
(2019) 05 MAN CK 0016

In the Manipur High Court

Case No : Public Interest Litigation No. 11 Of 2016

R.K.Premjit Singh

APPELLANT

Vs

State Of Manipur

RESPONDENT

Date of Decision : 21-05-2019

Acts Referred:

Citation : (2019) 05 MAN CK 0016

Hon'ble Judges : Ramalingam Sudhakar, CJ; Lanusungkum Jamir, J

Bench : Division Bench

Advocate : Kh.Samarjit, M.Ramananda, M.Rakesh, Bisheswar

Final Decision : Disposed Off

Judgement

R.S., CJ

[1] The prayers in this PIL have been moulded by this Court vide order dated 18.9.2019 and are extracted as under.

"(i) Issue Writ in the nature of Mandamus or other appropriate writ/direction, directing the State Government and the Central Government to repair and re-construct the existing Anganwadi Centre buildings, upgrade wherever it is necessary and establish new Anganwadi Centre buildings in villages and towns etc where there is no Anganwadi Centres.

(ii) Issue Writ of Mandamus or any other appropriate order/s directing the official respondents, State and Central to provide all necessary materials for running all the Anganwadi Centres so that the goods that are distributed through the Anganwadi Centres reach the people in villages and hilly areas.

(iii) Issue writ of mandamus or any other appropriate writ/direction directing the State and Central Government and the departments concerned to fill up the vacant posts in the Anganwadi Centres so that the beneficial purpose for which Anganwadi Centre has been established is properly implemented.

(iv) Issue mandamus or any other direction directing the respondents to provide all necessary infrastructure including movables like weighing machine, utensils for preparing of food, stove for cooking materials, plates, tumblers, pots, toys, medicine kits and drinking water facility and vaccines and such other goods that are required for proper maintenance of Anganwadi Centres."

[2] Pursuant to the order dated 18.9.2018, on 21.01.2019, an affidavit has been filed by the Deputy Secretary (SW), Govt. of Manipur on behalf of the respondent Nos.1 and 2 enclosing the records of the meeting between the Addl. Chief Secretary (RD & PR), Govt. of Manipur and the Principal Secretary (SW), Govt. of Manipur, Annexure-R/1 and the result of the discussion is as follows:-

"ANNEXURE-R/1

RECORD OF DISCUSSIONS HELD BETWEEN ADDL. CHIEF SECRETARY (RD & PR), GOVT. OF MANIPUR AND PRINCIPAL SECRETARY (SOCIAL WELFARE), GOVT. OF MANIPUR 10.12.2018 IN PURSUANCE OF HIGH COURT ORDERS DATED 12.11.2018 REGARDING CONSTRUCTION OF ANGANWADI CENTRES

It was informed that the Hon'ble High Court vide Order dated 12-11-2018 directed that "We further direct the learned Addl. Advocate General to instruct the Secretary, Social Welfare Department, State of Manipur and the Secretary, Rural Development & Panchayati Raj, Government of Manipur to hold a meeting and take a decision for the purpose of completion of work of construction of Anganwadi Centres which have not been completed so far."

2. Accordingly, a meeting between Shri M.H. Khan, Additional Chief Secretary, Rural Development & Panchayati Raj, Govt. of Manipur and Shri V. Vumlunmang Principal Secretary, Social Welfare, Govt. of Manipur was held on 10-12-2018.

3. It was noted that construction of Anganwadi Centres under the ICDS Scheme was taken up from time to time based on release of funds by the Government of India. The construction was usually undertaken through the DRDAs where the Deputy Commissioner is the Executive Director. DRDAs are also the key implementing agency for the various Central Sponsored Schemes of the Department of Rural Development and Panchayati Raj including the flagship scheme of MGNREGS wherein construction of AWC is one of the permissible works.

4. Construction of AWC being a common work/ item in the ICDS Scheme and MGNREGS, it can be taken up in convergence by the common implementing agency i.e the DRDAs at the district subject to the condition that it is a part of the District plan, approved by the Gram Sabha and the Gram Panchayat and is also included in the annual shelf of projects prepared by the District under MGNREGS.

5. The PILs filed also cover issues relating to construction of Anganwadi Centres and PIL No. 27 of 2015 request "to issue a writ in the nature of Mandamus or any other appropriate writ or direction thereby directing the Respondents to

provide this Hon'ble High Court for a time bound infrastructure up-gradation plan to ensure all Anganwadi Centres (AWCs) have a pucca building with a separate sitting room, separate kitchen, separate kitchen, separate storage room, child friendly toilet and outdoor and indoor play space, an access to safe drinking waters."

5. In pursuance of the Court Orders, it was agreed that Department of Rural Development and Panchayati Raj shall issue instructions to all DRDAs to complete the proposed construction work of AWCs under MGNREGS subject to adherence and observance of operational guidelines prescribed under MGNREGS and availability of fund. Social Welfare Department shall provide all necessary facilities and monitor the proper functioning of AWCs through the CDPO and District Officers and submit report to Rural Development and Panchayati Raj, Govt. of Manipur. The construction of all AWCs under Mahatma Gandhi NREGS will be subject to social audit as per Mahatma Gandhi NREGA and ICDS regulations/ guidelines.

Sd/-

Sd/-

(V. Vumlunmang)

(M. H. Khan)

Principal Secretary

(Sw) Addl. Chief Secretary (RD& PR

Govt. of Manipur

Govt. of Manipur.

[3] Subsequently, an affidavit dated 8.3.2019 was filed by the respondent Nos. 1 and 2 giving details of the proposed works. The relevant paragraphs are as under:-

"1. That the deponent begs to submit that the following details of the Construction, Repair/ Up-gradation of Angawandi Centre are as follows:

(i) Construction, Repair/ Up- gradation of Anganwadi Centre Building: The Department has already selected 498 nos. of Anganwadi Centres in 2016-2017 for up-gradation and released the 1st installment to the joint account of District Programme Officer (DPO) and Deputy Commissioner concerned. The Deputy Commissioners have been requested to submit the utilization certificate and completion report vide Department's letter No. 5/19/2012-13(SW)ICDS-Pt-II dated 23/11/2018.

Further, for 2018-19 the Department has initiated identification of 1000 Anganwadi Centers which require up-gradation/repairing. Deputy Commissioners have been requested to submitted list of all the Anganwadi Centers which require up-gradation/repairing. The Department has also selected 1000 Anganwadi Centers for new construction under Phase-VI.

True copies of the Letters dated 23/11/2018, 20/10/2018, 06/11/2018, 05/11/2018, and 05/11/2018 are enclosed herewith and marked as Annexure-R/1 (Colly).

ii. The Department is taking up following steps for ensuring necessary infrastructure in the Anganwadi Centers:

a) Pre-School Kits: Tender for pre-school kits have been completed and purchased by the Department. The pre- school kits are being distributed to the Anganwadi Centers at present.

b) ECCE Activity Books: The Department has floated tender for procurement of ECCE Activity Books and process of evaluation is underway.

c) Utensils: The Department has floated tender for procurement of utensils and process of evaluation is underway.

d) Drinking water and toilets: Identification of Anganwadi Centers for provision of drinking water facilities and toilets is also in progress.

e) Supplementary Nutrition Programme (SNP): Under Supplementary Nutrition Programme, Department is providing Micro Nutrient Fortified Energy Dense Food and Hot Cooked Meals to Anganwadi beneficiaries i.e. Children-0-6 years and Pregnant & Lactating Mothers through Anganwadi Workers.

f) Health Services: Government has given approval for purchase of Medicine Kits. The tender for purchase of medicine kits will be notified soon. Mother & child Protection (MCP) Cards are provided to Anganwadi Centers and Department have liaised with Health Department so that ASHA workers regularly visit the Anganwadi Centers and the MCP card is maintained. And the Department has floated tender for purchase of Growth Monitoring Devices i.e Infantometer, weighing scales and stadiometer and tender process is under evaluation.

iii. Vacant posts in Anganwadi Centres: At present, there are total of 218 posts i.e. 99 vacant posts of Anganwadi Workers, 94 vacant posts of Anganwadi Helpers and 25 vacant posts of Mini- Anganwadi Workers. The Department has given approval for conducting DPC for the 218 vacant posts, of which 70 DPCs are already conducted. DPC for 59 vacant posts are under process for verification of certificates. And DPC of 89 posts are still pending at the ICDS Projects.

In the premise stated above, Your Lordship may graciously be pleased to rely this affidavit to meet the end of justice.

The deponent as in duty bound shall ever remain pray.

Dated/Imphal Signature of the Deponent

The 8th March, 2019 Sd/-

(Under Secretary (SW),

Govt. of Manipur."

[4] Thereafter, based on an order dated 11.3.2019, a subsequent affidavit has been filed on 7.5.2019 along with annexures. The relevant paragraphs are as

below:-

"3. That it is respectfully submitted that the proper particulars and complete details of the Angawandi Centres mentioned in vide Letters dated 23/11/2018; 20/10/2018; 06/11/2018; 05/11/2018 and 05/11/2018 annexed as Annexures in the aforesaid Affidavit dated 08/03/2019 are provided as under.

(i) Which are proposed to be Upgraded

Circular dated 30/01/2019, 23/11/2018 and 16/03/2016 was issued to concerned DC/DPO regarding 498 nos. of Angawandi Centres in 2016-2017 for up-gradation.

True copies of the letter dated 30/01/2019; 23/11/2018 and 16/03/2016 are enclosed herewith and marked as Annexure-R/1 (Colly).

List of proposed Anganwadi Centres submitted by CDPO/DPO for Up-gradation of Angawandi Centre building for Phase-VI ((2018-2019).

True copies of the list of proposed are enclosed herewith and marked as Annexure-R/2 (Colly).

it is respectfully submitted that some offices have not yet submitted.

(ii) Which are proposed to be developed to a model Anganwadi Centre

Circular dated 05/11/2018 and 18/02/2019 was issued to concerned CDPOs for submission of the AWC list for model AWCs. However some offices have not yet submitted.

True copies of the letter dated 05/11/2018 and 18/02/2019 are enclosed herewith and marked as Annexure-R/3 (Colly).

(iii) Those 1000 Nos. of Angawandi Centre under the 6th Phase for which site have been selected and approved for construction.

The list of 1000 Nos. of AWS selected for construction of 1000 Nos. of Angawandi Centres under Vi-Phase approved by the Selection Committee.

However, the selected AWCs may be changed or replaced as per verification report from concerned DC/DPO i.e non availability of required land for construction of AWC building etc.

True copies of the Letter dated 16/10/2018 and 20/10/2018 are enclosed herewith and marked as Annexure-R/4 (Colly).

In the premise stated above, Your Lordship may graciously be pleased to any appropriate order to meet the end of justice.

The deponent as in duty bound shall ever remain pray.

Dated/Imphal
the Deponent

Signature

of

The 6th May, 2019

Sd/-

(Koshoni Phimu)

Under Secy. (SW), Govt. of Manipur."

[5] We have perused the details submitted by the affidavit with the particulars to show the steps taken by the Principal Secretary (SW), Government of Manipur in collaboration with other departments to improve the facilities in the Angawandi Centres and also connected issues relating to implementation of various schemes. Taking note of the proactive and interactive steps taken by the respondents, we are inclined to accept the affidavits filed which are recorded above with the further direction that all these projects should be completed within a time bound manner and that, there should be total/absolute cooperation from all departments concerned for effective establishment, maintenance and distribution of benefits and relief materials through the Angawandi Centres.

[6] Lapse on the part of any official whether it is from the highest level upto the lowest level, should be viewed seriously and if it is found that some officers are violating the beneficial provisions of the welfare schemes, then, departmental action can be contemplated against such officer who show scant respect or dereliction of duty in providing benefits to the people at the grassroots level. This observations of the Court are made with all seriousness because of the fact that in the State of Manipur, major portion are hilly terrain and inaccessible by people to the capital city. Furthermore, as a democratic government, it is the duty of the Government and its official to reach out to the people and provide them all the basic necessities, more particularly, the benefits under the Angawandi Schemes, which is the subject matter of the present PIL.

[7] With this observation, we direct the authorities to promptly comply with present requirements and also plan in advance for the future as has been suggested by Mrs. Momota Devi Oinam, learned Addl. AG for the State.

[8] We record our appreciation to the cooperation given by Mr. Kh.Samarjit, learned counsel appearing as Amicus Curiae as well as other counsels who appeared in the connected PILs and who have rendered their valuable cooperation for effective disposal of the PIL.

[9] Recording the above, the PIL stands disposed of. The Amicus Curiae/counsels are given liberty to mention if there is any breach on the directions passed by this Court.

[10] Copy of this order be furnished to the Addl.AG and Amicus Curiae.