

**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**

July 3rd, 2009.

Starvation death//Orissa.

Shri. Ajit Kumar Tripathy
Chief Secretary
Government of Orissa
Orissa Secretariat
Bhuvaneshwar
Orissa.

Sub: Regarding the Starvation death in Orissa.

Dear Shri. Tripathy,

As you are aware, in our capacity as Commissioners of the Supreme Court in CWP 196/2001, PUCL v. UOI and others, we monitor the implementation of the food and employment related schemes in the country which fall under the purview of the case including the ICDS, MDMS, NREGA, NOAPS, TPDS, NMBS /JSY and NFBS.

We are in receipt of a report from our Advisor in Orissa regarding the death of one person in Padhanpada village of Bant block, due to starvation. We are enclosing the report herewith for your perusal. The report has been compiled by the team of our Advisor by visiting the family of deceased and enquiring about the death of the said person from the community members, Panchayat and government workers. This starvation death has also been reported in the national English daily "the Times of India" on dated 8th may 2009.

Further, our Adviser had brought the concern to the notice of Commissioner-cum- Secretary, Revenue and Disaster Management Department, Government of Orissa vide letters dated 19th May 2009 and 12th June 2009 (enclosed) and requested the department for providing some immediate and long term assistance to the family. However, it is learnt that no step has been undertaken by the concerned department yet.

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The family has now only two surviving children, as they had also lost their mother few years before. It is regrettable that the deceased family hasn't been provided even the death certificate which would help them to get the benefits under the National Family Benefit Scheme.

We would like to bring it to your notice the Supreme Court order dated 20th August 2001 which clearly states that the state is responsible for any of the starvation death occurring in its jurisdiction. The order also directs the government to initiate necessary action to prevent such incidence and extent all possible support to the deceased's family.

Therefore, in pursuance of this order we would urge the state government to kindly take the following steps:

1. Please file FIR against those found guilty.
2. Issue death certificate to the family.
3. Provide Rs. 10000/- as assistance under National Family Benefit Scheme.
4. Provide free grain for a period till the male child would attain maturity.
5. Provide the education scholarship to the children so that they can continue their studies.
6. Provide assistance under IAY.
7. We request you to take immediate steps to ensure coverage of all eligible persons under all food and livelihood schemes for such as ICDS, MDM, NREGA and pensions; and effective functioning of the institutions implementing these food and livelihood schemes.
8. Please ensure that all the families in that community have access to enough food.
9. Please undertake a survey in all these villages and identify the children who suffer from malnutrition and make necessary requirements for their food within the community. However, the severely malnourished children should be taken to the Nutrition Rehabilitation Centres. Also please send us action taken report within one month.
10. Identify all cases of starvation or hunger-related deaths and families that are living in near-starvation conditions. For all such cases we would request you to kindly ensure that:
 - a. Immediate relief to the survivors in the affected family is provided by the State Government. You may consider providing gratuitous relief in the form of food

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- grains, corresponding to at least two months quota (70 kgs) to the survivors in the affected family.
- b. Longer term rehabilitation of the survivors in the affected families, including livelihood assurance and education of children in case the deceased is a bread winner.
 - c. identify which are the communities that are living with starvation, what are the causes, and initiate longer term responses to address these problems
11. All the PDS ration shops should be open for the whole month as per the Supreme court order dated 8 May 2002 which states: "The respondents shall ensure that the ration shops remain open throughout the month, during fixed hours, the details of which will be displayed on the notice board."
 12. All the BPL and AAY card holders should be provided 35 kgs of food grain every month as per the Supreme court order dated 10 January 2008 and should also be allowed to lift their quota of grain in more than one instalments if they want. Please also send us a) a copy of instructions that would be issued in this direction within two weeks and b) an action taken report within one month.
 13. All the persons who don't have ration cards and have applied for the ration cards should be provided within one month.
 14. As the NOAPS have been universalised among all the BPL old persons who are above 65 years of age, therefore, please extend the scheme accordingly and ensure that all the eligible beneficiaries receive pension by 7th of each month as per Supreme Court order dated 28th November, 2001.
 15. Conduct a social audit to find out the cases of corruption in all the food schemes including NREGS; why the food schemes haven't been implemented as per the Supreme Court orders and the irresponsibilities on part of the government officials including the panchayat members. Please include Mr. Raj Kishor and experts nominated by him and send us an action taken report in one month.
 16. Please undertake the steps and pre plan the work that can be taken up in the villages to ensure work is available on demand under NREGA.

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17. Ensure that wages under NREGA are provided not less than the statutory minimum wages and within a week.

We would be grateful if you could kindly look into the above listed matters on priority and send us action taken report at the earliest.

With regards,

Dr. N.C. Saxena

Harsh Mander

CC: Mr. Raj Kishor, Advisor to the Commissioners to the Supreme Court, Orissa.