

The New Indian Express on 16th July 2017 carried a report that three members of a Dalit family died within 15 days in Gokarna district, due to starvation. It was further stated in the report that the deceased possessed BPL cards but did not get ration since April, as they did not have Aadhaar numbers, however, the District Commissioner denied that the death was caused due to starvation and said that excessive consumption of Alcohol by the three victims was the reason for the deaths.

Based on information provided in the News print pointing to a discrepancy regarding the deaths between the statements by the family members of deceased on the one hand and of the District Commissioner, on the other hand, a PUCL fact-finding investigation was conducted by Mr. Narasimhappa, a member of PUCL-Bangalore on 29 July 2017.

GOKARNA

STARVATION

DEATHS

FACT FINDING REPORT

Narasimhappa T.V.

The account from a news reporter: PUCL contacted Mr. Arun Kumar Huralimath the news reporter from Belhittal, Gokarna, on 17th July 2017, and inquired about the deaths that had occurred in the Dalit family. Arun stated that the deceased were the sons of Mrs. Nagamma Marumukhri and now she is survived by her 3rd Son, Ganapathi, and his wife, Nagamma Ganapathi Marumukhri, who is officially a member of the Gokarna Gram Panchayat. He said that the family had possessed 2 ration cards, an Antyodaya Anna Yojna card (AAY), of which the mother Mrs. Nagamma Marumukhri was the card holder, under which three of her deceased sons were covered, while her 3rd Son, Mr. Ganapathi, was a BPL ration card holder, under which his children and his wife were covered.

He further stated that the family received ration only once in March 2017, and from April to July 2017, they didn't get any ration from the authorities, the reason they were denied is that they did not have Aadhaar card nor a coupon with them and due to this reason 3 sons died within a span of 15 days in the month of July.

Visit to Belehattala:

PUCL visited Belehattala, Dandebhaga, Gokarna Gram Panchayats. According to 2011 census, 3038 families exist in this area with a population of 30,539 that includes 12 families from the SC community. The basic occupation of the Mari Mukhri community, to which the deceased belong to, is coolie work, which includes cleaning caught fish, and working as farm labourers.

Details of the Nagamma Maru Mukhri family:

The house of the deceased is about 50 meters away from the Gokarna beach, which is called Belehattala. Nagamma Maru Mukhri W/O Late Maru Mukhri belonging to the Mukhri caste, (SC) is one of the residents in Belehattala, she had 4 sons:

1. (Late) Narayan Maru Mukhri (55 yrs)
2. (Late) Subbu Maru Mukhri (52 yrs)
3. Ganapathi Maru Mukhri (50 yrs)
4. (Late) Venkataramma Maru Mukhri (46 yrs)

The third son of Nagamma Maru Mukhri, Ganapathi Maru Mukhri, is married to Nagamma (40 years), who has 4 children, Ganesh, Usha, Lambodara, and Bhavya. The wife, Nagamma is a member of Gokarna Gram Panchayat.

Condition of the House:

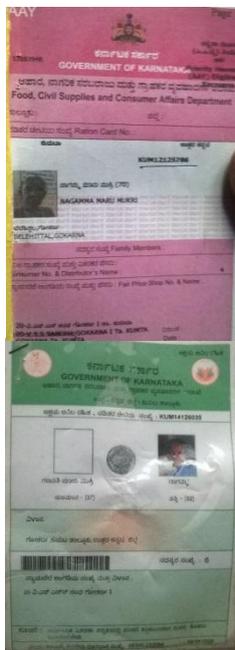


NagammaMaruMukhri has been residing in a small hut for almost 60 years in Belehittalla (Dandembhaga). Next to her house is a small hut which has been converted as a temple. However, she is not the owner of this hut turned temple, but she has been maintaining the place. The hut has no basic facilities of electricity, sanitation and drinking water. The basic diet of the family is rice, fish curry, kochgi, and porridge.

The basic livelihood of the family is the wages they earn doing coolie work, which earns Rs 100-200. Along with this, Nagamma gets a pension of Rs 500 from the Government. The wife of GanapathiMaruMukhri also makes a contribution to the family, and being a member of Gram Panchayat, she earns Rs. 500 as salary. The 3rd Son, Ganapati has been allotted a sheet house by the Government; however the construction of the house is yet to be completed.

According to the Annual Income Certificate, bearing number RD2038738036230 provided by the Revenue Department, the Annual Income of the family is Rs11,000/-. However, what is to be noted here is that this certificate was issued only on 18/7/2017, which is just after the death of the three sons, and after these deaths was reported in the newspapers.

Government Schemes:



The Food and Civil supply and Consumer Affairs Department provided a ration card to Nagamma, i.e. an AAY card, bearing no. KUM12125786. The family is entitled to 35 kilos of rice every month according to the Supreme Court guidelines; however, the last time they got ration on the ration card was on 22nd November 2016 and 17th December 2016, as mentioned in the ration card. The quantity they got was 28 kilos rice, 6kg wheat, and 1kg sugar in 6 months. On 27th March 2017 again, 35 kilos of rice were provided. However they didn't get any ration for 6 months this year, except in the month of March, on the grounds that they have not linked their ration card with their Aadhaar card.

GanapathiMaruMukhri and his wife Nagama GanapathiMaruMukhri have BPL ration card, under which 6 members of the family are covered, i.e. the husband, wife and their four children. The ration card no. is KUM14126035. This card is called Akshaya Anila Rahita Ration Card. 7 kilos rice per head was provided in the month of February 12, 2016, and in the month of November 12, 2016 they got 20 kg rice, 10 kg wheat and 1 kg sugar, as mentioned in the ration card. According to Nagamma GanapathiMaruMukhri, they were given only 15 Kilos after that, December 2016 to July 2017, around 8 months they were denied ration from the ration shop for not having linked the Aadhaar card with BPL ration card. In this family they have only 3

Aadhaar cards. Even though Nagamma Ganesh Mukhri is a member of the Gram Sabha, it is just tokenistic as she has not been assigned any primary responsibility in this position.

PUCL's Observations on the Panchnama: Smt. Nagamma Maru Mukhri stated that she had a ration card and got monthly ration, and that she never faced problem with getting food, when they received no wages. She mentioned that her sons were alcoholic.

: Details of Deaths:



Of the 4 sons of Mrs. Nagamma Muru Mukhri, 3 sons died within 15 days in the month of July, 2017. The Tehsildar and other local authorities visited the house of the victim and spoke to Nagamma and made the following Panchnama.

- Sri Subbu Maru Mukhri, aged 52 passed away on 2/07/2017. The reason for his death was that he didn't eat properly and was an alcoholic, as per the statement made by Nagamma Maru Mukhri
- Sri Venkatarama Maru Mukhri, aged 46, 8/07/2017, a similar reason of death was cited as per the statement by Nagamma Maru Mukhri
- Sri Narayana Maru Mukhri, aged 55, death dated 13/07/2017, was not an alcoholic but was a sick person and was always unwell. The reason was his death was that he was not eating properly.

Note: There was no post-mortem conducted and there was no complaint given regarding this.

However, the problem arose when the Food and Civil Supplies department demanded that Aadhaar card and ration card should be linked, as she and her sons didn't have an Aadhaar card, therefore they faced the problem of starvation, since during this time they were not receiving the daily wages, too.

She mentioned that the death of three sons was due to the irresponsibility and negligence of the Food and Civil Department, Kumuta Taluk, and the Gram Panchayati authorities, and further mentioned that the reason for the death was that they had not been provided ration facilities to the family for last 7 months. According to a **Supreme Court decision in WP Civil 494/2012 dated 11/08/2015**, *'The fundamental rights and government schemes cannot be denied based on the ground that the citizen is not an Aadhaar card holder'*. There has been no FIR filed and no post-mortem conducted before the victims were cremated.

Local NGO's Statement: Mr. Kumar Gowda, President of Mahaganpathi Samaj Seva Sangh, stated that when they received information that 2 deaths took place within 6 days, they made a fact-finding report of the situation and came to the conclusion that the victims' family had no food to eat, and they died due to starvation. Therefore this NGO decided to provide rice, toor daal, coconut, potato, wheat and other items to the family. It was observed that the family had 2 ration cards and still they were not provided with any ration facilities.

Kumara Jeeva Hatigi, member of the same NGO, spoke about the death of Narayanna Maru Mukhri, and observed that he was not an alcoholic person, though he was epileptic. Sharadha Shetty, MLA, and Meghraj Naika, Tehsildar visited the house of Nagamma Mukhri and came to learn that they were not provided ration on the grounds that they were not Aadhaar card holders. The tehsildar's department applied for Aadhaar card and ration card on 15/07/2017, but the family has not received either of these documents.

PUCL'S MEETING WITH GOVERNMENT OFFICIALS

1. **Ration Shop owner:** Vivek is the owner of Gokarna Gram Panchayat Ration shop, situated in Vyavsaya Seva Sahkari Sangha #20 Gokarna 1, Kumuta Taluk, and register no. 123/1995. He provided the information that Nagamma Maru Mukhri's ration card was updated only in the month of March, 2017, when the ration was provided, but as per the list provided by the Food and Civil Department, the names of the victims and Nagamma Mukhri's name were not mentioned and the reason given was that the ration card and Aadhaar card had not been linked.
2. **Food Inspector:** Gutumane, Food Inspector, Kumuta Taluk, was contacted through phone and when the PUCL team questioned him regarding the stoppage of the ration to the family of the victims, the only reason given by the Food Inspector was that the Aadhaar card had not been provided by the victims or their mother.
3. **Taluk Level Officers:** On 29/7/2017, a Jan Adalat took place in Gokarana, during which time the PUCL team met the Revenue Inspector, Asst Commissioner, Tehsildar, Deputy Tehsildar, Public Health Doctor, and Gokarna Gram Panchayat President and asked them about the deaths and the reasons for not providing the ration. The tehsildar stated that he was not aware about the deaths of the victims and he only came to know about it after the death of the 3rd son. He further shockingly stated that, "If the victims were really starving, then they could have approached *dharm chatra* (place where the food is served on charity)"!

The Revenue Inspector said that the reason for death was not starvation but the alcoholic problem of the victims and that the 3rd son died due to his poor health. After hearing about the deaths, the Assistant Commissioner promised that necessary steps will be taken and assistance from Social welfare department will be provided. The Public Health Doctor claimed that he was attending the victims for past three months and he has been asking them to have nutritious food and to avoid alcohol. However, when we inquired into the visiting report submitted at Anganawadi, it came to our knowledge that he had only visited their home twice, i.e. on 09/07/2017 and 13/07/2017.

Steps taken by Tehsildar

- 1) On 15/07/2017 a new application was made for ration card and Aadhaar card; however they have still not received the same due to technical snags.
- 2) The Tehsildar promised that he will provide Rs 5,000 for each of the victims for the cremation and the said amount will be provided through the state government, as they don't have any funds.
- 3) National Social Benefit Scheme will be provided to the victim's families
- 4) The house of GanapathiMaruMukhri will be provided with electricity.

PUCL's Observations

- NagammaMaruMukhri belongs to a Dalit community (Mukhri caste) and is a daily wage worker, and her wages are the only source for the family income. For 7 months, from January-July, 2017, there has been no ration provided, even though she is a AAY card holder, and the only reason given was that the ration card and the Aadhaar card has not been linked.
- GanapathiMaruMukhri has not been provided the ration on the grounds that Aadhaar card has not been provided.
- NagammaMaruMukhri and their 4 children have been residing at Belehithla (Dandebaga), Gokarna Gram Panchayat, in a hut, but with no electricity and water supply. The land belongs to a private owner.
- GanapathiMaruMukhri was married and his widow is a member of Gram Panchayat, who gets a monthly Rs 500 (every sitting) as salary. She resides in a sheet house, provided by the Gram panchayat, but the house is not well equipped.
- After the death of the victims, no assistance with regard to house, water, toilet, ration, death compensation etc., was provided from the concerned authorities, as of 15 days, from the date of death. The only reason given was that they don't have an Aadhaar card.
- Kumuta Taluk office applied for Aadhaar card and ration card on 15/07/2017, but due to technical problems, the family has not yet received the documents.
- Food and Civil Supplies Department and Nodal office gave the statement that the deaths were caused due to an alcohol problem and the 3rd son died due to poor health and the ration was stopped due to their not having Aadhaar card.
- In WP (Civil) 494/2013 dated 23/09/2013, the Supreme Court has ordered that no government schemes be denied to a person for the mere reason that the person has no Aadhaar card.
- In WP (Civil) 494/2015 dated 11/08/2015, the Supreme Court has held that there cannot be any delay in providing the government schemes on the grounds that the person has no Aadhaar card.
- All the evidence shows that the reason for the death of the victims was starvation, which was due to irresponsibility of the public authorities.
- While the present government has promised that Karnataka will be a hunger-free state, the deaths of the sons of NagammaMaruMukhri show that the government has failed in performing its duty.

Recommendations

- A. MaruMukhri must be provided with a separate house.**
- B. A serious investigation must be carried out and concerned authorities must be punished for the deaths of the victims.**
- C. NagammaMaruMukhri and GanapthiMaruMukhri must be provided with ration card and Aadhaar card immediately.**
- D. Compensation has to be provided to the NagammaMaruMukhri for each of the deaths of her sons.**
- E. NagammaMaruMukhri and GanapthiMaruMukhri must be provided with proper housing, drinking facility, electricity connection, and health card immediately.**
- F. Since the victim and the mother NagammaMaruMukhri belong to SC community, the Social Welfare Department must immediately provide all the facilities that they are entitled to.**
- G. Kumuta Taluk office must immediately provide Rs. 5000 to the family, which they are entitled to, for cremation of the bodies of the victim.**
- H. Under National Social Benefit Scheme, the victims must be provided with Rs 20,000 immediately.**
- I. Proper inquiry has to be conducted and punishments should be given to the concerned authorities for violation of the Supreme Court order.**
- J. The 4 children of GanapthiMaruMukhri must be provided with free and appropriate education, health, and nutrition facilities from the state government.**

CONCLUSION:

On the basis of our fact finding investigation, the PUCL team has reached the following conclusions:

- ♣ These deaths took place principally because the victims were denied their entitled rations in violation of Supreme Court guidelines that mandate provision of rations despite absence of proper documentation. These deaths are unnatural and avoidable, and therefore criminal. In fact, the District administration has failed to provide proper and dignified housing (including electricity, sanitation, and drinking water) to the victim's family in the last 60 years.
- ♣ Equally, the Criminal Justice System is guilty because by projecting these unnatural deaths as due to alcoholism, it has failed to take cognizance of the fact that these deaths amount to death by negligence, a punishable offence under Indian Penal Code. The explanations offered by Deputy Commissioner and Tehsildar about Alcoholism amounts to victim blaming and evasion of their mandatory role to provide rations and the role of State administration in causing these deaths to happen.
- ♣ The PDS has played a major role in causing these deaths due to mismanagement because of which universal access to food has been denied to eligible card holders. The State has been concerned overtly about plugging the leaks in PDS rather than ensuring universal access.

- ♣ The State has projected Aadhaar as the sole nodal identification system for the provision of all social benefits through biometric recognition as a prerequisite to access a variety of services provided by the State to its residents. This incident shows the failure and exposes the many of the deadly fallacies of the Aadhaar scheme, such as the unreliability of biometric recognition, and, in fact, becoming a hurdle for residents, especially the marginalised sections of society, to claim their entitlements.
- ♣ The victims were daily wage earners and have been historically marginalised and vulnerable due to their caste status by the State and Indian society as a whole. They have been denied their fundamental right to life under Article 21 of the Constitution and its concomitants, such as right to housing, electricity, water and sanitation etc. The State's negligence in causing these deaths amounts to caste atrocity under the Act.

DOCUMENTS ON RECORD

- 1) *2 ration card copies of NagammaMaruMukhri and GanapathiMaruMukhri*
- 2) *Annual Income Certificate of NagammaMaruMukhri*
- 3) *Statement report made before the anganawadi by doctor on the health conditions of the victims*
- 4) *Photos of the house of NagammaMaruMukhri and GanapathiMaruMukhri showing its present condition*
- 5) *Panchanna copy provided by the Tehsildar, Kumta Taluk*