



डॉ० शुचिता चतुर्वेदी
सदस्य



उत्तर प्रदेश
राज्य बाल अधिकार संरक्षण आयोग
लखनऊ -226001



पत्रांक

रा0बा0आ0 / 1301 / शिका-40 / 2022-23

दिनांक..22.11.2022.....

सेवा में,

समस्त जिलाधिकारी,
उ0प्र0।

विषय: मा0 उच्च न्यायालय इलाहाबाद लखनऊ खण्डपीठ के द्वारा 0 से 06 साल के आयु वर्ग के बच्चों के बहुमुखी विकास हेतु नियुक्त आँगनबाड़ी कार्यकर्ताओं की ड्यूटी गैर विभागीय तथा निर्वाचन सम्बन्धी कार्यों में न लगाए जाने के सम्बन्ध में पारित निर्णय दिनांक 09.11.2022 के अक्षरसः पालन के सम्बन्ध में।

महोदय,

कृपया मा0 उच्च न्यायालय इलाहाबाद लखनऊ खण्डपीठ में आयोजित याचिका संख्या रिट ए-6428/2022 (श्रीमती मनीषा कनौजिया एवं अन्य बनाम जिला मजिस्ट्रेट) एवं अन्य का संदर्भ ग्रहण करने का कष्ट करें। जिसमें मा0 उच्च न्यायालय द्वारा बच्चों के स्वास्थ्य पोषण एवं शिक्षा को अत्यन्त महत्वपूर्ण कार्य बताते हुए आँगनबाड़ी कार्यकर्ताओं की ड्यूटी बी0एल0ओ0 निर्वाचन समेत किसी भी गैर विभागीय कार्यक्रम में न लागये जाने का आदेश पारित किया है।

मैं यह संज्ञान में लाना चाहूँगी कि उ0प्र0 में लगभग एक लाख 90 हजार आँगनबाड़ी केन्द्रों के माध्यम से लगभग 1.5 करोड़ बच्चों और लगभग 40 लाख गर्भ में पल रहे बच्चों के अधिकारों के संरक्षण हेतु 3.5 लाख आँगनबाड़ी कार्यकर्ताओं/सहायिकाएं नियुक्त हैं। जिन्हें जैसा कि मा0 उच्च न्यायालय ने अपने आदेश में उल्लिखित किया गया है कि खाद्य सुरक्षा अधिनियम-2013 के अन्तर्गत न्यूनतम 300 दिन प्रतिवर्ष आँगनबाड़ी केन्द्र को संचालित करना अनिवार्य है।

अर्थात् उक्त अधिनियम के अनुसार प्रत्येक माह में कम से कम 25 दिन आँगनबाड़ी केन्द्र संचालित किये जाने का प्राविधान है। माह में 04 से 05 रविवार और वर्ष में बड़े त्योहारों पर अवकाश की अवधि को छोड़ देने के पश्चात् माह में 25 दिन कार्य दिवस बचता है और आँगनबाड़ी कार्यकर्ताओं को प्रतिदिन आँगनबाड़ी केन्द्र की गतिविधियों को संचालित करना और अनुपूरक पोषाहार सहित छः सेवाएँ लाभार्थियों को प्रदान करना अनिवार्य है।

यह भी अवगत कराना चाहूँगी कि सभी वैज्ञानिक शोधों में यह स्पष्ट हो चुका है कि मनुष्य के मस्तिष्क का 90 प्रतिशत विकास 06 वर्ष की आयु तक हो जाता है ऐसे में 0 से 06 वर्ष के आयु के बच्चों को दी जाने वाली सेवाओं में किसी भी प्रकार की शिथिलता देश के मानव संसाधन के सर्वांगीण विकास पर गंभीर रूप से प्रतिकूल असर डाल सकता है।

उक्त नीति का महत्व इस बात से भी समझा जा सकता है कि 'द इण्डियन एक्सप्रेस', 'द हिन्दू' जैसे राष्ट्रीय अंग्रेजी समाचार पत्रों एवं 'अमर उजाला' दैनिक समाचार पत्र सहित अन्य समाचार पत्रों में इस निर्णय को प्रमुखता से स्थान दिया गया है जिसमें छायाप्रतियां सलंगन कर प्रेषित की जा रही है।

अपने आदेश 08.03.2020 में सर्वोच्च न्यायालय द्वारा कोविड-19 के महामारी के दौरान भी आँगनबाड़ी केन्द्रों को बन्द न किये जाने का आदेश देते हुए टिप्पणी की है कि देश एक महामारी से बचने के लिए यदि आँगनबाड़ी बन्द कर देने का निर्देश देता है तो दूसरी कुपोषण की महामारी शुरू हो सकती है।....." *While dealing with one crisis, the situation may not lead to creation of another crisis."*

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(2)

मा0 उच्च न्यायालय के आदेश दिनांक 09.11.2022 के प्रस्तर सं0-08 में उल्लिखित किया गया है कि " *In case Anganwadis are shut down, the children as well as the lactating & nursing mother would be deprived of the nutritional food. Non-supply of nutritional food to the children as well as lactating and nursing mothers may lead to large-scale malnourishment.* "

इस प्रकार प्रस्तर सं0-08 में उल्लिखित करते हुए मा0 उच्चतम न्यायालय द्वारा निम्नलिखित टिप्पणी की गई है। " *It is in the aforesaid circumstances, the work done by the Anganwadi workers cannot be undermined by passing any direction for discharge of duties by departments and specially during elections.* "

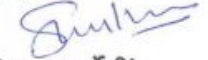
प्रस्तर सं0-10 में जन स्वास्थ्य पर पढ़ने वाले विस्तृत प्रभाव पर रेखांकित करते हुए मा0 न्यायालय ने कहा है कि " *One Anganwadi worker is assigned duty in elections or any other work then entire nursing and lactating woman including pregnant women would not be taken care of and would adversely affect the health of public at large.* "

मा0 न्यायालय द्वारा समस्त ब्लाक स्तरीय अधिकारियों विभिन्न विभागों के अन्य सभी अधिकारियों को आँगनबाड़ी कार्यकर्त्रियों की ड्यूटी अन्यत्र कहीं लगाने पर रोक लगा दी है जिसमें निर्वाचन सम्बन्धी ड्यूटी भी शामिल है साथ ही मा0 उच्च न्यायालय द्वारा मुख्य सचिव उ0प्र0 शासन को इस आदेश के अनुपालन हेतु प्रदेश के समस्त जिलाधिकारियों को आवश्यक निर्देश जारी किये जाने का आदेश पारित किया गया है।

अतः आपसे अनुरोध है कि बाल अधिकारों के संरक्षण एवं संवर्द्धन हेतु भारत सरकार द्वारा लायी गयी "राष्ट्रीय बाल नीति-2013" 'नई शिक्षा नीति 2020', खाद्य सुरक्षा अधिनियम-2013 एवं सर्वोच्च न्यायालय के आदेश दिनांक 08.03.2020 के अनुपालनार्थ आँगनबाड़ी केन्द्रों पर पंजीकृत 0 से 06 साल तक बच्चों के सर्वांगीण विकास हेतु नियुक्त आँगनबाड़ी कार्यकर्त्रियों/सहायिकाओं की चुनाव निर्वाचन सहित अन्यत्र ड्यूटी न लगाई जाये तथा कृत कार्यवाही से आयोग को भी अवगत कराया जाये।

संलग्नक: यथोक्त।


भवदीया,


OC (डॉ० शुचिता चतुर्वेदी)
सदस्य।

पृ0सं0 : रा0बा0आ0 / 1301 / शिका-40 / 2022-23 तददिनांक।

प्रतिलिपि : निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

- 1- सचिव, महिला एवं बाल विकास, उ0प्र0 शासन, लखनऊ।
- 2- निदेशक, बाल विकास सेवा एवं पुष्टाहार, उ0प्र0, लखनऊ।


OC सदस्य।

आंगनबाड़ी कार्यकर्ताओं को चुनाव समेत दूसरे कामों में लगाने पर हाईकोर्ट की रोक निकाय चुनाव ड्यूटी को लेकर कार्यकर्ताओं ने हाईकोर्ट में किया था विरोध

संवाद न्यूज एजेंसी

लखनऊ। इलाहाबाद हाईकोर्ट की लखनऊ पीठ ने आंगनबाड़ी कार्यकर्ताओं का चुनाव समेत अन्य दूसरे कामों में लगाने पर रोक लगा दी है। अदालत ने अपने आदेश की प्रति मुख्य सचिव को भेजी है, जिससे कि वह संबंधित जिलाधिकारियों को जरूरी निर्देश जारी कर सकें। मालूम हो कि प्रदेश में 1.89 लाख आंगनबाड़ी कार्यकर्ता हैं।



न्यायमूर्ति आलोक माथुर की एकल पीठ ने यह फैसला मनीषा कनौजिया व एक अन्य की याचिका पर दिया। याचियों का कहना था कि वे बाराबंकी जिले के आंगनबाड़ी केंद्र सिटी गुलेरिया गरदा में बतौर आंगनबाड़ी कार्यकर्ता के रूप में कार्यरत हैं। उन्हें प्रशासन ने स्थानीय निकाय चुनाव में बतौर बूथ लेवल

कोर्ट ने कहा- कार्यकर्ताओं का काम काफी अहमियत वाला

जिलाधिकारी व अन्य पक्षकारों की ओर से जवाब में कहा गया कि चुनाव का कार्य सर्वोच्च अहमियत वाला है। ऐसे में सभी अफ सरों को इसमें सहयोग करना होता है। इस पर कि इन कार्यकर्ताओं का काम काफी अहमियत वाला होता है। इनकी चुनाव या किसी अन्य काम में ड्यूटी से धात्री, गर्भवती समेत अन्य के स्वास्थ्य पर गंभीर असर पड़ेगा। इस टिप्पणी के साथ कोर्ट ने अपना आदेश जारी कर दिया।

अफ सर (बीएलओ) की ड्यूटी में लगाया है। यह केंद्र और राज्य सरकार की आदेशों व निर्देशों में खिलाफ है। इस तैनाती से क्षेत्र में बच्चों व माताओं के स्वास्थ्य की देखभाल की व्यवस्था प्रभावित होगी। याचियों का तर्क था कि चुनाव के काम में अन्य ग्राम स्तर के कर्मियों को लगाया जा सकता है। संवाद

Allahabad HC restrains deployment of anganwadi staff in poll-related work

Lihita Mishra

NEW DELHI

The Allahabad High Court's Lucknow Bench has restrained the Uttar Pradesh government from deploying anganwadi workers in election-related work.

A single Bench of justice Alok Mathur in its order said that the duties being discharged by anganwadi workers are of considerable importance.

'Hit public health'

"Looking into the fact that in one block there is only one worker and if that one anganwadi worker is assigned duty in elections or any other work, then all nursing and lactating women and pregnant women would not be taken care of. This would adversely affect the health of the public at large," the court observed.

The petitioners are those working in anganwadis in Barabanki district.

Counsel for the petitioners told the court that the petitioners were engaged in booth level officers duty,



No poll work: Anganwadi workers from Barabanki in U.P. had filed a petition in the Allahabad High Court. PHOTO FOR REPRESENTATION PURPOSE ONLY.

which is election-related, full-time work and is unrelated to their core tasks. "The caretaking and all-round development of young children of 3-6 age group and the services rendered to pregnant and lactating mothers are adversely hampered by such duty which is in clear violation to child rights that mandate that children get at least 300 days in a year free nutrition, healthcare and education as envisaged in the Food Security Act, 2013; the New Education Policy, 2020 and the National Policy for Children, 2013," the counsel

said.

The lawyer representing the State, in a counter, maintained that the work of elections is of supreme importance in a democracy and all the officers have to act and assist during such process. In its order, the court maintained that the work done by anganwadi staff cannot be undermined. Several Central and State governments are vigilant in this regard and have passed various Government Orders restraining District Magistrates and other officers from engaging anganwadi workers in any other work, it noted.



By: EXPRESS NEWS SERVICE

November 13, 2022 2:16:16 am

NewsGuard



Abhilasha Pandey, the counsel for the petitioners, submitted that workers are assigned Booth Level Officers' (BLO) duty which is an election-related full-time job and not a departmental task.

The petition also cited two government orders issued by the Centre that restrict officials from assigning Anganwadi workers/helpers duties in local body elections.

THE SUNDAY EXPRESS, NOVEMBER 13, 2022

5 UTTAR PRADESH

No poll duty for Anganwadi workers: HC

EXPRESS NEWS SERVICE
LUCKNOW, NOVEMBER 12

THE ALLAHABAD High Court has ordered that Anganwadi workers in the state should not be engaged in election and other related duties as this may adversely affect public health.

In an order passed on Wednesday, Justice Alok Mathur said, "This court is of the view that work which is being discharged by Anganwadi workers is of considerable importance, looking at the fact that in one block there is only one worker. In case that one Anganwadi worker is assigned election duty or any other work then the nurs-

ing and lactating women including pregnant women would not be taken care of and it would adversely affect the health of the public at large."

The court was hearing a petition filed by Anganwadi workers from Barabanki district, including one Mantisha Kanaujia, seeking direction from the court for officials to comply with orders passed by the Uttar Pradesh Chief Secretary - dated 19.11.2019 and 03.05.2017 - as well as a Government Order dated 9.11.2013 which restrains officials from engaging Anganwadi workers/helpers in non-integrated Child Development Services Schemes (ICDS).

The petition also cited two government orders issued by the Centre that restrict officials from assigning Anganwadi workers/helpers duties in local body elections.

Abhilasha Pandey, the counsellor for the petitioners, submitted that workers are assigned Booth Level Officers (BLO) duty which is an election-related full-time job and not a departmental task.

"The caretaking and all round development of young children in the 3-6 years age group and the services rendered to pregnant and lactating mothers are adversely hampered by such duties which is a clear violation of child rights," the advocate submitted to the court.

"A child is eligible for free nutrition, healthcare and education for at least 300 days in a year as envisaged in the Food Security Act, 2013, New Education Policy, 2020 and National Policy for Children, 2013," she stated.

"The work done by Anganwadi workers cannot be undermined by passing any direction for discharge of duties by departments, specially during elections," Pandey said.

In a counter affidavit, the Barabanki district administration said, "the work of elections is of supreme importance in a Democracy and all officers have to act and assist during the process". The counter affidavit

did not include any answer to the "various Government Orders issued either by the Chief Secretary, Government of UP, or by Government of India and also directions issued by the Apex Court in this regard".

While allowing the petition, the court said that BLOs and various other departments are restrained from passing any orders engaging Anganwadi workers in any other work/duty including election duty.

"Let a copy of this order be served upon the Chief Secretary, Government of UP, Lucknow, so that he may pass necessary orders and direct the District Magistrates accordingly," the court added.

BRIEFLY



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Court No. - 8

Case :- WRIT - A No. - 6428 of 2022

Petitioner :- Smt. Manisha Kanaujia And Another

Respondent :- District Magistrate And Another

Counsel for Petitioner :- Abhilasha Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. Heard Ms. Abhilasha Pandey, learned counsel for the petitioner as well as learned Standing Counsel for the respondents.
2. Counter affidavit filed by District Programme Officer, Barabanki is taken on record.
3. The petitioners are working on the post of Angan Wadi Workers at Anganwadi Centre City Guleria Garda, District - Barabanki in Integrated Child Development Scheme, which is Government of India sponsored scheme. Relief sought by the petitioner in the present writ petition is for a direction to the respondents to comply with the orders passed by the Chief Secretary, Government of U.P., Lucknow dated 19.11.2019 and 03.05.2017 as well as Government Order dated 09.11.2013, which restrains Anganwadi Workers/Helpers to be engaged in non Integrated Child Development Services Schemes (I.C.D.S.) related tasks and also directions to the respondents to forthwith comply with the guidelines issued by the Government of India dated 15.06.2010 and 05.11.2019 regarding restraining utilization of Anganwadi Workers/Helpers in local body elections etc.
4. It has been submitted by learned counsel for the petitioners that they were engaged in Booth Level Officers duty (BLO's) which is election related full time work and is non departmental task. The care taking and all round development of young children of 3-6 age group, the services rendered to pregnant and lactating mothers are adversely hampered by such duty which is in clear violation to child rights for getting at least 300 days in a year free nutrition, health care and education as envisaged in Food Security Act, 2013, New Education Policy, 2020 and National Policy for Children, 2013.
5. It is next submitted by learned counsel for the petitioners that there are many village level employees such as Panchayat Mitra, Shiksha Mitra, Rozgar Sewak and Sanitation workers and village secretaries who can undertake such election related

duties of BLO. It is submitted that Government Order dated 09.10.2013, which prohibits engagement of Anganwadi Workers and Helpers in non-departmental activities as Child Welfare is considered supreme priority under Centrally sponsored Schemes. Even the State Government has issued order dated 31.05.2017, by Chief Secretary which is addressed to all the District Magistrates to not to engage Anganwadi Workers/Helpers in non departmental tasks. The Chief Secretary, Government of U.P. has also issued order dated 19.11.2019, citing strong objection by Central Government regarding deployment of Anganwadi Workers in non ICDS activities, which include nutritional, educative and health care of children, barring exceptional and inevitable circumstances.

6. It is further submitted that the issue involved in the present writ petition is also engaging attention of Hon'ble Supreme Court and by means of order dated 08.03.2020, rendered in the case of Suo-moto Writ Petition (C) No. 2 of 2020, following order was passed :-

"Closure of Anganwadi Centers due to spread of COVID-19 Pandemic situation may lead to large scale malnourishment among beneficiaries, particularly the Children and Lactating and Nursing Mothers in Rural as well as Tribal areas are prone to such mal-nourishment While dealing with one crisis, the situation may not lead to creation of another crisis."

7. The aforesaid order of Apex Court has been referred to in order dated 23.03.2020, passed by the Director (ICDS), Government of India, who in his order has recorded that in case Anganwadis are shut down, the children as well as the lactating & nursing mothers would be deprived of the nutritional food. Non-supply of nutritional food to the children as well as lactating and nursing mothers may lead to large-scale malnourishment. Particularly, the children and the lactating and nursing mothers in rural as well as tribal area are prone to such mal-nourishment. Such malnutrition may affect their immunity system and as such, children and lactating and nursing mothers would be more prone to catch the infection.

8. It is in the aforesaid circumstances, the work done by the Anganwadi Workers cannot be undermined by passing any direction for discharge of duties by departments and specially during elections. It is noticed that Central and State Governments are vigilant in this regard and have passed various Government Orders restraining the District Magistrates and other Officers not to engage Anganwadi Workers in other works including election duty.

9. In the counter affidavit it has only been stated that since work of elections is of supreme importance in a Democracy and all the officers have to act and assist during such process, but in the counter affidavit there is no answer to the various Government Orders issued either by the Chief Secretary, Government of U.P. or by Government of India and also directions issued by the Apex Court in this regard.

10. In the light of above, this Court is of the considered view that work which is being discharged by Anganwadi Workers is of considerable importance, looking into the fact that in one block there is only one worker and in case that one Anganwadi Worker is assigned duty in elections or any other work then entire nursing and lactating woman including pregnant women would not be taken care of and would adversely affect the health of public at large.

11. In the light of above, present writ petition is **allowed**.

12. It is provided that let Government Order dated 19.11.2019 and 03.05.2017 as well as Government Order dated 09.11.2013, the block level officers and various other departments are restrained from passing any orders engaging Anganwadi Workers in any other work/duty including election duty.

13. Let a copy of this order be served upon the Chief Secretary, Government of U.P., Lucknow, so that he may pass necessary orders and direct the District Magistrates accordingly.

Order Date :- 9.11.2022

A. Verma

(Alok Mathur, J.)