



WEST BENGAL HUMAN RIGHTS COMMISSION

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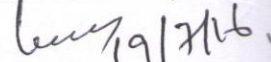
From: Shri Laima Chozah IAS,
Secretary & CEO.

To: The Chief Secretary
Government of West Bengal
NABANNA
325, Sarat Chatterjee Road
Mandirtala, P.O. - Shibpur,
Howrah-711102

Sir,

I am directed to send herewith a copy of the Recommendations on the issues of (1) Identification of eligible households (2) Nutritional support to pregnant women and lactating mothers & Children up to 6 years and (3) Reforms in targeted Public Distribution System which were considered in the National Human Rights Commission and finalized after required modification for your kind information and taking necessary action. The recommendations are self-explanatory.

Yours faithfully,


Secretary & CEO.

Working Group - I

Recommendations on Identification of Eligible Households

1. It is observed that several States have used a patch work of criteria for identification of households. These include list of BPL households based upon earlier Census and some additional criteria which are not based on any household survey. This implies that the objective basis required in identifying 'priority' households has not been built in several cases. The initial basis for identifying priority households should be the SECC or alternatively, an SECC-type survey must be conducted periodically by the State Governments.
2. The States must clearly specify the transparent, objective and verifiable criteria for identifying priority households for rural and urban areas separately. These could be based on exclusion and/or inclusion criteria. These guidelines should be notified and widely publicized.
3. The preliminary list must be notified, and objections invited before approval by the Gram Sabha and finalization of the list as per provisions of the Act.
4. Further, the revision of the list based on the aforementioned objective criteria should be a dynamic and continuous process.

5. There are several hard-to-reach groups, such as the homeless, people in inaccessible and tribal areas, seasonal migrants, beggars, vagrants, etc. for whom States must carry out a special survey which should be repeated at regular intervals. These vulnerable households should be included automatically in the list of priority households.
6. While it is open to States to decide the 'exclusion' and/or 'inclusion' criteria, it is observed that certain categories, such as populations in special homes, orphanages, etc. have so far not been considered for inclusion. On the other hand, it is observed that certain criteria have been kept in consideration which have been found to be defective for example, income ceiling (not linked to tax payment). It is suggested that such criteria should not be part of the objective criteria being considered.
7. Inter-State migrant workers who are included in the priority groups of the origin States should be extended similar benefit in the destination States. The Centre and the States concerned may consider the modalities by which allocations to the recipient States should reflect the migrant populations.
8. Specific steps are required to be taken to reach vulnerable and hard to reach households by designing systems which are not one size fits all.

9. For the purpose of monitoring, ~~separate lists~~ for SC, ST and other vulnerable groups should be maintained by the State Governments at all levels. These lists should be hosted in the public domain.
10. The State Governments should prepare rules incorporating the recommendations made above.

Working Group-II

Recommendations on Nutritional Support to Pregnant Women & Lactating Mothers and Children up to 6 Years

Integrated Child Development Services Scheme (ICDS)

1. All State/UT Governments should ensure that they take all steps to reach all ICDS services to the unreached populations.
2. In particular, in rural areas they should ensure full coverage of hamlets of PVTGs, SC/ST hamlets, nomadic and de-notified tribes, migrant workers' families, remote islands, desert settlements, frontier areas, and forest villages and so on.
3. In urban areas, likewise special care should be taken to cover homeless settlements, children of persons in begging, non-notified slums, construction worker sites, migrant populations, resettlement colonies, red light areas/ sex workers' children, etc.
4. In addition, survivors of natural and human made calamities, and IDPs living in camps should be covered. Also all children who live with their mothers inside jails; also children in other institutions.
5. Dispersed, very small settlements which do not come under existing norms for even mini ICDS centres, should also be covered by creative rearrangement to reach with nutritional support of ICDS type, even if opening of ICDS Centres is well

nigh difficult, because these type of small settlements tend to be of tribal groups, salt pan workers and such communities which require nutritional support often.

6. All Anganwadi centres should effectively deliver all six services under the ICDS scheme, with necessary convergence between departments, and due accountability.
7. ICDS workers are already highly over burdened, they should not be given any other non-ICDS responsibilities.
8. Governments should strictly follow the orders of the Supreme Court banning contractors in supply of Supplementary Nutrition under ICDS. Further, the model of Tamil Nadu and Odisha which is based on collectives of local women producers should be emulated.
9. The rise of per meal budget norms under ICDS should be inflation indexed to ensure that rise in price of commodities does not affect the quality of meals. For this adequate budgetary provision must be made and raised every year by the Government of India and timely releases both by State and Central Governments.
10. ICDS procurement for preparation of SNP should preferably be based on locally produced and culturally appropriate foods with nutritional value not being compromised.
11. All Anganwadi centres should have pucca infrastructure, safe and well ventilated buildings and facilities for cooking, drinking

water, sanitation, electricity services, safe storage, play and educational materials, vessels for the children etc. For this necessary and adequate budgetary allocations should be made.

12. All orders and directions of the Supreme Court with regard to food schemes must be strictly followed.
13. The governments should ensure that all entitlements under the National Food Security Act are portable and accessible across India. In particular, children of migrant and nomadic families should not be turned away from any ICDS centre, where their parents happen to be residing any point of time.
14. The ICDS centre should be certified to be functioning well by local Panchayat or ward, as well as women-headed social audits by parents of children. There should also be local grievance redressal mechanism. In addition, reputed NGOs and academic institutions should periodically conduct third party evaluations.
15. For ICDS centres that are located in remote, rural, hilly, forested areas adequate stock should be maintained to ensure that there is no interruption in the supply of SNP.
16. ICDS workers must be certified to be regularly trained by accredited agencies so as to build their capacities to fulfil their duties and work with infant and young children, and pregnant mothers. This should also equip them with skills of

counselling as well as knowledge of appropriate government schemes.

17. ICDS workers must be adequately remunerated and receive their remuneration on timely basis. The ICDS worker should be appointed from the same hamlet as far as possible.
18. Care should be taken to ensure full nutritional value of SNP given to the children. In terms of protein intake, it appears that egg is a good, non-pilferable and non-fungible source of protein. In as much as it is not culturally repugnant, egg should be provided as in several States it is being done. Where and for those children in Anganwadis who do not take egg, milk should be provided.

Maternity Benefits

1. The Central Government should immediately frame and implement a universal and unconditional scheme for maternity benefit in accordance with Section 4 (b) of NFSA. Failure to do this is a grave violation of the NFSA law.
2. The NFSA clearly includes all women under this entitlement except those who already avail of maternity benefits. Therefore, the scheme should not be subject to any eligibility criteria restrictions such as age of marriage or number of children, other than excluding those women who are employed in the formal sector or/and are in receipt of similar benefits. Such exclusions would only serve to exclude a large proportion of the most vulnerable women, and in effect penalise them for their own victimisation.
3. Adequate funds should be made available for full implementation of the maternity benefit scheme.

Mid-day Meals

1. The Government should ensure that out-of-school children are also covered under the Mid-day meal scheme and that meal is not denied to any child approaching a school by organizing bridge-schools, if necessary.
2. Mid-day meals should be served even during vacations in all drought-affected areas (all 365 days).
3. The per meal budget norms under Mid-day meals should be inflation indexed to ensure that rise in price of commodities does not affect the quality of meals.
4. All schools should have proper buildings and infrastructure with facilities for cooking, drinking water and storage of food grains.
5. The Government should make adequate budgetary and resource allocations for implementation of provisions of NFSA.
6. All orders and directions of the Supreme Court with regard to food schemes must be strictly followed.
7. The Government should ensure that all entitlements under the National Food Security Act are portable and accessible across India.
8. Schools should have separate safe and hygienic spaces for cooking.

9. It should be compulsory for all private schools to also provide mid-day meals to their students, based on cost-norms prescribed by the Government.

10. The take-away food for 6 months to 36 months old children appears to be a disorganized scenario. At least, one meal can be considered to be delivered at the ICDS Centre to children in this group as well.

Working Group – III

Recommendations on Reforms in Targeted Public Distribution System

1. Under the Constitution it is the duty of the State to raise the level of nutrition of the people. It is therefore important that in the PDS system more items are included to meet the nutritional needs. Section 12 read with Schedule III of the National Food Security Act (NFSA) has provisions to diversify and include more items in the PDS. States should endeavour in a time bound manner to include fortified salt, pulses and edible oil or any other item to raise nutritional level at reasonable price. Millets in any case is an existing entitlement in Schedule I, which must also be distributed wherever demand is identified.
2. State should make an endeavour to implement reforms as envisaged in section 12 especially giving preference to Public Bodies, Self Help Groups, Cooperatives, etc. in a time bound manner.
3. Door-step delivery of PDS items at FPS levels preferably by State Agencies should be ensured by the State. GPS tracking of the movement of food grains from FCI to doorstep should be implemented. Proper storage in the

logistic chain is to be ensured to prevent leakages/pilferage.

4. End to end computerisation from procurement to delivery to the beneficiary should be implemented by all the States in a time bound manner.
5. Aadhaar seeding which provides robustness to the beneficiary list should be done.
6. Standard Operating Procedures (SOP) giving multiple options for distribution of food grains should be laid down in cases where there is technological breakdown, i.e. either internet is not working or ePOS machine is not functioning or biometric authentication fails.
7. The State and Central Governments should endeavour to set up at Gram Panchayat level Grain Banks in order to ensure local food availability and security. Norms should be made at the local and State level to ensure fair distribution and storage.
8. States should endeavour to implement provisions of Schedule III Section 2 (a) (b), (c) and (d) towards ensuring decentralized procurement and storage including procuring nutritious grains like ragi, bajra, maize, etc..
9. All service providers must ensure uninterrupted GPRS connectivity up to Gram Panchayat level. Signal surveys

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be done at FPS levels and connectivity should be made through the best signal available.

10. Portability of food entitlements for the intra State migrants, to begin with and eventually for all may be implemented in a time bound manner.
11. State should implement provisions of section 28 sub-clauses (1) & (2) related to social audits and ensure transparency in the functioning of FPS.
12. States should implement at the earliest the setting up of vigilance committees at all levels including the FPS level. Due representation should be given to local authorities, SC, ST, women and members of vulnerable groups including destitutes and disabled persons as stated in section 29 (1) of the Act.
13. An effective Grievance Redressal Mechanism ought to be put into place from Panchayat and Block Level linking to the District level in every State. The DGROs and State Food Commissions are ought to be exclusively appointed for this purpose and not burdened with other additional responsibilities. It should necessarily be ensured that the DGROs and State Food Commission are not entrusted with the job of implementation of NFSA and should form a grievance redressal mechanism.

14. Certain States have raised the issue of protecting their quota of allocation of Food Grains by the Central Government at the level of Three Years average preceding the implementation of the Act as provided in Schedule IV of the Act.
15. Any beneficiary who is not able to go to the FPS in person (physically challenged, pregnant women and senior citizens) to get his/her ration may be allowed to authorize someone on his/her behalf to get the ration pertaining to his/her entitlement.
16. The entitlements under the Antyodaya Anna Yojana (AAY) is fixed at 35 Kg @ 7 Kg per member for a maximum 5 member household. At the same time, no such ceiling is there for priority households being entitled 5 Kg per member. Hence, in order to remove this discrepancy, the entitlements under AAY should also be 7Kg per member without any presumed ceiling on members.
17. Special emphasis and innovative mechanism should be created for ensuring the delivery of entitlement of women, SC, ST and vulnerable groups, who are in dispersed and hard to reach locations.
18. Desegregated data of SC and ST should be maintained.

19. Food should not be replaced by cash due to market price fluctuation on one hand and the tendency to use cash for non-priority items on the other.
