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**Record of Discussion in the Workshop on Human Right Awareness &
Facilitating Assessment of Enforcement
of Human Rights at District Chamba (Himachal Pradesh)
From 3rd & 4th July 2008**

A workshop on Human Right Awareness & Facilitating Assessment of Enforcement of Human Rights organized at Chamba District of Himachal Pradesh by The National Human Rights Commission on 3rd & 4th July 2008.

The inaugural session in lucid and clear terms brought out the objective of the program as to achieve better implementations of various welfare programs and to facilitate the state, district and local bodies' functionaries in carrying out their functions in a rights based perspective. The whole exercise will also provide the Commission an opportunity to receive realistic and first hand information of the situation on ground which will help the Commission in forming its future strategies for better protection and promotion of human rights.

The workshop was attended by various State and district level officers including Member SHRC, Secretary (Home) Govt. of HP, Secretary SHRC, representatives of the Panchayati Raj Institutions and NGOs.

The proceedings of the workshop are discussed in brief in succeeding paragraphs.

Session 1: Sensitization Program on Human Rights. The session was presided by the Chairperson, NHRC with panelist being Secretary General, NHRC, DG (I), JS(T), Member, Himachal Pradesh Human Rights Commission and Divisional Commissioner, Kangra.

The panelists sensitized the house about various issues related to human rights and also the core issues like Right to life, Right to Food, Custodial Justice, Right to Health including Hygiene and Sanitation, Right to Education, Right to Culture and protection of Community Assets and Rights of SC, ST and other vulnerable sections of the society which formed the central theme of the workshop.

During the discussion following issues were raised:

- It was suggested that education and awareness are the key pillars for a healthy democracy. The Commission should consider incorporating Human Rights Education in the school syllabus, minimum up to class X.

Secretary General while responding to the suggestion informed that CBSE has already incorporated human rights education in their syllabus whereas discussions are taking place with various State Governments and State Education Boards to incorporate the same in their respective syllabi for schools.

- An issue of checking of persons by police while going to their own houses in some parts of the district adjoining the State of Jammu & Kashmir was highlighted.
- A large number of micro hydro projects were being set up by private companies which are not only causing threat to environment but also depriving people access to water sources. Again due compensation is not being paid to affected persons on whose lands the water channel are made or those who are even getting displaced.

The Chairperson suggested that one option is to file a petition before the Supreme Court. Alternatively, considering the legal formalities and expenditure involved in court proceedings, the affected people may make a complaint to NHRC and if it is noted that the problem has serious implication the Commission may itself consider filing such a petition.

- Issue related to closure of Nari Niketan at Chamba was raised. The clarification given by the State level representative that as there is no eligible women to be admitted, the decision of closure was taken. This explanation was not found quite satisfactory and State Govt. authorities were requested to review this decision.

- The problems being faced by persons with disabilities and senior citizens in obtaining various documents/certificates from different authorities for getting benefits under available schemes was raised. It was suggested that there should be a system of multipurpose card which may be used for availing benefits under various schemes. The Govt. could look into this.
- The prevalence of caste based discrimination was also brought to the notice by one of the Panchayat representatives giving an example of refusal of eating food by upper caste students in some schools under mid day meal programme where the food was prepared by a lower caste person.

This was viewed seriously and DC was advised to look into the matter. The Chairperson also requested that a written complaint be made to the Commission which will be taken up by the Commission.

Session – 2: Right to Life and its expanded interpretation and evaluation of measures to ensure the same including responsibility of Government of Panchayat. The session was presided by the Chairperson, NHRC with panelist being Secretary General, NHRC, DG(I), JS(P&A), Member, Himachal Pradesh Human Rights Commission, Divisional Commissioner, Kangra and Chairman Chamba Zilla Parishad.

The Chairperson, while explaining the concept of Right to Life stated that all the rights that can possibly be thought of for leading a life with dignity are envisaged under Right to Life as guaranteed under Article 21 of Constitution.

During the discussion following issues was brought to the notice of the house:

- It was recommended by some participants that violators of Human Rights should be penalized and the Commission should be given power to execute and implement its decisions.

The Chairperson very clearly explained the concept of separation of power amongst various organs of the State in the Legislature, The Executive and the Courts. The decree for execution are within the purview of the Courts. Their orders have to be obeyed. The commission believes in a cooperative approach. It seeks compliance of its recommendations rather than using coercion attached with execution of orders. This is more effective approach as complying authority complements the order with its tacit consent.

- Issue of water pollution and adulteration in food commodities was also raised.

The Chairperson suggested to file a written complaint on some specific instances along with the facts to the Commission.

Session – 3: Right to Food and evaluation of measures taken to ensure the same. The session was presided by the Chairperson, NHRC with panelist being Secretary General, NHRC, DG(I), JS (P&A), Member Himachal Pradesh Human Rights Commission, Divisional Commissioner, Kangra and District Program Officer, Chamba.

The PDS and the Food Security system was discussed at length clearly trying to convey the requirement of convergence of activities and schemes of various departments so that the objective of welfare state can be achieved.

During the discussion following issues was brought to the notice of the house:

- The correlation between right to food and livelihood was brought in light citing the problem of inability of the masses to get benefits of PDS in view of lack of purchasing power. In this context, it was also pointed out that people have not received wages under the National Rural Employment Guarantee Act for the work done during the year 2007-08.

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Secretary General while emphasizing on the need of change in attitude and mind set of the government officials highlighted that an officer should not wait for the situation where a probable complaint may arise, but should try to perform his duties in such a manner that there is no scope left for the problem to arise. The field level officers should keep watch of situation in their area and adopt proactive approach to preempt arising of problems.

Secretary General also pointed out that similar complaint of non-payment of scholarships to ST students was raised in the school visited a day before. The reason given was that scholarship is given once in a year and funds are received in the end of March. He mentioned that scholarships should be given to students in the beginning of the session, as they need money at that time. The Govt. should look into this seriously.

Session – 4: Custodial Justice and evaluation of measures to ensure the same. The panelist for the session were Secretary General, NHRC, DG(I), JS (P&A), JS (T), Member, Himachal Pradesh Human Rights Commission, DIG, and SP.

The session aimed at sensitizing the police personnel and other concerned officers regarding adopting a more human approach in their working in order to bridge the existing gap between the officers and the society at large.

During the discussion following issues was brought to the notice of the house:

- Issue of co-operation between the officers and the public was discussed where the lack of trust and co-operation on the part of people and the fear of approaching the authorities was brought into light.
- The role played by the law enforcing authorities and related issues were also addressed at length.
- The session was concluded by bringing out the changes already incorporated by the state government in police administration. And the

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need for human rights sensitization programs for the concerned officers at different levels in the hierarchy.

Session – 5: Right to Health, Hygiene and Sanitation and evaluation of measures to ensure the same. The panelist for the session were Secretary General NHRC, Member SHRC, Special Rapporteur, Joint Secretary (P&A), JS (T), Div. Commissioner, Kangra, Dy. Commissioner, Chamba, Chief Medical & Health Officer (CMHO)

The session mainly focused on Right to health and the inter relation between health, hygiene and sanitation. The aim of the session being to sensitize people about the adverse effect that unhygienic practices have on health with the role that the local bodies can play.

During the discussion following issues was brought to the notice of the house:

- The lack of manpower, erratic drugs supply and insufficient infrastructure came out as a major concern. The problem of shortage of doctors and nursing staff have been continuously persuaded by the Commission with Medical Council of India, Nursing Council and Ministry of Health and Family welfare.

The decision taken by the Nursing Council for starting a nationwide nurse practitioner course was informed to this house.

It was further recommended that possibility of utilizing alternatives like Ayurvedic and Homeopathic system of medicines may also be explored.

- A scheme may be considered to train villagers in paramedical services as a probable solution to the lack of trained manpower in medical services.
- Issue of continuously decreasing sex ratio in district was brought to light and a community awareness approach was recommended for addressing this issue.

- Issue of lack of awareness about health, hygiene and sanitation was also mentioned.
- Lacunae existing in the Pre Natal Diagnostic Technology Act, of empowering the doctor to initiate proceedings against the person who violates the provisions of the legislation, was also brought to light and discussed at length.
- Issue of contaminated water supply leading to water borne diseases was raised and the State/District authorities were advised to look into the same.

Session – 6: Right to Education and evaluation of measures to ensure the same. The panelist for the session were Secretary General NHRC, Member SHRC, Special Rapporteur, Joint Secretary (P&A), JS(T), Div. Commissioner, Kangra, Dy. Commissioner, Chamba, Director NHRC and Dy. Director of Education, Govt. of HP.

The session clearly focused on the importance of education as foundation of progressive and knowledge based society. This should be viewed in the human rights perspective.

The responsibility cast on Panchayat and the State Government in the constitution of India in this regard were also explained.

During the discussion following issues was brought to the notice of the house:

- Convergence and better implementation of the schemes like mid day meal, health care sarva shiksha abhiyan, etc. needs to be achieved to maximize the benefits their schemes to the children.
- Concerns were expressed about the quality of education. It was the general view that monitory reviews should not be confined to the statistical

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figures relating to literacy rate, enrollment rate, etc. but also go into the question of quality of education.

- It was a unanimous view that the curriculum should contain lessons on moral values and human rights education along with duties of good citizens.
- Considering the tender age of a child and his/ her inability to get enforcement of the same in the event of violations it was suggested that the Commission may look into this aspect and make suitable suggestions.
- Importance of public and private collaboration for providing quality education and other services was also mentioned by some participants.

Session – 7: Right to Culture and Protection of Community Assets and evaluation of measures to ensure the same. The session was chaired by Secretary General NHRC and the panel consisted of Member, SHRC, JS (P&A), JS(T), Special Rapporteur, Secretary – SHRC, Divisional Commissioner, Kangra Chairman Chamba Zilla Parishad.

Introducing this issue the Secretary General stated that culture has a very wide meaning. Religion, Language, Social Festivals, Crafts and Skills are all part of culture and the good aspects of it need to be preserved. But in the name of culture we should not allow bad practices to continue. The most essential part of culture is value system and it should be our focus as a rights issue as to how to preserve our moral values, apart from the aspects mentioned earlier. The moral education and human rights education in schools and colleges will go a long way to achieve this.

Protection of Community Assets should not be understood merely protection of parks, building etc. but should be expended to other assets which provide services like schools, health centers and water and power supply in installation. The protection should also include measures required for their efficient functioning. In this context SG informed the model followed in Nagaland

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about Communitization of Public Assets and Services in three select areas like primary education, basic health services and power supply.

73rd amendment of Constitution in true spirit, make community represented by local bodies responsible for creation and better management of such assets and services. This requires transfer of ownership and delegation of more powers to local bodies or Village Communities.

It is important to ensure that the Panchayati Raj Institutions learn from the experience of departmental management of these services and adopt practices and procedures which are good for efficient management and shed off the obstructive procedure.

During the discussions, following issues were brought to the notice of the house:

- Issue of denial of right to have their 'kothis' (staying places) and obtain timber and fodder for their cattle's from the reserved forest areas and wild life sanctuary under the pretext of conserving forest was raised by a representative of nomadic community of Gujjars. The traditional nomadic community, like the Van Gujjar community, which largely depends on minor forest product, are getting adversely affected by such attitude.

Not completely convinced by the statement made by the District Forest Officer in the light of recently enacted the Schedule Tribes & other Traditional Forest Dwelling Communities Recognition of Forest Rights Act, the Commission requested that a specific reference be sent by the aggrieved group in this regard which will be looked into by the Commission.

Session – 8: Evaluation of measures to ensure Human Rights of SC & ST communities and other vulnerable sections of society. The session was chaired by Secretary General NHRC and the panel consisted of Member,

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SHRC, JS (P&A), JS(T), Special Rapporteur, Secretary (Home), Secretary – SHRC, Divisional Commissioner, District Welfare Officer,

The objective of the session was to evaluate measures which can help the SC/ ST communities and other vulnerable groups to get developed and become part of the main stream.

During the discussion following issues were brought to the notice of the house:

- To fill up the gap between general population and that of SC/ST in different areas must be attended to on priority bases.
- The vulnerable groups like disabled, manual scavengers and women needs special attention
- The discipline of fund release at appropriate time must be ensured if the target is to create environment for the disadvantaged groups to enjoy their rights.
- The difficulties faced by senior citizens must be addressed.

Conclusion

The general consensus was that this visit of NHRC to districts to have direct interaction with field level functionaries was a welcome step and this should be followed up periodically. It was also impressed upon the SHRC and State Govt. functionaries that human rights awareness programmes for field level functionaries may be replicated at district level for all functionaries by the local authorities and Panchayat/Municipal bodies. SHRC may take a lead in this regard. NHRC will support such efforts to their extent possible.

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Recommendations of the "28 District Programme on Human Rights Awareness & Facilitating Assessment of Enforcement of Human Rights" held at Chamba of Himachal Pradesh from 3rd to 4th July 2008.

The Commission organised a Workshop on Human Right Awareness & Facilitating Assessment of Enforcement of Human Rights at District Chamba of Himachal Pradesh from 3rd to 4th July 2008.

During the two days deliberations the following issues were raised which needs to be looked and addressed by the State Government in order to ensure human rights to the residents of the district.

1. It was informed that earlier there was a Nari Niketan situated at the city of Chamba which was closed simultaneously for the reason that number of the beneficiaries for the same was not sufficient. During the course of deliberations, the need of reopening the same was brought to light.

The Commission now therefore, urges the Government to review its decision of closing the Nari Niketan and send a complete report of the same to the Commission at the earliest for further consideration.

2. The issue of caste based discrimination with special reference to the refusal of accepting the food prepared by lower caste person at the school in connection with the Mid-Day Meal Scheme was also brought to light.

The District Collector is advised to look into the matter and to furnish the complete report of the same.

3. Irregular and sometimes non-payment of scholarships to ST students was also raised. It is suggested that the Government should take suitable measures to ensure that the scholarship money be distributed at the beginning of the session and to furnish the report on the same indicating the measures taken by the Government.
4. Lack of trained Medical Professional and erratic drug supply was also raised. It is recommended that the drug supply should be regularised and

the alternatives like Ayurvedic and Homeopathic system of medicines may also be taken up.

5. Contaminated water supply also came out as a major problem and it is suggested that the Authorities should take all possible measures to provide clean water.
6. Refusal to allow people belonging to Scheduled Tribes to obtain fodder and forest products and construct "kothis" (Huts) was also raised. In the light of presently enacted Act, the Scheduled Tribes & Other Traditional Forest Dwelling Communities Recognition of Forest Rights Act, the State should provide a complete report of the steps taken by it to implement the Act.