

## **SECOND REPORT OF THE COMMISSIONER**

### **TO THE SUPREME COURT**

The commissioner to the Supreme Court of India in "PUCL Vs UoI and Others" submitted his second report on March 3, 2003 to the court. The following is the original text of the report. The annexure will be made available on the site soon. This is a public document and has been released by Dr. Saxena.

### **SECOND REPORT OF DR N C SAXENA TO THE SUPREME COURT**

#### **STRUCTURE OF THE REPORT**

1. INTRODUCTION AND REPORT OF ACTIVITIES
2. STATUS OF IMPLEMENTATION OF VARIOUS SCHEMES
  - i) Mid day meal scheme
  - ii) SGRY
  - iii) Targeted Public Distribution Scheme
  - iv) Annapurna and Pension Schemes
  - v) Other issues
3. PRAYERS AND RECOMMENDATIONS

To,

The Hon'ble Chief Justice,

Supreme Court of India,

Tilak Marg,

New Delhi—110 001.

**Re: WRIT PETITION (CIVIL) NO. 196 OF 2001**

**PEOPLE'S UNION FOR CIVIL LIBERTIES VERSUS UNION OF  
INDIA & ORS.**

**-- SECOND REPORT TO THIS HON'BLE COURT OF DR. N.C.  
SAXENA**

Dear Sir,

This Hon'ble Court by its order dated May 8, 2001 was gracious enough to appoint me and Mr. S.R. Sankaran as the commissioners of this Hon'ble Court for the purpose of looking into the grievances that may persist after grievance resolution procedure laid down by this Hon'ble Court have been exhausted. I have already forwarded my first report to this Hon'ble Court. Following is the second report for the perusal and kind attention of this Hon'ble Court.

## **PART I: INTRODUCTION AND REPORT OF ACTIVITIES**

In the past few months I have been building a steady volume of correspondence with the states on various issues pertaining to implementation of the orders of the Hon'ble Supreme Court. Unlike the time during the previous report, most of the States and Union Territories are now responding more promptly to my queries. This has enabled me to build a better understanding of the status of implementation of the orders in PUCL Vs UoI and Ors.

Apart from corresponding with the States, I have also made personal visits to many places to make first hand assessment of the situation. The reports of my visits to Orissa, Maharashtra and Uttar Pradesh are annexed and marked **Annexures A, B & C** respectively.

I am happy to note that as per the order of October 8, 2002 I have received funds for operation from the Ministry of Rural Development. Following the same order, I requested the States and Union Territories to appoint the resident commissioner of each state to perform the task of assisting the commissioner. Most of the States and Union Territories have appointed either the resident commissioner or some other IAS officer with suitable experience. Some states have given me other alternatives.

The Hon'ble Supreme Court has rightly been giving a lot of importance to the mid-day meal scheme. The scheme reaches an important target group and the effectiveness of cooked mid-day meal programme is well established. The Court had asked all the States and Union Territories to introduce cooked mid-day meals in all government and government aided schools latest by May 28, 2002. This order has unfortunately been violated by many States.

I have been regularly corresponding with the States and have urged them to introduce cooked mid-day meal programme at the earliest. I have also reminded constantly those in violation of the order of November 28, 2001. Many states have shown a positive response by starting the programme in with full or partial coverage. Some states, in particular Bihar, Uttar Pradesh and Jharkhand have still been unable to

start the scheme in any part of the State at all. Given the importance of the mid-day meal programme, I have a detailed section on it in this report. A communication was sent to the States and Union Territories regarding the impending report telling them what I know of the status of implementation in their state. I have taken into account the views of the States where I have received a response.

Employment programmes are the best way for reaching the poorest people. Proper and adequate implementation of relief employment is crucial in times of drought for avoiding mass hunger and distress. My field visits and reports from various states confirm that there is a distress situation due to drought in many states. There have already been many reports of Starvation Deaths from various corners. The distress is only bound to increase in the coming months and will go on at least till the month of August-September, until the next harvest is done. It is imperative that drought relief is carried in full scale if we are to avoid mass hunger and starvation.

SGRY is the largest employment programme in the country currently. I am distressed to find that many states are not utilising the funds that are available. A detailed report is presented in the report that includes replies from the states to the queries I have been raising on the implementation of SGRY.

Timely and adequate financing is essential for the proper implementation of relief works. It is unfortunate that there have been trading and counter trading of charges between the centre and various states on this issue. There have been many reports in the media that drought financing is being influenced by election considerations. This has also been discussed in other platforms. In drought conditions relief employment caters to people in acute distress. It is important to ensure that this does not get adversely affected due to political considerations. In this report I have not gone into the question of how much financing is required. But I think it is important to ensure that there is complete transparency with respect to financing and the usage of funds. Both the Centre and the States have to clearly spell out their stands on the extent of the problem and the action required. They should also spell out the basis of the actions they take clearly.

While I have concentrated on mid-day meal scheme and SGRY given their importance, I have also covered a host of other questions in my correspondence and in my visits. The details on the status of implementation of the orders of the Hon'ble Supreme Court in PUCL Vs UoI and Ors is presented in the next section.

I have been receiving excellent help from many organisations across the country in executing my work. Ms. Anuradha Talwar of Right to Food and Work Campaign, West Bengal has been helping me in my work. She has presented a report on the status of implementation of various schemes in West Bengal, enclosed as **Annexure D**. She has shared the evidence with me of which I will be corresponding with the state government. I hope to present the details after taking into account the view of the government in my next report.

## **PART II: STATUS OF IMPLEMENTATION OF VARIOUS SCHEMES COVERED IN THE INTERIM ORDERS OF PUCL Vs UoI and Ors**

### **MID-DAY MEAL SCHEME**

I wrote a letter in December 2002 to the Secretary, Department of Elementary Education, regarding the poor performance of MDMS. Hereto annexed and marked **Annexure E** is a copy of the said letter.

Many states have shown a positive sign by starting cooked mid-day meals with part or full coverage. Rajasthan and Andhra Pradesh are the only two states that started providing mid-day meals after the order of the court, with full coverage. Gujarat has had a comprehensive mid-day meal programme for government schools. In compliance of the court's order, it has included government-aided schools in its coverage. Many States and Union Territories have started a token programme covering a small proportion of schools. Most of these have professed keenness in expanding the programme soon. What is regrettable is that some states do not even have a token programme. These include Jharkhand, Uttar Pradesh and Bihar. They have cited financial, logistic and administrative reasons for the non-implementation of the scheme. It cannot be emphasised enough that the programme can be of immense benefit in these states.

**Table 1: Status of implementation of the mid-day meal programme**

<b>State</b>	<b>Status of Implementation</b>	<b>Remarks</b>
Andaman & Nicobar	No response from State	
Andhra Pradesh	Fully Implemented	Children upto class 8 are covered in the scheme
Arunachal Pradesh	Partially Implemented	Requested implementation through locally procured food-grains owing to prohibitive transportation costs.
Assam	Not Implemented	
Bihar	Not Implemented	

Chandigarh	Partially Implemented	Though the scheme is intended to cover all children, as of last report, only a small proportion of schools were being covered.
Chattisgarh	Partially Implemented	
Delhi	Partially Implemented	
Goa	Not Implemented	The state has claimed that they are starting the scheme in some blocks soon.
Gujarat	Fully Implemented	
Haryana	Not Implemented	
Himachal Pradesh	No response from State	
J & K	No response from State	
Jharkhand	Not Implemented	
Karnataka	Partially Implemented	Covers only seven districts out of over twenty five. Has claimed that it is planning to extend soon to the rest of the State
Kerala	Fully Implemented	
Madhya Pradesh	Partially Implemented	Has been providing cooked meal in schools of Tribal areas since 1997. Was slated to extend the scheme to other areas, but there is no information of its extension
Maharashtra	Partially Implemented	Covers a small proportion of schools that too only in tribal blocks only
Manipur	No response from State	
Meghalaya	No response from State	
Mizoram	No response from State	

Nagaland	No response from State	
Orissa	Partially Implemented	
Pondichery	Fully Implemented	
Punjab	Partially Implemented	Covers just one block per district
Rajasthan	Fully Implemented	Has requested that GoI share at least 50% of the financial burden owing to severe financial stringency and continuous drought.
Tamil Nadu	Fully Implemented	
Tripura	Not Implemented	Has requested additional funds from GoI or the use of PMGY funds for the implementation of the scheme.
U.T. of Lakshwadeep	Fully Implemented	
UT of D & NH	No response from State	
UT of Daman & Diu	No response from State	
Uttar Pradesh	Not Implemented	Has indicated impossibility of implementation due to operational, administrative and financial difficulties. The government's request that GOI bear the transportation cost has been rejected.
W. Bengal	Partially Implemented	Has announced that it will start the scheme in Feb in 4 districts

Finance has been cited by most states as the chief problem in implementing cooked mid-day meal programme. Apart from financial problems, many states have expressed fears of administrative and logistical problems in implementing the scheme. A few have noted

special problems pertaining to their state, and have made some special requests to enable them to implement the scheme. I note them below:

a) Some North Eastern States have requested that they be allowed to use locally procured food grains since the costs of transportation in the difficult terrain from the single FCI godown in the area are quite high.

b) Some drought-prone and North Eastern States have requested that the Centre allocate more funds towards the implementation of the scheme.

## **SGRY**

Many poor people are not able to avail of the employment that SGRY seeks to provide since many States and Union Territories are not even utilising the available funds and foodgrain. With the exception of a few States, the utilisation figures are very low. In SGRY the states have to share 25 % of the cash cost. In some cases this was not done, thus impairing the progress of the scheme.

By letter dated 12.12.2002 I wrote the Secretary, Ministry of Rural Development, regarding poor performance of SGRY during April to September 2002. Hereto annexed and marked as **Annexure F** is a copy of the said letter.

The position of states is indicated in **Table 2**. Some adjustments have been made to these figures, but the fact that there is a lot of unutilised grain and a proportionate quantity of unutilised cash cannot be disputed.

**TABLE 2: ALLOCATION AND OFF-TAKE UNDER SGRY 2001-02.***Position as on 23.4.2002**('000 Tones)*

State	Allocation			Off-take			Off-take %
	Wheat	Rice	Total	Wheat	Rice	Total	
A&N Islands	0	0.57	0.57	0	0	0	0.0
Arunachal Pr.	0	7.02	7.02	0	0	0	0.0
Chandigarh	0	0	0	0	0	0	0.0
D&N Haveli	0	0.69	0.69	0	0	0	0.0
Daman & Diu	0	0	0	0	0	0	0.0
Delhi	0	0	0	0	0	0	0.0
Lakshadweep	0	0.31	0.31	0	0	0	0.0
Rajasthan	137.59	0	137.59	9.52	0	9.52	6.9
Goa	0	1	1	0	0.1	0.1	10.0
Bihar	0	228.48	228.48	0	24.9	24.9	10.9
Jharkhand	53.54	115.52	169.06	8.47	10.01	18.48	10.9
Gujarat	92.45	0	92.45	11.6	0.14	11.74	12.7
Tamil Nadu	0	151.84	151.84	0	34.27	34.27	22.6
Uttar Pradesh	244.74	253.52	498.26	121.23	10.55	131.78	26.4
Maha-rashtra	153.9	81.86	235.76	39.81	24.58	64.39	27.3
Assam	0	328.7	328.7	0	102.58	102.58	31.2
Kerala	0	41.52	41.52	0	13.25	13.25	31.9
Uttaranchal	12.89	16.98	29.87	5.4	5.88	11.28	37.8
Tripura	0	32.67	32.67	0	17.36	17.36	53.1
Punjab	23.67	0	23.67	14.03	0	14.03	59.3
Himachal Pra.	7.19	9.06	16.25	5.08	5.46	10.54	64.9
West Bengal	0	225.6	225.6	0.18	146.57	146.75	65.0
J&K	9.73	19.98	29.71	6.46	13.2	19.66	66.2
Pondicherry	0	0.98	0.98	0	0.65	0.65	66.3
Sikkim	0	4.59	4.59	0	3.29	3.29	71.7
Haryana	88.79	0	88.79	66	0	66	74.3
Karnataka	22.55	158.96	181.51	17.9	117.88	135.78	74.8
Mizoram	0	7.25	7.25	0	5.55	5.55	76.6
Meghalaya	0	11.97	11.97	0	10.12	10.12	84.5
Manipur	0	8.38	8.38	0	7.3	7.3	87.1
Orissa	0	197.81	197.81	0	175.63	175.63	88.8
Madhya Pra.	265.88	89.92	355.8	253.78	78.57	332.35	93.4
Nagaland	1.45	5.18	6.63	1.45	5.19	6.64	100.2
Chhattisgarh	0	124.28	124.28	2.75	124.22	126.97	102.2
Andhra Pra.	0	232.44	232.44	0	381.67	381.67	164.2
<b>Grand Total</b>	<b>1114.3</b>	<b>2357.0</b>	<b>3471.4</b>	<b>563.66</b>	<b>1318.9</b>	<b>1882.5</b>	<b>54.2</b>

The thrust of my interaction with the states has been about implementing the scheme fully. I questioned the States and Union Territories about the non-utilisation of funds and about allotting their share of cash. Many of them have replied and have cited the following constraints in utilising the resources available.

- a) Financial crunch in the State making it difficult to allocate its share of SGRY funds
- b) Delay in release of instalments by the Government of India.
- c) While funds are allotted in two instalments normally, Madhya Pradesh reports that this year only ad hoc finances were allotted initially. The actual allocation came late making it difficult for the state to use the finances on time
- d) Untimely delivery of grains by FCI citing lack of stock, delay in transportation and other reasons.
- e) In many North Eastern States the weather permits only one season where works could be taken. Untimely delivery of grains or finances has resulted in cases where the opportunity has been missed for the entire year.
- f) A part of finances are allotted to the Panchayats directly under SGRY. The state has no effective control over this and cannot ensure its utilisation.
- g) The allocation per Panchayat is very low. In Rajasthan it is an average of Rs. 70,000 per Panchayat. This too comes in two instalments. It is difficult to take up any employment programme with such meagre amounts.

There have been many problems with the scheme at the ground level. I have received information from many places that there are inordinate delays in receiving payments. The wages for SGRY are paid partly in cash and partly in grain. In many places there were reports that the grain does not reach the labourers. There are also complaints that machines are being used in the programme, which could be outright illegal. The effectiveness of the programme is seriously undermined if machines are used in the process.

In my field visit to Orissa I visited an SGRY site with the collector of the district. I found that tractors are in use in the programme and the accounts that were presented to me did not tally. I brought it to the notice of the State government immediately. There are reasons to believe that such cases of corruption are widespread. Ground level verifications alone can help us identify this problem.

In my communication with the States and Union Territories, I have constantly brought to their notice deficiencies in the implementation of SGRY. I am also directing the complaints and information that I get from grassroots organisations to the respective governments.

Some States have made special requests to the Government of India to enable the implementation of the scheme. In particular, some North Eastern States have requested the Government of India to permit them to pay the entire wage in cash. FCI has just one godown for the entire Northeast making it necessary to carry grain over long distances in difficult terrain. This makes transportation very costly and unviable.

### **TARGETED PUBLIC DISTRIBUTION SCHEME**

The prerequisite for the functioning of TPDS is identifying all families that are below poverty line and issuing them BPL cards. The Court has in no uncertain terms said on many occasions that the beneficiaries must be identified and cards provided, at the earliest.

The government of Delhi had not taken up BPL identification till the Court ordered it specifically to do so. Many months after the order many people in various Bastis of Delhi are yet to receive cards. There is also a total lack of transparency in the process. It is reliably learnt that the staff of the implementing agencies are demanding stiff bribes to issue cards and even to process the applications. Parivartan, an NGO based in Delhi has made a list of over five hundred people in just one Basti of Delhi who have not received their ration cards. They have not been informed either of the status of their

application. I will forward the list to the government of Delhi. It is learned that the organisation has also recently submitted a list to the Chief Minister of Delhi for examination.

In a public hearing at Barawan, U.P. organised by highly reputed NGO most people reported that they have not had a ration card in many years (according to a recent analysis of National Sample Survey data by the World Bank, 10% of poor households in Uttar Pradesh do not have any ration card at all). This was further confirmed in a field visit by people who are directly assisting me in my work as a commissioner. Reports indicate that this is the case in large parts of Uttar Pradesh. The case needs to be looked into in detail since Uttar Pradesh government has claimed that it has issued cards to well over 90 % of its population. People are unaware of their entitlements and have not received rations for a long time now. The silver lining is that Antyodaya and Annapurna cards were seen with more regularity and many beneficiaries reported of receiving grains.

Identification of BPL households takes place every five years and a round of identification is currently taking place all over the country. Each family is supposed to be covered in the survey, based on which families are identified as BPL or APL. In a public hearing held recently in Barawan most people reported that they have not heard about the survey. Very few families reported that they had been surveyed; meanwhile the local administration claims that the survey has been completed. In a private conversation, one of the Panchayat secretaries indicated that he is unable to cover most houses since he is expected to do the exercise in record time. This problem is compounded by a total lack of transparency in the process.

In many states, having a BPL card has become an eligibility condition for various government schemes (even employment programmes in some cases). The identification has to be done carefully and cards have to be issued immediately in order to avoid unfair exclusion of poor people from these schemes. The states cannot have a valid reason for not issuing the cards to the beneficiaries so far. It is important to fix responsibilities for this gross failure. I have included a prayer for forming committees to examine the issues in detail and make reports on who is accountable for the failure.

I found problems with BPL identification in Maharashtra where the Food Secretary admitted that the homeless and migrant labourers are not being given ration cards. In the tribal villages I visited in Orissa also, most families did not have their ration cards. The states cannot have a valid reason for not issuing the cards to the beneficiaries. It is important to fix responsibilities for this gross failure.

## **PENSION AND ANNAPURNA SCHEMES**

This has been one of the relatively successful ventures of central and state governments. These schemes reach the aged destitute, widows and disabled who are among the most vulnerable people in the country. Annapurna is a grain based social security scheme given to people who are eligible for a pension, but are not receiving it.

A large number of eligible needy people have been left uncovered by the two schemes. In many states, the existing allocation for the two schemes have not been used fully.

Despite these problems the Old Age Pension and Annapurna schemes are relatively successful. The small, regular payments in these schemes attract less misappropriation than large, one-off payments. High levels of automaticity reduces discretion among the local officials and payment of pension through post offices and banks, and strong awareness among intended beneficiaries of their rights correspond to reduce leakages.

## **INFORMATION DISPLAY**

In my field visits I found poor awareness among beneficiaries of the various schemes and benefits that they were entitled to. Lack of information can cause serious confusion and results in the intended beneficiaries not availing the benefits of the schemes. A survey done by a reputed health organisation CEHAT in 91 villages of

Maharashtra showed that the translated orders of the Supreme Court order were displayed only in six out of 91 villages and only in 16 villages were the names of the identified beneficiaries displayed in the gram Panchayat. This was true of all the schemes. From independent reports, there is reason to believe that this is true of many other states.

### **PART III: PRAYERS AND RECOMMENDATIONS**

From my correspondence with the states, field visits and analysis of information on various schemes, I would like to make the following recommendations.

#### **MID DAY MEAL SCHEME**

The states that have not started providing cooked mid day meals in any scale should be held accountable for total violation of the orders of the Hon'ble Supreme Court. They should also be directed to implement the programme immediately. The states that have started the scheme in a token way should extend the scheme to cover all government and government aided primary schools in the state. Towards this, I request the Court to provide the following directions:

- a) All States and Union Territories that are not providing cooked mid day meal in all government and government aided primary schools should give a credible time frame, no later than the starting of next academic year, within which they have to provide cooked mid day meals in all government and government aided primary schools.
- b) Within two months, all these states should make an adequate budgetary provision, call for tenders for utensils and other equipment, start an appointment process for cooks and helpers, and prepare guidelines for full implementation of the scheme.

- c) Permit me to set up an expert team to prepare a budget for implementing the cooked mid day meal programme based on existing model programmes in other states. The budget prepared by the team shall be considered by the Hon'ble Supreme Court in case the States fail to make financial provisions by one month.
- d) Direct all states to continue the mid day meal programme during the summer months in drought-affected districts, to protect children from acute hunger during those months. Direct the Government of India to provide grain free of cost, based on the usual norms, to enable this extension during summer months.

### **SGRY AND RELIEF EMPLOYMENT FOR THE DROUGHT HIT POPULATION**

SGRY is the largest employment programme in the country today. Augmenting its financial allocation is necessary to cater to a large number of poor. But, the minimum the governments should do is to ensure that the available finances in it are used fully

- e) Direct the respondents to utilise on time the entire allocation of funds and foodgrain under SGRY and all the welfare programmes covered by the previous orders of this Hon'ble Court, and to release their share of funds on time.
- f) Direct the Union of India to release foodgrains and funds on time to ensure that the state governments do not have difficulties accessing resources allocated to them under the SGRY and other welfare schemes
- g) For an order directing that the respondents may pay 100% of the wages in terms of foodgrains only if they so desire in the face of serious financial constraints.

## ISSUE OF RATION CARDS

Despite directions from the Court for identifying the BPL population and issuing cards to all of them, some states have not done so till date. In Uttar Pradesh the survey for identifying the BPL population was done many years back and infact the next round is well on its way. Still most people in Barawan Block of UP have not got their ration cards of the last season. The responsible officers should be held accountable for non-distribution of cards.

- h) Direct all the State Governments and in particular Government of Delhi to immediately issue ration cards where it has not been done so far. Also direct them to open a registry for complaints regarding BPL cards. The commissioner should be regularly appraised of the complaints and the action taken.
- i) Migrant workers shall also be entitled to draw grain on their existing Below Poverty Line (BPL) cards notwithstanding the fact that they migrated outside the area where they reside.
- j) All Below Poverty Line (BPL) cardholders shall be entitled to take their allotted quota in instalments and even collect their quota partly or in full for the previous months as well.
- k) The respondents be directed to ensure that the ration cards ought to remain with the beneficiary at all times and never ought to be kept by the person operating the ration shop. Strict action be taken against ration shop operators who disobey this direction and their licenses may be cancelled.

## ACCESS TO INFORMATION

- l) Since we now have a central legislation on Freedom of Information, I request to Court to consider directing all the States without a Right to Information Act to pass one in consultation with civil society groups at the earliest. In the interim period, administration should ensure that the PRIs, especially Gram Panchayats, display all vital information pertaining to SGRY, especially receipt of funds and how they are being spent, in the Panchayat Offices or on a prominent board outside the school, for the information of the public. Second, all relevant records should be open to inspection, and third, members of public should also be able to obtain photocopies of documents pertaining to development projects as also matters of general public interest by paying a nominal charge. Particularly, all bills, muster rolls, vouchers, estimates and measurement books, also the criterion and procedure for selection of beneficiaries, and list of beneficiaries should not only be available for inspection, but photocopies of these relevant documents should be given on demand from a convenient place, such as Block or Tehsil Office. In Gram Sabha meetings vouchers and muster rolls must be read out.
- m) Direct all States and other agencies to share any document with a bearing on any food or employment scheme, or having a bearing on the implementation of the orders of this court, with any person authorised by the commissioner
- n) The respondents be directed to ensure that all circulars relating to the schemes and the progress of schemes be displayed on the website of the state, and physical progress on website of the districts, wherever existing, within eight weeks from today, to ensure transparency and publicity.
- o) The Chief Secretary/ Administrator of each State/ Union Territory should review the schemes at least once a quarter and send a quarterly monitoring report to the Supreme Court Food Commissioner through the nodal officer giving full details in such a report of the progress of each scheme and the bottlenecks faced.

- p) Similar direction should be given to the Secretaries of the concerned GOI Ministries to review the schemes once a quarter and send their review report to the Food Commissioner.

## **PENSION AND ANNAPURNA**

Pension schemes including Old Age Pension, Widow Pension, and Pension for the Disabled function relatively well and are much less costly to administer. It is important to exhaust the current budget and cover as many people as it can accommodate. The pension schemes also cover a very vulnerable population. Currently a large number of deserving people are left out and it is highly recommended that the coverage of the scheme gets doubled. Annapurna is a free grain transfer scheme for 'people who are eligible for pensions, but are not receiving it'. It shares the same merits pension schemes. Given this I request your honour to consider giving the following directions:

- q) Direct the Union of India, States and Union Territories to double the coverage of pension schemes, and allocate appropriate resources. In case this is not possible immediately all over the country, it should be started within two months in the 100 poorest districts of the country.
- r) The respondents be directed to maintain a waiting list of potential beneficiaries of the National Old Age Pension Scheme and to include such persons in the scheme on the death of existing beneficiaries.
- s) All States have to complete the identification of Annapurna and beneficiaries within eight weeks from today. In particular Maharashtra be directed to complete the identification of 60,000 Annapurna beneficiaries.

## **VERIFICATION OF REPORTS ON STARVATION DEATHS**

In an earlier order, the Hon'ble Supreme Court held that the chief secretary would be held responsible if a starvation death is established in a state. It is important to verify the all news reports and other information that claim a starvation death. Apart from looking at the proximate cause of the death it is also important to look at whether the government has done its duty by implementing the schemes and mitigated suffering and thus reduce the chances of occurrences of starvation deaths. Towards this, I request you to consider giving the following direction:

- t) The respondents be directed that any complaint received including news items relating to hunger deaths should immediately be inquired into by a senior officer and a report sent through the nodal officer to the Food Commissioner. The senior officer should also look into the progress of food based and other safety net schemes in that village/locality for the past six months. It is quite likely that these schemes are not functioning smoothly in that village/locality that has led to starvation or malnutrition death.

**DATED: March 1, 2003**