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ITEM NO.2

COURT NO.1

SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 618/2013

ANTARRASHTRIYA MANAV ADHIKAAR NIGRAANI Petitioner(s)

VERSUS

U.O.I & ORS Respondent(s)
(with appln. (s) for directions and exemption from filing O.T. and office report)
WITH W.P.(C) No. 676/2013
(With appln.(s) for exemption from filing O.T. and Office Report)

Date : 23/02/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Ms. Shobha, Adv.
Mr. Bonny Mehra, Adv.
Mr. Purushottam Sharma Tripathi, Adv.

For Respondent(s) Ms. Pinky Anand, ASG
(UOI) Ms. Kiran Suri, Sr. Adv.
Mr. Atulesh Kumar, Adv.
Mr. Parvesh Thakur, Adv.
for Mr. Gurmeet Singh Makker, AOR

NCT of Delhi & Mr. Atmaram Nadkarni, ASG
UT of Lakshadweep Mr. S.Wasim A. Qadri, adv.
Mr. Sachin Sharma, Adv.
for Mr. Raj Bahadur Yadav, AOR

State of Goa Mr. Atmaram Nadkarni, ASG
Mr. Arjun Vinod Bobde, Adv.
Mr. Santosh Rebello, Adv.
Ms. Praneeta Sharma, Adv.
Ms. Richa Relhan, Adv.
Ms. Sanya Pawar, Adv.
for Mr. Rajat Joseph, AOR

Signature Not Verified
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PARVEEN KUMAR
Date: 2017.02.25
12:44:09 IST
Reason:

State of Haryana Dr. Monika Gusain, Adv.
Mr. R.P. Sangwan, Joint Director
Mr. Baljeet Ram, Legal Consultant

Mr. Ashok Kumar Singh, AOR

Mr. G. Prakash, AOR

Mr. Kamal Mohan Gupta, Adv.

Mr. Shadan Farasat, AOR

Ms. Aruna Mathur, Adv.
for M/s Arputham Aruna & Co.

UPON hearing the counsel the Court made the following
O R D E R

Let fresh service be effected on the standing counsel for the State of Arunachal Pradesh, within the course of the day.

The States of Arunachal Pradesh, Madhya Pradesh and Haryana seek further time to file their status reports.

Prayer is allowed.

One last opportunity is granted to the above States to file their respective status reports, within two weeks from today.

Post for hearing after three weeks.

The next step that this Court would like to take is, to determine the details and requirements of the Mid-day Meal Scheme. Learned counsel for the petitioner undertakes to furnish a draft proforma, to the standing counsel for the Union of India, the State Governments and the Union Territories, through email, within one week from today.

Learned counsel representing the Union of India, the State Governments and the Union Territories, may respond to the learned counsel for the petitioner, within a period of one week thereafter.

List the matter on 23.03.2017, to finalise the proforma,

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for uploading information on the web portal of the Education Departments of the respondents - States and Union Territories.

(Renuka Sadana)
Assistant Registrar

(Parveen Kumar)
AR-cum-PS

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Name of State			
Srl.	Question	status	Remark, if any
1.	Total No. of Schools (Govt./ Aided/ Local Bodies) & EGS/AIE Centres obligated to provide Mid day Meal		
2.	Total No. of Schools (Govt./ Aided/ Local Bodies) & EGS/AIE Centres actually providing Mid day Meal		
3.	Have any budgetary provisions made to provide assistance for cooking cost, infrastructure, procurement of kitchen devices/ construction of kitchen-cum-store room/ cooking utensils/ utensils for children to have food/ pure drinking water/ water for washing and cooking food and washing utensils/ dining room, if yes give details. (Pl. Ref. Clause 2.6 of MDMS)		
4.	Have any State Norms formulated of expenditure under the different components of the Scheme as mentioned above, if yes, give details and bifurcation head-wise (Pl. Ref. Clause 2.6 r/w 3.3 of MDMS)		
5.	Have any guidelines/ modalities developed for day to day management and monitoring of implementation of the MDM scheme, if yes give details. (Pl. Ref. Clause 3.4 to 3.6, 6.2 & Ann. 12 of MDMS)		
6.	Have any safety specification formulated for construction of kitchen-cum-store room (Pl. Ref. Clause 2.6 r/w 4.2 & Ann. 9 of MDMS), if yes give details.		
7.	Has any system established for Food Corporation of India for continuous and uninterrupted flow of foodgrains to all eligible schools and Centres, if yes give details. (Pl. Ref. Clause 2.6 r/w 3.7 & 3.8 of MDMS)		
8.	Have any guidelines formulated to promote and facilitate peoples' participation in the MDM Scheme, if yes give details. (Pl. Ref. Clause 2.6 r/w 3.9 & 4.4 of MDMS)		
9.	Have any guidelines framed for preparation of nutritious and economical Mid Day Meal, if yes give details. (Pl. Ref. Clause 4.1 of MDMS)		
10.	Has any IEC (Information, Education and Communication) activity undertaken to inform the end beneficiary i.e. the child through the parents about their fundamental right to receive and duty of the State to serve good quality and good quantity of hygienic food in dignified manner, if yes give details. (Pl. ref. Cl. 3.10)		

11.	Has any dedicated mechanism developed for public grievance redressal with wide publicity and easy accessibility, if yes give details. Is there any separate web-site. (Pl. Ref. Clause 6.3 of MDMS)		
12.	Have State Level, District Level and Block Level Steering-cum-Monitoring Committees been constituted, if yes give composition of each of the committee (Pl. Ref. Clause 3.2 r/w Ann. 8 of MDMS)		
13.	What steps have taken for mobilization of mothers to watch Mid Day Meal (Pl. Ref. Circular dated 27.12.2005 of MHRD)		
14.	Does the State Government prepare and send all necessary information to MHRD in the manner as required under Para 5.1 r/w Ann. 11 and Para 5.4 r/w Form 1-3 of MDMS. Has any State Level Portal made to make available all this information for public at large.		
15.	What is the status of setting up of dedicated website for MDM at State level linked with districts, please furnish the website address.		
16.	What are the steps taken for training of cooks-cum-helpers on continuous basis on Food Safety and Hygiene(Pl. ref. guidelines dated 13.02.2015 of MDM Division, MHRD.		
17.	Is there any consequential provision of law in case a person is found guilty of not properly implementing various aspects of the Mid Day Meal Scheme? If not, then is the State has any proposal to bring such law in force for ensuring better implementation of MDM Scheme.		

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School wise chart

Name of State			
Name of District			
Name of School (Govt./Aided/Local Body/ EGS or AIE Centres)			
Srl. No.	Question	Status	Remarks, if any
1.	Total No. of Students enrolled of the school?		
2.	Food Grains:		
2(i).	Whether the food grains are transported from FCI or supply is taken from Fair Price Shop?		
2(ii).	What are the arrangements for transporting food grains from FCI godown/ Fair Price Shop to School to ensure that the actual quality and quantity as supplied by these agencies reaches to the school store room?		
3.	Cooking of Meal:		
3(i).	How quality of cooked meal, particularly addition of vegetables and supply of fruits, eggs etc. are ensured?		
3(ii).	How is the calorific value [450 calories and 12 gms. of protein to every child at primary level & 700 calories and 20 gms. of protein to every child at upper primary level] ensured?		
3(iii).	What is the system of assessing the nutritional value of the meal under MDM Scheme?		
3(iv).	Who is planning the weekly menu? Is the weekly menu displayed in the school?		
3(v).	Have any nutritional experts been involved in planning and evaluation of menus and quality of food served under the programme?		
3(vi).	Is there any standard prescription to include minimum quantity of vegetables, dal/lentils? How its implementation is ensured?		
3(vii).	Are eggs, fruits etc. being served and how frequently?		
4.	Monitoring:		
4(i).	Whether Regularity, wholesomeness and over-all quality of mid-day meal served to children is being monitored on daily basis, if yes, then by whom?		
4(ii).	Whether Cleanliness in cooking, serving and consumption of mid-day meal is being monitored on daily basis, if yes then by whom?		
4(iii).	Whether timely procurement of Ingredients, fuel, etc. of good quality is monitored on weekly basis?		
4(iv).	Whether Quantity of raw food material (each item) taken out for cooking is recorded in register on daily basis under signature of a designated monitoring person?		
4(v).	Whether raw material is inspected daily before being put to use for cooking? Whether any register entry is maintained on daily basis under signature of a designated monitoring person?		

5.	Infrastructure: Kitchen-cum-store/ Storage Bins/ Utensils/ water/ Fuel		
5(i).	Whether School/ Centre has pucca Kitchen-cum-Store as per specification of para 4.2 r/w Ann. 9? If yes then give size and other details of Kitchen and Store, both separately.		
5(ii).	Whether cooked food is procured from a centralized kitchen? If yes, then give the distance of the centralized kitchen from the school. How much time it takes for the cooked food to reach the school and whether it comes hot, in good and eatable condition?		
5(iii).	What measures, if any, are being adopted to test and ensure quality and quantity of food In case food is procured from a centralized kitchen?		
5(iv).	Whether School/ Centre has Storage Bins? If yes, give number, size and nature ofBins.		
5(v).	Whether the School/ Centre has Cooking Utensils? If yes, give their number and size.		
5(vi).	Whether the School/ Centre has Utensils for children to have food(plate, glass, bowl, spoon, one each per child)		
5(vii).	Whether the School/ Centre has functional hand wash facility/ counters with soap? If yes, give their number.		
5(viii).	Whether the School/ Centre has proper arrangement for Pure drinking water?		
5(ix).	Whether the School/ Centre has proper arrangement for clean water for washing vegetables, pulses, grains and cleaning used utensils?		
5(x).	Whether the School/ Centre has a suitable and child friendly eating place, say a dining room or veranda? If yes, give its size and other details for arrangements for light and air.		
5(xi).	Nature of fuel being used [gas based, smokeless chullhas, traditional method of firewood, kerosene, etc.].		
5(xii).	Reason for not using gas based cooking and proposal to convert.		
6.	Infrastructure: Capacity Building:		
6(i).	Details of Plan to train Teachers and organizers/ cooks/ helpers?		
6(iii).	Are VECs (Village Education Committees), SMCs (Steering and Monitoring Committee), MTAs (Mothers-Teachers Association), etc. oriented for effective implementation through their close supervision?		
7.	Role of Teachers:		
7(i).	Details of orienting Teachers regarding their role in the Scheme?		
7(ii).	Has a training module been developed in 20 days in-service training for teachers under SSA (Sarva Siksha Abhiyaan)? Details of Teacher training conducted in this regard.		
7(iii).	Whether teachers are using the scheme to educate children about hygiene, discipline, social equity, conservation of water, etc.		
8.	Cooks :		
8(i)	Who is cooking the meal? (Please give breakup) (i) Cooks/helpers engaged by the Department/Village Panchayat (ii) Self-Help Groups		

	(iii) NGOs (iv) Mothers Groups (v) Any other		
8(ii).	Where NGOs are involved, it may be specified whether their selection is in accordance with the guidelines of MDM Scheme.		
8(iii).	Total No. of Organizers, Cooks & helpers :		
8(iv).	Are cooks/ helpers given training (atleast 15 days) on cleanliness, personal hygiene, cleaning of cooking area, cleaning and washing of food grains, etc. before using, and good practices of cooking, prior to employing/ deploying them on the job for preparing Mid day Meal for children.		
8(v).	Remuneration being given to (i) Organisers, (ii) Head Cook, (iii) Cook and (iv) Helper.		
8(vi).	Who is engaging the cook? How they are appointed and what is the mechanism for ensuring accountability? Are there any norms?		
8(vii).	Have Self-Help Groups been tapped for the programme? [If not, constraints in this regard]		
9.	Steering-cum-Monitoring Committees:		
9(i).	Whether Steering-cum-Monitoring Committees constituted at District and block level and whether regular meetings are held, frequency of meetings?		
10.	Mobilization of mothers/ representatives of local bodies:		
10(i).	What are the steps taken to involve mothers/ representatives of local bodies/ Gram Panchayats/ Gram Sabhas, etc., taking turns to supervise preparation of meals and feeding of children. What is the effect of this initiative?		
10(ii).	What are the mechanisms for monitoring the Scheme?		
10(iii).	Whether quarterly assessment of the programme through District Institutes of Education & Trainings has begun?		
11.	External evaluation of the programme :		
11(i).	Whether evaluation through external agency(s) commissioned? If yes, what are the parameters of the study?		