

29<sup>th</sup> June 2004

**Report dated the 29<sup>th</sup> June 2004 to the National Human Rights Commission, New Delhi on the Death of Shri. Mamidi Ambadas by Starvation in Jogaiahpalli Village of Thimmapur Mandal, Karimnagar District of Andhra Pradesh, – a case in which I initiated *suo motu* action based on reports in the media.**

On seeing a report in the newspaper Eenadu and a news item on the TV Channel TV9 on the alleged death by starvation on 1<sup>st</sup> May 2004 of a physically handicapped person Shri Mamidi Ambadas of Jogaiahpalli village of Thimmapur Mandal about 8 Km. from the District Headquarters town of Karimnagar in Karimnagar District, I proceeded to the village on the 7<sup>th</sup> May 2004 for an investigation into the facts and circumstances surrounding this case. Shri M Mohan Rao, Nodal Officer, NHRC, Hyderabad accompanied me. Before proceeding to this village, I had sought the assistance of the Deputy Director of Social Welfare, Karimnagar through the Office of the Commissioner of the Social Welfare, Andhra Pradesh, Hyderabad. Shri Ramesh Chandra, Joint Commissioner in the Office of the Commissioner of Social Welfare, Andhra Pradesh, ensured that all assistance would be forthcoming from the Deputy Director of Social Welfare, Karimnagar. At my request he had also informed the Collector and District Magistrate, Karimnagar that I would like to call on her after my visit to the village to review with her this case of alleged death by starvation of Shri Ambadas and also the status of the implementation of the mandate of the Honourable Supreme Court of India in regard to the abolition of Bonded Labour and Child Labour practices in the District. Smt Sumita Dawra IAS, Collector and District Magistrate, Karimnagar received me on my arrival at Thimmapur and accompanied me to the village. I place on record my deep sense of gratitude to Smt. Sumita Dawra IAS, Collector and District Magistrate, Karimnagar and Shri. Ramesh Chandra, Joint Commissioner, Department of Social Welfare, Government of Andhra Pradesh for their help and assistance in my work.

2. I visited the village of Jogaiahpalli of Thimmapur Gram Panchayat from 11.45 AM to 2.15 PM accompanied by Smt. Sumita Dawra IAS, Collector and District Magistrate, Karimnagar, Shri Val Simha, Deputy Director, Social Welfare, Karimnagar, Shri Ravinder Reddy, Revenue Divisional Officer, Karimnagar, Shri Mahesh, Mandal Revenue Officer, Thimmapur and Shri M Mohan Rao, Nodal Officer, NHRC, Hyderabad. During an investigation lasting 2 ½ hours during which time I spoke in the full view of all the assembled villagers who numbered about 50 to Smt. Mamidi Padma, the widow of Shri Ambadas for about 1 ½ hours, Shri Mamidi Mallaiah, father of Shri Ambadas for about 15 minutes and the rest of the villagers assembled there including mainly one Shri Prabhakar Reddy and the Sarpanch Shri Dundra Rajaiah, I ascertained the following facts, as stated by them:

Shri Mamidi Ambadas S/o Mallaiah, resident of Jogaiahpalli of Thimmapur village was aged about 33 years at the time of his death. He was a weaver by caste (Padmashali). **About 9 years ago Shri Ambadas, who had been employed as a bonded labourer by a farmer Shri Madhena Srihari Reddy, received a severe electric shock while trying to connect a hanging wire to an electric pole at the command of his master.** The electric shock received by Shri Ambadas was so severe that he lost the use of his left hand and left leg and even as he underwent treatment the doctors decided that his left hand and left leg from knee downwards required to be amputated if the rest of his body were to be saved. **Accordingly, his left hand and left leg knee downward were removed. Thus he came to be very severely handicapped. He could not do any further work as a result of this and, therefore, the responsibility of taking care of the family fell on the shoulders of his wife Smt. Padma.** Smt Padma had to earn and take care of her disabled husband Ambadas, her aged father-in-law Mallaiah and her two girl children Aruna and Swapna. Because of his old age the father of Ambadas Shri Mallaiah had stopped working about 5 years ago. As for Smt Padma, she has been working for the past 20 years and more rolling *beedies* for Lakshmi Beedi Company in Karimnagar town, 8 Km. away. The wages that she is expected to receive from the *beedi* company is Rs.50/- for every 1, 000 *beedies*

rolled. She does the beedi rolling in her own dwelling in the village, carries them once every two or three days to the company, and delivers them there. The company gives her the tobacco and the leaves for her to roll them into beedies and she in turn brings this raw material home to roll it into beedies. While the company delivers to Smt Padma what the company claims to be the raw material equal and sufficient for making 1, 000 beedies, in truth, because of the inevitable wastage involved such as the need to cut off the edges of the leaves etc., the raw material would be adequate only for manufacturing about 700 beedies. Therefore, when she delivers back the finished product to the company, the company penalizes her for short supply by way of paying her less than the agreed wage of Rs.50/-. What she actually gets, therefore, is never more than Rs.25/- per day. Since she is able to make and deliver these beedies only once every two or three days, it is not as if she earns a wage of Rs.25/- every day in the month. Further, she incurs a bus charge of Rs.8/- per every trip she makes to Karimnagar and back to deliver the beedies. **Thus, eventually, her income in a whole month is about Rs. 500/-. Also, for about three months in a year, there will be no work at all for her. Often, she and her family went hungry without food, which could be up to two to three days every week.** Her husband Shri Ambadas had been entertaining the hope that he could sue the Electricity Department for obtaining compensation for the disability caused to him by the negligent maintenance of the electric lines by the Andhra Pradesh Electricity Board. With this hope he had engaged a lawyer and was doggedly going to Karimnagar almost every day to pursue this case. His trips to Karimnagar cost the family the bus charges and a lot more. A lot more because the wife **Smt Padma had had to borrow up to Rs. 20, 000/- towards the lawyer's fees and expenses.** While he hoped against hope and made these journeys to Karimnagar, **his body was weakening essentially because there was very little food available at home in the family for every one. The food that the family ate was invariably just cooked broken rice with lime pickle and nothing more.** Whenever Padma received her Rs.25/- as wages she would buy 2 kg of broken rice costing around Rs.10/- and lime fruits and some dry chilies with which to make some pickle. This was how the family subsisted. **In addition to the Rs. 20, 000/- borrowed by Smt. Padma, there was a further loan of about Rs.4, 000/- also, borrowed for meeting the medical needs of the first daughter**

Aruna recently. Thus, the family had a loan of Rs.24, 000/- borrowed at a rate of interest of 24%.

In this condition, wife Padma started urging her husband Ambadas to beg for alms in Karimnagar but Ambadas did not agreed to this. During the week prior to his death Ambadas stopped going to Karimnagar and stayed at home. Whenever he was offered food to the little extent it was available, he refused it urging his wife and two daughters to eat that food instead. He was very concerned about the rest of the family not eating and kept urging them to eat whatever food was available instead of him encroaching on that little that was available. He literally starved during this period of six or seven days and eventually died.

He was not ill on account of any other cause or reason. He died because of starvation. He starved because he preferred that his wife and children ate what little was available rather than him also partaking what was available.

Shri Mamidi Ambadas was an educated man. He had studied up to the 7<sup>th</sup> standard and could read and write. He was a sensitive man. During the period of his starvation prior to his death he had written in a notebook how he and his family had been starving for wand of food.

The fair price shop is located in the main village one kilometer away from Ambadas's dwelling. The fair price shop dealer is never regular in bringing rice to the village. Therefore, Padma was not able to draw her quota of rice in the Public Distribution System (PDS) though the Government has provided her with a White Identity Card to draw subsidized rice at Rs.5.25 per kg. The fair price shop dealer, when he did bring rice, never made it available for a period longer than 1 or 2 days in a whole month of 30 days (though there are clear instructions that the fair price shop should keep rice available through out the month so that the white card holders can draw their entitlement any time during the course of the month). With Padma getting her wages intermittently, she could not buy her entire entitlement in one go whenever the fair price shop dealer announced the availability of rice for a short period of two or

**three days. This is how Smt Padma was denied her right in the Public Distribution System also.**

**Under the Drought Rice Scheme the family of Shri Ambadas was entitled for a free allotment of 10 Kg. of rice per month for 6 months from January 2004. However, this was never made available to the family excepting on two occasions because of the failure of proper implementation of the scheme. Here again the family of Ambadas was denied its entitlement though there was a scheme meant for them and people like them.**

**The father of Ambadas, Shri Mallaiah, who is now 70 years old, is eligible for payment of an Old Age Pension (OAP) at the rate of Rs.75/- per month. The manner of implementation of this scheme is such that there is no guarantee that this would be made available to him regularly on a fixed day in the Mandal office. He, therefore, has to make several trips to the Mandal office to get this pension. On an average, the pension was paid to him once in two months but never every month. In the very recent past he had to wait for 4 months before he was paid his pension.**

**Ambadas and his family had no house of their own. Padma is presently paying a rent of Rs.120/- per month for her hired dwelling.**

The older girl Aruna and the younger girl Swapna are both getting Mid Day Meals (MDM) at their school.

**There are about 60 families in the village who are bonded labourers.**

**3. The Collector Smt Sumita Dawra IAS, who was present with me in the village during the entire enquiry announced immediately by way of relief to the family of the victim, the following measures:**

1. Allotment of a house site to Smt Padma and construction of a house for her under the Indira Awaas Yojana (IAY) at a cost of Rs.25, 000/-. I took an undertaking from the Sarpanch of the village that he would personally help the widow in the construction of this house.
2. A grant of Rs.25, 000/- to Smt. Padma to enable her to set up a self-employment unit.

3. Admission of the older girl Aruna in the Social Welfare hostel so that her future educational and food needs are taken care of.
4. An investigation into the circumstances of the injury caused by electric shock to Shri Ambadas so as to fix responsibility, if any, on the part of the A P TRANSCO to pay compensation to the family.

**The action taken by the Collector Smt. Sumita Dawra is prompt and most commendable. I attach to this Report a copy of the letter of the Collector addressed to me detailing the prompt action taken by her. Apart from the four measures she announced at the village, she has taken action to issue the undelivered drought rice to Smt. Padma; initiated action against the fair price shop dealer and the godown in-charge for delay in lifting the drought rice and to surrender the services of the District Manager (Civil Supplies), Karimnagar immediately to the Managing Director, Civil Supplies Corporation, Hyderabad for his failure in this case and similar failure elsewhere in the District (Annex-I).**

**4. At a subsequent meeting organized by the Collector in the afternoon in her office attended by the Collector, Joint Collector, Chief Executive Officer of the Zilla Parishad, Project Director, DRDA, Executive Director of the District Scheduled Caste Finance Corporation, Deputy Director, Social Welfare, the District Manager of the World Bank-assisted anti-poverty Project called Velugu, all the Revenue Divisional Officers of the District and other Senior Officers I pointed out the failure of programmes meant for the poor and those who are described as the “poorest of the poor” on account of the absence of proper implementation and appropriate monitoring mechanisms and called upon the District Administration to set up credible and adequate monitoring systems to closely watch the living conditions of all families living below the poverty line and especially those who are in a state of destitution like the family of the late Ambadas so that poverty eradication programmes and their implementation can be considered to be really meaningful. In this meeting I explained to the gathered officers the mandate of the Honourable Supreme Court of India on the implementation of the provisions of the Laws relating to Bonded Labour and Child Labour and pointed out the reported existence of 60 bonded labour**

families in Jogaiahpalli visited by us earlier in the day just a few kilometers from the district headquarters and the need to take up a survey on priority so as to identify and release all Bonded Labour and bonded Child Labour in the district within a time frame. I shall be visiting the District again within two months to review the progress in this regard. A sensitization workshop in regard to this work for the field level officers of Karimnagar District would also be organized in the new few weeks.

**After returning to Hyderabad from the village I made arrangements for Mamidi Padma and Mamidi Mallaiah to come to Hyderabad so that their statements could be recorded by me at my office. Copies of their statements recorded by me on the 19<sup>th</sup> May 2004 are attached to this Report (Annex-II and Annex-III).**

5. My visit to the village of Jogaiahpalli of Karimnagar District; my interaction with the people there and the victim family; with the district officers at the meeting organized by the Collector and the subsequent statements recorded from the victim's widow Smt. Mamidi Padma and the victim's father Sri. Mamidi Mallaiah highlight the following:

#### 5.1. Incidence of Bonded Labour:

**Shri Mamidi Ambadas, who died of starvation was a bonded labourer to begin with and so had been his father Shri. Mamidi Mallaiah. It was thus a case of inter-generational bondage.** If Mamidi Ambadas was not a bonded labourer at the time of his death in May 2004, it was only because he had become far too severely handicapped after his electrocution nine years earlier to be employed again. As for his father, he did not continue as a bonded labourer only because he had become too old to be able to work at all. In addition, the villagers told me that about 60 families lived as bonded labourers-doing JEETHAM - in the village in May 2004.

The State had not thought of examining the presence of these cases of JEETHAM in the village (as elsewhere) and releasing them in compliance with the provisions of the Bonded Labour System (Abolition) Act 1976 and the mandate of the Supreme Court of India in regard to its implementation regarding which any number of meetings had been held with

the State Government by me as the Special Rapporteur, National Human Rights Commission, Hyderabad at the highest possible levels.

## 5.2. Severe Disability of the Victim:

**The State has been indifferent to the fate of Ambadas as a severely handicapped person.** It had not thought of examining the possibility of compensating him for an incident that was prima facie caused by the negligence of the State's Electricity authorities. If the State had a policy towards the disabled with a view to assisting them, especially if they had to cope with other economic problems related to poverty, Ambadas's predicament would have received attention. This was not to be.

## 5.3. The Multiple burden of the victim's wife:

**Double burden of women is some thing of which every one talks but the State does nothing about.** Mamidi Padma, the wife of the victim of the starvation death lived a life that was worse than that of a single widow or a deserted woman. Because of his severe handicap, her husband could not do any further work and, therefore, the responsibility of taking care of her husband and the family fell on her shoulders. She had to earn and take care of her disabled husband Ambadas, her aged father-in-law Mallaiah and her two girl children Aruna and Swapna. She has been working for the past 15 years rolling beedies. The raw material she was supplied by the beedi company to roll 1000 beedies was adequate only for 700 beedies but she was penalized by the company for short supply by way of paying her less than the agreed wage. Eventually, her income in a whole month is about Rs.500/-. On an average, she would be without employment for at least two days in a week. Often, her family and she went hungry without food, which can be up to between two and three days every week. Her husband Shri Ambadas had been entertaining the hope that he could sue the Electricity Department for obtaining compensation for the disability caused to him by the negligent maintenance of the electric lines by the Andhra Pradesh Electricity Board. For this she had to borrow up to Rs.20, 000/- towards the lawyer's fees and expenses. His trips to Karimnagar cost the family bus charges. While he hoped against hope and made these journeys to Karimnagar, his body was weakening essentially because there was very little food available at home in the family for every one. **During**

**all this time, no legal assistance was forthcoming to the aid of the Ambadas family nor did any one in the Labour Department look at the kind of relationship that existed between the Beedi Company and Mamidi Padma in regard to her right to a fair wage.**

#### 5.4. Acute Hunger in the Household.

The food that the family ate was merely cooked broken rice with lime pickle and nothing more. Whenever Padma received her Rs.25/- as wages she would buy 2 kg of broken rice costing around Rs.10/- and lime fruits and some dry chilies with which to make some pickle. This was how the family subsisted. While her husband's health deteriorated because there was very little food available at home in the family for every one, her own condition was not significantly better. She would eat just a little with her children in the morning and starved the rest of the day. In the evening she would keep on drinking mere water whenever she felt hungry. She always found it impossible to sleep on those many occasions at night. She would fall asleep only after midnight. When she got up the next morning she would be extremely weak and dizzy and often felt as if she could not see what was around her. She would also experience acute pain in her limbs and headaches whenever she starved thus. But her husband suffered with out complaining. During the week prior to his death Ambadas stopped going to Karimnagar and stayed at home. Whenever he was offered food to the little extent it was available, he refused it urging his wife and two daughters to eat that food instead. He was very concerned about the rest of the family not eating and kept urging them to eat whatever food was available instead of him encroaching on that little that was available. **He had literally starved during a period of ten to fifteen days and eventually died.** He was just drinking water and not eating any food. Often, the two children also went hungry like this. On such occasions, they would berate their mother pointing out that children in other households had enough to eat, unlike them. All Padma could do was to explain to them her inability and Ambadas's inability to do any thing better for them. As for Ambadas's father Mallaiah, who is 70 years old, in the past one year he has been able to eat food only once a day and never more than that. **Shri Mallaiah was quite categorical that his son did not die of any illness and that he died of starvation and inability to come by any food. He stated**

**that over a period, for want of food, his son's eyes had sunk in to their sockets and his face had lost all lustre and had darkened.**

Mamidi Ambadas had studied up to the 7<sup>th</sup> standard and could read and write. He was a sensitive man. **During the period of his starvation prior to his death he had written in a notebook how he and his family had been starving for want of food. He was not ill on account of any other cause or reason. He died because of starvation. He starved because he preferred that his wife and children ate what little was available rather than him also partaking of what was available.**

**The State Government totally failed to monitor the levels of hunger in individual households of the poor and the destitute like Ambadas's. It is not clear what the plethora of organizations set up by the Government of Andhra Pradesh for anti-poverty work with external, bilateral and multilateral funding assistance running into millions of dollars were doing if they were not even monitoring hunger at the household level. After all, hunger is the first threshold of poverty.** If only the family of Ambadas, which by any definition would qualify for being defined "as the poorest of the poor", had been monitored by these agencies properly, his life would not have been lost. This point about monitoring of hunger needs to be emphasized in the context of the death by starvation of Smt. Daravathu Kamili of Lali Tanda of Mathampalli Mandal of Nalgonda District as well.

#### **5.5. Heavy Indebtedness of the family:**

In addition to the Rs.20, 000/- borrowed by Padma for her husband's legal expenses, there was a further loan of about Rs.4, 000/- also, borrowed for meeting the medical needs of her first daughter Aruna recently. Thus, the family had a loan of Rs.24, 000/- borrowed at a rate of interest of 24%. **In this situation, Padma even started urging her husband to beg for alms in Karimnagar.**

**Proper monitoring of the household in the poverty context holistically would have led to the provision of appropriate legal assistance as well as medical attention to the family. This did not happen.** This takes us to the case of Ambadas's mother Smt. Vijaya

who died of cancer about nine years ago when she was 50 years old. She had been rolling beedies ever since she was married to Mallaiah and even earlier. For her treatment Ambadas had borrowed Rs. 10, 000 and Mallaiah had borrowed Rs.10, 000 and she was given radiation treatment in the Cancer Hospital, Hyderabad including as an inpatient. It is the same beedi rolling that Padma is doing now. **Appropriate medical studies could show the nexus between cancer and beedi rolling in the contest of the poor people's right to health. It is worth recording that Mallaiah who was bonded to Yedla Muthireddy at one time had borrowed Rs.10, 000 for his wife's treatment, which he paid off only by working for him as a bonded labourer continuously for 2 years without any wages. Earlier Ambadas had borrowed an amount of Rs.6, 000 at a rate of interest of 24% to discharge which he had become a bonded labourer. Thus, all in all, the family over a period had debts amounting to about Rs.50, 000 at a rate of interest of 24% of which Rs.24, 000 was towards the medical expenses of the women and the balance for legal and food expenses.**

**The failure of the rural primary medical and health system which drives the poor into the arms of the private medical practitioners and the absence of consumption credit facilities in the rural credit system pushing the poor into the arms of the private money lenders, leading to loss of freedom and eventual bondage for the poor are illustrated vividly by the Ambadas tragedy.**

#### 5.6. Failure of the Public Distribution System (PDS).

The fair price shop is located in the main village Thimmapur, one kilometer away from Ambadas's dwelling. **Mallesham, the fair price shop dealer is never regular in bringing rice to the village.** Therefore, Padma was not able to draw her quota of rice in the PDS though the Government has provided her with a White Identity Card to draw subsidized rice at Rs.5.25 per kg. **The fair price shop dealer, when he did bring rice, never made it available for a period longer than 1 to 2 days in a whole month of 30 days. With her getting her wages intermittently, Padma could not buy her entire monthly entitlement of 20 Kg. in one go whenever the fair price shop dealer announced the availability of rice for a short period of two or three days.**

**There has been total failure in the functioning and monitoring of the Public Distribution System, which is an essential subordinate strategy for fighting poverty.**

#### 5.7. Absence of Shelter:

**The Mamidi family had no house of their own.** Padma paid a rent of Rs.120/- per month for her hired dwelling including Rs.20 for electricity charges.

It is not clear why the benefit of a house was not extended to this destitute family under any of the weaker sections housing schemes under implementation in the State. This is another instance of failure in monitoring.

#### 5.8. Irregular Payment of Old Age Pension (OAP):

Mamidi Mallaiah, the victim's father had been eligible for payment of an Old Age Pension (OAP) at the rate of Rs.75/- per month since the last ten years. The manner of implementation of this scheme is such that there is no guarantee that this pension would be made available to him every month regularly on a fixed day in the Mandal office. He, therefore, had to make several trips to the Mandal office to get this pension. **On an average, the pension was paid to him once in two or three months and never every month. In the very recent past he had to wait for 4 months before he was paid his pension.**

This is yet another instance of failure in implementation and monitoring of programmes meant for the poor and the destitute.

#### 5.9. The Mandal level authorities were aware that the death of Mamidi Ambadas was not because of natural causes.

The Mandal Revenue Officer had visited the victim family just before the cremation of the body of Ambadas. Photographs of Ambadas were taken before his cremation at the instance of the Mandal Revenue Officer. The Sub Inspector of Police also had come to the home of the deceased and noted down his name. This shows that the Mandal level officials knew and felt that the death of Mamidi Ambadas was not a natural death. Yet the Revenue

Divisional Officer's report (Annex IV) to the Collector sidetracked the actual cause of death, which is testimony of official negligence at the cutting edge level. It is most regrettable that, instead of pinpointing the true causes of the death of Shri Ambadas, the Revenue Divisional Officer, Karimnagar should have tried to besmirch the character of the dead man. **I should also record my astonishment that the Medical Officer concerned should have opined, as quoted by the Revenue Divisional Officer, that Ambadas's death "might not be due to starvation, keeping in view the health conditions of his family members". This opinion shared by the Revenue Divisional Officer is at once medically insupportable, ambiguous and misleading. It is to the credit of the District Collector that she ignored the report of the Revenue Divisional Officer and provided immediately the relief required and deserved by the family of the deceased.**

## **6. Conclusion**

**If we look at the points highlighted above, the obvious conclusion is that Shri Mamidi Ambadas died of starvation. His family also suffered extreme conditions of hunger over a prolonged period. The evidence gathered shows that the kind of food they were able to access over a long period lacked any kind of essential nutrients. While Mamidi Ambadas, because of his extreme disability, lost his capacity for work his wife Padma was working for wages that can only be described as starvation wages, well below the level necessary for subsistence. All other conditions that surrounded the lives of the members of the Ambadas family only compounded this state of acute hunger and starvation leading to his death. In my opinion his death could have been averted if there had been timely assistance to him and his family from the agencies of the State to alleviate the effects of the dysfunctional circumstances of poverty listed by me under paragraph 5 of this Report. That the State had an obligation to provide the required relief to the family and save the life of Mamidi Ambadas is beyond question. It is beyond question because such an obligation is cast upon the State under several Articles of the Constitution of India as interpreted by the Honourable Supreme Court of India. Thus the right to livelihood and health under Article 21 of the Constitution for Shri Mamidi Ambadas and his family stood violated by the negligence of the State's agencies concerned with the points enumerated in paragraph 5 of this Report. That this poorest among the poor families did not have a hut of its own despite several**

**weaker sections housing programmes under implementation in the State is a violation of the right to shelter under Article 19 (1)(e). That Mamidi Ambadas and his father, not to mention several other families in the village, lived as bonded labour is a violation of their right under Article 23 of the Constitution. Mamidi Padma's relationship with the beedi company raises the question whether her right to a fair wage as laid down by the Honourable Supreme Court has not been violated. Another question that arises is whether appropriate monitoring by the State's agencies could have resulted in free legal services being made available to Mamidi Ambadas in his legal struggle as embodied in Article 39-A and implicit in the guarantee of Article 21, as laid down by the Honourable Supreme Court.** What comes out loud and clear is that if there had been a proper monitoring of hunger levels at the household level, the life of Ambadas could still have been saved because we know that people can recover from severe degrees of starvation to a normal level of physical function if nutritionally assisted.

It also appears that the situation would not have come to this pass if the Gram Panchayat and the Gram Sabha had been entrusted with the task of monitoring hunger and other anti-poverty programmes and given a role appropriate to their status currently envisaged in the Constitution. That such a hunger monitoring system is a crying need of the hour is clear given the levels of hunger prevalent in many villages of Andhra Pradesh seen by me in the recent days including in the Lali Thanda of Mattampally Mandal of Nalgonda District in the context of the death by starvation of Daravathu Kamili vide my preliminary Report in that case to the National Human Rights Commission in February-March 2004 and my final Report dated the 28<sup>th</sup> June 2004.

**A consideration of all these violations shown above taken cumulatively together leads me to the view that there has been violation in this case of Section 12 (a) (ii) of the Protection of Human Rights Act 1993.**

## **7. Recommendations:**

The above conclusion would call for the following action on the part of the Government of Andhra Pradesh:

- 1. The Government of Andhra Pradesh should pay a compensation of Rs.2.0 lakhs to the family of the late Shri Mamidi Ambadas.** The family in this case should be defined to mean his wife Mamidi Padma, his two daughters Mamidi Aruna and Mamidi Swapna and his father Mamidi Mallaiah. The amount of compensation should be kept in an appropriate instrument that bears the highest interest in the Post Office nearest to the family home in the name of Smt Mamidi Padma with responsibility expressly cast upon her to take care of her father-in-law and children adequately.

All of us involved in the work relating to the human rights of the poor are well aware that poverty cannot be eradicated by providing compensation alone in such cases. That calls for massive efforts on a much wider front. But, nevertheless, when the individual poor die of starvation it is incumbent on the State to go to the rescue of the orphaned family in a meaningful manner, however belatedly. That would also remind the State about what its obligations to the poor are in each and every case. **The State should be obligated to meet the costs of its negligence towards every individual poor family.**

- 2. On a wider front and for the desired results in the long run, the State Government should undertake a thorough review and overhaul of its anti-poverty programmes with particular reference to the functioning of the delivery systems and monitoring mechanisms based on the fundamental mandate that the first and foremost beneficiaries of these programmes should be the poorest of the poor. Eradication of Hunger at the individual and household level should be recognized as the central goal of the effort. The State may also have to look at the way the delivery machinery is functioning at the sub District level.**

I request that this final and detailed Report may kindly be placed before the Honourable Chairperson and the Commission and further recommend that this Report may be communicated in full to the Chief Secretary to the Government of Andhra Pradesh for the State Government's comments and necessary action.

K. R. VENUGOPAL.

Encl:

1. My Preliminary Report by fax dated the 8<sup>th</sup> May 2004 to the Secretary General, National Human Rights Commission.
2. News Item in the HINDU dated the 8<sup>th</sup> May 2004 on my visit to the victim's village in Karimnagar District of Andhra Pradesh.
3. DO Letter No.D3/2287/2004 dated 8.5.2004 from Smt. Sumita Dawra IAS, Collector and District Magistrate, Karimnagar (Annex I).
4. My DO letter dated 13<sup>th</sup> May 2004 addressed to Smt. Sumita Dawra IAS, Collector and District Magistrate, Karimnagar.
5. My DO letter dated 13<sup>th</sup> /15<sup>th</sup> May 2004 addressed to Smt. Sumita Dawra IAS, Collector and District Magistrate, Karimnagar.
6. Statement of Smt. Mamidi Padma W/o Late Shri Mamidi Ambadas dated the 19<sup>th</sup> May 2004 (Annex II).
7. Statement of Sri. Mamidi Mallaiah S/o Late Shri Mamidi Eeraiah dated the 19<sup>th</sup> May 2004 (Annex III).
8. Note of the Revenue Divisional Officer, Karimnagar dated 6.5.2004 addressed to the Collector, Karimnagar (Annex IV).

The latest status of the case as ascertained from the NHRC:

**Pursuant to Commission's directions dated 31. 5. 2006, a letter was sent to Principal Secretary, Medical and Family Welfare Department, Andhra Pradesh calling for a copy of the report as to whether comprehensive integrated action plan to be implemented in the next five years have since been drawn for improving the quality of health care system of the tribal groups in those areas.**

**The requisite report is awaited.**