

**DR. N. C. SAXENA, COMMISSIONER AND
HARSH MANDER, SPECIAL COMMISSIONER OF THE SUPREME COURT
IN THE CASE: PUCL v. UOI & Ors. WRIT PETITION (Civil) No. 196 of 2001**

August 28th, 2009.

Relief measures/667/W.B

Shri. A.M. Chakraborty,
Chief Secretary
Government of West Bengal
Kolkata.

Sub: Regarding the access of people to food and livelihood schemes in Cyclone Aila affected areas in West Bengal.

Dear Shri. Chakraborty,

As you know we have been appointed by the Supreme Court to monitor food and employment schemes under PUCL vs. Union of India, CWP 196/2001.

This is with reference to the food insecurity, hunger and destitution caused by the Cyclone Aila which affected the North and South 24 Parganas districts of West Bengal. We have learnt that there is large scale prevalence of hunger among the people in the affected areas due to the inadequate relief measures and failure in the implementation of food and livelihood schemes which are the last resort of the people to cope with hunger and starvation.

We would like to draw your attention towards a report on the "Right to food and work in Cyclone Aila affected areas". This report is based on a quick survey done by Paschim Banga Khet Majoor Samity activists in 10 Blocks, 36 Gram Panchayat and 47 villages. We are summarising the main findings of the report as below:

1. The amount of food grains distributed to most people as relief has been mostly 5-8 kgs of foodgrains per family in the first 15 days of the cyclone, which is totally inadequate and was much below the West Bengal Relief Manual norm of 12 kgs per head for adults and 6 kgs for children. Also, from July onwards the administration has stopped distributing relief completely and therefore people have been forced to migrate or live in semi starvation.

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2. Further, in Kakdwip block the Gram Panchayats have sold rice that they had received as post- cyclone relief for free distribution, at Rs.9 per kg to local villagers.
3. Because of the inadequacy of the relief provided to the affected people in many areas, people who are left with no food and are facing hunger had given applications for relief. The number of such applications has been 4505 in 4 Blocks of South 24 Paraganas. However, it is regrettable that the administration and officials at the Blocks and Panchayats have repeatedly informed the applicants that they are unable to give people food grains as gratuitous relief, as there are inadequate supplies with them.
4. All ICDS centres in the affected area as well as the Midday Meal Scheme have stopped functioning properly and therefore, children under six and school going children arent being served regular meals, which is a complete violation of the Supreme Court orders.
5. The District Magistrate South 24 Parganas had issued orders for repairing of embankments under NREGS and had asked for daily cash payments, but this hasn't been followed in many places. Payments are taking place only after 5-7 days of work and therefore, workers are finding it difficult to sustain themselves. Also, the payment is given at rates Rs. 600-650 for 1000 cu.ft. of earth, which is much below the legal NREGS rates. In addition ,where large breaches have been made, piling has to be done by the Irrigation department before earthwork can be started but this is not happening in many places.

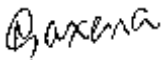
Our advisor of West Bengal, Ms. Anuradha Talwar, had written to you and also had conveyed to the District Magistrate of South 24 Parganas district about the grave concern of people and inadequacy of relief measures to help people cope with the hunger. The letters are annexed herewith for your perusal. However, it is regrettable that the State government hasn't taken any step forward towards improving the food security of people. We urge, therefore, the State government kindly take the following steps immediately to help people not to fall prey to the hunger and starvation:

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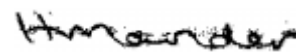
1. An enquiry into the sale of relief food grains in Kakdwip block and those found guilty should be punished.
2. Make arrangements for immediate distribution of gratuitous relief to all the families who had made applications for the relief (list is Annexed) and to others who may request food grains;
3. Make arrangements to ensure that gratuitous relief in the form of food grains is available to people till their own livelihood sources are restored, at least till the harvest in 2010.
4. All Aila affected people are declared BPL for the next two years so that they can get the subsidised rice at Rs. 2 per kg.
5. ICDS and MDMS must be re-started immediately, and all dues of SGSY groups for MDMS must be cleared.
6. All dues in NREGS should be cleared immediately and an enquiry should be made why the wages aren't paid on time and the State government should male necessary arrangements that this problem doesnt happen in the future and wages are paid under NREGS on time in the state and more immedaitely in these two districts.
7. State government should ensure that all the families in the affected areas are given 100 days of work on demand under NREGS.

We are sure that the State government will give utmost priority to the above recommendations and kindly send us an action taken report within two weeks time with a copy of all the instructions issued in this direction.

With Regards,



Dr. N.C. Saxena



Harsh Mander

CC: Ms. Anuradha Talwar, Advisor to the Commissioners to the Supreme Court, West Bengal.