

# **Response To The Government of West Bengal's Affidavit On Hunger in West Bengal Tea Plantations (March-April 2004)**

## **Introduction**

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On 16<sup>th</sup> January 2004, after receiving a report from the West Bengal Advisor to the Commissioners of the Supreme Court in Writ Petition 196/2001, the Supreme Court asked the State of West Bengal to respond to the Report within 10 days and to “take such action as it may consider appropriate having regard to the various aspects and incidents of malnutrition and other problems highlighted in the Report.” The State Government immediately took some major steps and it reported its actions to the Supreme Court in its affidavit filed on 29<sup>th</sup> January, 2004. The District Magistrates in turn issued orders for the State Government’s directions to be put into action.

From 22<sup>nd</sup> to 24<sup>th</sup> March, 2004 a team from the Right to Food And Work West Bengal Network visited various plantations to assess whether the ground situation had changed, and to assess the state of the implementation of the various promises put forward by the State Government. Later, the Advisor also visited some plantations from April 3<sup>rd</sup> to 6<sup>th</sup> 2004. The visits covered Ramjhora, Mujnai, Jogesh Chandra, Rahimabad, Dheklapara (Division) and Samsing. The Advisor also met leaders from all major trade unions and some NGOs. From these visits it was apparent that the State Government has still not taken up relief efforts as seriously as it should. Of utmost concern was the fact that in Rahimabad, I found that deaths due to hunger were continuing.

A report on the visits has been submitted to the Nodal Officer and the District Magistrate, Jalpaiguri district (copy attached). There are certain points, however, that need the attention of the Commissioners and the Court. These are given below:

## **Impact of Government relief on hunger**

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The two major relief programmes for food and work implemented by the State Government so far have been AAY and SGRY. Under these programmes, through our visits we have seen that each permanent worker has received about Rs.275 from the SGRY and about 20 kgs of food grains in a month. This amounts to Rs. 475 per family (even if we assume the price of foodgrains to be as high as Rs.10 per kg) or for a family of 5, Rs. 95 per head per month. This is much below the Planning Commission estimates (1999 – 2000, for West Bengal) of Rural poverty line at Rs. 350.17 per capita per month.

Along with this, there has been some coverage of primary school going children under the cooked MDMS and incomplete coverage under the ICDS. It can therefore safely be assumed therefore that tea workers continue to live in starvation conditions.

## **Continuation of deaths?**

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The most shocking fact is that in Rahimabad, untimely deaths due to hunger and lack of health care seem to be continuing. On 4<sup>th</sup> April 2004, I was informed that a permanent worker Rana Chhetri aged 35 years old had died about a week ago. Rana had been suffering from a respiratory tract disease, probably bronchitis for about 6–7 years. The immediate cause of his death was as minor as a bout of diarrhoea that lasted for two days. The underlying cause of death however seems to be hunger and lack of medical care received by the family. A mobile van from the Government that used to visit the plantations has not been coming for three weeks. Rahimabad continues to be very remote and very far from other medical facilities.

As far as food is concerned, Rana stopped working totally after the plantation closed in 2002. His wife, Babita, has since then been supporting the family mainly by cutting and selling firewood. Babita stated that she used to earn Rs.20–30 a day, four to five times a week. In addition, after the Court gave its order on January 16<sup>th</sup> 2004, the family has received some benefits from the Government in the past two months. These amounted to 20 kgs of rice from the SGRY works and 10 kgs of rice and 10 kgs of wheat flour under the Antodaya Anna Yojana. The couple had two sons (15 and 12 years old) living with them. The family thus seemed to have 40 kgs of foodgrains in the last two months and about Rs.640–1200 from the sale of wood i.e. about 165 grams of food grains per person per day and about Rs.2.60 to Rs.5 per day per person. This has kept the family at starvation levels, and Rana, who was already sickly, was its first victim.

## **Deaths due to starvation**

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While deaths and low availability of food continue to affect families of workers, the State Government has denied in its affidavit that starvation related deaths have occurred and it has refused compensation to the persons affected. It states in its affidavit that there are no reported cases of starvation deaths from the District during the period from 1.1.2003 to 31.12.2003. A copy of the report of the Chief Medical Officer of Health (CMOH), Jalpaiguri District addressed to the District Magistrate, Jalpaiguri is enclosed with the affidavit. The CMOH states that his report is “based on the documents received from the Dy. CMOH-II, Jalpaiguri, Closed Tea Garden Registers and the reports of Dist Epidemic Cell of Dy.-CMOH II.”

For the report submitted to the Supreme Court on January 16<sup>th</sup> 2004, the West Bengal Advisor and the Convenor of the Right to Food and Work Network West Bengal had also used the same source of information i.e. Closed Tea Garden registers and had given the following figures for deaths.

<b>Name of the garden</b>	<b>Figures given by Advisor from closed tea garden registers (2003)</b>	<b>Figures given by CMOH from closed tea garden registers (2003)</b>
Mujnai	54	42
Raimatong	73	13
Ramjhora	31	39
Dheklapara	54	14

To check on this discrepancy of figures, we examined tea garden registers and got xerox copies of the same. Enclosed are xerox copies of the closed tea garden registers of four tea gardens that clearly show that figures in the registers are different from the figures submitted by the State Government in Court.

<b>Name of the garden</b>	<b>Number of deaths shown in closed tea garden registers (2003)</b>	<b>Figures given by CMOH from closed tea garden registers (2003)</b>
Rahimabad	52	7
Raimatong	73	13
Katalguri	88	11
Samsing	45	19

During visits to Jogesh Chandra TE and Rahimabad TE, we asked the workers to comment on the figures of deaths given in the Government of West Bengal's affidavit. While the affidavit mentions 1 death in 2003 in Jogesh Chandra, the workers gave the figure of 68. In Rahimabad, the Government's figure in its affidavit is 7, while the health assistant showed us the garden register which shows over 50 deaths in 2003 and 120 deaths from 10<sup>th</sup> May 2002 (when the garden closed) till 31<sup>st</sup> March 2004. In fact, just in the meeting those present could off hand recall many more than 7 deaths.

### **Stand on PF Arrears**

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In its affidavit the State Government has taken the position that default of PF has to be dealt by the Regional Provident Commissioner of the Central Government and it does not have any role in this matter. We feel that the GoWB and the GoI have to take much more serious steps on default in PF and in the matter of the dues that the tea plantation management has to pay to workers in closed gardens.

### **Conclusions**

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While the State Government and the district administration have made some concrete declarations to deal with the problem of hunger amongst tea plantation workers, certain serious problems in implementation still remain. These need to be dealt with immediately in order to stop hunger related deaths and suffering. The required steps are as follows:

1. The State and Central Governments must assure that each worker's family in the closed gardens receives 35 kgs of foodgrains under the AAY every day. No deductions for transportation or any other reason are acceptable.
2. The administration must ensure that atleast 15 days of work under SGRY is created and that workers receive full wages within 1 week of the work being done.
3. Small problems of irregular or short supply in the MDMS must be dealt with.
4. The number of ICDS centres must be increased by the Central Government so that uncovered parts of each garden can be covered. Existing ICDS centres must cover the entire eligible population of children, adolescent girls and mothers.
5. Unemployment allowance should be given in all gardens that have been closed for over a year on a regular basis.

6. The question of deaths due to starvation needs very serious examination, especially the fact that the Government through its CMOH has given false information in court on the number of deaths.
7. Workers should be compensated for deaths in the family, as well as for denial of entitlements under the nine schemes.
8. There should be punitive measures for Government employees who do not implement schemes thus causing a great deal of suffering to poor people. Giving of false information in court (e.g. on starvation deaths) also needs to be dealt with severely.
9. The State and Central Government should take serious steps for recovery of dues and of PF installments of the workers.