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## MINUTES OF THE WORKSHOP ON HUMAN RIGHTS AWARENESS

4<sup>th</sup>-6<sup>th</sup> Nov, 2008 JALPAIGURI, WEST BENGAL

The workshop on Human Rights Awareness at Jalpaiguri was attended by the member and officers of the National Human Rights Commission, New Delhi and district officials and NGOs of the district of Jalpaiguri. The NHRC team consisted of Hon'ble Member NHRC, Justice G.P Mathur, Secretary General Shri A.K.Jain, Director, NHRC, Dr. Sanjay Dubey and Spl. Rapporteur NHRC, Shri Damodar Sarangi. The district level officers who participated included District Magistrate Ms.Vandana Yadav and Superintendent of Police Mr.Manoj Verma, amongst others.

The District Magistrate, Jalpaiguri, in her opening remarks welcomed the NHRC team. Jaipaiguri, she said, had unique demographic conditions and the population mainly comprised of Scheduled Tribes and Scheduled Tribes.

The Secretary General, NHRC pointed out that the awareness programme at Jalpaiguri was a pilot project to be carried forward in rest of the selected districts.

Member, NHRC mentioned that NHRC's role since its inception has been to facilitate social and economic justice to the people. He added that the enactment of HR Act 1993 defines Human Rights in Section (2) of the Act.

The focus of the Commission is issues related to women, health, hygiene and sanitation, bonded and child labour, elimination of manual scavenging and police and prison reforms. The Commission plans to ensure better protection of human rights with the help of its Sp. Rapporteurs placed across the country and the State Human Rights Commissions.

The seven rights, he pointed out, on which the Commission has been focussing in the awareness programmes are:  
Right to Health, Right to Education, Right to Custodial Justice, Right to Life & responsibility of the Govt and Local bodies, Rights of Vulnerable group including SC,ST, Women and Children and Protection of Community Assets.

About Right to Food he said, there is a binding obligation under national and international covenants, for the State to provide for nutrition at adequate level. Speaking about the Right to Education, the hon'ble member mentioned about the case of Unnikrishnan vs State of AP. He also referred to the 86<sup>th</sup> Constitutional Amendment Act 2002 and also Article 21 (A) of the Constitution which provides for free and compulsory education for all children in the age group of 6-14 years. The Bill has been cleared by the Cabinet.

Referring to custodial justice, he said that the under trials add to the already existing problem of overcrowding in prisons. Trials, he emphasised, must be expeditiously held.

Secretary General, NHRC, gave a background to human rights. He said human rights are inherent rights which a person gets when he is born. These rights, he stressed are inalienable, universal, indivisible and emanate from the

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ethos and culture of the society. The principle of universality means that rights belong to and are to be enjoyed by all human beings without distinction of any kind, such as race, color sex, language, religion, political and other opinion, national or social origin, property, birth or other status. In other words, human rights belong to everyone wherever they are because they are human beings endowed with dignity.

He stressed that no rights are absolute. Reasonable restrictions on rights are justified and in the larger interest of the nation, individual rights may be restricted but such restriction should be reasonable and the core issue of human rights should not be comprised.

The Universal Declaration of Human Rights was adopted in 1948 by the UNGA(Universal Declaration of Human Rights)and the Constitution of India came shortly after that. The Fundamental Rights in Chapter III of the Constitution and the rights in international covenants adopted by UNGA which are enforceable in India are all human rights as per definition in the PHR Act.

The Protection of Human Rights Act, 1993 talks about the dignity of human beings and the *better* protection of human rights. The protection of human rights generally is ensured by the three organs of democracy Legislature, Executive and the Judiciary.

The SG then briefed the audience about the structure of the Commission. The commission as provided in the act, shall, while inquiring into complaints under the Act have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908, and in particular in respect of select matters. The commission attends to individual complaints and also to complaints on a suo motu basis.

One of the mandates of the Commission, the SG said, is to study treaties and other international instruments on human rights and make recommendations for their effective implementation and undertake and promote research in the field of human rights and spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights thorough publications, the media, seminars and other available means. The Commission encourages participation of civil society organisations, he added.

Talking about Right to Food Security, the SG said that availability, accessibility, affordability and nutrition are four essential components of this right. The qualities of service need to be improved and some indicators to assess food security levels are malnutrition, starvation deaths, BMI, under nourishment of people and children. Special care must be taken of mother and child which is interlinked with health issues.

He further referred to the complaints received from the Commission from the district of Jalpaiguri. From the inception of the Commission till 31st Oct 2008, there were 33 complaints relating to jail officials, 90 relating to Police and 22 relating to women.

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Explaining the Right to health, hygiene and sanitation, he said that these rights flow from Art 21, Art 39(e) and (f). Thereafter, he referred to the schemes and programmes related to right to health.

He summed up by stressing the need for a non-discriminatory macro level planning and also the need to work on facts to reach decisions.

Sp. Rapporteur, NHRC, Sh. Damodar Sarangi, addressed the audience on Right to Custodial Justice. He also highlighted issues related to health.

He referred to the hospitals he had visited. At Dhupguri hospital, there were no bedcovers and the patients reportedly got them from their home. The hospitals were unclean and there was shortage of staff and infrastructure.

So far as Custodial Justice in prisons is concerned, aberrations were mostly relating to overcrowding, pending trials and those concerning mentally ill prisoners. He pointed out that jail is a mirror image of socio economic conditions of the society.

Bangladeshi children, shown by the police records as above 18, were imprisoned at the Central Jail, Jalpaiguri, he said. The food, clothing of the prisoners were other issues of concern. The prisoners were not getting parole for various reasons, including security purposes. The fact, however, remains that every one of the prisoners is eligible to get parole. The Board of Visitors, he added, were also not found to be in place.

In the Children home, delinquents and destitute children were kept together, he added.

Speaking about the police, he said that D.K. Basu Guidelines on Arrest need to be followed religiously. Police regulations have been there in some form of the other in Cr.PC. He referred to the Police Station Moynaguri which he had visited a day before, where he observed that arrest memos were signed by the relatives of the persons arrested. All the columns in the form were blank, however. He had drawn the attention of the concerned officers in this regard.

He emphasised the fact that DM and SP are in a better position to ensure human rights.

Director, NHRC, Dr. Sanjay Dubey, began his speech by explaining the meaning of the logo of NHRC. The concept of the human rights, flows from Natural rights, he elaborated.

Human Rights are gender sensitive, he said. To officers should be committed to make the entire administration people centric, he stressed. The services should not be delegated mechanically; rather it should be done with a humane touch.

Speaking about the Sarva Shiksha Abhiyan, he said it is a flagship programme and is the world's largest mega project. He made a reference to a quote from the Vedas which says that a woman should be educated if one

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wishes to plan for the generations to come. The emphasis should be particularly on education of a girl child.

Referring to the Panchayati Raj bill which came in the year 1993, he said that it was a co-incidence that the Supreme Court had delivered judgement on Right to Education in the Unnikrishnan vs State of AP same year. The Education bill aims at cent per cent literacy, 0% drop out rate and cent per cent enrolment, he informed. Each one of us is contributing to the programme through the education cess that we are paying, he added. The most salient feature of the bill was that 25% seats would be reserved in the public schools for poor students.

Pointing out towards the problem of hunger and starvation, he said that the problem of hunger in the country was not important, it was the silent hunger which was the core issue and the way to address it could only be a proper delivery mechanism.

After the panelists had addressed the august gathering, the participants were asked to form groups, as per their area of interest and work, to discuss the following core themes:

- Group I. Right to food
  - Group II. Right to Custodial Justice
  - Group III: Right To Education
  - Group IV: Right to Health, Hygiene and Sanitation
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**Wrap Up Session**  
**6<sup>th</sup> Nov 2008, Conference Hall, Jalpaiguri Circuit House**

The session was chaired by Member, NHRC, Justice Sri G.P Mathur, SG NHRC, Sri .Akhil Kumar Jain, District Magistrate, Jalpaiguri, Ms Vandana Yadav, SP Jalpaiguri, Sh.Manoj Tiwari and other district officials, Jalpaiguri.

The SG highlighted the objective of the Workshop, the purpose was to sensitise district level officers. It was expected that the consciousness thus created would be carried forward. Good Governance is the crux of the matter, he stressed. The available resources should be utilised with utmost concern and compassion. There is no dearth of guidelines and specification of procedures at various levels, on various issues. The District Magistrate was expected to convene and coordinate along with local support. Convergence of resources could address many of the issues, he added.

Member, NHRC pointed out certain anomalies in the education pattern like two different officers for inspection at Primary and Secondary level schools. He also interacted on the following issue with the district education officers. He was informed that while the teachers did attend schools, their late arrival and early departure was the main problem. Tution was another problem in secondary education and that was indicative of the quality of education being departed, it was told. Political and organisation will was necessary to improve the overall situation in education, it was suggested.

The District Magistrate, Jalpaiguri said that the schools covered a particular population of the State and one of the problems therein was that there are dense forests in the State and these areas are scantily populated, the norms related to population vis-à-vis schools could be made flexible, she suggested.

SG, NHRC said that it would be a good idea to involve retired teachers for class inspections. He also pointed out that in plantation and forest areas, more primary schools were required.

Discussing the health services, it was stated that proper medical services were provided in tea gardens.

Responding to a query put forward by Special Rapporteur, NHRC, it was reported that doctors did go to rural areas. PHCs were running largely with the help of additional doctors, it was added.

Special Rapporteur, NHRC pointed out that in the health sector, Jalpaiguri, it was observed that while male health workers were not undergoing any training to perform their duties, the female health workers were being trained for three years. He also referred to a lack of trained mental health staff. He stressed that the need to have regular mental health staff for the 40 mental health patients in the Central jail, Jalpaiguri. He suggested that a psychiatrist could be attached to the prison for such patients and their timings should be earmarked.

**Interactive Session with the District Authorities**  
**Darjeeling, West Bengal**  
**7<sup>th</sup> November 2008**

An interactive session on Human Rights was organised at Darjeeling with the District Authorities and the team of NHRC. The session was chaired by the Member, Shri GP Mathur, and the panel consisted of Secretary General, Shri AK Jain, Director, Dr. Sanjay Dubey, District magistrate, Darjeeling, Shri Gupta, and Superintendent of Police, Darjeeling, Shri Rahul Shrivastava. The session was attended by several local NGOs and district officials, Darjeeling.

**A. Inaugural Session**

- 1) Shri Gupta, District Magistrate, Darjeeling, in his welcome address, appreciated the concern of the Commission. He also took the initiative in welcoming the officers of the Commission and other participants.
- 2) Secretary General, NHRC, in lucid manner explained the objective of the 28 District Programme. In his address he made it clear that the Commission right from its conception is concentrating on better protection and promotion of Human Rights.

He further clearly discussed the composition and functioning of the Commission and stressed on the importance of awareness in the field of Human Rights. He stated that It is with this objective that the Commission has organised this meeting.

Further he also informed that the objective of the present meeting is to obtain the present condition of the District in relation to right to food, education, health and custodial justice. He clearly mentioned that apart from the accessibility of the food, education & health services what is important is the quality of the same.

- 3) Member, Justice Shri GP Mathur, while explaining the concept of Human Rights quoted the definition provided under the Protection of Human Rights Act, 1993.

He further stressed that the Commission focuses on the areas relating to food, education, health, prisons, criminal justice administration, rights of children and women, etc. He also stated that based on the visits and investigation undertaken, the Commission prepares recommendations and sends it to the concerned State Governments for information and compliance reports.

While concluding, he stated, that the primary objective of Human Rights is to ensure *good governance* and it is for this that we all thrive for.

**B. Right to Food**

- 1) Secretary General clearly discussed the provisions of the Constitution with special focus on Article 21 and the guarantee contained in the Preamble to the Constitution relating to *right to life with human dignity*.

He stressed that food is the basic and most important requirement for every human being. He further stated that it is not only about quantity but also the nutrition level that we should ensure. Further, he thrust

upon the need to make the food delivery system more effective by citing following measures:

- a. All the major schemes need to be merged taking in view the objective and the beneficiaries of the same.
- b. All the departments working for the welfare of public need to be transparent in their working and there should also be a scope for public participation.
- c. The officers paying visits to field should make such visits purposeful by trying to take concrete actions during their visits on issues that arise. They should address problems and must try to reach some solution at the very instance by applying logic to it.

**C. Right to Health**

- 1) Secretary General while defining the importance of good health stated that health does not only mean freedom from diseases but goes way beyond and encompasses overall development.

He showed concern over the unhygienic conditions of the Primary Health Centres and Hospitals and urged the need to address the same.

**D. Custodial Justice**

- 1) Secretary General while dealing with the issue primarily focused on the prevailing conditions of the prisons, police lockups and the manner in which an individual is treated when he visits the police station for making any complaint.

While showing concerns over the image of the Police with public he stated that there are small altitudinal changes which will go a long way in improving the image of the public. He cited the example of Chamba District where the caller is first greeted at a police station and then is inquired about his problem. He stressed that this type of practices will definitely improve the police image and public cooperation can thereby be received. In Rajasthan, he added, there are police stations which have been given an ISO 9000 status.

In relation to improving the conditions of the jail/prisons, he stated that the system of jail visits should be institutionalised and regularised. Further, assistance should be taken with Legal Services Authority for speedy trial and release of the detained persons.

He also stressed that measures should be taken to fix the diet on the basis of nutritional content, rather than the prevailing monetary criteria.

**E. Right to Education**

- 1) Dr. Sanjay Dubey, Director, NHRC stressed that the term "Human Rights" should be taken into holistic manner with regards to the overall

development of an individual. He stated that "justice and dignity for all of us" is a global slogan and all of us should strive to achieve the same. He further said that we should be more human in our working rather than being merely mechanical.

Discussing the right to education, he stressed that the scope of the right needs to be extended to include free and compulsory education for children up to class tenth rather than limiting upto elementary education.

Commenting on the Sarva Shiksha Abhiyan, he said that presently the focus of the programme is towards the quantity, i.e., attaining 100% enrolment. It is right time to concentrate on the quality aspect of education as well.

**F. Discussion**

During the discussion following things were discussed and addressed:

- a. Representative from a local NGO put forward following questions:

Are human right same as fundamental rights, If not then what are fundamental rights and what is the difference?

In response to the query on human rights vis-a vis fundamental rights, the Member stated that fundamental rights find their genesis in the Constitution whereas human rights are recognised through international treaties, covenant and other laws in force.

Secretary General, in addition, stated that human rights are those rights of which an individual gets entitled by mere birth in human family. He stressed that nomenclature is not that important the objective of both is to secure human development.

- b. One of the participants enquired regarding the role of Commission in cases of false arrest and illegal detentions.

It was stated by the Member that the law provides sufficient safeguards for such cases as it is mandatory for the arresting officer to produce the arrestee before the Magistrate within 24 hours of making arrest.

Secretary General while clarifying the role of the Commission stated that once the matter is brought before the Court the Commission has no mandate over it, as the Commission is not empowered to interfere with the Court's procedure.

- c. A complaint regarding the deteriorating condition of the food godown was made by one of the participant. He stated that the major portion of rice stored in the godawn is rotting owing to the inflow of the water from the near by drainage system and also due to the pungent smell coming out of the garbage accumulated in its vicinity.

Responding to the complaint the District Magistrate stated that it is only through the public participation that better management can be attained.

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He assured that now that the matter is been brought to his knowledge he will take the necessary action. He also requested the participants to work with him as a team for the better administration of the district.

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GROUP DISCUSSION 1

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TOPIC: FOOD SECURITY  
LIST OF PARTICIPANTS

Sr. No.	Name	Designation
1.	Sh. Shantanu Das	DPRDO Jalpaiguri
2.	Sh. W.K. Ray	DCFCS Jalpaiguri
3.	Sh. K.K. Bhaumik	P.O. DWO Jalpaiguri
4.	Sh. Amitva Sarkar	BDO, Rajganj
5.	Sh. B.T. Lepcha	DMIDC, Jalpaiguri
6.	Sh. Manik Sarkar	SCF& C, Jalpaiguri (Sadar)
7.	Sh. Kalram Berman	SI, Mettali PS, Jalpaiguri Collectorate
8.	Sh. Phani Bhushan Bannerji	SI, Police
9.	Sh. Lhaudup Phuntsok Bhutia	SI, Police
10.	Sh. Amarnath Mohanta	DD, Distt. Incharge, MDM, Jalpaiguri
11.	Sh. Sadanand Cnnatui	DPO (ICDS), Jalpaiguri
12.	Sh. Dibakan Ghosh	SI, Jalpaiguri
13.	Sh. Pradip Kr. Ghosh	Inspector, BCW Deptt, Jalpaiguri

**GROUP DISCUSSION 1  
TOPIC: FOOD SECURITY  
DISCUSSION ON FOOD SECURITY**

The group focused on Right to food and evaluation of measures taken to ensure the same, including responsibility of Panchayats. Avoiding food adulteration and protecting human rights of SC and ST Communities and other vulnerable sections of the society was major concern of the group.

1. From the human rights perspective, right to food is the most basic and inherent right. Food is required for all, whether a person belongs to above poverty line or below poverty line or the poorest of the poor that is the BPL of the BPL which is known as the Antodaya.
2. Food Security denotes whether all persons of a particular area, at a particular time have enough access to nutritious food. It entails upon affordability, availability and accessibility. The food and supplies department ensures food security by the public distribution system. There has been a change in this system when Govt. has resorted to targeted Public Distribution System from the Universal Public Distribution system. Now the trust is on the people living below the poverty line and the poorest of the poor in AAY. For this, Rice and Wheat, sugar, kerosene oil are distributed through the Fair Price Shops at subsidized price. For Antodaya people the rate of rice is Rs.3 per kg and that of wheat is Rs.2 per kg.
3. To achieve the objective of food security, identification of beneficiary family is the first requisite. This is done by the P & RD department.
4. The purchasing power of the beneficiary is to be increased and also the awareness of people regarding various Govt. interventions regarding food security required to be done. In come generation-increase of agricultural productivity- proper marketing of agricultural product among the masses are other areas to be improved.
5. As far as Jalpaiguri district is concerned, almost 60% of the population belongs to SC/ST. Naturally, the SC/ST department has, an important role to play here in the.
  - Infrastructural Development
  - Vocational training
  - Job oriented training
  - Tribal pension
  - Tribal SHG formation and also link them with the economic activities
  - Tribal Hostel

6. In Jalpaiguri District, there are 13 closed tea garden and food security in these gardens has assumed much significance. The workers as well as non-worker's population of these gardens are getting rice, wheat and kerosene oil at the rates applicable for AAY population. In addition to this, all the tea gardens have been covered under PDS. To ensure fair distribution, we have fair price shop level monitoring committees where the representatives of BPL & APL family members are included besides Panchayat Functioning. But participation of all is not found up to the mark. This has to be ensured by sensitizing to all concerned including the departmental staff.

7. ICDS (Integrated Child Development Scheme)

This covers all pregnant and lactating mothers (SNP). All Children 6 moths- 6 years are to be enrolled in the Anganvadi centre.

**Suggestions:**

- o In the event of short supply of food grains, the prices of food articles are bound to remain at high level.
- o Thereafter it was suggested that supply of food grains has to be decentralized to the district authority.
- o Rationing of food items should be quantity based rather than quality based.

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**GROUP II**

**TOPIC: CUSTODIAL JUSTICE  
LIST OF PARTICIPANTS**

**Coordinator: Dr. Aparna Srivastava, Research Officer, NHRC**

<b>Sr. No.</b>	<b>Name</b>	<b>Designation</b>
1.	Sri. T.R.Bhutia	Chief Controller Jails
2.	Sri. K.Mookherjee	Asstt Dir. Of SW
3.	Sri. J.K.Pal	Asst SP
4.	Sri. M.K.Ray	District Probation Officers, Jalpaiguri
5.	Sri. D.Ray	NGO-JMKS
6.	Shri. SRS M	SP
7.	Shri Majhasul Hossain	BDO
8.	Utsal Lil	Welfare Officer, Central Corr. Home, Jalpaiguri
9.	Bimalendu Mukherjee	Superintent, Jalpaiguri Central Corr. Home
10.	R.Airerej	SDO, Alipore
11.	Tither Bhattacharya	SI, KMG
12.	Manaberndra Saha	c/o Rajganj PS
13.	Subroto Bannerjee	i/c Moynaguri
14.	Pankaj Thapa	o/c NJP PS
15.	Nanda Kr. Dutta	MAL PS
16.	Budhaditya Ray	Bairpara PS
17.	Arghya Sarkar	OC Amb Factory OP
18.	Panchanan Biswas	ADDL.IG CSWB

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**GROUP II**  
**TOPIC: CUSTODIAL JUSTICE**  
**DISCUSSION & SUGGESTIONS**

Since the topic covers broad ranging issues, the group comprising of prison officials, police officials and NGOs decided to focus on a few select areas:

**1. Parole**

Expressing concern over the issue of parole and the additional burden it entails for the police personnel, the group suggested that the prisoners can be allowed to go for parole for a minimum of 5 days without the police escort.

**2. Medical Treatment of prisoners**

The group emphasized the need for a proper infrastructure for taking care.

It was suggested that one psychiatrist should be attached to the prison as it will help for prisoners to be under right medical supervision.

**3. Female Prisoners**

It was suggested that

- Periodical check up by the gynecologist of the women detunes should be taken up.
- Iron and folic acid tablets can be given to the women prisoners.
- Gender Based assessment for diet should be planned, it was suggested. The same should be planned by the jail authorities.

**4. Removal/Taking away of prisoners from Correctional homes to hospital**

- Training of jail guards to tackle this issue
- If the prisoner is desperate in nature, police should provide escort.

**5. Hunger Strike**

- Forcibly feeding the political prisoners was one of the concerns of the prison officials.
- They said that Hospital authorities may undertake the task of feeding the prisoners on hunger strike, as there is an order from the home department
- Liquid diet/protein can be administered in intravenously, it was suggested.

**6. Juveniles**

- Juveniles can't be kept in the correctional home, it was emphasized. If the Police authorities can get the age certificate from health officials, then they can ascertain the age on their own and produce the child before the Magistrate.
- Juvenile Justice Board and juvenile homes should be seated at Jaipauri (The same was under process it was emphasised).

- Juvenile police units must be formed and made operational, it was suggested.

**7. Convicts wage rate**

- It was suggested that the wage rate of the prisoners should be increased, presently it was as low as Rs.18/-, Rs.21/- and Rs.25/.

**8. Bi-furcation of Police functioning**

Division of police force in two set ups i.e. one for Investigation and the other for routine police functioning as suggested by the various Police Commissions and the Supreme Court in 2006 (Prakash Singh vs Union of India) should be implemented as early as possible, it was stressed. That would reduce the burden of the already overworked police force.

**9. Prisoners in hospitals**

There should be a prisoner's ward in each hospital for male and female prisoners, it was suggested. Police should be allowed to stay with the prisoners in the hospital. This was necessary as otherwise there have been instance when prisoners have escaped from the hospital as the police escort on duty was not allowed to be with the prisoner and the policemen were suspended thereafter.

If staying with the prisoner was not granted then, it was suggested, that handcuffing, as an exception should be allowed.

**10. Fast Track Courts**

For ensuring speedy trial, fast track courts can be activated to dispose the cases. Sub divisional legal aid cell should be made also be made more active to deal with the long pending trial cases.

**11. Infrastructure in jails should be increased.**

**12. inmates can be given vocational training and must be provided training in computer skills.**

**13. Yoga and literary programme can be implemented periodically for a constructive engagement of the prisoner.**

**GROUP III**  
**TOPIC: RIGHT TO EDUCATION**  
**List of Participants in Group III**

**Motivator: Dr. Sanjay Dubey, Director, NHRC**

Sr. No.	Name	Designation
1.	Sri. Partha Acharyii	Executive
2.	Sr. Kshitish Ch. Roy	Sarapati Falakata p. Society
3.	Sh. Dipak Kr. Roy	BDO Mayanguri
4.	Sh. Bharati Roy	Sarapati, Mayanaguir p. Society
5.	Prof. S.P. Guha Neogi	Consultant, AICURD, Jalpaiguri NGO
6.	Ms. Mitali Singha Majumdar	CWS, Northe Bengal University
7.	Ms. Kalyani Chakraborty	AI (Primary Edu.), Jalpaiguri
8.	Md. Abdur Rauf	DI (Primary Edu), Jalpaiguri
9.	Md. Aparna Sarkar	APDO/SSM, Jalpaiguri
10.	Sh. Falin Roy	Sarapati Mal P. Society

Sr. No.	Problems	Suggestions
1.	Schools and Colleges are short of Teachers Attendance There is also lack of Professional Ethics	The teachers should be changed. A change in attitude is also required.
2.	There should be high teacher-pupil ration than the standard 1:40 The teacher-pupil ration differs from school to school and region to region (urban-rural)	There should be a rational distribution of Teachers pupil ration
3.	Infrastructure <ul style="list-style-type: none"> <li>▪ Student space ratio much lower than standard 1:10 sp.ft</li> <li>▪ No of schools without drinking water- 187</li> <li>▪ No of schools without toilet facilities-475</li> <li>▪ No of schools without girls toilet-1250</li> </ul>	<ul style="list-style-type: none"> <li>▪ Additional classrooms to be provided</li> <li>▪ Total sanitation campaign-coverage to be made</li> <li>▪ Maintenance of school building, toilet, drinking water etc.</li> </ul>
4.	Language problem 40% of population speaks other language than Bengali for eg. Shadri, Rava, Much, Munda, Santhali etc	Provision to be made for mother tongue based education and appointment of concerned languages knowing teachers
5.	High Drop out rate	Provision for

	(Specially in tea gardens/forest)	implementation of poverty alleviation programmes and adaptation of joyful learning methods. Better monitoring and supervision.
6.	Geographical nature of the State, covered by forests, river	Access to be provided
7.	Mid-day Meal <ul style="list-style-type: none"> <li>▪ Proper funds are a problem</li> <li>▪ The MDM should be nutritious</li> <li>▪ Proper management of feeding 1000 schools</li> </ul>	Self help groups may be engaged to improve the situation
8.	Engagement to teachers in non-academic/para academic activities like tuitions/coaching etc. one reason is lake of coordination between different functionaries like SSA, ICDS etc.	Separate machinery to look into the problem

**Community assets and Culture**

The following suggestions were put forward by the group:

1. Preservation of historic facts, specially those related to Netaji Subhash Chandra Bose
2. Development of Debichaudhrani ghat cum kali temple
3. Provision for Sulabh Shouchalaya (Public Latrines) at Market place and public bus stands
4. Renovation of Beikunthapur Raj State, Raj Dighi, Kali/Shib temples for tourist places
5. Encouragement of cultural activities and their development through different celebrations, fairs, melas (Mech, Rava, Toto, Nepali, Rajbanshi, Bodo etc)
6. Construction of Community hall, open air theatre places, Museums comprising of heritage crafts and equipments of different ethnic groups should also be constructed.
7. Development of Tea Tourism considering tourism as an industry was major recommendation of the group.

The group would be sending a detail report to NHRC as suggested by Hon'ble member, NHRC, Justice Shri G.P Mathur.

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**GROUP IV**  
**Topic: Right To Health, Hygiene and Sanitation**  
**List of Participants**

Sr. No	Name	Designation
1.	Dr. Malay Kr. Ghose	CMDH
2.	Dr. Vijay Thapa	Accott. (MA) Jalpaiguri
3.	Dr. Suresh Ch. Bhowmick	Suptt. Distt Hospital, Jalpaiguri
4.	S.P Bhutia	SI of Police
5.	Patrick Isheral	SI, Police, Jalpaiguri
6.	Avijit Ghosh	Chief Coordinator of Santana
7.	Dr. D. Mujherjee	Accord, Jalpaiguri
8.	Ms Supriya Sarkar	DSWO
9.	Sri. Sushmay Biswas	BDO, Matiala
10.	Ms. Priyanka Dev	BDO, Falakata
11.	Sh. Narayan Dostidar	Member, DWO
12.	Sh. Prasun Deb Kanunjoe	Field Corodinator (I) HT, Jalpaiguri
13.	Ms Bimla Sinha Ray	APD-1

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**GROUP IV**  
**Topic: Right To Health, Hygiene and Sanitation**

**Discussion**

- The group focused on health, hygiene and sanitation. It was asserted that Right to health has two major components-preventive and curative.
- As a preventive measure focus is towards universalisation of immunization programmes.
- For curative, the set up is provided as a sub centre at village level, primary health centre for two or three villages, block primary health centre at block level and the district hospital.
- The work done by the aaganvaadi workers in the field of providing medical aid and creating awareness was also discussed.
- It was stated that at present though the health centers at village and block level either do not have bed facilities or they were not sufficient. It was pointed out that the administration has approved a Indo-German project under which the existing institutions will be upgraded to provide indoor medical services.

**Disability**

- The following steps have been taken to provide health facilities to the persons with disabilities.
  1. 1 - Cards have been issued to all such people and regular medical check up is provided through medical camps.
  2. In order to create awareness and employment opportunities, vocational training is also provided.
  3. People with hearing ailment were provided hearing aids and similarly spectacles for those suffering with vision problems.

**Sanitation**

Concerns over the importance of sanitation and its effects on health were discussed.

The discussion mainly focused on the total sanitation campaign, and creating awareness of the same among people

**Suggestions**

- The group recommended that health sector requires an up gradation of infrastructural facilities.
- There is an acute shortage of trained manpower which needs to be addressed immediately
- In order to have access in remote areas, it was stated that the number of sub-centers should be increased.
- For better awareness of health related issues, participation of local bodies an communities is a must and therefore the same may be looked into with top priority.

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**REPORT**  
**DISTRICT JALPAIGURI, WEST BENGAL**  
**3<sup>rd</sup> – 6<sup>th</sup> NOV 2008**

The team from National Human Rights Commission paid visit to the Jalpaiguri District of West Bengal from 2<sup>nd</sup> November to 6<sup>th</sup> November 2008. The visit was in consonance with the 28 Backward District Programme, consisting of field visits and a "Workshop on Human Right Awareness and Facilitating Asssment of Enforcement of Human Rights at District Level."

The objective of carrying out field visits was to analyze and receive information regarding the working of the departments associated with service delivery system in connection with the right to food, education, health and custodial justice.

**1) RIGHT TO EDUCATION**

Team consisting of Dr. Sanjay Dubey, Director, NHRC and Shri Bhaskar Tripathi, Research Assistant paid visit to the following institutions on 3<sup>rd</sup> November 2008:

a. Lataguri Primary School.

The primary section of the school consists of classes 1<sup>st</sup> to 4<sup>th</sup>. The total strength of the students of the school was 187, distributed as under:

	Scheduled Caste	Scheduled Tribes	General	Total
Boys	56	1	38	95
Girls	49	8	35	92
Total number of students	187			

There were four teachers including two lady teachers.

**Observations**

- I. The area is predominantly dominated by the people belonging to SC and ST community. It is so because the majority of the population of the area consists of the working in the tea gardens.
- II. The school though had required infrastructure facilities yet sanitation and hygiene is the area of concern. The water source (hand pump) used for preparing food under the mid-day meal scheme is located near the toilet and the area needs cleaning.

III. The school campus has dry toilet system with no seats available.

**Measures**

i The school authorities need to look after the sanitation and hygienic conditions of the school and its surroundings.

b. Lataguri Higher Secondary School

Shri Kornal Chand Rai, teacher-in-charge (Headmaster) stated that the school is a Government aided one and consists of two parts, Par- I consisting of classes 5<sup>th</sup> to 10<sup>th</sup> which is a boy's school and Class 11<sup>th</sup> and 12<sup>th</sup> which provides co-ed education.

He further stated that there are approximately 1400 students out of which 400 are studying in 11<sup>th</sup> and 12<sup>th</sup> class.

As to the number of teachers he stated that though the sanctioned strength is of 36 teachers but at present there are 31 teaches.

Since the school also has class 5<sup>th</sup> attached with it the mid day meal was provided only to the students of class fifth.

The school is recognized by the West Bengal board students of class 10<sup>th</sup> are taught following subjects in Bengali medium:

- 1. Bengali
- 2. English
- 3. Physical Science
- 4. Life Science
- 5. Mathematics
- 6. History
- 7. Geography
- 8. Environmental Science (Project Work).

**Observations**

- I. Teacher –pupil (46:1) ratio is just over than the prescribed norm (40:1), this might be so because of the five vacant seats of the teacher.
- II. The toilet facilities were not sufficient. There were no soft pits in the toilets.
- III. Water facilities in school premises was also not adequate their was just one well and no running water.
- IV. The school has a hostel facility with the capacity of twenty students. The facility is mostly provided to the scheduled caste and scheduled tribe students though in case of vacancy the same is provided to the students from general category.

- V. Library of the school is not maintained properly and the books that were there were mostly outdated and there were no news papers and journals.
- VI. The laboratories were also lacking maintenance and seemed lack of required instruments and chemicals.

**Measures**

- i. The school infrastructure needs renovation as the marks of termite were visible along with some cracks.
- ii. Attention needs to be paid to the library and laboratories as both require updating and increase in allocation of funds.
- iii. Immediate arrangements need to be done for filling the vacant seats.

**2) RIGHT TO FOOD**

Team consisting of Dr. Sanjay Dubey, Director, NHRC and Shri Bhaskar Tripathi, Research Assistant paid visit to the Fair Price shop (FPS), shop number 4/MAL (P), Lataguri on 3<sup>rd</sup> November 2008.

The proprietor of the shop provided following information:

- a) There are two shops run in the place and the total number of cardholders are as under:

Category	Shop number 1	Shop number 2	Total
APL	4188	3163	7351
BPL	2006	1746	3752
AAY	619	554	1173

- b) The shop is open for distribution of food grains and other commodities on Wednesday to Saturday and the shopkeeper has to give accounts of his weekly sale and also apply for new allotment.
- c) There is a five member committee consisting of the food inspector or Sub-inspector, 1 representative each from BPL and APL families, Pradhan (Chariperson of the Panchayat) or up-Pradhan (Vice-Chairperson) and Block Development Officer. The Committee meets once in every month for inspecting the records and working of the FPS.
- d) A complaint book is maintained by every vendor of FPS which is checked once every month by the food sub-inspector.
- e) As per the record the shop had only 50 kg of rice as stock for the people belonging to APL category.

- f) Rural household survey for identifying the families to be listed as APL, BPL & AAY was last done in the year 2005. Further, in the year 2007 survey was again done for considering the left over families

**Observations**

- a. Inspections are stated to be made, by the shopkeeper, but the same is not reflected by the inspection book.
- b. There were no entries found on the complaint book.

**Measures**

- a. List of families identified as APL, BPL and AAY should be finalized as soon as possible.
- b. Monitoring system should be regularized and periodic monitoring should be done.

**3) RIGHT TO HEALTH**

**A. Angan Wadi Kendra's**

Team consisting of Dr. Sanjay Dubey, Director, NHRC and Shri Bhaskar Tripathi, Research Assistant paid visit to the Angan Wadi Kendra's on 3<sup>rd</sup> November 2008.

The Kendra's provide following services to the pregnant & lactating mothers and children belonging to 3 to 6 years of age:

- I. Supplementary Nutrition
- II. Immunization
- III. Health Check-ups
- IV. Referral
- V. Pre- School Education
- VI. Nutrition & Health Education

The objective of the visit was to ensure the working and delivery of services by these Kendra's. The team visited the following centers:

- a. Tulesh Chandra rai centre number 274, Maulani

The centre is operated by one Angan Wadi Worker, who receives Rs. 1,600 as honorarium and one helper who receives Rs. 1,100, per month.

The village has a population of 545 out of which 254 are women. The centre had around 20 children who were provided food and preschool education.

The allocation of food grains is based on monetary basis. The same is as under:

Category	Money spend on food on one person.
Severely malnourished child	Rs.3.11/dar

Pregnant Women	Rs.2,272 /1day
Normal	Rs.2.43/day

**Observations**

- i. The center lacked infrastructural facilities. The work was carried at an open space with no shelter clearly indicating that during rains or bad weather the center was forced to remain closed.
- ii. Though there is a provision for providing job training and refreshing courses to the Agan Wadi Workers, yet in practice they are not given any technical training and were just directly sent to the centers to perform services.
- iii. There is irregularity in supply of good grains as the same are procured from Emergency Commodity Supply Department situated at Kolkata.

**Measures**

- i. There is a need for construction of building for the center which would provide protection from bad weather
- ii. Regular supply of food grains and other commodities should be ensured.
- iii. Immediate steps should be taken to provide training to the workers.

**a. Karuna Pura Agan Wadi Kendra.**

The Kendra is attached to the Panchayat Samati and therefore has been provided with a building consisting of two rooms and a tube well for water supply.

The center has around 31 children and 3 pregnant women to whom the services were delivered.

**Observations**

- i. The center being run by the Panchayat Samiti seemed to be well equipped with infrastructure facilities.
- ii. Issues relating to proper training and irregular food supply persisted in the center too.

**Measures**

- i. Regular supply of food grains and other commodities should be ensured.
- ii. Immediate steps should be taken to provide training to the workers.

**b. Uttar Matiali Rati Kant Rao, Dnaga Para**

The centre provides services to 67 children, 4 pregnant women and 11 lactating mothers.

**Observations**

- i. The centre needs to improve on infrastructural front. There is no building.

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During rains and bad weather the centre remains closed.

- ii. supply of food commodities needs to be regularized both in terms of rice and pulses, which are supplied but do not reach at the same time.
- iii. There is no proper storage facility available for stocking grains for longer time which leads to damaging of the same.

#### Measures

- i. There is a need to strengthen the food supply system.
- ii. Building requirement and other infrastructure needs look to be attended.
- iii. Storage arrangements should be made so that the grains can be properly.

### B. DHUPGURI GRAMIN HOSPITAL

Team consisting of Special Rappoteur, NHRC Shri Damodar Sarangi, Research Officer, NHRC, Dr. Aparna Srivastava and Section Officer, NHRC, Shri S.K Gauba paid visit to the Dhupguri Gramin Hospital, Jalpaiguri on 3<sup>rd</sup> Nov, 2008.

The Hospital was constructed on 24<sup>th</sup> Aug 1995. The hospital caters to a population of 4 lakhs, 50 thousand.

#### Observations:

- The cleanliness levels of the hospital were bad. The toilets were dirty and so were to stores. The side racks in the General ward were extremely dirty.
- The bed sheets were not provided and some of the patients reported that they had to arrange it from home.
- There was no specialist doctor in the hospital; it was informed, except for one gynecologist who had joined recently.
- There was a hall in the vicinity, where regular programmes and awareness meetings were held.
- The statements produced by the hospital showed that on 3<sup>rd</sup> Nov 2008, there were 13 male patients and 16 female patients including 7 in the labour ward.
- For Diet plan, it was informed that Rs.35/- was granted by the Government for breakfast, lunch and dinner. The diet contractors are supplying through SHGs.
- The Panchayat Samiti's are mainly incharge of construction and staff quarters.
- The equipments are purchased by District Health Welfare Samiti.
- It was short of infrastructure and there was lack of trained manpower.
- There were no special dispensaries for Ayurveda and Homeopathic.

#### Measures

- There is an urgent need to strengthen the infrastructure of the hospital.
- The hospital cleanliness leaves had to be improved.

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- The money allocated for diet plan for women, appeared to less and insufficient so it had to be increased by the concerned department.
  - Trained manpower was needed for better services.

### C. MAYNAGURI RUAL HOSPITAL

Team consisting of Special Rappoteur, NHRC Shri Damodar Sarangi, Research Officer, NHRC, Dr.Aparna Srivastava and Section Officer, NHRC, Shri S.K. Gauba paid visit to the Maynaguri Rural Hospital, Jalpaiguri on 3<sup>rd</sup> Nov, 2008.

The hospital caters to the need of 3 Lakh people.

#### Observations

- There was requirement for more beds. There were patients lying on the floor.
- The Gynecology ward was congested.
- The hospital was short of medicines.

#### Measures

- The infrastructure of the hospital needed to be improved.
- Proper and adequate supply of medicines.
- Trained manpower was needed for better services.

### D. Primary health Centre, Ghughudama

Team consisting of Shri Damodar Sarangi, Sepical Rapporteur, NHRC, Shri SK Gauba, Section Officer, NHRC and Shri Bhaskar Tripathi, Research Assistant paid visit Primary Health Centre, Ghughudama on 4<sup>th</sup> November 2008.

The centre caters to the population of nearly 1.5 lack. At present the centre only provide OPD services and does not have any beds or emergency services.

The centre also lacks toilet facility for the patients. Since the centre mostly provides OPD services hygiene and sanitation does not seems to be problem.

The major health issues are that relatd to fever, stomach ailments, blood pressures, cough, malaria and TB.

The centre does not have any doctor attached to it and the services are provided by Additional Medical Officer (AMO) who visits the centre on every Monday, Wednesday, Friday & Saturday.

The centre apart from other limited services, do provide for pathology tests for malaria and TB.

**Observations:**

- The Centre does not have any beds or emergency services.
- The medicine stock was not sufficient
- There is huge number of vacancy in the staff specially the nursing staff.

**Measures: There should be a proper arrangement for beds and indoor medical services should be provided.**

- i. The vacant seats of medical professional and nursing staff should be immediately filled.
- ii. The basic facilities to perform small surgeries needs to be provide.

**E. Gullalbari Health Sub Centre**

Team consisting of Shri Damodar Sarangi, Special Rapporteur, NHRC, Shri SK Guba, Section Officer, NHRC and Shri Bhaskar Tripathi, Research Assistant paid visit Primary Health Centre, Ghughudama on 4<sup>th</sup> November 2008.

The centre seems to be lacking trained manpower. There is just one Additional Medical Officer who visits the center on Tuesdays and Thursday. The Health Assistants pay visits to schools and villages on every Tuesday and Thursday respectively.

The medicines are brought by the Additional Medical officer from the Primary Health Centre, in the case of this sub-centre it is brought from Primary Health Centre, Ghughudama and also taken back after the days visit.

**Observations:** The sub centre lacks infrastructure facilities like toilets, water supply, and waiting halls. The staff strength is much lower than what is sanctioned.

- i. No emergency services provided.

**Measures:**

- i. Vacant staff seats needs to be fulfilled.
- ii. There should be some medicines kept at ready stock in the centre
- iii. Facilities for toilets and drinking water need to be arranged for.
- iv. Some arrangement needs to be done for night and emergency services.

**4. RIGHT TO CUSTODIAL JUSTICE**

**A. Central Jail, Jalpaiguri**

Team consisting of Special Rapporteur, NHRC, Shri Damodar Sarangi, Research Officer NHRC, Dr. Aparna Srivastava, Section Officer, NHRC, Sh. S.K. Gauba visited the Central Jail, Jalpaiguri on 3<sup>rd</sup> Nov 2008.

Sh. Damodar Sarangi, Special Rapporteur NHRC, had visited the Jalpaiguri Central Jail on 2<sup>nd</sup> Nov 2008 too. The jail records were inspected and the officers were asked to prepare statements on the following issues:

- ❖ Custodial Deaths
- ❖ No of Under Trails in Jail/years/male female ration
- ❖ No of prisoners booked under 498- A, those who been granted bail
- ❖ Bangladeshi prisoners, released and those facing trial
- ❖ List of Juvenile Prisoners male, female
- ❖ Psychiatric patients male, female

The team visited the Barracks and also the Prisoners Cells/Women Cells.

**Observations:**

- While there was space only for 6-7 women, the cell was occupied by 52 women prisoners due to space crunch.
- Out of these 52 women prisoners, only 5 were convicted and the rest were Under trails.
- There were about 6-7 children too, long with these women.
- A majority of the women were booked under NDPS Act. These women were very concerned about their home and children.
- There were women who could not get bail as there was no one to support them and they did not have adequate funds.
- The main cause of overcrowding is due to Bangladeshi prisoners. There were more than 100 Bangladeshi in the jail booked for not-so-serious offences.
- There was one Akhtaralal Islam, who stated that he was 17 years of age and was granted 8 years punishment for illegally crossing the Bangladesh-India borders.
- There was lack of toilets. In one of the wards (Ward no 4) there just 1 toilet for 70 prioners. In convict ward no 9 there were 151 prisoners and just 3 latrines and 1 bathroom for night purpose.
- The kitchen space was unclean and unhygienic too. The floor broom was used for cleaning rotis.
- A lady prison official is required and would be helpful to handle the grievances of women prisoners; it was felt. If it was not possible to post lady prison officer, some lady officer, can be deputed to visit every day or on alternate days.
- It was reported that due to paucity of space, the recreation hall was being as a lock up.
- The payment of prisoners/wages was irregular as there was lack of funds.
- A new building was being constructed which would lead to decongestion of prison space.

**Measures:**

- The problem relating to overcrowding had to be addressed.
- The police offices must resist from arresting people under NDPS Act on small pretexts.

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- The number of toilets had to be increased.
  - The Kitchen and the dining space required cleanliness.
  - A lady officer was required.
  - Under 18 children should not be kept in prisons. They should be sent to juvenile homes.
  - More space for women prisoners.

#### **Police Station Dhupguri**

Team consisting of Special Rapporteur, NHRC, Shri Damodar Sarangi, Research Officer NHRC, Dr. Aparna Srivastava, Section Officer, NHRC Sh. S.K. Gauba visited the Police Station Dhupguri on 3<sup>rd</sup> Nov 2008.

The Special Rapporteur, Sh. Damodar Sarangi, enquired the status of the following reports from SHO, PS:

- a. No of person's chargesheeted in cognizable offences?
- b. Prosecution report sent in how many Non-FIR Cases?
- c. Whether they had been informing family members in cases of arrest?

#### **Observations**

- The female and male lock ups were empty.
- Upto Oct 2008, there were 130 people booked under Cognizable offence and 185 under non-cognizable offence.
- The Arrest Memo were not duly filled in.
- In Arrest Memo numbers 297602-609, there were just signatures/thumb marks of the persons arrested, while the forms were blank. There were no details in the forms.

#### **Measures:**

- Arrest memos to be duly filled in and properly signed.
- The relatives of the arrested persons had to be informed about the arrest.

#### **B. Mayanaguri Police Station**

Team consisting of Special Rapporteur, NHRC, Shri Damodar Sarangi, Research Officer NHRC, Dr. Aparna Srivastava, Section Officer, NHRC Sh. S.K. Gauba visited the Maynaguir Police Station on 3<sup>rd</sup> Nov 2008.

The Special Rapporteur enquired for sanction of Lady Officer for the police station. The SP City, Sh. Manoj Tiwari who accompanied the team reported that whenever there were female arrests, a lady officer was put on duty in the respective police station.

**Observations**

- The PS was not clean.
- 202 people were arrested upto 10<sup>th</sup> month.
- The arrest memos were neither signed nor filled in.

**Measures**

- Improved cleanliness levels.
- The arrest memos had to be duly filled in properly signed.

**C. Korok Observation & Juvenile Home**

The team consisting of Dr. Sanjay Dubey, Director NHRC and Shri Bhaskar Tripathi, Research Assistant, NHRC paid visit to the Korok Observation & Juvenile Home Jalpaiguri.

**Observations**

- i. The home has a capacity to accommodate 50 inmates, but in reality the house had the occupancy of more than double of what is sanctioned. The different occupants of the house fall under three categories as listed under:

Migrants from Bangladesh	Indian children in conflict with laws	Indian children in distress & needing care & protection	Total
46	20	42	108.

- ii. The infrastructure facilities also seemed to be lacking on following issues:
  - a. There were five rooms to accommodate the children and the number of beds was just over half of the exactly sanctioned strength of the home (same is depicted below):

Room	Number of beds
Room 1	6 beds
Room 2	6 beds
Room 3	8 beds
Room 4	6 beds
Room 5	1 bed.
Total:	27 beds

- b. There were in total two blocks for toilet and bathroom facility each block consisting of 3 units for toilet, 1 unit for urinating and 1 unit for taking bath.
  - iii. The children were broadly categorized into two groups according to the age, viz, 6 to 12 years of age and that over above 12 years of age.

There was no demarcation on the basis of the reasons for which the child was kept in the home.

**Measures**

The following measures are needed to be taken:

- a. The infrastructure facilities need to be strengthened. The home presently has a sanctioned capacity of 50 children, in order to ensure the rights of these children also there is a need to increase the bedding capacity from 27 to 50 and also the toilet and bathing facilities.
- b. Some sort of demarcation or categorization of the children needs to be made on the basis of the reasons for which the child is brought to the home. For example according to the background of these children there can be three categories, one consisting of those who are migrants from Bangladesh, second consisting of children who are in conflict with laws and third of those who are in need of care and protection.

**FIELD VISIT BY MEMBER, NHRC AND SENIOR OFFICERS OF THE COMMISSION**

Member Justice Sh.G.P. Mathur, Special Rapporteur Sh.Damodar Sarangi and Director, Dr. Sanjay Dubey also visited the District Jail on 4<sup>th</sup> Nov, 2009. They also visited Children's home on 4<sup>th</sup> Nov 2009.

**Visit to District Jail, Jalpaiguri  
Observations**

- There is a psychiatrist attached to the district hospital but he does not visit the jail hospital.
- There are 34 male mental patients and 5 female mental patients
- The capacity of the jail is 554 but there are around 128 inmates in jail
- Appeals of convicts since 2001 are pending in Calcutta High Court
- Kantapuri under-trials numbering about 46 and also Gorkhaland agitators are in jail for 7-8 years. Case of the year 2001,2002 and 2003 are still pending.
- There are some persons in jail who have been granted bail but are not able to furnish sureties and therefore, they are not being released.
- Some of the children are shown as 18 years of age though they appeared to be less than 18 years old and they are decaying in Jail.
- Accused is not produced before the Magistrate at the time of seeking remand and the remand is granted by the Magistrate without seeking the accused and without ascertaining his age through accused is less than 18 years of age.
- Allocation of money for food for inmates in Central Jail is very low.

**Visit to J. J. Home**

**Observations**

- No juvenile court at Jalpaiguri but the same would be coming up soon, it was informed.
- The only juvenile Court presently is at Cooch Bihar. It is 150 km., away from Jalpaiguri.
- Allocation of money for food for each child in the home appeared to be on the higher side.