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Record of discussion in the workshop on human rights awareness and facilitating assessment of enforcement of human rights at District Dhalai (Tripura) from 27th to 28th November, 2008

In continuation of the 28 district program a work shop on human rights awareness and facilitating assessment of enforcement of human rights was organized at Kunai Town hall, Dhalai District on 27th to 28th November, 2008. The workshop was presided over by Shri B.C Patel, Member, NHRC. Shri P. Michael Vetha Siromony, Joint Secretary (Training), NHRC, Dr. Sanjay Dubey, Director (Admin.), NHRC, assisted the member Shri D.S. Rawat, (US(E)), Shri S. Kammath, PS to Member NHRC, Shri P. Deb Barma Addl. CEO, TTAADC, Shri C.L. Das, DFO Ambasa, Shri K.N.Chaudhary, Project Director, and other officers also attended the workshop.

The District Collector of Dhalai District welcomed all the NHRC officials and other participants to the workshop. Shri Chakravarty, Zila Panchayat Sabhapati, thanked, the commissioner for visiting the far filling district.

Justice B.C. Patel addressing the workshop stated that Justice, liberty, equality and fraternity including social, economic and political justice as set out in the Constitution can be achieved only if the Indian polity is educated with excellence. He mentioned that the Preamble refers to Sovereign Socialist Secular Democratic Republic. He specifically referred to the Provisions of Article 14 of the Constitution of India, which deals with the Right to equality; Article 15, which deals with prohibition of Discrimination on grounds of religion, race, sex, or place of birth; Article 16, dealing with equality of opportunity in matters of public employment and also

referred some other articles. The Member stated that the provisions are made to remove the social imbalances and development of the nation so that people at large can really enjoy the life and liberty as envisaged in Article 21. He suggested that to achieve the goal, there should be coordination among all officers at grass root level. He expressed his concern that without food and shelter, right to life and liberty becomes meaningless. He added that for a better life, education, health, hygiene, sanitation, better environment, unadulterated food and reasonable shelter is required to be provided. He mentioned that India is a vast country having more than 200 languages and in the 8th Schedule there are 22 languages including Nepalese. However it is the only nation, which is united in spite of diversities.

Furthermore, he mentioned the NHRC's role and the objective of the workshop along with the issues dealt under this programme.

JS (T) said that human dignity is the quintessence rights. He stated that creating human rights awareness is one of the mandatory functions of the Commission and it is considered important and necessary for better protection and promotion of Human Rights. He also mentioned that building a world of respect for human dignity and social justice is a job - a responsibility - for everyone. Furthermore, he suggested that there is imperative need to build and encourage Human Rights culture at all levels in all segments of society. In this light, he added that it should be achieved by the sustained individual and collective effort. He also emphasised on coordination among the officers in all departments for better governance. He also focussing on the role of Aganwadies in the areas of education, health etc. he stressed on the need for the sensitization programmes at grass root level.

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Dr. Sanjar Dubey, Dir(A) gave an introduction of the human rights legislations, NHRC's role and the objective of the workshop along with the issues dealt with under the 28 district programme. He mentioned that three things are aimed under Sarva Sikhsa Abhiyan , i.e. free primary education by 2007, free elementary education by 2010 and drop out rate should be zero and enrolment rate should be cent percent. Furthermore, he said that SSA has been renamed as Madhyamik Sarva Sikhsa Abhiyan. He suggested that education be primarily based on cultural values in order to realize the essence of human rights.

He strongly recommended a coordinated and collective approach for achieving universal education, calling for concerted efforts of all stakeholders namely; states, local bodies, planners, civil societies, panchayati raj institutions. Moreover, he focussed on the role of the anganwadis in education of pre-nursery, and nutrition.

All participants were divided into 4 groups as per subjects and were requested to discuss the issues, problems, and suggestions and then present their recommendation. Afterwards an open discussion for the participants was also organised.

Presentation by the Group 1

1. Food / Panchayat / Rights of the vulnerable section of the society including SC/ST and women / Food Adulteration

The group was represented by Shri Promod Dev Berma Addl. CEO TTAADC.

CEO said that in existing system there are three type district Panchayat with VC, GP (130), BAC(5), and PS (2). He said beneficiaries are selected through GP/VC level through Gram Sansad. He mentioned that maintenance of the ST hostel should be handed over to SHG or NGO. He highlighted the problem regarding distribution of food supply and the identification of the BPL families. Furthermore, he emphasized on awareness and training programmes in the Dhalai district. He said that in the district there is a shortage of the skilled manpower. Furthermore, he said that there are lot of difficulties like logistic support, funds, accessibility, infrastructure etc, in implementing the schemes, consequently while making recommendation; it should be kept in mind.

Suggestion by the group:

- Awareness at Gram Panchayat level is required.
- Panchayat level infrastructure shall be deployed.
- Panchayat officers should be trained with latest technologies and facilities.
- The allotment of food supply to the APL families should be increased.
- IAY rural house may be provided to beneficiaries.
- Adulteration is being made outside the state before entry to the state so there is need of an institute for checking the adulteration in food and medicine.
- Solar light or electric power may be extended to all beneficiaries in all non- electrified areas.

Presentation by the Group 2

Right to Custodial Justice and Evaluation of Measures to Ensure the Same.

The group was represented by Shri B.K. Ray, IPS, DIG police (Northern Range), Tripura. There were 27 participants in the group.

The following points were specially discussed:-

- Implementation of guidelines of NHRC on Custodial Justice:-
From time to time, various guidelines are received from the NHRC, which are being, meticulously followed by the Police/ Jail department.
- Status of under trial prisoners: - as on date, 39 prisoners are kept in the jail at Kamalpur in the District against capacity of 52 prisoners (50 males+2 females). Necessary care under provisions of Bengal Jail Code is being taken.
- Registration of FIR: - there is no suppression of crime in any Police Station in the District. Cases are registered on the basis of complaints and proper Sections are added as per elements of crimes mentioned in the complaint.
- Timely intimation to NHRC regarding, death in police and judicial custody, inquest report and video recording of P.M. of the deceased, died in judicial custody- all guidelines in this regard are being followed by the Police, specially, guidelines of NHRC and the H'onble Supreme Court - regarding custodial death are being followed religiously.
- Living conditions in Police Lock-Ups and jails are being checked by senior officers and necessary action is taken to ensure rights of the arrestee in custody.
- Adequate care is taken for ensuring medical and sanitation facilities to inmates in Jails and Police Custody. However, efforts are continuing to improve on this count.

Afterwards the following short and long term recommendations were suggested by the group:-

Short term measures:-

- a) There is need for more such seminars, workshops which should be organized at the grass root level, preferably up to panchayat level.
- b) NHRC training materials including audio-visual aids should be circulated to grass- root level including Police Stations, Jails, and Panchayat.
- c) NGOs may be involved and encouraged to oversee that human rights are not violated while the arrestee is in custody of police/ jails.
- d) Regular training of police and jail officials dealing with arrests and detention, be arranged specially outside the State.
- e) Stringent action should be taken against application of force or causing violence on arrestees.
- f) Arrest should not be effected until and unless it is extremely necessary for providing justice to the victim.

Long term measures:-

- a) Standardization of the construction of the lockups for the entire country, e.g. height, available space and other related specifications so that the arrestee cannot commit suicide or attempt to commit suicide or any other crime in custody.
- b) There should be dress code for any arrested person in police/ jails custody to avoid custodial death by using his garment and for identification in case of his escape.
- c) Speedy trial of the under trial prisoners.
- d) Quarterly review of the conditions of under- trial in PS / Jails custody.

- e) Increasing the present rate of accused meal in PS custody (present rate- Rs. 08.00 only per meal) and enhancement in the diet rate in Jails also.
- f) Permanent posting of medical Officers and full time teachers in Jails.
- g) CC TV to be installed in detention centres .
- h) To make legal provisions in the IPC/Cr. P.C to deal firmly any violation of human rights in custody.
- i) Simplification of legal provisions of arrest.
- j) To include human rights as a compulsory subject in the training curriculum in police training institutions.
- k) Actions of law enforcement agencies should be open to public scrutiny.
- l) Some legal powers to panchayat for arbitration of complaints of simple nature to avoid registration of FIR in police stations and for ensuring speedy justice.

Presentation by the Group 3

Right to education, evaluation of measures to ensure the same.

The group consists of 32 members and it was represented by C.L. Das, DFO, Ambassa. The DFO said that the student ratio in the district is 33:1 and total no. of drop out rates of children (6 to 14) is 253. He mentioned that in 50% of the schools there is facility of drinking water. He said that in a district there is total 980 aganwadi workers and helpers. He highlighted the issues regarding lack of teachers, class room, infrastructure, inaccessibility to schools located in remote areas, lack of awareness, inadequate supply of food to the students as part of S & P programme and midday meals.

Afterwards the following short and long term recommendations were suggested by the group:-

Short Term measures:-

- a) Providing adequate food; increase of rate of meal (existing: Rs. 2.30 per mid day meal, Rs. 2.0 per S & P food.
- b) Providing drinking water in schools and in ICDS centres.
- c) Ensuring proper sanitation in schools and in ICDS centres.
- d) There is need for providing infrastructure for schools and ICDS centres.
- e) There should be more awareness and training programme involving PRI Bodies and people.

Long term measures:-

- a) Maintenance of the schools building is required.
- b) Setting up of Creche in the appropriate place.
- c) Establishment of the training institute for teachers.
- d) Providing income generating activities in the remote areas for ensuring steady income to the people.

Group 4

Presentation by the Group 4

Health, Hygiene and Environment

The group was represented by Shri S.N Chaudhary, Project Director and Shri Deb Verma, Director, Panchyat.

The Project Director said that there is total 130 village panchayat and about 75% of the BPL families in district. He mentioned that there is only one Operation theatre and one blood bank but the requirement is four. He also added that malaria and waterborne

disease's cases were foremost in the district. He said that they are trying to get 100% sanitation in the district. Suggestions by the Group are following:

- There is need to more focus on conservation of the resources.
- More awareness programme regarding the health and sanitation.
- Provide more funds in infrastructure, medical services and in transport.
- To cover the scattered population (i.e. above 4 lakh) three more hospitals are required in the district.

In the open discussion a media person highlighted the problem of the insurgents due to which the life of people were not safe and in case of medical emergency in odd hour, it was impossible to take them to hospital. There was no security, no transport available for the same. He requested to NHRC officials to take appropriate action on it.

Recommendations:-

The following suggestions emerged from the deliberation made in the workshop:-

1. More attention is required towards nutrition, hygiene and sanitation.
2. Identification of beneficiaries of different scheme is necessary.
3. Aganwadi workers are involved into various activities but they get less remuneration. So their remuneration should be looked into.
4. One district health centre and one blood bank are urgently required.

5. There should be more awareness and training programme involving PRI Bodies and people.
6. Providing income generating activities in the remote areas for ensuring steady income to the villagers.
7. Provide more funds in infrastructure, medical services and in transports.
8. Some powers to panchayat for arbitration of petty complaints.
9. Infrastructure at panchayat level be strengthened.
10. Panchayat officers should be trained with latest technologies and facilities for efficiency.
11. The allotment of food supply to the APL families should be increased.
12. IAY rural house may be provided to the eligible person.
13. Adulteration is being made outside the state so there is need for setting up of organization for checking the adulteration in food and medicine. The steps should be taken to implement programmes of food adulteration and drugs and cosmetics act.
14. Adequate for supply of electricity.
15. NHRC training materials including audio-visual aids should be circulated to grass- root level, including PS, Jails, and Panchayats.
16. NGOs may be involved and encouraged to oversee that human rights are not violated while the arrestee is in custody of police/ jails.
17. Regular training of police and jail officials dealing with arrests and detention.
18. Standardization of the construction of the lockups for the entire country, e.g. height, available space and other related specifications so that the arrestee cannot commit

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suicide or attempt to commit suicide or any other crime in custody.

19. There should be dress code for any arrested person in police/ jails custody to avoid custodial death by using his garment and for identification in case of his escape.
20. Quarterly review of the conditions of under- trail in Police Stations / Jails custody.
21. Diet ratio should be enhanced for prisons as well as under trials including the persons in the lockups.
22. Permanent posting of medical Officers.
23. To make legal provisions in the IPC/Cr. P.C to deal firmly any violation of human rights in custody.
24. To include human rights as a compulsory subject in the training curriculum in police training institutions.
25. Actions of law enforcement agencies should be transparent.

HUMAN RIGHTS AWARENESS PROGRAMME AT
DISTRICT LEVEL ADMINISTRATION
DHALAI DISTRICT OF TRIPURA
(NOVEMBER 25-28, 2008)

The Dhalai District of Tripura is one of the 28 districts chosen by The National Human Rights Commission for study under awareness programme. Tripura is the second smallest State of the Indian Union and is divided into four districts. The Dhalai Distt was created in the year 1995. More than 70% area of the District is hilly and covered with forests. The District headquarter is situated at Jawaharnagar, Ambassa which is approximately 95 kms away from the state capital, Agartala. It is a tribal dominated District.

Reached Agartala at about 11:30am went to Circuit House and in the afternoon went around the city to get the first hand impression of the surroundings. Following information were prima -facie known:

- (a) Agriculture and related activities were main organization
- (b) Unemployment, hidden employment and under employment prevalent
- (c) ULTRA or insurgents were at times raising heads. They were calmed to be done away with were neither eliminated nor inactive but were dormant.
- (d) Bengali was the main language
- (e) Tribal people percentage was decreasing due to immigrants etc., 70% to 35%
- (f) Mainly a princely capital, however heirs were now mainly resorting to politics.
- (g) Has medical college and other hospitals
- (h) One of the densely populated capital

Day 1 - November 25, 2008

Left Agartala at 8:15am for AMBASSA in Dhalai district – a two + hours of jick-jack hilly journey. On the way passed by TTADC (Tripura Tribal Autonomous Dutt Corner), Khwmulwng, Tripura (W) located in splendid building. Reached Circuit House at Ambassa and formulated two teams as under for the field visits:

- (a) JS (Trg) and US (Estt) - at local offices
- (b) Director (Admn), Local staff - at local offices

During interaction with Shri L. Darlong, District Magistrate and Collector, Dhalai the following things surfaced:

- (a) Malaria was the main problem though they were ^{talking} all preventive steps at all levels – even use of helicopters were resorted to for supplying medicine and spray purposes.
- (b) ^{Non-} Availability of water was major problem
- (c) Bore-well was not feasible everywhere due to rocky land.
- (d) Main job was "Shifting Agriculture".
- (e) Accountant General was doing the audit
- (f) Annual Report was also requested from District Magistrate & Collector
- (g) Education was improving though the number of students went on decreasing with increase in the classes.

The First Visit

Kulai Public Health Centre (PHC), Dhalai

Located 30 minutes away from Ambassa. It has a total staff of 55 + NHRM STAFF (Contractual staff)

- There were 04 Doctors (2 lady & 2 male)
- 09 Nurses (02 ANM)
- It had separate Male & Female wards each containing 10 beds of which all were occupied.
- Most of the cases are of Malaria and the patients were there for 2-4 days.
- It had extra provision of additional beds for catering the needs in peak season (June)
- It had an extra & separate wing for force personnel (BSF, CRPF, CSF)
- It had a separate labour room with patients
- In house patients were provided with meals (breakfast, lunch and diner)
- Kitchen was not in a hygienic condition nor the drinking water facilities were up to the mark. One water purifier machine was out of order.

- It had separate toilets for ladies and gents but not in the expected condition.
- There was also in use a system called "TRIPURA SYSTEM OF WATER PURIFIER"
- Ambulance was available
- A separate TB Detection Centre was also functioning. After detection, the patients were referred to DOT.
- The supply of electricity was claimed to be uninterrupted
- DISTRICT HOSPITAL was under construction nearby and was expected to be completed by 2009.

Overall reasonably OK condition with requirement for better sanity and kitchen condition including drinking water.

The Second Visit

Gram Panchayat Salema

The next halt was at Gram Panchayat, Salema where a full meeting of the Panchayat was in progress.

The Panchayat was covering 2210 families and the proposal for 2009-10 were being discussed at the time our team visited the Panchayat.

A total of 48 individuals which included 18 lady members were present. Following things emerged:

- The meeting was a must *twice* a month at least.
- Employment was being provided to people under NREGA and the payment rate was Rs. 85/- per day both for men/women.
- The whole record was being maintained in Registers and the payment was being calculated on the pro-rata basis.

Looked like reasonably all right in functioning and enthusiasm.

The Third Visit

Sub-Jail, Kamalpur, Dhalai, Tripura

- Total capacity was 52 (50 male and 2 female)
- Present inmates on records were 41 (all male)
- Out of which 07 were R.I. Convicts
- The staff in position were 39 including 01 Sub-Jailor and 02 Wardens
- One Medical Officer from Bimal Sinha Memorial Hospital was engaged to visit once in a week and during the emergency the individual was rushed to PHC.
- Inmates were engaged in agriculture, cleaning work and maintenance of the premises and were being paid as per the Tirpura Government Rules

Skilled	-	Rs. 18/-
Un-skilled	-	Rs. 13/-
Semi-skilled	-	Rs/ 15/-
- Complaint box was there but no complaint was ever reported
- Kitchen was reasonably all right
- Drinking facility were however, not so hygienic.
- There was no over-crowding
- The irony was that most of the under trials were claimed to be in their twenties but were looking younger and facing the serious charges of kidnapping and ransom.
- A new division was complete but was yet to be made operational
- Recreation facilities were also available.

On the whole, a well maintained jail, except the possibility of some of the under-trials being under-age.

The Fourth Visit

Kamalpur Boys Hostel for SC

- A total of 66 inmates including 19 SC and rest STs, studying from 6th standard to 12th standard.
- The inmates were being provided free stay but were getting approximately Rs. 600/- pm from Centre and the States for food.
- Last year the passing percentage of 12th standard was 100% (5 boys)
- However in the 10th standard out of 05, 02 failed (ST)
- No Medical facility available
- No proper cots were provided
- Condition of the rooms were very filthy
- No provision of fans
- Drinking and bathing from the same source
- OVERALL GRADING - A poor shows on sanitation and maintenance front. Much was required.

Day 2 – November 26, 2008

The First Visit

Nailaha Para Anganwadi

Located approximately 03 kms from the Circuit House. It has a total of 65 children, including 31 female. The working of the Anganwadi starts from 07am to 10am. All of the children were from ST category. Activities are being monitored by the In-charge namely Ms. Dhainemonthy with 01 helper. Following were observed:-

- The supervisor was 10th standard pass as per the requirement.
- The health chart was properly maintained and regular check-ups regarding the growth of the children was being reflected in the register and the ration for the underweight or overweight children was increased or decreased accordingly.
- Health check-ups for both mother and the children was being observed on 24 of each month as 'Health Care Day'.
- Attendance register was also being maintained.
- The basic education was also being imparted to these kids.
- The proposal for giving 1kg milk powder to pregnant mothers was also being examined.
- Lacting mothers were also provided with the meals.

However, the following were observed to be lacking:

- There was no arrangement for toilet
- Some of the parents wanted more emphasis on teaching of English language, so that the same could be useful in future

The Second Visit

Naithok Para Anganwadi

The picture and functioning of this Anaganwadi was not up to the mark for the following reasons:-

- Out of a total of 60, shown as enrolled children, only 17 were present.

- The seating arrangement too was totally inadequate and no mats to sit on were available.
- The supply of drinking water was available only beyond 200 mtrs.
- Though it had a toilet, but it was in a very unhealthy condition.
- Immunization register was not available.

However, a worker from ASHA was available, who was looking after the health of the children and the pregnant mothers. She was a qualified mid-wife. The fewer number of presences was told to be due to *Jhume cultivation*. This Anganwadi was under the jurisdiction of Forest Department and was maintained by them.

The Third Visit

Nailahabael - Fair Price Shop No. 2

The following observations are made:

- The storage facility was reasonably ok.
- Total Ration cards were 270 including APL and BPL categories.
- The stock registers for different items, i.e., rice, kerosene, salt, sugar, etc. was checked and all of them were well maintained and were properly updated.
- The available stock was crossed checked with the registers and no ambiguity was noticed.

The Fourth Visit

DDRC (District Disability Rehabilitation Centre)

District Magistrate is the Chairman of DDRC. It was established on January 2, 2008. It was taking care of various categories of disabled persons and is engaged in their rehabilitation by way of either giving them vocational know-how for self-employment and also processing their claims of assessing the percentage of disability and issuing certificates accordingly, so that their claims for 'Disability Pension' could be processed by various agencies accordingly.. They were also providing artificial limbs through various Government agencies. The disability was being assessed in two forms, viz., temporary and permanent. The temporary cases were to be reviewed after 05 years. The Centre was perhaps, being managed in a commendable manner.

The Fifth Visit

SC Dominated Area

This area is situated approximately 5 kms from Circuit House. A total of 75 families constitute this village. An interaction was organized with the members of the families, including the head of the village, which incidentally was a lady, which further gives an idea that the position of the ladies in this area was not pressed. The following was the observations of the interaction:

- None of the individual of this village was a government servant as none was literate to that effect.
- The highest literacy was upto 8th and 9th standard, here also the female children were forming the majority. These children were also getting stipend as applicable to this category from the school.
- Many of the families do not have any land and are engaged in day to day work for their livelihood.
- Anganwadi was in the proximity of the village.
- A school up to 5th standard was also located with approximately 60 students with the provision of mid-day meal.
- Their awareness with regards to various schemes and benefits being extended to SC/ST students was very minimal and as such they were not getting any benefit of those schemes.
- A sorry state of affairs was noticed with regards to availability of drinking water to the village. Despite installment of 04 booster pumps for the village, only 01 was functional and the remaining 03 were out of order. Even after repeated requests to various authorities, nothing fruitful was done and the villagers were being compelled to drink unhygienic water.
- No police case has so far been registered from this colony.
- Their knowledge about the 'old age pension' and 'widow pension' schemes were also up to the mark and most of the eligible individuals in this category were enjoying the benefits.
- The people were also aware about the NREG Scheme and were mainly engaged in the work under this scheme for their daily earnings.

The Sixth Visit

Satyaram Chowdhary Para Residential High School

The visit to the girl's hostel of this school was very crucial because of the reason that most of the human aspects were either totally neglected or were in a very pathetic condition requiring immediate intervention and action by the concerned authorities. Following were some of the main observations made during the visit:

- The hostel has the capacity of 100 inmates and it was loaded to the full.
- The students were from class 3rd to 10th standard.
- There was acute shortage of both types of water, i.e., drinking as well as water for other uses.
- The warden of the hostel was a male person, continuing for the last 04 years, whereas keeping in view various aspects the need for a lady warden/supervisor was indispensable.
- No provision for medical facilities was available and the inmates had to be taken to the outside hospital for any medical aid. The same was all the more serious when such an emergency rose at odd hours coupled with non-availability of female warden/supervisor.
- There was not even a single ceiling fan in any of the rooms, leaving for our imagination the conditions of the students/inmates during summers.
- The tube lights initially provided in each room were non-functional for years and in place the bulb of very low power were found installed. Ironically there was only 01 point for such light whereas the requirement was of a minimum 03 tube lights.
- Each room was being occupied by 03-04 girls and the basic need of providing suitable cot or mosquito-net (to avoid malaria menace) was not being adhered to.
- The hostel has 02 toilets but both the toilets were horrible in condition and totally non-functional. The sewer line of the toilet was totally blocked and not cleaned for years making it totally impossible to pass by the same, what to talk of using the same.
- The pipeline for drinking water were broken for quite long and no drinking water was available instead water from a bore-well pump was compelled to be used which too was not functioning smoothly.
- The kitchen too was not hygienic mainly due to non-availability of drinking water and secondly non-availability of proper storage facility.

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- The supply of electricity in the hostel was totally irregular posing a constant inconvenience for preparation of exams and even normal reading.
 - It was also told by the inmates that the roof of the hostel was in a hopeless condition and during rainy season water was dropping in from many places in almost all of the rooms.

The visit to the boy's hostel too was not a pleasant experience. Most of the above shortcomings were persisting in the boy's hostel too. The only difference being that they have ceiling fans in each of the rooms but out of the 26 fans, only 01 fan was functioning. This condition was persisting for quite long. The toilet too was in horrible stage but a temporary alternative for the same was made outside the hostel for boys, which too were not in hygienic condition. The drinking water was brought from outside the hostel premises from a point, which was meant for all and sundry.