

d;

W.P(C)No. 196 OF 2001
ITEM No.15

Court No. 5

SECTION PIL
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(Civil) No.196/2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With appln. (s) for interim relief and interim directions and permission
to submit addl. documents and office report)
(FOR FURTHER CONSIDERATION)

Date : 29/04/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s)Mr. Colin Gonsalves, Sr.Adv.
Mr. P. Ramesh Kumar, Adv.
Ms. seema Kumar, Adv.
Ms. Aparna Bhat,Adv.

For UOI:Mr. Raju Ramachandran, ASG.
Ms. Meenakshi Arora, Adv.
Mr. KC. Kaushik, Adv.
Ms. Varuna Bhandari Gugnani, Adv.
for Mr. B.V.B. Das, Adv.

For Applicant in
I.A.34:Mr. M.L. Verma, Sr.Adv.
Mr. Prashant Kumar, Adv.

For Intervenor-
Health India:Mr. ML. Verma, Sr.Adv.
Mr. Vishwajit Singh, Adv.

For Dadar NagarMr. KC. Kaushik, Adv.
Haveli, AndamanMr. DS. Mahra, Adv.
Nicobar, Daman & Diu,
Lakshdweep

For Bihar:Mr. B.B. Singh, Adv.
Mr. Kumar Rajesh Singh, Adv.

For NCT, Delhi:Mr. Ashok Bhan, Adv.
Mr. SWA. Qadri, Adv.
Mr. A.K. Raina, Adv.
Mrs. Anil Katiyar, Adv.

For Punjab:Mr. R.K. Rathore, AAG

For A.P.:Mr. T.V. Ratnam,Adv.
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Mr. K. Subba Rao, Adv.

For Arl.Pradesh:Mr. Anil Shrivastava, Adv.
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For Pondicherry:Mr. V.G. Pragasam, Adv.

For Manipur:Mr. KH. Nobin Singh, Adv.

For Assam:Ms. Krishna Sarma, Adv.
Mr. Sanjay V.S. Chaudhary, Adv.
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for Corporate Law Group, Advs.

For Jharkhand:Mr. Ashok Mathur, Adv.
Mr. Rajesh Pathak, Adv.

For Uttaranchal:Ms. Rachana Srivastava, Adv.

For Chhattisgarh:Ms. Suparna Srivastava, Adv.
Mr. Rajesh Srivastava, Adv.

For U.P.:Mr. Pramod Swarup, Adv.
Mr. Pramod Dayal, Adv.

For Sikkim:Mr. A.Mariarputham, Adv.
Ms. Aruna Mathur, Adv.for
M/s Arputham Aruna & Co., Advs.

For West Bengal:Mr. Rakesh Dwivedi, Sr.Adv.
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Ms. Neelam Sharma, Adv.
Mr. Tarun Sharma, Adv.

For Tripura:Mr. Anurag Sharma, Adv.
Mr. Navin Prakash, Adv.
Mr. Gopal Singh, Adv.

For Nagaland:Mr. U. Hazarika, Adv.
Ms. Madhvi Sharma, Adv.
Ms. Sumita Hazarika, Adv.

For Rajasthan:Ms. Sandhya Goswami, Adv.

Mr. Aruneshwar Gupta, Addl.Adv.Genl. Mr. Jog Singh, Adv.
Mr. Amarjit Singh Bedi, Adv.

For J & K:Mr. Anis Suhrawardy, Adv.

For Goa:Ms. A. Subhashini, Adv.

For Tamil Nadu:Mr. S. Prasad, Adv.
Mr. Gopalakrishnan R., Adv.
Mr. Abhay Kumar, Adv.
Mr. Rahul Kumar, Adv.
Mr. Sree Narain Jha, Adv.

For Gujarat &Ms. Hemantika Wahi, Adv.
Mizoram:Ms. Sadhna Sandhu, Adv.

For M.P.:Mr. BS. Banthia, Adv.
Ms. Pragati Neekhra, Adv.

For H.P.:Mr. J.S.Attri, Adv.

For Maharashtra:Mr. Mukesh K. Giri, Adv.

For Chandigarh:Ms. Kamini Jaiswal, Adv.

For other parties:

Mr. Jana Kalyan Das, Adv.

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Mr. Ramesh Babu M.R., Adv.

Mr. Sanjay R. Hegde, Adv.

Mr. R.K. Maheshwari, Adv.

Mr. Kuldip Singh, Adv.

UPON hearing counsel the Court made the following
O R D E R

With the assistance of learned counsel, we have perused various documents including Report No. 1 of 2000 prepared by CAG and a working paper on Health, Nutrition and Family Welfare Programme Review of Progress during the Ninth Plan Period by Planning Commission, Government of India (February, 2001). It is evident that Integrated Child Development Scheme (ICDS) is perhaps the largest of all the food supplementation programmes in the world, was initiated in the year 1975 with the following objectives as per the aforesaid document prepared by the Planning Commission.

- i) To improve the health and nutrition status of children 0-6 years by providing supplementary food and by coordinating with state health departments to ensure delivery of required health inputs;
- ii) To provide conditions necessary for pre-school children's psychological and social development through early stimulation and education;
- iii) To provide pregnant and lactating women with food supplements;
- iv) To enhance the mother's ability to provide proper child care through health and nutrition education;
- v) To achieve effective coordination of policy and implementation among the various departments to promote child development.

From the facts and figures given in the documents it appears that despite the fact that for the development of children, in particular, mal-nourished and under nourished children, the scheme is elaborate and intends to cover all the children under the age group of 0-6 years but it appears that a lot more deserves to be done in field to ensure that nutritious food reaches to those who are under nourished or mal-nourished or others covered under the scheme.

The food is supplied to children through Aanganwadi Centers (AWCS). In all, there are 6 lac centers. The norms of Government of India provide for one center for the population of 1000 (700 in case of tribal area). According to the petitioner, going by the said norms there should be 14 lac ACWS. It appears that according to the calculation of Government of India the AWCS would be 12 lacs. We direct the Government of India to file within 3 months an affidavit stating the period within which it proposes to increase the number of AWCS so as to cover the 14 lac habitations. We notice that the norm for supply of nutritious food worth rupee one for every child was fixed in the year 1991. The Government of India should consider the revision of the norm of rupee one and incorporate their suggestion in the affidavit.

In respect of sanctioned AWCS, we direct that the same shall be made fully operational by 30th June, 2004. We further direct that the sanctioned AWCS shall supply nutritious food/supplement to the children, adolescent girls and to pregnant and lactating women under the scheme for 300 days in a year.

We direct the Chief Secretaries to file reports showing that for the period from 1st April, 20

03 till 31st March, 2004 from the sanctioned AWCS how many children, adolscent girls and pregn ant and lactating women were supplied nutritious food/supplement and for how many days during the said period. The report shall be filed by 31st July, 2004. List the matter in the month of August, 2004.

The question regarding Below Poverty Line Scheme will also be taken up on that day instead of July, 2004.

Not to be treated as part heard.

(S. Thapar)
PS to Registrar

(N. Annapurna)
Court Master

(V.P.Tyagi)
Court Master