Description of the Schemes Covered by the Supreme Court Orders

Mid-day Meal scheme

Official guidelines

- The National Programme for Nutritional Support to Primary Education [MDMS] was started in 1995. Cooked mid-day meals were to be introduced in all government primary schools within two years. In the meantime, state govts were allowed to distribute monthly dry-rations to the children instead of cooked mid-day meals.
- The centre allocates through FCI to each district a quantity of grain @ 100 gms of grains per child per day. The allocation is made based on the oftake of the previous term
- Cooked meals with the content of 300 calories and 18-20 gms of protein is to be provided on every working day of the school and for at least 200 days a year to students having a minimum of 80 % attendance in the previous month. Where dry rations are given, 3 Kgs of wheat or rice per month is to be provided to every child with 80% attendance for 10 months in a year.
- The scheme covers all students in government and government aided primary schools. Non Formal Education centres are not covered in this scheme.
- Reimbursement for transport and other facilities is to be provided by the Centre, but typically, it has not been covering the costs. The states have been complaining that they have to meet the costs of transport, personnel, etc. for implementing this fully centrally sponsored scheme .
- GoI allots the grains to the districts directly. The collector coordinates it with the department of education and the gram sabhas on issues of logistics.

Court order

Cooked mid-day meal is to be provided in all the government and government aided primary schools in all the states. In states, where the scheme is not operational, it is to be started in half the districts

1.4 Explanation Regarding Non-Forest Purpose

(i) Cultivation of tea, coffee, spices, rubber and palm is a non-forestry activity, attracting the provisions of the Act.

(ii) Cultivation of fruit-bearing trees or oil-bearing plants or medicinal plants would also require prior approval of the Central Government except when:(a) The species to be planted are indigenous to the area in question; and

SUGGESTION ______________________________ No. 5

This provision does not guarantee the survival of biodiversity since what is indigenous is difficult to define in every situation. Further a monoculture of indigenous species is also harmful to biodiversity ________

(b) Such planting activity is part of an overall afforestation programme for the forest area in question.

1.5 Tusser Cultivation

(i) Tusser cultivation in forest areas by the tribals as a means of their livelihood without undertaking monocultural Asan or Arjun plantations shall be treated as a forestry activity. Therefore, no prior approval of the Central Government under the Act is necessary.

(ii) Tusser cultivation in forest areas for which specific plantation of Asan or Arjun trees are undertaken for providing host trees to the silk cocoons shall be treated as forestry activity not requiring prior approval of the Central Government provided such plantation activity does not involve any felling of existing trees; provided further that while undertaken such plantations, at least three species are planted, of which no single species shall cover more than 50% of the planted area.

(iii) Plantation of mulberry for silkworm rearing is a non-forestry activity attracting the provisions of the Act.

1.6 Mining

(i) Mining including underground mining is a non-forestry activity. Therefore, prior approval of the Central Government is essential before a mining lease is granted in respect of any forest area. The Act would apply not only to the surface area which is used in the mining but also to the entire underground mining area beneath the forest. A renewal of an existing mining lease in a forest area also requires the prior approval of the Central Government. Continuation or resumption of mining operation on the expiry of a mining lease without prior approval would amount to contravention of the Act.

(ii) The advice of the Ministry of Law, Government of India in regard to the Supreme Court Order in Civil Appeal No.2349 of 1984 dated 7.5.1985 is in Annexure-III.

(iii) Boulders, bajri, stone, etc., in the riverbeds located within forest areas would constitute a part of the forest land and their removal would require prior approval of the Central Government.

1.7 Clarification on Sub-clause 2(iii) of the Act

(i) The Sub-clause shall not be attracted when any forest land or any portion thereof is assigned to any authority, corporation, agency or any other organisation wholly owned, managed or controlled by the concerned State/Union Territory Government and/or the Central Government. Such Government owned, managed or controlled authority/corporation/agency, which has been assigned such forest land shall not reassign it or any part thereof to any other organisation or individual.

of the state (by order of poverty) by Feb 28th, 2002. By May 28, 2002, it is to be started in the rest of the districts too.

Targeted Public Distribution Scheme

Official guidelines

- The scheme was introduced in 1997 to replace the earlier integrated under the public distribution system (PDS). The families are categorised as below poverty line (BPL) and above poverty line (APL). The two groups have different entitlements with BPL families getting more grain at a cheaper price than APL families. The total number of BPL families in each State is chosen by the Planning Commission. BPL families to be identified on the basis of household surveys. The grain to be distributed is 35Kgs to every BPL family every month at the following rates @ Rs 4.15 per KG for wheat and Rs 5.65 per Kg for rice
- The BPL families are given a card of a different colour to distinguish from the APL families

Court order

All the BPL families to be identified by 1 January 2002. All the BPL families in all the states should be given their ration regularly at a stipulated BPL price.

Antyodaya Anna Yojana

Official guidelines

- Introduced to provide food security to the poorest of the poor. Provision has been made to identify one crore such families. The selected families are given a special Antyodaya Card, with which they can claim the grain from the local ration shop.
- 35 Kgs of grains to be provided each month to the selected families at the price of Rs. 2 / Kg for wheat and Rs. 3/ kg for rice.
- The identification of families is to be done by Gram Sabhas.

Court order

The Antyodaya families should be identified in all the states and

APPLICATION OF FOREST (CONSERVATION) ACT, 1980

INTRODUCTION

Conservation of forests and wildlife marked the public and political discourse in India in the 1970s. Forest (Conservation) Act is definitely result of the growing need for conservation of forest cover that resulted out of these debates. The Forest (Conservation) Act (FCA) was enacted in 1980 in a political climate, which was beginning to appreciate the necessity for conserving forest and associated life forms. The Wild Life (Protection) Act, 1972 was the first comprehensive wildlife conservation legislation that came into being as a result of these debates. The Act was however limited in its scope to protect wild fauna. Only much later (in 1991) was floral species included within the purview of the Act[1]. The 42nd Constitution Amendment transferred forest to the Concurrent List (List-III) entry 17 A. Following this transfer Parliament enacted the Forest (Conservation) Act in 1980. This leaves the union only with the concerns of conservation at a broader level, while administration and management lie with the states.

There absolutely no doubt on the role the Forest Conservation Act, 1980 has played in halting deforestation activities. However, there are certain gaps in the Act that hinders several conservation efforts of the state. For example, the Act in its fold does not cover several ecological role the forest as a ecosystem can play, it is highly tree-centric in its approach. Also, under the Act any non-forest use is permissible in any forestland so long as the prior approval of the Central Government is taken. With the stroke of approval which has political backing many a times, any non-forest activity can be cleared. This is also because, The provisions of the FCA are quite deficient in their scope to address current challenges to the conservation of biodiversity such as, industrialisation, mining and urbanisation. Hence, while analysing the FCA in the present context it was felt necessary not only to look into the bare letter of the Act but also to analyse the various circulars issued by the Ministry of Environment and Forests (MoEF), under the Act. Although it can be argued that these circulars are subordinate rules yet in the present administrative system circulars are what guides officials in day-to-day implementation of the Act. Hence, detailed treatment is given to various circulars issued from time to time. The objective was to see the scope of the Act together with operation of circulars on the ground and suggest necessary changes to widen the scope of the Act to conserve not only forests but also factors that are required to conserve forest and the larger ecosystem.

1.1. Definition

(i) The term 'Forest land' mentioned in Section 2 of the Act refers to reserved forest, protected forest or any area recorded as forest in the government records. Lands that are notified under Section 4 of the Indian Forest Act would also come within the purview of the Act. (Supreme Court's Judgement in NTPC's case). All proposals for diversions of such areas to any non-forest purpose, even if the area is privately owned, would require the prior approval of the Central Government.

SUGGESTION ______________________________ No. 1

[1] However, the Act gives protection to only six species of plants mentioned in schedule VI.

grain should be provided to the beneficiaries each month, as per the official guidelines.

50 lakh additional Antodaya cards to be distributed in the entire country to certain priority groups like Primitive tribes, single women without support etc.

Annapurna Scheme

Official guidelines

- The scheme was introduced in 2000 to provide food security to elderly citizens who have no income of their own and no one to take care of them
- 10kg of food grains (rice or wheat) per month to be provided free of cost to all indigent senior citizens who are eligible for old age pension but are presently not receiving it.
- The total number of beneficiaries is not to exceed 20% of the old age pensioners within a State.
- The Dept. of Rural Development is to release funds to the State Food & Civil Supplies Dept. who will then coordinate with FCI and other agencies concerned.
- The State Dept. of Public Distribution will be the nodal agency concerned.
- Beneficiaries to be identified by the Gram Panchayat

Court order

The scheme should be operationalised in all the states and 10 Kgs of grain should be distributed each month free of cost to all the indigent citizens who are eligible for a pension under the National Old Age Pension Scheme but not actually receiving a pension.

Integrated Child Development Scheme

Official guidelines

- Started as a programme that addresses children s needs from one umbrella. The anganwadi, or ICDS centres would be the centre of convergence of all the schemes. The scheme covers areas from nutrition of the pregnant women to nutrition, healthcare and educational needs of the child till he or she completes the age of 6.
- Children up to 6 years to be provided 300 calories and 8 to 10 gms of protein
- Adolescent girls to be provided 500 calories and 20-25 Gms of protein per day.
- Pregnant and nursing mothers 500 calories 20-25 gms of protein per day.
- Malnourished children are entitled to double the daily supplement provided to the other children [600 calories and/or special nutrients on medical recommendation]
- The services of the scheme include supplementary nutrition, immunization, health check-up, referral services, and non formal preschool education

Court order

The nutrition component of the scheme should be operationalised. Each settlement of a thousand people should have at least one ICDS centre.

An ICDS centre, or anganwadi is to be available in each settlement of 1000 people.

National Old Age Pension Scheme

Official guidelines

- Introduced under the National Social Assistance Program on 15 August 1995.
- Age of the applicant should be 65 years or above.
- Applicant must be a destitute in the sense of having little or no regular means of subsistence of his/her own and no financial support from family members or other sources
- The basic pension is Rs.75/- per month per beneficiary. The State governments may add to this basic amount from their own sources.

- The Central Government sets an upper ceiling on the number of beneficiaries for a State/UT.

Court order

The pension amount to be paid regularly every month before the 7th of each month

National Family Benefit Scheme

Official guidelines

- Available for BPL households on the death of the primary breadwinner in the bereaved family.
- Amount of assistance is Rs.10, 000/- lump sum
- The death of the primary breadwinner (due to natural or accidental causes) should have occurred while he or she is in the age group of 18-64 years.
- Family benefit is paid to such surviving member of the household of the deceased who, after local inquiry, is determined to be the head of the household.

Court order

The amount of Rs. 10,000 should be paid within four weeks through a local Sarpanch whenever the primary breadwinner of the family dies.

National Maternity Benefit Scheme

Official guidelines

- A lump sum cash assistance of Rs. 500/- to be provided to pregnant women of BPL households given provided they are 19 years of age or above
- The benefit is available up to the first two live births.
- The benefit is disbursed 8-12 weeks prior to the delivery. In case of delay, the benefit may be given even after the birth of the child.

Court order

The amount must be given to the pregnant woman 8-12 weeks

DEC DRAWDOWNS

PAYMENT REQUISITION FORM

Requests for payment should be submitted to DEC by 5th of each month.
Transfers to member agencies will be made by 8th of each month

FROM: **Agency name:** **ActionAid**

Requested by: **Amar Jyoti Nayak**

Position: **Regional Manager, Gujarat**

Email: amarn@actionaidindia.org

Phone: **91 79 6300279 /91 283664944** **Fax:**

TO: **Disasters Emergency Committee**
52 Great Portland Street, London W1W 7HU
Phone: **020 7580 6550**
Fax: **020 7580 2854**
Email: **info@dec.org.uk**

Appeal Name : DEC Gujarat / Final Distribution

Disaster Response Programme / Extended Period of Response (delete as appropriate)

1. Allocation of Agency Entitlement

Agency Entitlement – outset	(a)	£519,000
Agency Entitlement – adjusted (date:)	(b)	£
Total Allocated (Budget as agreed with DEC)*	(c)	£ 519,000
Total Unallocated (b-c)	(d)	£

2. Payment Request

Total Allocated (Budget as agreed with DEC)*	(c)	£ 519,000
Total actual expenditure to date	(e)	£280370
Total expenditure forecast for coming month	(f)	£238630
Total (e+f)	(g)	£519000
Total payments transferred to date**	(h)	£ 258000
Payment requested now	(j)	£ 261000
Balance of funds agreed held by DEC (c-h-j)	(k)	£ 0

3. Previous Payments Date :

i	24/06/2003	£258000
ii		£
iii		£
iv		£
v		
Total payments transferred to date**	(h)	£258000

SIGNED BY Amar Jyoti Nayak **Date : August 27, 2003**

Budgeted and actual expenditure

Budget for Quarter 1 and Quarter 2: INR 2924650
Actuals Quarter 1 & 2: INR 1424659

Reasons for Variance:

1. Various factors have led to the low realisation of the budget. A few of them are as follows: The Budget was prepared keeping in mind a duration of 6 months (2 Quarters). However since the project could be grounded from 1st of February in few villages and the first quarter took us to arrange the logistics, the realisation has not been as planned.
2. On the honorarium of the Community cadre, there has been less expenses in the UP subproject, since all the cadre selected are from the Mushahar community and they are still working as trainees and thus the per person disbursement.
3. Since the training of the cadre on Lok Adhikar Yojana was delayed, the process could not be initiatied. However, this will start from the 3rd quarter.
4. Preparation of video film on government schemes and their working on the ground has notyet been initiated. It is planned that this will be done in the 3rd quarter.
5. The half yearly social Audit on the expenses incurred will be initiated in the 3rd quarter, since

Constraints / Problems and action taken

- Our initiative especially that of land patta issue poses a threat for us since local landlords feel that their land holding will be threatened.
- Government having its own biases towards Musahars and to a large extent influenced by the local influential/landlords
- Since land issue comes as a priority the local landlords are bit apprehensive of our intervention and might jeopardize the proposed intervention.

ACCOMPLISHMENT TILL THE 2ND QUARTER IN EAST CHAMPARAN

- The project is in an advanced stage in 115 *Tolas* those became part of the project in the first phase, in the 2nd phase 13 *Tolas* became part of the project. Most of the accomplishments apply to the 115 villages. In these 115 villages:
  - Village level CBOs, Musahar Vikas Manch has been
  - The Grain Banks have been formed. Total collection of grains (wheat) in 110 villages is 85 quintals. The remaining villages will be covered in the next quarter and the project contribution to the Bank will be given during that period
- In 110 villages, a community fund to tackle crisis situation has been created and the Mushahr community have been able to save about Rs.65000/- However, the Mushar Manches have not been able to open village level accounts. This is going to be a priority area in the next quarter.
- An important achievement of the organization Musahar Vikas Manch is that the people of Thikahan Math of Pakadidayal Block could take possession of the ceiling surplus ;land that was allotted to them long time back. The District Administration has actively helped the Mushar Adhikar Manch in this regard.
- After Dharna in block head quarters, Food For Work has been initiated in Shambhu Chak village under Kalyanpur Block. Under this scheme a link road measuring 300 meters from the village to connect the main road and one pulia (small bridge) has been constructed. The contract was taken by Mrs. Rama Devi a Mushahar woman.
- 33 Indira Awas has been allotted to Musahar families in five villages. (Meel Chowk - 4, Nanhkar - 4, Madhopur Kesaw - 6, Kanhi Tola - 9, Galimpur - 10)
- With the efforts of the project link has been established with the educational authorities and a total of Rs. 37920/- has been distributed as scholarship to 186 student from the Mushar community belonging to 9 villages (Galimpur, Kanhi Tola, Bhurkurwa, Madhopur Kesho, Katahan Balua, Meel Chowk, Nanhkar and Amwa.
- Rupees three Lakhs have been sanctioned to raise the height of homestead land for Delho village under food for work scheme. But work has been stopped due to rain.

before delivery. All the eligible candidates must be covered under the scheme.

SGRY

NATURE OF THE SCHEME

The Programme will be implemented as a Centrally - sponsored Scheme on cost sharing basis between the Centre and the States in the ratio of 75:25. In the case of Union Territories, the Centre would provide the entire (100%) funds under the Scheme. Foodgrains are to be provided free of cost to the States / Union Territories. The cost of transportation of the foodgrains from the FCI godown to the work-site/PDS and its distribution will remain the responsibility of the State / UT Governments. The total outlay allocated is Rs 5000 crores in funds and 4500 million tonnes of foodgrains for the two streams excluding the special component .

OBJECTIVES

Wage employment in the rural areas and also food security, alongside the creation of durable community, social and economic assets and infrastructure developments in these areas

STRATEGY OF IMPLEMENTION OF THE SGRY

The Programme will be implemented in two Streams: -

- The First Stream will be implemented at the District and Intermediate Panchayat levels; 50% of the funds will be earmarked out of the total funds available under the SGRY and distributed between the Zilla Parishads (20%) and Intermediate Level Panchayats or Panchayat Samitis (30%).
- The Second Stream will be implemented at the Village Panchayat level; 50% of the funds available under the SGRY will be earmarked for the Village Panchayats and distributed among the Gram Panchayats through DRDAs/Zilla Parishads.