No. 19-5/2003-CD-I (pt.)
Government of India
Ministry of Human Resource Development
Department of Women & Child Development

Shastri Bhavan, New Delhi
14th February, 2005

Sub : WP (Civil) No. 196/2001 - PUCL. Vs. Uol and Ors- Supreme Court's Directions "BPL shall not be used as an eligible criteria for ICDS''.

Sir/Madam,

The States are aware that one of the directions contained in the Supreme Court's order dated 7.10.2004 in the aforesaid matter is "BPL shall not be used as an eligibility criteria for ICDS". In this connection, attention is drawn to the provisions contained in the ICDS Scheme and guidelines issued from time to time for selection of beneficiaries for supplementary nutrition.

(i) Para 3 of the Scheme book says that services under the scheme can be provided, particularly to the weaker and vulnerable sections of the community.

(ii) In Para 8 of the Scheme, "need for the service'' is mentioned as the first criteria for the selection of services.

(iii) Para 15 of the Scheme reads as under:

"Supplementary nutrition will be given to children below 6 years of age and to nursing and expectant mothers from low income families and in accordance with guidelines issued from time to time for the purpose of selection of beneficiaries.....".

(iv) Target population for each of the services under the Scheme in a rural/urban Project and in a tribal Project is given in tables below para 34 of the Scheme. As far as supplementary nutrition is concerned the coverage is only 40% of the target population in rural/urban Projects and 75% of the target population in a tribal project whereas the coverage for other services viz. immunization and health check-up is 100% of the target population. Beneficiaries of supplementary nutrition should be selected as per guidelines issued from time to time.

(v) Based on the schematic pattern, following guidelines have been issued from time to time with regard to beneficiaries of supplementary nutrition:-

(i) [MSW No. 6-11/75-CD dated 26.11.1975, MSW No. 12-3/75-CD dated 29.12.1976 and MSW No.1-18/84-CD dated 30.11.1984]
(ii) [MSW No. 12-5/76-CD dated 4.3.77]
(iii) [DWCD's letter No. 1-22/88-CD dated 12.9.88]
(iv) [DWCD's letter No. 1-22/89-CD dated 11.1.90]
(v) [DWCD's letter No. 1-6/93-CD-1 dated 20.7.93]

(vi) [DWCD's letter No. 11-1/92-CD-II dated 27/1/95

Copies of the aforesaid guidelines are enclosed.. The guidelines dated 11.01.1990 stipulates that all children hailing from families living below the poverty line should be provided supplementary nutrition at the Anganwadis and under no circumstances should adoption of any norms other than the standard of poverty as defined in the context of poverty line expressed through income levels, from time to time by the Planning commission be resorted to. 2. It is a matter of fact that it is the children of very poor and deprived families who come to the Anganwadis. Those who can afford nutrition of their own do not attend Anganwadis. Therefore, even by way of self-targeting, supplementary nutrition is not for all. Though anyone who comes to the Anganwadi Centre cannot be segregated if one is present at the time suplementary nutrition is being distributed, in view of out cultural and social ethos.

3. Under the schematic pattern, the State Governments are responsible for providing supplementary nutrition out of their own resources. Therefore:-

(i) The States/UTs may indicate the increase in the number of beneficiaries for supplementary nutrition as a result of direction of the Supreme Court referred to above and the financial implications of the same by an affidavit in Apex Court.

(ii) The State Governments are requested to furnish their comments on the direction of the Supreme Court in the light of the existing provisions in the Scheme and guidelines issued from time to time, as indicated above to Department of WCD.

(iii) A copy of the Affidavit filed in the Supreme Court may be sent to this Department.

Yours faithfully,

(I.S. Balghour)
Under Secretary to the Govt. of India
Tel. 23389584

To

The Secretaries in-charge of ICDS in all the States/UTs