

# article

2(3). Each State Party to the present Covenant undertakes:

- a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- c) To ensure that the competent authorities shall enforce such remedies when granted.

of the International Covenant on Civil and Political Rights

## About *article 2*

*article 2* aims at the practical implementation of human rights. In this it recalls article 2 of the International Covenant on Civil and Political Rights (ICCPR), which reads,

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

This is a neglected but integral article of the ICCPR. If a state signs up to an international treaty on human rights, it must implement those rights and ensure adequate remedies for persons whose rights have been violated. Mere talk of rights and formal ratification of international agreements has no meaning. Rights are given meaning when they are implemented locally.

Human rights are implemented via institutions of justice: the police, prosecutors and judiciary. If these are not functioning according to the rule of law, human rights cannot be realized. In most Asian countries, these institutions suffer from grave defects. These defects need to be studied carefully, as a means towards strategies for change.

Some persons may misunderstand this as legalism. Those from countries with developed democracies and functioning legal systems especially may be unable to grasp what it means to live in a society where 'institutions of justice' are in fact instruments to deny justice. As persons from such countries guide the global human rights movement, vital problems outside their experience do not receive necessary attention. For people in many countries, international human rights discourse then loses relevance.

After many years of work, the Asian Legal Resource Centre began publishing *article 2* to draw attention to this vital provision in international law, and to raise awareness of the need to implement human rights standards and provide effective remedies at the local level in Asia. Relevant submissions by interested persons and organisations are welcome.

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SEVERE HUNGER & UTTER NEGLECT IN INDIA

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# Introduction: Two people's tribunals on severe hunger and utter neglect in India

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Editorial board, *article 2*

In September 2005 the Asian Human Rights Commission (AHRC) participated in two people's tribunals on hunger and state neglect in India organized by partner organizations there. In West Bengal, Manabadhikar Suraksha Mancha (Masum) convened a tribunal in Jalangi, Murshidabad, on the extraordinary suffering and deprivation caused by the erosion of the Padma River, which is eating away vast tracts of fertile land. Although the local government has been aware of the situation, till now little has been done to help those affected. In Varanasi, Uttar Pradesh the People's Vigilance Committee for Human Rights (PVCHR) organized a tribunal on hunger and starvation in economically depressed villages, where increasing numbers of residents are committing suicide as a last resort.

During March 2005 news emerged of shocking starvation deaths in Murshidabad, including of a five-year-old-boy who died after eating dirt in an attempt to survive after his family ran out of food. A local doctor commenting on the deaths conceded that the entire population in the area was facing malnutrition. Despite this, most of the hungry had not been listed under programmes to obtain government assistance. A protest by hundreds of villagers outside the Unicef headquarters in Kolkata during March and a public meeting in Jalangi during July failed to bring any immediate relief. During the visit of the chief minister to the area on July 16, a local man attempted to commit suicide by drinking poison. Although government officers were insisting that they had allocated large amounts of money to address the situation, villagers were adamant that they had received virtually nothing. On July 20, a local official fled his office when around 800 people gathered to protest government inaction over their plight, after which they were attacked by a government-backed gang. In early September, the authorities finally announced that over 500 families in the region were to be put on lists to receive government support; however, this news was accompanied by

yet another starvation death. Against this backdrop, Masum organized the September hearings with the hope of giving a voice to the hungry that would compel government action.

Similar conditions in Uttar Pradesh prompted the PVCHR to call for a tribunal there. Throughout 2005, the AHRC's Hunger Alert programme had carried stories of starvation in Uttar Pradesh. Among them, in June it reported on the shocking deaths of three members of one family in Varanasi due to starvation: again as a result of the failure by government agencies to give assistance as required by law. In August, the surviving father of the family met the UN Special Rapporteur on the right to food and told him that some 400 families in his village of Sankarpur are facing the same dreaded situation. His warning was realized in September when another person from the same village died of hunger, despite it already being reported in a regional newspaper that he had been sick for three months and was on the verge of death. As people in Uttar Pradesh are starving despite state government claims that it is spending large sums of money on welfare schemes, the PVCHR convened a people's tribunal to coincide with the programme in West Bengal.

The AHRC was committed to participating in the two tribunals in view of the consistent reports it had received of severe hunger in these parts of India, which it has distributed through the Hunger Alert programme, part of the work of the Permanent People's Tribunal on the Right to Food and the Rule of Law in Asia. This programme is establishing the links between hunger and broken down rule of law in various parts of Asia through documentation of direct testimonies by credible panelists, which is then shared widely.

Hunger in Asia is not primarily caused by a simple lack of food or natural disasters, but rather is most commonly the result of systemic neglect. The people's tribunal hearings in West Bengal and Uttar Pradesh reinforced this point, as in articulating their claims to the right to food the deponents emphasized state failures in respecting and protecting this most fundamental of all human rights.

**“Hunger in Asia is not primarily caused by a simple lack of food or natural disasters, but rather is most commonly the result of systemic neglect ”**

## **“The river is hunting us from the north; the government is hunting us from the south”: People’s tribunal on starvation in Jalangi, West Bengal**

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Manabadhikar Suraksha Mancha, West Bengal, India  
& Asian Human Rights Commission, Hong Kong

**O**n 23–24 September 2005 a people’s tribunal consisting of retired high court judges, doctors, lawyers and social activists conducted an inquiry into starvation deaths in the area of Jalangi, Murshidabad district, West Bengal. It was a joint initiative of the Asian Human Rights Commission (AHRC), a regional human rights organisation based in Hong Kong and Manabadikar Suraksha Mancha (Masum), a human rights organisation based in West Bengal, India.

The participants in the tribunal were Justice H Suresh, Justice Samaresh Banerjea, Justice Malay Sengupta, Dr Lenin Raghuvanshi, Dr Prajwal Sengupta, Dr Bikash Bhattacharjee, Mrs Chandreyee Alam, a senior advocate of the Calcutta High Court, and Mrs Anuradha Talwar, a social activist. They directly heard 28 detailed complaints of starvation and also many more complaints on visiting affected villages, while the tribunal organizers collected over 800 complaints in total. Some 1500 villagers also gathered at the site of the hearings both to listen and in hope of obtaining some food. However, no government representatives attended the hearing, despite being given prior notice along with the written complaints of the victims to be submitted to the tribunal, clearly mentioning the date, time and venue of the hearing.

The tribunal heard and saw that there is massive displacement in Jalangi due to the rapid erosion of the Padma River, which has been going on for over a decade. The tribunal members tearfully witnessed absolute human misery and saw total despair written on everyone’s faces. Erstwhile land owners have become landless labourers. They observed the pathetic scene of a land owner demolishing his house before it was sucked into the expanding water.



Starvation and malnutrition could be seen among men, women and children everywhere in the region. No one is sure of where the next meal will come from. No one has a regular source of income. A large number of children are apparently suffering from night blindness due to a lack of nutritious food. Many villagers said that they had complained to government offices with no results, and some requested that the tribunal members issue them welfare cards.

The tribunal heard the stories of a number of persons who had died due to starvation. A hungry child left alone ate lime thinking it was curd, and could not be saved. An elderly man died after refusing to eat when he learned that there was no food for other members of his family.

However, this creeping natural and human disaster has been met only by administrative neglect and indifference. For reasons of caste, religion and other prejudices, the state government has made no concerted effort to address the problems of the internally displaced persons. Some half-hearted schemes have offered no more than temporary measures to a handful of persons. Some programmes for construction of embankments to prevent further river erosion have collapsed for reasons of ineptitude and corruption. While boulders have been brought for the building of embankments, they can be seen lying stacked on the roadsides at villages including Ghoshpara, Roypara, Dayarampur, Paraspur and Taltali with no attempt to start the work along the riverside.

The interim order of the Supreme Court of India in writ petition 196/2001 on the right to food has not been followed in Jalangi. The court order has been violated there as follows:

a. The people living in these areas have lost their land and other sources of income and are utterly destitute. Yet they have not been identified as being below the poverty line.

b. Many of the victims would fall under the categories defined for the Antyodaya Anna Yojana support programme by the court's order dated 2 May 2003, but they have not been identified and the programme has not been extended to them.

c. Murshidabad has been declared as one of 150 backward districts under the National Food for Work Programme. In spite of this and the order of the Supreme Court to provide deprived people work, only one to two days of work per year have been created under this scheme in the district.

d. Food rationing programmes are not functioning. Ration shops are only open two days per week, and are providing less than the declared scale in food grains and calories to beneficiaries. The food stocks being distributed are believed to be adulterated and the dealers are also overcharging and not providing memos.

**“A creeping natural and human disaster has been met only by administrative neglect and indifference”**

“I tied my father’s  
corpse to some  
boulders and let it  
go into the river”

– *Sanjeev Karmakar*

e. There is no transparency in the management of schemes as required by the orders of the Supreme Court. Beneficiary lists and court orders are not displayed; accounts for the Mid Day Meal Scheme are not being given to the people, and the concerned families are suffering from acute shortages of food.

### Voices

**Sanjeev Karmakar** told how he gave the body of his father Gurupada Karmakar up to the Padma River when he died:

“I tied my father’s corpse to some boulders and let it go into the river. It was his last wish. The Padma River has taken everything from us. When we lost all that we had, my father was not able to withstand the shock. He said that the river had taken all that we had. He asked us when he died to give his body to the river. I did as he wished.

“My father and I worked in the small workshop just here. It was washed away on 10 September 2005. My father died three days later, since he was not able to take it; his heart broke. Everything was lost into the river. We could not save anything since it happened all of a sudden that the river came and took everything that we had.

“Now all that you can see is the tip of the coconut palm and the tree which stood right there. I am trying to pull down my house and save the bricks so that when we move to the paddy field across there we will have a few bricks spared to build our hut. I am aware that it will also last not much longer, since the river is hunting us from the north and the government is hunting us from the south.

“The river as you see now was half a kilometer away a few months back. I do not know how far it will hunt us. It will have to stop soon, because it will run out of water and force to further hunt us down. But I am not sure about the government. We are already hunted down by the government saying that we are migrants from Bangladesh. How could it be? My father, grandfather and his father were all living in this house. Before 1947 we were here. Before 1947 we had relatives living on the other side of the river, which is now Bangladesh. But that doesn’t mean that we are also Bangladeshi. The government does not want to help us. The easiest way to do that is to brand us as Bangladeshi. This is not my story, ask anyone here. In Toltoli village many families will tell you the same story: at least a few thousand of them. Only the names are different.

“All that we have received as some help from the government was a polyethylene sheet, which is what it gave to a few to make huts in the paddy field, and 25kg of rice also. That is over now since I have nine members in my family to feed. Now we will all beg in the street, for which also there is competition since there are a few thousand of us who are in the same condition and who will give alms here? You can only expect that when there is somebody who has something to spare. Those who have

something to spare are those who are engaged in smuggling. And the alms they give are asking us to work for them and they pay us, if we are willing. I do not want to be one like that.

“Tomorrow or the day after, we will shift to the paddy fields and build a hut there. I do not have any idea how we will survive. By the way can you give me some food? Maybe you will have something left over from yesterday. I was told that many [others] were given food. It is okay even if it is bad or leftover. My family is hungry.”

**Meyaijan Bewa**, wife of Sattar Sheikh (a.k.a. Mondal) of Dayarampur village told how her husband died on 2 March 2005, after not eating for three days. Her family had lost their house and land to the river. As it had been raining heavily and continuously they could not save anything from their house:

“Whatever we had, land, fruit bearing trees, house all were lost... Since we did not have any money we could not take my husband to the hospital or the doctor. We went to various government places. No help was given. Later when the government officials came, I told them that I lost my husband, and they promised to give 2000 rupees; however, nothing was given. I do not know from which department the group of officers came and got my thumb impression. But I am yet to get any help. At the Jorthala BDO [Block Development Officer] office I stood in queue for three hours but I could not wait so I left. There were a huge number of people there waiting in the queue. All were in a similar situation...”

“On the first day of moving from our house, we kept some rice. I cooked the rice and gave it to my husband. Then he asked whether we had anything. I told him that I did not. He did not take the food which I gave. He did not eat anything for the next two days...”

“As of now I am working as a domestic helper, for which I get paid with food; but that food is not enough to keep us alive.”

**Nujera Bewa**, aged 30, of Dayarampur village described how her husband Neksar Mollah died of malnutrition-related illness in April 2005, leaving her with their three children, aged 12, eight and three.

“My father died when I was nine-months-old. My mother brought me up. She did not have enough money to take me to school. Neither did we have any money for regular food at home. But that was in the past and I thought things would change, especially after my marriage. However, that was not the case.

“I also suffer from chest problems and therefore cannot indulge in any hard labor or exert myself. According to the doctor, I need more care and proper medicines for which unfortunately I do not have money. Till now, I have just been able to get an x-ray done, the money for which was provided by local villagers who felt sorry for me. Since I am not recognized to be below the poverty line, I am not eligible to receive free treatment.

“ We went to various government places; no help was given ”  
– *Meyaijan Bewa*

**“I do not know whether my kids will survive, but looking at how things have turned out for me, it’s better if they never have to face such a future”**  
– *Nujera Bewa*

“I do not own any property. My children often go hungry as there is no money. Sometimes, people are kind enough to offer some food. I have no option but to beg and I make 10–15 rupees in about two weeks.

“My elder daughter goes to school as I requested a social organization that came to our village to provide help. They had asked me whether I wanted to send my children to an orphanage but I refused to do so. However, I am not really comfortable with the idea of sending my children to school as I have heard of cases where children are often sold to strangers after being promised education and better living conditions. But even if my children are starving to death, I will not sell them. The only option then will be to end our lives.

“Though at the moment I am living with my mother-in-law, I can be thrown out any moment as my husband is now dead and there are little chances of distribution of property.

“The government has done little for us: even those that support the ruling party. Since in the past I was a member of the local Congress party, everyone thinks we are Congress supporters and even a little help seems difficult. However, even when the Congress was ruling, our voices were unheard.

“All that we have received from the panchayat is 12kg of wheat, about six months ago, and a blanket which was given to my husband. We have nothing to cover ourselves with during the cold and we use old newspapers collected from the roadside to keep ourselves warm.

“Right now, I feel that there is no hope of surviving. I do not know what lies in the future. I do not know whether my kids will survive. But looking at how things have turned out for me, it’s better if they never have to face such a future.”

**Menuka Mondal**, aged 55, wife of late Sasti Charan Mondal of Dayarampur village, told how her 16-year-old son Gajol Mondal died after mistaking lime for curd.

“We were starving and in our room there was lime in a pot. He mistook that for curd and had it. I was at the market at that time. When I came home, I asked my son why he had this. He said that he thought it was food. I took my son to the well and tried to get him to vomit. I took him to the hospital. But the doctor said that they could not do anything since they did not have any medicine or equipment. I lost my son on 12 December 2004.

“My husband also died within the year. We lost everything in the river. All our documents were lost in the flood. My husband could not work since he was starving for a long time.”

**Alauddin Sheikh**, aged about 35, of Dayarampur village said that his parents died within the same week of February 2005.

“We went to the gram panchayat [subdistrict council] and also to the village panchayat [for help]. I am a daily labourer. I get 15 rupees per day. When we work for the government we get 30 rupees and food for the day. We get one job per year [from the government] for a span of 4 to 8 days.

“My father died on 19 February 2005 and my mother died on 25 February 2005. My father was a beggar. He starved to death. Sometimes I provided food to him, whenever I could manage. For about six months we had practically nothing to eat. My mother did not have any ailments, but she could not take any more and she died soon after my father’s death.”

**Jabeeda Bewa**, aged about 70, of Dakshin Goshpara village explained about her family’s difficulties since their house and land were swallowed by the Padma River:

“My son has no work. He has five daughters. I could not provide any education to my children. I am unemployed and so is my son. Since we lost our place to the river, we shifted to another place and I went to the government seeking help. But none of them helped. We are still starving. We are not informed about any schemes or any government programmes. We have been told that there are no schemes for us. Our children cannot go to school since the teachers have refused them. They have told us that, ‘You cannot give food to the children so then how can you educate them?’

“The public distribution system has no meaning. They just say that, ‘The government has not provided any food in your name.’ Then how can we get food? There is a gang here which takes cattle to Bangladesh. My son is also working like that. There is no other job. The officers here want us to have no job since they can exploit us for [this] trading. Only the government officers get any benefit. The government officers are also corrupt and they allot whatever they have to those who pay them money or work for them in this illegal trade.”

“The public distribution system has no meaning: they just say that the government has not provided any food in your name—then how can we get food?”

– *Jabeeda Bewa*

## **Appendix 1:**

### **Affidavits of recent starvation deaths in Jalangi**

1. Neksar Mollah aged about 40 of Sarbapalli Ghoshpara died on 16 April 2005 at about 12pm in his residence. As per affidavit sworn by his wife, Nujera Bewa, her husband died of hunger and at the time of death no medical assistance could be provided.

2. Rumpa Sharma aged about 16 of Dayarampur village died on 2 April 2005 at about 4pm in her residence. As per affidavit sworn by her father, Samarendra Nath Sharma, his daughter died of hunger and at the time of death no medical assistance could be provided.

3. Panchu Sk aged about 55 of Jalangi Biswaspara village died on 14 March 2005 at about 11am in his residence. As per affidavit sworn by his wife, Romela Bewa, her husband died of hunger and at the time of death no medical assistance could be provided.

4. Iman Mondal aged about 70 of Dayarampur village died on 9 March 2005 at about 1pm in his residence. As per affidavit sworn by his son, Mannan Mondal, his father died of hunger and at the time of death no medical assistance could be provided.

5. Sattar Mondal aged about 50 of Dayarampur village died on 2 March 2005 at 2:30am in his residence. As per affidavit sworn by his son, Piyarul Mondal, his father died of hunger and at the time of death no medical assistance could be provided.

6. Jaheda Bewa aged about 62 of Dayarampur village died on 25 February 2005 in her residence. As per affidavit sworn by her son, Alauddin Sheikh, his mother died of hunger and at the time of death no medical assistance could be provided.

7. Alimuddin Sheikh aged about 75 of Dayarampur village died on 19 February 2005 in his residence. As per affidavit sworn by his son, Alauddin Sheikh, his father "died due to hunger as I could not provide... foodstuffs". (Full affidavit reproduced below.)

8. Gadal Mondal aged about 16 of Dayarampur village died on 12 December 2004 in his residence. As per affidavit sworn by his mother, Ms Menoka Mondal, "He consumed lime, mistaking it to be curd, as he was extremely hungry. He could not feed himself for seven days before his death."

9. Bipanna Halder aged about 2 of Dayarampur village died on 11 July 2004 in her residence. As per affidavit sworn by her mother, Shyamali Halder, her daughter died "as I could not feed her and she used to eat rubbish, earth, etc". (Full affidavit reproduced below.)

## **Before the Notary Public at Howrah**

### **Affidavit**

I, Alauddin Sheikh s/o Alimuddin Sheikh of village Dayarampur, PO Parashpur, PS Jalangi, Dist. Murshidabad aged about 32 years by birth Muslim by occupation labourer do hereby solemnly resolve to state on oath as follows:

1. That I am [a] daily labourer and employed in our village but I do not get [work] regularly. If I get [work], I earn wages at the rate of Rs. 25/- only on [a] daily basis. I am married and I have a son and a daughter.

2. That my parents were depend[ent] on me. I have been facing extreme poverty due to my unemployment. I failed to provide my parents foods and amenities.

3. That my father, Alimuddin Sheikh died on 7th Falgun 1410BS [19 February 2005] and my mother, Jaheda Bibi died on 14 Falgun 14[10]BS [25 February 2005]. They both died due to hunger as I could not provide them foodstuffs... and I had no economic resources.

4. That presently, I have been passing [through a] critical financial crisis. I have no BPL [Below Poverty Line] card. I have not received any government relief so far. Only one year back due to erosion of [the Padma] riverbank one time I received 6kgs of wheat and one tarpaulin.

5. That the statements made above are true to my knowledge and belief and I swear this affidavit on the day of... before the oath commissions.

[Signed] Deponent

The contents of the affidavit are read over and explained in Bengali and he has admitted to have written correct.

[Signed] Advocate

Deponent is known to me, identified by me and signed in my presence.

[Signed] Advocate

[Stamp] SOLEMNLY AFFIRMED AND DECLARED BEFORE ME  
BY THE DEPONENT ON IDENTIFICATION OF ADVOCATE

[Signed] DEBABRATA CHAKRABORTI

NOTARY AT HOWRAH, GOVT. OF WEST BENGAL

23 MARCH 2005

Place: Judges Court, Howrah-711101, WB India

## Before the Notary Public at Howrah

### Affidavit

I, Shyamali Halder w/o Sri Bikash Halder of village Dayarampur, PO D/Parashpur, PS Jalangi, District Murshidabad aged about 28 years by birth Hindu by occupation household duties do hereby solemnly resolve to state on oath as follows:

1. That I am married to Bikash Halder. We had three offspring in our wedlock. Out of three children, two sons and one daughter, now only one son is surviving.

2. That my husband is a daily labourer but he is not getting [work] regularly and for [this] reason my family is facing [a] serious financial crisis.

3. That my eldest son died soon after birth [a] few years back.

4. That my only daughter, Bipanna Halder died more than a year back as I could not feed her and she used to eat rubbish, earth, etc. She died out of hunger. My present position is also wretched and I am unable to feed my only son also. I have no BPL [Below Poverty Line] card and I have not received any government relief so far. I applied for [a] BPL card in [the] Panchayat [village council] office but no fruitful result [was] yielded.

5. That the statements made above are true to my knowledge and belief and I swear this affidavit on the day of... before the oath commissions.

[Thumbprint] Deponent

[Signed] Deponent

The contents of the affidavit are read over and explained in Bengali and she has admitted to have written correct.

[Signed] Advocate

Deponent is known to me, identified by me and signed in my presence.

[Signed] Advocate

[Stamp] SOLEMNLY AFFIRMED AND DECLARED BEFORE ME  
BY THE DEPONENT ON IDENTIFICATION OF ADVOCATE

[Signed] DEBABRATA CHAKRABORTI

NOTARY AT HOWRAH, GOVT. OF WEST BENGAL

23 MARCH 2005

Place: Judges Court, Howrah-711101, WB India



“My daughter died as I could not feed her and she used to eat rubbish”

– *Shyamali Halder*



Before the Notary Public at Howrah  
Affidavit

I, Shyamali Halder wife of Sri Bikash Halder of village Anarampur P.O. D/Paraspur P.S. Jalangi, District Murshidabad, aged about 28 years by birth Hindu by occupation household duties do hereby solemnly resolve to state on oath as follows:-

1. That I am married to Bikash Halder. He had three offsprings in our wedlock. Out of those children, two sons and one daughter, now only one son is surviving.
2. That my husband is a daily labourer but he is not getting job regularly and for such reason, my family is facing serious financial crisis.

That my eldest son died soon after birth few years back.

That my only daughter, Bipanna Halder died more than a year back as I could not feed her as she used to eat rubbish, earth etc. She died out of hunger. My present position is also wretched and I am unable to feed my only son also. I have no B.P.L card and I have not received any Government relief so far. I applied for B.P.L card in the local office but no fruitful result yielded.

That the statements made above are true to my knowledge and belief and I swear this affidavit on this day of \_\_\_\_\_ before oath commission.

The contents of the affidavit have been read over and explained in Bengali and she has admitted to have written the same.

Signature of D.T. G. has been taken in my presence. Ge. S. Ghosh  
Deponent's Name is \_\_\_\_\_  
Signature of me & signed in presence of \_\_\_\_\_  
Notary Public at Howrah-744001

DEBABRATA CHAKRABORTY  
 NOTARY AT HOWRAH  
 WEST BENGAL  
 3 APR 2005

## **Appendix 2: “Tribunal confirms starvation deaths”**

Asim Pramanik, *The Statesman*, 25 September 2005

The state government can no longer claim that starvation reports in Bengal are myths. A probe panel comprising former judges of Mumbai, Delhi and Kolkata High Courts will submit a report to the state government confirming the starvation deaths in Jalangi and held the government responsible for the famine-situation prevailing there.

When this correspondent broke the news of starvation deaths in Jalangi in Murshidabad district late in February this year, the CPI-M [Communist Party of India–Marxist] party mouthpiece had protested against *The Statesman* and *Dainik Statesman* reports and blatantly denied that thousands of erosion victims, daily wagers, penniless peasants and fishermen living by the vulnerable embankments of the Padma along the Indo-Bangla border were without food.

The probe panel conducted direct hearing attended by the victims of starvation deaths, hunger-hit people, human rights activists and the local witnesses over the past two days. The exercise was termed as a “public tribunal” to inquire into hunger-situation affecting a river-side settlement across international border in Jalangi. The probe panel led by the former justice of Mumbai High Court, Mr H Suresh also went from door to door the starvation-induced human wretchedness.

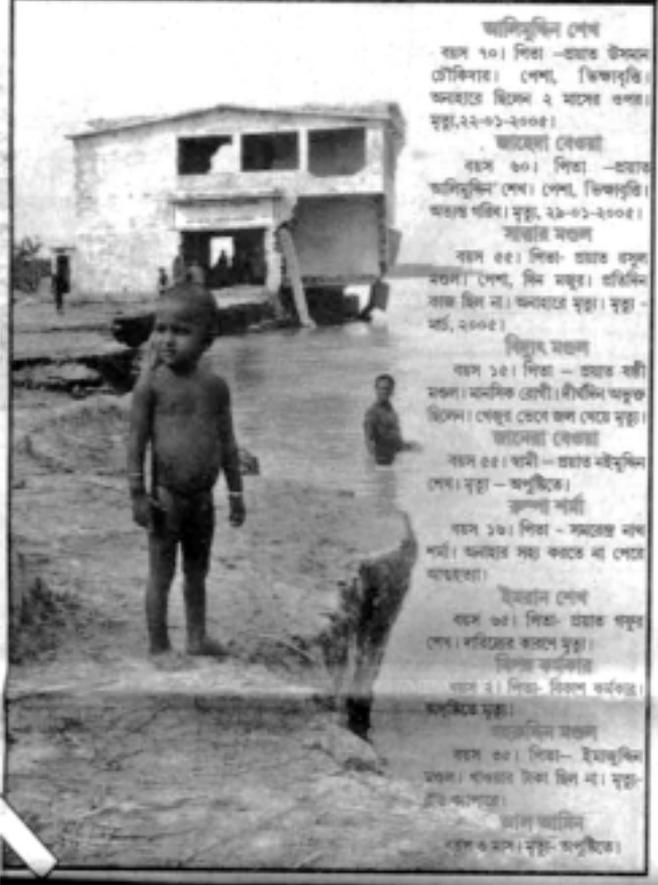
Mr Suresh said: “Human rights are being grossly violated here. The area is worst-hit by starvation and yet the governments (both the state and central) did not take any effective step to solve the food-crisis, malnutrition, starvation, etc. We are moved to observe such a tragedy.” The panel would submit its report to the state government on Monday.

“Only a callous government can allow such a famine-like situation to prevail where over thousands are dying and crying for work and food. We also employed the service of medical experts to confirm and inquire into the malnutrition and diseases affecting the people due to starvation,” said Mr Kirty Roy, secretary, Manabadhikar Suraksha Mancha (MASUM), a Kolkata-based human rights body working jointly with the Asian Human Rights Commission.

# জলঙ্গির মৃত্যুর কারণ অনাহার, কবুল প্রশাসনের

অরূপ কাশী

## অনাহারের সরকারি খতিয়ান



**আসিদ্মুদ্দিন শেখ**  
বয়স ৭০। পিতা - প্রয়াত উদ্দীন  
চৌধুরি। পেশা - ডিম্বাণুত্রি।  
অন্যভাবে ছিলেন ২ মাসের ওপর।  
মৃত্যু-২২-০১-২০০৫।

**আহেদা বেগম**  
বয়স ৬০। পিতা - প্রয়াত  
আসিদ্মুদ্দিন শেখ। পেশা, ডিম্বাণুত্রি।  
অন্যভাবে ছিলেন। মৃত্যু-২২-০১-২০০৫।

**সাহাবুর হাওলা**  
বয়স ৫২। পিতা- প্রয়াত হুসন  
মল্লা। পেশা, সিন মল্লার। প্রতিদিন  
স্নান ছিল না। অন্যভাবে মৃত্যু। মৃত্যু -  
২০০৫।

**বিদ্যুৎ হাওলা**  
বয়স ১৫। পিতা - প্রয়াত স্বামী  
মল্লা। মনসিক শ্রেণী। শীতদিন অত্যন্ত  
ছিল। খেতের ভেবে ভাল খেতে মৃত্যু।

**আয়েদা বেগম**  
বয়স ৫৫। স্বামী - প্রয়াত মইনুদ্দিন  
শেখ। মৃত্যু - অসুস্থিতে।

**কাম্পা শর্মা**  
বয়স ১৬। পিতা - সমস্তের নাম  
শর্মা। অন্যভাবে মৃত্যু করে না পেয়ে  
অন্যভাবে।

**ইমরান শেখ**  
বয়স ৬০। পিতা- প্রয়াত কবুর  
শেখ। প্রতিদিনের কারণে মৃত্যু।

**জিলা সারকার**  
বয়স ২। পিতা- বিবল কর্মকার।  
মৃত্যুতে মৃত্যু।

**আয়েদিন হাওলা**  
বয়স ৬০। পিতা- ইমামুদ্দিন  
মল্লা। পিতারের উল্ল ছিল না। মৃত্যু-  
প্রায় অসুস্থিতে।

**আলি আয়িন**  
বয়স ৬ মাস। মৃত্যু- অসুস্থিতে।

আলমশায়েল উপস্থান বীকার করেছি, কিন্তু জলঙ্গিরে করল। আলমশায়েল ৫ জনের মধ্যে ৪ জনের জন্মসে মৃত্যু হয়েছিল বলে নির্দিষ্ট রিপোর্ট দিয়েছিল প্রশাসন। কিন্তু জলঙ্গিরে ৪ জনের মৃত্যু অন্যভাবেই হয়েছে বলে জন্মসে মিল প্রশাসন। আর বালবিকিরে মৃত্যু পরিষ্কার করেছে হয়েছে। সরকারি বিভিন্ন প্রকল্প এই সব হস্তান্তর মনুষ্যের কাছে যে পৌঁছানি তা প্রশাসনের রিপোর্ট থেকেই পরিষ্কার।

এই বছরের ১৬ মার্চ টেমিক স্টেটসম্যানের প্রকাশিত হয়েছিল জলঙ্গিরে অন্যভাবে প্রকৃত মিত্র। ৭০ বছরের আসিদ্মুদ্দিন শেখ থেকে শুরু করে ৩ বছরের আলি আয়িন সবই শীতদিন অত্যন্ত ছিলেন। ঐশ্বরের সামনে অন্যভাবে মৃত্যু ছাড়া অন্য কোনও পথ খোলা ছিল না। জলঙ্গিরে সঠিক করে হয়ে উঠেছিল দুখস্বপ্নের নাবী। পথের ভাঙনে সব কিছু হারিয়েছেন প্রায় ৬০০ পরিবার। ১৬ মার্চ ও ১৭ মার্চ টেমিক স্টেটসম্যানের রিপোর্টে প্রকাশিত হয়েছিল ১৫ বিঘে জমির মালিক কৃষ্ণকল শীল হয়ে গিয়েছেন সিনমল্লার। সরকারি সহায়তা মেয়েনি।

মুর্শিদাবাদ পুলিশ সুপার জলঙ্গিরে মৃত্যুর কারণ নিয়ে সরকারের কাছে যে রিপোর্ট

## দৈনিক স্টেটসম্যানের রিপোর্টের জের

পরিষ্কারে আরও অন্যভাবে মৃত্যুর কথা বীকার করে নেওয়া হয়েছে। রিপোর্ট বলছে জলঙ্গিরে ৩০০ একরকম দয়ারামপুর, পরামপুর, উল্টলির ৩০০ মনুষ্যকে জিলাস্বপনের করা হয়েছে। পুলিশের কাছে এইসব গ্রামের মনুষ্যের একবাংলা জন্মিয়েছিল পথের ভাঙনে ঐশ্বরের অন্যভাবে মিত্রের মিত্রের মিত্রের। শুধু দয়ারামপুর গ্রামেরই অন্যভাবে ৩ অসুস্থিত মৃত্যু হয়েছে ১০ জনের।

গ্রামবাসিনের মুখ থেকে প্রচেষ্টা অন্যভাবে মৃত্যুর তালিকা তৈরি করেছে প্রশাসন। দয়ারামপুর, পরামপুর ও উল্টলিরে অন্যভাবে কতজনের মৃত্যু হয়েছে সরকারি রিপোর্ট বলছে তার হিসেব নেই। কিন্তু খেতে না পেয়েই যে মনসিকের মরতে হয়েছে সেই বিষয়ে নির্দিষ্ট পুলিশ কর্তারা।

৭০ বছরের আসিদ্মুদ্দিন শেখ বা ৬০ বছরের আহেদা বেগম উল্ল দুজনে পরে খাবারই পরিষ্কার না। অতিরিক্ত পুলিশ সুপার জলঙ্গিরে জলঙ্গিরে জন্মিয়েছেন অন্যভাবেই এরা মারা গিয়েছেন। সাধারণ মল্লা সিন মল্লারের নাম করতেন। কিন্তু প্রতিদিন কাল জেটিতে পড়েননি। এই বছরের মার্চ মাসেরই সাধারণের মৃত্যু হয়। কারণ সেই অন্যভাবে। কাম্পা শর্মা, মৃত্যুর তালিকার অন্যভাবেই নাম। সত্য করতে পড়েননি হিসেব ছাড়া। তাই আত্মহত্যা করেছিলেন।

তিন মাসের আলি আয়িন পুলিশেরই হালকাভাবে মিত্রের সুস্থকে পরল না। মরতে হল অসুস্থিতে। পুলিশ অবশ্য বসি করেছে সরকারি বিভিন্ন প্রকল্পে সুস্থের সুস্থিকে গ্রামের পুলিশেরা পড়েননি। কিন্তু জলঙ্গিরে কর্তা পড়েননি। খেতেপড়া মারা পড়ারের মরতে সুস্থের তার মিত্রেরই জন্মিয়েছিলেন, তাদের মিত্রেরে হলে জলঙ্গিরে কাল পর বছর শুরু করা যায়নি। সেওয়া হয়নি সি সি এল কার্ভি। দরিদ্র বীশ্বর শীত্রে হয়েছে ৫-২০ জন।

১৯৯৫ সাল থেকে পথের ভাঙনে শুরু হয়েছিল। অন্য প্রশাসন ছিল নির্বিকার। জলঙ্গিরে পথেরের একরকম ১৯৯৫ জন মনুষ্যের বাস। পুরুষ ৪৬২০। মহিলা ৪৩১২। মোট জেটির ৮ হাজার। ভাঙনে সব হারিয়েছেন ৬০০ পরিবার। আর আশ্রয়ের খোঁজের সুযোগ পড়েনি আর ২০০ পরিবার। সরকারিভাবে অন্যভাবে মৃত্যুকেই আর মিত্রের পর সিন অন্যভাবে মরতে হলে আসিদ্মুদ্দিন শেখ, আহেদা বেগমের।

Front page news of the Banglar daily *Dainik Statesman*, 25 November 2005: 'Administration admits that Jalangi deaths caused due to lack of food', reporting that the Superintendent of Police in Murshidabad had conceded that at least 10 deaths had occurred in Jalangi due to the erosion of the Padma River.

### **Appendix 3: Appeals issued by the AHRC on starvation in Jalangi**

#### **Starvation deaths continue despite government's commitment to provide food assistance in West Bengal**

16 September 2005

[Re: UA-161-2005: INDIA: Human rights defender physically assaulted, threatened and detained by government officials; HU-04-2005: INDIA: UNICEF still avoiding responsibility in providing assistance to starving women and children in West Bengal; UA-59-2005: INDIA: Police attack on human rights defender and his family in Murshidabad, West Bengal; HA-02-2005: INDIA: Starvation deaths occurring in Murshidabad district, West Bengal]

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HU-07-2005: UPDATE (India): Starvation deaths continue despite government's commitment to provide food assistance in West Bengal

INDIA: Starvation death; inadequate government action

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Dear friends,

The Asian Human Rights Commission (AHRC) has received updated information from Manabadhikar Suraksha Mancha (Masum) regarding the current hunger situation in Jalangi, Murshidabad, West Bengal. After months of suffering from hunger and malnutrition, the people of Jalangi were delighted to hear that their names would now be listed under state welfare schemes. However, five days after this victory, another starvation death occurred in the district, pointing to the failures of the Public Distribution System (PDS) in West Bengal.

The AHRC urges you to request for an immediate investigation into the matter, pressing upon the appropriate authorities to take responsibility for the inefficient and ineffective welfare schemes currently found in West Bengal. While the government's action of listing victims under the PDS is commendable, it is still inadequate in protecting the right to food in India.

Urgent Appeals Desk - Hunger Alert  
Asian Human Rights Commission (AHRC)

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UPDATE INFORMATION:

On September 4, 2005, the villagers of Jalangi, Murshidabad rejoiced at the good news; over 500 names, submitted by Masum, were added to about 20 ration dealer shops throughout the district. This meant that for the first time, the hunger victims in Jalangi would benefit from subsidized food through the Public Distribution System (PDS). Men, women and children in the area ran to the ration shops, eager to celebrate the seeming victory.

Masum had previously submitted the names to local authorities in March 2005, and met with the Block Development Officer and District Magistrate in Murshidabad, and the governor of West Bengal about the hunger crisis in mid-July. They were concerned that if the government did not act quickly to help the victims, violence was imminent in Jalangi.

However, on September 9, 2005, the severity of the hunger crisis in Jalangi was realized again. Hazrat Mollah, aged 55, died of starvation in Dayarampur village. He had been suffering from malnutrition for a long period of time.

Hazrat's name was one of the many that had been submitted to the PDS (SL. No. 64). However, he was still unable to provide food for himself and unfortunately, passed away only five days after being afforded assistance.

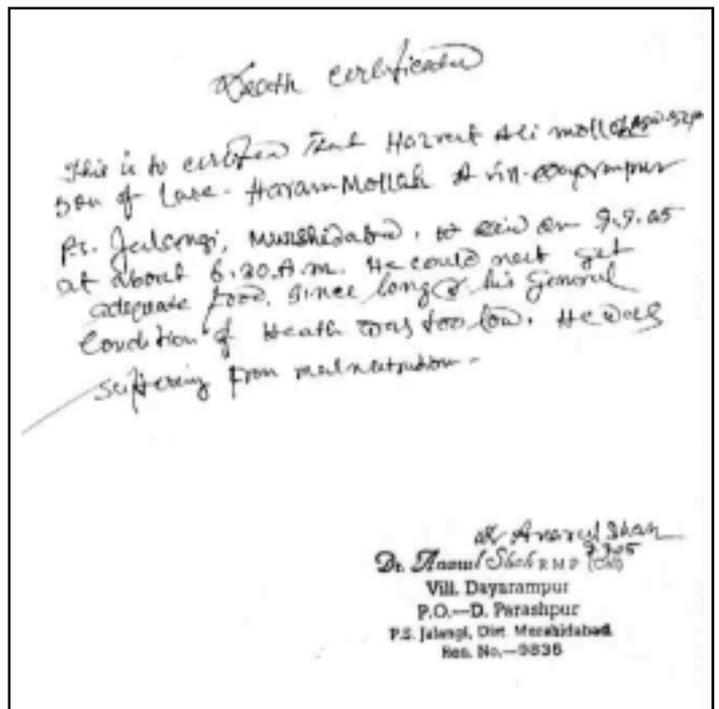
This is not the first instance where the inefficiency of the PDS has resulted in hunger and starvation in West Bengal. It has been reported on several occasions that the quality or quantity of assistance is insufficient, that ration shops are closed, or that one has been denied food assistance even when providing proof of being a ration card holder.

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Death certificate of Hazrat Mollah:

This is to certify that Hazrat Ali Mollah, age 52yr, son of late Haram Mollah of vill. Dayarampur, PS Jalangi, Murshidabad, died on 9.9.05 at about 6:30am. He could not get adequate food. Since long ago, his general condition of health was too low. He was suffering from malnutrition.

[Signed] 9.9.05

Dr Anarul Shah RMP (Cal.)  
Vill. Dayarampur  
PO-D. Parashpur  
PS Jalangi, Dist. Murshidabad  
Reg. No. - 9835



#### BACKGROUND INFORMATION:

For over 10 years, the Padma River has been eroding. Many homes and livelihoods have disappeared because of the swelling river, and the result has been the starving villagers in Jalangi. In recent years, the erosion has worsened and the hunger situation has grown significantly.

Several hunger deaths have been reported in the area, most recently on March 7, 2005. Please see HA-02-2005 for more details pertaining to the hunger crisis that persists.

Moreover, hunger and starvation in Jalangi has been a highly sensitive issue for the local authorities in Murshidabad. Mr. Gopen Sharma, a human rights worker from the area, has been threatened and attacked on numerous occasions by police and government officials for supporting the victims of hunger. Please see UA-59-2005 and UA-161-2005 for more information.

#### SUGGESTED ACTION:

Please write a letter to the Chief Minister of West Bengal and other related officials, urging them to investigate the situation. Please request that the appropriate measures must be taken to ensure that the Public Distribution System in the state provides sufficient and nutritious food assistance to its beneficiaries. Furthermore, please ask that the PDS be monitored to ensure it works properly, where by being placed under welfare schemes guarantees that quality food assistance is provided.

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#### SAMPLE LETTER:

Dear \_\_\_\_\_

RE: INDIA: Starvation deaths continue despite government's commitment to provide food assistance in West Bengal

I was recently updated as to the current situation of hunger in Jalangi, Murshidabad and am shocked to learn that despite progress made, another starvation death has occurred in the area.

I was informed that on September 4, 2005 over 500 names of hunger victims in Jalangi had been added to the list of welfare recipients at public ration shops throughout the area. In the months leading up to this victory, the victims had been fighting for food assistance and were growing frustrated with the lack of action on the government's part. Furthermore, many were angered that while the Padma River continue to erode, the villagers who lost their homes, land and jobs were not provided any rehabilitation, compensation or assistance. If the Padma River erosion was arrested, the villagers could then rebuild their lives and eventually provide for their own needs.

However, despite the elation of receiving assistance, hunger still persists in Jalangi. On September 9, 2005, it was reported that another starvation death occurred in the area. Hazrat Mollah,

aged 52, had been suffering from severe malnutrition and died five days after being afforded assistance. His name was one of the hundreds placed under the Public Distribution System (PDS).

I am extremely disappointed to have learned of the inadequate assistance being provided to victims of hunger through the PDS. There have been several reports made regarding the failings of the PDS, which includes poor quality and quantity of food, irregular ration shop hours, and of outright denial of food distributed by ration dealers.

I strongly urge you to investigate this matter and into the inner workings of the PDS in West Bengal. The local authorities must ensure that adequate, sufficient and fair assistance be provided to hunger victims under welfare schemes so that starvation deaths do not continue to occur in Jalangi.

Sincerely,

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PLEASE SEND LETTERS TO:

Mr. Buddhadeb Bhattacharjee  
Chief Minister/ Minister of Home Department  
Government of West Bengal  
Writer's Building  
Kolkata - 700 001  
West Bengal  
INDIA  
Fax: +91 33 2214 5480/ 2214 1341

PLEASE SEND COPIES TO:

1. Mr. Manjunath Prasad  
District Magistrate - Murshidabad  
Murshidabad  
West Bengal  
INDIA  
Fax: +91 34 8225 0145

2. Mr. Biswanath Choudhury  
Minister of Social Welfare Department  
Government of West Bengal  
Writer's Building  
Kolkata - 700 001  
West Bengal  
INDIA  
Fax: +91 33 2214 5452  
E-mail: micjail@wb.gov.in

3. Mr. Naren Dey  
Minister of Food and Supply  
Government of West Bengal  
Writers Buildings  
Kolkata - 700001  
West Bengal  
INDIA

4. Justice Shyamal Kumar Sen  
Chairperson  
West Bengal Human Rights Commission  
Bhabani Bhavan, Alipore  
Kolkata - 700027  
INDIA  
Tel: +91 33 4797259 / 5558866  
Fax: +91 33 4799633  
Email: [wbhrc@cal3.vsnl.net.in](mailto:wbhrc@cal3.vsnl.net.in)

5. Mr. Jean Ziegler  
UN Special Rapporteur on the Right to Food  
c/o Mr. Carlos Villan Duran  
Room 4-066, OHCHR, Palais Wilson,  
Rue des Paquis 52, Geneva  
SWITZERLAND  
Tel: +41 22 917 9300  
Fax: +41 22 9179010  
Email: [sect.hchr@unog.ch](mailto:sect.hchr@unog.ch)

6. Mr. Gian Pietro Bordignon  
Country Director  
World Food Programme  
2 Poorvi Marg, Vasant Vihar,  
New Delhi - 110057  
INDIA  
Tel: +91 11 2615 0001  
Fax: +91 11 2615 0019

Thank you.

Urgent Appeals Programme—Hunger Alert  
Asian Human Rights Commission (AHRC)

## **Threats made against local population and volunteers involved in people's tribunal**

23 September 2005

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UA-166-2005: INDIA: Threats made against local population and volunteers involved in people's tribunal

INDIA: People's tribunal; right to food; threat and intimidation; political interference

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Dear friends,

The Asian Human Rights Commission (AHRC) informed you on 22 September 2005 that a people's tribunal hearing on starvation and government neglect will be held at Bankim Niwas in Jalangi, Murshidabad, West Bengal on September 23 and 24, organized by the Howrah-based Banglar Manabadhikar Suraksha Mancha (Masum) and ourselves (for further details see AS-96-2005).

Since 2002 the erosion of the Padma river bank has increased, resulting in a loss of fertile land and destitute villagers. Although the local government has been aware of the situation, till now little has been done to help those affected. The AHRC has previously reported on numerous cases of starvation deaths and hunger in the area, as well as other parts of India (To see some of these reports, please view: HU-07-2005, HA-21-2005, HA-15-2005, HA-13-2005). These have largely occurred due to corruption and the callousness of state officials.

Accordingly, the AHRC and Masum have established this people's tribunal to hear the concerns of people in the area. However, threats and intimidation have already occurred against those wishing to attend and those assisting with the functioning of the tribunal in Jalangi. In the last two to three days, members of the Communist Party of India Marxists (CPIM) in Royerpara Village have publicly criticised the tribunal and told local villagers that its existence is a scam. Led by Santhosh Roy, the CPIM group, including Johadul Islam, Amjad Ali and Abu Bakkarsarkar has threatened local villagers telling them that they would be being watched and anyone who attended the tribunal would not receive government assistance. The group also told the villagers that it was the CPIM that was the authority of the area and that the villagers should remember this.

In a further incident, nine volunteers who had gathered in Uttar Ghoshpara Village this morning (September 23) were confronted by a group from the CPIM. The volunteers were threatened due to their involvement with the tribunal and one of them, Ms. Tia Khatoon was forcibly taken by CPIM member, Mr. Johadul Islam and driven back to her family home. There she was told not to return to the other volunteers and not to further involve herself with the functioning of the tribunal. The

other volunteers who were threatened were Bikis Haznant, Nuresha Biwi, Rabiya Biwi, Kohinoor Biwi, Ranjona Biwi, Pakhin Katoon, Dilrupa Katoon and Ranjona Biwi (there were two persons with the name Ranjona Biwi). The volunteers were told that if they wanted change in the area that they were to approach the CPIM, since it was they who were the authority in the area. As a departing warning, the CPIM group told the volunteers that neither they nor their families would receive any assistance should they continue to work for the tribunal.

Such threats against persons choosing to participate in or work for the people's tribunal in Jalangi are entirely unacceptable and must be remedied without delay. We ask that you write to the Chief Minister of the Government of West Bengal, Mr. Buddhadeb Bhattacharjee regarding this matter. As the tribunal is taking place today, we remind you of the urgency of your intervention. Please ask Mr Bhattacharjee to take immediate measures to stop this form of threat and intimidation against those who are involved with the tribunal. Please also ask him to ensure that disciplinary action is taken against those CPIM members who have already made such threats.

Urgent Appeals Desk  
Asian Human Rights Commission (AHRC)  
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Sample letter:

Dear Mr. Bhattacharjee

INDIA: Threats made against local population and volunteers involved in people's tribunal

I write to voice my anger about the threats made against a local population and volunteers involved in the people's tribunal hearing on starvation and government neglect being held at Bankim Niwas in Jalangi, Murshidabad, West Bengal today and tomorrow, which has been organized by the Howrah-based Banglar Manabadhikar Suraksha Mancha (Masum) and the Asian Human Rights Commission (AHRC) based in Hong Kong.

According to the information I have received, despite the tribunal having only started this morning (September 23) threats and intimidation have already occurred against those wishing to attend and those assisting with the functioning of the tribunal in Jalangi. In the last two to three days, members of the Communist Party of India Marxists (CPIM) in Royerpara Village have publicly criticised the tribunal and told local villagers that its existence is a scam. Led by Santhosh Roy, the CPIM group, including Johadul Islam, Amjad Ali and Abu Bakkarsarkar has threatened local villagers telling them that they would be being watched and anyone who attended the tribunal would not received government assistance. The group also told the villagers that it was the CPIM that was the authority of the area and that the villagers should remember this.

In a further incident, nine volunteers who had gathered in Uttar Ghoshpara Village this morning were confronted by a group from the CPIM. The volunteers were threatened due to their involvement with the tribunal and one of them, Ms. Tia Khatoon was forcibly taken by CPIM member, Mr. Johadul Islam and driven back to her family home. There she was told not to return to the other volunteers and not to further involve herself with the functioning of the tribunal. The other volunteers who were threatened were Bikis Haznant, Nuresha Biwi, Rabiya Biwi, Kohinoor Biwi, Ranjona Biwi, Pakhin Katoon, Dilrupa Katoon and Ranjona Biwi (there were two persons with the name Ranjona Biwi). The volunteers were told that if they wanted change in the area that they were to approach the CPIM, since it was they who were the authority in the area. As a departing warning, the CPIM group told the volunteers that neither they nor their families would receive any assistance should they continue to work for the tribunal.

Such threats against persons choosing to participate in or work for the people's tribunal in Jalangi are entirely unacceptable and must be remedied without delay. I therefore request you, in your capacity as the Chief Minister of the Government of West Bengal to immediately intervene in this matter. Given that the tribunal will take place only today and tomorrow, I trust that you will appreciate the extreme urgency in your intervention. I ask you to take immediate measures to stop this form of threat and intimidation against those who are involved with the tribunal. I also ask you to ensure that disciplinary action is taken against those CPIM members who have already made such threats.

The Government of West Bengal has already failed those people who wish their voices to be heard at the tribunal. I ask that you do not fail them again by ignoring this matter.

Yours sincerely,

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PLEASE SEND A LETTER TO:  
Mr. Buddhadeb Bhattacharjee  
Chief Minister  
Government of West Bengal  
Writers Buildings, Kolkata - 700001  
West Bengal  
INDIA  
Tel: +91 33 2214 5555 (O) / 2280 0631 (R)  
Fax: +91 33 2214 5480 / 2214 1341  
Email: [cm@wb.gov.in](mailto:cm@wb.gov.in) , [cm@writerscal.gov.in](mailto:cm@writerscal.gov.in)

PLEASE SEND COPIES TO:

1. Mr. Naren Dey  
Minister of Food and Supply  
Government of West Bengal  
Writers Buildings  
Kolkata - 700001  
West Bengal  
INDIA  
Fax: +91 33 2252 2628

2. Mr. Subhas Awasthi  
Director General of Police  
Government of West Bengal  
Writers Buildings  
Kolkata-1  
West Bengal  
INDIA  
Fax: +91 33 2214 4498 / 2214 5486  
Email: padgp@wbpolice.gov.in

3. Justice Shyamal Kumar Sen  
Chairperson  
West Bengal Human Rights Commission  
Bhabani Bhavan, Alipore  
Kolkata - 700027  
INDIA  
Tel: +91 33 4797259 / 5558866  
Fax: +91 33 4799633  
Email: wbhrc@cal3.vsnl.net.in

4. Mr. Jean Ziegler  
UN Special Rapporteur on the Right to Food  
c/o Mr. Carlos Villan Duran  
Room 4-066, OHCHR, Palais Wilson,  
Rue des Paquis 52, Geneva  
SWITZERLAND  
Tel: +41 22 917 9300  
Fax: +41 22 9179010  
Email: sect.hchr@unog.ch

5. Mr. Gian Pietro Bordignon  
Country Director  
World Food Programme  
2 Poorvi Marg, Vasant Vihar,  
New Delhi - 110057  
INDIA  
Tel: +91 11 2615 0001  
Fax: +91 11 2615 0019

Thank you.

Urgent Appeals Programme  
Asian Human Rights Commission (AHRC)

**Government action inadequate in providing rehabilitation to displaced hunger victims and continued starvation death in Murshidabad, West Bengal**

11 November 2005

[Re: HU-07-2005: Starvation deaths continue despite government's commitment to provide food assistance in West Bengal; UA-161-2005: INDIA: Human rights defender physically assaulted, threatened and detained by government officials; HU-04-2005: INDIA: UNICEF still avoiding responsibility in providing assistance to starving women and children in West Bengal; UA-59-2005: INDIA: Police attack on human rights defender and his family in Murshidabad, West Bengal; HA-02-2005: INDIA: Starvation deaths occurring in Murshidabad district, West Bengal]

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HU-09-2005: UPDATE (India): Government action inadequate in providing rehabilitation to displaced hunger victims and continued starvation death in Murshidabad, West Bengal

INDIA: Hunger and starvation; inadequate government action; right to life

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Dear friends,

The Asian Human Rights Commission (AHRC) has received updated information from Manabadhikar Suraksha Mancha (Masum) regarding recent plans proposed by the government to address the terrible living conditions in Jalangi, Murshidabad, West Bengal. The plans to relocate displaced villagers from several villages in Jalangi however do not provide any permanent solutions to their concerns. Additionally, the AHRC was also informed that another starvation death has occurred. Thus, even though names had been submitted to Public Distribution Shops, to date no one has been provided with food assistance.

The AHRC asks you to contact the Chief Minister of West Bengal and all other relevant authorities urging them to immediately intervene in the hunger situation in Jalangi and remedy the systemic failures in the Public Distribution System. Furthermore, please call on the local authorities to propose a feasible rehabilitation programme for the victims.

Urgent Appeals Desk - Hunger Alert  
Asian Human Rights Commission (AHRC)

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UPDATE INFORMATION:

In late October, it was reported to the AHRC that the block administration of Murshidabad had proposed a rehabilitation programme for displaced hunger victims from the Dayarampur, Parashpur and Taltali villages who currently have no land or means to provide for their livelihoods due to the Padma River

erosion. In the middle of the Padma River lies an island, a piece of land made by the river itself many years ago, that was given to landless tillers in 1974 by the governor of West Bengal under the West Bengal Land Reform Act 1955. The government has now proposed that the displaced villagers from Jalangi be relocated to this piece of land.

Several problems exist in this plan and point to why it is an ineffective remedy to the situation in Jalangi. First, because the land was originally given to landless tillers, they are the ones who have legal claim to it and therefore it cannot be used for rehabilitation purposes. Also, the land itself is not fit for residential use, as water, sanitation, electricity and communication systems are all lacking. Finally, taking into consideration the rapid and swift changes occurring along the banks of the Padma River, the land may also in time be susceptible to erosion and this proposal does not address the continuous loss of land existing in the area.

The local administration is reported to have already started moving victims to the deposited land. Currently, displaced villagers from the Udaynagar and Suryanagar colonies are forcibly being taken to land by the district administration, with the help of the police.

Meanwhile, the Public Distribution System (PDS) is still failing to provide assistance to the hunger victims in Jalangi. The 500-plus villagers, whose names had been placed in ration shops in September 2005, have not been receiving food assistance. The lists were also distributed to the District Magistrate Office and Block Development Office and upon investigation all the victims mentioned were found to be genuinely suffering from starvation and malnutrition. However, ration shop dealers have not been distributing food on claims that they have not received a government order to do so. When questioned on the current status of food assistance to the victims, Mr. Gulam Ali Ansari, Additional District Magistrate (General) of Murshidabad responded that he had to enquire further about the matter.

Tragically, as a result of the government dragging its feet, on October 29, 2005, another man who was listed under the PDS list died of starvation and hunger related illnesses. Ummat Ali Shah did not receive any food assistance before he died.

#### BACKGROUND INFORMATION:

For over 10 years, the Padma River has been eroding. Many homes and livelihoods have disappeared because of the swelling river, and the result has been the starvation of villagers in Jalangi. In recent years, the erosion has worsened and the hunger situation has grown significantly.

Several hunger deaths have been reported in the area. Please see HA-02-2005 for more details pertaining on the persisting hunger crisis. Moreover, there have now been questions on more

that one occasion regarding the government's lack of sufficient and appropriate action in trying to address the victims hunger and land needs. Please see HU-07-2005 for details.

SUGGESTED ACTION:

Please write a letter to the Chief Minister of West Bengal and other related officials, urging them to investigate the situation. First, the local administration must be condemned for its poor excuse of a rehabilitation programme and urged to seriously and appropriately address and rectify all the problems the victims are suffering. Furthermore, please request that appropriate measures be taken to ensure that the Public Distribution System in the state provides sufficient and nutritious food assistance to its beneficiaries. The PDS must also be monitored to ensure it works properly, where by being placed under welfare schemes guarantees that quality food assistance is provided. A sample letter is provided below.

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SAMPLE LETTER:

Dear \_\_\_\_\_

RE: INDIA: Government action inadequate in providing rehabilitation to displaced hunger victims in Murshidabad, West Bengal

I was recently updated as to the current situation of hunger in Jalangi, Murshidabad and am deeply concerned that the local administration has not actively taken steps to address it.

I was informed that a rehabilitation programme has been put in place to move displaced villagers from Jalangi to a piece of land that lies in the middle of the Padma River. However, I was shocked to learn that this piece of land was already given to landless tillers in 1974 by the governor of West Bengal under the West Bengal Land Reform Act 1955. Furthermore, it is my understanding that no amenities exist on the island as it lacks water, electricity, sanitation and communication systems. Finally, given the nature of the river erosion, the land may also be susceptible to erosion. Thus, this rehabilitation plan is not sufficient in providing an effective and long-term solution to the problem.

It was also brought to my attention that the Public Distribution System (PDS) is still failing to provide assistance to the hunger victims in Jalangi, who are severely malnourished due to losing their land and livelihoods. Over 500 villagers, whose names had been placed in ration shops in September 2005, have still not received any food assistance. The lists were also distributed to the District Magistrate Office and Block Development Office and all the victims mentioned were found to be genuinely suffering from starvation and malnutrition. However, ration shop dealers have not been distributing food on claims that they have not received a government order to do so. When questioned on the

current status of food assistance to the victims, Mr. Gulam Ali Ansari, Additional District Magistrate (General) of Murshidabad responded that he had to enquire further about the matter.

I am also extremely distressed to learn that while the government authorities have been inert, another villager, Ummat Ali Shah, is reported to have died of starvation on October 29, 2005. Mr Shah, whose name was also listed under the PDS, did not receive any food rations before he died.

Given the severity of hunger and the rapid erosion of land, the government must take immediate and appropriate steps to address the situation. The problems in Jalangi are many, and a genuine rehabilitation programme that aims to help rebuild the victims' lives must include regular and sufficient food assistance, permanent land with amenities for the villagers to reside and farm on, access to healthcare and education facilities, as well as a plan to stop the river erosion and reduce the amount of land being lost each year. If the government continues to fail in this respect, the starvation deaths will increase rapidly.

I strongly urge you to investigate this situation immediately and take necessary action to address the problems in Jalangi. Please ensure that the Public Distribution System in the state provides sufficient and nutritious food assistance to its beneficiaries. Please also monitor the PDS to ensure it works properly, where by being placed under welfare schemes guarantees that quality food assistance is provided. Finally, the proposed plan by the district administration in no way provides rehabilitation and I urge you to seriously and appropriately address and rectify the problems the victims are suffering.

Sincerely,

---

PLEASE SEND LETTERS TO:

1. Mr. Manjunath Prasad  
District Magistrate - Murshidabad  
Murshidabad  
West Bengal  
INDIA  
Tel: +91 34 8225 1650  
Fax: +91 34 8225 0145

2. Mr. Buddhadeb Bhattacharjee  
Chief Minister/ Minister of Home Department  
Government of West Bengal  
Writer's Building  
Kolkata - 700 001  
West Bengal  
INDIA  
Tel: +91 33 2221 5555 (Office), 2334 4700/ 2358 1166 (Home)  
Fax: +91 33 2214 5480/ 2214 1341  
E-mail: cm@wb.gov.in

PLEASE SEND COPIES TO:

1. Mr. Biswanath Choudhury  
Minister of Social Welfare Department  
Government of West Bengal  
Writer's Building  
Kolkata - 700 001  
West Bengal  
INDIA  
Tel: +91 33 2214 3220 Ext. 4782  
Fax: +91 33 2214 5452  
E-mail: micjail@wb.gov.in

2. Mr. Amit Kiran Deb  
Chief Secretary  
Government of West Bengal  
Writer's Building  
Kolkata - 700 001  
INDIA  
Tel: +91 33 2214 5858  
Fax: +91 33 2214 4328  
E-mail: chiefsec@wb.gov.in

3. Mr. Narendranath Dey  
Minister of Food and Supply  
Government of West Bengal  
Writers Buildings  
Kolkata - 700001  
West Bengal  
INDIA  
Tel: +91 33 2252 1388/ 6434  
Fax: +91 33 22522628  
E-mail: micfoodsupplies@wb.gov.in

4. Justice Shyamal Kumar Sen  
Chairperson  
West Bengal Human Rights Commission  
Bhabani Bhavan, Alipore  
Kolkata - 700027  
INDIA  
Tel: +91 33 4797259 / 5558866  
Fax: +91 33 4799633  
Email: wbhrc@cal3.vsnl.net.in

5. Mr. Jean Ziegler  
UN Special Rapporteur on the Right to Food  
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Fax: +41 22 9179010  
Email: cvillan-duran.hchr@unog.ch or sect.hchr@unog.ch

6. Mr. Gian Pietro Bordignon  
Country Director  
World Food Programme  
2 Poorvi Marg, Vasant Vihar,  
New Delhi - 110057  
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Tel: +91 11 2615 0001  
Fax: +91 11 2615 0019  
E-mail: [WFP.NewDelhi@wfp.org](mailto:WFP.NewDelhi@wfp.org)

7. Mr. Anthony Banbury  
Regional Director  
World Food Programme  
Unit No. 2, 7th Floor  
Wave Place Building  
55 Wireless Road  
Lumpini, Patumwan  
Bangkok 10330  
THAILAND  
Tel: +66-2-6554115  
Fax: +66-2-6554413  
Email: [Anthony.banbury@wfp.org](mailto:Anthony.banbury@wfp.org) or [Bkk.unescap@un.org](mailto:Bkk.unescap@un.org)

8. Dr. N.C. Saxena and Mr. S.R. Sankaran  
Commissioners  
Supreme Court of India  
SAMYA, R-38A, 2nd floor  
South Extention - part 2  
New Delhi - 49  
INDIA  
Fax: +91-11-5164 2147  
Email: [commissioners@vsnl.net](mailto:commissioners@vsnl.net)

#### **Appendix 4: First list of eligible families denied government assistance in Jalangi compiled and submitted by Masum**

##### **No./ Family head/ Age/ Father or husband/ Family members/ Village**

1. Susil Mondal, 60, late Gobinda Mondal, 2, Dayarampur
2. Bhupen Mondal, 35, late Rishipada Mondal, 5, Dayarampur
3. Biswanath Mondal, 50, late Gobinda Mondal, 5, Dayarampur
4. Santana Mondal, 28, Susil Mondal, 3, Dayarampur
5. Abul Kashem Shah, 65, late Kokiluddin Mondal, 3, Dayarampur
6. Asraf Shah, 35, Abul Kashem, 6, Dayarampur
7. Samarendra Nath Sharma, 49, late Kerupada Sharma, 5, Dayarampur
8. Shibnath Haldar, 52, Ganga Pada Haldar, 2, Dayarampur
9. Sentu Sk, 35, Afajuddin Sk, 5, Dayarampur
10. Gouri Bala Dasi, 70, late Rishipada Mondal, 5, Dayarampur
11. Manaranjan Mondal, 42, late Bistopada Mondal, 6, Dayarampur
12. Bipad Mondal, 39, late Bistopada Mondal, 5, Dayarampur
13. Razzak Shah, 39, Abul Kashem Shah, 4, Dayarampur
14. Jiarul Shah, 36, Abul Kashem Shah, 4, Dayarampur
15. Sukhen Mondal, 39, late Rishipada Mondal, 5, Dayarampur
16. Nikhil Mondal, 47, late Rishipada Mondal, 4, Dayarampur
17. Askan Shah, Abul Hossain, 7, Dayarampur
18. Nitai Haldar, 62, late Bijoy Haldar, 5, Dayarampur
19. Babu Haldar, 28, late Bijoy Haldar, 5, Dayarampur
20. Bikash Halder, 25, late Bijoy Haldar, 3, Dayarampur
21. Sunil Haldar, 47, Ananda Haldar, 5, Dayarampur
22. Asit Haldar, 44, Ananda Haldar, 4, Dayarampur
23. Nishipada Haldar, 39, Ananda Haldar, 2, Dayarampur
24. Susanta Karmakar, 35, Suren Karmakar, 4, Dayarampur
25. Brindaban Haldar, 40, Suren Haldar, 3, Dayarampur
26. Tribhanga Haldar, 58, late Balai Haldar, 5, Dayarampur
27. Fajuddin Biswas, 75, late Nacheruddin Biswas, 3, Dayarampur
28. Bipad Sarma, 49, late Dulal, 5, Dayarampur
29. Satyendranath Sharma, 56, late Jugal, 6, Dayarampur
30. Laxminarayan Sharma, 53, late Jugal, 7, Dayarampur
31. Ranajit Sharma, 50, late Jugal, 3, Dayarampur
32. Bapan Sharma, 36, Ranajit 3, Dayarampur
33. Moksed Malitha, 45, late Khalil, 4, Dayarampur
34. Upendranath Sharma, 43, Shyamapada, 7, Dayarampur
35. Bhupendranath Sarma, 40, Shyamapada, 3, Dayarampur
36. Nipendranath Sarma, 37, Shyamapada, 4, Dayarampur
37. Dilip Sharma, 38, late Gopal, 3, Dayarampur
38. Parimal Sharma, 42, late Gopal, 4, Dayarampur
39. Phanibhusan Sharma, 49, late Shibnath, 3, Dayarampur
40. Santosh Sharma, 46, late Shibnath, 5, Dayarampur
41. Subal Sharma, 57, late Shibnath, 5, Dayarampur
42. Surjakanta Shinga, 43, Son in law in Bistopada Sharma, 4, Dayarampur
43. Harendranath Sharma, 55, late Bholanath 5, Dayarampur
44. Alauddin Shah, 55, late Alom Shah, 5, Dayarampur
45. Rajaul Shah, 45, late Alom Shah, 5, Dayarampur
46. Madan Mondal, 47, Khudiram, 7, Dayarampur
47. Swapan Mondal, 47, Khudiram, 4, Dayarampur
48. Ranjan Mondal, 44, Khudiram, 4, Dayarampur
49. Susanta Mondal, 47, Subal, 5, Dayarampur
50. Rajit Mollah, 55, late Sultan 5, Dayarampur

51. Zabbar Shekh, 52, Sultan Shekh, 7, Dayarampur
52. Ajit Haldar, 61, late Ramani, 4, Dayarampur
53. Ranajit Haldar, 50, Tarani Haldar, 8, Dayarampur
54. Anchhad SK, 55, Samser SK, 5, Dayarampur
55. Tazimuddin, 50, Samser SK, 5, Dayarampur
56. Intaj SK, 45, Samser SK, 4, Dayarampur
57. Sahadul SK, 40, Samser SK, 5, Dayarampur
58. Bulu Shah, 45, Maslem, 2, Dayarampur
59. Abdus Samad Mollah, 68, late Panjaton, 3, Dayarampur
60. Suman Mondal, 32, late Subal, 4, Dayarampur
61. Subrata Mondal, 38, late Subal, 3, Dayarampur
62. Mohabul Mondal, 40, Lukman Mondal, 5, Dayarampur
63. Subod Mondal, 45, Nimai Mondal, 5, Dayarampur
64. Hajrat Shekh, 55, late Haran Shekh, 3, Dayarampur
65. Aslam Mondal, 42, Lokman Mondal, 5, Dayarampur
66. Ismail Mollah, 75, late Asalat Mollah, 3, Dayarampur
67. Bajlur Rahaman, 47, Ismail Mollah, 5, Dayarampur
68. Fajlur Rahaman, 38, Ismail Mollah, 5, Dayarampur
69. Saidur Rahaman, 41, Ismail Mollah, 3, Dayarampur
70. Raghunath Pal, 49, late Narendranath Pal, 5, Dayarampur
71. Anjali Mondal, 65, late Monoranjan Mondal, 5, Dayarampur
72. Anarul Shah, 35, Moslem Shah, 4, Dayarampur
73. Nantu Shah, 35, Moslem Shah, 3, Dayarampur
74. Moslem Shah, 52, late Laskar, 3, Dayarampur
75. Khalil Shah, 55, late Ukiluddin Shah, 3, Dayarampur
76. Milan Shah, 28, Khalil Shah, 4, Dayarampur
77. Habibur Rahaman, 28, Ismail Mollah, 4, Dayarampur
78. Abul Kalam Shah, 55, Kokiluddin Shah, 3, Dayarampur
79. Monirujjaman Shah, 26, Abul Kalam, 3, Dayarampur
80. Harasit Haldar, 38, late Nimai Haldar, 4, Dayarampur
81. Sahidul Shah, 32, late Abubakkar Shah, 4, Dayarampur
82. Mohidul Shah, 30, late Abubakkar Shah, 5, Dayarampur
83. Lalan Shah, 28, Khalil Shah, 4, Dayarampur
84. Milan Shah, 35, Khalil Shah, 5, Dayarampur
85. Asadul Shah, 32, Samsul Shah, 4, Dayarampur
86. Kuddus Shah, 35, Samsul Shah, 4, Dayarampur
87. Sontosh Haldar, 55, late Laxmi Haldar, 8, Dayarampur
88. Pala Mondal, 33, Nagendranath Mondal, 5, Dayarampur
89. Rahaman Shah, 55, Nirmal Shah, 5, Dayarampur
90. Babu Shah, 30, Rahaman, 4, Dayarampur
91. Tanjila Bibi, 25, Karim Shah, 4, Dayarampur
92. Raichuddin Shah, 26, Rahaman Shah, 3, Dayarampur
93. Samad Shah, 45, Karim Shah, 4, Dayarampur
94. Sobha Sharma, 70, late Gopal, 7, Dayarampur
95. Josna Santara, 85, late Murarimohan, 7, Jalangi, Hoglar Dair
96. Abdul Rasid Shah, 36, Samsul Shah, 5, Dayarampur
97. Abdul Majid Shah, 60, late Kader Shah, 5, Dayarampur
98. Kamrul Shah, 32, Abdul Majid Shah, 3, Dayarampur
99. Atu Shah, 34, Abdul Majid Shah, 5, Dayarampur
100. Nigar Hossian, 38, late Rasul Biswas, 5, Dayarampur
101. Minnal Biswas, 34, Mainuddin Biswas, 2, Dayarampur
102. Hokman Ali Mondal, Kasheruddin, 7, Paraspur
103. Muslem Mondal, Kasheruddin, 2, Paraspur
104. Rashidul Mondal, Muslem Mondal, 5, Paraspur
105. Rizia Bewa, 55, late Samsuddin Mondal, 8, Biswaspara
106. Hokman Mondal, 35, late Samsuddin Mondal, 5, Biswaspara
107. Unus Ali Mondal, late Baduraddin Mondal, 4, Biswaspara
108. Khiruddin Mondal, 60, late Baduraddin Mondal, 10, Biswaspara

109. Abdul Mondal, 32, late Sumsuddin Mondal, 3, Biswaspara
110. Rustum Mondal, 30, late Sumsuddin Mondal, 3, Biswaspara
111. Khirul Mondal, 50, late Baduraddin Mondal, 5, Biswaspara
112. Parvina Bibi, 25, Nurul Mondal, 4, Biswaspara
113. Akkash Sheke, 33, Sattar, 6, Dayarampur
114. Jalil Sheke, 30, Sattar, 4, Dayarampur
115. Miajan, late wife of Sattar, 2, Dayarampur
116. Khalil Sheke, 28, Sattar Sheke, 2, Dayarampur
117. Piarul Sheke, 25, Sattar Sheke, 2, Dayarampur
118. Mukul Mondal, 25, Lukman Mondal, 3, Dayarampur
119. Lukman, 60, late Nurmohammad, 5, Dayarampur
120. Jindar Mondal, 27, Samir Mondal, 5, Dayarampur
121. Joynal Mollah, 30, Karim Mollah, 4, Dayarampur
122. Manuara Bewa, 40, late wife of Lalchand Mondal, 4, Dayarampur
123. Sapejan Bewa, 60, late wife of Bichhad Mondal, 2, Dayarampur
124. Nantu Mondal, 25, late Bichhad, 2, Dayarampur
125. Kamal Malitha, 25, late Mojir Malitha, 4, Dayarampur
126. Jalam Malitha, 30, late Mojir Malitha, 4, Dayarampur
127. Ulajan Bewa, 60, late wife of Mojir Malitha, 2, Dayarampur
128. Arajul Sk, 70, late Sekendar, 7, Dayarampur
129. Jahura Bewa, 60, Nuru Sk, 3, Dayarampur
- [130-199 omitted]
200. Saiful Mondal, 80, late Chamatkar Mondal, 8, Dayarampur
201. Alamuddin, 50, late Imaj, 5, Dayarampur
202. Rahat Mondal, 26, Saiful, 2, Dayarampur
203. Kochhimuddin Sk, 50, late Osman, 7, Dayarampur
204. Jiten Mondal, 65, late Subol Mandal, 2, Dayarampur
205. Shamol Mondal, 40, late Taroni Mondal, 6, Dayarampur
206. Sankar Mondal, 30, Gadai Mondal, 2, Dayarampur
207. Raghunath Mondal, 42, late Satha Mondal, 4, Dayarampur
208. Sapon Mondal, 45, late Bishtapad Mondal, 6, Dayarampur
209. Nirpal Mondal, 38, Tarani Mondal, 2, Dayarampur
210. Ranjit Mondal, 55, Tarani Mondal, 6, Dayarampur
211. Bishwanath Mondal, 62, late Gokul Mondal, 5, Dayarampur
212. Jamal Mollah, 40, late Chhamu Mollah, 3, Dayarampur
213. Minarul Sk, 38, late Chhayer Sk, 5, Dayarampur
214. Enarul Sk, 32, late Chhayer Sk, 2, Dayarampur
215. Aslam Mondal, 40, late Lukman Mondal, 5, Dayarampur
216. Alauddin Sk, 40, Alimuddin Sk, 4, Dayarampur
217. Jalaluddin Sk, 35, late Najimuddin Sk, 5, Dayarampur
218. Mulluk Mondal, 45, late Alimuddin Mondal, 6, Dayarampur
219. Najimuddin Sk, 72, late Osman Sk, 6, Dayarampur
220. Rejabul Mondal, 30, Lukman Mondal, 4, Dayarampur
221. Jinnat Biswas, 45, late Bisat Biswas, 6, Dayarampur
222. Fajal Mondal, 55, late Badal Mondal, 6, Dayarampur
223. Rahman Biswas, 56, late Bilat Biswas, 4, Dayarampur
224. Shibnath Pramanik, 52, late Jagindranath Pramanik, 6, Dayarampur
225. Dijen Pramanik, 60, late Jagindranath Pramanik, 5, Dayarampur
226. Dilip Pramanik, 30, Dijen Pramanik, 4, Dayarampur
227. Rampad Pramanik, 55, late Kalipada Pramanik, 4, Dayarampur
228. Ramesh Pramanik, 22, Rampada Pramanik, 3, Dayarampur
229. Jatin Sarkar, 42, late Judhisthir Sarkar, 5, Dayarampur
230. Jagannath Sarkar, 32, late Judhisthir Sarkar, 4, Dayarampur
231. Amulya Pramanik, 50, late Balaram Pramanik, 5, Dayarampur
232. Bipad Bhanjan Pramanik, 37, late Balaram Pramanik, 4, Dayarampur
233. Ajit Haldar, 60, late Ramani Haldar, 4, Dayarampur
234. Julfikar Shah, 28, Abdul Ajit Shah, 3, Dayarampur

235. Najmul Shah, 37, late Ummat Shah, 2, Dayarampur
236. Hajrat Mollah, 60, late Haran Mollah, 3, Dayarampur
237. Firoj Shah, 32, Abdul Bari Shah, 5, Dayarampur
238. Sanjit Mondal, 33, Kalachad Mondal, 4, Dayarampur
239. Bablu Mondal, 35, Kalachad Mondal, 4, Dayarampur
240. Ranjit Mondal, 36, Kalachad Mondal, 4, Dayarampur
241. Akhil Mondal, 25, Kalachad Mondal, 2, Dayarampur
242. Nikhil Mondal, 28, Kalachad Mondal, 4, Dayarampur
243. Sonath Sarkar, 42, Sada Krista Sarkar, 3, Dayarampur
244. Billal Mollah, 42, Karim Mollah, 4, Dayarampur
245. Afijan Bewa, 75, 4, Dayarampur
246. Bilas Biswas, 32, Ajit Biswas, 3, Dayarampur
247. Tari Haldar, 70, Tarani Halder 2, Paraspur
248. Ansar Ali Shah, 65, Kader Shah, 4, Dayarampur
249. Rina Bewa, 32, Giash Shah 4, Dayarampur
250. Soriful Shah, 40, late Aijuddin Shah, 4, Dayarampur
251. Saiful Shah, 35, late Aijuddin Shah, 3, Dayarampur
252. Sabiron, 60, Wife of late Aijuddin Shah, 3, Dayarampur
253. Anarul Shaw, 41, Ummat Ali Shaw, 5, Paraspur
254. Najbul Shaw, 35, Ummat Ali Shaw, 2, Paraspur
255. Ummat Ali Shaw, 75, late Jonab Shaw, 2, Paraspur
256. Saiful Shaw, 41, Panjhatan Shaw, 5, Paraspur
257. Panjhatan Shaw, 85, late Jonab Shaw, 2, Paraspur
258. Sobekan Bewa, 70, Wife of late Jonab Shaw, 1, Paraspur
259. Jiarul Shaw, 36, Soleman Shaw, 3, Paraspur
260. Alior Shaw, 45, late Nilmon Shaw, 5, Paraspur
261. Najir Shaw, 42, late Nilmon Shaw, 4, Paraspur
262. Ujir Shaw, 40, late Nilmon Shaw, 5, Paraspur
263. Babu Shaw, 38, late Nilmon Shaw, 4, Paraspur
264. Mahasin Shaw, 55, late Patan Shaw, 5, Paraspur
265. Nojrul Shaw, 32, Mahasin Shaw, 5, Paraspur
266. Ahachand Shaw, 60, late Patan Shaw, 2, Dayarampur
267. Monirul Shaw, 35, Ahachand Shaw, 4, Dayarampur
268. Anarul Shaw, 40, Ahachand Shaw, 3, Dayarampur
269. Rahim Shaw, 75, Biru Shaw, 4, Dayarampur
270. Sofikul Shaw, 40, Rahim Shaw, 5, Dayarampur
271. Rafikul Shaw, 35, Rahim Shaw, 5, Dayarampur
272. Riaj Shaw, 75, late Piarul Shaw, 2, Dayarampur
273. Bejabul Shaw, 40, Riaj Shaw, 4, Dayarampur
274. Asraf Shaw, 35, Riaj Shaw, 3, Dayarampur
275. Asad Shek 40, 5, Dayarampur
276. Rahaman Malitha, 65, late Yasin Malitha, 2, Dayarampur
277. Jamed Malitha, 40, Rahaman Malitha, 4, Dayarampur
278. Hamed Malitha, 45, Rahaman Malitha, 5, Dayarampur
279. Nuju Ali 42, Ahad Ali 4, Dayarampur
280. Ismail Shaw, 40, Sultan Shaw, 5, Dayarampur
281. Moslem Shaw, 35, Sultan Shaw, 2, Dayarampur
282. Jamal Shaw, 32, Sultan Shaw, 4, Dayarampur
283. Sabdul Mondal, 38, Naimuddin Mondal, 5, Dayarampur
284. Kanti Mondal, 60, late Abhimanya Mondal, 5, Paraspur
285. Basanta Mondal, 30, Kanti Mondal, 4, Paraspur
286. Gopal Mondal, 30, Ajit Mondal, 2, Paraspur
287. Meghnath Mondal, 25, Ajit Mondal, 2, Paraspur
288. Jabbar Mondal, 30, Akchad Mondal, 4, Paraspur
289. Babu Mondal, 25, Dhiren Mondal, 4, Paraspur
290. Nirapad Mondal, 70, late Abhimanya Mondal, 5, Paraspur
291. Mohand Mondal, 32, Nirapad Mondal, 4, Paraspur
292. Dhiren Mondal, 50, late Mohan Mondal, 5, Paraspur

293. Kumor Mondal, 45, late Mohan Mondal, 5, Paraspur
294. Sonai Mondal, 35, late Mohan Mondal, 5, Paraspur
295. Sukumar Mondal, 40, late Mohan Mondal, 5, Paraspur
296. Rajkumar Mondal, 30, late Mohan Mondal, 4, Paraspur
297. Krishna Mondal, 20, Dhiren Mondal, 2, Paraspur
298. Shamal Biswas, 35, Amullya Biswas, 5, Paraspur
299. Gangapad Mondal, 50, late Pad Mondal, 5, Paraspur
300. Nujbur Mollah, 40, late Hujur Mollah, 4, Paraspur
301. Arun Mondal, 45, late Pad Mondal, 5, Paraspur
302. Sunil Pramanik, 55, late Goshai Pramanik, 3, Paraspur
303. Niranjana Mondal, 45, late Sushil Mondal, 3, Paraspur
304. Nogen Mondal, 45, late Raju Mondal, 5, Paraspur
305. Niranjana Mondal, 40, late Shamapada Mondal, 5, Paraspur
306. Montu Mondal, 45, late Bistapad Mondal, 7, Paraspur
307. Lalu Mondal, 35, late Ekchhad Mondal, 4, Paraspur
308. Rupjan Bewa, 50, late Karim Mondal, 1, Paraspur
309. Nikhil Mondal, 35, Gopal Mondal, 3, Paraspur
310. Sohikul Mondal, 45, late Khairulla Mondal, 4, Paraspur
311. Amal Mondal, 33, Nanda Mondal, 3, Paraspur
312. Tanjil Mondal, 35, late Asraf Mondal, 6, Paraspur
313. Ajed Mondal, 33, late Asraf Mondal, 4, Paraspur
314. Mujammel Mondal, 40, late Asraf Mondal, 6, Paraspur
315. Indatul Mondal, 30, late Asraf Mondal, 4, Paraspur
316. Kibriya Mondal, 27, late Asraf Mondal, 2, Paraspur
317. Jusna Bewa, 36, late Khairulla Mondal, 1, Paraspur
318. Belunor Bewa, 30, late Khairulla Mondal, 2, Paraspur
319. Somvu Mondal, 30, Fotik Mondal, 3, Paraspur
320. Sunil Mondal, 40, Fotik Mondal, 5, Paraspur
321. Sukumar Mondal, 36, Fotik Mondal, 5, Paraspur
322. Ujjal Mondal, 32, Fotik Mondal, 5, Paraspur
323. Anil Mondal, 35, Moni Mondal, 5, Paraspur
324. Rojabala, 65, late Gakul Mondal, 1, Paraspur
325. Nirmal Pramanik, 38, late Gosai Pramanik, 4, Paraspur
326. Bipad Pramanik, 35, late Gosai Pramanik, 4, Paraspur
327. Nipen Mondal, 40, late Nibaron Mondal, 6, Paraspur
328. Jiarul Mondal, 35, late Ajijul Mondal, 5, Paraspur
329. Kulchhan Bewa, 45, late Ajijul Mondal, 3, Paraspur
330. Krisna Sardar, 30, Bablu Sardar, 3, Paraspur
331. Uttam Sardar, 35, Nepal Sardar, 2, Paraspur
332. Madhab Sardar, 30, Biren Sardar, 3, Paraspur
333. Pratima Sardar, 33, Wife of Mahadeb Sardar, 5, Paraspur
334. Jadab Sardar, 27, Biren Sardar, 2, Paraspur
335. Bhabesh Mondal, 65, late Ramkrisna Mondal, 1, Paraspur
336. Fokir Mondal, 50, late Abbas Mondal, 7, Paraspur
337. Billal Mondal, 30, Fokir Mondal, 5, Paraspur
338. Jamsed Mondal, 42, Ismail Mondal, 5, Paraspur
339. Ajahar Mondal, 51, late Gofur Mondal, 7, Paraspur
340. Konu Bewa, 25, late Bulu, 3, Paraspur
341. Kabil Mondal, 46, Gofur Mondal, 6, Paraspur
342. Giyas Sarkar, 27, Elahi Sarkar, 3, Paraspur
343. Kushi Mondal, 30, Sadananda Mondal, 2, Paraspur
344. Gour Mondal, 45, Kedar Mondal, 5, Paraspur
345. Bhanu Mondal, 35, Helal Mondal, 5, Paraspur
346. Sasti Mondal, 40, late Abhimanya Mondal, 2, Paraspur
347. Sukchad Mondal, 75, late Tafel Mondal, 5, Paraspur
348. Rafikul Mondal, 30, Sukchad Mondal, 3, Paraspur
349. Biyakul Mondal, 27, Sukchad Mondal, 3, Paraspur
350. Sofikul Mondal, 24, Sukchad Mondal, 3, Paraspur
351. Bijoy Mondal, 26, Nipen Mondal, 2, Paraspur

352. Hokman Ali, 45, Setab Mollah, 6, Raypara
353. Arman Mollah, 43, Setab Mollah, 5, Raypara
354. Sabbir Khan, 28, Tochhlimuddin Khan, 4, Raypara
355. Tochhlimuddin, 50, late Miyajan Khan, 6, Raypara
356. Mojibor Khan, 32, Tochhlimuddin Khan, 5, Raypara
357. Jomiruddin Sarkar, 33, Rajjuddin Sarkar, 4, Raypara
358. Anechha Bewa, 62, late wife Somser Mondal, 2, Raypara
359. Ejabul Khan, 28, Tochhlimuddin Sarkar, 4, Raypara
360. Achheya Bewa, 60, late wife Setar Mondal, 3, Raypara
361. Joyenuddin Sarkar, 42, Rayejuddin Sarkar, 6, Raypara
362. Asraful Sk, 32, Samser Sk, 6, Raypara
363. Abdul Bari Mondal, 47, Janmahammad Mondal, 7, Raypara
364. Habil Mondal, 55, late Abdul Mondal, 6, Raypara
365. Bablu Mondal, 34, Mohiruddin Mondal, 5, Raypara
366. Nasiruddin Mondal, 32, Rosik Mondal, 6, Raypara
367. Pravas Chandra Roy, 65, late Brajoballat Roy, 3, Raypara
368. Amiya Bala Roy, 58, late wife of Sri Santa Roy, 2, Raypara
371. Barkat Sk, 62, Ahammod Mondal, 7, Raypara
372. Manoyara Bewa, 55, late wife of Barkat Sk, 2, Raypara
373. Samiruddin Sk, 45, late Tachen Sk, 8, Raypara
374. Jibona Bewa, 2, Raypara
375. Josim Mollah, 65, late Ahmed Mollah, 7, Raypara
376. Abdul Mojib Sk, 52, late Ajit Sk, 5, Raypara
377. Rabkul Mondal, 38, late Barkat Mondal, 5, Raypara
378. Moniruddin Mondal, 62, late Mahammad Mondal, 4, Raypara
379. Rokena Bewa, 55, late wife of Bichhad Mondal, 2, Raypara
380. Rojiron Bewa, 62, late wife of Rosik Mondal, 2, Raypara
381. Lotifon Bewa, 60, late wife of Royej Sarkar, 2, Raypara
382. Khalekur Rahaman, 55, late Alimuddin Modal 5, Uttar Ghoshpara
383. Moksed Ali, 54, late Abusofiyon Mondal, 4, Uttar Ghoshpara
384. Khemojan Bewa, 93, late Lojer Mollah, 1, Ghospara Sarbopalli
385. Hajrat Ali, 50, late Hujur Ali, 5, Ghospara Sarbopalli
386. Sohikul Ali, 47, late Chhabber Mondal, 5, Ghospara Sarbopalli
387. Soiruddin Mondal, 42, late Chhabber Mondal, 4, Ghospara Sarbopalli
388. Akchhar Ali, 47, late Kismat Mondal, 5, Ghospara Sarbopalli
389. Saidar Ali, 50, late Kismat Mondal, 6, Ghospara Sarbopalli
390. Nujera Bewa, 38, late Nekchhar Ali 6, Ghospara Sarbopalli
391. Abdul Kuddus Mondal, 38, late Ohab Mondal, 5, Ghospara Sarbopalli
392. Aklema Bewa, 60, late Kasem Mondal, 1, Ghospara Sarbopalli
393. Rahim Sarkar, 65, late Moyej Sarkar, 2, Roypara
394. Fojlul Sarkar, 47, Rahim Sarkar, 6, Roypara
395. Amir Sk, 52, Mohommad Sk, 5, Roypara
396. Belsad Mondal, 48, late Riyaj Mondal, 5, Roypara
397. Madhai Chaudhuri, 63, late Khokaram, 6, Roypara
398. Sukhen Mondal, 32, late Nagen Mondal, 4, Dayarampur
399. Palash Mondal, 34, late Nagen Mondal, 3, Dayarampur
400. Ajij Shah, 52, late Kader Shah, 5, Dayarampur
401. Kajim Shah, 45, late Korim Shah, 5, Dayarampur
402. Jochhim Mollah, 73, late Ased Mollah, 3, Dayarampur
403. Aklima, 46, Jochhim Mollah, 1, Dayarampur
404. Brindaban Karmakar, 36, Suren Karmakar, 3, Dayarampur
405. Jyoti Ranjan Haldar, 38, Manmatha Haldar, 5, Dayarampur
406. Gurupada Haldar, 42, late Kalipada Haldar, 6, Dayarampur
407. Ektar Mondal, 32, late Anchhar Mondal, 5, Roypara
408. Ramela Bewa, 55, late Pachu Sk, 7, Biswaspara

409. Mahadeb Santara, 48, late Murari Moham, 7, Hoglar Dair  
410. Joydeb Santara, 62, late Murari Moham, 5, Hoglar Dair  
411. Purnima Santara, 45, late Murari Moham, 2, Hoglar Dair  
412. Chhader Sk, 60, late Achher Sk, 4, Paraspur  
413. Mijannur Sk, 36, Chhader Sk, 4, Paraspur  
414. Khairulla Sk, 42, Chhader Sk, 5, Paraspur  
415. Amena Bewa, 40, late Ead Ali, 4, Sitanagar  
416. Molajan Bewa, 30, late Rohim Mondal, 5, Sitanagar  
417. Murshida, 25, Jahan, 3, Sitanagar  
418. Joinab Bewa, 45, late wife of Hossain, 4, Sitanagar  
419. Memjan Bewa, 50, late wife of Amiruddin, 7, Sitanagar  
420. Achhiya Bewa, 30, late Rakim, 4, Sitanagar  
421. Ajifa Bewa, 28, late Alkar, 4, Sitanagar  
422. Taramon Bewa, 32, late Chhabed, 6, Sitanagar  
423. Momata Bewa, 25, late Nobi, 4, Sitanagar  
424. Rajjan Bewa, 42, late Ejabuddin, 4, Sitanagar  
425. Mohila Bewa, 27, Sohar Ali, 3, Sitanagar  
426. Jahanara Bewa, 25, Kajim, 3, Sitanagar  
427. Anjera Bewa, 27, late Aksed, 3, Sitanagar  
428. Enjila Bewa, 25, late Jamsed, 4, Sitanagar  
429. Menuyara Bewa, 37, late Haidar, 6, Sitanagar  
430. Mojiron Bewa, 30, late Maharuddin, 4, Sitanagar  
431. Momata Bewa, 32, late Panjaton, 5, Sitanagar  
432. Sahajan Bewa, 26, late Ajjjul, 3, Sitanagar  
433. Bhanu Bewa, 25, late Mechher Sk, 3, Sitanagar  
434. Malaton Bewa, 27, late Aminul Hoque, 4, Sitanagar  
435. Rahima Bewa, 40, late Mokabbar, 5, Sitanagar  
436. Moriom Bewa, 27, late Anisur Sk, 3, Sitanagar  
437. Habib Mondal, 39, Ichharuddin Mondal, 6, Dayarampur  
438. Gopen Sharma, 45, late Gopal Sharma, 3, Dayarampur  
439. Nirmal Santary 39, late Murari, 5, Hoglar Dair  
440. Sankar Haldar, late Anil, 5, Dayarampur  
441. Manotosh Haldar, Madhai, 3, Dayarampur  
442. Suvajit Sharma, late Sujit Bhaskar, 1, Dayarampur  
443. Uttam Sharma, Upen, 3, Dayarampur  
444. Sadhan Sharma, Satyendra Nath, 4, Dayarampur  
445. Prananath Prasanta, 4, Dayarampur  
446. Muktar Mondal, Jubbar 5, Paraspur  
447. Sanat Haldar, late Panchanan, 6, Dayarampur  
448. Manendra Nath Sharma, late Shibnath, 2, Dayarampur  
449. Anil Haldar, late Ratan, 6, Dayarampur  
450. Madan Haldar, late Balai, 5, Dayarampur  
451. Mohan Haldar, late Balai, 5, Dayarampur  
452. Prafulla Haldar, Sripada, 5, Dayarampur  
453. Mohanta Mondal, Nirapada, 4, Paraspur  
454. Madhai Chowdhury, late Khokaram, 3, Dayarampur  
455. Mahadeb Chowdhury, Madhai, 5, Dayarampur

## **“We beat our hungry children to sleep”: People’s tribunal on starvation in eastern Uttar Pradesh**

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People’s Vigilance Committee for Human Rights,  
Uttar Pradesh, India &  
Asian Human Rights Commission, Hong Kong

**O**n 30 September 2005 a people’s tribunal consisting of senior social activists conducted an inquiry into starvation deaths in eastern Uttar Pradesh state, India. The tribunal was initiated by the People’s Vigilance Committee for Human Rights (PVCHR), which is based in Varanasi, in cooperation with the Asian Human Rights Commission (AHRC), a regional human rights organisation based in Hong Kong.

The participants in the tribunal were retired high court Justice Rambhoosan Malhotra, Bijo Francis, South Asia Desk Officer of the AHRC, Professor Deepak Mallick, Professor of Gandhian Institute for Studies, Dr Ashok Singh, State Secretary of the Uttar Pradesh Indian Medical Association, Dr Rolee Singh, Chairperson of the Child Welfare Committee, K K Roy, State General Secretary of the People’s Union for Civil Liberties and Ashok Kumar Sinha, Programme Officer, ActionAid International (India). On October 1 some of the panelists also visited affected villages.

The tribunal directly heard 25 detailed complaints of starvation from persons of various communities. It also heard comments from many other persons who gathered for the hearing. It learnt that within the last three months, four starvation deaths had been reported in Shankarpur village of Varanasi and Tanda village of Ambedkar Nagar, Uttar Pradesh. It heard that although starvation deaths are going on, victims’ families are not receiving proper attention from the government authorities and food-for-work schemes are not being properly implemented.

Sheela, the wife of late Kanhaiya from Shankarpur, Varanasi, a weaver who died due to starvation on 18 September 2005 because of the depressed industry, said that, “My husband starved to death after three months of hunger. I have three children.



The eldest goes to school but she receives no food under the Mid Day Meal Scheme. I was told that one lakh [one hundred thousand] rupees were spent by the panchayat [village council] for the poor, and particularly those who are starving, but my condition is the same.” Her husband’s death was reported in the media and a member of the District Food & Supply Advisory Committee sent a written complaint to the District Magistrate of Varanasi and the Right to Food Campaign filed a petition with the Supreme Court’s Commissioners and National Human Rights Commission. Subsequently Kanhaiya was given 10,000 rupees under the National Family Benefit Scheme, 50kgs of wheat and rice for one month, and was promised a house.

Subhavati, the wife of Shivnath Musahar from Kushinagar, Varanasi, said that her husband died of starvation and left her to take care of their four children alone. On 6 January 2005 she received some 20kg of rice at the time that her husband was extremely sick and there was some media attention on her case. But this ran out in one week. On January 14 her husband was hospitalized, and was discharged on January 23, but died two days later. She said that she has since received no benefits and is unable to send her children to school. They have to share their food out by eating on alternate days.

Vishambhar, a weaver from Shankarpur, Varanasi, said that he lost his job after the weaving industry declined and converted to power looms. He does not have any land or any other source of income. His wife, Jigna, joined a self-help group and took a loan of 2000 rupees to bribe the village secretary for an allotment of land, but the land allotted was infertile and nothing grew. They became indebted and suffered from acute malnutrition and hunger-related sickness. On 16 April 2005, his wife died of starvation. Within a month, his 16-year-old daughter and two-month-old son also died. After his case was raised locally and internationally (see AHRC appeal in appendix 3), the Block Development Officer gave 20kg of rice, 50kg of wheat and 3 litres of kerosene oil. While the district supply officer claimed that he has also been issued an emergency relief card, in reality no such card was issued.

Prabhawati, the wife of Nagina Musahar from Kushinagar, Varanasi, told how her husband died of hunger. Her only daughter, Sambha, is two-years-old but because of acute malnutrition looks just six-months-old. To survive, Prabhawati begs and sometimes gets work in the fields. After outside intervention she was given 10,000 rupees under the National Family Benefit Scheme and a leaky house.

The tribunal noted that the state government of Uttar Pradesh was failing in its obligations not only by international standards but also relative to many other parts of India. For instance, Andhra Pradesh and Tamilnadu both provide for a verbal autopsy in cases of malnutrition deaths, whereupon if children under five die then everybody is called in for the autopsy—including family and community members—and it is found out whether it was a





“My fellow villagers and I are not asking for much... just some land that we can cultivate and live on”

– *Kalwati*

hunger death or not. This is not done in Uttar Pradesh. The state also has very high child malnutrition, estimated at 51–55 per cent, but it spends just Rs 30–50 on nutrition programmes per child, while other states like Gujarat, Punjab and Haryana spend Rs 90–100, and northeastern states spend more than Rs 500 per child.

The cases that came before the tribunal spoke to how the government has neglected the starving of Uttar Pradesh. Villagers have not received wages after participating in food-for-work schemes, and records are made up by government bureaucrats to give a false impression of the schemes’ functioning. The public distribution system closes for months at a time.

### Voices

**Kalwati**, aged 30, of Raup Village in Sonbhadra district told how she is struggling to feed her five young children since becoming a widow:

“The six of us live in a desperate situation and hunger is a primary concern. We only eat once a day, and the meal normally consists of some rice or roti (flatbread) and salt, nothing more. I even have a red ration card allowing me access to food assistance by the Public Distribution System (PDS). The PDS shop is located eight kilometers away and provides 20kg of rice and 15kg of wheat for 90 rupees. However, the 35kg of wheat and rice that we receive is not sufficient for even 10 days. By the end of every month, we are starving. Everytime we receive more wheat, my children are so hungry they will eat just plain flour. This is what my daughter just did this afternoon.

“My husband was the sole income earner in our family, but he was murdered by the local mafia two-and-a-half years ago... Since his death, I have been the sole breadwinner in the family, as my children are too young to work. I weave brooms and straw mats. I earn approximately 2.50 rupees for each broom or mat I sell, and I normally make between five and ten a day, but I have to travel almost eight kilometers everyday just in order to sell my products. The money is not enough to buy anything, maybe a few vegetables at most.

“I have five children who depend on me to eat. The eldest, Durgavati, is 12 years old. She does not go to school because she needs to stay at home and care for the house and my other children while I am away trying to sell my brooms and mats. My boys, Sadesh, aged 10, and eight-year-old Rajesh both go to school. The two youngest, son Siri Ram and daughter Rinki are too young to attend school and thus also stay at home. In general, most Raup villagers are involved in the broom making industry. As a result, most of the young girls must stay home and take care of the younger children while their parents are away. I never went to school and my daughters will not either. I am not the only person in this situation, the entire village suffers on a daily basis the same way I do. I ask, why is there no ICDS (government run childcare center) here for our children?”

“I used to have the ability to work quickly; however, the nerves in my hand were injured some years ago so now one hand is paralyzed. But it is not possible to get medical attention for my health problems. There are no healthcare or medical facilities for the Raup villagers. In 2004, after the newspapers reported our situation, one doctor did come on a single occasion. He gave us some medicines but we never saw him or any other doctor again. The district hospital is seven kilometers away in Robertsganj so we can only go if we have enough money to cover the expenses or enough energy to walk. Also, the government hospitals do not have any medicine to give us so even if we do go there, we still cannot afford to buy medicines from the shops.

“My fellow villagers and I are not asking for much. As a tribal community, all we are asking is for some land that we can cultivate and live on, land that we have a right to. The upper-caste villagers in Raup are a very prosperous community and they are doing very well. However they are threatening us to leave as they are laying claim to this land. Where are we going to go then and how will we be able to live? All I want is for my children to be taken care of so that they can live life with dignity.”

**Chotalal**, aged 42, son of Mithailal of Oraw village in Pindra Block under Phoolpur Police Station, Varanasi district, explained how the Musahar community struggle to survive under the control of other groups:

“We have no land of our own. We work in the fields of Dakurs and Brahmins. They are the upper caste people. This work is seasonal, for about two months per year. For a full day’s work we are paid 5kg of wheat for a male and 3kg of wheat for a female. We work from 7am to 4pm. Sometimes we get 20-30 rupees per day for men and 5 rupees for women. We have never even hoped for the minimum wage and equal remuneration. If we demanded the minimum wage, the landlords would kill us. If we have any complaints, we must keep quiet. You can’t go to the police: the police mean money here... They all work for the landlords.

“For the rest of the year, we work as manual labourers and also make plates out of leaves, which people buy for serving food at marriages and other ceremonies. We earn about 20-30 rupees for making 200 plates.

“The Gramasabah (village council) here has about 90 bigahs (45 acres) of land. This land was taken by the upper castes. We were told that this land was intended to be given to us but the fact is that we do not have this land... I was told that some of the property which is currently held by the landlords stands in our names, but we are not able to use it as our own property. However, we still have to work on it as labourers since the property has been taken by them. We are scared to put any claim on our property.



**“We have never even hoped for the minimum wage and equal remuneration. If we demanded the minimum wage, the landlords would kill us ”**

*– Chotalal*



**“Sometimes we would dig up and cook dead animals, without anyone knowing”**  
– *Bhotu Musahar*

“We are not even allowed to go to the place where the upper caste people live. Even the backward people do not allow us to come to their houses. This is because we are untouchables. But if there is any work in their households, we are expected to go and do the work. If we are found in the upper caste area without being asked to come there for work, we will be beaten. If there is any crime in the locality, we are by default blamed for it. In the past, there was a murder: 13 of our family members were arrested and put in jail. No one ever dared to complain because it would not make a difference.

“Nearly all our children go to school. But their schooling is over after Grade 4. All our children are dropouts from the school. There are no schools that will educate our children for free and we have no money to pay school fees. The government schools are far away. Even though the fees at government schools are nominal, we do not have enough money to pay. We would like to see our children educated and well-employed but this is not a realistic dream.

“We do not have any medical care or hospitals near by. Nobody from the government would ever come here. Some of us have ration cards but we do not have money to buy rations. In the past, we would have to pay at least 100 rupees to buy our rations, because the public distribution shops were so corrupt. Now, the price is normal, at 10 rupees, but we still cannot afford this.”

**Bhotu Musahar**, aged 55, son of Sukhdev Musahar, residing at Belwa Musahar village, Varanasi district, said that starvation is treated as normal in his village:

“We have stayed here for about six generations. For eight months we work at a brick kiln. The kiln is about 10 kilometers from here. But we have no option. There is a kiln which is in the neighboring property. It is run by Rajendar Thiwari, the most powerful man in Belwa village. The property is on Panchayat [council] land. The place from which the clay is collected for this kiln is from the village property. We were told that this property was earmarked for our community to cultivate and build our huts. But we cannot question this since the person who questions Thiwari would not live to see the next dawn.

“For about ten years we worked for Thiwari. He never paid us any money. He used to abuse us for everything. If someone failed to turn up for work he would beat that person when he came to work next time. If anyone fell sick and failed to turn up for work, then also he would beat the person. Women faced the same treatment. Thiwari’s son used to do the same. His son, Guddu Thiwari, was very young when he used to beat us. I was beaten by him when Guddu was only 20. The kiln manager beat us too.

“Thiwari would give us some vegetables for our work, once a week, and that was the only payment. This was not enough for us. It would be over in a day and the rest would be easily damaged, since what he gave us was already rotten. Once in a while we would get dead animals. These were Thiwari’s animals. However,

we were not allowed to take any dead animal. Only when Thiwari allowed us we could take them. We never cared how the animal died; we only cared how fast we could cook it. Sometimes we would dig up buried animals a day after without anyone knowing. We did not have any time to fetch food for ourselves since we were not allowed to leave the kiln. We could not earn anything else from other work since no one would employ us. This was because we are untouchables and even if anyone was willing to employ us Thiwari would intervene and prevent it.

“Many people died from starvation and a few from injuries suffered at work and also from beatings. We never dared to complain to anyone. Where could we complain? We had seen police officers staying at Thiwari’s house and having dinner with him. Thiwari also used to threaten us that if we ever dared to complain to anyone about this he would get the police to arrest us. He threatened us that instead of the men, he would get the women arrested. So we had no other option. Men, women and children worked for Thiwari. Every child was to work for him. The only concern was whether one could work or not. Young or old, all had to work. Rain or drought everyday we had to work. Even if somebody died and the body was still at home, you still had to go to work or else they would beat us. We were fed up with this situation and the punishments were intolerable.

“It was Dr Lenin who came to our rescue. It was his organisation [PVCHR] which helped us from this mess. He advised us to lodge complaints at the sub divisional magistrates court. But there was no action. Soon there was an opportunity for us to speak at a [tribunal]. After that we came to know that it had asked the magistrate to take action upon our complaint. The magistrate came here. We also came to know that Dr Lenin also had filed a separate complaint on our behalf to the same officer. One day we were all free. However, we were never paid any compensation. We were informed that the magistrate had ordered 20,000 rupees to be paid to us. But when we inquired at the magistrate’s office we were told that since the magistrate is a Brahmin, he would never execute the order, and we were asked to be satisfied with our freedom, and that nothing more is to be expected.

“We have only five ration cards altogether. The ration shop dealer never opens his shop regularly. It is open only one or two days in a week and that too during evening hours. We work in a kiln about 10 kilometers away. By the time we finish our work and return, the shop is closed. The food grains that are to be supplied for a very low price are also sold at a higher price. We are not able to afford such high prices. We know it is illegal. But we cannot complain. The ones who dare to complain will never live to see the result of the complaints. The police, health officer and district administration officers are all teamed against us. Who cares for us?

“Hunger is accepted in our village. It is hard to manage the children. By night they start crying and refuse to sleep [due to hunger]. We have no option. We beat them hard so that they cry for a while and are soon tired and that is how we put our children to sleep.

“Many have died of starvation here. Bahru Musahar’s family is one example. His wife and two children died within four weeks of one another. His daughter Reena died when she was five-years-old. Then his wife Kismati Devi died, and soon his other daughter Hasna, who was nine-months-old: all within about four weeks of this year. Bharu has lost his senses now. This is not strange for us. Every year in July, August, September and October a few children die here due to malnutrition and acute starvation. No one cares for us.”

**Appendix 1: Letters of the Indian Supreme Court  
Commissioner on the right to food to the  
Government of Uttar Pradesh**

**Non-compliance of Uttar Pradesh government with  
Supreme Court orders**

Hungercomp/311/UP  
05.06.2005

To  
Smt. Neera Yadav,  
Chief Secretary,  
Govt. of Uttar Pradesh,  
Lucknow-226001

Sub: Repeated complaints of malnutrition deaths, dated 04.02.2005, 19.03.2005, 16.04.2005, 18.04.2005 and 21.04.2005, from districts of Varanasi, Sonebhadra, Jaunpur, Khusinagar and Mirzapur and poor performance of food schemes

Dear Smt. Yadav,

Kindly refer to my letter dated 19.10.2004, whereby I requested you to take action on a complaint which brought to my notice 62 hunger deaths in eastern Uttar Pradesh. Subsequently I have received another letter from the complainant, stating that no action has been taken on the complaint and now the hunger death toll in the area has increased to 93.

In another letter dated 25.11.2005, I brought to your notice the alleged hunger death of Nagina Mushahar, in Dhogara village, Turkpatti thana, Khushinagar District. While I have received no enquiry or ‘action taken report’ on this, I received another complaint letter on 06.12.2004 stating that no action on the earlier complaint has been taken and that Nagina Mushhar’s family continues to be on the verge of starvation.

I have also received 6 complaint letters on malnutrition deaths and non-performance of food schemes. These reports of malnutrition deaths reported in districts of Varanasi, Sonebhadra, Jaunpur, Khusinagar and Mirzapur (see appendix 1 for the district wise compilation of 6 complaint letters) show that Supreme Court orders are not being implemented in the state.

#### Performance of the food schemes

A look at the available information on food schemes implemented in these districts presents a very grim picture. In Varanasi, Sonebhadra, Jaunpur, Khusinagar and Mirzapur, from where the deaths are reported, only 31% of the children under 0-6 age group are covered by ICDS. Seventy-one additional ICDS projects (in addition to the existing 64 projects) are required to cover the population as per existing norms. Even among the existing 64 projects nearly 9% of the anganwadi centres are not reporting to your Department of Women and Child Development. The staffing in these projects is also very poor with non-appointment of 19% of the sanctioned anganwadi workers (AWWs) and 30 % of the sanctioned anganwadi helpers (AWHs) in Mirzapur and 11% of the sanctioned AWWs and 12 % of the sanctioned AWHs in Jaunpur (see appendix 2).

In the case of employment related schemes, the five aforementioned districts have utilized only 78% of the allocated funds and 56% of sanctioned food grains under the Sampoorna Gramin Rozgar Yojana (SGRY). Again Mirzapur performed worst with only 39% utilization of food grains. This is despite the fact that Mirzapur is a poor district, and here the percentage of agricultural labour to main workers is 33.78 % (as against 21.4% for UP) and percentage of marginal workers to main workers is 3.39 % (as against 2.94 % for UP). Except Jaunpur in the other three districts (Varanasi, Sonebhadra and Khusinagar) too the proportion of agriculture workers and marginal workers to main workers is much higher than that in U.P. on average.

Though in addition to SGRY, the National Food For Work Scheme was also in operation in districts of Sonebhadra, Mirzapur and Khusinagar, only 7.5 % and 8.6 % of the funds and food-grains were utilized in these districts.

Another fact which is distressing is that in districts of Varanasi, Jaunpur and Khusinagar, women beneficiaries under SGRY constituted of only 13%, 4% and 18% of the total beneficiaries, which is much below the norm of 30 %, which is the proportion of reservation for women in employment schemes.

In light of continued reports of hunger deaths and poor implementation of food schemes, I recommend the following:

1. Set up district-wise enquiries on the reported hunger deaths and provide necessary assistance to these families.

**“ A look at the available information on food schemes implemented in these districts presents a very grim picture ”**

*– Dr N C Saxena,  
Commissioner of the  
Supreme Court of India*

2. In a letter dated 9.11.2004, No. 3872/26-06-04, it was mentioned that to prevent malnutrition deaths, discussions are in process to make the village level officials and gram pradhan accountable and to provide adequate funds at district level to provide immediate relief to people in danger of hunger. It was also mentioned that I will be briefed on steps taken on these soon. I request you to kindly update me on the developments in this regard.

3. Ensure that all AWCs are operational and reporting and all vacancies are filled in ICDS projects, further send us the details on the steps taken to increase the number of ICDS projects as per existing guidelines.

4. Send a report on the reasons for low utilization under SGRY and NFFWSs and action taken to ensure full utilization of food grain and funds under these schemes.

With regards

[Signed]  
Dr N C Saxena

Enclosures:  
Appendix 1; Appendix 2; Complaint Letters

**Uttar Pradesh government agrees to two advisors from the Supreme Court on right to food**

6th July 2005  
Advisorappoint/322/UP

To  
Smt. Neera Yadav  
Chief Secretary  
Government of Uttar Pradesh  
Lucknow

Sub: Advisor to Commissioner of the Supreme Court

Dear Smt. Neera Yadav

In the case of PUCL vs Union of India and others, Writ Petition (Civil) 196 of 2001, the Supreme Court has by order dated May 8, 2002 appointed me as Commissioner to the Supreme Court.

In my capacity as the Supreme Court Commissioner, I can take the assistance of reputed individuals and organizations to help me with this task.

I am glad to inform you that Mr. I.C. Dwivedi and Ms. Arundhathi Dhuru have agreed to help me in this endeavor in your state. I request you to give them all cooperation as has been directed by the Supreme Court...

The main roles of the advisors will be:

(a) To send the commissioner regular updates about the situation in the state;

(b) To convey to the commissioner any appeal for intervention that may be made in the state;

(c) To work towards a more effective monitoring and redressal system within the state.

In addition, the advisor and the secretariat will also assist in

(a) An analysis of performance of relevant schemes using macro data;

(b) Response to emergencies, like drought, starvation deaths, etc;

(c) Gathering information from the state governments on the performance of the relevant schemes and programmes;

(d) Articulating alternative demands regarding state policy especially on hunger;

(e) Preparing periodic state reports;

(f) Working towards accountability norms for public programmes related to food and food security;

(g) Arranging visits of the commissioners if necessary;

(h) Liaising with local networks, individuals and organisations to gather information from the district level and other sublevels;

(i) Handling other requests that the commissioners may make to them from time to time;

(j) At the request of the commissioners, agree to be a part of various committees pertaining to the orders of the court, or organize suitable alternatives for the same;

(k) Liaising constantly with the government on grievances and grievance redressal processes within the relevant schemes.

I will work closely with the advisors and respond to the appeals received from different states through the advisor. Advisors will be in constant touch with government authorities, in particular with the nodal officer, over the issues cited above. For this purpose, I have requested state governments to appoint a nodal officer. The advisors will liaise with this nodal officer on behalf of the Commissioner. In case the state government does not appoint a nodal officer the Chief Secretary of that state will be the contact person.

I request you to provide Shri I.C. Dwivedi and Ms. Arundhati Dhuru any relevant information that they may request from you. Please instruct your officers to fully cooperate with them towards ensuring effective monitoring of the orders of the Supreme Court.

With Regards,

[Signed]

Dr N C Saxena

## **Appendix 2: “NGO lends an ear to hunger victims”**

*Hindustan Times*, 1 October 2005

The victims of hunger were heard at a programme called Indian People’s Tribunal (IPT) as part of the Right to Food campaign here on Friday.

The campaign was organized by the Hong Kong-based NGO Asian Human Rights Commission in association with the Varanasi-based NGO People’s Vigilance Committee for Human Rights.

A 42-year-old Chotalal of Orwa village, in Varanasi, explained in detail the condition of the landless ‘mushahars’ (nomadic tribesmen) in his village. “Although the village council has about 45 acres of land that was to be given to them, it was taken over by the upper caste villagers,” he alleged.

He said he was told that some of the property which was currently held by the landlords stood in their name, but the situation is otherwise. “We are not able to use it as our own property,” he added. “We still have to work on it as labourers since the property has been captured by the landlords,” Chotalal alleged.

For the rest of the year, they work as manual labourers. For a day’s work in the fields, the men may get Rs 20-30 but the women get only five rupees. They also make plates used for serving food at marriages and other ceremonies out of leaves, from which they earn about Rs 20-30 for 200 leaf plates.

“We have never even hoped for minimum wage and equal remuneration. If we demand minimum wages, the landlords will kill us. If we have any complaints, we are asked to keep quiet. One can’t go to the police, as police means money here,” Chotalal alleged.

“This is because we are untouchables. If we are found in the upper caste areas without being asked to come there for some work, we are beaten up,” he said.

One Vishambhar, a handloom weaver who lost his wife and two wards allegedly due to malnutrition, said that a number of handloom weavers have left weaving and got engaged in other occupations like Rikshaw pulling but some physically weak weavers were either wandering in search of occupation or begging door to door.

Vishambhar, a native of Shankerpur village, alleged that his wife, Jiyana, two-month-old son Sheetla Prasad and daughter Soni (18) died due to malnutrition. His other three kids Prabhu Narayan (15), Chandani (12) and Suman (6) were living in an orphanage.

### **Appendix 3: Appeals issued by the AHRC on starvation in eastern Uttar Pradesh**

#### **Local government ignores starving mother and her three hungry daughters in Uttar Pradesh**

21 July 2005

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HA-17-2005: INDIA: Local government ignores starving mother and her three daughters in Uttar Pradesh

INDIA: Malnutrition and hunger; government neglect and inaction; landlessness  
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Dear friends,

The Asian Human Rights Commission (AHRC) has received new information from the Social Development Foundation (SDF) in Delhi on a case involving the hunger and malnutrition plaguing one family in Sonebhadra, Uttar Pradesh. Despite repeated pleas for food assistance from local authorities, the mother and young children continue to live with extreme hunger.

The AHRC urges you to write to the District Magistrate of Uttar Pradesh and related authorities requesting that immediate food assistance be provided to the victims. We further ask that the inaction by local administration be investigated and condemned.

Urgent Appeals Desk - Hunger Alert  
Asian Human Rights Commission (AHRC)  
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#### DETAILED INFORMATION:

Location: Ghorawal Tehsil village, Sonebhadra District, Uttar Pradesh

Persons affected: Rajkumari, age 30, and her daughters Usha (5), Rita (4) and Sangeeta (7 months)

Rajkumari is a 30 year-old mother of three daughters, Usha, Rita and Sangeeta. She is a dalit (scheduled caste/'untouchable') woman with no land and lives with a physical disability. Her husband, Lal Chand recently developed a psychiatric disorder and abandoned his home. Currently, no one knows where he is and his family has lost their only source of income.

After Lal Chand's disappearance, Rajkumari could not provide for her family's needs. Her parents in law were not willing to take in the family so Rajkumari moved to her parent's home in Papari No. 2 village, Robertsganj Block. Her parents, like many other dalits in the area, are landless agricultural workers. Her father is a daily wage labourer and due to a severe drought in the region this year, work has been sporadic. As a result, even in his old age, Rajkumari's father attempts to work everyday but is struggling to provide for his family.

Currently, the family is facing hunger and malnutrition, and has made several pleas to local authorities concerning their hunger situation. Her mother, Tetari, approached the district magistrate of Sonebhadra for assistance but nothing has been received. The head of the village, Mr. Kashi, also has not provided any assistance for the family despite being aware of their current situation.

On April 26, 2005 Rajkumari also attempted to meet with revenue officials and other authorities at the district headquarters in Robertsganj but failed to meet anyone. Authorities at both the District Magistrate and Sub-District Magistrate's offices refused to understand her plight. Such was her desperation that Rajkumari even tried to leave her children behind thinking that it would be better for them, but her mother would not allow it.

Recently, Chaupal, a local organization, has been intervening in the case. On April 26, 2005, the organization wrote a letter to the district magistrate asking him to address the current hunger situation the family is facing. However, despite repeated attempts at communication, nothing has been done at the administrative level.

#### BACKGROUND INFORMATION:

Starvation is not a new concern in the Sonebhadra district and it is puzzling that in this case, the local authorities have not become involved.

In September 2004, several cases were reported to the District Magistrate and Chief Minister of Uttar Pradesh regarding starvation in the district. Some 40 villagers had walked over 40 kilometers from their villages during the monsoon season in order to voice their hunger concerns at the district headquarters in Robertsganj. The victims also showed what they were eating, which mostly consisted of leaves and roots from the forest.

The villagers, mostly landless adivasis (indigenous people), have been involved in a land dispute with the forest department for some time. Their landless state severely hinders the villagers' ability to provide food for themselves.

Please see HA-01-2004 for detailed information on the starvation cases that have been occurring in the district for the past few years.

#### SUGGESTED ACTION:

Please write to the District Magistrate of Uttar Pradesh and the other related officials below requesting that the district administration take immediate action in this starvation matter before more lives are lost.

-----

Dear Mr. \_\_\_\_\_

Re: INDIA: Local government ignores starving mother and her three hungry daughters in Uttar Pradesh

Location: Ghorawal Tehsil village, Sonebhadra District, Uttar Pradesh

Persons affected: Rajkumari, age 30, and her daughters Usha (5), Rita (4) and Sangeeta (7 months)

I am deeply disturbed to learn of the government's inaction in the hunger situation plaguing Rajkumari and her family in the Sonebhadra district, despite attention already having been directed to their plight.

According to the information I received, Rajkumari and her three daughters are living in intolerable conditions and have lost their only source of income. Her husband, Lal Chand, developed a psychiatric disability and abandoned the family some time ago. As Rajkumari herself is physically disabled, she had to return to her father's home in Papari No. 2 village, Robertsganj. Her father however, is also a landless adivasi and thus, cannot support the entire family.

While the mother and children slowly come closer to death by starvation, the local administration has yet to provide any kind of food assistance to the family, despite repeated pleas from the family. On April 26, 2005 Rajkumari attempted to meet with revenue officials and other authorities at the district headquarters in Robertsganj but failed to meet anyone. Authorities at both the District Magistrate and Sub-District Magistrate's offices refused to understand her plight. Such was her desperation that Rajkumari even tried to leave her children behind thinking that it would be better for them, but her mother would not allow it. Village head, Mr. Kashi, has also not afforded any assistance to the family despite being aware of their current situation.

Recently, Chaupal, a local organization, has been intervening in the case. On April 26, 2005, the organization wrote a letter to the district magistrate asking him to address the current hunger situation the family is facing. However, despite repeated attempts at communication, nothing has been done at the administrative level. Meanwhile, Rajkumari and her children continue to live in hunger and abject poverty.

In this regard, I would like to remind you of your obligations under international and national law to safeguard the right to food of the residents under your administration. I am extremely disappointed in the lack of sufficient and timely action in providing assistance and compensation to the victims in this case and request you take immediate action to ensure that Rajkumari and her daughters do not lose their lives to starvation. I further ask that an investigation be conducted into this inaction.

Yours sincerely,

---

PLEASE SEND YOUR LETTERS TO:

1. Mr. Alok Kumar  
District Magistrate  
Sonebhadra  
Collectorate  
Robertsganj  
Uttar Pradesh  
INDIA

2. Mr. Mulayam Singh Yadav  
Chief Minister of Uttar Pradesh  
Chief Minister's Secretariat  
Lucknow  
Uttar Pradesh  
INDIA  
Fax: +91 52 2223 0002/2223 9234  
Email: cmup@up.nic.in

PLEASE SEND COPIES TO:

1. Justice A.P. Mishra  
Chairperson  
Uttar Pradesh Human Rights Commission  
6-A Kalidass Marg  
Lucknow, Uttar Pradesh

OR

27 Park Road  
Allahabad  
Uttar Pradesh  
INDIA  
Tel: +91 52 2272 6742  
Fax: +91 52 2272 6743  
Email: uphrc@sancharnet.in

2. Justice A. S. Anand  
National Human Rights Commission of India  
Faridkot House, Copernicus Marg  
New Delhi 110001  
INDIA  
Tel: +91 11 2338 2742  
Fax: +91 11 2338 4863  
Email: covdnhrc@nic.in, ionhrc@nic.in

3. Chairman  
National Commission for Scheduled Castes  
5th Floor, Loknayak Bhawan,  
Khan Market,  
New Delhi-110 003  
INDIA  
Tel: +91 11 2 463 2298 / 2462 0435  
E-mail: chairman-ncscst@ncscst.nic.in

4. Mr. Jean Ziegler  
UN Special Rapporteur on the Right to Food  
c/o Mr. Carlos Villan Duran  
Room 4-066, OHCHR, Palais Wilson,  
Rue des Paquis 52, Geneva  
SWITZERLAND  
Tel: +41 22 917 9300  
Fax: +41 22 9179010  
Email: sect.hchr@unog.ch

5. Mr. Gian Pietro Bordignon  
Country Director  
World Food Programme  
2 Poorvi Marg, Vasant Vihar,  
New Delhi 110057  
INDIA  
Tel: +91 11 2615 0001  
Fax: +91 11 2615 0019

Thank you.

Urgent Appeals Programme—Hunger Alert  
Asian Human Rights Commission (AHRC)

**Three members of one family starve to death in Varanasi,  
Uttar Pradesh**

9 June 2005

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HA-12-2005: INDIA: Three members of one family starve to  
death in Varanasi, Uttar Pradesh

INDIA: Starvation death, denial of right to livelihood,  
government inaction and neglect

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Dear friends,

The Asian Human Rights Commission (AHRC) has received  
new information from the People's Vigilance Committee for  
Human Rights (PVCHR) in Uttar Pradesh concerning three  
starvation deaths in one family during April and May 2005. The  
surviving members are also facing imminent death due to  
starvation.

The AHRC urges you to write to the Chief Minister of Uttar  
Pradesh stressing your concerns for this family and others going  
hungry in the Varanasi area. The government should be actively  
involved in providing adequate assistance to ensure that  
starvation deaths do not occur.

Urgent Appeals Desk—Hunger Alert  
Asian Human Rights Commission (AHRC)

#### DETAILED INFORMATION:

Persons affected: Vishambhar, son of Ramnandan, and his three surviving children

Location: Sankarpur village, Chiraigoan police post, Varanasi district, Uttar Pradesh

Vishambhar, a weaver, lives together with his surviving children in a thatched hut, after his wife and two children died in April and May 2005. His wife Jigna died on April 16 and his 16-year-old daughter Soni died on April 21 due to starvation and hunger-related diseases. On May 21 his two-month old son also died from starvation. He and the others that are still alive are facing imminent death for want of food.

Vishambhar lost his job as a weaver due to a market downturn in the last four years. Since then, the government has failed to give even minimum assistance to weavers like him, as required by law. Instead of providing Vishambhar a red ration card, for those in the worst situation, it has given him a white card. Meanwhile, Vishambhar has no land or any other way to get some food.

After several media reports on this case, the administration gave Vishambhar a meagre ration of 50kg of wheat and 20kg of rice, which will only last for a few months.

Vishambhar's case is not an isolated one. There are many more cases of starvation deaths which are either unreported or have facts suppressed by the administration. However, Vishambhar has submitted an affidavit to the District Magistrate in Varanasi to plead his case.

His plea:

1. Give orders to issue Vishambhar a red card, food for work, and place him under other support schemes.
2. Absolve him from liability to repay the loan amount under such schemes.
3. Take appropriate action against the negligent authorities for the death of his newborn son, and against the panchayat (village) secretary and others for taking no action to prevent starvation deaths in the village.

#### SUGGESTED ACTION:

After visiting the village, the PVCHR representatives sent a petition to key persons in government and other agencies. Please support their petition by also sending a letter to the Chief Minister of Uttar Pradesh on this case. A sample letter follows.

-----

Dear Mr. Yadav

Re: Three starvation deaths in one family in Varanasi, Uttar Pradesh; others facing imminent death

I am deeply disturbed to hear of the deaths of two children and their mother due to acute malnutrition and hunger related illnesses in Varanasi, Uttar Pradesh.

According to the information I have received, Vishambhar, a weaver, lives together with his surviving children in a thatched hut, after his wife and two children died in April and May 2005. His wife Jigna died on April 16 and his 16-year-old daughter Soni died on April 21 due to starvation and hunger-related diseases. On May 21 his two-month old son also died from starvation. He and the others that are still alive are facing imminent death for want of food.

Vishambhar lost his job as a weaver due to a market downturn in the last four years. However, he was not issued a red ration card, only a white card. However, Vishambhar has no land or any other way to get some food.

I understand that after several media reports on this case, your administration gave Vishambhar a meagre ration of 50kg of wheat and 20kg of rice, which will only last for a few months. This is by no means sufficient. Vishambhar has now submitted an affidavit to the District Magistrate in Varanasi to plead his case, as follows:

1. Give orders to issue a red card, food for work, and place him under other support schemes (ie: Indira Awas Yojana scheme).
2. Absolve him from liability to repay the loan amount under the said scheme/s.
3. Take appropriate action against the negligent authorities for the death of his newborn son (ie: ICDS Department), and against the panchayat (village) secretary and others for taking no action to prevent starvation deaths in the village.

I would like to remind you of your obligations under international and national law to all people residing in the state of Uttar Pradesh to respect, protect and fulfill the right to food. Accordingly, I urge you to order a thorough investigation of the case, and to establish the prevailing conditions in the children's village with a view to preventing further starvation among children and other residents there.

Finally, I urge you to order a separate investigation into the alleged negligence of the village authorities, and any other concerned state officers, with a view to holding them liable for their breach of these obligations to the two children concerned. In this regard, I would like to stress that the right to food can be made effective only through enforcement of the right by way of criminal action against persons or agencies responsible for the violations.

Yours sincerely

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PLEASE SEND YOUR LETTERS TO:

Mr. Mulayam Singh Yadav  
Chief Minister of Uttar Pradesh  
Chief Minister's Secretariat  
Lucknow, Uttar Pradesh  
INDIA  
Fax: + 91-522-2230002/2239234  
Email: csup@up.nic.in

PLEASE SEND COPIES TO:

1. Justice A. S. Anand  
National Human Rights Commission  
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New Delhi - 110 001  
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Fax: + 91 11 23366537  
E-mail: ionhrc@hub.nic.in or chairnhrc@nic.in

2. Justice Shri R.C. Lahoti  
Chief Justice of India  
1, Tilak Marg  
New Delhi-110001  
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3. Justice A P Mishra  
Chairperson  
Uttar Pradesh Human Rights Commission  
6-A Kalidass Marg  
Lucknow Uttar Pradesh  
INDIA

OR

27 Park Road  
Allahabad, Uttar Pradesh  
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Tel: + 91 532-2726742  
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4. Mr. Jean Ziegler  
UNCHR, Special Rapporteur on the Right to Food  
c/o Mr. Carlos Villan Duran  
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Geneva  
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5. Mr. Anthony Banbury  
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7. Dr. N.C.Saxena and Mr. S.R.Sankaran,  
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Supreme Court of India  
SAMYA, R-38A, 2nd floor,  
South Extention - part 2,  
New Delhi - 49  
INDIA  
Email: [commissioners@vsnl.net](mailto:commissioners@vsnl.net)

Thank you.

Urgent Appeals Programme—Hunger Alert  
Asian Human Rights Commission (AHRC)

**Woman starves to death while her family continues to suffer from hunger in Sonbhadra, Uttar Pradesh**

3 November 2005

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HA-27-2005: INDIA: Woman starves to death while her family continues to suffer from hunger in Sonbhadra, Uttar Pradesh

INDIA: Starvation death; government neglect and inaction; abject poverty  
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Dear friends,

The Asian Human Rights Commission (AHRC) has received disturbing information from the People's Vigilance Committee for Human Rights (PVCHR) and other sources regarding the hunger situation of one family who has already lost a member to starvation in Sonbhadra, Uttar Pradesh (UP), India. Chirauji Devi died on July 10, 2005 due to the acute lack of food. Her husband and several other family members are also on the verge of death owing to hunger.

Poorly administered government schemes as well as blatant government neglect are mostly responsible for the hunger situation that persists in the Sonbhadra district. The AHRC asks you to write to the local administration and Chief Minister of Uttar Pradesh pressing them to take immediate action in this case in order to protect, respect and fulfill the right to food for this family, and the many others suffering in the state.

Urgent Appeals Desk - Hunger Alert  
Asian Human Rights Commission (AHRC)  
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DETAILED INFORMATION:

Location: Bichpai village, Robertsganj post, Sonbhadra District, Uttar Pradesh

Persons affected: Chirauji Devi, died of starvation on July 10, 2005. Husband Kedar, sons Rambilas and Vijay Kumar, daughter-in-law Sunita and grandchildren Sonal, Shivani, and Sonu.

Chirauji Devi had not cooked any food in her home for 14 days before she collapsed to death on July 10, 2005. Afflicted with stomach pains for days, she finally died after surviving for days on an empty stomach. Chirauji leaves behind seven family members that include her husband, children and grandchildren, who are now suffering immensely from hunger and malnutrition. In particular, her husband Kedar is sick and on the verge of death.

Chirauji was the sole income earner in her family and had been struggling to provide for their livelihoods. For over one month prior to her death, she had been working as a pond digger under

the national Food-for-Work programme, which guarantees 100 days of paid work. However, Chirauji received no payment for her work, even after several requests to local officials and the village council head in her area. Despite the terrible living conditions, Chirauji and her family members were also only white card ration holders, and the price of rations under this Above Poverty Line Scheme (APL) was still too expensive. The family had not been able to afford any rations for three months and should have been given red ration cards under the Below Poverty Line Scheme (BPL).

Chirauji's family had previously been rather self sufficient, owning one acre of agricultural land which was their main source of livelihood. However, severe drought in the Sonbhadra district, coupled with Kedar's illness and a son's handicap meant that suddenly, the family had to rely on Chirauji as the sole provider. For over eight months, Chirauji's family has suffered from extreme hunger, malnourishment and poverty, eating at most one time daily. The surviving family members continue to endure these extreme hardships and will soon suffer the same fate as Chirauji if the government does not intervene immediately and appropriately.

After Chirauji's death, hundreds of workers and labourers from the Bichpai village and surrounding areas came together to also demands for their wages. However, no action has been taken in this matter either.

Hunger, malnutrition and starvation continue to plague hundreds of Indians in Sonbhadra district as well as throughout Uttar Pradesh. It is a problem that the local, district and state level administrations are clearly aware of and acknowledge, however little action is taken. Many victims receive no aid or rehabilitation. Furthermore, the Food for Work and SGRY (employment generation) programmes are rarely implemented and often people under Below Poverty Line ration schemes are not provided with regular nor sufficient food assistance.

#### SUGGESTED ACTION:

Please write to the district magistrate of Sonbhadra and the Chief Minister of Uttar Pradesh, reminding them of their commitments to respect, fulfill and protect the right to food of the people under their jurisdiction. Immediate food assistance and wages must be provided to the hunger-stricken family, as well as the hundreds of other labourers awaiting their dues. Furthermore, the inadequacies of the Public Distribution System and other employment generation schemes in the state should be addressed.

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Sample letter:

Dear \_\_\_\_\_

RE: INDIA: Woman starves to death while her family continues to suffer from hunger in Sonbhadra, Uttar Pradesh

Location: Bichpai village, Robertsganj post, Sonbhadra District, Uttar Pradesh

Persons affected: Chirauji Devi, died of starvation on July 10, 2005. Hu=sband Kedar, sons Rambilas and Vijay Kumar, daughter-in-law Sunita and grandchildren Sonal, Shivani, and Sonu.

I was recently informed of the starvation death of one woman and the disturbing hunger situation of her family residing in Sonbhadra District, Uttar Pradesh, India. Chirauji Devi died on July 10, 2005 after reportedly not having cooked food in her home for 14 days. She was the sole provider for her family, which includes her ailing husband, handicapped son, daughter-in-law and three grandchildren. The surviving family members continue to live in desperate conditions, with at most one meal to eat per day.

One month prior to her death, Chirauji began the work of digging ponds under the national Food for Work Programme. Almost daily, she worked as a labourer at the pond, however received no compensation for her work. Even after appealing to local officials and the gram pradhan (village head), Chirauji still received no wages for the days she worked. Furthermore, although the family were white ration card holders, they were suffering such economic hardship that they could not even afford to buy rations for three months at the reduced price. Additionally, no other assistance or wages have been granted to the family at this time.

It is appalling to hear that even after being provided with government assistance and employment schemes, Chirauji died directly from the lack of food. Her husband Kedar is on the verge of death and will suffer the same fate shortly if assistance is not provided. Her grandchildren are malnourished and will also fall sick soon. In a state like Uttar Pradesh, where the local government acknowledges that hunger deaths are occurring, it is disturbing to know that food and work assistance is rarely given. It is even more shocking to realize that when assistance is provided, it is insufficient to protect and fulfill the right to food and life of the people.

This is not the first instance of hunger and starvation in Sonbhadra that has come to my attention in recent months. It is my understanding that hunger and malnutrition is a very real and prevalent problem, one which needs immediate attention. Thus, I urge you investigate the circumstances surrounding Chirauji's death and the hunger situation her family is currently suffering. Furthermore, immediate food assistance and wages must be provided to the hunger-stricken family, as well as the

hundreds of other labourers awaiting their dues. Finally, the inadequacies of the Public Distribution System and other employment generation schemes in the state need be addressed.

Yours sincerely,

---

PLEASE SEND LETTERS TO:

1. Mr. Alok Kumar  
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Collectorate, Robertganj  
Sonbhadra District  
Uttar Pradesh  
INDIA  
Tel: +91 54 4422 2190  
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2. Mr. Mulayam Singh Yadav  
Chief Minister of Uttar Pradesh  
Chief Minister's Secretariat  
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PLEASE SEND COPIES TO:

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2. Justice A. S. Anand  
National Human Rights Commission  
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4. Dr. N.C. Saxena and Mr. S.R. Sankaran  
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## The right to a public hearing

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Justice H Suresh, Bombay High Court (retired),  
India

**T**here are large scale violations of human rights in India; so also in other countries. Till recently, the courts were the only forum where one could seek remedial justice. However, delays have become a never ending problem in rendering justice to the victims. There are several reasons for the delays, among them inadequate judge-strength and lack of infrastructure in the courts, coupled with procedural hazards. Having realized this, we have now the National Human Rights Commission at the federal level, and state human rights commissions at the state level. However, the National Human Rights Commission and the state human rights commissions, though constituted under the provisions of the Protection of Human Rights Act, do not guarantee any effective remedy in any situation of human rights violations. Most of the members are retired judges of the Supreme Court or the high courts and the remaining members come from the home ministry or the police service. For them it is just a job, the entitlement being their retirement from government service. Their power again is only to make a report and it is for the government to act or not to act.

Governments in India have also the power to constitute commissions of inquiry whenever there are any significant violations of human rights and the public is agitated about such incidents. The government announces the appointment of such a commission under an act known as the Commissions of Inquiry Act. This becomes an official inquiry and one would think that the government concerned would act on whatever such a commission recommends. However, our experience is that the governments have throughout used these commissions as a shield to save themselves from public criticism. Whenever any matter of serious violations of human rights arises, governments promptly announce an inquiry by a sitting or retired judge. The immediate impact is to silence the press, the public and the people affected by the violations. It also stops any inquiry by the human rights commissions, because under the act, if any inquiry is announced by the government, the commission will not inquire

**“ Where democratic governance fails it is for the people to take the initiative: this becomes imperative where violations of human rights are significant and have taken place mainly because the state is apathetic ”**

into that incident. It also stops further inquiries by the police or other investigating agencies. Having achieved this objective of silencing all concerned, the government waits for the completion of the inquiry and the report. If the report is favourable to the government, it is accepted. If it is against the government it just refuses to accept it or to act on its recommendations. There are several official reports exposing the failure on the part of government agencies and officials, but rarely do we find any justice being done to the victims.

Fortunately, in India there are a large number of groups who have come forward to act as human rights defenders and who believe in people's initiatives. Where democratic governance fails it is for the people to take the initiative. This becomes imperative where the violations of human rights are significant and have taken place mainly because the state is apathetic. Law is said to be a compromise of conflicting interests. If there is a conflict of interests in a society it is for the state to bring in a suitable law to resolve that conflict and assure peaceful existence and development. However, once the law is introduced, it is primarily an instrument of the government. If the state fails to enforce the law and protect human wellbeing, it does not mean that society has no role to play. It is in that sense that law is as much an instrument of the society as it is of the government.

In the high courts and in the Supreme Court, we have a large number of public interest litigation cases, which have become possible because of people's initiatives. In fact the concept of public interest litigation is based on this theory of obligation on the part of the state and society. The doctrine of *locus standi* held the field for a long time, compelling the victims alone to come to court for redress, and none else on their behalf. This was during an era when private law dominated the legal scene. It was essentially a procedure to vindicate private rights, whether individual or proprietary. However, with the advent of welfare states with increased obligations on the state, it became necessary for the courts to liberalize this doctrine. When the state failed in its obligations towards the poor, weak and marginalized, the court could not allow such injustice to continue just because the persons affected were unable to come to the court. Thus the court gradually allowed any member of the public to seek a judicial remedy for a legal wrong caused “to a person or to a determinate class of persons, who... by reason of poverty, helplessness or disability, or socially or economically disadvantaged position, is unable to approach the court directly” (Justice P N Bhagvati in *Judges' Transfer Case* AIR 1982 SC 144). Justice Bhagvati termed this “representative social action”, generally referred to as “social action litigation”. This has been extended even further to situations where injury to the public is far less tangible. If there is a public wrong there has to be a remedy. “If no one can maintain an action for redressal of such public wrong or public injury, it would be disastrous for the rule

of law, for it would be open to the state or public authority to act with impunity beyond the scope of its power or in breach of a public duty owed by it" (*Judges' Transfer Case*).

### **Universal jurisdiction**

Internationally, people's initiatives have resulted in the establishment of people's tribunals mainly for addressing concerns relating to serious human rights violations by states which would not provide any relief to the victims. One such permanent people's tribunal was established in Italy in 1970, consisting of private citizens of high moral standing. It had no constitutional or statutory authority, but it carried out its work initially on its own, and later on the basis of a framework formulated in what is known as the 1976 Algiers Declaration. This tribunal investigated allegations against Turkey of the genocide of the Armenian people in 1915, the Soviet military role in Afghanistan, the Indonesian use of force in East Timor, and the atrocities committed by the Marcos government in the Philippines. In each case the tribunal heard witnesses, examined various reports and documents, and gave its judgement on the basis of the evidence produced before it. The judgement together with the evidence was published in the form of reports. In each case the concerned government was invited to have its say on the evidence gathered by the tribunal.

Reference should be made at this point to the concept of "universal jurisdiction", which is being formulated by the international community. The basic approach is that states should ensure that their national courts can exercise universal and other forms of extraterritorial jurisdiction over grave human rights violations and abuses and breaches of international humanitarian law. Among the human rights violations and abuses over which national courts may exercise universal jurisdiction under international law, are genocide, crimes against humanity, war crimes, other deliberate and arbitrary killings and hostage taking, whether these crimes were committed by state or non state actors, such as members of armed political groups, as well as extrajudicial executions, disappearances and torture. If any particular state fails to fulfil this responsibility, other states can request the suspects' extradition under universal jurisdiction. Courts in Austria, Denmark, Germany, the Netherlands, Sweden, and Switzerland have exercised universal jurisdiction over grave crimes under international law committed in the former Yugoslavia. Courts in Belgium, France, and Switzerland have opened criminal investigations or begun prosecutions related to genocide, crimes against humanity, or war crimes committed during 1994 in Rwanda. Italy and Switzerland have opened criminal investigations of torture, extrajudicial executions and enforced disappearances in Argentina in the 1970s and 1980s. Spain, France, Belgium and Switzerland sought extradition of Augusto Pinochet, former head of state in Chile from the United Kingdom on this ground.

**“ People's initiatives have resulted in tribunals mainly for addressing concerns relating to serious human rights violations by states which would not provide any relief to the victims ”**

**“One of the first public hearings within India was conducted on the firing at Arwal, Bihar during 1987 in which 23 people were massacred ”**

Thus what is important is not the constitutional or statutory structure of any institution within any national jurisdiction. In the event the state fails, the community's conscience should be invoked. That is the meaning of any people's court, nationally or internationally. That is the meaning of a public hearing: "jan-sunvai". It should be considered as civil society's response to a grave violation of human rights that has not been redressed by the state and its agencies.

### **People's tribunals in India and abroad**

One of the first public hearings within India was conducted by the Indian People's Human Rights Tribunal (IPHRT) set up by the Indian People's Human Rights Commission in the case of the firing at Arwal, Bihar during 1987 in which 23 people were massacred. That was conducted by Justice Potti, retired Chief Justice of the Gujarat High Court, and Justice T U Mehta, retired Chief Justice of the Himachal Pradesh High Court.

The next was in respect to the burning of 646 huts belonging to tribal people in Vishakapatnam district by the Andhra Pradesh government during 1988, conducted by Justice Chandrashekhara Menon and Justice Jyotirmoy Nag, retired from the Kerala High Court and Calcutta High Court respectively.

Since then several inquiries have been conducted by the IPHRT, the most important being "The People's Verdict" on the Bombay riots in December 1992 and January 1993. While releasing that report, Justice V R Krishna Iyer, president of IPHRT, said:

The right to know is a citizen's right. The freedom of information is fundamental to all fundamental rights. A people's tribunal gathering information, collecting relevant materials on an event of public importance, sorting them out judiciously, marshalling the evidence and conveying the whole testimony so gathered, in the shape of a report, is the discharge of public duty of the highest order. No one can, under the laws of India, stop the right to give or receive information, except where it is mischievously intended to skew the course of judicial justice.

The tribunal adopted a simple procedure. It recorded the statements of the victims who came to depose. The social activists who had visited different areas and had collected materials placed them before the tribunal. There were many contemporaneous reports which were all taken on record. So also the media reports and audio and video tapes helped the tribunal in testing the veracity of the version given by the victims. In particular it observed:

It is true that the witnesses have not been cross-examined. But our sittings were open to the public and all those interested were welcome. We would have been happy if the police had attended our sittings. But just because there has been no challenge to the evidence before us, it cannot be said that the evidence is not reliable. Most of the victims have suffered injuries and have lost everything; their livelihood, their belongings and their place of living. They have not been able to get justice, so far. In the case of some, their earlier statements in the form of complaints, [First

Information Reports] and Panchanamas are all on record and they have tendered copies of those documents. Therefore there is no reason why evidence so received cannot be accepted.

Moreover, the evidence came to be recorded in an atmosphere where there was no fear or favour. Ours is a friendly tribunal, where the victims would give vent to their feelings of the trauma they had undergone. In this sense, as compared to government-appointed enquiry commissions, a tribunal like ours has a better chance at arriving at the truth. In fact, many victims who were nervous about giving the names of their assailants to the partisan police had the confidence to disclose them to us.

Most of these reports bring out poignantly and vividly the pain and the suffering the victims had to undergo, while the police and the state remained utterly indifferent. The significance of these reports is that the victims of human rights violations occupy the central place, for it is they who need support.

The “People’s Verdict” report was ready within six months, with the summary of evidence, findings of the tribunal and its various recommendations. The official inquiry commission (Justice Srikrishna Commission) took six years. But what was important was that the findings of the official commission and the findings of the IPHRT were one and the same. So also in the case of the IPHRT report on “Gunning down Dalits” in the police firing on Ramabai colony at Ghatkopar, Mumbai on 11 July 1997. The report was ready within a month of the incident, whereas the official commission (Justice Gundewar’s Commission) took 13 months and reached the same conclusions.

Two or three significant reports have since received recognition all over the world. One is the report on the Gujarat carnage in 2002 by the Concerned Citizens’ Tribunal, entitled “Crime against Humanity”. This report extensively sets out the depositions of several victims and has publicly stated that the chief minister and his associates are all liable for prosecution for committing acts of genocide and various crimes against humanity. Several countries in Europe took cognisance of this report (along with others) and are willing to exercise universal jurisdiction if Narendra Modi, Chief Minister of Gujarat steps into their territories. (Recently, he cancelled his visit to the UK; at the same time, his visa to the USA was cancelled.) Within the country, the Supreme Court took note of the efforts made by the Citizens for Justice and Peace (who constituted the Concerned Citizens’ Tribunal) and directed that the two major cases from the state be transferred to another state on the basis that there was no possibility of the victims getting justice or the accused being punished for the crime within the Gujarat (*article 2*, vol. 2, no. 1).

The experience of holding a public hearing is considered a useful tool to redress public grievances in respect to torture and other violations of human rights. In December 2003 a public hearing was organized in Colombo, Sri Lanka on the torture of

**“ The People’s Verdict report was ready within six months; the official inquiry commission took six years—but what was important was that the findings were one and the same ”**

children by the police. Here again, the state agencies, including the National Human Rights Commission, had failed to provide any assistance to the children (*article 2*, vol. 3, no. 1).

**“Each tribunal gets to assess the intensity of feelings and sense of helplessness which gives victims no hope for justice from the state: it is not so much a question of proof of what has been done to them, but to understand how justice has been denied to them”**

Yet another commendable effort was the report by the People’s Tribunal on Food Scarcity and Militarization in Burma, 1999, entitled *Voice of the Hungry Nation* (AHRC Publication). This was an international tribunal organized by certain voluntary groups and the evidence was recorded in Thailand. The most important witnesses related their personal experiences with hunger, violence, life and death in Burma. The report received recognition at Geneva by the UN Commission on Human Rights, which called upon the government of Burma to respond to its findings.

These public hearings cannot be equated with an investigation by NGOs or fact-finding groups. Ordinarily, before a public hearing takes place, the concerned groups and persons have to go round and collect materials and help the victims of violations to come forward and depose openly in front of the people who have gathered. As each one unfolds his or her experience, the tribunal also gets a chance to assess the intensity of those feelings and sense of helplessness which gives them no hope for justice from the state machinery: it is not so much a question of proof of what has been done to them, but to understand from them how justice has been denied to them. This becomes the basis for any report that the tribunal brings. It is our experience that such a report finds credence not only generally among concerned citizens, but even in courts of law.

## **Urgent Appeals File: Gopen Sharma—Threats to life in the fight for food**

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Manabadhikar Suraksha Mancha, West Bengal, India  
& Asian Human Rights Commission, Hong Kong

**G**open Sharma is a human rights defender who has been working in the hunger-hit areas of Jalangi, Murshidabad District in West Bengal for the last few years. He has actively voiced his concerns over police and Border Security Force atrocities and the corruption rampant in relief operations. He was one of the key persons behind a protest in which some 500 people marched to the United Nations Children's Fund (Unicef) office in Kolkata on 23 March 2005 to vent their anger over the international agency's neglect of thousands of children starving in West Bengal. He has also spoken against political parties that collect subscriptions from hunger-hit families. His efforts have led to many media reports on the callousness and insensitive attitude of the police and other agencies in the area, which have resulted in the authorities and local politicians turning against him. Here Gopen describes the obstacles that government officials have put before villagers fleeing the rapid expansion of the Padma River into their lands, among whom he is one:

The government is preventing those who lost their land to cultivate across the river... You know the river takes land from this side and leave land on the other side... The government also is silent regarding the role played by the government officers, including the block development officer and the health inspector, in not helping the people, but on the contrary, helping the local politicians to engage in cross-border smuggling [with Bangladesh]. It seems unless the people here remain poor these officers will not have enough manpower to run the smuggling. Last night three trucks came through here with cows, medicines and food being



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This article is derived from a number of appeals by the Asian Human Rights Commission (AHRC) and additional material. Visit the AHRC website to see further: INDIA: Police attack on human rights defender and his family in Murshidabad, West Bengal (UA-59-2005); INDIA: District Magistrate was directed by the West Bengal Human Rights Commission to inquire into the police attack on a human rights defender (UP-44-2005); INDIA: Human rights defender physically assaulted, threatened and detained by government officials (UA-161-2005).

**“The fence itself is eating the harvest”**  
– *Gopen Sharma*

smuggled across the border. The purpose of starving us is to make us available for smuggling. This is the only means of livelihood for a few people here.

The government officers, police and politicians, elected or otherwise, are all players in the same game. For their game to continue the people should be starving. This serves two purposes. One, no one will have enough energy to stand up and resist; and two they will always have people willing to work for them. The Padma is a rapid flowing river and to cross it with heavy loads of goods at night is even more dangerous than the job itself. How many have died in crossing the river, no one knows.

The local ration shop dealer here is Mr Chandana Sarkar. He is responsible for the distribution of rationed articles for Dayarampur village. He never exhibits the stock list or the list of people who are eligible to receive rationed articles. The reason why is because he does not want people to claim rations as their right, but to sell the articles across the border. He only opens the shop for two days in a week. At least 3000 people are to be served through his shop, or may be more. But I am sure that he does not give away rationed articles to even 20 or 30 families. The rest is sold on the open market or smuggled across the border. He maintains illegal ration cards so that if anyone questions then he can show some records. He maintains the names of dead people in his register so that he can claim more goods from the government and sell them to smugglers. The block level food supply officer is also involved in this. He is also corrupt like the police officers and the block development officer. The kerosene which is to be sold in the ration shop for 10 rupees is sold for 20 rupees. They sell rice and sugar in the same way. Other ration shop dealers work in the same way. And the local parliamentarian, Mr Unus Ali Sarkar, is the godfather. The police and even the border security force are in his pocket. All we can do is to complain: the fence itself is eating the harvest.

Due to his outspokenness, the police were waiting for a good opportunity to detain Gopen Sharma. After his wife Bulu Sharma lodged a domestic violence complaint, which was withdrawn on 21 February 2005, the Jalangi police charged Gopen with attempted murder. Bulu reported that after taking her statement, the police asked her to sign a document without showing it to her. Later she found out that the police falsely charged her husband with attempted murder. She was mentioned as the prime complainant. Though she submitted a written application to the district magistrate and superintendent of police retracting her earlier allegation, the complaint was not withdrawn and Sub Inspector of Police Sanjay Singh denied having received the notice to withdraw the complaint. According to Bulu Sharma,

It's true that I went to the Jalangi Police Station to complain verbally against my husband. The police were very eager to accept my allegation. A man posted by the officer-in-charge at the police station wrote down something and got it signed by me. Initially, I could not understand that the police bore a grudge against my husband. When I came to know that the police were keen to arrest him, I became suspicious because I had repeatedly requested them to not arrest him. Realising the intention of the police, I accompanied my husband to Behrampore where I submitted a written prayer to the district magistrate and superintendent of police withdrawing my earlier allegation. The officer-in-charge is nursing a personal grudge and he is sticking to the earlier complaint.

As the police were unable to find Gopen, they arrested and imprisoned his mother and younger brother instead. They have since been released on bail but are still also facing charges.

Meanwhile, at around 12:30am on 11 April 2005 a large group of heavily armed unidentified people entered and looted Gopen's house and attacked his family. About 10 family members, including women, were injured during the attack. Gopen's brother, Santosh Sharma, was attacked from behind by an axe and had to be hospitalized in Behrampore. That afternoon, a group of human rights defenders visited the West Bengal Human Rights Commission (WBHRC) and urged it to intervene urgently. It confirmed that it would hear the matter the next day.

On April 12, Gopen Sharma and his wife went to the WBHRC office and met the chairman and a member of the commission. The chairman gave an order that the commission direct the District Magistrate of Murshidabad to investigate the attack of April 11 and send a report to the commission within four weeks. This was an unusually speedy response from the commission, and together with other actions and communications at the time it afforded some short-term protection to the victims. As a result of these interventions, the Sub Divisional Police Officer of Domkol, along with two Sub Inspectors of the Jalangi Police Station, Amal Krishna Jana and Haris Ali Khan, started an enquiry and they met Gopen Sharma on June 28. Gopen was also called to meet with the Additional Superintendent of Police in Murshidabad on July 22.

However, on September 12, in the lead up to the people's tribunal hearings in Jalangi, Gopen Sharma was illegally detained, threatened and assaulted by officers at the Block Development Office—the key state level agency for social welfare schemes—in Jalangi while helping victims of starvation to lodge complaints. Gopen was at the time accompanying Jahanara Bewa, wife of the late Hazarat Mollah, who had recently died of starvation, and Lokman Mondal, who wished to inform the office of another starvation death in the locality. According to the victims, the clerk on duty, Bikash Adhikary, refused to receive the complaint. Thereafter, the Block Development Officer Mukul Chandra Mahato, the Joint Block Development Officer, and the Block Relief Officer, Mr Soumen Nath called Jahanara inside and interviewed her for long time. Afterwards, they asked Gopen Sharma, who was waiting outside, to come inside also, whereupon they abused Gopen and accused him of creating a disturbance in the locality. Soumen Nath rushed at Gopen and hit him with his fists, threatening him with dire consequences. While Gopen protested, other employees surrounded him and threatened to hand him over to the police. Gopen was confined for about half an hour. Immediately after, he approached the local police station in Jalangi to register a complaint. The police officer, however, refused to accept his complaint.

**Urgent  
Appeals  
File**  
(UA-59-2005)

Gopen Sharma has since persisted with his work on the right to food in the face of continued threats from various local and state authorities.

### **“Vocal Jalangi social worker’s family attacked”**

*The Statesman*, 11 April 2005

He was eloquent against police and BSF [Border Security Force] atrocities, their nexus with smugglers and criminals and even protested before the chief minister, when he visited Murshidabad recently, against the practice of his comrades to collect subscriptions from starvation-hit residents of Jalangi.

Thereafter, police framed charges against him on the basis of an unfounded allegation.

Social activist Mr Gopen Sharma, who extended help to the hunger-hit families and invited wrath of the comrades, apprehended that his life was under threat. His fears proved correct today. A gang of armed criminals raided his home at famine-hit Dayarampur village of Jalangi where several people died of starvation in the past few weeks.

The goons looted his house, beat up and injured his family members and left the spot which is just 300 metres away from the BSF camp by the Padma embankment.

As Mr Sharma was absent, the attackers pounced upon his brother, Santosh Sharma who was attacked with sharp weapons. He was admitted to Behrampore New General Hospital in a critical condition. With 31 stitches on the back, he regained consciousness this afternoon.

Mr Sharma’s wife and daughter were robbed of gold earrings and necklace. They were beaten up with iron rods. Mr Sharma’s cousin Mr Monindranath Sharma was also not spared. The marauders left with Rs 100, jewellery and utensils. The loot comes at a particularly trying time for the Sharmas who have been living in penury ever since their homestead was devoured by the Padma.

His daughter said: “The criminals first dared my father to come out. Then they went on a rampage.”

Police have already arrested the youngest brother and aged mother of Mr Gopen Sharma on the basis of allegations made by his wife, Mrs Bulu Sharma, who had later withdrawn her complaint in writing. But police acted on the complaint and arrested the duo as Mr Sharma was not present at home at that time. He had been to Kolkata to ask for help from human rights activists. Manabadhikar Suraksha Mancha (MASUM) has pledged support to him, it was learnt.

Residents said: “A rumour was spread in the villagers that a cyclonic storm would strike Jalangi and villagers were asked to keep indoors. Normally locals are out in the open till midnight during summer. But the rumour was floated to ensure the folks headed home early in the day and the attack could be carried out unhindered.”

## **The Asian Human Rights Charter on enforcement of rights and the machinery for enforcement ([www.ahrchk.net/charter](http://www.ahrchk.net/charter))**

- 15.1 Many Asian states have guarantees of human rights in their constitutions, and many of them have ratified international instruments on human rights. However, there continues to be a wide gap between rights enshrined in these documents and the abject reality that denies people their rights. Asian states must take urgent action to implement the human rights of their citizens and residents.
- 15.4.a The judiciary is a major means for the protection of rights. It has the power to receive complaints of the violation of rights, to hear evidence, and to provide redress for violations, including punishment for violators. The judiciary can only perform this function if the legal system is strong and well-organized. The members of the judiciary should be competent, experienced and have a commitment to human rights, dignity and justice. They should be independent of the legislature and the executive by vesting the power of their appointment in a judicial service commission and by constitutional safeguards of their tenure. Judicial institutions should fairly reflect the character of the different sections of the people by religion, region, gender and social class. This means that there must be a restructuring of the judiciary and the investigative machinery. More women, more under-privileged categories and more of the Pariahs of society must by deliberate State action be lifted out of the mire and instilled in judicial positions with necessary training. Only such a measure will command the confidence of the weaker sector whose human rights are ordinarily ignored in the traditional societies of Asia.
- 15.4.b The legal profession should be independent. Legal aid should be provided for those who are unable to afford the services of lawyers or have access to courts, for the protection of their rights. Rules which unduly restrict access to courts should be reformed to provide a broad access. Social and welfare organizations should be authorised to bring legal action on behalf of individuals and groups who are unable to utilize the courts.
- 15.4.c All states should establish Human Rights Commissions and specialized institutions for the protection of rights, particularly of vulnerable members of society. They can provide easy, friendly and inexpensive access to justice for victims of human rights violations. These bodies can supplement the role of the judiciary. They enjoy special advantages: they can help establish standards for the implementation of human rights norms; they can disseminate information about human rights; they can investigate allegations of violation of rights; they can promote conciliation and mediation; and they can seek to enforce human rights through administrative or judicial means. They can act on their own initiative as well on complaints from members of the public.
- 15.4.d Civil society institutions can help to enforce rights through the organization of People's Tribunals, which can touch the conscience of the government and the public. The establishment of People's Tribunals emphasizes that the responsibility for the protection of rights is wide, and not a preserve of the state. They are not confined to legal rules in their adjudication and can consequently help to uncover the moral and spiritual foundations of human rights.

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*article 2* is published by the Asian Legal Resource Centre (ALRC) in conjunction with *Human Rights SOLIDARITY*, published online by the Asian Human Rights Commission (AHRC).

ALRC is an independent regional non-governmental organisation holding general consultative status with the Economic and Social Council of the United Nations. ALRC seeks to strengthen and encourage positive action on legal and human rights issues at local and national levels throughout Asia.

ALRC invites submissions to *article 2* by interested persons and organisations concerned with implementation of human rights standards in the region.

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#### Annual Subscription Fee (6 issues)

Hong Kong HK\$250  
Asian Countries US\$35  
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ISSN 1811702-3



Printed on  
recycled paper

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