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Minutes of the Workshop on Awareness and Facilitating Assessment and Enforcement of Human Rights at District Level Administration held at Baghmara on 18.12.08 (Meghalaya)

The workshop was presided by Justice Sh. B.C. Patel, Member, National Human Rights Commission, Dr. Sanjay Dubey, Director (Administration) assisted the Member. Smt. Marak, Dy. Commissioner of Baghmara, Sh. R.P. Aggarwal, IG, (CB CID & Human Rights) and Sh. Vijay Kumar, IG (Law & Order) were representing the State Government. Sh. S. Kammath, PS to Member and Sh. Sanjay Kumar, Under Secretary were also present in the workshop, from the Commission.

2. Smt. Marak, Dy. Commissioner, Baghmara welcomed the NHRC team and the participants of workshop. Dr. Sanjay Dubey, Director (Administration) informed as to how the Commission decided to spread the Human Rights Awareness and focused on Human Rights issues by organising workshops in selected 28 districts of the country. He mentioned that the Commission has selected 28 districts, one each from every State from the list of backward districts prepared by Ministry of Panchyati Raj and also endorsed by Planning Commission and the list of backward districts selected for the National Agricultural innovation project by ICAR. The selections of districts from amongst the aforementioned list is based on parameters like illiteracy, percentage of SC and ST Populations, percentage of Forest Area, Infant Mortality rate etc. He mentioned that the objective of this workshop is to monitor the implementation of the recommendations of the Commission issued from time to time on specific Human Rights issues.

3. Justice Sh. B.C. Patel emphasized the Commission's focus on specific issues of Right to Food Security, Rights of Women, including Reproductive Rights, Right to Education, Right to Health and Hygiene and Sanitation, Right to Housing, issue of Trafficking in Women and Children, Issues related to Juvenile Justice, Abolition of Bonded Labour and Child Labour, Abolition of Manual Scavenging, Police and Prison Reforms etc. He also mentioned about the field visits of the Commission to Tura Jail, Community and Primary

Health Centres, Govt. Upper Primary School, Integrated Child Development Project Office and Police Stations of Baghmara.

4. All the participants of the State Government and NGOs of the State were divided into four groups as per subjects handled by them. The details of the four groups as per the subject are as under:-

<u>S. No.</u>	<u>Group</u>	<u>Subjects</u>
1.	Group – I Headed by Sh. D.D. Sangma, ADM South Garo Hills.	Right to Food and evaluation of measures taken to ensure the same including responsibility of Panchayat, food adulteration and Human Rights of SC & ST communities and other vulnerable sections of society.
2.	Group – II Headed by Sh. Vijay Kumar, IGP (Law & Order) Meghalaya.	Right to Custodial Justice and evaluation of measures to ensure the same.
3.	Group – III Headed by Inspector of School, Baghmara	Right to Education and evaluation of measures to ensure the same.
4.	Group – IV Headed by Dr. A.C. Hazarika, DM&HO, Baghmara.	Right to Health, Hygiene, Sanitation, environmental issues including drug adulteration and evaluation of measures to ensure the same.

The topics of discussions and suggestions/recommendations of the above four group are enclosed.

Group I

Topic: Right to Food

Discussions and Suggestions:

Under Right to Food topic, Group I discussed the following main issues:

1. Mid Day Meal scheme
2. Food Adulteration.
3. Public Distribution System, and,
4. SNP by ICDS.

1. Mid Day Meal Scheme: The programme is not implemented as it should have been. After the discussion the following difficulties have been identified by the Group:

- No proper monitoring being done by the concerned Department.
- Lack of Community participation: Only secretary, president or head master of the managing committee manages the whole scheme. Public is not aware of the benefits of the scheme in rural areas.
- No godowns in schools for storage of food grains.
- Food grains supplied are not checked by Department or school committees at schools.
- There is no provision for cook or helper in the scheme. But voluntary service is not received from the community as it is expected.
- Transportation of food grains to schools by whole sellers is also very difficult because of hilly terrain/untimely payment of transportation cost etc.

Suggestions:

- Spread awareness about the scheme in the community.
- School kitchen-cum godowns must be constructed in all the schools if cooked meal is to be provided.
- Responsibility of checking of food grains quality must be given to Managing Committee of schools.
- There should be a provision for appointing cook or helper on honorarium basis for each school.

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- Carriage / Transportation cost must be paid in time to whole sellers etc.

2. Food Adulteration: The following difficulties are found in this regard:

- Food adulteration is found mostly in the following food items: milk, rice, mustard oil, sugar etc.
- There is no food inspector to enforce legal provisions
- Lack of consumer awareness about the consumer rights.

Suggestions:

- District food inspectors should be appointed in each district and carry out regular inspections.
- Conduct awareness programmes both among school/college students and public at the district level, block level and village level.

3. Public Distribution System: The group discussed about distribution of AAY, BPL, APL cards to beneficiaries and also distribution of Commodities under PDS.

The group is of the opinion that:

- Some genuine beneficiaries are left out and some undeserving beneficiaries are receiving cards under PDS.
- Identification and survey of APL/BPL list is not being properly done.
- Quality of rice distributed at various fair price shops is not good.

Suggestions:

- Survey and identification of BPL/APL category people must be revised in every 5 years.
- The management of PDS must be strengthened.
- Spread awareness block wise and village wise especially about management of PDS.
- Price vigilance committee at each village to be sensitized.

4. SNP: The group identified following problems regarding implementation of SNP by ICDS:

- Honorarium paid to Anganwadi workers /helpers is very meagre, not commensurate to work done by them.

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- Anganwadi centres have no godowns, especially constructed by Blocks under EAS/SGRY etc.
 - Inadequate number of supervisory staffs to supervise centre and supply of SNP to children.
 - No facility of water supply at some centres.

Suggestions:

- Government should increase honorarium keeping in view the Minimum Wages Act.
- All anganwadi centres should have godowns.
- Number of supervisory staffs (especially lady supervisors) should be strengthened.

Group II:

Topic: Right to Custodial Justice and Remedial Measures

Discussions and Suggestions:

The group discussed about police custody, police lock ups, judicial custody, forest custody and village custody and came out with the following findings and suggestions:

1. Police Lock Ups/ Police Custody:

- Handcuffing and tying with ropes is practised
- Arrest guidelines are not displayed in the police stations.
- The accused has a right to know why he has been arrested and he should be allowed to talk to his lawyer or relatives and during interrogation accused's lawyer should be present. But it is not followed.
- Arrestee is not being produced before the magistrate within 24 hours of arrest.
- The quality of food given to persons in custody is not good.
- There is no juvenile home in SGH.
- Third degree method is being used in police lock ups.
- It is found that bribes are being taken to release person in custody.
- Insufficient bedding is being provided to arrestee in lock ups.

2. Judicial Custody:

- There is no jail in the district.
- Under trial Prisoners are not produced in time due to the fact that the jail is far away from Baghmara.
- Lack of lawyers in Baghmara.

3. Forest Custody:

- No lock up and other facilities available in the forest department.

Suggestions:

- The government should review the amount of money allotted per meal and also for bedding so that better food and living condition can be provided to the persons in custody.

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- Juvenile homes need to be provided with required doctors, counsellors and other experts as early as possible.
 - Application of Third degree method on accused should be avoided during interrogation and investigating officers need to be educated about it and other methods of investigation.
 - Strict disciplinary action needs to be taken against the police men and officers found involved in corruption and taking bribe.
 - A district jail needs to be built in the District.
 - Lock up facility along with other facilities to keep persons in safe custody before handing him to police needs to be provided to the forest department.

Group III:

Topic: Right to Education and problems relating to primary, upper primary and secondary schools of South Garo Hills (Baghmara)

Discussions and Suggestions:

The group discussed about the following issues:

1. Enrolment
2. Retention and drop outs
3. Infrastructural Problems
4. Quality of Education

1. Enrolment: The group came out with the following findings about enrolment related problems or low enrolment rate:

- Illiterate parents
- Non accessibility of schools within the habitations
- Poor parents
- Road and communication and natural barriers
- Lack of motivation among the parents and children
- Lack of community participation
- Non-attractive school buildings
- Traditional method of teaching and class room management
- Lack of sanitary facilities
- Lack of infrastructural support for recreation etc
- Health related problems and health check ups
- Broken families

Suggestions:

- Parents should be aware about the importance of education through various programmes and participation of Government functionaries as well as NGOs etc.
- Transportation and communication should be made easy by different schemes of government for all in-accessible habitations.
- Only qualified, trained and motivated teachers should be appointed by the government.
- In terms of quality there should not be any compromise on so called indigenous and non indigenous community lines.

- There should be compulsory periodical health check ups by medical professionals. Also, steps should be taken by the Government to appoint one medical officer either on contractual or regular basis to oversee the health services for a specified cluster of schools.

2. Retention and drop outs: The group came out with the following findings after discussion about retention and increasing rate of drop outs in schools:

- Traditional and in conducive teaching-learning process in schools
- Poverty of parents, households works, and earning compulsion
- Social demerits (Illiteracy and early marriages)
- Lack of counselling and guidance
- Lack of interest in the part of students
- Lack of accessibility
- Migration
- Detention and Stagnation
- Non-flexibility of school timing
- Negligence of child, individuality by the teachers
- Physical punishment and abuse
- Teachers absenteeism
- Single teacher and disproportionate teachers students ratio
- Rigidity in the curriculum
- Peer pressure and lack of learning facility

Suggestions:

- Supports and incentives such as MDM schemes, teaching/ learning material etc. should be made available in time, besides regular monitoring of the schools to be made compulsory by designated authorities.
- All on service teachers should be trained on new education policies and methodologies of teaching.

3. Infrastructural Problems: The group came out with the view that despite having the support of the flagship programme SSA since the year 2001, the infrastructure related to the primary, upper primary and secondary schools are still deplorable for the following reasons:

- Lack of transparency in the implementation of schemes

- Lack of inspection by the community, NGOs and Government authorities concerned
- Lack of monitoring by the authorities concerned
- Mishandling of funds
- Lack of parents-teachers association and community participation
- Lack of motivation on the part of education workers and volunteers
- Political interference in implementation of schemes and appointment of teachers etc.
- Delayed release of funds and red-tapisms.
- Lack of strict disciplinary action on the defaulters in the hierarchy of the system.

Suggestions:

- Implementation of schemes should be made more transparent and participatory in all strata of educational hierarchy
- Strong exemplary legal action should be taken on defaulters in the system
- Political interference should be made nil in matters of appointments of teachers, transfer and promotion through effective legislation
- NGOs and community should play an active role in monitoring the functions of the schools and in implementation of schemes.

4. Quality of Education: The group came out with the following findings after discussion about quality of education:

- Lack of trained teachers
- Backlog of untrained teachers
- Faculty recruitment policy by the government and the management authority
- Unqualified teachers catering in primary, upper primary and secondary levels
- Lack of professional ethics among the teaching community
- Lack of monitoring
- Lack of creativity
- Lack of innovative methods and strategies in teaching
- Lack of interest

Suggestions:

- All teachers should be trained
- Only pre-service teachers should be appointed by management and Government
- Salaries of teachers should be dignified and should be released on time.

Group IV:

Topic: Right to Health, Hygiene, water and environmental Issues

Discussions and Suggestions: After through discussions the group pointed out the following problems in this regard:

1. Health:

- Lack of full fledged district hospitals and laboratories
- Lack of specialists, namely gynaecologist, radiologists, anaesthetists, medicine specialists, surgeons etc.
- Lack of technicians
- Lack of vital and life saving medicines
- Lack of dedication in rendering services
- Lack of awareness regarding health problems, sanitation and genetic diseases
- Lack of participation of community and parents in different health programmes
- Lack of communication to the village level

Suggestions:

- Construction of full fledged district hospitals with complete medical facilities, fully equipped laboratories and trained man power and proper and regular supply of essential, vital and life saving medicines.
- Appointment of specialists in district hospitals as early as possible mainly gynaecologists, anaesthetists and surgeon, as Tura hospital is the only referral centre for Garo Hills which is more than 100 K.Ms from Bagmara.
- Improvement of existing PHCs and sub centres in terms of equipment and basic medical facilities and man power; at least two MBBS doctors should be posted in each PHC with accommodation facilities.
- Proper counselling, directions, guidance and follow up actions should be taken for rendering services by the government servants.
- Conducting more awareness programmes on all aspects concerning all the communities should be taken up, which have already been started.

- Motivating by conducting awareness programmes involving the village head man/ influential persons in village.
- Improvement of road communication system to villages and connectivity of villages with nearest health institutions be made.

2. Hygiene, Sanitation and Water:

- Lack of proper sanitary toilets in the village level and market places
- Lack of proper disposal of waste products
- Lack of drainage system
- Lack of proper sanitized market, e.g., slaughter house etc.
- Lack of portable drinking water source

Suggestions:

- Construction of sanitary latrines in schools, public places, communities and villages, which have already been taken up by the Total Sanitation Campaign, should be improved.
- Proper collection of household and institutional waste products in scientific way, followed by establishment of waste management.
- Improvement of drainage system
- Construction of proper market place
- Creation of system for harvesting rain water

3. Environmental Issue

- Unscientific mining, dumping and transportation of coal, leading to health hazards,
- Deforestation,

Suggestions:

- Scientific coal mining is advocated
- State Pollution Control Board should take up the matter for dumping and disposal of coal
- Promotion of eco tourism
- Forest department should take up actions for prevention of deforestation by conducting awareness programme and counselling.

National Human Rights Commission
Visit Reports

1. **Visit to Tura Jail on 15.12.08**

The visit conducted by Hon'ble Member Justice Shri B C Patel and the proceeding of the visit is enclosed. List of staff of District Jail of Tura is enclosed as **Annexure - I**

2. **Visit to Rongra Outpost South Garo Hills on 16.12.08.**

Director (Administration) and Under Secretary (GA) accompanied with Sh. S.G. Momin, DSP, Meghalaya visited to Rongra Outpost South Garo Hills on 16.12.08. The Police Station is to be shifted to a new building very soon. The In-charge of Police Station Sh. P.C. Sangma, Sub-Inspector was not present there despite the wireless message received in the Police Station on 12.12.08 that the team of NHRC had to visit there. The staff strength of the Police Station is as under:-

Sub-Inspector	-	One
Constable	-	Six
Wireless Operator	-	Two
Driver	-	One

There is only one official vehicle attached with the Police Station. It was found that the Constables were not in uniform. The General Diary of the Police Station was not maintained properly. It was learnt that on an average only four to five FIRs are registered in a year.

3. **Visit to Integrated Child Development Project Office, Rongra, South Garo Hills on 16.12.08.**

Director (Administration) and Under Secretary (GA) accompanied with Sh. Ms. Rica Bareh, Child Development Project Officer visited the Integrated Child Development Project Office, Rongra Outpost South Garo Hills. The status report on the achievements of Rongra, ICDS Project, South Garo Hills is enclosed as **Annexure - II**.

II. It was informed that there are three blocks in Baghmara. In the Rongra Block, there are sixty three Anaganwaris. The staff strength of ICDPO, Rongra is as under:-

CDPO	-	One
UDA	-	One
LDA	-	Two
Chaukidar	-	One
Peon	-	One

III. The Anganwari workers are paid @ Rs.938 per month. The Anganwari helpers are paid Rs.500 to Rs.1000 per month.

IV. The team further visited Dambuk Aga, Anganwari Centre. The In-charge of the centre is Ms. Hamar Kala D. Shira, Anganwari worker. She showed us following registers:-

- I. Birth Record
- II. Monthly weight record
- III. Feeing Attendance Record
- IV. Weight Chart
- V. Monthly Weight Record
- VI. SNP Feeing Register'
- VII. Enrolment of Immunization Register
- VIII. Pre-school Register
- IX. Food Stock Register

V. It was observed that no Doctor/ANM etc. have ever inspected or signed the Inspection cum Visitor's Register there.

4. **Visit to Rongra, Upper Primary School.**

Director (Administration) and Under Secretary (GA) accompanied with Sh. H.D, Marak, Deputy Inspector of School visited the Rongra upper Primary

School. It was co-ed school. We met Sh. John Parthon N. Sangma, Head Master. It was informed that in Meghalaya the classification of school is as under:-

- 1. Nursery to class IV - Lower Primary
- 2. Class V to VII - Upper Primary
- 3. Class VIII to X - High School
- 4. Class XI and XII - Pre- University,
Higher Secondary

II. The school was established in the year 1955. The new building has just been constructed in the year 2008. The number of students enrolled for this session was 168 (Class V - 68, Class -VI – 66, Class VII – 34). No. of Teachers including Headmaster is six (male -5, female – 1). The Timing of school is 10.00 am to 3.00 pm. There were three personal computers and peripherals. But, there was no computer teacher posted there. The teacher who is teaching the computers is trained by the State Govt. Mid-day meal scheme is implemented in all the lower primary schools. Books and copies are distributed to the students free of cost. There was neither library nor book bank in the school.

5. Visit to Primary Health Centre, Rongra on 16.12.08

Director (Administration) and Under Secretary (GA) visited Primary Health Centre, Rongra on 16.12.08 and interacted with the In-charge of PHC, Dr. Merrycka Sangma, MBBS, (RIMS, Imphal). The PHC Action Plan for the Year 2008-09 is enclosed as Annexure – III. The staff strength of PHC is as under.

- Doctor - One
- Pharmacist - One
- Nurses - Two
- ANM - Three
- Surveillance Worker - One
- Lab Technician - One

II. Dr. Sangma informed that it is a ten bed hospital (five male and five female). On an average 15 patients visit the PHC daily. There are five DOTS patients enrolled with PHC at present. There is no HIV/AIDS patients. There is a facility of testing of blood (haemoglobin and grouping) and urine. She informed that every village is having a Asha activist. There is one ambulance attached with the PHC. There are six PHCS in Baghmara. The biggest PHC is Chokpot. There are three doctors there.

6. Visit to Atong Festival, 2008 on 17.12.08.

Justice Sh. B.C. Patel, Member, Dr. Sanjay Dubey, Director (Admin.), Sh. S. Kammath, PS to Member and Sh. Sanjay Kumar, US(GA) accompanied with Sh. R.P. Aggarwal, IG, CB CID and Human Rights visited the Atong Festival, 2008 on 17.12.08. The Member addressed the gathering and his speech was translated in Garo language by Sh. D.D. Sangma, ADM South Garo Hills.

Visit report of Hon'ble Member Justice Shri B C Patel

On the visit of Hon'ble Member Justice B.C. Patel to the Civil Hospital, Bagmara on 16.12.08. The District Medical Officer Shri Marak was also present. There are a total of seven doctors in the hospital.

DENTAL UNIT

- The dental unit is working with One lady doctor
- Modern equipments are available
- The drilling machine is out of order for the last one year, matter reported to the government but not yet repaired
- Total 3 dentists in the district
- No shortage of medicines
- Dental x-ray machine not working for the last six months
- Dental ailments due largely to Beetle nut usage
- To make the services more accessible mobile dental clinic may be a good idea

GENERAL

- Rs.2/- charged for registration per head. Poor people are also expected to pay but do not pay at times
- Three OPDs working
- Out of the 7 doctors two on Earned leave, two went to Shillong for meeting
- X-ray machine is working; one is portable, but no radiologist
- In the month of October-November, 2008n16 TB patients
- TB medicines are available
- Generally common medicines are available
- Some special medicines if required have to be purchased by the patients themselves
- Poor patients find it difficult. State Government not informed about this position
- No orthopeadician and Gynecologist or any other specialist
- New 70 bedded hospital is coming up in the adjacent plot when specialist are also expected to be appointed.

- Anesthetist also required to be posted
- The OT is not generally in operation except for a few days in a year since there is no surgeon, No AC
- Water scarcity requires attention immediately
- In fracture cases, patients referred to Tura which 3.5 hours travel via bad roads
- Complicated delivery cases referred to Tura again.
- Daily two delivery cases being received
- 10-20 delivery cases referred to Tura in a month
- For infant patients upto one year and delivery cases cost of fuel borne by govt.
- In other cases like fracture etc., vehicle provided subject to payment of fuel charges which is a good amount. Poor people unable to pay, serious cases suffer.
- Trained nurses are sent to villager's home for delivery in some normal cases
- There is a malaria clinic with two technicians, no shortage of chemicals for testing
- There is a gap of upto twenty days from date of collection to actual testing rendering the testing meaningless. Reason is lack of motorable roads, shortage of manpower, one has to move on foot for twelve to 18 kms. For collection.
- Volunteers are being drafted.
- One microscope out of order, DMO says new one is coming
- Rapid Test Diagnostic Kit being used for testing malaria on the spot, but is not conclusive
- 60-70 cases tested a day 2-3 cases positive
- There are two indoor patients
- There is semi paying cabin
- The beds do not have provision for fixing the mosquito nets which is essential
- One female ward – three patients, 9 beds are vacant
- In the maternity ward there are three patients.

- Immunization room is in good condition and vaccines are available
- Mortuary does not have AC, decomposed bodies being kept there very near to the hospital. Postmortems being conducted by the DMO in mortuary itself.
- In the office of the Civil hospital, upto 1045 hrs. no staff has turned up Attendance register not maintained.
- Out of the four clerks two on leave. The other two Ms. Cuvana Sangma and Mr. Pintoo Marak absent.

SIRBARI PHC.

- One new computer was received last week by National Rural Health Mission programme for the PHC. The Member opined that it may have been more useful at the civil hospital where there are more doctors, more patients and no computer.
- The doctor of the PHC is stated to have gone on leave on account of her father's sudden illness and serious condition. She is at the centre for the last eight years.
- The dispensing room is okay. The required medicines are generally available. But it was mentioned that anti biotic injections are scarce.
- The minor OT/dressing room is well kept.
- The immunization clinic has one Lady Health Visitor who comes twice a week Wed/Friday. Other days, she does to the field.
- In the PHC office there is one assistant.
- The store room is well kept.
- The centre received 30-40 patients a day.
- The windows of the PHC cannot be opened and are having fixed glass
- The cupboards do not on the other hand are uncovered with glasses having broken.
- There are no sweepers and cleanliness suffers.
- There is no microscopist
- Malaria testing is done by the lab technician, 15 samples are tested a day on an average including from the sub-centres.

- Due to gap between collection of samples and actual testing hemoeglobanisation has to be done to make fit for testing.
- Four out of 18 tests found negative by rapid testing method were found positive through microscopic test for malaria.
- In the female ward there are six beds but no patient.
- Homeopathic doctor is on leave from 6.12.08, 5-6 patients a day do come.
- There is a total of 34 staff including doctors in the PHC.
- Two chowkidars are posted. One is absent for the last one year or so. But he is drawing salary. List of staff is handed over .
- Staff quarters in the campus badly needs rapairs.

SUB CENTRE AT RAMCHENGA

- Registers are not maintained properly in spite of the observations/instructions of the doctor in charge of the primary health centre at Sirbari to maintain all registers correctly and promptly. Names of the patients and treatment given cannot be made out from the register. The last inspection by the doctor was on 14.10.08.
- The contractual NM was absent. She is absent without any leave application. No attendance register maintained.
- It is stated that 5-6 patients a day come to the centre. The centre is generally ill-equipped to handle any patient.
- Approx 20 Used BCG and other syringes were found on the table.
- No injections were given to any patient after 11/12/08
- The Nurse and Midwife present could not explain anything properly and lacked understanding about her duties.

VISIT TO TURA CENTRAL PRISON (15.12.08)

- Set up in 1991, staff 42, 85 bighas area, four buildings, separate kitchen, workshop, reading room, Radio/TV available in each room Public Announcement system available. Toilets are okay, the buildings were painted last March.
- Capacity of the prison – 200,
- Presently total 149 prisoners including one female UTP in jail for offences under Section 284/379/34 IPC
- Out of 149, 78 UTPs, 23 detained under Meghalaya Preventive Detention Act, 35 from Shillong jail due to renovation of jail, 21 Bangladeshis for illegally entry
- Maximum admitted in jail was 181 and minimum was 101
- Camp trials are held in the jail (one held last week)
- One male medical officer who is present (24 hours available), one pharmacist
- Five sent outside for treatment a day on an average
- Common ailment cough and cold, medicines in short supply. Pain killers for e.g. out of stock. No satisfactory method of procurement of medicines. Supply at the mercy of private pharmacies. DM requested to look into this.
- Jail hospital has one room which is kept clean
- Skin diseases treated in the jail itself.
- No HIV in jail
- No TB patient, one Ashtma patient kept separate.
- Medical examination at entry done. But authorities not aware of the form prescribed by NHRC as early as 1999. Specimen form made available to them. Advised to maintain complete medical record properly.
- Three female warders
- No custodial deaths reported
- Scarcity of drinking water, DM asked to look into.
- No uniform provided for the prisoners for the last more than twenty years.

- Three prisoners sentences for death, educated booked under NDPS.
- Grievances raised, release on parole, furlough etc.
- District Judge/Sessions judge do not visit the jail.

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Annexure I**LIST OF STAFF OF DISTRICT JAIL:::TURA AS ON 15.12.08.**

Sl.No	Name of Staff	Designation.
1	Shri D.N. Goswami,	Superintendent,
2	Shri J.J. Sangma,	Jailor,
3	Dr J. Ch. Momin,	Medical Officer,
4	Shri Bablu Marak.	Asstt. Jailor,
5	Smti Bina Rosaline A. Sangma,	U. D. Assistant,
6	Shri Anil Ch. Baruah,	L. D. Assistant,
7	Shri Tushar Kt. Marak,	Pharmacist,
8	Shri Denisnit Lamare,	Head Warder,
9	Shri Binode Bh. Roy,	Head Warder,
10	Shri Tink Rhril Thapa,	Head Warder,
11	Shri Biren Ch. Dey,	Warder,
12	Shri Prodip Sangma,	Warder,
13	Shri Ramjee Upadhaya,	Warder,
14	Shri Ashajiel Sangma,	Warder,
15	Shri Sushil Ch. Baruah,	Warder,
16	Shri Rajkishore Singh,	Warder,
17	Shri Shyam Sarmah,	Warder,
18	Shri Nirendra Ch. Roy,	Warder,
19	Shri Waljing Marak,	Warder,
20	Shri Jyotish Ch. Hajong,	Warder,
21	Shri Prabhu Narayan Dubey,	Warder,
22	Shri Dinesh Ch. Das,	Warder,
23	Shri Kemith Marak,	Warder,
24	Shri Rajendra Marak,	Warder,
25	Smti Kokilla Sangma,	Female Warder,
26	Smti Marsaring Sangma,	Female Warder,
27	Smti Chamell Hajong,	Female Warder,
28	Shri Greenjalson Areng,	Driver,
29	Shri Najen A. Sangma,	Driver,
30	Shri Wasginton Sangma,	Plumber,
31	Shri Meghlet Marak,	Cook,
32	Shri Bhetu Hajong,	Cook,
33	Shri Mukesh Kr. Balmiki,	Sweeper,
34	Shri Mitropal Balmiki,	Sweeper,
35	Shri Bright Staone D. Shira,	Havilder (A.B.)
36	Shri Santosh Thakur,	Naik (A.B.)
37	Shri Rodilson Momin,	Naik (A.B.)
38	Shri Frijush Marak,	Naik (A.B.)
39	Shri Haqipormi Lyngdoh,	Naik (A.B.)
40	Shri Everioush Sangma,	Medical Attndt,
41	Shri Ripon Hajong,	Medical Attndt,
42	Shri Krimson Sangma,	Instructor,
43	Shri Bamard Sangma,	Instructor,
44	Shri Sangkey Marak,	Warder,

Sangma
SUPERINTENDENT,
 District Jail, Tura.

Kindly may hand over to
 How - N.H.R.C. officials

Status Report on the Achievements of Rongara ICDS Project, South
Hills.

Rongara ICDS was established in 1989. The Project has 23 existing centres and ~~are~~ all are functioning. In 2006, 7 (seven) additional centres were sanctioned. The Scheme provide the following services:

1. Supplementary Nutrition Programme (SNP)

The scheme provides S.N.P. foodstuff and Milk powder to 3-6 years children, Pregnant and Nursing Mother. S.N.P. was served to beneficiaries 25 days in a month. Different items were indented under S.N.P. like Bengal Gram, Green peas, Ground nut, Suji, Cheera, Sugar & Salt etc.

2. Kishori Shakti Yojana (K.S.Y.)

Under K.S.Y. Adolescent girls were imparted 3 days initial Training and 6 months continuing education in scheme-I. In Scheme-II Adolescent girls were given vocational training and the girls were also provided with S.N.P.

3. Pre-School Education (P.S.E.)

P.S.E. aim at providing non-formal Pre-School education to children 3-6 years for Physical, emotional, social and intellectual development. Pre-School runs 25 days in a month.

4. Nutrition and Health Education (N.H.E.D.)

NHED was provided to women under the age group 15-45 years to create awareness on nutrition and health education through special campaigns cooking and feeding demonstrations and home visit by Anganwadi worker.

5. Immunization and health check-up.

Immunization and health check-up is done in coordination with Health Department for children 0-6 years and for pregnant and nursing mother, Iron Folic Acid (I.F.A.) was given to the Adolescent girls and the pregnant and Nursing mothers.

6. Referral services :-

Referral Services are provided for both mother and children. High risk mothers and children are sent to referral institution for special care.

7. Construction :- New Anganwadi centre were constructed for the centre where there is no building for conducting Pre-School education under Phase-I to Phase-III 23 new building have already been constructed from 2000 to 2007 and under Phase-IV four building have been sanctioned and are under process.

The following are the Beneficiaries of the Project :-

I.C.D.S. Scheme

Existing and Additional AWC.

0-3 years	-	1124
3-6 "	-	1312
S.M.C.	-	3
P.N.M.	-	346
A.G.	-	90
Total	-	2875

Mini Anganwadi centres

0 - 3 years	-	780
3 - 6 "	-	825
S.M.C.	-	0
P.N.M.	-	165
A.G.	-	99

Total - 1869

Physical Target and Achievements:-

Nutrition and Health Education

Beneficiary	Target	Achievements
15 - 45 yrs	2628	118 (only Sept '08)

Immunization

Beneficiary	Target	Achievement
0-1 yrs.	562	462
P.N.M.	346	200

Health Check - Up

Beneficiary	Target	Achievement
0-6 Yrs.	2436	1936
AFNM	346	200
KSY	90	45

(P.S.E.) Pre-School Education

Enrolled	Attended
1312	1312

Construction of A.W. building under Phase IV

Sanction	Under Const.	Not started	Com-plete	Remarks
4	1	2	1	Waiting for the second instalment
no	no	no	no	

Referral Services

	PHC	CHC	Sub-centre
At risk child	29	14	9
At risk P.N.M.	14	3	11

EAS - 1 constructed by Block (Alok Pang) ...
 Roadway area - 4
 Phase I - 6
 " II - 8
 " III - 3
 " IV - 4
 Sanction - Rs 2,50,000/-
 Expenditure - Rs 2,20,000/-
 Balance - Rs 30,000/-

Phase I	Phase III
1 Maheshkola	1 Halwa Atlong
2 Mahadeo	2 Rewak
3 Ailatali	3 Kalpa
4 Ronglotma	
5 Sabakol	
6 Kanai	

Phase II	Border area
1 Among Rongjol	1 Rongasora
2 Nengsra	2 Biliona
3 Chimitap	3 Gulpani
4 Dambuk	4 Chinggru
5 Panda	
6 Resumigittim	
7 Ronghu - Asim	
8 Bilawa	

Phase IV
1 Meradam
2 ...
3 ...
4 ...

Problems

1. Communication :- In most village there is no road especially for transportation of foodstuffs.
2. No water supply in all Anganwadi centres.
3. No regular immunization.
4. For 63 centres, only one Lady supervisor.

Achievements

- (1) The success of the scheme is that Mortality rate, child mortality rate and maternal mortality rate has been reduced.
- (2) The Anganwadi worker and Helper of this project received District and state Awards respectively. This indicated the sincerity and dedication of the worker.

As of now the main power structure included a child Development project officer at the Project level, one Lady supervisor at the sectoral level, 63 Anganwadi worker and 63 Anganwadi Helpers at the village.

P. Bener
Child Dev. Project Officer,
Rongara ICDS Project,
South Garo Hills.

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Report on high Population of Additional centres.

	M	F	Total
1. Hisingu	232	225	457
2. Rupak Mallungu	233	215	448
3. Durilutha	216	206	422
4. Galinggillim	168	180	348
5. Nadongkel	161	184	345
6. Gwabai	158	171	329
7. Imbleka	142	149	291

**AN APPRAISAL OF THE WORKING OF THE PUBLIC
DISTRIBUTION SYSTEM IN MEGHALAYA**

**S.K.Tewari
Special Rapporteur, NHRC**

ABBREVIATIONS

AAY:	Antyodaya Anna Yojana
APL :	Above the Poverty Line
Block:	Development Block
BPL:	Below the Poverty Line
Central Control Order:	The PDS (Control) Order, 2001
C&RD:	The Department of Community and Rural Development Government of Meghalaya
D.C.:	Deputy Commissioner (Collector) of a district
F&CS:	The Department of Food, Civil Supplies and Consumer Affairs, Government of Meghalaya
FCI:	Food Corporation of India
F.I. Card:	Family Identity Card (Ration Card)
F.P. Shop:	Fair Price Shop
PDS:	Public Distribution System
SDO:	Sub Divisional Officer
State Control Order:	The Meghalaya Foodgrains (Public Distribution System) Control Order, 2004
TDPS:	Targeted Public Distribution System

AN APPRAISAL OF THE WORKING OF THE PUBLIC DISTRIBUTION SYSTEM IN MEGHALAYA

Scope and Methodology:

This appraisal of the working of the public distribution system (PDS) in Meghalaya was undertaken between 28.1.2009 and 6.5.2009. It involved discussions with the officials of the Government of Meghalaya at all levels, field visits in the districts of South Garo Hills and East Khasi Hills, meetings with NGOs, pressmen and social activists and inputs from a former director of Food and Civil Supplies. I also carried out a survey of two villages in South Garo Hills District to elicit direct client feedback and sought the help of volunteers to check the availability of essential commodities with and prices charged by fair price shop owners. The study centred on foodstuff (rice and Atta), sugar and kerosene, with particular focus on the targeted public distribution system (TPDS).

Legal and Institutional Framework of PDS in Meghalaya:

In this part of the report we focus on:

- a) the law governing distribution of essential commodities,
 - b) distribution networks,
 - c) identification of beneficiaries,
 - d) issue of ration cards,
 - e) client involvement,
 - f) monitoring, and
 - g) accountability
- a) Legal Framework:

The primary legal framework is provided by the PDS (Control) Order, 2001 issued by the Central Government. The “annexe” to this order spells out the manner in which in which the Targeted Public Distributed System (TPDS) has to be implemented. State Governments are required to formulate suitable guidelines for the purpose of identifying BPL and AAY families. Each State Government has to also issue an order under Section 3 of The Essential Commodities Act for regulating the sale and distribution of essential commodities.

Identification of BPL and AAY families:

The Government of Meghalaya has not issued guidelines for the identification of BPL families and for identifying those amongst the BPL families that qualify for the AAY. The Department of Food and Civil Supplies (F&CS) accepts lists of BPL families prepared by the Department of Community and Rural Development(C&RD). The latter department itself has no reliable list of BPL families. A BPL survey was conducted by C&RD in 2002 and a BPL list was prepared for each Development Block in Meghalaya. According to the survey the BPL population of the State works out to 48.9 per cent. I had a long discussion with the Commissioner and Secretary, Planning Department about this list. He expressed the view that inter-Block figures were not comparable because of errors of methodology and that the data provided by the survey of 2002 needs refining. Just to give some idea of how reliable the data is, the most backward district of the State (and recognized as such by several agencies including the NHRC), South Garo Hills, has a BPL population of 45.33 per cent, which is lower than the State average by a good 3.57 percentage points and one of the most backward development blocks in the State,

Ronggara (South Garo Hills), has a BPL population of only 31.4 per cent. Fortunately, the BPL list of the C&RD Department is accepted only in name as we shall see later.

It has been left to the DCs of Districts and their SDOs to select AAY families. No one knows how they have achieved this objective. The all India average of AAY families as a percentage of BPL families comes to 38 per cent. For allocation of rice (no wheat is allotted in Meghalaya for BPL/AAY) a figure of 70200 AAY families has been worked out by the Government of India for Meghalaya on the basis of this ratio of 38 per cent. The State Government sticks to the same ratio while distributing rice amongst the districts and sub-divisions. At the block and village levels the allocation appears to be made arbitrarily, at least I couldn't find any pattern. The State Government has issued no order or instruction for the purpose, so it is largely a matter of discretion at the level of the Supply Officer in the districts/sub-divisions HQ.

Note: Allocations are made by the State Government sub-division-wise, except for two districts which have no sub-divisions.

The Meghalaya PDS(Control) Order 2004:

This order was issued on 31.1.2005, more than three years after the Central Control Order. Yet it gives no indication that the PDS system had undergone a change several years back. The expressions 'BPL', 'AAY' or 'TDPS' do not occur even once in this Order. The responsibilities and duties of the Fair Price Shop Owner (called 'retailer' in this order) have not been spelt out in this Order though the Central control order requires the State Government to do so and gives an illustrative list of eight such duties and responsibilities. The

State Order makes no provisions for ensuring transparency, accountability and delivery. It is a piece of subordinate legislation without clear purpose or objective.

The Meghalaya PDS (Control) Order prescribes a distribution network on Government Nominees/Agents who will lift the food grains from the FCI Godowns and retailers who are responsible for lifting the food grain from the Government Nominees /Agents and selling it to consumers. The appointment of Government Nominees/Agents (why two nomenclatures have been adopted is not clear) is left to the Director and the DC without clearly demarcating their respective jurisdictions (after all, the Directors jurisdiction is a sum of DCs' jurisdictions, so the phrase "within their respective jurisdiction" carries no meaning). But there is a proviso which reads as follows:

(2) Notwithstanding anything contained in sub-clause (1), the State Government may, if it is of the opinion that it is necessary to finalize distribution of foodgrains through any special or specialized agencies or channels (including co-operative societies) direct the Appointing authority to appoint under this Order only such agencies or channels.

The proviso was probably meant to facilitate the entry of government agencies, co-operative societies or other low-profit entities into the wholesale of PDS commodities. It seems, however to have been used to centralize the power of appointment at the Secretariat in Shillong. The process of appointment may run on the following lines. Someone applies to the State Government for appointment as Government agent. The Government sends down a direction to the Director of Food and Civil Supplies who in turn sends it to the Deputy Commissioner. The Deputy Commissioner makes the appointment, whether an additional agent is needed or not. There is a specified

number of 'wholesale points' for each district (though not mentioned in the control order). There is no restriction on how many agents can be appointed, with the result that some agents (wholesalers) get only as much rice as some retailers. For example, Dadengri Sub- Division has 74 Government nominees to lift a monthly allocation of 8848Q. of rice. Many of these wholesalers get very small allocations-less than a truckload.

The appointment of retailers (why the expressions "fair price shop" and "fair price shop owners" used in the Central Order have been replaced with "retailer" is not clear) is the responsibility of the DC (the SDO has no power or functions under the Order though the food grains are distributed amongst sub-divisions). There are no provisions as to the number of fair price shops, the manner of selection of retailers or any other matter of detail. Everything is left to the discretion of the DC. In actual practice it means that the local Inspector of Supply can do much as he pleases. In the only case in which I was able to do a detail inspection, one of the habitations turned out to be seven kilometers away from the F. P. shop. And this was a shop selected by the Inspector of Supply himself for my inspection. Even the Fair Price Shop owner admitted that the habitation in question was so far away and so ill-connected that no one from there lifted any rice, sugar or kerosene.

Every appointment made under the order is valid till the 31st day of December of the year of the issue of the appointment order. Thus, an average appointment lasts less than a year. This seems too short.

The State Control Order provides for the issue of 'family identity cards' by the DC "to such class of consumers as would in the opinion

of the Director or the DC, require regular supply under the Government scheme". There are no further eligibility criteria, no mention of APL, BPL or AAY, no provision for issue of separate, easily distinguishable ration cards to each category and no attempt to limit the untrammelled powers of the DC (in actual fact, of supply department officials) through laid down procedures and popular involvement. The use of the more pretentious phrase "family identity card" limits the options in a tribal border state, because officials do not wish to make the mistake of issuing a family identity card to foreigners or non-tribal Indians who may claim "ordinary residence" in the State on the basis of this card for purposes other than drawing rations. But this caution also results in the exclusion of some vulnerable groups such as itinerant labourers and domestic workers. In fact the Central Control Order itself defines "eligible applicant" in the following terms

(h) 'eligible applicant' means an individual who is resident of a state and fulfills the conditions for getting a ration card as may be prescribed by the State Government;

The use of the word 'resident' in the definition effectively excludes the groups mentioned above.

There is no provision in the State Control Order for people's involvement, rights of the beneficiary or transparency and accountability. There is no provision for a citizen's charter in the order, though the State Government has posted one on its website.

I have to conclude that the legal framework for the implementation of the TPDS is very weak in Meghalaya and this accounts for the many failings of the systems.

b) Distribution Network:

As already mentioned, there are two categories of dealers: a) Nominees or Agents and b) Retailers or Fair Price Shop Owners.

The Central Control Orders defines "authorized nominee" as the concerned department of State Government or a Corporate or a Company owned by it or a Cooperative. This would indicate that the Central Government's intention is to entrust the wholesale function to a Government controlled organisation or a cooperative. However, in Meghalaya the wholesaler /Government nominee/Agent who lifts the allotted foodgrains from the FCI is a private person or firm. The relevant clause of the Meghalaya Control Order reads as follows:

3. Appointment as Govt. Nominees/Agents: With a view to distributing foodgrains under the Government Scheme, the Director or the Deputy Commissioner in his respective jurisdiction may by order, appoint in respect of any area, any person as Government Nominee/Agent in respect of any food grain for the purpose of the order and thereupon such nominees/agents shall lift the food grains allotted by the Government of India from the local FCI godowns/Depots and supply the required quantity to the retail dealers of the area cover by such nominees/agents in time.

The Appointing Authority is required to see the past record of the "businessman/firm" and, possibly, give some preference to a cooperative society over the individual businessman, though the Order does not say so clearly. Since wholesale costs, prices, profit margins and diversions play a major role in the success or failure of the PDS down the line, the Central Order wisely restricts wholesale to a certain type of organization. By involving private firms and individuals in wholesale, the Government of Meghalaya has put the PDS at some

risk. The system could still have worked if the appointment of Agents/Nominees was made in a transparent manner as per actual requirement. But such is not the case. I was told that South Garo Hills has fewer agents than some other districts. And even this district has 34 agents for 10 "Centres" (wholesale points designated by the Government). There are 514 nominees/wholesalers in the state as a whole. The economics would workout as under:-

- Average allotment of food grains per agents: 128.6 Quintals/month
- Total Margin allowed @50paise per kg: Rs.6430/=
- Profit margin of agent: probably negative in view of high cost of operation on such a small scale.

If there are still new applicants approaching the Government for appointment as agents, there could be only one explanation: diversion and higher than permissible pricing are rampant.

Note: "Diversion" has been defined in the central Control Order as follows:

- a) *"Diversion" means unauthorized movement or delivery of essential commodities released from Central godowns but not reaching the intended beneficiaries under the Public Distribution System.*

Meghalaya has a full-fledged Department of Cooperation and has controlling interests in a State level Cooperative Federation. Why the Government has to depend on private business for wholesale is difficult to understand.

Each retailer (Fair Price Shop) covers around 100 households and the average allotment of rice for each is about 25 Q . The number of Fair

Price Shops seems to be about right. However, there is no transparency in the selection of Fair Price Shop Owners. The process is strictly bureaucratic with no involvement of non-government actors or the beneficiaries.

To conclude, the main problem area in this aspect of the PDS is that of appointment of government nominees or agents to perform wholesale functions.

c) Identification of Beneficiaries:

As mentioned above, F&CS depends on the BPL list compiled by C&RD for every development block. These lists were prepared on the basis of a survey conducted in 2002, adopting 15 (fifteen) parameters of economic status. The result of the survey was far from reliable. 15 variables were far too many for the limited skills of the survey staff, and there was a lot of subjectivity involved in the methodology. In theory this list is supposed to be the basis of the PDS but in practice that is not the case. The following comparisons will clarify the point:-

South Garo Hills District

Percentage of BPL families in the district as per 2002 Survey: 45.33 percent	Allotment of Foodgrains for BPL/AYY: 35 percent of Families
Ronggara Development Block 31.4 per cent	Allotment of Food grains for BPL/AYY: 48 percent of Families
Village Rongru Asim Not Known [Could not be shown by the Inspector of Supply in the C&RD	Allotment of Foodgrains for BPL/AAY: 71 percent of families

List]	
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Identification of beneficiaries for AAY has not been done systematically. There was no evidence on the ground to suggest that the intended beneficiaries were even aware of this fine-tuning of the PDS. The process of identification is not only non-transparent; it is not even complete, official claims notwithstanding.

d) Issue of Ration Cards:

The Central Control Order provides that the State Government will issue separate and distinctive ration cards to APL, BPL and AAY families. The State Government claims to have issued separate family identity cards to AAY families. I was shown a yellow coloured card, meant for AAY alone, by the Director of Supply. However, I did not find these cards in the hands of the people of South Garo Hills. It is possible that distribution of separate cards has been completed in some districts only and not in all. The State Government is also in the process of issuing bar-coded coupons to AAY families. Again, I have seen the prototypes of these bar-coded coupons but have not come across any family actually possessing them. In fact, the exercise seems a little premature when we consider the fact that Meghalaya does not yet have reliable BPL and AAY Lists.

The fear of the outsider (whether from Bangladesh and Nepal or from other States of India) is strong in Meghalaya. The selection of the term "Family Identity Card" for a ration card was not the best choice in the circumstances. It would be very difficult for the Government to extend the benefits of the PDS to such groups as itinerant workers,

domestic workers and self-employed persons (dhobis, barbers, tailors, masons etc.) entering the State from other parts of India. The provision of the central control order that the beneficiary has to be a resident of the state does not help either. Even domestic workers belonging to the local ethnic communities fail to get ration cards because of the emphasis on 'family' rather than the individual. In the East Khasi Hills district (which houses the State Capital Shillong) 1015 MT of wheat was allotted in February, 2009. The entire allocation was under the APL category, as if the poor in Shillong never use wheat products. This would be the case only if we discount the fairly large number of North Indians engaged in their traditional occupations (dhobis, barbers, jamadars etc.) and as day labourers. I am told that even resident non-tribal families in parts of Shillong have been issued only APL cards and no BPL or AAY cards. I hope the Centre and the State will consider the problem and find a way of helping vulnerable groups which are probably left out at present.

e) Client Involvement

On 19.10.2006 the State Government notified the following committees:

- State Level Vigilance Committees
- District Level Vigilance Committees
- Fair Price Shop Level Vigilance Committees

These committees are expected to monitor the functioning of the PDS. Each committee has a few non-official members to represent NGOs, self-help groups, Women's groups, etc. This is the only concession to client-friendliness and client-involvement in an otherwise closed

public distribution system in Meghalaya. There is no client involvement in any of the following:

- (i) Selection of beneficiaries,
- (ii) Appointment of Fair Price Shop Owners,
- (iii) Fixation of retail prices,
- (iv) Allotment of essential commodities to Fair Price Shop, and
- (v) Inspection of Fair Price Shops under the provision of the Control Order

The Vigilance Committees at State level and the District level are dominated by officials. Nearly all the members of the fair price shop level committee are non-officials, however. If activated properly and given the powers of formal inspection (in the company of the local inspector/sub-inspector of supply or on their own), these Vigilance Committees could prove very useful. There is no evidence on the ground yet that the Vigilance Committees at the Fair Price Shop level are doing their job.

Citizen's Charter

In 1997 the Central Government suggested a citizen's charter to be published by each state. Some guidelines and a model outline for preparing such a charter were circulated by the Government of India.

The guidelines were later modified by the Central Government. The State Government's Supply Departments has simply copied these guidelines word for word and posted a Citizen's Charter on its website. The total effect is rather amusing as the so called citizens Charter keeps telling us what the State Governments ought to do, and forgets to inform the citizens about what the state Government has done already or proposes to do it in the foreseeable future. The State's

F&CS Department would do well to go through the Citizen's Charters of some other states (Tamil Nadu for example) and learn from them.

c) Monitoring:-

Monitoring of PDS skill relies largely on the system of periodic inspection by the supply staff of the Government. Such inspections either donot take place or are cursory and there is no follow-up, if anomalies have been detected. No one has been prosecuted in recent years, though diversion and misuse of PDS commodities is rampant. In none of the fair price shop that I visited did I find that the local Supply Inspector/Sub-Inspector has inspected the fair price shop in the preceding six months.

Vigilance Committees at the Fair Price Shop level can prove useful in monitoring, but they have to be constituted with suitable persons and given proper training.

A monitoring system is absent, even though forms called Form B and Form C have been devised for reporting. The possibilities of information technology for strengthening monitoring are yet to be explored.

d) Accountability:-

If I have to pick up one thing that is wrong with the PDS in Meghalaya , I will pick up the utter lack of accountability. Everyone from the Government in Shillong down to the Sub-Inspector of Supply at the ground level has enormous discretionary powers without any accountability. The rules and orders have been framed in such a manner that the authorities, particularly those in the Secretariat, get more and more discretionary powers without having to explain their actions. Accountability at every level is of paramount importance. Those inside the system, the client population and the citizens at large

should know who is expected to achieve what. Non-performance should be visited with consequences. The State Vigilance apparatus should be strengthened to ensure that those who indulge in corrupt practices are dealt with severely. Agents and fair price shop owners who indulge in diversion or other corrupt practices should be prosecuted.

A Rapid Appraisal of Ground Conditions

In this section we look at :

- (i) Performance of government nominees engaged in wholesale functions,
- (ii) Performance of FP shop owners,
- (iii) Distribution of rice,
- (iv) Distribution of wheat
- (v) Distribution of sugar,
- (vi) Distribution of kerosene, and
- (vii) Implementation of the Annapurna Scheme.

The appraisal is based on observation of ground conditions in South Garo Hills for commodities other than wheat and in East Khasi Hills for wheat.

Performance of government nominees :

In South Garo Hills I was taken to the establishments of two wholesale dealers (government nominees), Shrimati Marvina N. Marak and Shri D.P. Shrivastava. Both are government nominees at Ronggara (a Block HQ).

Smti Sangma received the following allotment of rice for December 2008 :

APL - 125 quintal
BPL - 170 quintal
AAY - 52.85 quintal

Shri D.P. Shrivastava received the following :

APL - 124 quintal
BPL - 170 quintal
AAY - 157 quintal

The APL and BPL allocations for both are the same but AAY allocations differ very widely. The Fair Price Shop – wise distribution is even more uneven. One FP shop owner got 23 quintal under APL and 12 quintal under BPL. Another got 22 quintal under BPL and 5 quintal under APL. Yet another got 5 quintal each for BPL and APL, but 12.90 quintal for AAY. Such wide variation of economic status among people inhabiting the same general area is inconceivable. There is a lot of arbitrariness in the allotment of rice at the district level.

The godown-cum-shops of both dealers are located side-by-side in the same building. Each measures $15 \times 12 = 180$ sq feet, which certainly isn't enough space to stock 450 quintal of rice. In fact these shops seldom stock anything. It did not take long to discover that some stock had been moved from Baghmara (District HQ) to Ronggara on the previous day, only for my benefit. The wholesalers function from Baghmara. A little further probing revealed that most of the so called government nominees are just fronts. The real business of wholesale of PDS rice is in the hands of two or three persons from outside the State. This seems to be the case with the whole of Garo Hills, not just

South Garo Hills. While the benami wholesalers have the advantage of scale of operations, the very fact that they are benami entails diversion of foodgrain and profiteering.

The issue prices of the two wholesalers were given to me as follows :

Price charged by wholesaler	FCI issue price
APL Rice : Rs.9.30/kg	Rs.8.30/kg
BPL Rice : Rs.6.15/kg	Rs.5.65/kg
AAY : Rs.3/kg	Rs.3/kg

There is no Vigilance Committee to monitor the activities of wholesalers.

The diversion of rice at the hands of the benami wholesalers is very considerable. As per allotment, the average allotment of APL rice should work out to 12 quintal per FP shop. The average for all FP shops I visited was 5 quintal. The diversion may thus be of the order of 50 per cent or more. There is no doubt that diversion takes place in respect of BPL / AAY rice as well. The average off-take of each family in the two villages I surveyed was about 15 kg, so that 57 per cent of the BPL / AAY rice is diverted at the level of the wholesaler or the FP shop owner, probably both.

It is not unreasonable to conclude that the principal beneficiaries of the PDS are a handful of traders who control the wholesale trade in PDS rice through so-called government nominees.

Performance of Fair Price shop owners :

Though I have visited a number of Fair Price shops, I would like to describe my experience with only one of them on which I spent some time. The F.P. shop in South Garo Hills was selected by the local

Inspector of Supply for my inspection. The shop is located in the village Rongru Asim by the side of a reasonably good district road. The owner is Samsing Sangma, a well-to-do farmer and PWD contractor. He is obviously an influential person because all villagers present during my visit were visibly obsequious towards him. Only a retired school teacher disputed some of his statements and was promptly dubbed mentally unbalanced by everyone present.

The Fair Price Shop owner keeps a record of daily sales but has not made entries in it after June 2008. What follows is based on the record, his own statements to me and on the statements of others with whom I spoke.

1-2

In December 2008 the Fair Price shop received the following allotment of rice :

- APL - 5 quintal
- BPL - 22 quintal
- AAY - 5 quintal
- Total - 32 quintal

In December the F.P. shop owner distributed 22 kg of rice per family at Rs.9/- per kg. He pooled the various categories of rice (APL,BPL and AAY) for this purpose. Everyone got the same quantity at the same price. The targeted PDS obviously isn't working at the village-level yet.

December was unusual, being the month of Christmas. In November the quantity of rice distributed to each family was only 10 kg, again without the distinction of APL, BPL or AAY.

A simple calculation will show that between 40 and 70 per cent of PDS rice was diverted and the gross margin changed was 46% over the issue price of the wholesaler.

~r

The accounts of the F.P. shop owner had not been inspected after June 2008. Sugar was distributed by the F.P. Shop owner in the month of December at the rate of 1 kg per family and at a price of Rs.20/- per kg. No sugar had been distributed in the six months before December 2008 or till the time of my visit (end of January 2009). The quantity should have been 3.5 kg per family on an average and the price Rs.13.50 per kg.

The Fair Price shop also distributes Kerosene. The rural norm is 4.7 litres per household and the price is Rs.12/- per litre for South Garo Hills. Even while I was conducting my inspection, a consumer bought 10 litres of kerosene at Rs.16/- a litre.

To summarize,

- a) The targeted P.D.S. is not working at the village level,
- b) Between 40 and 70 per cent of PDS rice and sugar may be getting diverted,
- c) Prices charged are well above those fixed by the administration,
- d) There is no proper monitoring or regular inspection.

Distribution of Rice :

Allocation of rice is made to Meghalaya as follows:

	<u>No. of families</u>	<u>Allotment</u>
APL	2,66,078	4438 tonnes
BPL	1,12,800	3948 “
AAY	70,200	2457 “

The percentage of BPL families is taken as 40.75 per cent and not 48.9 per cent, worked out by the State Government. However, no

official or dealer complained about the quantum of rice allotted. It can be assumed that the quantum of PDS rice is not a problem. If properly distributed, it would increase the availability of rice per capita per day by 155 grammes. It would add Rs.455/ to the monthly income of an AAY family and Rs.315/- to that of a BPL family. It would have made an impact on the price of common rice in the countryside (Rs.17/= per kg at present). If none of this has happened, the fault lies in the delivery system which permits diversion and misuse.

Prices fixed by the Government for issue of rice to the consumer are as follows:

- APL - Rs.8.80 to Rs.9.00 / kg
- BPL - Rs.6.15 / kg
- AAY - Rs.3.00 / kg

We have seen that the above prices have no relation with reality.

There are five FCI depots with a combined capacity of 17,770 M.T. I received no complaints about availability of rice with the FCI.

Distribution of Wheat

The State Government has been asking for wheat only for two districts: East Khasi Hills and Ri Bhoi. East Khasi Hills contains the capital city of Shillong with the usual cosmopolitan population mix. Ri Bhoi is an industrialized district and has a similar population mix in some of its areas. However, all this does not explain why wheat products are distributed on paper to each family, though an overwhelming majority of the population in both districts is rice-eating. It also does not explain why the entire quota of wheat is demanded under APL, The Central Government has agreed, on the request of the State Government, to allow "custom milling" of the allotted

wheat and the distribution of the resultant Atta through Fair Price Shops. In actual fact there is no custom milling. The wheat is allotted by the State Government to 22 Chakki Mills in East Khaso Hills and 7 Chakki Mills in Ri Bhoi District. The total allotment in January 2009 was 1430 MT. The resultant Atta was allotted to F.P. Shops. The F.P. Shops are supposed to sell the Atta to consumers @ 793 grammes per head at Rs.7/= per kg. The scale covers every kind of consumer – APL, BPL and AAY. The scale varies from month to month but is always expressed in terms of grammes per head instead of kgs/family.

I visited some randomly selected Chakki Mills. The findings are summarized below :

1. **Roibha Chakki Mill** :- The allotment for January was 135 quintal of wheat. The Chakki Mill has one small Chakki which cannot convert 135 quintal of wheat into Atta in any reasonable time. The premises are too small. The Chakki Mill exists mostly on paper, I suspect. The list of F.P. shop dealers could not be shown to me and no records of issue are maintained.
2. **B.S. Industries** :- The allotment was 1000 quintal. This unit operates 4 small chakkis. The owner was not even aware that fair price shops came into the picture, though his staff had issued receipts in the name of every F.P. Shop. No other records are maintained.
3. **Shri Mahabir Mills**:- This unit has 9 Chakkis with a grinding capacity of 1350 MT per month. This is a comparatively large unit with an allotment of 200 tonnes of wheat for January. However, the owner could not say how many Fair Price Shops were attached to his mill and told me frankly that F.P. Shops hardly lifted any Atta.
4. **Meghalaya Chakki Mills**:- The allotment to this unit was 225 MT. There is a flour mill in the same premises. This is the only unit which has

bothered to maintain a register of F.P. shops but the one I was shown had been started only on 13.2.2009.

I sent out volunteers to F.P. shops to buy Atta. Some of the F.P. shops do stock Atta, but most do not. Those who stock it are selling it for Rs.15-16 per kg and claim to have bought it from Chakki Mill at Rs.14/= per kg. They also maintain that it is not "Government Atta" but open market Atta.

There is a strong possibility that wheat allotted under APL is diverted almost entirely. Considering the current market prices of wheat, the amount of subsidy even for APL wheat is large. Chakki Mills may be making a lot of underserved financial gain at the cost of the PDS.

Distribution of Sugar

The State receives an allotment of 1704 MT of Sugar per month. This is sold to the consumer @ 697 grammes per head per month (3.5 kg for an average family size) for Rs.13.50 to a kg. In my field visit to South Garo Hills I found that sugar had been distributed only twice during the whole of the year 2008. The problem was with supplies from FCI. The price charged in South Garo Hills at the F.P. shop level was Rs.20/= per kg and the scale was 1 kg per family.

Distribution of Kerosene

Allocation of Kerosene for the State is 2186 kilo litres per month. The allocation is distributed among districts. Each district's quota is lifted by an agent appointed by the oil marketing company. The Deputy Commissioner issues the kerosene to retailers and also fixes the prices to be charged by the wholesaler and the retailer. I have found retailers in Shillong who deal only with kerosene but for the most part a F.P. Shop owner is also the local

kerosene retailer. The monthly rate of issue is 9.5 litres per family in urban areas and 4.7 litres per family in rural areas. Retail prices fixed by DCs range between Rs.10.40 / litre and Rs.12.00 / litre. In my field visits I found that the quantity actually delivered to F.P. Shops in the rural areas of South Garo Hills was 40 to 50 per cent of the average allotment per F.P. shop and the retail price charged was Rs.16-17 per litre. In Urban areas the situation appears to be better both in terms of supplies and prices.

The Anna Purna Scheme

This is a central scheme for distribution of 10 kg of free price per month to every senior citizen (65 years and above) who is eligible for old age pension but isn't getting it. The total allotment for the State in the year 2008 was 8334 quintals of rice of which 7727 quintals of rice was lifted.

In South Garo Hills the Supply Department did not have a list of beneficiaries. In 2008 rice for Annapurna was allotted only once in February. The beneficiaries were supposed to claim their entitlement of 10 kg from the wholesaler at Baghmara (Dis. HQ).

It is not difficult to conclude that the Scheme is not very successful in South Garo Hills. Other districts may not be very different.

Some suggestions for improvement

Identification of BPL and AAY families: The exact percentage of people below the poverty line, as indeed the poverty line itself, will continue to be a contentious issue at the national level. The State Government has to prepare a working list of BPL and AAY families within the existing constraints. One obvious constraint is the percentage of BPL families determined by the Planning Commission for each State and accepted by the Govt. of India for

allotment of foodgrains. The poverty share and entitlement of foodgrains may be re-negotiated for adjustment between the State Government and the Central Government on the basis of figures thrown up by the 2002 BPL survey. Suppose a BPL percentage of 45 is agreed upon, the State's task would then be :

- a) to identify 17% poorest families in every village for assistance under AAY.
- b) the next 28% poorest for assistance under BPL category.
- c) the remaining 55% who will receive foodgrains from the APL quota.

Detailed guidelines (to limit discretion), direct involvement of the community and sample check by an independent organization should be the three essential features of this exercise.

Revision of the State Control Order : The existing control order is absolutely out of sync with the spirit of the TDPS. A new Order should replace it. It should provide for :

- a) Targeting of AAY and BPL families,
- b) Appointment of Govt. nominees in a rational and transparent manner,
- c) Appointment of F.P. shop owners in a similar fashion with the involvement of the community,
- d) Duties and responsibilities of all connected with the implementation of the PDS,
- e) Inspection and Monitoring,

- f) Accountability, transparency and client involvement, and
- g) Vigilance Committees to monitor the activities of each government nominee and each F.P. Shop owner.

Revamping Wholesale

Appointment of government nominees or agents to carry out wholesale trade in PDS foodgrains is, to say the least, irrational at present. Wholesale is critical function and should be entrusted to a Government Corporation, a Cooperative federation, a federation of self help groups, a reputed NGO or similar organization. Private firms and individuals are not suitable for this low-return activity; the temptation to divert foodgrains or overcharge will be too great. The number of wholesalers should be determined and fixed as per requirement and viability. Ad hoc appointments should not be allowed except in emergencies. Appointments should be made in a completely transparent manner and the power of appointment should be completely delegated to the district level. Centralization of this power at Shillong, taking shelter behind an exceptional provision in the existing State Control Order, lies at the root of the present mess – 74 wholesalers to cater to 318 F.P. Shop keepers in Dadengiri sub division and 104 wholesalers in Shillong Sadar sub division to cater to 998 F.P. shops (with 41 per cent of the F.P. shops located in the city of Shillong itself).

The fixation of wholesale price is often done in an unrealistic manner. Private traders are able to manage because they pay no attention to fixed prices anyway. But such pricing discourages cooperative societies, government companies and others who can work on a low profit margin at best but cannot divert foodgrains or overcharge illegally. Pricing should be

delegated to a district-level committee headed by Deputy Commissioner and having members representing various interests.

Fair Price Shops : Self Help Groups should be encouraged to set up F.P. shops. Where private individuals are appointed, the local community should be involved in the process of selection.

Accumulation of entitlement : Farming families (even marginal ones) would not draw their entitlement of rice when they have just harvested a crop. There will be, on the other hand, lean seasons when families can use a little more than their monthly entitlement. Therefore, there should be a system of accumulation of entitlement for BPL / AAY families. If they do not draw their quota of rice, it should be carried over to the next month and so on for a period of one year. The innovation can be implemented in two ways : a) The Government may set up local grain banks and bear the cost of storage / pass it on to the consumer or b) the foodgrain resource may be made fungible. In other words, unlifted rice may be sold by DC at market prices and the proceeds kept in an interest paying deposit to meet the demand for rice on a subsequent date by purchases from the FCI / open market at the prevailing wholesale price.

Monitoring and Accountability :

a) Inspectors of Supply should be given a Workload Chart for every year, clearly specifying the shops they have to inspect every month. They should be made responsible for initiating administrative action / criminal prosecution against those violating the provisions of the Control Order.

b) There should be a Vigilance Committee to monitor the activities of wholesaler(s) appointed for each district / sub division. The Vigilance

Committee at the F.P. shop level should continue. Vigilance Committees should be given necessary powers and adequate training.

c) There should be a computerized information system to track anomalies detected and follow-up action.

d) Meghalaya does not have a Vigilance Commission. It will be a good idea to set up one and entrust to it the enforcement of the punitive provisions of law against officers, dealers and others found indulging in corrupt practices that harm the PDS.

Accountability can also be ensured by a mechanism for people's involvement, independent audits and periodic impact assessment studies.

Accountability must be coupled with adequate delegation of powers.

Distribution of Wheat:

The Government of India and the State Government should review the present system of distribution of wheat with a view to a) allotting wheat under BPL / AAY also, b) covering wheat eating poor families under TPDS and c) preventing diversion of wheat.

S.K. Tewari 20.5.09

[S. K. TEWARI]
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