

March 7<sup>th</sup>, 2009.

All schemes/619/Bihar.

Shri. R J Mohan Pillai  
Chief Secretary  
Government of Bihar,  
Main Secretariat  
Patna  
Bihar.

**Sub: Regarding the adequacy of relief and rehabilitation efforts in Bihar.**

Dear Shri. Pillai,

As you are aware, I am reporting to the Supreme Court on the conditions of hunger and the protection of the right to food of people affected by the massive Kosi floods last year. After my last 3 day visit, I had written a report which appreciated the efforts of the state government in very difficult circumstances. I had suggested a massive enhancement of allocations in all central food, social security and livelihood schemes, to ensure full saturation of all affected people, in order to assist the state government to launch a massive drive to combat their destitution and lapse into hunger.

I am deeply disappointed that the state government of Bihar in its reply to the Supreme Court denied the need for any enhancement of any of these allocations, or for intensive coverage. Meanwhile alarming stories have appeared in the press of widespread starvation. I myself have encountered populations of distress migrants who have swelled the ranks of the homeless in Delhi.

The reasons given for not agreeing with the suggestions of expansion of coverage of these schemes submitted by the state government are surprisingly thin and routine. It

is stated, for instance, by the government that the affected people do not need AAY cards, because one quintal of free grain was given after the flooding, and another under process at the time of writing. It is estimated that 500 grams of food grain are consumed per person per day; for a family of 5, this amounts to 2.5 kg per day, or 75 kg per month. Therefore one quintal of free food grain is unlikely to last for more than a month and a half.

I have suggested a saturation of schemes among affected people under our jurisdiction, like old age pensions. But the routine response is that 'there is a standard procedure for including all who are BPL and above 65 years in the old age pension scheme'. However, this is clearly not a standard situation. You would agree that extraordinary situations require extraordinary responses.

A similar response by the state government again is that a proposal has been sent to cover all hamlets with ICDS centres in the state. Therefore no special dispensation is required for the affected areas. But our proposal was to give urgent priority to the affected settlements, to prevent child starvation. Again this is a routine response.

I suggested NREGA full coverage, with special dispensation to help affected people to rebuild their settlements. This would have been permissible with the Court instructions. Again this was opposed by the state government's response to the Court.

I propose to visit Patna on 20 March 2009, and request that I meet you and the senior officials of various government departments to review about the performance of the various food, social security and livelihood schemes, in the affected areas, as well as in the state as a whole, in pursuance of our mandate in the Supreme Court case 196/2001. I would also be grateful if it is possible for me to fly into the affected areas, to meet the people as well as the district collectors, to enable me to fulfil my duty to

**DR. N. C. SAXENA, COMMISSIONER AND  
HARSH MANDER, SPECIAL COMMISSIONER OF THE SUPREME COURT  
IN THE CASE: PUCL v. UOI & Ors. WRIT PETITION (Civil) No. 196 of 2001**

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the Supreme Court to ensure that all steps are taken to prevent large scale hunger and further distress.

I request the state government to urgently reconsider its routine opposition to the massive enhancement of allocations in all central food, social security and livelihood schemes, to ensure massively enhanced expansion of coverage all affected people, to prevent their destitution and starvation, and to communicate this to the Supreme Court.

Warm regards,

Dr. N. C. Saxena

Harsh Mander