

GAHC010024162017



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/27/2017

SAURADEEP DEY
4-C, AASTHA ENCLAVE, OPP. G.L. PUBLICATIONS, G.S. ROAD, ULUBARI,
GHY., ASSAM, PIN-781007.

VERSUS

THE UNION OF INDIA and 5 ORS.
REP. BY THE DEPTT. OF FOOD AND PUBLIC DISTRIBUTION MINISTRY OF
CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION, THE
SECRETARY FandD THROUGH ITS SECRETARY, KRISHI BHAWAN, NEW
DELHI-110001.

2:MINISTRY OF WOMEN and CHILD DEVELOPMENT
,

THOROUGH ITS SECRETARY
SHASTRI BHAWAN
NEW DELHI-110001.

3:THE STATE OF ASSAM
REP. BY THE COMMISSIONER and SECRETARY
DEPTT. OF SOCIAL WELFARE
GOVT. OF ASSAM
ASSAM SECRETARIAT
DISPUR
GUWAHATI
ASSAM
PIN-781006.

4:THE DIRECTOR

DIRECTORATE OF SOCIAL WELFARE
M.G. ROAD

KACHARI GHAT
UZANBAZAR
GUWAHATI-781001.

5:THE DISTRICT SOCIAL WELFARE OFFICER

DISTRICT SOCIAL WELFARE OFFICE
SONITPUR
KACHARIGAON
TRIBENI COMPLEX
NEAR VISHAL MEGA MART
TEZPUR
SONITPUR
ASSAM
PIN-784001.

6:THE DY. COMMISSIONER
SONITPUR

MAHATMA GANDHI ROAD
MAHABHAIRAB
TEZPUR
ASSAM
PIN-784001

Advocate for the Petitioner : MS.N DEKA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA
HONOURABLE MR. JUSTICE ROBIN PHUKAN

JUDGMENT & ORDER (ORAL)

27.03.2023

(AM Bujor Barua, J)

Heard Ms. D Ghosh, learned counsel for the PIL petitioner. Also heard Ms. M Bhattacharjee, learned Additional Senior Government Advocate for the

respondents in the Government of Assam and Ms. A Gayan, learned CGC for the respondents in the Union of India.

2. This PIL petition is instituted by a practicing lawyer of this Court to bring it to the notice of the Court that for the Supplementary Nutrition Programme in respect of pregnant and lactating women in the district of Sonitpur, the necessary benefits that they are otherwise entitled under Section 4 of the National Food Security Act, 2013 (for short, the Act of 2013) have not been provided.

3. Section 4 of the Act of 2013 is extracted as below:

4. Nutritional support to pregnant women and lactating mothers- Subject to such schemes as may be framed by the Central Government, every pregnant women and lactating mother shall be entitled to –

(a) meal, free of charge, during pregnancy and six months after the child birth, through the local Anganwadi, so as to meet the nutritional standards specified in Schedule II; and

(b) Maternity benefit of not less than rupees six thousand, in such installments as may be prescribed by the Central Government:

Provided that all pregnant women and lactating mothers in regular employment with the Central Government or State Governments or Public Sector Undertakings or those who are in receipt of similar benefits under any law for the time being in force shall not be entitled to benefits specified in clause (b).

4. A reading of Section 4(a) and 4(b) makes it discernible that subject to such schemes as may be framed by the Central Government, every pregnant

women and lactating mother shall be entitled to meal, free of charge, during pregnancy and six months after the child birth, through the local anganwadi, so as to meet the nutritional standards specified in Schedule II and maternity benefit of not less than rupees six thousand, in such installments as may be prescribed by the Central Government.

5. In response thereof, when the matter was being heard on 17.03.2023, the respondents had placed materials before the Court that there is a scheme namely Pradhan Mantri Matru Vandana Yojana (PMMVY) which is presently in place and that the said scheme provides for a cash benefit in two installments of Rs.3000/- being the first installment and Rs.2000/- being the second installment to pregnant women for her first child through the direct bank transfer method and further that the scheme would cover even the second child in case of a girl child and in such event would get cash benefit of Rs.6000/- in one installment after the birth of the girl child. By the order of 17.03.2023, a satisfaction was arrived that the provision of the PMMVY scheme which is presently in place do substantially meet the requirement of Section 4(b) of the Act of 2013.

6. As regards the requirement of 4(a), a Supplementary Nutrition Programme has been produced by the respondents which is extracted as below:

Supplementary Nutrition Programme

“Supplementary Nutrition Programme is one of the major component under the Anganwadi Services. It is a flagship programme of Govt. of India, Ministry of Women and Child Development. The prime objective of Supplementary Nutrition Programme is

to improve the nutritional and health status of children in the age group of 6 months to 6 years, pregnant women and lactating mothers. It also aims to prevent and reduce the prevalence of malnutrition, especially among vulnerable groups. Supplementary Nutrition Programme also promotes the growth and development of children by providing them with adequate nutrition.

Supplementary Nutrition Programme is implemented in two forms i.e. Hot Cook Meal and Take Home Ration.

Hot Cook Meal(HCM):-

- a) Hot Cook Meal is provided to the pre-school children of age group 3-6 years who attends Anganwadi Centres (AWCs) regularly.*
- b) It is provided in a decentralized manner where fund is being released to the Joint Account of Deputy Commissioner's and District Social Welfare officers through PFMS portal and that amount has been released to the Anganwadi Centre Management Committee to increase the efficiency for last mile delivery of Hot Cook Meal to the beneficiaries. It will also boost the local economy through procurement of food items from the local market.*
- c) Various recipes were introduced which are approved and recommended by the State Level Committee in order to provide Hot Cook Meal which will increase the palatability and taste of the food items as well as to meet up the nutritional requirement.*

Take Home Ration(THR):-

- a) Take Home Ratio is provided to the children of the age group 6 months to 3 years, severely malnourished children of the age group 6 months to 6 years, pregnant women and lactating mothers.*

b) Rice and mixed pulse based Micronutrient Fortified Energy Dense Food is provided in packets with printed information related to the THR product through the empanelled manufactures. The main objective is to distribute Micronutrient packets to address the issue of micronutrient deficiencies and anaemia.

c) Similarly, under the said programme, new food items i.e. Instant Dal Khichdi and Multigrain Suji Halwa as Cereal Based Micronutrient Fortified Energy Dense Food is introduced.

d) Food items under Take Home Ration is provided at 15 days/25 days at a time to improve the nutritional status of the targeted beneficiaries.”

7. It is agreed by the petitioner as well as the respondents that the aforesaid provisions would be a sufficient compliance of the requirement of Section 4(a) of the Act of 2013. Accordingly the aforesaid provisions of the Supplementary Nutrition Programme is accepted and the respondents in the Union of India as well as the State of Assam through the Women and Child Development Department are directed to observe strict compliance of the requirement of the Supplementary Nutrition Programme through the Anganwadi Centres of the districts of Assam so that the pregnant women and lactating mothers are the beneficiaries of such programme.

8. For the purpose, the prospective beneficiaries are required to make themselves available before the respective Anganwadi Centres or any other appropriate authority and get themselves registered for the benefits of the scheme.

9. A copy of the Supplementary Nutrition Programme provided to the Court

be kept as part of the record.

10. With the above observations and directions, this PIL petition stands disposed of.

JUDGE

JUDGE

Comparing Assistant