

## **Examining issues relating to the BPL Census 2002 A Report**

### **1. Background**

1.1 The process of BPL Census 2002 began in the year 2002 and the Census was undertaken in the year 2003 in the state of Rajasthan. However the process remained inconclusive due to court cases in the matter. Finally, the roadblocks were cleared in the latter half of the year 2005 and the process to finalize the BPL lists started again.

1.2 The state of Rajasthan announced the details of the process to be followed along with action plan for the purpose. The plan is attached at Annexure One. As per the plan of action, a household had opportunities to contest the findings of the Census during *ward sabhas* and *gram sabhas* wherein the list had to be finalized in a special meeting called for the purpose. The lists so modified were to be displayed on the notice boards of the panchayats. Later within one month of finalization of lists by gram sabhas, the unsatisfied and aggrieved individual households could appeal to designed appellate officers on two counts: for review of ranking (based on the total scores in the B part of the Household Schedule) and for inclusion in the list if the household stood left out for some reason during the original Census.

1.3 In the face of overall material and social conditions of the poor households who continue to remain ignorant, illiterate, meek and weak to raise their voice, it was not expected that there would be many hue and cries with regard to the BPL Census. Individual appeals were filed here and there in the state of Rajasthan, perhaps with the help of some concerned individuals or civil society organisations with exception of a couple of mass organisations in the districts of Chittorgarh and Bikaner Rajasthan. In Chittorgarh the organisations after a prolonged tussle with the local administration in the whole recent process of finalization of lists helped rural poor especially belonging to historically deprived SC/ST households file appeals *en masse*. Following the sustained mass awareness campaigns, over seven thousand appeals were filed within the stipulated time limit. As most of the appeals were rejected, the concerned peoples' organisations raised the issue at the highest level. A petition to the Secretary to State Government was submitted. The media also took notice of the issue at state and national level. At this time, the state Advisor to the Supreme Court Commissioners on food security took cognizance of the matter and wrote to the Principal Secretary, Rural Development and Panchayati Raj about his plan to hold an on-the-spot inquiry in the matter in the two districts. The State Advisor also visited Alwar, a relatively developed area, where no mass appeals have been filed.

1.4 The field visits were undertaken by a six-member team consisting of Prof. Pradeep Bhargava, Mr. Ashok Khandelwal, Ms Manju Balana, Ms Julie Mathur, Mr Karni Singh and Mr. Manas Ranjan between May 4-20, 2006. Some members could not join all field visits due to other pressing engagements. During the visits the team met a large number of individuals working in various capacities and rural people in many villages and organised Focus Group Discussions. (The itinerary of the team is enclosed at Annexure

2). Among the District officials we met Collectors, CEOs, SDMs and Tehsildars. A list of these officials is enclosed (Annexure 3). Besides, we meet civil society organisations who helped the appealers (Annexure 4).

1.5 All the individuals and organisations including the district officials were extremely cordial and extended wholehearted cooperation and provided all the information asked for. We would like to thank each and everyone who helped us during the course of our visits to the three districts.

1.6 In all, we met many hundred persons in order to understand (a) the initial process of BPL Census, wherein Census was done in 2003; (b) the process of finalization of lists by gram sabhas and the outcomes and issues raised in the process; (c) the process of filing the appeals and their disposal; and (d) reasons for discontentment with the BPL Census 2002 among the poor in particular. We would like to put our unstinting expression of appreciation in particular for rural workers organisations Khetihar Khan Mazddor Sangathan and Kisaan Mazdoor Sangathan of Chittorgarh district but for whose timely initiative; mass education and mobilization socially important issues relating to the BPL Census could not have seen the light of the day. In Bikaner, the Urmul Jyoti Sansthan raised the issue of BPL Census. The State must recognize the efforts of such socially committed organisations and do something to support and promote such efforts undertaken under all odds.

## 2. The Census Operations

2.1 The guidelines clearly state that the enumerator should not be a person whose work area is the same where she is conducting the Census. This guideline has been completely violated. We checked the records in Kolayat and Nokha Tehsils of Bikaner, where teachers who did the Census for a Panchayat worked in a school of the same Panchayat. Not a single exception is found in these Tehsils. If this be the case for entire state, the bias in enumeration assumes a very high proportion. An excerpt from the list of enumerators is given in Table 1.

**Table 1: Enumerators appointed in Bikaner district**

Area allocated		
Gram Panchayat	Village	Name and address of the Enumerator
Udasar	Udasar	Shri Alsi Ram, Government Upper Primary School, Udasar
Rorha	Rorha	Shri Mahesh Singh, Government Upper Primary Girls School, Rorha
Dava	Dava	Shri Rajendra Singh Bithu, Government Upper Primary School, Dava
Haddan	Khakhusar	Shri Jetha Ram Paliwal, Government Primary School, Haddan

Source: Official records, District Bikaner

2.2 In our existing social system, the teacher in a village school is only relatively autonomous and is more generally a part of the dominating social matrix of the village. The local teacher in these circumstances reels under pressure and is not able to

judiciously perform her task. This also happened in many cases in Chittorgarh district as claimed by the civil society organisations. In a few cases the teacher was also found to belong to the same village. In one such case, he had given a very low score to her brother's household.

2.3 In the Panchayats we visited, we could not find any household that recalled a BPL Census enumerator visiting the household. Since the recall period is almost three years, we therefore, do not raise this as an issue. The general response, however, was that the enumerator sat with a few persons in the village for enumeration purposes. Again since this is not objectively verifiable, we leave this here.

2.4 The exception to the above have been Shahbad Panchayat and Mahond Panchayat of Tijara and Kishangarh blocks of Alwar district where enumerators belonged to a neighbouring panchayat but they reportedly took help from local teachers.

### **3 Role of Gram Sabhas**

3.1 The gram sabhas were expected to rank all households in the panchayats according to scores approved by it. The gram sabhas were also expected to include households left out inadvertently by the enumerator, give it an appropriate score and also rank it.

3.2 The examination of the Gram Sabhas for which we have records suggest that

- (a) None of the Gram Sabhas prepared the stipulated ranked based list of the households in a given Panchayat based on BPL Census Survey and objections and complaints of the members of the Gram Sabhas.
- (b) In one-Gram Sabha where a ranked BPL list was prepared, it is only ward-based whereas the guidelines stipulate to prepare the list by taking Panchayat as a unit.
- (c) The rankings given are not as per the guidelines; at places the household with a relatively large score has been ranked lower and vice versa.
- (d) As per guidelines, Gram Sabha was supposed to include the names of the households that could not be included in the original survey and give them appropriate scores and rank them. This did not happen in any of the Gram Sabhas. The only thing that has been done is that the names of such households have been recorded.
- (e) Nothing is mentioned in the records that suggest that the final ranked list have been pasted at the Notice Board of the Panchayats as per the guidelines.

3.3 The guidelines provide that the process of filing of appeals would begin with the pasting of the final lists and would last for thirty days. Keeping in view the findings of the records of the Gram Sabhas that suggest that in most of the cases the final list were not even pasted, how the poor people could file appeals. This then is a dereliction of duty. The following section further shows how the administration using its iron hand disposed off the appeals filed by the sensitive social workers against all odds.

3.4 In Nokha Tesil of Bikaner, the gram sabhas had a very high attendance rate and as the word went around that a score of 12 or less would ensure enlistment as BPL, a number of

gram sabhas simply reduced the scores of most households to that level. This has happened, for example in panchayat Kudsu where scores of 225 households have been changed. So those households scoring around 40 in their initial survey have their score reduced to 10. At the same time those scoring 14 initially have now a score of 11 or less (Source: Records of gram sabha meeting dated January 24, 2006). Similar cases have been reported in gram panchayat Rorha.

3.5 Dava and Udasar panchayats also witnessed the most unruly and undemocratic procedures in the gram sabhas. In both these panchayats the scores of households receiving 20 or more were reduced to 12 or even lower. Scores of those receiving less than 20 were also reduced by one or two points to appease them. It was evident that the gram sabha was taking sides with the rich to the disadvantage of the poor. Excerpts from the proceedings are reproduced in the following sections. It is pertinent to note that the designated officer attending the gram sabha did not report this to higher authorities. In village Dava/ Udasar, even the SDM was present. An opportunity to correct this was the appellat authority where many filed appeals against the injustice of the gram sabha. This opportunity has also been missed as seen in the next section.

3.6 During our inquiry, we received several affidavits from Dava and Udasar saying that:

- (i) The enumerator did not visit the household;
- (ii) There was no information about who was the enumerator;
- (iii) The enumerator filled the score sheet without physical verification and conjectured the score; and
- (iv) The gram sabha did not give an opportunity to speak for his score

3.7 During our inquiry, we received affidavits from 3 villages, namely, Balundi, Amarpura, Hattipura, Jangaji ka Khera, and Karedia saying that the the score sheets prepared by the enumerators were not pasted at the gram panchayat before the gram sabha

3.8 A petition from the Khetihar Khan Mazdoor Sangh says that score sheets were not pasted either before or after the gram sabna meetings anywhere in the Bhadesr panchayat samiti.

#### **4. Appeals and their disposal**

4.1 The process of filing appeals started when the field activists realized that (a) the poor people are getting large scores compared to rich in many areas; (b) the poor did not understand the ramifications of the scores read out in the ward and gram sabhas and therefore, were not able to and/or did not voice the issue; (c) the administration when contacted was not very cooperative in parting with information; and (d) the procedure was not properly followed like ward sabhas etc were functioning in a biased manner.

4.2 In all 6833 appeals were filed in the first instance in Chittorgarh district. They related either for revision of scores or addition of names in the BPL lists. Most of the appeals

were filed with the active help and participation of the rural workers collectives as referred to above. The local administration did not seem very happy with filing of mass appeals. Many officials during discussions with us shared that appeals were motivated and the CSOs (Prayas was singled out by many) instigated people, at times through false promises and allurements to file appeals.

4.3 In our meeting with the District Collector, Chittorgarh, the very first thing he told the team was that a settlement has been arrived at with the peoples organisations who were sitting on a *dharna* outside Collectors office for reconsideration of appeals rejected *en masse*. The civil society organisations had launched an agitation against the lackadaisical attitude of the administration towards the whole issue with effect from May 1 by organising a round the clock dharna outside the office of the Collector. This perhaps was the first sign of acceptance of the administrative lapses in disposing the appeals. The District Collector also accepted the fact that the officials involved in the process of disposal of appeals were not familiar with the procedure of disposals and accordingly different appellate officers while disposing of appeals did not adopt a uniform system. This further substantiated the issue of administrative lapses that forced the district administration not only to review all the appeals but also involve the peoples' organizations in such review. We shall further elaborate on the processes of disposal of appeals from the responses of various SDOs and tehsildars whom we met during our field visit.

4.4 Though the appeal applications were filed individually on a given format, but none of the application clearly mentioned as to what is the purpose of the application. Accordingly the administration interpreted application submitted by any other adult family member as appeal for addition of name. Such confusion seem to have further confounded due to the fact that many of the poor illiterate households still do not comprehend the implications of the survey and 'responses' wholly. During our field visit we find that many were confused with regard to the 'response'.

The story of disposal of appeals is rather sad. There was no proper understanding of the procedure of disposal of appeals is obvious from the wide-ranging difference in the processes adopted at different tehsils within Chittor district as is related below.

For the purpose of understanding the process adopted to dispose off the appeals and also to find out the other relevant details in connection with the disposal of appeals, a set questions was prepared and given to SDM/ Tehsildar. They were requested to furnish the said information along with relevant documents. The report is based primarily on the verbal discussions with the officials and records provided by the SDMs/ Tehsildars.

#### *4.5 Processes Followed*

*4.5.1 Bhadesar Tehsil:* Tehsil staff during a detailed discussion on the issue informed us that: (a) all the appeals were filed with the help of an NGO, (b) In all 1727 plus appeals from 22 out of 24 panchayats in the tehsil were filed, (c) The Appeals were processed during a period of 7 days, from 17-24 April, 2006, (d) No individual notices were issued

and instead a general notification was published in the local newspapers for hearing of the appeals. It is pertinent to note here that during discussions with various officers including the Collector, it was accepted that in case of appealers, who were mostly illiterate and uneducated, publishing notices in newspapers was not the best of the options in the present context. And it was for this reason perhaps that there were a large number of absentees at the time of hearing. Out of 1727 appeals made, only around 500 appealers turned up during the 7-day period of disposal of appeals. During the camps organized for disposal of the appeals, the concerned panchayat officials were asked to attend the camps.

4.5.2 The appeals of all the absentees were rejected without any further processing. In case of the remaining 500 appealers who presented themselves, Part A of the schedule was scrutinized and since no anomaly was found in part A in most of the cases they too were rejected. In case of an insignificant number of remaining cases wherein some anomaly was found, the patwari and Village Secretary were asked to inquire in detail at site. However, in finality, there were a few cases wherein revision of scores or inclusion of household took place. In all 1634 appeals were rejected.

The formal reply of the Bhadesar Tehsil is translated as follows:

Total number of appeals: 1727  
Appeals rejected: 1634  
Appeals accepted: 93 (scores reduced: 93)

Written notice was given to representative of Prayas to inform the appealers to attend the hearing and prove their appeals. It was also advertised in the newspapers. Prayas representatives were also present at the time of hearing. At the same time BDO of panchayat samiti was asked to inform the appealers through gram panchayat to prove their appeal. Since the appealers did not produce support documents (Performa A and B), appeals were rejected. In all the 93 accepted cases, scores slashed are ranging between 1 to 11.

4.5.3 In Chittorgarh Tehsil, there were 1850 appeals of which 1825 were rejected. Reportedly, patwaris went to the appealers. The date of hearing was announced in the newspapers and the panchayats were also informed. The appealers were heard at the tehsil headquarters.

4.5.4 In Nimbahera Tehsil, out of 989 appeals, a small number of 32 appeals were accepted while rest got rejected. A camp was organised on April 29, where the patwaris and gram sewaks were asked to be present. The appealers were asked to sign behind the appeals. Out of these, 14 applications were considered for revision of scores and rest for addition of new households. The rest 957 appeals were rejected primarily on two counts: (i) the scores are right and (ii) the name of the appellant seeking addition already exists in fathers' BPL Census Survey Schedule. The following process was followed for disposal of appeals. First, each household who filed appeal was heard at Panchayat Headquarter by concerned revenue staff/officials. Second, two level inquiry was done, one for each possibility. Third, the surveyor went with the original schedule to check the earlier information. Fourth, in case of discrepancy in scores a new schedule was filled. Fifth, appropriate order was passed by SDM in each individual case of revision/inclusion on the basis of evidences presented during the scrutiny and hearing on 7<sup>th</sup> and 10<sup>th</sup> of April. The

appealers as well as NGO Prayas were sent notices for hearing at Panchayat as also SDM Court level.

#### 4.5.5 The formal reply of Kapasan tehsil is as follows:

Total number of appeals: 599  
Appeals rejected: 531  
Appeals accepted: 68 (scores reduced: 56, New survey: 12)

All the appeals were submitted by the representative of Prayas. No appellant appeared personally. Written notice was given to representative of Prayas to inform the appellants and they were informed to produce required evidence, if any, to prove their appeal. But neither any appellant appeared personally nor produced any document in support of his appeal. At the same time BDO of panchayat samiti was asked to inform the appellants through gram panchayat to prove their appeals. Patwaris and gram sevaks of concerned gram panchayat were asked to check the scores of Performa 'B' and to submit the report accordingly.

Some appeals were rejected on the basis of no change in scores of Performa 'B' and some appeals were accepted where scores were slashed/hiked.

#### 4.5.6 The formal reply of Bupalsagar tehsil is as follows:

Total number of appeals: 413  
Appeals rejected: 336  
Appeals accepted: 77 (scores reduced: 54, Scores hiked: 11, New survey: 12)

All the appeals were submitted by the representative of Prayas. No appellant appeared personally. Written notice was given to representative of Prayas to inform the appellants and they were informed to produce required evidence, if any, to prove their appeal. But neither any appellant appeared personally nor produced any document in support of his appeal. At the same time BDO of panchayat samiti was asked to inform the appellants through gram panchayat to prove their appeals. Patwaris and gram sevaks of concerned gram panchayat were asked to check the scores of Performa 'B' and to submit the report accordingly.

Some appeals were rejected on the basis of no change in scores of Performa 'B' and some appeals were accepted where scores were slashed/hiked.

Re-examination did not happen.  
No suggestion

4.5.5 In Pratapgarh there were 629 appeals. While the appeals were being accepted, they were simultaneously given the notice for hearing. All appellants were called to the tehsil headquarters on one single day. 350 of them reported on that day but very many appellants could not be heard and went back home in disgust. The SDO reported that hearings were done on two more days. 10 appeals were accepted.

During our inquiry we received affidavits from the villagers saying that the behaviour of the appellant authority in Pratapgarh was not becoming of an officer and they were abused when they pleaded their case. The authority being offended by the appeals threatened to increase the scores of the appellants.

Total number of appeals: 629  
 Appeals rejected: 570  
 Appeals accepted: 59 (scores reduced: 49, Scores hiked: 1, Re-survey: 9)

All the appellers were sent notices for hearing. The hearing dates were pasted in gram panchayat offices of Saripipli, Baravarda, Meriakheri and Madhuratalab. The sarpanch and gram sevaks were asked to inform the appellers through gram panchayat meetings and it was advertised in local newspapers as well. The representatives of Prayas and Samagra Jagriti Evam Vikas Sansthan were also present at the time of hearing. At the time of hearing, question-wise scores were read aloud. The appeals were disposed off on the basis of evidences produced and verification by the patwari and gram sevaks.

Re-examination not required

Suggestion: The survey conducted in year 2002 on the basis of questionnaire is fair.

Block Development officer should be the incharge for hearing of the first appeal

Enumerators should be given intensive training before the survey

The CEO, should be the incharge for disposal of the second appeal

Appeals should be filed properly for proper verification

On site verification of the appeals should be done under supervision of the Tehsildar or Development officer.

4.5.6 Two kinds of appeals were made to the SDM, Nokha. The first set of appeals was made from village Dava for the gram sabha having arbitrarily reduced the scores of the rich households. The SDM took cognizance of the appeal and after examination increased the scores of the rich households by 1-3 points. See Table 2. During our inquiry, we formed a group of villagers and asked them to give scores to households against whom appeals were made. We could not verify all the scores given by the group of villagers but their scoring was higher than the initial score received by these households, and obviously below the gram sabha and SDO scores. In addition, we received copy of a petition addressed to the Collector, from 7 villagers who had made a survey of the assets owned by these households, which have been included in the last column of the Table 2.

**Table 2: Dava, Nokha, Bikaner**

family_id	name of the head	father's name	Initial total score	gram sabha score	SDM score	Group Scores*	Assets owned
7049958	मोहन राम	चूना राम	17	9	11	34	30 bigha land, pucca house, sweet shop
7049968	केसुराम	सिरग राम	22	9	11	33	30 bigha land, pucca house, camel cart, motorcycle
7049970	बुधाराम	सिरदारा राम	19	8	11	33	25 bigha land, pucca house, son driver
7049972	पेमाराम	गोमद राम	18	9	11	29	30 bigha land, pucca house,
7049976	रेवन्तराम	खेमाराम	18	7	10	27	25 bigha land, pucca house, livestock, mason
7049978	हडमान राम	खेमाराम	30	9	13	33	28 bigha land, pucca

							house, atta chakki
7049985	प्रेम नाथ	मान नाथ	16	10	10	32	30 bigha land, pucca house, camel cart
7049987	भागी नाथ	मान नाथ	23	10	12	35	40 bigha land, pucca house, son contractor in Mumbai
7049988	जमना	मान नाथ	14	9	9	33	30 bigha land, pucca house. Lives with well off sons
7051838	खेताराम	ईश्वरराम जाट	27	9	13	29	40 bigha land, pucca house, cmael cart
7051840	बंशीराम	मोहनराम	27	9	10	30	30 bigha land, pucca house, tractor
7051842	रामचन्द्र	मोहनराम	21	9	10	30	30 bigha land, pucca house, tractor, camel cart
7051847	नारायणराम	प्रताराम	26	9	10	28	30 bigha land, semi pucca house
7051858	भंवरराम	गोपाराम	22	10	11	38	30 bigha land, pucca house, tractor, camel cart
7051912	नरायण राम	शेराराम जाट	27	9	11	30	30 bigha land, pucca house, camel cart, son truck driver
7051936	मानाराम	अर्जनराम जाट	28	9	15	29	40 bigha land, pucca house, camel cart
7052003	बिशनाराम	कानाराम	20	10	10	28	25 bigha land, pucca house, contractor, livestock
7052004	रामू राम	फरसा राम	25	8	12	31	30 bigha land, pucca house, road contractor
7052026	गणेशा राम	फरसा राम	19	10	10	35	30 bigha land, pucca house, camel cart, labour contractor
7052027	कानाराम	फरसा राम	18	9	10	29	25 bigha land, pucca house, camel cart
7052028	फरसा राम	पन्ना राम	29	7	8	37	30 bigha land, pucca house, 100 units of livestock, camel cart
7052034	शेराराम	दुर्गा राम	20	9	9	24	20 bighas land, pucca house, labour contractor
7052035	गिरधारी राम	खेन्त राम	23	9	13	31	25bigha land, well, pucca house, Contractor
7052037	भामु राम	खेन्त राम	25	9	12	32	20 bigha land, well, pucca house, tractor, contractor
7052058	बुधाराम	चेनाराम	16	8	10	23	30 bigha land, pucca house, 100 numbers of livestock
7052353	जालू सिंह	सोहन सिंह	15	9	13	30	40 bigha land, pucca house, camel cart, 200 units of livestock
7052380	पूर्णाराम	मंदरूपाराम	22	10	11	37	40 bigha land, pucca house, camel cart, mason
7052384	मोहनराम	मंदरूपाराम	23	8	11	45	30 bigha land, pucca house, jeep
7052396	खड़ाताराम	सरदाराराम	16	9	11	31	30 bigha land, pucca

							house, livestock, sons own sweet shop
7175805	मोडा राम	उमाराम	19	8	11	27	30 bigha land, pucca house, camel cart
7175811	शंकर राम	घुडा राम	19	10	10	26	20 bigha land, pucca house, contractor
7175812	गणेशा राम	घुडा राम	22	10	12	39	20 bigha land, pucca house, irrigation well, contractor
7175813	मनी राम	घुडा राम	26	8	13	34	15 bigha land, well, pucca house, grocery shop
7175854	सोजाराम	लिखना राम	15	10	13	32	50 bigha land, pucca house, camel cart, sweet shop owner
7175879	आसु राम	हरजी राम	23	9	11	39	100 bigha land, pucca house, Brick Kiln, Chaff cutter, 200 numbers livestock

Note: \*Group Scores given by group of villagers in our presence

The second set of appeals in Jhadeli and Dava was made by the affected households who appealed for reducing their scores. The SDO appointed the patwari and gram sevaks for verification of the grievances. The scores of appellers claiming to be poor were almost doubled. This is evident from the Tables 3 and 4 below and is a clear case of intimidating appellers who wanted their scores to be reduced.

Table 3: Village Jhadeli

family_id	name of the head	Initial total score	gram sabha score	SDM score
7181257	Bhajnaram	13	12	20
7181198	Maalchand	13	10	34
7038510	Punamchand	13	11	14
7176151	Gopal	14	11	12
7181215	Bhanwarlal	14	12	25
7181264	Kishnaram	14	12	22
7181272	Motiram	17	17	27
7181199	Baluram	17	17	36
7038457	Ramkishan	18	12	21
7038408	Nanuram	20	9	24
7181158	Khetaram	21	21	23

While we obtained the above from official records, a petition addressed to the Collector by a group of villagers said that scores of 125 households who appealed for reduction have been increased by 3-15 points. An excerpt from the petition is presented in Table 4.

Table: 4 Village Dava

name of the head	Father;s name	gram sabha score	SDM score
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Bhanwarlal	Hemaram naik	10	25
Cheemaram	Sardaram jat	16	26
Hanumanram	Amraram	12	22
Sohan	Surja	13	16
Jagdish	Imartaram	14	28

4.6 On the basis of the above description of the processes we may conclude that: (a) The processes followed were not uniform. (b) By putting notice in the newspapers that the appellars do not normally consult, many were left out from hearing. (c) Civil society organisations were mainly instrumental in filing the appeals. (d) The scrutiny, hearing and disposal were done by the same set of officials, namely, revenue officials/ gram panchayat secretaries. (e) No training what so ever was given either to scrutinize the schedules or do the survey again to the concerned staff; no training module was prepared nor the earlier training module (which must have been used for the BPL Census 2002) referred to; survey required skill and patience but both the aspects were by and large lacking among the surveyors who processed the appeals. (f) The appeals were disposed off with typical administrative attitude and urgency. It seems the attitude of the officials was guided by a sense of ‘challenge to authority’, ‘questioning the authority’, ‘*mala fide* intension of trouble creators’ and so on. Thus, most of the appeals have been rejected without proper hearing because those disposing off hearing were not familiar with the questionnaire.

4.7 The administration was taken aback with such large number of appeals. It was contested and as it appears now, it was taken in general as an act of ‘challenge to administrative authority’. And most appeals were rejected in most perfunctory manner without even a semblance of an inquiry/scrutiny. In some cases some sort of scrutiny did take place. But even in these places the procedure was, in essence, unfair and biased, primarily due to the fact that legal procedure was probably followed but without the required training on the part of the field staff. The entire process of disposal of appeals thus was just eyewash and was completed because it was to be completed within ten days of filing of appeals, as per guidelines. As a matter of fact, it was humanly not possible to process such large numbers of appeals in such a short period with a staff that lacked proper orientation and training for the purpose. The end result was that appellate authority found ways and means to dispose off the appeals doing hardly any justice to the appeals.

## **5. Re-examination of appeals**

5.1 After the dharna of the people’s organisation, the Collector decided to re-examine the appeals. The processes adopted once again varied across the tehsils.

5.2 Again, no proper training has been organised nor a training module prepared in any of the Tehsils. The importance of such training has already been explained earlier.

5.3 The Nimbahera Tehsil SDO refused a re-examination.

5.4 In Pratapgarh tehsil, the resurvey had begun with the help of patwaris and gram sewaks. On the day of our field visit, we found the appealers waiting for the officials in the Madhura Talaab panchayat. All appealers were asked to come to the panchayat headquarters. The BPL Census requires the officials to go to each individual household and collect information. Given the nature of the BPL questionnaire which requires on the spot verification, it is not possible to assess the status of the household without visiting the same.

5.5 In Bhadesar, during our field visit, at the outset, we found to our shock and horror how the Tehsildar was conducting a sham of a survey for second time disposal of large number of appeals following Collectors order to reexamine the already disposed of appeals. He is the same Tehsildar who had earlier summarily rejected a large number of Appeals and also, against whom, people have provided written testimonials for misleading the poor Bheel households by providing false information on questions relating to revision of scores. The most striking aspects of the said reexamination exercise are two fold, one, out of thirteen questions in the Census Survey Schedule, only four questions were selected in the most arbitrary way for reexamination. A fresh schedule was not canvassed rather the untrained staff went to field gathered information on the four question, namely, question numbers 2,3,5, and 11. These are the questions especially question numbers 2,3, and 5 wherein the possibility of error was minimal. As a matter of fact, response to question number five can be safely predicted to the extent of cent percent accuracy by any individual remotely connected with the village reality in respect of appealers. The question relates to use of toilet facility.

The conduct of Tehsildar Bhadesar has been most arbitrary and in violation of all norms of fair, upright and transparent administrative practices. He has shown utter lack of basic purposes of the BPL Census and in the process handled all the appeals with an iron hand of an insensitive and oppressive administration reminding of the British legacy. He misinterpreted the facts, never bothered to listen to poor and their representatives and devising his own set of rules conducted reexamination of appeals on the basis of four questions out of 13 questions in Part B of the Schedule.

5.6 In Kapasan, we were told that the people's organisation is being involved in the process of reexamination and the patwaris and the village secretaries are going door to door for re-canvassing the schedules. The attitude and approach of the SDM, Kapasan was quite refreshing and impressive. On arrival to his office, we were pleasantly surprised to find not only his entire staff but also the representatives of social organisations as also a representative of press. They all were present through out the meeting. The issues were discussed in an open and conducive environment and we found him quite sensitive and open to ideas.

## **6. Re-examining the survey schedule and the output**

6.1 Every one in administration familiar with the survey schedule agreed that there are a number of questions that go against the poor families. Words like ‘typical’, ‘confusing’ etc were used to describe the survey schedule. Such expressions were liberally used in justifying the high scores (similar to that of high caste well-endowed households) by the poor families.

6.2 The district officials, without any exception agreed that there may be some bias in the selection of BPL families in that the rich may have got low overall scores and some poor may have got relatively high scores. Just to cite an example, during the course of discussions the Collector Mr A. Gupt in which CEO was also present, both of the officials candidly admitted that: “you may come across instances wherein a Tractor owner may have got relatively less score and another relatively poor may have got high score”. In a Census covering entire district such errors may creep in due to a variety of factors like personal biases of surveyor, confusions in the schedule questions, etc was a common lamentation. The forewarning did come true during our field visit as related below. However simultaneously it was also reported that the Census by and large was well done. The facts do not sustain this contention though as we shall soon see.

6.3 We have absolutely no words to explain at least one of our field experiences in Chittor. This relates to village Keljhar. We visited two hamlets of this village in opposite sides of the main roads from Bassi to Vijaypur. On one side lives poor and extremely backward Kanjars and on the other side are located relatively much better off Gujjars, the powerful landed, well-fed community. A mere walk through the lanes of the two areas is suffice to give one more than enough idea about the socio-economic conditions of the two groups of the village communities. We literally gyped and looked into wilderness to find that the BPL Census Surveys had given almost similar scores to the two groups around 16-17 on an average. When we filled in the form, the overall scores of Kanjars were around 8-9 and that of Gujjars 22-23. The most unbelievable and eye-opening part relates to the fact that a few of Gujjars themselves told us that they are rich enough and do not know how they got such low scores.

6.4 The scoring in Chandkhera panchayat of Nmbahera Tehsil, Chittorgarh is another eye opener. Some households owning tractors and tubewell have obtained scores 11 and less. The Prayas organisation gave us a list of 13 households and we verified the status of 3 households during our visit to Chandkhera. The civil society organisations reportedly submitted petitions to the Collector but were not given any reply. Similarly, in gram panchayat Rorha of Nokha Tehsil (Bikaner), the relatively well off households have scored equal to or even less than the relatively poor households. See Table 5. Looking at the facts dispassionately, the allegations leveled by the social activists from the field that many surveyors perhaps did not bother to go door to door and rather filled in the schedules sitting in the office or at some cozy and comfortable place on information fed by ‘others’ appears to be of substance.

**Table 5: Chandkhera, Nimbahera, Chittorgarh**

S.No	Name	Father's Name	Score	Assets owned
1	Nureshchand	Bardiram Purbia	4	Pucca house, fan, agricultural land

2	Ramchandra	Jaichand Kumawat	6	12 bigha land, pucca house, grocery shop, tubewell
3	Patasibai	Chatarbhuja Purbia	7	Pucca house, tractor, 10 bigha land, tubewell, electric machinery
4	Prakash	Ranglal Kumawat	9	Pucca house, tractor, 20 bigha land, motorcycle, tubewell, pucca well
5	Parash	Chunnal Kumawat	9	5 bigha land, tubewell, pucca house, motorcycle
6	Navibai	Gamerlal Kumawat	9	15 bigha land, pucca house, well
7	Ganpatlal	Champalal Kumawat	9	Motorcycle, tubewell, 10 bigha land, pucca house
8	Mansibai	Bhagilal Purbia	9	(Both members of the same household) Basement,
9	Prithviraj	Ramratan Purbia	9	pucca house, tractor, motorcycle, Jersey cow, 40 bigha land, tubewell
10	Adamchand	Jaichand Kumawat	10	Pucca house, grocery shop, tubewell
11	Heeralal	Toliram Mali	10	Pucca house, tractor
12	Ranglal	Adhulal Purbia	10	Pucca house, well
13	Ukarlal	Bhagaji Kumawat	11	Tractor, pucca house

Source: Prayas, Chittorgarh

**Table 6: Gram Panchayat Rorha, Nokha, Bikaner**

S.No	Name	Father's Name	score	Gram score	Assets owned
1	Kedarmall	Bhagirath Sharma	23	12	Pucca house, rich, land owner
2	Sanwarmall	Gokulram Brahman	34	12	Building, land, shop
3	Ishwarram	Dhudaram Sharma	20	13	Ward panch, pucca house, motor parts shop
4	Gokulram	Ramkaran Bishnoi	27	13	Ward panch, pucca big house
5	Harbhajram	Mularam Meghwal	15	11	Sarpanch's son, graduate
6	Arjunram	Mularam Meghwal	15	12	Sarpanch's son
7	Kasuram	Surjanram Bishnoi	15	11	Brother of the surveyor, pucca house, 50 bigha land
8	Babusingh	Bagisingh Rajput		13	Very poor, homeless
9	Kaluram	Danaram Sansi	18	13	Kutcha house
10	Chunnaram	Sugnaram Sansi	20	14	Kutcha house
11	Malaram	Shambhuram Meghwal	21	15	Kutcha house
12	Birbalram	Aasuram Meghwal		21	Kutcha house
13	Mularam	Pemaram meghwal	21	21	Kutcha house
14	Pemaram	Amraram Sansi		23	Kutcha house, very poor

## 5. The BPL Survey

1. Due to lapses on the part of the administration in finalizing the lists of BPL CENSUS, The Guidelines issued by the state Government at Para 1.3: "Special attention should be paid during the B.P.L. Census Survey, 2002 that none of the eligible household is left out and ineligible is not selected (page 1). We are afraid the Chittorgurh administration failed to strictly follow this part of the guideline. Based on our filed experiences including discussions with all the stakeholders, scrutiny and examination of available records, first hand experience of existential situation of the poor people in the remote and other rural areas and filling in of BPL Census 2002 schedules, we are of the definite opinion that the BPL Census Survey 2002 in the district of Chittorgurh does not capture the reality of the poor population. By and large the scores relating to Bheels in particular are inflated. It so happened for several reasons. Two primary reasons in our considered opinion are: (a) The complex nature of Schedule and (b) Lack of proper training of the surveyors.

A close look at Schedule suggests that unless a person is properly trained, errors would invariably creep in to the disadvantage of the poor. Indeed, the guidelines issued by the Government of Rajasthan at Para 2.9 states, ‘The success of the Census Survey would depend on the skill of the surveyor’ (BPL Census 2002- Guidelines, page 3). Especially, Question Numbers Four and 8 to 13 are quite tricky and special skill and attention needed while recording responses. Below we briefly relate the observed discrepancies in the recorded responses in the context of some of the above seven questions. These observations are based on the basis of our own survey and comparison with results of the survey done by the district officials:

- (a) Question Number Four: This question relates to round the year Food Security. The five responses range from ‘less than one time’ to ‘adequate food’. The typical response we encountered was “We eat bread twice and pulse or vegetable once”. Where do place such typical response on the five-point scale? They have nothing else to add to their diet in normal times. Can we consider these families eating ‘adequate food’ even ‘once a day’? My answer would be emphatic “NO”. The poor Bheels stand as losers in the BPL Census 2002 on this count vis-à-vis richer landed and well-fed families as both have scored almost the same, by and large, three on this question. Table 7 shows that 88 per cent households with average monthly income below Rs 250 have substantial food. **In our estimates the total score of an average laboring household has increased by 2-3 points on account of this question alone. The most marginalized communities like Kanjars and Bheels have perhaps suffered most.**

**Table 7: per cent households reporting round the year food security in Chittorgarh**

Average monthly income	Food Security				
	Less than one square meal per day for major part of the year	Normally, one square meal per day, but less than one square meal occasionally	One square meal per day throughout the year	Two square meals per day, with occasional shortage	Enough food throughout the year
Less than Rs 250	0.6	1.0	1.8	8.6	88.1
Rs 250-499	0.1	0.4	1.8	17.0	80.8
Rs 500-1000	0.0	0.2	0.2	12.5	87.1
Rs 1001-1499	0.0	0.1		4.4	95.5
Rs 1500-2500	0.1	0.2	0.1	2.9	96.7
Above Rs 2500			0.1	1.1	98.9

- (b) Question Number Eight: The question relates to ‘Labour Status’ of a household. Barring stray exceptions, most of the poor labouring households work on irregular wage employment opportunities at a wage that is much less than the legal minimum wage. During our survey we did not find a single exception to this all-pervasive social reality. The reported daily wage ranged between Rs 30-50 per day as against minimum wage rate of Rs 73/- per day. How much score do we assign to a household who survives on such wages? The Supreme Court ruling on

legal minimum wage does not leave any point of ambiguity. Such a person's fundamental right guaranteed under the Article 23 stands violated and is presumed to be working as a forced labour. Accordingly such household should be given 'zero' score on account of this particular question. In the official survey, this primary aspect has been completely overlooked and the surveyors, in a most perfunctory way, have assigned rankings in a mechanical way putting most of the poor labouring households, especially the poorest of the poor Bheels in the area, to debilitating disadvantage. Table 8 shows the comparative rankings is self-explanatory.

**Table 8: Labour status of the households in Chittorgarh (per cent)**

Average monthly income	Bonded labour	Status of the household labour force			
		Female and child labour	Only adult females and no child labour	Only adult male labourer	Others
Less than Rs 250	0.2	3.7	23.1	60.6	12.4
Rs 250-499	0.2	2.2	9.8	80.0	7.8
Rs 500-1000		1.2	5.1	86.4	7.4
Rs 1001-1499		0.7	2.8	86.1	10.5
Rs 1500-2500	0.1	0.1	1.6	78.9	19.3
Above Rs 2500	0.1	0.1	0.7	58.1	40.9

- (c) Question Number Nine: At times, this relatively simpler and straight forward question on 'source of livelihood' has also been found to be mis-interpreted and responses wrongly recorded hiking the total scores of poor labouring families. We came across mistakes involved in casual labour has been given highest score of four when the typical response of 'koi bhi kam kar lete hain (we do any available work)' was recorded as 'other', hiking the score of the respondent by maximum on account of this question.
- (d) Question Number Ten: This question on 'Status of Children' (5-14 years, any child) is so designed that if a small poor household decides to send the only 7 year child to school than the household stands to lose by getting maximum score on this question. This is obviously on the assumption that a poor household who needs help under BPL scheme is either unaware of the importance of education or will not send the child to school to prove his point that he is really poor. Indeed, simply put, this question is perhaps most ill designed and has lived its life and needs to be deleted forthwith or should be redesigned.
- (e) Question Number Eleven: This question is about the indebtedness of the household. None of the possible five responses in relation to the question matched with a good number of responses we recorded. The responses included in the Schedule presume that there is no poor household without some sort of indebtedness and the only households without indebtedness are the ones that are well endowed. We were therefore in a dilemma as to where de we place such households especially given their extremely poor resource base? A comparison between our scores and the scores of the initial BPL Census Survey for the given

households suggest that the recording of the responses by the surveyors were quite mechanical. Mostly the poor people have been put to disadvantage because of this reason.

**Recommendations:**

1. Our recommendations are applicable to all districts in the state.
2. Wherever the enumerators did not visit the households, those areas need to be surveyed again.
3. Wherever the enumerators had the same work area as the panchayat they surveyed, the enumeration should be carried out again.
4. The enumerators for the re-survey, if required, should be trained with proper sensitivity.
5. Wherever score sheets were not pasted on the gram panchayat office before the gram sabha, the score sheets may be pasted and gram sabhas held. The appeal processes will have to be reinitiated.
6. Wherever score sheets were not pasted after the gram sabha was held, the score sheets be pasted, and appeal process be reinitiated.
7. Wherever reputed civil society organisations wish to be associated with the enumeration, gram sabha and appeal process, they should be allowed and provided full information and support.
8. Wherever the appeals have been deliberately and summarily rejected, the process may be reinitiated.
9. The government should lay down detailed guidelines for the appeal process and train the field staff for re-enumeration of the households.
10. We reserve our comments on the score sheet, the total scores obtained and how the cut off score needs to be distributed across the state and how the government could proceed on actual identification of the BPL households. We await the detailed scores of all districts both before and after the gram sabha and the disposal of the appeals.

**Annexure 2**

**The itinerary of the team**

May 4, 2006: Ganpatkhera, Bhadesar, Chittorgarh

May 5, 2006: Devdungari, Keljhar, Chittorgarh

May 5, 2006: Chandkhera, Ranikhera, Nimbaherha, Chittorgarh

May 6, 2006: Dhavdiya Falan, Madhuratalab, Chittorgarh

May 17, 2006: Dava, Nokha, Bikaner

May 17, 2006: Udasar, Nokha, Bikaner

May 17, 2006: Rorha, Nokha, Bikaner

May 18, 2006: Kotra, Kolayat, Bikaner

May 18, 2006: Kotra Basti Chauhana, Kolayat, Bikaner

May 18, 2006: Khakhusar, Kolayat, Bikaner

May 20, 2006: Shahbad, Tijara, Alwar

May 20, 2006: Chamroda, Mahond, Alwar

### **Annexure 3**

#### **List of officials/ departments visited**

Collector, Chittorgarh

CEO, Chittorgarh

Bhadesar, Panchayat Samiti, Chittorgarh

Kapasan Panchayat Samiti, Chittorgarh

Nimbahera Panchayat Samiti, Chittorgarh

Pratapgarh Panchayat Samiti, Chittorgarh

Zila Parishad, Bikaner

Nokha Panchayat Samiti, Bikaner

Kolayat Panchayat Samiti, Bikaner

APO, Zila Parishad, Alwar

Shahbad Panchayat office, Alwar

### **Anexxure 4**

#### **List of activists/ social workers/ CSOs visited**

Prayas, Chittorgarh

Khetihar Khan Mazdoor Sangathan, Bhadesar, Chittorgarh

Urmul Jyoti Sansthan, Bikaner