DR. N. C. SAXENA, MR. S. R. SANKARAN
COMMISSIONERS OF THE SUPREME COURT
IN THE CASE: PUCL Vs UOI & ORS. WRIT PETITION (Civil) NO. 196 of 2001

21st August, 02

The Collector
Palamu District.
Jharkhand

Sub: Starvation Deaths in Kusmatand village of Palamu District

Sir,

You must be aware of the Supreme Court order of May 8, 2002 in the case PUCL Vs. UoI and Ors. [w/p (civil) 196 of 2001, in the Supreme Court] in which Mr. Sankaran and I have been appointed as Commissioners.

We have received certain complaints about functioning of various food schemes in Palamu, Jarkhand. The complaints suggest that there have been violations of the order of the Hon'ble Supreme Court. I have now received a complaint that some starvation deaths have happened in the background of complete failure of food schemes, many of which amount to violations of the Supreme Court's orders in Palamu district of Jharkhand.

I have come to know about starvation deaths through a report in *Prabhat Khabar*, on 23rd May, 2002 and various NGOs working in that area. I have also received the report of a fact-finding team from Delhi School of Economics and Gram Swaraj Abhiyan who visited Kusumatand to investigate the deaths.

The report suggest that the deaths were 'hunger deaths' in the sense that they would have been averted if the victims had enough food at home. It says "The deaths are a direct consequence of accumulated hunger over a long period."

The report says that the PDS system in the Manatu block is non-functional. Findings of the report show that none of the BPL families investigated in Kusumatand had received any grain from the PDS during the last 12 months. The local dealers themselves have openly stated that they had stopped lifting the BPL quota. It also points out that even Antyodaya cardholders were not getting their quota of grains.

The Hon'ble Supreme Court has directed your government to provide cooked mid-day meals to all children in all government and government aided primary schools. The report says that cooked

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mid-day meals has not started in the school that the children of Kusmatand attend. It is possible that it has not started in the entire district of Palamu and all or Jarkhand, under the Mid Day Meal Scheme.

The newspaper reports, report of the fact finding team and complaints from various NGOs indicate that there have been serious violations of the orders of the Hon'ble Supreme Court in the case PUCL vs. Union of India and others in Manatu and its surrounding blocks. In my next report to the Hon'ble Supreme Court I am intending to refer the case of Palamu. Whatever be the immediate cause of the deaths, it does appear that they have happened in the shadow of severe endemic malnutrition. They could have been alleviated by a proper functioning of various schemes of the government.

I would like to asses the compliance of your administration to the orders of the Supreme Court. Your reply would serve to clarify your position when I submit my report to the Hon'ble Supreme Court.

1. Orders relating to information and transparency:

   - Para 10 of the order of November 28, 2001 directs you to publicise the order in local languages in all the block offices, schools, panchayats, etc. Have you taken measures for the same? If yes, please attach herewith the publicity materials.
   - The Hon'ble Supreme Court has directed you to display the list of beneficiaries of various schemes in Gram panchayats, school buildings and the fair price shops. Have you displayed the list of beneficiaries of TPDS, Antyodaya Anna Yojana, national old age pension scheme and Annapurana scheme all over the district? Please attach with your reply, the list of beneficiaries under these 4 schemes in the Village of Kusmatand, Palamu.

2. Identification of BPL families: As per Supreme Court order of 28 November 2001, all states were to complete the identification of BPL families by 1 January, 2002. In Kusumatand, however, many families report that they are still to get a ration card. Many families did not posses the ration card when the fact finding team visited the village. Is your administration taking any steps to comply the order of November 28, 2001 of the Supreme Court and the PDS (Control) Order, 2001.

3. Provision of grain to BPL families: the Supreme Court has directed you to ensure that all BPL families receive their entitlement each month. My report suggests that in Kusumatand, the PDS has been more or less defunct for over a year. This is borne out not only by the villagers' testimonies, but also by the ration cards and by the local PDS dealers. Please let me know the efforts that you have taken in the wake of the Supreme Court order to ensure that the entitlements reach the beneficiaries.

4. Delivery of Antyodaya grain: I have got reports that grains are not reaching the beneficiaries of Antyodaya Anna Yojana.

   - Please let me know what the off-take of grain under AAY is in Palamu.
   - I request you to direct the relevant office to return to me off-take of Antyodaya Anna Yojana grains in the PDS shop used by people of Kusmatand. If it is below 60% for any of the pervious 6 months, please explain why it could be so.
   - Have you or any senior officers taken any effort to ensure that the Antyodaya Anna Yojana beneficiaries receive their entitlement? If yes, please explain what steps have been taken.

5. Free grain for the destitute: the Hon'ble Supreme Court also directed the governments to consider providing grains free to the destitute especially if they are unable to afford the grain at the Antyodaya Anna Yojana or BPL rates. Has any measure been taken to that extant? Has any grain in the Block office of Manatu been used for this purpose? Please direct the BDO to inform me of the usage of grain under his disposal in the past 6 months.

6. Provision of cooked mid-day meals to school children: According to the SC order of 28 November 2001, cooked mid-day meals should be provided in all primary schools. I have got complaints that the schools close to Kusumatand (in Naudiha and Manatu), no meal is being provided. Please explain why this is the case and why the order of the Court has not been complied with?

You would also be aware that the order of May 8, 2002 in the same case clarifies that the collector and the Chief Secretary are responsible for ensuring that the orders of the Supreme Court are complied with. I request you to direct your officers to take this issue seriously and send a detailed

report to me at the earliest. I request you to send me a reply within the first week of September, in time to explain your stand in the report that I am submitting to the Hon'ble Supreme Court.

Your efforts to clarify the situation would be greatly appreciated.

With Warm Regards

(N C Saxena)