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Summary Record of Discussion in the Workshop on Human Right  
Awareness & Facilitating Assessment of Enforcement Of Human  
Rights at District North Sikkim (Sikkim)  
From 27<sup>th</sup> to 30<sup>th</sup> September, 2008

In continuation of the 28 Districts program a workshop on Human Right Awareness & Facilitating Assessment of Enforcement of Human Rights was organized at Zilla Parishad Bhaban, Mangan, North Sikkim District of Sikkim by the National Human Rights Commission in collaboration with district and State Government authorities from 27<sup>th</sup> to 30<sup>th</sup> September 2008. The workshop was presided by the Special Rapporteur, NHRC, Shri Damodar Sarangi, Director (Admn), Dr Sanjay Dubey and the other district officials were the panel members in the workshop.

The District Collector of North Sikkim welcomed all the NHRC officials and other participants to the workshop. He stated that one such program was organized last year by the Ministry of Human resource Development. He also said that Sikkim is the best State in providing social security and facilities to the citizens in the state.

The Special Rapporteur gave an introduction of the human rights legislations, NHRC's role and the objective of the workshop along with the issues dealt under this program. Then he stated about the findings in the field visit to the health institutions. He said that as the population in the State is very less so there is no accommodation problem in the health centres but there is problem of timely medicine supply to the health centres and there should be a link with the actual requirement. He drew attention to water supply problems due to direct consumption of water from streams without filtration leading to diaherrea and other waterborne diseases. Apart from this some other problems like shortage of staffs, staffs living outside the premises of health centres, unclean conditions at health centres and inadequate quarters for staffs etc. were also pointed out by him, which he said that the district administration must take care off. He said

diseases like T.B, diaherria, hypertension etc, are more commonly reported at the health centres. So adequate steps must be taken by the authorities concerned for this. He also said that in the district hospital, which is newly built, there was seepage in the roof and walls. He said that Panchayat has a very crucial role in health care system.

About jails and custodial justice, he said that only 91 complaints from Sikkim were registered with the Commission since 1993. He said that there were very few crimes and people are peaceful in Sikkim. So custodial problems are also less. He told that in one year only 30 arrests have been made and only 11 undertrials are there in the central jail. He said that people are kept in detention without registration of case. It should be looked into to examine that case is registered. He pointed out that diet charges @ Rs.5 per prisoner is very low. So it should be increased for ensuring good diet to the prisoners. He urged for a transparent police administration.

Dir (A) gave an introduction of the 28 district program and the 7 issues dealt under it. About education he said that very less emphasis is given on computer literacy and the education is outdated. He said that three things are aimed under SSA, i.e., free primary education by 2007, free elementary education by 2010 and drop out rate should be zero and enrollment should be cent percent. He said that now SSA has been renamed as Madhyamik SSA. He pointed out that the Mid Meal Scheme is going well in the schools but the toilets' condition in the schools is not good.

He said that Anganwadi Workers play dual roles under ICDS, by looking after the health and nutrition and education of pre-nursery children. The role of Panchayat is very important for assessment of all the schemes. There should be a village education committee in every village aiming at education for all.

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The District Collector of North Sikkim said that there are lots of difficulties, like logistic support, accessibility, infrastructure etc., in implementing the schemes. So while making any recommendation, this should be kept in mind. He said that they are trying to get 100% sanitation in the district.

The Zilla Parishad Chairman said that Sikkim has got India Today award for being the most greenish hilly State in the Country. He also said that there are village and district level committees to look after the PHCs in the district.

The DSO said that there are three food god-dawns in North Sikkim and 70 fair price shops in the district opening six days a week except on Tuesday. He said that 220 Qtls of Rice is kept to meet the eventualities in the district and 400 Qtls of rice for monsoon season. He said that the BPL families are identified by the Ward Members based on their economic and social condition. He said that the last BPL survey in the district was made in 2002. He further said that there are two sub-dealers in Lachung and Lachun, who carries food grains from the nearest FPS to distribute among people there, as there is no fair price shop at Lachung and Lachun.

The CMO of the district said that under Janani Suraksha Yojana Rs. 500 is paid for institutional delivery and also the taxi fair for two ways, maximum Rs.700, is paid. He said that it is planned to avail at 2 ANMs in every Subcentres and to build 19 subcentres by 2010. He said that T.B is reported more because of the dusts and hypertension is reported more because of more salt intake and also because of the hilly terrain. He said that the Government has started a pilot project for prevention of communicable diseases. He said that Rs. 10,000/ per annum is given to all PHCs for their maintenance. He also said that in public and private partnership a new project called Tista Urjja has been taken up to build more new subcentres and to renovate and reconstruct PHCs and hospitals.

The Deputy Director of Education said that the student teacher ratio in the district is 40:1 and even schools are there where 40 students are also not there. The Mid day Meal scheme is managed by the Panchayats and self-help groups are helping in cooking and providing utensils. There is no godown of FCI in the district. He stated that at least every district must have one FCI godown. The transport cost reimbursed is Rs. 100 to provide rice at schools which is very less. So godowns must be constructed and transport cost reimbursed must be increased. The schools in the district have classes from pre-primary to senior secondary level, which becomes difficult to manage. He said that the pre-primary must be segregated from the schools and should be kept in the Anganwadis only. He said that school mothers are there to look after the pre primary students and the mid meal is given to the students of class 1 to 8<sup>th</sup>. But the rice provided under Mid-day-meal scheme is only for class 1 to 5 and is adjusted for feeding all the students from class 1 to 8th. He also said that the funds received for construction of toilets and water supply is not enough.

One of the representatives of NGO called Muskan said that the anganwadi workers are involved into various activities but get very low remuneration. Their remuneration should be increased.

The CDPO, Mangan, said that the AWW are given Rs. 1750 per month and the CM has promised to increase the amount. He said under contract and various schemes with the same kind of work different remunerations are given. There should be similar payments to all and the remuneration should be as per the quality and volume of work.

Finally the meeting was over with a vote of thanks by the district collector.

**Recommendations:**

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

- There should be timely medicine supply to the health centres.
- Institutional deliveries should be encouraged.
- Water supply problems leading to direct consumption of water from streams without filtration resulting into spread of various water borne diseases, shortage of staffs, staffs living outside the premises of health centres, uncleanness and unhygienic condition of health centres and inadequate number of quarters for staffs etc. should be looked into by the district administration.
- People should not be kept in detention without registration of case. The amount of money allotted for meeting the dietary needs per prisoner should be increased for ensuring a good diet to them.
- Emphasis should be given on computer literacy in educational institutions.
- Steps should be taken for proper sanitary condition of toilets in schools and more toilets should be constructed in schools.
- There should be a village education committee in every village aiming at education for all.
- One FCI godown in each district must be constructed and transport allowances must be increased.
- The schools in the district consist of classes from pre-primary to senior secondary, which becomes difficult to manage. So the pre-primary class must be segregated from the schools and should be kept in the Anganwadis only.

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**FIELD VISIT REPORT  
NORTH SIKKIM DISTRICT OF SIKKIM**

In pursuance of the 28 Selected District Programme the team from National Human Rights Commission visited North Sikkim District of Sikkim from 27<sup>th</sup> September to 30<sup>th</sup> September. The visits mostly concentrated to the following themes: right to food, right to education, right to health and criminal justice system in the District.

**1. RIGHT TO EDUCATION**

The team consisting of Dr. Sanjay Dubey, Director (Admin.), Shri S. K Guaba, Section Officer (PRP&P), Shri R. K Nigam, Assistant, Ms. Tapaswanie Mohanty, Research Assistant and Shri Bhaskar Tripathi, Research Assistant made following spot visits:

- a) **Monastic School, Ringhem Monestry, Mangan:** Principal- Lhama Singitak Lepcha.

(Date of visit: 27<sup>th</sup> September 2008)

The school receives aids from Human Resource Development Department and the Ecclesiastical Department of Government of Sikkim and also receives the same facilities those provided to other schools under the Sarva Shiksha Abhiyan, i.e., Mid-day Meal, Free Text Books, Uniform, etc.

The monastic school provides education to the children equivalent to Primary standard. After this the child goes to Tibetan University to receive instructions for five years after completion of which he/she receives the degree of "Shashstri" equivalent to bachelor degree.

On completion of Shastri the student further studies for four years and becomes an "Acharya", equivalent to master's degree. It is at this stage one becomes eligible to either become a Lhama (Teacher) or to be a Monk in any monastery. In order to become a Lhama he has to undergo training in meditation for a period

of 3 to 4 years. To be a monk he can simply be attached with any Monastery after becoming Acharya.

Apart from providing education the institution also runs a section providing training and education equivalent to standard five to females who assist the monks in rituals.

### *Observations*

- i) The infrastructure facilities and the number of rooms was satisfactory though the need of constructing class rooms was clearly evident from the following points:
  - Students of different classes were made to sit in single room.
  - Students from classes 1<sup>st</sup> to 3<sup>rd</sup> was made to sit on the area attached to the monastery temple.
- ii) The strength of students was very low.
- iii) Medium of teaching was entirely in regional language and Tibetan.

### *Measures to be taken*

- i) Funds should be provided for constructing new classrooms.
  - ii) Second language should also be taught.
- b) Government Senior Secondary School, Mangan: Principal- Mr. Sonam Denzongpa.**

(Date of visit: 27<sup>th</sup> September 2008)

The number of students in the school is 921 out of which 437 are boys and 484 are girls. There are in total 50 teaching staff and 7 supporting staffs. The school has 13 PGTs, 13 TGTs, 19 PRTs, 2 IT instructors and 3 Hotel Management Trainers.

The school, apart from the courses in Pure Science, Biology and Humanities, also provides vocational training in Information Technology Applications and Hotel Management.

The school is the only institution providing higher education in the near vicinity where the students from 8 neighboring schools come to receive education after completion of class 10<sup>th</sup>.

### *Observations*

- i. The library of the school needs attention. The quantity of the books is lesser than the required number. The newspaper lying on the tables were dated back to 19<sup>th</sup> April, which clearly indicates that the same needs updating.
- ii. The school has four toilet units for the students. The terrain for the same is difficult and is covered with nettle leaves and other live grass. This clearly indicates that the units are inaccessible and seldom used. The students and the attending staff confirmed that in normal practice the students urinate near the playground.
- iii. Mangan is prone to land sinking which has lead to a maximum number of cracks in the school building and the building of the Primary section of the school tilted towards the right side. This needs immediate attention.
- iv. The school Principal informed that the irregular and erratic water supply adds to the problem of maintaining the sanitation and hygienic condition of the school.

### *Measures to be taken*

- i. The school buildings need immediate maintenance and repair work.
- ii. The toilet facilities need to be provided.



- iii. Water supply needs to be regular.
- iv. More books and reading facilities to be added to the existing library.
- v. Establishment of Mathematics Lab and renovation of the school building.

**c) Government Secondary School, Singhik, Mangan:** Head Master-  
Shri Narendra Chand Chakrobarty.

(Date of visit: 27<sup>th</sup> September 2008)

The number of students in the school is 360. There are in total 23 teaching staff including two Para Teachers (on contract basis) under the Sarva Shiksha Abhiyan.

It was informed that up to class 5<sup>th</sup> every student is provided free textbooks and uniform. From 6<sup>th</sup> to 10<sup>th</sup> the students in Sikkim are categorized into two categories, sikkimese and outsiders. The Sikkimese students (native of Sikkim) are provided books at half the rate while for the outsiders there is no subsidy.

Presently the school lacks infrastructure facilities and the same is depicted by the fact that the library and laboratories are combined in one room.

*Observations*

- i. There was a single room for the laboratories and library.
- ii. The drinking water facility for the school staff and children was located outside the building.

***Measures to be taken***

- i. Infrastructure facilities should be taken care of.
- ii. Adequate potable drinking water facilities to be provided.

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- iii. There is a need of separating library from laboratories.
- iv. The book content of library needs to be enriched.

## 2. CUSTODIAL JUSTICE

The team consisting of Shri Daamodar Sarangi, Special Rapporteur, Shri RK Nigam, Assistant, Shri Bhaskar Tripathi, Research Assistant paid visit to:

### a) Police Station cum Check Post, Tsungthang, North Sikkim.

(Date of visit: 28<sup>th</sup> September 2008)

The post has 1 Sub-Inspector, 2 SC and 9 Police Persons. Staff of the station is not deficit.

The post is directly under the Ministry of Home Affairs due to which budget allocation is not a major problem. The persons detained in custody therefore are provided a good diet. The food for the detinue is purchased from the hotel and the office of the IG Check post reimburses the exact amount of expenditure.

It was informed that normally no person is detained for a longer period and if the offence alleged is billable the SI releases him on bail and in other cases he is produced before the judicial magistrate at Mangan or at Gangtok. The detinue is taken to Gangtok as the Judicial Magistrate for North Sikkim has also the charge of East Sikkim and therefore he comes to Mangan only once or twice in a week.

The detinue is medically examined before taken in custody at the Primary Health Centre, Chungthang. If there is any expert opinion required the person is taken to District Hospital Mangan for examination.

The record provided at the police station clearly shows that there are no cases of unlawful arrest or detention. The persons arrested are either charge sheeted or are released after final report.

**b) Police station, Mangan**

(Date of visit: 28<sup>th</sup> September 2008)

The station has 1 SI, 6 constables and 2 homeguards. Lady Officers are also present. There are separate cells for male and women arrestees.

The cases are mostly of petty offences and the records show that most of the cases relate to accidents and theft.

The budgetary allocation for the detenue is very low (Rs. 5 per person).

Peculiar information shared was that in leu of the unavailability of the Judicial Magistrate, the Executive Magistrate is empowered to pass an order of remand or detention for a period of 3 to four days. After the expiration of this period the arrestee needs to be presented before the judicial magistrate for further orders.

***Measures to be taken***

- i. The budgetary allowance for the diet needs to be increased.

**3. RIGHT TO HEALTH**

The peculiar feature of Sikkim state is that there is no community health center (CHC). The district hospitals are referred to as CHCs and the health services comprises of Primary Health Sub Centres, Primary Health Centres and the District Hospital.

The team consisting of Shri Daamodar Sarangi, Special Rapporteur, Shri RK Nigam, Assistant, Shri Bhaskar Tripathi, Research Assistant paid visit to:

**(a) Primary Health Sub Centre Singhik, Mangan**

(Date of visit: 28<sup>th</sup> September 2008)

The center has four staff members including 3 medical service providers and one assistant. The center has one Multi Purpose Health Worker, One ANM and one

nurse. The Doctor from Primary Health Centre, Chungthang pays a weekly visit to the center.

The center is provided medicines as per the stock sanctioned by the government and the same is procured from Central Drug Store, Gangtok. The allocated drugs do not correspond to the population of the area and therefore sometimes medicines are not readily available. For example there was no ORS available at the centre.

The centre has a labour room and in the last seven months there have been 20 births in the centre.

The centre though is open between 9 am to 3 pm but in cases of emergency service is provided even at nights.

Since April 2008 to September the centre has provided treatment to 879 patients. The centre has recently faced problem of increase in the number of patients due to the development projects being carried out. It was informed that due to this fact the centre sometimes faces shortage of medicines.

It was also informed that the medical staff also in turn goes to villages (Basti) to provide pre and post natal medical checkup of the patients. It is during these visits that the staff faces problems as there is lack of transport services and also at times they need to walk a greater distance.

The sudden increase of the number of patients at the time of inspection due to the fact that the doctor was also present depict that the visits by the doctor or his presence in the centre is in great demand.

**(b) Primary Health Sub Centre, Naga, Mangan**

(Date of visit: 28<sup>th</sup> September 2008)

The centre has two medical and one supportive staff. There is one Multi Purpose Health Worker (Male), one ANM and one attendant.

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The centre receives on average 3 to four patients in OPD. The centre has assisted 2 institutional deliveries and 4 home deliveries during the year.

There is irregular water supply problem. The water is directly supplied from a pond by the Panchayati Raj Institutions.

The centre is also facing the lack of vaccines such as hepatitis B and other immunization vaccines.

**Measures**

- i. The centers' building needs renovation, as there is leakage problem.
- ii. The supply of drugs needs to be more frequent and the allocation should bear some sort of proportion to the population and the number of patients.
- iii. Arrangement of regular supply of pure drinking water needs to be made.
- iv. There is a need of dusting and cleaning of the building considering the hygiene and sanitation.
- v. Number of visits of the doctor needs to be increased and properly worked out.

**(a) Primary Health Centre, Chungthang**

(Date of visit: 28<sup>th</sup> September 2008)

The centre has one doctor, 2 nurses, one Multi Purpose Health Worker (Male) and other supportive staff. In addition to this the centre also have a doctor on contract basis.

There is a pathology lab for carrying out medical tests. Dental care is also provided.

The centre also has an ambulance, though the same lacks first aid kit, oxygen cylinder and a support belt for a patient while traveling.

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*Observations*

- i. The centre's building has leakage problem and also there is a need of cleaning the premises.
- ii. There are 10 beds in the centre.

***Measures to be taken***

- i. The centre requires X-Ray technician or radiographer to conduct X-Ray.
- ii. Water supply needs to be provided.
- iii. Cleanliness arrangements needs to be further looked into.

**a) District Hospital, Mangan**

(Date of visit: 28<sup>th</sup> September 2008)

The hospital infrastructure though new needs renovation as there is a lot of leakage problem from the roof, wall and floor of the hospital.

There are around 50 beds in the hospital including those in the private ward. The tests in the hospital are carried out by the technician as there is no pathologist.

The hospital provides meals to the patient for which the budgetary allowance is Rs. 39 per patient per day.

The hospital has two ambulances and two units of Mobile Medical Unit under the National Rural Health Mission.

***Measures to be taken***

- i. There is a need of renovation of the entire building.
- ii. Vacant posts such as that of radiologists need to be filled.

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- iii. Attention is required to be paid to the sanitation and cleanliness of the area. Stains are easily seen on the bed sheets and other apparels.
  - iv. Mobile units under NHRM are for the rural area and therefore the same needs to be resifted to such areas or at least closer to such areas.

#### **4. Right to Food**

##### **a) Fair price Shop, Mangan**

(Date of visit: 27<sup>th</sup> September 2008)

The team consisting of Dr. Sanjay Dubey, Director (Admin.), Shri S. K Guaba, Section Officer (PRP&P), Shri R. K Nigam, Assistant, Ms. Tapaswanie Mohanty, Research Assistant and Shri Bhaskar Tripathi, Research Assistant visited the Fair Price Shop at Mangan. The dealer of the FPS is Deepshh Lema.

##### *Observations*

The following observations were made:

- i. It was found that the fair price shop and the co-operative society are run jointly and there are 104 BPL cardholders, 1257 APL cardholders, 8 Mukhya Mantri Antodaya Anna Yojana cardholders and 4 Expanded Antodaya Anna Yojana holders.
- ii. It was said that the food items and kerosene is supplied once in a month.
- iii. The shop remains open from 8 A.M to 5 P.M on all days except on Tuesday.
- iv. There are total 70 fair price shops and 3 godowns in the district.

- v. The FPS covers two blocks under it.
- vi. There is no provision for proper audit of distribution system, which is only verbally done, and there is no mandatory provision for monthly checking.
- vii. There is no data available for undistributed food stock.
- viii. There is no criterion for selection of APL or BPL families.
- ix. The BPL families get only 35 Kg rice per family and do not get the other items and for the rest of the items they get APL cards whereas APL card holders get all the items. So one BPL cardholder gets both BPL and APL card.
- x. The APL cardholders get rice at Rs. 9 per Kg, MMAAY cardholders get 35 Kg of rice free of cost, EAAY cardholders and BPL cardholders get 35 Kg of rice at Rs 4 per Kg.
- xi. The license of a dealer is renewed annually after payment of required fee for that.

**Measures to be taken**

- 1. There should be provision for proper audit of distribution system and there should be mandatory provision for monthly checking.
- 2. There is no streamlined criterion for selection of APL or BPL families. The BPL families get only 35 Kg rice per family and do not get the other items and for the rest of the items they get APL cards and buy products at APL price whereas APL card holders get all the items. Therefore steps should be taken so that BPL cardholders can get all the items at BPL price and get only one card.



**b) 01/NC/FPS/03-Govt Fair Price Shop, Chungthang**

(Date of visit: 28<sup>th</sup> September 2008)

The NHRC team consisting of Dr Sanjay Dubey, Director, Mr. S. K Gauba, SO and Miss Tapaswinee Mohanty, RA visited the FPS. The dealer's name is Lobzang Lapacha.

*Observations*

The following observations were made in the visit:

- i. There are total 70 FPS in the district.
- ii. The fair price shop distributes only rice and the sub dealers distribute kerosene. The Sub-dealers are appointed directly by the Head Office at Gangtok.
- iii. It was found that there is no independent FPS.
- iv. There are 13 MMAAY, 121 BPL, 312 APL and no EAY cardholders under the shop.
- v. The allocation of rice for different categories is 4.55 Kg for MMAAY, 42.35 Kg for BPL and 6.25 Kg for APL category.
- vi. There is no fixed allocation and distribution of Sugar and Flour. It is brought and distributed as per the demand of people because the demand for these items is very less.
- vii. It was said that the quality of PDS supplies is good and quality of rice is even better than the market rice.
- viii. It was told that before introduction of BPL system in 2003 rice was given to all at the rate of Rs. 6 per Kg without any distinction.

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**Measures to be taken**

1. There should be periodic review of BPL and APL lists.

**RECOMMENDATIONS/OBSERVATIONS**

The District of Sikkim forms a unique example of best administered District. Every village of the District has a unique facility of electricity and potable drinking water. What ails the administration is the non-availability of road connectivity in remote and rural areas.

The team from NHRC after analyzing the situation by means of field visits and the workshop deduced the following recommendations and action plan:

• ***Right to education***

1. The land of Sikkim is prone to land slides leading to cracks in buildings of the school. Therefore, infrastructure facilities need to be developed and measures for speedy maintenance need to be taken up.
2. The sharing of rooms for imparting teaching to the students of primary section is prevalent in the schools which lead to distraction among teachers and students. There is a need to construct new class rooms.
3. One of the common features observed was no maintenance of the libraries, the same should be given utmost attention and there should be a periodic updation of the books and circulars.
4. Adequate drinking water and toilet facilities should be provided.
5. In the workshop it was suggested that the basis of allocation of mid-day meal should be nutritional and not monetary. Further, the scheme should not be continued beyond class 5<sup>th</sup> as it hinders the teaching process.

- **Right to Custodial Justice**

1. The District does not have a permanent appointment of Judicial Magistrate due to which the arrestee often has to remain in custody exceeding the 24 hours time limit. It is accordingly recommended that the Magistrate be appointed for the District.
2. The budgetary allocation for the detinue is very low (Rs. 5 per person per day), resulting in non availability of nutritional food for them. It is therefore recommended that the allocation for food be made as per the nutritional content of a diet rather than that of monetary.

- **Right to health**

The team visited Primary Health Centers and District Hospital. In the course of visits and workshop following recommendations came into light:-

1. There is a need for renovation of buildings. The conditions of the buildings are poor. The signs of leakage and termite were clearly visible.
2. There are lot many positions vacant at PHCs and District Hospital; the same need to be filled up immediately.
3. The District Hospital needs to be modernized in light of the fact that it is in it that major tests are conducted and cases are referred.
4. There is a need to strengthen PHCs so that institutionalized deliveries can be encouraged at that level.
5. PHCs also need to be equipped with ambulance facility.
6. One of the features observed was that the quota for allocation of medicines for PHCs is based on a fixed parameter ignoring the requirement of a centre and the same is provided once in a month. The

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system needs to be modified and the allocation should be made on the basis of requirement.

- **Right to Food:**

The team visited Fair Price Shops. In the course of visits and workshop following recommendations came into light:-

3. There is no data available for undistributed food stock. There should be provision for proper audit of distribution system, which is only verbally done at present, and there should be mandatory provision for monthly checking.
4. There is no streamlined criterion for selection of APL or BPL families. The BPL families get only 35 Kg rice per family and do not get the other items and for the rest of the items they get APL cards and buy products at APL price whereas APL card holders get all the items. Therefore steps have to be taken so that BPL cardholders can get all the items at BPL price and get only one card.
5. There should be periodic review of BPL and APL lists.
6. Each district must have one FCI God-wan.