

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.16579 of 2020

Prafulla Samantara

....

Petitioner

Mr. Iswar Mohanty, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S.N. Das

Additional Standing Counsel

**CORAM:
THE CHIEF JUSTICE
JUSTICE A.K. MOHAPATRA**

**ORDER
25.11.2021**

Order No.

16. 1. An affidavit dated 2nd November, 2021 has been filed by the Principal Secretary to the Government of Odisha, Food Supplies and Consumer Welfare Department, where it is stated that under the State Food Security Scheme at present 3,69,229 eligible families comprising of 11,36,622 members belonging to vulnerable groups are covered irrespective of whether they are located in urban or rural areas. However, when this is compared with the figures of May and June 2021, it shows a decline. In May and June, 2021, 3,96,065 families were said to have been covered. An explanation for this decrease is offered in paragraph 6 of the affidavit, which reads as follows:

“6. That the decrease in coverage status under the State Food Security Scheme during recent months is due to migration of the beneficiaries to the National Food

Security Act database arising because of vacancies created by death cases, removal of ineligible beneficiaries etc.”

2. The explanation offered is not convincing. The Court would like to draw the attention of State Government to paragraph 3 of its order dated 12th April, 2021 where it was noted that the total coverage under both the National Food Security Act (NSFA) and State Food Security Scheme (SFSS) was expected to be 3,60,85,907 as against the figure of 3,26,41,800. The present figure for the total coverage under both NSFA and SFSS for September and October, 2021 as indicated in the affidavit dated 2nd November, 2021 is 3,35,61,978. Resultantly, the additional target of 34.44 lakhs beneficiaries for the State of Odisha as noted by this Court in the order dated 12th April, 2021 is nowhere near being realised. Instead, not even 11.36 lakhs of beneficiaries have been covered. The affidavit is silent on how the State Government proposes to increase the coverage.

3. Mr. Iswar Mohanty, learned counsel for the Petitioner, has drawn the attention of the Court, to the report on the status of food security and nutrition in Odisha prepared by the Poverty and Human Development Monitoring Agency, Planning and Convergence Department together with World Health Programme where detrimental effect on lack of nutrition on the children in Odisha has been described in graphic detail. A copy thereof has been enclosed with the Petitioner's rejoinder affidavit.

4. It is pointed out in that report that the lack of nutritional intake of energy, protein and fat leads to stunting, wasting and underweight amongst children. Only three districts in Odisha, Cuttack, Puri and

Jagatsinghpur have ‘acceptable’ levels of incidence of stunting. The Report points out that:

“Majority of the districts have very high proportions of stunted under- 5 children with more than 30 percent prevalence. There are ten districts, namely, Malkangiri, Nabarangpur, Subarnapur, Koraput, Rayagada, Bolangir, Boudh, Sambalpur, Keonjhar and Mayurbhanj where stunting levels are more than 40 percent and are in “critical” condition requiring special attention.

“The prevalence of underweight among under-5 children reflects the child growth. In underweight as well, none of the districts have a percentage in the “acceptable” category of the WHO classification. The three costal districts, Jagatsinghpur, Cuttack and Puri have less than 20 percent of the under-5 children who are underweight but still fall in the “poor” category of the WHO classification. Thirteen districts, viz, Malkangiri, Koraput, Nabarangpur, Nuapada, Rayagada, Kandhamal, Bolangir, Boudh, Subarnapur, Sambalpur, Sundargarh, Keonjhar and Mayurbhanj have more than 40 percent of the under-5 children as underweight.”

“What is intriguing that both Samablpur and Bargarh, which are otherwise considered as rice bowl of India, have high prevalence of all the three parameters of malnutrition. This points to the fact that access to food, health and infrastructure of service alone can’t address the issue of malnutrition and there is a need for imbibing and developing behavioural change among the people to adopt nutrition sensitive practices such as improved health care and hygiene practices and most importantly, stop open defecation.”

5. The State Government will do well to take note of the above findings and immediately put in place a plan of action to increase the

coverage under the State Food Security Scheme to all cross-sections of the population with special focus on children. The action plan has to be drawn up in a consultative manner with participation of civil society groups whose participation and co-operation might be necessary to implement the action plan. The urgency of the matter cannot be over- emphasised.

6. The time-bound steps proposed to be taken will be indicated in the action plan which shall be placed before this Court along with an affidavit before the next date.

7. List on 6th January, 2022. A copy of this order be transmitted forthwith by e-mail by the Registry to the Principal Secretary to the Government of Odisha, Food Supplies and Consumer Welfare Department, for immediate action and compliance.

(Dr. S. Muralidhar)
Chief Justice

(A.K. Mohapatra)
Judge

R.K. Singh/Jagabandhu