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SCHOOL & MASS EDUCATION DEPARTMENT

NOTIFICATION

The 20th December, 2017

Sub : Procurement of foodstuff (except rice) policy for the MDM Programme.

No. 25283–XIV-SME-LC-III-(MDM)14/2016/SME.— Previously, the Mid-Day-Meal (MDM) Programme was running under the administrative control of W&CD Department. The Foodstuffs for this programme were being procured in a centralised mode by the Collectors at district level and the same was being transported to the school points as per their requirement. Due to some problems arose in that process; the W&CD Department issued guidelines for procurement of foodstuffs in decentralised mode except rice. Accordingly, the procurement of Eggs from OPOLFED in centralised mode was discontinued and Eggs were procured by the School Management Committee (SMC) from the local market. Against this decentralised process, OPOLFED filed a case before the Hon'ble High Court bearing W.P.(C) No.8176/2011 and Hon'ble High Court, in their order dated the 20th July, 2011, directed that the State Government notwithstanding the guidelines that at the local level they can procure eggs from individuals, they must follow the procedure inviting tenders from the Co-operative Societies and other private agencies are participated, preference should be given to Co-operative Societies because a large number of farmers are the members of the Co-operative Societies.

In the meantime, the Mid Day Meal Programme transferred to School & Mass Education Department with effect from 12th August, 2011 and S&ME Deptt. also followed the same decentralised process for running MDM programme in the State. Hence, against the above orders of Hon'ble High Court, S&ME Department filed Special Leave to Appeal in (Civil) No.(s).9799/2012 before the Hon'ble Supreme Court of India and Hon'ble Supreme Court of India, in their order dated the 5th May, 2014 directed that the State Government shall give preference to the co-operative societies within the frame-work of guidelines (decentralised mode) framed by it. Keeping in view of the above orders of

Hon'ble Supreme Court, Managing Director, OPOLFED expressed his willingness to supply Eggs at school points within the framework of said guidelines. Considering the above request of Managing Director, OPOLFED, the S&ME Department allowed him initially 3 to supply Eggs at school points of six districts as per school need on a pilot basis.

During the supply of Eggs by the OPOLFED, mostly the following complaints of SMCs were received by Government through Collectors ;

1. Problem in storage of the Eggs as OPOLFED is supplying Eggs for one or two weeks at a time.
2. Possibility of rotting of Eggs.
3. Wastage of time of the Teacher to keep the Eggs in safe and safety.
4. Taking much time for testing of huge numbers of Eggs.
5. One time supply of Eggs on first day of the week, keeping the average attendance, was leading to wastage/shortage of Eggs against the actual attendance.

In view the above issues, it is warranted to look into the following aspects for strengthening the MDM management in the State within the parameter of existing guidelines;

1. The existing decentralised policy of the Government for procurement of foodstuffs except rice to continue.
2. As provided under of rule-3(6)(i) of the Odisha Right of Children to Free and Compulsory Education Rules, 2010, the SMC will monitor the implementation of the Mid-day-Meal in the School.
3. Greater transparency in the programme on day-to day basis.
4. More public participation.
5. Procurement of fresh foodstuffs locally as per exact requirement on the basis of the attendance of the children.
6. Prevent wastage/rotting of Eggs.
7. Rotten Eggs is always the major cause of food poisoning
8. Overall smooth management on daily reporting and control of MDM mishap.

Keeping the above aspects and pursuant to the direction/orders of Hon'ble Supreme Court dt.05.05.2014, Government in S&ME Department have decided that ;

1. As provided under rule-3(6)(i) of the Odisha Right of Children to Free and Compulsory Education Rules, 2010, the School Management Committee to continue the procurement of foodstuffs including Eggs under MDM Programme

except rice as per the daily student attendance basis to avoid wastage of ingredients and storage problems which will ensure better transparency and more public participation.

2. The School Management Committee is at liberty to procure Eggs from the local market/farmer / cooperative society on the particular date as per the Menu fixed for the purpose as per need.

This Department Letter bearing No. 12383–SME-MISC-MISC2-0006/SME., dated the 1st February, 2016 issued in this regard is hereby repealed.

This will take with immediate effect.

ORDER

Ordered that the Notification shall be published in an Extraordinary issue of the *Odisha Gazette*.

By Order of the Governor

P.K. MOHAPTRA

Principal Secretary to Government