

Food Commissioner Report to the Supreme Court of India

A report on the pathetic living conditions of Gujarat's refugees, submitted to the Supreme Court by court commissioner, NC Sexena, in the PUCL's right to food petition.

March 19, 2007

To,
The honourable Supreme Court of India,

Subject: Non-implementation of food schemes in the relief colonies of people displaced in Gujarat by the disturbances of 2002.

The commissioners of the Supreme Court had received disturbing information about acute food and livelihood distress of people who were internally displaced by the disturbances in Gujarat. They were informed that many families continued to live in relief colonies in very difficult conditions with acute problems of food and livelihood security. It was brought to our notice that the directions of the honourable Supreme Court of India (in CWP 196/2001) on the food and employment schemes, including the ICDS, MDMS, PDS, NREGA, Antyodaya and Annapurna Yojana, NOAPS, NFBS and NMBS, were being violated.

Since we are mandated by the honourable Supreme Court to monitor all the food and employment schemes in Writ 196/2001, we subsequently wrote to the government of Gujarat requesting them to look into the matter and ensure that food schemes were implemented by the government of Gujarat as per the directions of the honourable court in Writ 196/2001.

The government of Gujarat responded back to us that there were no relief colonies of people displaced by the violence of 2002 in Gujarat.

Shortly thereafter, the National Commission for Minorities (NCM) deputed three members to visit the state from October 13 to 17, 2006 and they went to 17 relief colonies. Their report is annexed in Annexure 3. They observed the difficulties that were faced by the residents of these colonies and the non-implementation of state programmes. In relation to livelihoods and food schemes, the commission made the following observations:

"The residents were frustrated by their inability to earn their own livelihood and to support themselves in the manner to which they were accustomed. Before the violence many of these people were small self-employed

traders, artisans or industrialists. The violence put an end to their means of livelihood since their old clients were unwilling to use their services. The impression the team received is that very few of them were employed in service. In the new environment, they are unable to resume their earlier professions and because of this they find it difficult to survive."

They add, "NCM members examined the homes in several rehabilitation colonies and found evidence of abject poverty. With some exceptions, the houses contained little except for bedding and kitchen utensils. Despite these signs of poverty, the NCM found that many residents did not have ration cards. Even when ration cards were issued, most of the residents were given above the poverty line (APL) ration cards instead of below the poverty line (BPL) ration cards. This makes a big difference because BPL ration card holders are entitled to get food grains, cereals, kerosene and other basic consumer items at subsidised rates. Indeed, in several camps, especially in rural areas, the women without exception had just one major demand: they wanted BPL ration cards to be issued to them."

The report of the NCM clearly established that the government of Gujarat had misrepresented the situation to the commissioners of the honourable court by denying the existence of these colonies. It also established prima facie evidence of the fact that the directions of the honourable Supreme Court with regard to food and employment schemes were being violated.

My colleagues further completed a full survey of the state and found similar conditions in 81 such relief colonies across the state of Gujarat. The report of this investigation (guided by senior academic, Dr Ghanshyam Shah, and state adviser, Dr Indira Hirway) is appended in Annexure 4. It found 4,545 families comprising around 30,000 persons still living in very difficult conditions in 81 relief colonies.

The study found that none of the colonies had been set up or assisted by the state government. Only five of the 81 colonies had government or government recognised schools and only four served midday meals to the children. Only five had ICDS centres, of which four served supplementary nutrition to the children, and one to nursing and expectant mothers. Only three had PDS shops and only 725 out of 4,545 families were recognised as BPL although their intense poverty as internally displaced persons facing economic boycott was acute. People who had APL cards are reluctant to apply for a transfer of the card because they fear that this may be cancelled.

It is therefore proposed that the following steps are immediately undertaken to ensure state accountability for the food and livelihood rights of its citizens who remain internally displaced nearly five years after the 2002 incidents.

1. Contempt of court notices are issued to the chief secretary and other officials of the government of Gujarat for misrepresenting facts and furnishing incomplete and inaccurate information to the commissioners appointed by the Supreme Court.
2. All families who continue to live in relief colonies must be given Antyodaya cards as internally displaced persons who lost all their belongings, face fear and economic boycott, and are too afraid to return to their original homes.
3. Primary schools with midday meals should be opened in all 81 relief colonies immediately and in any case before the next financial year. The location of the school should be such that it is accessible not only to the residents of the camp but to the surrounding host communities, to promote integration.
4. All 81 colonies should have fully functioning ICDS centres, with the entire contingent of nutrition and health services, within two months.
5. PDS shops should be opened in all colonies where these are not available within a distance of three kilometres.
6. There should be a drive within three months to ensure that all eligible persons for NOAPS and widows pensions receive these.
7. Job cards under NREGA should be issued in all NREGA districts to all residents of relief colonies who are desirous of these.
8. The chief secretary should personally certify that all these steps have been undertaken in an affidavit to the Supreme Court within three months of the passage of the order.

Dr NC Saxena

Commissioner of the Supreme Court