

Joint Commission of Enquiry into hunger deaths in Bihar (17-23 July, 2010)

Report of findings

1.0 Introduction

1.1 Office of SC commissioners in the Right to Food Case had sought a joint commission of enquiry (joint, between SC commissioners and Bihar state government) to look into the reported incidence of starvation deaths in the state. According to civil society organisations and the press, some 120 starvation deaths have occurred in the state in the past years. The objective behind the JCE is not so much to establish whether the deaths occurred due to hunger, but to examine, in the worst affected districts and the villages where the deaths are reported to have occurred, (i) the living conditions of the poorest, (ii) their access to food and incomes, and (iii) how government schemes function in order to provide protection against deprivation.

1.2 A JCE was constituted, to be made up of (i) representative of the SC Commissioners, (ii) Bihar advisor to the SC Commissioners, (iii) and a state government nominee. In reality the JCE had to make do with junior functionaries of the district administrations.

1.3 The team visited Araria district from 19-20 July; Muzaffarpur district on 21 July, and Gaya district on 22 July 2010. In Araria, the JCE visited (i) Mojha Tola of Barghama Panchayat (Barghama block), and (ii) Harijan Tola, Sikti village of Muraripur panchayat, (Sikti block). In Muzaffarpur, we visited Bahlolpur tola of adihopalpur panchayat (block). In Gaya it was Jali village of Gopalkhera panchayat (block). Hunger deaths have been reported from Muzaffarpur and Gaya districts, and all reports point to chronic malnutrition and hunger-like situation in Araria district.

1.5 Separately, the national advisor visited, on 18 July 2010, Sikanderpur tola, Taranagar, panchayat of Bihta block, Patna district, to get a feel of how food and employment programmes work for the rural poor in the capital district.

1.4 During those visits, the team held focus groups discussions with affected communities, mostly dalits and maha dalits, but also containing members from other sections; meetings with panchayat and block officials, and with district administration, to ascertain facts and obtain submissions. In Araria and Muzaffarpur, District Magistrates were reportedly on leave, and in Gaya the DM did not turn up for meeting with the JCM despite prior notice. In the three districts, we also interacted with activists and civil society organisations, to get their feel of hunger, and working of social protection programmes.

2.0 Our findings are as follows:

2.1 Araria:

i. General observations:

Remote, flood prone district and blocks, with large dalit /mahadalit population, amidst middle caste population.

In the focus group discussion, DSO, SDO, BDO, PRS, and ward members were present.

ii. Access to assets (land, credit, employment...)

- No dalit/mahadalit family has any agricultural land. Many have no homestead land too. No land distribution has taken place here. Not a single family has received any land

(homestead or agricultural) from government. People have not been made aware too about land rights.

- No one is able to access credit from banks. They have no land!

iii. Access to employment opportunities

- All dalit/mahadalit persons work as casual labour, on other farmers' lands; manual labour in village when available. But this is limited. In good season, people might get work for 10-20 days a months; in off season, 2-3 days a month. Hence must migrate out in search of jobs in other states.

- agricultural wage rate ranges between Rs. 50 to Rs. 20 a day + meal, depending on the nature of work, former for 'hard work', latter for sowing etc. For specialised work (masons) the rate is Rs. 100 a day.

- Functioning of employment programmes: NREGA

In one village, everyone seemed to have job card (but many cards retained by PRS), but number of days of employment ranged between 7-15; with no entries made in the card. Pass book entries were faulty, money received much less than what had been written in. Wage payment came much later than stipulated. Awareness of wage rate too was poor – confusion between Rs. 102 and Rs. 114. No one had got non employment compensation.

In another village, 4-5 persons had cards, the rest, we found out was with the ward member. No one from the village had got any work at all in the past years.

iv. Access to food and nutrition and social protection

- Functioning of PDS

Very poor. many otherwise eligible families had no BPL cards. Those that had cards have not received ration for many months. The last BPL coupons we saw redeemed was from June 2009 in fist village, from early 2010 in another. In first village no one had received K-oil for many months (despite records with SDO showing dealer had lifted stock), in another it had been received but only in fits and starts.

- Functioning of ICDS

In first village, no Anganwadi centre in the tola for past 4-5 years (despite being large enough to have a centre/mini centre of its own). Children and mothers totally deprived of ICDS entitlement. In second, seemed to be working, although issues about quantity of provisions (khichdi) and its quality (health check up etc.)

- Functioning of MDM

In first village, villagers complained of MDM food not provided in school for past many months, accounting for summer vacation that still means no food since school reopened on 22 June. In the second, seemed to be working well.

- Functioning of pension schemes

Some villagers getting old age pension of Rs 200 pm, every 3-4 months. PO clerk deducts money at time of release. Many eligible persons, in both villages, do not have cards. Those that are BPL and have no NOAP cards do not receive Annapoorna rice. Some mothers had received the Rs. 1400 maternity benefit.

- Functioning of AAY

Poor. No one had received AAY rice for the past 6 months at least.

v. Governance of pro-poor programmes

- People's voice and participation: functioning of local government

Gram Sabha (or aam sabha) has never been held. All schemes are implemented with total disregard for citizen participation. Mukhiya and middlemen, with officials select beneficiaries. No grievance redressal system in place.

- Information and capacity:

Very poor awareness of programmes and entitlements in people. No evidence of any effort by government to create that awareness. Ward members complain of exclusion from any decision making in panchayats. But in second village, all NREGA cards had been kept back by him. Villagers also complained of ward member taking Rs. 50 from each person for making those cards. When we asked the BDO to file an FIR, he refused, saying NREGA was not his responsibility. No panchayat meeting called too by Mukhia.

- Monitoring and grievance redress

No evidence of any monitoring and oversight system by block and district administration on functioning of village administration.

2.2 Muzaffarpur:

i. General observations

Dalit and mahadalit families amidst middle and higher caste families. Village site of a hunger deaths.

In the FGD, Sr. Deputy Collector, BDO and Mukhiya were present.

ii. Access to assets (land, credit, employment...)

- No dalit family (paswan) has any land. Some Ram families, do. All yadavs and the odd bhumihar does. No land distribution programme in the village.

- All have homestead land, although no one has formal patta. No one has received homestead land from government.

iii. Access to employment opportunities

- All dalit/mahadalit persons work as casual labour, on other farmers' lands (when available), as rickshaw pullers in Muzaffarpur or on road works (highway). But this is several limited (10-15 days a year). So most men must migrate out in search of jobs in other states.

- agricultural wage rate ranges between Rs. 50 to Rs. 20 a day + meal, depending on the nature of work, former for 'hard work', latter for sowing etc. For specialised work (masons) the rate is Rs. 100 a day.

- Functioning of employment programmes: NREGA

Half the eligible persons in tola have job cards. Average amount of work made available is 5-10 days a year, but no work in the past 6 months, some have work from 2008, or 2009. Passbook entries and labour card entries do not match, payment made was in cash by Mukhiya; no awareness of wage rate provision or the process of NREGA. Contactors came and informed villagers of work available, and asked them to work. Although 1-2 persons know that if work is not provided they are eligible for compensation, no one has applied for work, do not know who to apply to.

iv. Access to food and nutrition and social protection

- Functioning of PDS

Poor functioning. Many persons complain of not having BPL cards. Ration available only every 2-3 months. A large number of people show coupons from as back as 2009 and 2008 that have not been redeemed. Quantity and price too is problematic. Only one person says she has received AAY (yellow card) rice, at a quarter of the price higher than what should have been. K-oil flows more regularly.

- Functioning of ICDS

ICDS centre 1.5 kms away in dharampur. No health check or drugs. Khichdi is provided to older children; a lactating mother says she received 1.25 kg rice and 0.5 kg dal in the past month.

- Functioning of MDM

School does not open regularly. When they are open, which is about 50% of the time, MDM is provided and children do eat rice and sabzi. Villagers complain of the 2 teachers being very irregular, because mukhiya appointed them after taking bribe.

- Functioning of pension schemes

Only 2 pensioners that we came across in the gathering.

The wife of the deceased has received Annapoorna rice. Has BPL card, but has no pension.

Under maternity benefit, mothers have received Rs. 1000.

v. *Governance of pro-poor programmes*

- People's voice and participation: functioning of local government

Gram Sabha (or aam sabha) has never been held. All schemes are implemented with total disregard for citizen participation. Mukhiya and middlemen, with officials select beneficiaries.

No grievance redressal system in place.

- Information and capacity:

Very poor awareness of programmes and entitlements in people. No evidence of any effort by government to create that awareness. Mukhiya (upper caste) who was present says he has organised panchayats, but villagers challenge him. Say they have never been informed; are always excluded from decision making and from benefits. Complain that for everything they must run after the Mukhiya and beg him.

- Monitoring and grievance redress

No evidence of any monitoring and oversight system by block and district administration on functioning of village administration.

2.3 Gaya:

i. *General observations*

Bhuiyan (mahadalit) + Ravidas and sahu families amidst Yadavs. Site of some **45 deaths in the past years – 25 due to hunger, and rest due to people suffering from TB** on account of their working in Rajasthan/ Delhi at stone crushing work sites. The village has been highlighted in media reports for its large number of hunger deaths. Activists have brought this to the knowledge of the administration. SC special commissioner has, in the past couple of months, on visits to the district, directed state and district administration to give special attention to the plight of these and other families (**in 11 villages** from where hunger deaths have been reported in Gaya). Activists have carried out detailed surveys of people affected and working of social protection programmes in the village, and have made those available to the district administration, in a formal meeting as late as 9 July 2010.

The village is part of the drought zone, with little agricultural production, and meagre non-farm income. Ensuring food for their families throughout the year is a major challenge for most Bhuiyans. They claim they depend for most of the year on mahua fruit, chikora saag and taar (palm) fruit for their food need.

In the FGD, DDC, BDO, CDPO and PRS were present.

ii. Access to assets (land, credit, employment...)

- Bhuiyans from the village have no agricultural land at all. No land provided to them by government. Have no knowledge of land rights too.

- most have some form of homestead land, but have no formal papers of claim. No habitation land provided to any family under any government programme too.

- No one has ever taken any loan from banks.

iii. Access to employment opportunities

- very little agricultural work available; depend mostly on minor forest produce, but forest dwellers prevent even that. Some do specialised work like masonry. All must depend on work in other states – Rajasthan, Punjab, Delhi. On brick kilns, under exploitative conditions.

- Functioning of employment programmes: NREGA

Only one person showed the new labour card – that too was totally blank, including the name page. Rest no one has card with them. PRS, who was present, says cards are being filled in and will be distributed soon. Many had the old (yellow) labour card. No one has done any work in the past 2-3 years. Last year anyone worked was in 2006!

iv. Access to food and nutrition and social protection

- Functioning of PDS

Very poor functioning. 25 % families have no BPL cards, when all are severely malnourished and poor. Those that do have cards, get ration only occasionally. We saw coupons from as far back as June 2009. we saw people with coupons from May 09 to June 2010. AAY rice is provided every 2-3 months for the past year, @ 10 kg wheat. K oil flows every two months.

- Functioning of ICDS

Does not appear to function well. Located in the local school. A pregnant mother says, 2-3 months ago received food (0.5 kg rice and dal), none after that. No evidence of normal provision for infants and young children. All toys and implements kept at AWW's house. Little sign of weighing of children and health check up. Say polio vaccines given.

- Functioning of MDM

School seems to be very irregular. Children say they get rice and dal when it is open.

- Functioning of pension schemes

At least 12 widows in the village (death due to TB) that do not have any form of pension support. They do not get any alternative support too. 4 widows have received NFBS support. No NMBS support to any mother. Hospital too far away so deliveries in village, but not aware that Rs. 1400 is available anyways.

v. *Governance of pro-poor programmes*

- People's voice and participation: functioning of local government

Gram Sabha (or aam sabha) has never been held. All schemes are implemented with total disregard for citizen participation. Mukhiya and middlemen, with officials select beneficiaries. No grievance redressal system in place.

- Information and capacity:

Very poor awareness of programmes and entitlements in people. No evidence of any effort by government to create that awareness. All programmes cornered by more powerful sections of the village, in connivance with elected representatives and officials. Bhuiyans (and other mahadalits) have no access to their entitlements, no recourse too to have their rights redeemed.

- Monitoring and grievance redress

No evidence of any monitoring and oversight system by block and district administration on functioning of village administration.

[DDC and BDO committed, in front of all villagers in the meeting, to ensure Gram Sabha meeting in the village on 2/8/2010 – to discuss all schemes and identify rightful beneficiaries; start of NREGA work in village and for its families immediately after; and social audit of all programmes on 02/09/2010. Local activists working on hunger deaths and rights of dalits / mahadalits in Jali village to assist district administration ensure that Gram Sabha is held in such a manner that the benefits of the most poor are ensured]

Enclosed are filled in copies of village schedules, signed also by district administration reps.

Dr. Sajjad Hassan
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Patna
23 July, 2010