

REPORTABLE

(284)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

299068

WRIT PETITION (C) NO. 196 OF 2001

People's Union for Civil Liberties

...Appellant

Versus

Union of India & Ors.

....Respondents

JUDGMENT

Dr. ARIJIT PASAYAT, J.

Certified to be true copy

*[Signature]*  
Assistant Registrar (Judicial)  
22-4-2011

Supreme Court of India

3. Heard learned counsel for the parties. It has been submitted by learned counsel for the Union of India that keeping in view the orders passed by this Court on several dates, several actions have been taken, which substantially comply with the directions given by this Court.

4. Colin Gonsalves, Sr. counsel on the other hand stated that though there has been substantial compliance of the directions given by this court yet there is some reservation about the revised nutritional and feeding norms for supplementary nutrition in ICDS Scheme. It is submitted that there is scope of involving contractors in the supplies which was prohibited by that Court.

5. By affidavit dated 2<sup>nd</sup> March, 2009, the Union of India has

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 highlighted several factors which create serious dent against malnutrition. It is stated that same can be made to achieve a significant reduction in the rate of malnutrition. The said affidavit clarifies that these interventions include universalization of ICDS (by sanctioning 13.80 lakh Anganwadi/ Mini Anganwadi Centres and 20,000 Anganwadis-on Demand making a total of 14 lakh Anganwadis/Mini Anganwadi Centres as mandated by this Court) and, most importantly, reduction in the gap between Recommended Dietary Allowance (hereinafter referred to as "RDA") and Actual Dietary Intake (hereinafter referred to as "ADI"). On a careful consideration of the matter, the Central Government has revised both the nutritional and feeding norms as well as the financial norms of supplementary nutrition under the ICDS Scheme.

4. It is noted that the nutritional norms have remained unchanged since inception of the Scheme (in 1975) until a recent comprehensive review by a Task Force constituted by the Central Government. On the basis of the recommendations of this Task Force, the calorific and feeding norms for supplementary nutrition in ICDS Scheme in respect of children of all categories below 6 years of age and pregnant women and nursing mothers have been revised. The Table below shows the old and revised norms:

Category	Old Norms			Revised Norms		
	Rate Rs./ per benefi- ci-	Calor- ies (Cal)	Prote- in (g)	Rate Rs./ per benefi- ci	Calor- ies (Cal)	Prote- in (g),

(i) Children below 3 years	2.00	300	8-10	4.00	500	12-15	28
(ii) Children 3-6 years	2.00	300	8-10	4.00	500	12-15	
(iii) Severely malnourished children	2.70	600	20	6.00	800	20-25	
(iv) Pregnant & Lactating (P&L) mothers	2.30	500	20-25	5.00	600	18-20	

The above revised norms are incorporated in para 8.2(b) of the affidavit.

5. The Revised Nutritional and Feeding Norms for SNP in ICDS Scheme circulated vide letter no.5-9/2005/ND/Tech (Vol. II) dated 24.02.2009 states that children in the age group of 6 months to 3 years must be entitled to food supplement of 500 calorie of energy and 12-15 gm of protein per child per day in the form of take home ration (THR). For the age group of 3-6 years, food supplement of 500 calories of energy and 12-15 gm of protein per child must be made available at the Anganwadi Centres in the form of a hot cooked meal and a morning snack. For severely underweight children in the age group of 6 months to 6 years, an additional 300 calories of energy and 8-10 gm of protein would be given as THR. For pregnant and lactating mothers, a food supplement of 600 calories of energy and 18-20

gm of protein per beneficiary per day would be provided as <sup>u,</sup> THR.

6. The letter dated 24.02.2009 No.5-9/2005/ND/Tech (Vol.II) has been annexed to the affidavit dated 2<sup>nd</sup> March 2009 filed by the Union of India. It is directed that norms indicated in the said letter addressed to all the State Governments and Union Territories have to be implemented forthwith and the respective States/UTs would make requisite financial allocation and undertake necessary arrangements to comply with the stipulations contained in the said letter.

7. It is further stated by the Ld. Additional Solicitor General that Supplementary Nutrition Food (SNP) in the form of THR shall be provided to all children in the age group of 6 months to 3 years, an additional 300 calories to severely underweight children in the age group of 3 to 6 years, pregnant women and lactating mothers as per paras 5(c), 5(d) and 5(e) of the letter dated 24<sup>th</sup> February 2009. Accordingly all Union Territories and State Governments are directed to ensure compliance with the aforementioned stipulations without fail.

8. Further, all the States and Union Territories are directed to provide supplementary nutrition- in the form of a morning snack and a hot cooked meal to the children in the age group of 3 to 6 years as per Para 5(d) of the guidelines contained in the letter dated 24<sup>th</sup> February 2009 preferably by 31<sup>st</sup> December 2009.

9. As far as adolescent girls are concerned, they would

continue to be covered by the entitlements of the Nutriti  
Programme for Adolescent Girls (hereinafter referred to  
'NPAG') and Kishori Shakti Yojana (hereinafter referred to  
'KSY') till such time as a comprehensive universal scheme  
the empowerment of adolescent girls called 'The Rajiv Gan  
Scheme for the Empowerment of Adolescent girls' is implement  
within six months from the date of the order.

10. It shall however be ensured that the following direction 1  
order dated 7<sup>th</sup> October, 2006 which was reiterated by order  
dated 13.6.2006 shall continue to be operative.

11. It is pointed out that several States like Andhra Pradesh,  
Gujarat, Uttar Pradesh and Nagaland have not met the requisite  
norms. These States are directed to take steps as required to  
be taken.

12. Compliance reports filed by all the States and Union  
Territories by 15<sup>th</sup> January, 2010.

13. Put up thereafter.

Sd

.....J.  
(Dr. ARIJIT PASAYAT)

Sd

.....J.  
(S.H. KAPADIA)