue in Rajasthan for quite a few years now, and the State also had a high level of preparedness for the Act, having organized massive public works programmes almost every year in living memory. Note, however, that the small State of Tripura in northeastern India (not shown in the table) is doing even better than Rajasthan, with 87 days of NREGA employment per rural household in 2006–2007. In both States, employment generation under NREGA is already quite close to the upper limit of “100 days per rural household”. This is an unprecedented achievement in the history of social security in India.

At the other end of the scale, there are some surprises. Kerala is at the rock bottom, but perhaps this is partly a reflection of the low demand for the NREGA employment in the State, rather than of a failure to provide it. The same interpretation, however, is unlikely to apply to Maharashtra and West Bengal. The fact that the NREGA is – as of now – a flop in both States may seem surprising, but it is actually in line with recent policy priorities. Maharashtra has assiduously sabotaged its own Employment Guarantee Scheme from the early 1990s onwards. The government of West Bengal, for its part, had an ambivalent attitude towards the NREGA from the beginning.

There is another way of looking at the State ranking in Table 2. As is well known, the southern and western States (Andhra Pradesh, Gujarat, Karnataka, Kerala, Maharashtra and Tamil Nadu) routinely do better than most of the northern and eastern States when it comes to social policy and rural development programmes. The large north Indian States, for their part, tend to lag far behind. But when it comes to NREGA, the pattern is reversed: only one of the southern or western States (Karnataka) has generated more than 10 person-days of employment per rural household in 2006–2007, while the eastern and northern States have done comparatively well in this respect. Of course, this pattern has to be read in the light of the fact that the need for fallback employment may be greater in the eastern and northern regions. Nevertheless, it is encouraging to find that the NREGA made an early start in these deprived regions (with the significant exceptions of Bihar and West Bengal).

NREGA fact-sheet, 2006-07 (financial year)		Table 1
Person-days of employment generated		
Total	90 crore	
Per rural household ^a	17	
Per job card	24	
Per household employed in NREGA	43	
Share of marginalised groups in total NREGA employment		
Women	40 per cent	
Scheduled Tribes (ST)	36 per cent	
Scheduled Castes (SC)	26 per cent	
Number of NREGA works		
Taken up	8.3 lakh	
Completed	3.8 lakh	
In progress	4.5 lakh	
Expenditure on NREGA		
Total expenditure	Rs. 8,813 crore	
Average expenditure per district	Rs. 44 crore	
Average expenditure per person-day	Rs. 98	
Average wage cost per person-day ^b	Rs. 65	
Share of wages in total expenditure ^b	66 per cent	

^a In the relevant districts, the number of the rural households was taken from the 2001 Census.

^b Unskilled labour only.

Source: Calculated from official data posted on the NREGA website (www.nrega.nic.in). All figures pertain to the 200 districts where NREGA came into force on February 2, 2006.

Empowering Women

The last three columns of Table 2 look at other features of the implementation of the NREGA in different States and enable us, in particular, to spot some important irregularities. Consider, for instance, the participation of women in the NREGA. It is encouraging to note that women's share of NREGA employment is not far from half (40% to be precise) at the all-India level, rising to a startling 81% in Tamil Nadu. The economic dependence of women on men in rural India plays a major role in the subjugation of women, and in this respect the NREGA is an important tool of social change. However, many States are violating the Act by failing to ensure that the share of women in NREGA employment is at least one third: Jammu and Kashmir (4% only), Himachal Pradesh (12%) and Uttar Pradesh (17%) among others. In this connection, it is also worth mentioning that the mandate to provide crèche facilities at NREGA worksites has been brazenly ignored so far almost everywhere. Better arrangements for child care are urgently required to facilitate the participation of women in the NREGA. Of course, it is not just a matter of child care. But the provision of crèche facilities at NREGA worksites would certainly help and would also have much value as a means of creating wider social acceptance of child care arrangements as a basic right of working women.

The labour component of the NREGA is supposed to account for at least 60% of total expenditure. As Table 2 indicates, this requirement is comfortably met in most States, though some of them (Bihar, Jharkhand, Orissa and Uttar Pradesh, for instance) have marginally lower ratios, and Himachal Pradesh spends only 52% of NREGA funds on the

labour component. It would be interesting to know how States like Maharashtra and Tamil Nadu manage to implement NREGA works with virtually no expenditure other than wages. Of course, there is a strong incentive for States to adopt labour-intensive techniques under the NREGA since the labour component is entirely funded by the Central government (unlike the material component, which is shared). The share of wages at the all-India level is 66%, which seems like a satisfactory figure.

The last column in Table 2 presents average wage costs per person-day. This is, for practical purposes, the same as the average wage rate (in rupees per day). Here again, there are major inter-State variations, with (say) Kerala paying more than twice as much as Rajasthan. These large differences raise the question whether it is better to have State-specific wages or a national norm. This complex matter is yet to be adequately debated. Indeed, wage payments raise a host of interesting and complex questions that have been lost in the din of arguments for and against the Act: how NREGA wages should be determined; whether there should be a national norm; whether piece-rate payments are better than daily-wage payments; how work should be measured; whether the “schedule of rates” should be gender-specific; how to avoid long delays in the payment of wages; and so on. It is not too late to initiate an informed debate on these issues.

Minimum wage

Finally, it is alarming to find that some States are evidently paying less than the statutory minimum wage, in flagrant violation of the Act. The most glaring offender in this respect is none other than Rajasthan, where NREGA workers earned a meager Rs. 51/- per day on an average in 2006–2007 even though the statutory minimum wage was Rs. 73/- per day. This is a trifle paradoxical, since workers’ organisations in Rajasthan have been at the forefront of recent struggles for minimum wages. Also, it is in the context of relief works in Rajasthan that the Supreme Court delivered a landmark judgment stating that employing labourers without paying the minimum wage is “forced labour” insofar as it amounts to “[taking] advantage of the helpless condition of the affected persons” (Sanjit Roy vs. State of Rajasthan 1983, SCC (1) 525). More than 20 years after this indictment, the problem persists.

NREGA: State-specific indicators, 2006-07				Table 2
State	Person-days of NREGA employment per rural household	Share of women in NREGA employment (in per cent)	Share of wages in total expenditure ^a (in per cent)	Average wage cost per person-day ^a (in rupees)
Rajasthan	77	67	73	51
Assam	70	32	65	67
Madhya Pradesh	56	43	63	59
Northeastern States ^b	45	49	63	63
Chhattisgarh	34	40	65	63
Orissa	21	36	58	53
Himachal Pradesh	20	12	52	69
Uttarakhand	20	30	61	72
Karnataka	17	51	60	67
Jharkhand	14	28	58	80
Jammu & Kashmir	13	4	65	69
Uttar Pradesh	11	17	59	56
Andhra Pradesh	10	55	86	86
Haryana	9	31	65	97
Tamil Nadu	9	81	96	80
Bihar	8	17	59	70
Gujarat	7	50	65	56
Punjab	7	38	59	94
West Bengal	6	18	78	70
Maharashtra ^c	4	37	95	104
Kerala	3	66	89	121
India	17	40	66	65

^a Unskilled labour only. ^b Excluding Assam (approximate figures, based on incomplete data).

^c Up to (and including) February 2007.

Source: Calculated from official data posted on the NREGA website (www.nrega.nic.in). All figures pertain to the districts where the NREGA came into force on February 2, 2006. The States are ranked in descending order of "person-days per rural household" (first column).

As one might expect, the contrasts discussed so far are even sharper at the district level. For instance, employment generation per rural household is just about one person-day in Madhubani (Bihar) but as high as 111 days in Dungarpur district (Rajasthan). Similarly, while women's share of NREGA employment is above 80% in most districts of Tamil Nadu, it is less than one percent in five districts of Uttar Pradesh. The inter-district contrasts are illustrated in the graphic, with reference to the level of NREGA employment (measured, as before, in terms of person-days per rural household).

Behind these facts and figures is a simple yet powerful message about the NREGA. Within a year of the Act coming into force, the programme has been actively taken up in a small but significant number of districts (20 of them spent more than Rs. 100 crore on NREGA in 2006–2007). Further, field reports suggest that many of the anticipated benefits of employment guarantee are beginning to show in these pioneer districts: there is greater economic security,