

Community-Based Monitoring to Ensure Right to Food in Bihar

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The 2014 Global Hunger Index (GHI), released by the International Food Policy Research Institute (IFPRI)¹, has shown improvement in the levels of hunger among children in India over the past decade. The underweight estimates² for children below the age of five registered a decline from 43.5 per cent³ in 2005-06 to 30.7 per cent in 2013-14⁴. Though still ranked at 120 (in underweight children) out of 128 countries, India has moved up eight spots from the last GHI released in 2005.

India, however, remains home to the largest number of chronically malnourished and stunted children under five, according to the IFPRI report⁵. As per the Index, the severity of hunger continues to be 'serious'; in 2005, it was classified as 'alarming'.

The report acknowledges the contribution of the right to food schemes—expansion of the Integrated Child Development Services (ICDS), public distribution centres and rural job programmes (along with the National Rural Health Mission (NRHM))⁶. Right to food, in India, was made a legal entitlement with the passing of the National Food Security Act (NFSA) in September 2013⁷.

The legal backing is likely to rid some of the systemic flaws these schemes have been historically riddled with. Hunger deaths in 2010 in Gopalkhera panchayat in Bihar showed how welfare schemes were not reaching the beneficiaries. Media reported that the panchayat had witnessed 45 deaths — 25 of which were due to hunger. After the incident, the Supreme Court (SC) Commissioners on the Right to Food Case sought a joint commission of enquiry.⁸

The commission reported poor functioning of the Public Distribution System (PDS), ICDS and Mid Day Meal Scheme (MDMS), a non-existent information dissemination system,

non-functional *gram sabhas* and a monitoring and grievance redressal system that did not work⁹.

Gopalkhera is one of the 12 panchayats in Bihar where Oxfam has been working with Koshish Charitable Trust, a Patna based non-profit organisation, since 2011. Bihar, one of the focus states of Oxfam, fares poorly with its child malnutrition rate higher than any country in the world¹⁰; Bihar, Madhya Pradesh, Jharkhand and Chhattisgarh are the worst performers¹¹ in terms of underweight children above the age of three years¹².

Despite the legal backing, there is a demand for better supplementary nutrition, a wider food basket for the PDS and implementation of the maternity entitlement scheme. Oxfam believes that empowering the community to demand, access and monitor the scheme is most critical.

To take forward its overarching objective of food justice and importance of linking community based initiatives to macro level policy work, Oxfam has partnered with Koshish to work in two districts — Patna and Gaya. Oxfam and Koshish are working to establish community-based monitoring (CBM) systems to ensure delivery, transparency and accountability of the different food schemes. A key measure of success is that the Bihar government has adopted this model in its NFSA rules.

Koshish supported by Oxfam have set up a CBM system in 12 panchayats in four blocks in the two districts. The CBM system includes *Nyay Dal* (justice committee) and vigilance committee that support the judiciary wing of the Panchayati Raj system. These are not parallel Panchayati Raj Institution (PRI) bodies, but support the institution in demanding, accessing, monitoring of schemes and the quick disposal of cases emerging from the non-implementation of the Act.

RIGHT TO FOOD SCHEMES TO NFSA 2013*

1940s	1975	1995	1995	1997	2000	2001	2013
PDS	ICDS	MDM	NMBS & NOAPS	TPDS	AAY	PUCL VS UNION OF INDIA	NFSA
Launched as a universal entitlement scheme	Launched to improve nutritional status of children between 0-6 years	Launched as National Programme of Nutritional Support to Primary Education (NP-NSPE)	Launched for benefit of pregnant women and senior citizens (above 60 years) from BPL households	Public Distribution System targeted to only BPL households	Launched as a scheme for 'poorest of the poor'	Supreme Court contends 'right to food' is a fundamental right	Act provides legal right to food to poor

* Please refer to end note 13

BIHAR'S 'NYAY DAL'



Members of *Nyay Dal* interacting with a few ward members in Baglati village

Residents of Gaya district's Baglati village in Gopalkhera panchayat, which is largely populated by the marginalised *Musahar*¹⁴ community, *gheraoed*¹⁵ the *anganwadi*¹⁶ centre in 2013. The *anganwadi* centre was distributing inadequate Take Home Ration (THR) to the children. The *Sevika* (*anganwadi* worker) of the village alleged that the Child Development Project Officer (CDPO)¹⁷ was not willing to supply the stocks unless bribed¹⁸. The villagers decided to take up the issue with the vigilance committee and *Nyay Dal*; the CDPO was subsequently transferred.

The 12 panchayats where Oxfam has partnered with Koshish have a mix of *dalits*, *mahadalits* and Other Backward Classes (OBCs). The Bihar Panchayati Raj System provides for a judicial redress through *Nyay Panchayats* (also called *Gram Kacheris*). The model, comprising of two rungs — vigilance committee and *Nyay Dal*— supports *Gram Kacheris* and is based on a bottom-up approach through mobilising of the wards.

In this model, the villages are divided into wards and villagers become ward committee members by default. The ward committee meets once a month to discuss problems ranging from irregularity of food schemes to family feuds. These problems are then taken up by the vigilance committee. The vigilance committee conducts surprise checks and probes into the matter.

Koshish has ensured that the vigilance committee is inclusive and tries to strike a gender and caste balance. The vigilance committee comprises an average of 11 members (minimum five and maximum 16) and each ward is represented through ward *panch* (village council members) and ward committee members.

The findings of the vigilance committee are taken to the *Nyay Dal*, the second rung of the Bihar model. The *Nyay Dal* comprises nine members — one *sarpanch*¹⁹, four *panch* (from different wards brought on a rotation basis), one social worker and three beneficiaries. "The beneficiaries eligible for any of the food schemes are included in the *Nyay Dal*. This ensures proper representation so that a just decision can be taken," Ritwij Kumar of Koshish said.

The vigilance committee serves as investigator and rapporteur for the *Gram Kacheri*. It fills the void created by a non-existent *Nyay Mitr*, a trained lawyer mandated by the Bihar Panchayati Raj Act to assist the *Gram Kacheri*. Based on the findings of the vigilance committee, the *Nyay Dal* approaches the officials concerned and takes the issue to the *Gram Kacheri* headed by a *sarpanch*. The *Gram Kacheri* sends notices to the errant parties, hearings are conducted and the cases cleared. Personal cases like family disputes get resolved within one hearing while others related to public services take longer.

For instance, at Madar Middle School in Gopalkhera panchayat, the quantity of mid day meal being served was considered inadequate and taken up at the ward meeting. The vigilance committee and *Nyay Dal* considered the matter and the *sarpanch* then issued a warning to the school cook. "The members of the vigilance committee conducted regular surprise checks during school lunch hours to monitor its functioning," said Badri Paswan, a community leader.

A hearing at the *Gram Kacheri* involves both the service provider and the beneficiary. While some cases get sorted in-house, there are others that need involvement of government officials. Officials like the Block Development

Officer (BDO), CDPO, Marketing Officer, Block Education Officer (BEO) and Revenue Officers are expected to be present. "If officers attend in person, cases are solved within a few weeks. At times, when they cannot attend, we call them up for advice. They are quite cooperative," said Ravinder Kumar, *Sarpanch* of Bajarka Panchayat.

Rupesh, the secretary of Koshish Charitable Trust, is the state adviser to Supreme Court's Commissioner's on the Right to Food Case and this helps in expediting some of the difficult cases. "The transfer of the CDPO in Mohanpur block (Baglati village) was one such incident. But we step in only when the community hits a roadblock and are unable to solve the problem through the vigilance committee, *Nyay Dal* and the *Gram Kacheri*," says Ritwij.

The *Gram Kacheri* meets every week while the ward *samiti*, vigilance committee and *Nyay Dal* each meet once a month. To ensure filing of complaints, Koshish is experimenting with colour-coded pictorial coupons; this is important for those who cannot read or write but can relate to pictures. The coupons have pictorial representation of schemes, which is easy to understand. The ward members select a symbol representing the problem at hand and deposit it in the box kept at the panchayat office. The complaints are opened during the ward meeting and taken up by the vigilance committee and *Nyay Dal*.

Women are well represented, and they do take up leadership roles in a few places, in the vigilance committee and the *Nyay Dal* by virtue of the 50 per cent reservation for women in panchayat bodies in the state. The lacuna, however, is that in most places, women members are mere nominal members and the male members steer decisions. But that seems to be changing. A lot of women turn up for meetings, children in tow, and ask tough questions at meetings.



Manorma Devi (in the centre) along with other women attend a ward meeting at the Bhetgaon panchayat in Patna district

Regular meetings have helped the community. "There is a lot of confusion about the different schemes. Many of us do not have our BPL cards. There are a lot of gaps in the implementation of the schemes. Some problems get sorted and some are in the process of getting solved. We at least now have a platform where we can share our grievances," says Manorma Devi of the Bhetgaon panchayat in Patna's Badh block.

The CBM model in Bihar helps redress grievances. Though the model doesn't have the power to resolve the grievances but it helps the beneficiaries redress their complaints through the officials. The NFSA provides for a grievance redressal system but the lowest rung of redressal remains with the district instead of the panchayat. Oxfam's model has brought the focus to the panchayat level and engages with the community.

We are not creating a parallel system rather a community-based support system. The state government has accepted this model and this shows the adaptability and



Bhanu Devi (blue) and Surji Devi (red) are the two women members of the Bajarka Panchayat in Gaya district

accessibility of the approach,” says Rupesh, adviser to the Supreme Court’s Commissioner on the Right to Food Case.

The fact that Teswar panchayat, which is not in the Oxfam project area, formed vigilance committee and *Nyay Dal* goes to show its adaptability. The *sarpanch* Usha Kumari set up a vigilance committee and *Nyay Dal* in her panchayat. She set up the nine-member *Nyay Dal* with six women and three men. Usha belonged to Bajarka panchayat and was familiar with the functioning of the vigilance committee and *Nyay Dal*.

Apart from filing and solving complaints, the panchayats are also being trained to place requests with district officials. The *sarpanch* of Bajarka panchayat, Ravinder has written for a mini *anganwadi* centre (that caters to less than 40 children) for one of his wards. “There are two at present—one about 3 kms away and the other across the Grand Trunk Road, a busy national highway. Both the centres are inaccessible to small children and pregnant mothers. It is important that we have one close by,” he says.

The panchayats are willing to go independent but require the support of the NGOs for a couple of years. “We have been trained to inform, file complaints and talk to the officers but we still need guidance, at least for a few more years,” says Jayprakash Chand, member, *Nyay Dal*, Bhetgaon panchayat. The Bhetgaon panchayat is in Badh block in Patna district. The ward members are keen to use the Right to Information (RTI) Act; RTI Act training is next on Oxfam’s agenda.

Koshish supported by Oxfam have formed 122 ward committees, 34 vigilance committees and 33 *Nyay Dals* in the project area. The Bihar model supported by Oxfam and Koshish has shown increased community participation, women’s involvement, awareness of rights and improved transparency and accountability in the food schemes, and, in some cases, better quality of grievance redressal.

Notes

- 1 Bera Sayantan, India Improves Its Hunger Record, Mint— Tuesday, October 14, 2014
- 2 The latest figures are provisional
- 3 National Family Health Survey (NFHS) -3 (2005-06) DATA
- 4 The survey by the ministry of women and child development with support from UNICEF in 2013-14 is yet to be made public. The government too hasn’t accepted these numbers yet.
- 5 Bera Sayantan, India Improves Its Hunger Record, Mint— Tuesday, October 14, 2014
- 6 Page 12 - Global, Regional and National Trends ; Chapter 2; Global Hunger Index 2014 - The Challenges of Hidden Hunger; IFPRI, Welthungerhilfe, Concern Worldwide
- 7 <http://www.prsindia.org/administrator/uploads/general/1388728622--TPDS%20Thematic%20Note.pdf>
- 8 http://www.scccommissioners.org/Starvation/JCE_findings_Bihar.pdf (as viewed on May 26, 2015)
- 9 http://www.scccommissioners.org/Starvation/JCE_findings_Bihar.pdf
- 10 http://www.ideasforindia.in/article.aspx?article_id=144
- 11 According to the National Family Health Survey (NFHS-3)
- 12 http://mospi.nic.in/Mospi_New/upload/mdg_2014_28jan14.pdf
- 13 PDS- Public Distribution System; ICDS- Integrated Child Development Services; MDM- Mid Day Meal; NMBS- National Maternity Benefit Scheme; NOAPS- National Old Age Pension Scheme; TPDS- Targetted Public Distribution System; AAY- Antyodaya Anna Yojana; PUCL- People’s Union for Civil Liberties
- 14 *Musahars*, who were earlier classified as dalits (scheduled castes), were declared mahadalits (castes within the Scheduled Castes list that lag behind in terms of development) by the Bihar Mahadalit Vikas Mission in 2008
- 15 *Gherao*, meaning “encirclement,” is a word originally from Hindi. It denotes a tactic used by labour activists and union leaders in India. Usually, a group of people would surround a politician or a government building until their demands are met, or answers given.
- 16 *Anganwadi* centre is a government sponsored child-care and mother-care center as part of the oldest centrally sponsored scheme in India. It caters to children in the 0-6 age group. The word means “courtyard shelter” in Hindi. They were started by the Indian government in 1975 as part of the Integrated Child Development Services program to combat child hunger and malnutrition.
- 17 wcd.nic.in/icdsformat/ICDSMONITORINGMANUAL.doc
- 18 Apart from supervising the working of the *Anganwadis*, the CDPO has to ensure provision of all logistical support for *Anganwadis* and coordination with other Departments responsible for providing support services.
- 19 The *sarpanch* is the focal point of contact between government officers and village community.

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