

**FACT FINDING REPORT OF HUNGER DEATH AT MADHU TEA ESTATE,  
KALCHINI BLOCK, ALIPURDUAR DISTRICT.**

**4<sup>TH</sup> - 5<sup>th</sup> FEBRUARY, 2024.**

Paschim Banga Cha Majoor Samity (In short, "PBCMS") is an independent trade union of Tea Garden workers. On 3<sup>rd</sup> February, 2024, PBCMS came to know about an unfortunate incident of Hunger Death at Madhu Tea Estate at Kalchini block in Alipurduar district, West Bengal. PBCMS was very perturbed with such news and immediately formed a team to visit the site of death. The team's objective was mainly to meet the family and local residents to get an understanding of what was the ground reality and hence reasons that had led to the hunger death.

**Team Composition:**

- 1) Birbal Oraon, From PBCMS.
- 2) Vinay Karketta, From PBCMS.
- 3) Pawanty Oraon, From Right to Food and Work Network (WB)
- 4) Purbayan Chakraborty, Advocate.
- 5) Deeptangshu Kar, Advocate.

**Details of the deceased (As per Ration Card):**

**Name:** Dhani Oraon.

**S/O:** Late Fagua Oraon.

**Card No.:** AAY 0205488469

Work Status : Permanent worker of Madhu Tea Garden

PF Number:-WB/889/2514

**Age:** 58

**Alipurduar district and Madhu Tea Estate at a glance:**

It is an extensive area in the eastern end of the Dooars in West Bengal. It is undulating country, largely forested, with numerous rivers flowing down from the outer ranges of the Himalayas in Bhutan. It is a predominantly rural area with 79.38% of the population living in the rural areas. The district has 1 municipal town and 20 census towns and that means that 20.62% of the population lives in the urban areas. The scheduled castes and scheduled tribes, taken together, form more than half the population in all the six community development blocks in the district. There is a high concentration of tribal people (scheduled tribes) in the three northern blocks of the district.

Madhu Tea Garden is a village in the Kalchini CD block in the Alipurduar subdivision of the Alipurduar district in West Bengal, India. It is about 8 km from Kalchini B.D.O. Office. The nearest railway station, Hasimara, is about 3 km. As per the 2013 West Bengal Survey of tea gardens, Madhu tea garden

had a a total population of 4610, with 743 worker families and 886 daily rated workers .

### **THE FINDINGS**

On 04.02.2024 at around 2 pm, the fact-finding team reached Madhu Tea Garden. The younger brother of the deceased had been contacted prior to the visit to make sure that it was alright for the team to visit and talk to the family members. Late Dhani Oraon's immediate family comprised of his wife Asarani Oraon (47 years old). Late Dhani Oraon and his wife had been living with Dhani's younger brother. The Team spoke to the Dhani's younger brother Chaitu Oraon and sister-in-law Sabina Oraon and other villagers. The team could not speak to Dhani's wife as she seemed mentally disturbed and was unwilling to speak to anyone.



#### **A. The Housing Accommodation:**

The team discovered the widow of the deceased inside a hut/tent made by informally erecting some bamboos and covering the same by tarpaulin. The couple never got any housing facility from the Garden Management, even though the deceased was a permanent employee of the Tea Garden.



## **B. The Health Condition of Asarani Oraon and Dhani Oraon:**

According to the conversations with neighbours, Dhani Oraon was an emaciated, underweight man, made almost entirely of skin and bones. His wife's health is also indicative of the extreme starvation of the family.

To the utter dismay of the team, the widow was also found out to be in an extremely malnourished and famished condition. The team measured her height and weight to ascertain her BMI. Details are as follows:

**Height:** 4 feet 10 inches

**Weight:** 26 KGs

**BMI:** 12 kg/m<sup>2</sup>



## **C. Health Condition of Dhani Oraon before his death:**

The team was informed that the deceased used to get seizures. The team was further informed that he became very weak and had no strength due to irregularity and uncertainty in food intake. Many a time he became unconscious and fell to the ground and the villagers brought him back home and stabilized him.

## **E. Food (In)security:**

Pertaining to the deceased, it was found out that the deceased or his wife could not avail the benefits of the Public Distribution System, as his Aadhar Cards were not linked to the Ration Cards and resultantly the system could not recognise their fingerprints. Thus, both of them were unable to withdraw ration goods for at least last 2-3 years.

The deceased and his wife were totally dependent on the mercy of the fellow villagers, and the deceased used to collect the food items by begging. The deceased and his wife used to consume food only once or twice daily and in no regular interval. Often, they were compelled to take stale foods or remain hungry, as the fellow villagers were also always not be able to help them due to their own dismal financial condition because of the irregularity in payment of wages and other benefits from Madhu Tea Estate.

The team found no foodgrains or other food items in the house of the deceased, except for a packet of atta which was given by Dhani Oraon's brother on the morning of his death. Asarani had cooked some rotis in the morning but Dhani Oraon died before he could consume these.

The local villagers further informed the Fact-finding team that the condition of the Public Distribution System in the said area was also equally dismal. The team came to know that ration goods like rice, wheat etc. remain available only 3-4 days in a month, and for that reason, there has been commotion and ruckus around obtainment of rations goods amongst the villagers.

#### **D. Work Situation:**

The deceased (PF No. WB/889/2514) was a permanent employee of Madhu Tea Estate, but due to his fragile physical condition, he could not attend to work. From the discussion, pertinent facts that came out are that Madhu Tea Estate was closed for almost seven years from before it was reopened in 2022, and all the employees of Madhu Tea Estate including the deceased were unemployed for that period spanning seven years. During that period, the deceased and his wife received some relief due to getting the FAWLOI , but as this was very minimal , they became victims of severe malnutrition due to irregular and substandard diet. Thus, even when the garden was reopened, on 27<sup>th</sup> December , the deceased could only attend the work for a few initial weeks, and after that he could not continue as his health did not permit him. He also became unconscious multiple times during the short span when he was working at the garden. However, no medical attention was given by the employer.

Madhu TG was closed from 24 September 2014 , and after 7 years re-opened on 27<sup>th</sup> December 2023. Since then, we came to know from the workers, the management has not been meeting their statutory obligations of providing workers with health facilities, housing , timely wages, depositing provident fund, paying gratuity etc. From the fellow villagers of the deceased, the team further came to know that the employees of Madhu Tea Estate received the salary of only one fortnight in the last two months. The said Tea Estate has a total strength of 951 workers, but at present only 300-400 workers are employed by the garden.

#### **F. Situation of The Garden Hospital:**

The team was told that the Tea Estate hospital was also almost dysfunctional, as the same has only two nurses and there has been no regular presence of any qualified medical practitioner. There has been acute dearth of medication at the said hospital. The hospital neither has basic essential medicines nor it has any ambulance facility.

### **G. The Fateful Day:**

On 02.02.2024 at about 3-4 a.m., Dhani suffered a seizure. His younger brother and Raj Karketta (A neighbour) came and attended him. He was given a hot oil massage and was made to sleep on his bed. His hand and feet jerking stopped eventually and he seemed normal in sometime. However, at around 2 p.m. on the same day, deceased stopped responding and he was found dead by the villagers.

As the garden hospital is almost non functional, the nearest medical care is from the Lothabari PHC, which is about 15-20 kms away and would cost about Rs.300-400 , to go by electric rickshaw. On asking why was he not taken to a hospital, the team was informed that due to their poor financial condition, they could not take him to a hospital.

### **H. Meeting with the Ration Dealer:**

The team met the ration dealer at the Ration store. It is managed by a self help group (SHG) called Kaljani Mahila Sangha. When the team visited the store, a representative of the SHG was present at the store. However, she informed the team that she does not have any idea about the death of Dhani Oraon. The team provided her with the ration card numbers of Asrani Oraon and Dhani Oraon and asked her to ascertain the status of the Ration Cards. She checked in the system with the provided card nos. The system displayed a message stating "This card does not have entitlements". She was unsure why such a message was being displayed by the system. She permitted us to take a snapshot of the same.

### **I. Meeting with the Food Inspector:**

Two representatives of the team went to meet the Food Inspector who has his office at the B.D.O office of Kalchini Block. The Food Inspector was not available and the team met Mr. Prashanth Pradhan, who introduced himself as the D.O at the office of the Food & Supplies Dept. We provided him with the Ration card Nos. of Asrani Oraon and Dhani Oraon and asked him to ascertain the status of the Ration Cards and last date on which ration was lifted by the card holders. He checked in the system and informed us that both the ration cards have been deactivated as they were not linked with

Aadhaar Card. He further informed us that the system is not showing any transaction history as they have not withdrawn ration since a very long time.

**J. Meeting with the B.D.O:**

Two representatives of the team went to meet the B.D.O of Kalchini C.D. Block. The B.D.O was not available. The team met the Joint B.D.O. Sri Alok Ranjan Basak. He was completely unaware about the incident. He called up the Upa-pradhan of the Gram Panchayat concerned. The Upa-pradhan was also not aware about the incident. He called up the Food Inspector to find out about the status of the ration cards. He was told that the cards have been deactivated and last time ration was lifted in the month September, 2023. The information, so far as it concerns the date of last lifting of ration, is contrary to the information we received both from the villagers as well as from Mr. Prashanth Pradhan.

The team appraised the Jt. B.D.O. of the health condition of the widow of the deceased and requested the Jt. B.D.O to immediately disburse G.R. for her. The team further requested the Jt. B.D.O take proactive measures to ensure that the widow gets access to all welfare schemes. The also requested him to speak to the B.M.O.H. and make necessary arrangements so that she gets immediate medical attention.

Jt. B.D.O. instructed the relief section to disburse 4 units of G.R. and the same was delivered to the widow in presence of the team at about 3.15 p.m. on 5.02.2023.

**K. Meeting with the Asst. PF Commissioner, Alipurduar:**

Two representatives of the team went to meet the Asst. PF Commissioner, Alipurduar to ascertain the status of the PF account of Late Dhani Oraon. The Asst. PF Commissioner, Alipurduar was not available. The team met the office staffs of the PF office. They informed the team that the such records are only available at the Regional PF Commissioner's office at Jalpaiguri. They provided us with a contact number. The team called up the Regional PF Commissioner's office. The office informed us that such information cannot be disclosed to a third party over telephone and without authorization. They asked us to get authorization from the dependent and visit the office physically to get any details about the deceased's PF account or retrieve the details of the account from the Tea Garden Office.

**L. Meeting with the Tea Garden Manager:**

Two representatives of the team went to meet the manager of the tea garden at the Garden office. The team was informed that the manger has resigned last week and new manager is yet to be appointed. The PF Clerk at the office

knew about the unfortunate death of Dhani Oraon and informed the team that Dhani Oraon's status in the PF account still indicates as "working" as he never formally resigned from the garden. However, he refused to provide us with any further information as there was no manager in the garden.

#### **M. Meeting with the Assistant Labour Commissioner:**

Two representatives of the team met the Assistant Labour Commissioner, Birpara. ALC was not aware about the incident. When the team apprised him on how the tea garden management is violating various provisions of labour laws, he informed the team that he cannot carry out any inspection in Tea Garden as it has been stopped in West Bengal. The team asked him if he has any circular/GO in this regard. He did not answer the question. He noted down the name of the deceased and informed the team that he would talk to the management and see what he can do.

### **ANALYSIS AND CONCLUSION**

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From the findings emerging during the course of the visit to the family it was clear that they were suffering from a situation of severe food insecurity. According to the World Health Organisation, "a BMI <16.0 is known to be associated with a markedly increased risk for ill-health, poor physical performance, lethargy and even death; therefore, this cut-off point is a valid extreme limit." The BMI of Asharani at 12 is much below even this extreme given by the WHO. As both she and her husband were in the same situation as far as food insecurity goes, we can easily conclude that even his death was caused by malnutrition and starvation.

There is also no denying of the fact that the family had been unable to pick up rations for the past few years despite being Antodaya Anna Yojana (AAY) cardholders. As a result, they were denied not only rations of 35 kgs as per AAY card but also the Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY) which is an additional free 5 kgs of foodgrains, announced by the PM, to ease the food scarcity faced by the NFSA (National Food Security Act 2013) ration card holders during lockdown.

The other oral complaints that the team received from the tea garden population and the anomalies in the evidence given by the ration dealer, the

DO in the Food Department and the Food Inspector point towards corruption, apathy towards the plight of the most down trodden, as well as the adverse impact of introduction of technology and Aadhar linkage on the weakest sections of society. A classic example of the 'Leviathan' working systematically against the marginalised and the peripheral citizens.

It is stated that during the period after reopening of Madhu Tea Estate, when the deceased could manage to work over there for a few weeks, he used to suffer from seizures. But never even once the Tea Estate management bothered to submit him to the Garden Hospital, nor he was provided with basic minimum medical attention. This are square derogation of the statutory mandate provided in sections 10, 27, 28 and 32 of Plantation Labour Act 1951.

Furthermore, the deceased and his widow, despite the former being a permanent employee of the Tea Estate, were not provided with accommodation. They, like many other employees of the said Tea Estate, used to reside in a makeshift hut/tent in inhuman conditions. This is in violation of section 15 and 16 of Plantation Labour Act 1951.

Apart from these, the team further unearthed the harsh reality that there have been other violations of Plantation Labour Act 1951 as well. The Inspector under the meaning of Plantation Labour Act 1951, who is the Assistant Labour Commissioner, has been in absolute dereliction of his statutorily mandated duties as for the last few years, there has been no inspection carried out to ascertain the realities of Madhu Tea Estate. Over and above, when the team confronted the Assistant Labour Commissioner, he showed extreme apathy and informed that he cannot undertake any inspection as the same attracts the wrath of the Tea Estate management and the State government. The Assistant Labour Commissioner was neither aware of the incident of hunger death at Madhu Tea Estate, nor he was visibly interested to take any constructive efforts to ensure the proper implementation of the statutory mandate of the effective labour legislations.



It is needless to mention that the wages of the employees of Madhu Tea Estate along with that of Dhani Oraon have been pending in flagrant contravention of inter alia Payment of Wages Act 1936, but when the same was informed to the Assistant Labour Commissioner, he was not at all perturbed with the dismal state of affairs. Thus, the team realised that the Assistant Labour Commissioner was not discharging his duties without fear or favour.

It is stated that the deceased was also deprived of the benefits of National Food Security Act 2013. Under section 3 of the 2013 Act, the deceased and his widow had the right to receive foodgrains at subsidised prices under Targeted Public Distribution System, and in the present case, the deceased fell under the AAY category, which entitled one to enjoy additional benefits. But to the utter dismay of the team, the team found out that the deceased could not obtain ration for the last few years, as his finger prints purportedly did not match with that in his Aadhar card. For the reason of being from the most marginalised strata of the society, he could not take necessary steps to rectify this issue, and thus for such a petty issue, he and his family were deprived of ration goods. It is stated that vide several authorities passed by Hon'ble High Courts and the Hon'ble Supreme Court, it is a trite law now that no citizen can be deprived of benefits of government welfare schemes merely because of mismatch of his/her biometric data with that in the existing record and/or non-linkage of Aadhaar. The constitutional courts of this country have time and again held that a ration card cannot be cancelled without giving prior notice to the beneficiary. However, it is also pointed out to the team that that due to some inexplicable reason, the ration cards of the deceased and his widow were rendered inoperative as per the state records, and the purported reason cited for the same is that the Aadhar card was not linked with ration card. They were never notified before such cancellation and/or deactivation was given effect.

Apart from the same, when the deceased family did not get the ration goods, they did not also receive the food security allowance, which is a statutorily mandated alternative as per section 8 of National Food Security Act 2013, to

be provided by the state machinery in case of non-supply of the entitled quantities of foodgrains or meals to entitled persons.

Section 24 of National Food Security Act 2013 provides that the State Government shall be responsible for implementation and monitoring of the schemes of various Ministries and Departments of the Central Government in accordance with guidelines issued by the Central Government for each scheme, and their own schemes, for ensuring food security to the targeted beneficiaries in their State. But as per the facts unearthed by the Fact-finding team, the deceased and his widow despite clearly falling under the category of beneficiaries, were turned a blind eye to by the state machinery.

Section 29 of National Food Security Act 2013 mandates for establishment of Vigilance Committees for supervision of the entire scheme of implementation of the Public Distribution System. The team states that there has been dereliction of duties on the part of the concerned Vigilance Committee as well, which contributed to the cause of hunger death which Dhani Oraon met in the most unfortunate manner. Apart from that, there has also been violation of sections 30 and 31 of National Food Security Act 2013 as well.

Despite being statutorily strengthened to obtain benefits of provident fund, gratuity etc., when the team confronted the Tea Estate management for the same on behalf of the widow of the deceased, they met with extreme non-cooperation and apathy, and was not even informed of the status of provident fund at the PF account of the deceased. It is germane to state that before meeting with the Tea Estate management pertaining to this issue, the same issue was raised with the EPF authority, and as per the instructions of the said authority only the team met with the Tea Estate management for the purpose of retrieval of PF account details. But after undertaking this entire exercise, the team realised that the entire arrangement was structured in such a manner only to deprive the widow of the deceased of the statutorily guaranteed benefits of PF.

From the findings, the team came to the conclusion that there have been several glaring and blatant contraventions of various labour laws including

Plantation Labour Act 1951, Payment of Wages Act 1936, National Food Security Act 2013 etc that ultimately led to the unfortunate death of Dhani Oraon.