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**MINUTES OF THE WORKSHOP
ON AWARENESS AND FACILITATING ASSESSMENT
AND ENFORCEMENT OF HUMAN RIGHTS
AT DISTRICT LEVEL ADMINISTRATION
ORGANIZED BY THE NATIONAL HUMAN RIGHTS COMMISSION
ON NOVEMBER 17, 2009 AT JAMUI DISTRICT OF BIHAR**

As part of its 28 districts programme on Human Rights Awareness & Facilitating Assessment of Enforcement of Human Rights, the National Human Rights Commission organized a workshop on 17 November 2009 at Jamui District in Bihar, chaired by Member Shri Satyabrata Pal, who was accompanied by Shri P. Michael V. Siromony, Joint Secretary and Shri Damodar Sarangi, Special Rapporteur. The workshop was attended by members of the District Council and the Panchayat Committee, academics, journalists, NGOs, officers of the District Administration, and by Shri A.K. Seth, Inspector General of Police and Shri Radha Raman Jha of the State Human Rights Commission.

2. District Magistrate, Shri Prem Singh Meena, welcomed participants and gave a detailed description of the subject and programme of the workshop. He explained that participants had been divided into five groups, each with a leader, which would take up the workshop's five themes for detailed discussion.

3. Shri Michael V. Siromony, Joint Secretary, NHRC, gave an overview of the Commission's work. He noted the problems Bihar faces. It lacked infrastructure for education. There was a dearth of facilities for the scheduled castes and tribes. People did not have proper access to development schemes. Primary education, the health programme, ICDS and legal systems required improvement. There was, but should not be, arbitrariness in filing FIRs. Children should not be forced to work.

4. Shri Damodar Sarangi, Special Rapporteur, NHRC, gave a detailed presentation on the shortcomings and lacunae he had found during his visit.

- in **education**, the present system of transfers and posting of teachers in primary schools had many demerits. In the same school, regular teachers were paid Rs 14,000-20,000 per month, and panchayat and block teachers paid only Rs.4000;
- some schools have more teachers than they need, others far less, and because of flaws in the recruitment process, qualified and skilled teachers have not been recruited;
- Panchayats have not been trained to take disciplinary action against teachers. There is no effective system for regular inspection of schools;

- he suggested that there should be at least one room and one teacher for each class. Teachers should be recruited through a state-level common examination and there should be an effective inspection system;
- at health facilities, there was a shortage of doctors, paramedical staff and technicians. Doctors appointed on contracts paid more attention to their personal clinics. There were only 33 doctors posted in this district against 99 vacancies, and there were no specialists. One doctor treated about 200 outdoor patients;
- all deliveries should be in hospitals, but in the district only 40 percent of births were in hospitals;
- on custodial justice, Jammui jail had a capacity of 180 but presently held 541 prisoners. It had no hospital. There was no separate ward for women prisoners. No psychiatrist had been appointed for the treatment of mentally-ill prisoners;
- there was no remand home for juvenile prisoners in the district, and the Juvenile Justice Board had not been constituted;
- bail should be granted in the police station in cases under bailable sections. There were many under-trial prisoners whose trial had not even been initiated. There should be no delay in submitting final enquiry reports. There was a need to keep a watch on torture, illegal confinement and complaints related to false implication;
- much remained to be done to help the scheduled castes and scheduled tribes.

5. Shri Satyabrata Pal, Member, NHRC, noted that Bihar lags with respect to social justice and economic empowerment. He urged participants to discuss and list the problems that both citizens and administration face, and to try to distill agreed recommendations on the way forward.

6. Shri A.K.Seth, IGP, Bihar State Human Rights Commission, said that his Commission was constituted a year back, but had started many programmes. He expressed concern over rampant corruption, and felt that other problems would be addressed automatically if there this could be checked.

7. The five working groups – on the right to food, on custodial justice, education, health and the rights of the scheduled castes and tribes – met separately after the inaugural session and their leaders subsequently presented their recommendations to the concluding session.

8. Right to food Shri Bhogender Kumar, Additional Collector, Jammui, made a presentation on the various schemes run in the district:

- children between the age of 6 and 14, and students of class 1 to 8; were provided nutritious cooked food under the mid-day meal scheme in schools and foodgrain for others was distributed under the public distribution system. Nutrition levels in children had risen, as had the number of students in school. Committees had been constituted at state, district and block levels to monitor this scheme;
- one Aanganwadi Centre is set up to cater to a population cluster of one thousand; on average each Centre provided nutritious food to 40 underfed children between the age of 6 months to 3 years, to 40 children between the age of 3 to 6, to 8 pregnant women and 8 mothers with infants;
- the public distribution system provided
 - o under the Annapurna scheme, 10 kg foodgrain (4 kg wheat & 6 kg rice) free of cost to 2137 families;
 - o under the Antyodaya scheme, which covered 48525 families, 35 kg foodgrain at the rate of Rs 2/- per kg of wheat and Rs 3 per kg of rice to each family every month;
 - o out of a total of 1,62,786 surveyed BPL families, food to 37,015; the beneficiaries get 10 kg wheat and 15 kg rice for each family every month at Rs.4.52/- and Rs.6.92/- per kg. respectively. All APL&BPL families are provided kerosene at subsidized rates.
- monitoring committees have been constituted in each panchayat and urban region to strengthen the PDS. A percentage of PDS shops is inspected every month by the district officer concerned;
- since Jammui is affected by famine, a quintal of rice has been distributed to all Panchayats to be used as and when required.

9. The group recommended that

- all Aanganwadi Centres should have their own building, with amenities like toilet and potable water, and all children, women and adolescents in the category of beneficiaries should be included in this scheme;
- the mid-day meal scheme should be operated by NGOs, and for this there should be a separate space for kitchens and appropriate arrangements for smoke-free stoves and fuel. Special attention needed to be paid to the nutritional quality of the food and to hygiene.

- All the surveyed BPL families should be benefited by the public distribution system and there should be appropriate and effective arrangements for monitoring.

10. **Custodial justice** Shri Manoj Kumar, Sub Divisional Officer, presented detailed statistics on the number of filed cases in the district and their status, the number of prisoners and available resources. The group had discussed the issue of fair criminal investigation, illegal arrest and detention, right to fair and speedy trial, juvenile justice, protection of prisoner's human dignity, redressal for victims of crime and abuse of power.

11. Suggestions from this group were that

- a welfare officer and a psychiatrist should be posted in every prison;
- a juvenile crime court should be set up and a juvenile home should be established in the district;
- illegal arrests of innocent persons should be stopped. People should not be imprisoned on false accusations and for petty crimes;
- prisoners should be treated humanely and accusations regarding torture of prisoners should be strictly examined.

12. **Education** Shri Vidhya Sagar Singh, District Superintendent of Education, briefed on the various schemes being implemented to promote education, including the Kasturba Gandhi Vidhyalaya mid-day meal scheme, Mukhyamantri Samagra Vidhyalaya Vikas Karyakram, the training of teachers, school resource centres, reading upliftment programmes, school cleanliness and health education programmes, NPEGEL Chief Minister Poshak Yojna Programmes. He spoke about efforts to develop infrastructure, including the construction of extra classrooms, of boundary walls for schools, and of toilets and potable water facilities. He referred to the distribution of free books and notebooks, hearing-aids, tricycles and crutches to students, and to free medical check-ups for them. Cycles were distributed to schoolgirls under the "Mukhyamantri Cycle Yojna".

13. Suggestions from this group were that

- separate residential schools with a capacity of 500 boys/girls should be opened in all backward blocks;
- teachers should be appointed according to the ratio of student to teacher. The transfer policy for teachers should be reviewed and they should not be deployed in non-educational work;

- the Kasturba Gandhi Vidhyalaya mid-day meal scheme should be extended from 8th standard to 10th or 12th standard.

14. Health Shri Kameshwar Mandal, Civil Surgeon, Jamui, briefed on the current status of health programmes in Jamui:

- the Janani Awam Bal Suraksha Yojna, Muskan-ek Abhiyan programme, family welfare programme, blindness eradication programme, Aids control programme, Malaria control and eradication programme were conducted under the Rashtriya Gramin Swasthya Mission (NHRM);
- to promote institutional delivery urban women were given Rs. 1000/- and rural women Rs. 1400/-, in addition to Rs 200/- for conveyance;
- Rs 600/- was given for female sterilization and Rs 1100/- for a vasectomy;
- 100% vaccination for pregnant women and children;
- free medicines were given to patients in hospitals; 31 ambulances were being operated.
- Arrangements for the cleanliness and maintenance of hospitals, electricity supply, free meals for patients and laundry had been outsourced;
- Free radiology and pathology facilities had been provided under public-private partnerships. Rs 5,90,000/- had been paid for the treatment of incurable ailments of persons who were below the poverty line;
- 1325 "Asha workers" were deployed for the vaccination and safe delivery of pregnant women, and there were 52 "Mamta workers" whose job was to provide for mother and child for 48 hours after delivery;
- medical facilities had been made available for patients in remote areas through the mobile medical unit;
- medical facilities were being provided even in the Naxalite-affected areas.

15. Suggestions from this group were that

- all doctors, specialists, and paramedical staff sanctioned for Jamui should be posted; there should be no vacancies;
- there should be better housing for doctors and paramedical staff;
- health facilities must have all the necessary equipment and supplies.

16. Protection of scheduled castes and scheduled tribes Shri Girijesh Srivastava, Deputy Development Commissioner, briefed on the steps taken to the government for their welfare:

- scholarships of Rs. 162.97 lakhs had been distributed among 44982 girls and boys of the scheduled castes in 2008-09, and of Rs. 34.40 lakhs among 9521 girls and boys of the scheduled tribes; more were being given in the current year;
- scholarships of Rs. 54.34 lakhs had been distributed among 12012 boys and girls of other backward classes; this scheme too continued;
- Rs. 103.00 lakhs had been given to Jamui as special central aid, which had helped to implement 17 schemes;
- in the scheduled tribe residential middle school of Bagdah, tuition, food, clothing and residence are free. The construction of a residential high school for scheduled tribe girls is almost complete;
- three day-time schools are operating in which 120 boys/girls are provided free of cost education including mid-day meals;
- 2 out of the 4 Ambedkar Kalyan hostels sanctioned for scheduled caste students and 2 out of the 3 hostels for scheduled tribe students are functional. Residents get these facilities free of cost;
- under the Mukhyamantri Kanya Vivah Scheme, 1240 married couples have been given a total of Rs 62.00 lakhs;
- 20062 Mahadalit boys and girls have been benefited by the funds received under the nutrient scheme;
- these schemes had been implemented by the Welfare Department, but dozen of schemes for the development of the scheduled castes/tribes were also being conducted by other departments.
- All such schemes need to be funded properly and implementation must be monitored regularly.

16. A frank and lively exchange of views followed the presentation of the reports of the working groups. Responses to questions were given by the team from the NHRC and others.

RECOMMENDATIONS

I. RIGHT TO FOOD

Public Distribution System

1. The approved BPL families must get their legitimate dues on a priority basis; their entitlements must not be distributed to unapproved BPL families.
2. The malnourished and anaemic must be given special attention. Food security should be ensured through Anganwadis, the mid-day meal scheme, the AAY Programme, PDS or any other special scheme.
3. To prevent malpractice, dealers must be made to issue cash memos indicating the quantity and sale price of food grains and kerosene issued to each beneficiary.
4. Disciplinary/penal action should be regularly taken against unscrupulous traders.
5. Vigilance Committees should be constituted with local representatives, including SC/ST women, to monitor the functioning of ration shops.
6. The quality of supervision by the officers of the Food and Civil Supplies Department should be improved within a definite time frame.
7. Immediate steps must be taken to stop the pilferage and misappropriation of food grains provided for the supplementary nutrition of children and expectant/lactating mothers.
8. As in other States, the responsibility of running the MDM scheme may be shifted to non-teaching staff engaged for the purpose.
9. The Food Inspector should periodically inspect the quality of food in the market.

(Action on Recommendations 1-9 - State Govt/District Adm)

II. RIGHT TO HEALTH

10. The posts of doctors, two-thirds of which are currently vacant, and the large-scale vacancies in the ranks of paramedical staff, should be filled at the earliest.
11. The establishment of additional medical colleges and subsidizing education in government medical colleges may help address the shortage of doctors for government hospitals.
12. The state government must construct and maintain adequate numbers of quarters for doctors and paramedical staff.

13. Rest sheds for ASHA workers and the relatives/attendants of patients should be provided in all CHCs /PHCS and also in the district hospital.
14. Expectant mothers reporting for delivery at the hospital should be reimbursed transport charges irrespective of the place from where they come.
15. CHCs should have a laboratory and technician to hold simple pathological tests. Presently even if samples are taken, the tests are carried out in outsourced laboratories.
16. Urgent action should be taken to address complaints that essential medicines are not available in the hospitals, and that the doctors compel patients to purchase medicines from specified private shops.
17. Allegations that some medicines are fake should be taken seriously and addressed urgently.
18. Even though infrastructure is being improved, the number of beds and the staff in hospitals has to be increased. Medical staff must be posted so that all hospitals offer the full range of services for which they have been equipped.
19. PHCs / APHCs should be established or upgraded only with adequate staff.
20. The daily diet money per patient (Rs 24/-) is too low and must be enhanced urgently.
21. To ensure regular supply of potable drinking water the following steps should be taken:
 - Urgent repair of non-working tube wells and Rural Water Supply stations, wherever required.
 - Engaging one 'Self Employed Mechanic' for every 25/30 tube wells, by the State Government, if need be, as has been done in Orissa for the maintenance of tube wells. (In Orissa, such SEMs are paid Rs 100/- per month as their remuneration).

(Action on Recommendations 10-21 - State Govt/District Adm)

III. RIGHT TO EDUCATION

22. Teachers should be sanctioned on the basis of the number of classes and class rooms available in the schools, and not on the basis of the enrolled strength. If there are more than 40 students in a class, the class should be split into sections and one teacher each should be sanctioned for such additional section.
23. Superfluous teachers should be withdrawn/transferred to other schools, which have less teachers than they need.

24. The inspection system should be strengthened by appointing adequate number of district and block level Inspectors/ Sub Inspectors of schools. Inspections should pay attention to the quality of instruction. The career advancement of teachers should be linked to their classroom performance.
25. Teachers and their functioning, including their attendance, should be properly supervised as in the present situation there are ambiguities between the role of panchayats and the Education Department.
26. Vacancies in remote schools should be filled on priority. Teachers, including panchayat teachers, should be transferable from one school to the other and, if necessary, across panchayats, if it improves the efficiency with least inconvenience. If local qualified persons are available, they should be given priority to address the shortage of teachers in remote areas.
27. Scholarship examinations at lower and upper primary levels should be introduced to promote quality education.
28. Land for government schools should be purchased to reduce the present practice, under which it is donated by villagers. Donated lands are not centrally located. School buildings should be in such places which are central and easily accessible.

(Action on Recommendations 22-28 - State Govt/District Adm)

29. Large numbers of children do not go to school, and the incidence of drop-outs is high. This serious problem can only be addressed if schools and panchayats, interacting with parents and parent-teacher associations, take initiatives which are supported by the district administration, particularly the Education Department.
30. There is a serious shortage of toilets in schools. All educational institutions must have adequate and separate toilets for boys and girls. This must be given priority as the district is under a full sanitation programme.

(Action on Recommendations 29-30 - State Govt/District Adm/Local bodies)

IV. RIGHTS OF SC/ST

31. The state government must complete the survey to finalize the detailed list of forest villages, so that a working plan for each area can be worked out separately in a time bound manner.
32. The attendance of the staff/teachers etc in tribal areas should be monitored on a regular basis by the panchayats and the respective departments.

33. The grievance-redressal mechanism must be strengthened and effectively monitored at the district level to create good impact and better administration.
34. At least one residential high school each for boys and one for girls should be opened in Chakai, Sonho and Jhajha blocks (which have substantial tribal populations), for the education of ST/SC students.

(Action on Recommendations 31-34 - State Govt/District Adm/Local bodies)

35. All sanctioned posts, including teachers, should be filled at the earliest.
36. The definition of "*protected tenants*" in section 49B of the Bihar Tenancy Act 1885 may be amended, to differentiate the STs from the BCs. The Act provides for the transfer of tribal land to members of the backward classes, who are relatively much more privileged in Bihar.
37. The Act, which permits the transfer of tribal land to other communities with the permission of the Collector, should be further amended to ban all such transfers, as has been done in other states, to prevent the alienation of tribal land.
38. Many tribal families in the district are landless. This is a matter of concern, since tribal life centres around land. A report on land allotments to such families may be sent to the Commission on a regular basis.

(Action on Recommendations 35-38 - State Govt/District Adm)

V. RIGHT TO CUSTODIAL JUSTICE

39. The construction of the new prison in the outskirts of the district HQ should be expedited as the only district jail is severely overpopulated.
40. Every effort should be made to put on fast track the cases of 505 under-trial prisoners. Timely attendance of investigating officers, autopsy surgeons, and other public officials should be ensured.
41. The vacant sanctioned posts of the MOs should be filled up at the earliest. As many as 17 prisoners have died in custody in the district jail between 2007 and 2009; lack of timely treatment is one of the reasons for such a high mortality rate.
42. Immediate action should be taken to provide toilets to the lock-ups of police stations. 9 out of the 14 police stations do not have these.
43. The local police officers have to be trained to be sensitive to human rights.

44. A Juvenile Justice Board and a CWC may be constituted for the district early. A special police unit for dealing with children should be created as is mandated in the JJ Act 2000.
45. A large number of accused have been detained in the prison for their alleged involvement in cases registered under sections 498A/304B. Such cases may be adequately supervised before effecting arrests.

(Action on Recommendations 39-45 - State Govt/District Adm)

Field Visit Report

A note on the status of Health Care Services, School Education, Public Distribution System, Custodial Justice, Protection and Welfare of SC/ST communities and other welfare services currently available to the residents of Jamui district in Bihar, as verified during the field visits of Shri Damodar Sarangi, Special Rapporteur NHRC (East Zone-1) from 4.11.2009 to 6.11.2009 and 16.11.09 to 18.11.09.

I visited Jamui district in Bihar from 4.11.2009 to 6.11.2009 to collect required information/data, relevant to the workshop on "Human Rights Awareness and Facilitating Assessment of Enforcement of Human Rights", which was initially scheduled to be held from 17th November to 19th November at Jamui. The programme was subsequently modified and the workshop was held, only for a day, on 17.11.09. Shri Satyabrata Pal, Hon'ble member of the commission presided over the proceedings of the workshop.

I visited Jamui for a second time from 16.11.09 to 18.11.09, to attend the seminar as also to continue with the field visits, which I did on 16.11.09 accompanying the Hon'ble member and on 18.11.09 on my own. During my tour to the district, I visited 7 schools, 4 PHCs, 2 CHCs, 1 health sub centre, the district hospital, the district jail, one Anganwadi, and three villages/hamlets, the residents of two of which belong predominantly to SC/ST communities, to see for myself the state of these institutions and to interact with the local people to verify the status and quality of the various services mentioned above as are actually available to them.

2. My observations on the working of the above units and the information I collected from the local residents are recorded subject wise as follows.

A. School Education

i) Prathamik Vidyalaya, Thegrea

I visited the school on 4.11.2009. This school has 5 classes, from class I to class V. The enrolled strength and the number of students who had attended the school on the date of my visit are given class wise in the following table.

Sl.No	Class	Enrolled Strength	Attendance
1	I	92	36
2	II	80	27
3	III	91	24
4	IV	63	24

5	V	68	21
Total		394	132

From the above table it would appear that two third of the enrolled students were absent from the school on the date of my visit. There are only two class rooms. Students of class II and III share one room and those of class IV and V, the other. Students of class I are accommodated in the verandah.

7 teachers are posted to the school which has only 5 classes. Only one of them is a regular recruit. The rest are Sikhya Sahayaks (Panchayat Sikhyaks).

The particulars of the teachers are as follows.

Sl no	Name	Designation	Qualification	Source of appointment	Salary
1	Bindu Prasad Burman	Head Master	BA	Regular govt employee	Rs17000/- gross per month
2	Vedananda Pandey	Asst. Teacher	Matric	Panchayat, Sikhyak	Rs4000/-per month
3	Kaushal Kumar Tanti	Asst. Teacher	Inter Mediate	Panchayat Sikhyak	Rs4000/-
4	Bijaya Kumar Gupta	Asst. Teacher	Graduate	Panchayat Sikhyak	Rs4000/-
5	Aradharana Kumari	Asst. Teacher	Inter Mediate	Panchayat Sikhyak	Rs4000/-
6	Saroj Kumar Ranjan	Asst. Teacher	Inter Mediate	Panchayat Sikhyak	Rs4000/-
7	Rajiv Ranjan	Asst. Teacher	Graduate	Panchayat Sikhyak	Rs4000/-

On the date of my visit four of the teachers were absent. The headmaster along with assistant teacher Vedananda Pandey had gone to Jamui for 'official work'. Two other teachers were on leave.

The Village Education Committee has been dissolved. Fresh elections have not been held.

The only tube well of the school is lying out of order for the last three months. There is no play ground.

Students of class III, IV & V sit on benches. The rest are on the floor. Mid day meals are served. There is no system of merit based scholarships either at the lower primary or at the upper primary level in the state as informed by the district education officer, who was accompanying me. I interacted with the students. Their academic standards were found to be rather poor. Most of them could not answer simple questions from the text books of previous classes.

When asked why 7 teachers have been sanctioned for five classes, the DEO explained that the sanction was accorded according to the approved scale of 1 teacher for 40 students. Judging from the attendance of students and availability of class rooms, the sanctioned strength of teachers appears to be superfluous. It is worth verifying if the children shown enrolled in the school actually attend classes. There are reasons to suspect that their names have been registered only to justify the sanction of additional teachers.

ii) Prathamik Vidyalaya, Basaiya

I visited the school on 5.11.2009. This school has five classes. The enrolled strength of students and the attendance of students on the date of my visit were as follows.

Sl.No	Class	Enrolled Strength	Attendance
1	I	53	32
2	II	66	42
3	III	69	33
4	IV	39	21
5	V	22	04
TOTAL		249	132

About 48% of the enrolled students were found absent from the school. In class V only 4 students, out of 22, were present.

Against the sanctioned strength of 249 students only two teachers are posted. There are only two class rooms. Students of class I & II have been accommodated in one room and students of class III, IV & V in the other room. Another room, which could have been used as a class room has been converted to a kitchen cum store for MDM.

The ring well of the school has been abandoned. There is however a tube well which is functional. There is a toilet. There is no playground.

The local villagers complained about misappropriation of funds sanctioned for MDM. On the date of my visit 'Mitha Chowl' (Rice & 'gud') was being prepared for MDM. There is a cook who is paid approximately Rs60/- per day. She has not received her wages for the last two months. The quality of rice issued for the MDM was found to be poor.

There is no land for expansion of the school building. The local villagers are prepared to donate/sell land to the school, should the government decide to raise additional class rooms and other infrastructure.

I talked to one of the VEC members, Sri Chanchal Kumar Singh who complained that the quality of education in the school has progressively decayed over the years and that is why students are shifting to private schools like the 'Cambridge School' and 'Pragati Sishu Mandir'. That explains why there are only four students in class V.

I interacted with the students. Of the four students of class V present in the school only one could multiply 13 & 8 correctly.

iii) Prathamika Vidyalaya, Pathak Chak

I visited the school on 5.11.2009. Of the 478 enrolled students only 261 were present on the date of my visit. The class wise breakup is as follows.

Sl.No	Class	Enrolled Strength	Attendance
1	I	100	80
2	II	93	46
3	III	120	52
4	IV	99	50
5	V	66	33
TOTAL		478	261

Here again about 45% of the students were found absent from the school. Against five classes 10 teachers have been appointed. Two of them are regular government employees. The rest 8 are all 'Panchayat sikhnyakas' who are paid Rs4000/- per month. The list of teachers is as follows.

Sl no	Name	Designation	Qualification	Source of appointment	Salary
1	Krushnananda Choudhury	Sahitya Alankar	Matric Trained	Regular govt employee (Since 1987)	
2	Bachan Prasad	Asst. Teacher	Matric Tarined	Regular govt employee (Since 1986)	
3	Ajit Kumar	Asst. Teacher	Inter Mediate	Panchayat Sikhnyak	Rs4000/-
4	Premlata Kumari	Asst. Teacher	Inter Mediate (Sc)	Panchayat Sikhnyak (Since 2005)	Rs4000/-
5	Sunita Kumari	Asst. Teacher	Inter	Panchayat	Rs4000/-

			Mediate (Arts)	Sikhyak (Since 2007)	
6	Premlata Kumari	Asst. Teacher	Inter Mediate	Panchayat Sikhyak (Since 2007)	Rs4000/-
7	Babita Kumari	Asst. Teacher	Inter Mediate	Panchayat Sikhyak (Since 1 st March 2007)	Rs4000/-
8	Ranju Kumari	Asst. Teacher	Inter Mediate (Sc)	Panchayat Sikhyak (Since 1 st March 2007)	Rs4000/-
9	Sarita Rani	Asst. Teacher	Inter Mediate (Arts)	Panchayat Sikhyak (Since 1 st March 2007)	Rs4000/-
10	Kamal Kumar Singh	Asst. Teacher	Inter Mediate	Panchayat Sikhyak (Since 1 st March 2007)	Rs4000/-

There are only four class rooms, one each for class II, III, IV & V. Students of class I are accommodated in the verandah. The western block of the school building, which accommodates two class rooms is about to collapse. Huge cracks have developed in the building which require immediate repairs.

The local villagers and VEC members complained that the academic standards of the students are progressively on the decline. Many students shown enrolled in this school actually study in private schools. Their names continue on the rolls only to justify the sanction of teachers of this school. I interacted with the students of class V. To a question put to them most answered that Bihar has 28 districts (The right answer is 38).

The sanction of 10 teachers against five classes appear to be superfluous. The District Education Officer claimed that they have sanctioned 1 teacher for every 40 students. This may not be the whole truth. In the nearby school in Basaiya, against 249 enrolled students only two teachers have been sanctioned for five classes.

iv) Kasturaba Gandhi girls school, Barhat

I visited this school 6.11.09. This is a residential school meant for girl students. One such school each has since been established in 8 of the 10 blocks of the district.

The school at Barhat has no building of its own. It was opened on 10.1. 2008 in the teachers training centre Barhat, and has been functioning there since then. The school has five classes (From class IV to class VIII). The enrolled strength and attendance of students on the date of my visit are given class wise in the following table.

Sl.No	Class	Enrolled Strength	Attendance
1	IV	10(All ST)	10
2	V	15 (11 ST, 4 SC)	8
3	VI	20 (15 ST, BC 1, Minority 3 SC 1)	11
4	VII	5 (ST 4, BC-1)	2
5	VIII	2 (ST)	Nil

This is a residential school. The absence of such a large number of students, particularly in the higher classes gives cause for concern.

There are four teachers, 3 of them are Inter passed, the fourth has a master degree in arts. Of the 52 enrolled students only twenty have been issued uniforms. Rs750/- per month per student is sanctioned for the maintenance of the students which include expenditure on food, clothing and bedding. Each student is also given Rs50/- per month as pocket money. For the present, beds, bed sheets, pillows issued to the BRC teachers training institute, are being used by the students. The school is meant for the education of drop out students. Of the 42 admitted students 7 had never been to school before. 24 were drop outs. There are two tube wells in the school. There is no provision for games or entertainment. Only one set of uniform has been issued that too only to 20 students. Foot wear, towels etc have not been issued. Oil and soap are however issued. I interacted with the students. Their academic standard was found to be better than other schools visited by me. The pocket money of the students has been kept in their saving accounts.

A building for the school is under construction.

v) Prathamik Vidyalaya Parsa

On the date of my visit only 115 students were present against an enrolled strength of 235. Only 1 Sikhya Sahayak (Panchayat Sikhya) and 2 voluntary teachers have been engaged against a sanctioned strength of 5 teachers. The SS gets a monthly salary of Rs4000/- whereas the voluntary teachers are getting Rs2000/- each per month. The villagers, who had assembled in front of the school getting news of my visit, complained that the school remains closed most of the days. They further complained that the Panchayat Sikhya, Sri Manoj Kumar

is the son of the local Mukhia, and has been misappropriating funds allocated for midday meals. The cook Smt Manju Devi supported their claims and said that MDM is being served only for the last 10 days.

vi) School for dropout girls, Gopalpur

I visited, accompanying the Hon'ble Member, this school for dropout girl children at Gopalpur on 16.11.2009 . 3 teachers, 1 cook and a guard have been provided to the school which has 55 students in the rolls. Rs10000/- per student per year (for 11 months) is sanctioned towards the upkeep of the students, teacher salaries etc. One villager complained that teachers do not stay in the school after night fall and some of them have used false matriculation certificates for recruitment.

vii) Athatola Ghatwari Astha Prathamik Vidyalaya

I visited this school on 18.11.2009. The school which has five classes (class I to V) has only one teacher. The villagers complained that he too remains absent for most of the days. Of the 145 students in the rolls of this school (ST 60, SC 45 & other 40) only 45 were present on the date of my visit. The teacher, Sri Ranjit Singh stays at Jhajha and commutes to the school from there. MDMs are served. In the absence of any provision for cooks and helpers, he has to cook MDM himself. The school has no other staff. One guard has been privately engaged by the teacher, without any remuneration. The school is run by the Social Welfare Department. At the time of my visit I found about 40 children taking meal. Most of them dispersed after taking meals. It appeared to me that serving of MDM is the only activity of this school.

B. Health Care Services.

i) Primary Health Centre, Biddour

This PHC has 1 additional PHC and 12 Health Sub centers under its control. The posted strength of the PHC is 2 MO (against a sanction strength of 3 regular and 4 contractual MOs), 1 Pharmacist, 1 dresser, 3 ANMs, 1 Clerk, 1 health Educator and 1 TB Technician. In the APHC, one MO is posted on contractual basis. He works in the APHC for 3 days in a week and on the rest of the days attends the district hospital. Of the 2 nurses (contractual), 1 is on deputation to the district hospital and the other is on maternity leave. The PHC has six beds and one laboratory where only sputum is examined. There is a minor OT, where sterilization operations are conducted. The PHC has a hired ambulance, and a generator. Diet is given to indoor patients for which Rs24/- per head per patient has been sanctioned. The MO in charge, Bijoyendra Satyarthi

claimed that the hospital has adequate stock of medicines for meeting the requirement of indoor and outdoor patients. The fact that 5/6 private chemists shops are functioning close to the hospital would suggest that a section of the patients must be purchasing medicines from these shops. The CMO mentioned that the hospital can purchase only 36 approved common medicines and the patients might be purchasing other medicines from these shops.

In an average 180 patients come to the outdoor everyday. In the first 10 month of the year 2009, already 30501 patients have been freshly registered. Patients have to wait outside the hospital window in the sun during the preparation of outdoor tickets. The waiting hall for them does not have adequate accommodation for all the patients. A hall, apparently built for the accommodation of patients and their relatives from MLAD, is lying abandoned. Only one MO and the pharmacist have residential quarters. There is a bore well with pump for supply of water to the hospital and the residential quarters.

ii) Health Sub centre, Pathak Chak

One female health worker, one male health worker & a contractual ANM, are posted to this Sub centre. On the date of my visit i.e. 5.11.2009 only the FHW, Smt Pratima Bhagat was present. The other two, Indu Sinha (ANM) and Asgar Hussain (MHW) had reportedly gone to PHC Secundara for 'Epidemic Duty'.

The Sub centre building is in bad state of repair. Till recently there was no residential quarters for the staff who were forced to live inside the sub centre office. A quarter has recently been constructed, but is yet to be occupied. The working hours are from 0800 hrs to 1200 hrs. The FHW submits a monthly report on the out turn of work but office copy has not been retained. According to her, it requires Rs12/- to get the report copied and there is no provision of funds for the same. Common medicines for preliminary treatment of fever and diarrhoea, like Paracetamol, ORS were available in the sub centre. Some villagers complained that the FHW demands money from them for pushing injections. In her turn the FHW said that she demands no money for pushing injections supplied by the sub centre but agreed that for pushing injections purchased by the patients from the open market on the prescription of quacks she charges a small fee.

The FHW keeps cattle in an improvised shed inside the sub centre premises. The premises require proper demarcation and a boundary wall.

There are 4 ASHA Workers under the sub centre. They have not been receiving their incentives in time.

iii) PHC Secundera

Against a sanction for 7 MOs (3 regular and 4 contractual) only 4 (2 regular and 2 contractual) are posted in the PHC at present. Dr Dharendra Prasad Singh and Dr Dollyrani Dhar have both acquired post graduate degrees but have been working in PHCs and APHCs for years. Though several posts of specialists are lying vacant in the district they have not been considered for posting against these vacancies allegedly due to favouritism.

1 pharmacist, 1 dresser, 2 drivers, 1 peon, 1 senior ward attendant, 1 LHV, 3 ANM, 1 male ward attendant, and a sweeper are posted. One female ward attendant and one ANM have been brought on deputation from the APHC. One data entry operator, an accountant and one Health manager have been contractually engaged.

There is no laboratory. There is a minor OT, only for the purpose of sterilization operations. There are 12 beds in the PHC which are mostly used for the women admitted for institutional deliveries. There are in all 12 residential quarters (4 for MOs, 8 for the staff). 2 of the MOs' quarters have been condemned. The quarters for the staff are in bad state of repairs. There are two tube wells in the hospital. The residents have sunk tube wells in their official quarters, at their own cost. There is no rest shed for the patients' relatives or for ASHA workers. There are 100 odd ASHA workers in the jurisdiction of this PHC. They have not received their remuneration for the period from July 2008 to June 2009 due to lapses on the part of the MO in charge. The matter is under enquiry. The MO in charge claims that there is no dearth of medicines in the hospital. It however came to notice that 17/18 private chemists' shops are doing brisk business in Secundera village, which suggests that patients reporting at the hospital could be purchasing a part of the prescribed medicines from these shops.

The medical officers posted in the hospital complained that they do not get any job satisfaction and that posting and transfer of doctors are generally arbitrary.

iv) Primary Health centre, Barhat

The PHC is functioning from the premises of the Ayurved Bhawan. A notice has been issued for the vacation of the premises. Earlier there was an APHC in Barhat which has been upgraded to a PHC with effect from 6.11.2006 without corresponding upgradation of the sanctioned strength and infrastructural facilities. The old APHC building is dilapidated. In its place a new building has come up which does not have adequate accommodation for a PHC. In the event of the Ayurved Bhawan being vacated, the functioning of the PHC is likely to be severely affected. There is no residential accommodation for the MO and the staff. The staff

commutes from Malaypur. The lone MO resides in one of the rooms of the PHC.

Only two MOs, one Health Educator (Joined only on 5.11.2009), 2 ANM and 1 clerk are posted in the PHC. The posts of pharmacist, dresser, the laboratory technician and the class IV attendant are lying vacant. One programme manager, one Acct and one data operator have been contractually engaged under the NRHM scheme. One of the two MOs has been closed to the district hospital for duty. There are 10 beds, 4 of which are in the maternity ward. There is a minor OT where only sterilization operations are conducted. Water is pumped from a bore well. The PHC has a generator. One ambulance has been hired. Two beds are available for the rest of ASHA workers and staff on duty. Medicines as per the approved list are available for issue. Many patients prefer to purchase 'better quality medicines' from the local chemists' shop. 36 quacks are functioning in the area.

Dr B.N. Prasad, the lone MO is working here for the last six years. He is doing his best in an environment which is not quite favourable.

Land for the PHC was donated by a local gentleman, but his co partners have raised objections and gone to the court. Further construction has been stayed. During the previous year, 26991 patients were treated in this hospital. This year till 5.11.2009, 24714 such patients have been treated.

Percentage of satisfaction in regards to vaccination/ inoculation ranges from 76% to 106% of the target. There have been 979 institutional deliveries during the previous year. This year 763 such deliveries have been recorded. The percentage of institutional deliveries to the total number of birth is about 40, which is not quite encouraging.

v) CHC Jhajha

This is a 30 bedded hospital. Jhaja PHC, whose own buildings are dilapidated, also functions from the same premises. Its staff and resources have been merged into the CHC. The PHC has a separate sanction of 6 beds. Most of the beds were found empty on the date my visit. The only patients found admitted were all women. Some of them were on post delivery care. The rest were expectant mothers. Their confinement in the indoor wards is usually for short periods between 24 to 48 hours.

Against a sanctioned strength of 4 MOs for the CHC only two are posted. Of them one i.e. Dr Vinod Kumar is absconding since long. Dr B.N Jha is the only MO physically available in the CHC. Jhajha PHC has a sanction of 2 MOs. It also has sanction for 4 contractual MOs. Against these sanctions only 2 MOs (Dr Samsa Anwar and Dr K.M. Banka) have been engaged for working in the PHC. Both have private clinics in the town.

Two other PHCs, and one additional PHC also function in the jurisdiction of Jhajha PHC. The sanctioned strengths of doctors for these PHCs and the APHC is 2 each. One each has been posted on paper. Dr Chamaklal Baidya posted to Simultala PHC is absconding from December 2007. Dr Md Iqbal Khan posted to Dhamna PHC and Dr Arbind Kumar posted to Burhikharan have both been closed to the CHC Dr Arbind Kumar goes to the APHC once a week.

There are 4 quarters for MOs, 1 quarter for A grade nurse and 1 for the driver. Two of the 4 MOs' quarters are in bad state of repairs. Two quarters for doctors, constructed in the premises of the local Block Office lie unoccupied. Most of the staff are locals and reside in their own houses.

There is a laboratory with one contractually engaged technician. There is provision only for taking samples which are sent to Patna for examination. It takes 3 days for the reports to reach the hospital.

Approved daily diet rate is Rs24/- . No contractor is reportedly willing to supply food at that rate. I was told that the state government have decided to raise the diet rate to Rs48/-. Formal orders are awaited.

The MO - in-charge reports that medicines are largely available. The fact that as many 40 chemists shops are doing business in this small town suggest that the patients visiting this hospitals must be among the purchasers of medicines from these shops. The MO explained that there are 16 private practitioners and a large number of quacks functioning in the jurisdiction of the CHC and these shops sell medicines to patients consulting them.

The percentage of institutional deliveries is only 40 which is rather low. Incentives to the mothers are being paid by cheques. The locals however complained that bribes are being demanded for issue of such cheques. There is no provision for running water. Water is drawn from hand pumps.

3 ambulances have been engaged on contractual basis. Patients have to bear the running costs. The quality of service by the ambulance operators has not always been satisfactory. But the MO in charge finds it difficult to terminate their contract for fear of assault and harassment. The Mobile Health Unit of the district has visited the CHC only twice in recent times. Of the 30 sub centres under this CHC only five have their own buildings.

vi) Khera CHC

I visited Khera CHC on 16.11.09, accompanying the Hon'ble Member. This CHC was created by upgrading the PHC two months back. Of the 3 MOs and 4 contractual MOs' sanctioned for the CHC, 1 MO and 2 contractual MOs' are posted. There are twelve beds against a sanction of 14 beds. There is a laboratory where blood, sputum etc are collected and sent for examination outside. The test report is received

after 3 days. There is a minor OT. The MO- in- Charge claimed that there is no dearth of medicine. The local residents however complained that they have to purchase medicines from outside, as per the advice of the MO- in-Charge. The hospital buildings require immediate repairs.

C. Social security schemes including the public distribution system

I visited three villages to verify the adequacy of the public distribution system. I visited an Anganbadi to ascertain if supplementary nutrition to children in the age group of 3 months to 6 years and to women under pre and post natal care is being provided satisfactorily. I interacted with the officers of the food and civil supply department both at the district and the block level. My observations are as follows

i. Athatola Ghatwari hamlet

This hamlet with 22 households is located in the margins of reserve forests. The residents largely belong to SC/ST community. Most of the families belong to BPL category. Some have been classified as 'Antyoday' and 'Vishes Antyoday' families. Most of them complained that the local PDS dealer is charging them more than the prices fixed for supply of kerosene, rice, and wheat. He is also cheating them on measurement of the said commodities. On many occasions the coupons issued to them have been dishonoured on the ground that supplies have not been received. From the dishonoured coupons still lying with the beneficiaries it was found that,

- i) Tikhan Rai holder of Antyoday card has not been issued kerosene for the months of June & July 2009.
- ii) Sukri w/o Late Ramdev Roy, Antyoday card holder has not received kerosene for June and July and rice and wheat for the months of June, September and October 2009.
- iii) Bhagal Roy (Antyoday card holder) has not received kerosene for June and July and rice and wheat for the months of June, September and October 2009.
- iv) Paltu Ram (Vishes Antyoday card holder) has not received rice and wheat for the months of June, August, September and October 2009.
- v) Bukan Roy (Vishes Antyoday card holder) has not received rice and wheat for the months of June, August, September and October 2009. He has also not received kerosene for the months of June, July & August 2009. In the previous year he received ration only for three months.
- vi) Sone Lal Hansda (BPL ticket no. 0088589) has not received any rice and wheat since June 2009.
- vii) Morshi Hansda (Vishes Antyoday ticket no 0011196), has not received any rice and wheat since June 2009.

viii) Hari Rai (Ati Pichda ticket no 0029191). He has not received ration for the months of June, August, September and October 2009.

These cases are only illustrative.

The villagers complained in one voice that the dealer is issuing them only 2 ½ litres of kerosene a month and charging them Rs36/- for the same. The prices fixed for a litre of kerosene is Rs10.87 for Jhajha block. Thus the dealer is cheating each beneficiaries to the tune of Rs9/- per month over the issue of kerosene alone. Antyoday families are entitled to get 21 kilos of wheat and 14 kgs of rice. Price for wheat and rice for them has been fixed at Rs2/ and Rs 3/ respectively. It was alleged that the dealer is issuing only 9 kilos of wheat and 13 kilos of rice to such families and charging Rs 100/ for the same. The total price payable should be only Rs 53/ The local Sarpanch (Mukhia), Sri Satya Narayan Mandal accepted that the dealer is indeed cheating the card holders. When asked why he (a member of the Vigilance Committee) is not complaining, he pleaded that if he dares to do that, the dealers will get him implicated in false cases.

ii. Interactions with villagers of Tola Varkahua.

I talked to Dhaneswar Yadav s/o Baleswar Yadav (Antyoday card no.0018643), Arjun Yadav s/o Joga Yadav (His son holds card no 0656668), Sareef Yadav s/o Baleswar Yadav (Card no 0056681) among others. The villagers in one voice complained that coupons issued to them for drawing wheat and rice are not being honoured. The dealer is also cheating them on measurement and charging them more than the approved price. Dhaneswar Yadav complained that he has to pay Rs 72/ for 9.5 kgs of wheat and 14 kgs of rice where as the govt approved price works out to Rs 61/only. For the month of September he had to pay Rs 115/ for 20 kgs of rice and 13 kilos of wheat against the approved price of Rs 86/.

I found many coupons for June, July, August September, and October 2009 lying unused with many of the beneficiaries. They also informed that they have repeatedly complained to the BDO Barhat (who was accompanying me to the village) regarding short supply of grains and extra price charged by the dealer. Each time he had promised to hold an enquiry. But no such enquiry has been held. Nor has any action been taken against the dealer.

iii. Interactions with residents of Nemgadimoh tribal hamlet

I visited Nemgadimoh tribal hamlet on 4.11.2009, a tribal village having 45 households. Most of the occupants are Santhals, and belong to BPL families. Here too the residents are getting BPL rice only for two three months in a year. Some of the residents, like Sankar Marandi are too

poor and deserve to be classified in the Antyoday category. The state govt had created a separate category, namely Vishes Antyoday to extend Antyoday facilities to them. The state government however could not find additional foodgrains for them and was meeting their requirement by reducing the quota of ration admissible to Antyoday card holders. The High Court has set aside this arrangement with effect from September 2009 and the beneficiaries have been reverted to the BPL category. Not a single family has been covered under Indira Awas Yojana. The water reservoir near their villages provided for irrigation of their land has become non functional due to silting, affecting the productivity of their land.

iv. Bishnupur Anganbadi

I visited this Anganabadi on 6.11.2009. The Anganbadi does not have any house of its own. It functions from the verandah of the Anganbadi worker Smt Deshi Devi. At the time of my visit only 3 to 4 children were present. But very soon 25/30 others joined. At the Anganbadi, children between the 3 to 6 years of age are provided supplementary nutrition (Khechuri) and pre school education. Pregnant women and children between six months to 3 years of age are also issued dry ration twice a month on the second and fourth Fridays. On every third Wednesday the ANM from the local Health Sub centre comes to the Anganbadi for inoculating expectant mothers and the infants as also for issuing vitamins, iron tablets and other medicines.

Rs 11,975/- is paid directly to the Anganbadi worker for purchasing rice, dal, vegetables, fuel, & soyabin etc for cooking Khechuri/ issuing ration to the beneficiaries. Rice and dal were found stored in the house of the Anganbadi worker. Food is cooked in her cow shed.

25 steel plates and 15 glasses were issued to the Anganbadi a few years back. These plates have largely been damaged. Many children had brought plates from their homes for taking meals at the Anganbadi. Durries issued to the Anganbadi are torn and tattered. Slates and chalks are no longer issued. There is no separate source of water for the Anganbadi. I found no trace of vegetables in the store. The Anganbadi worker said that she will collect some 'Sag' from her garden for the mid day meal. She was clearly bluffing.

The present system of paying cash directly to the worker for the purchase of ration, and permitting her to function from her own house leave scope for leakage and misappropriation.

I have separately touched upon the working of the MDM scheme in my notes on school education.

It appeared to me that the Public Distribution System is severely plagued by corruption and the officers in charge of the system have not been able to take proper action against unscrupulous dealers. It is particularly disconcerting that those who require such assistance the most have been the worst sufferers. At the local BDO's office I was told that the dealers are selected by the SDOs and licensed by the DM. It was also claimed that three dealers were placed under suspensions for such irregularities in the past, but two of them were later reinstated. One of them continues to be under suspension. Proposal for suspension of another dealer has now been submitted.

At the macro level the decision to issue coupons for 12 months with full knowledge that the state government is in no position to provide grains for more than three months in a year to the beneficiaries, is largely responsible for the present mess in which the system has landed.

D. Custodial Justice

I visited the district jail in the afternoon of 5.11.09 and again on 6.11.09. The only jail in the district (District Jail Jamui) has a sanctioned capacity for 188 prisoners (184 male and 4 female). Against the above capacity as many as 541 (516 male and 25 female) prisoners were lodged in this prison as on 4.11.09. The jail is highly over populated. 505 of the prisoners are UTPs. The trial against 27 of them are pending for more than 3 years. The case against some of them are more than a decade old, that of Karu Paswan is 23 years old (ST 186/86).

During my interactions with the prisoners most of them pleaded for speedy trial/grant of bail during pendency of trial. The jail does not have a sanctioned post of welfare officer. Nor does it have a hospital. Sick prisoners are treated in the district hospital. During the year 2009, 14 patients were detected to be suffering from Tuberculosis, one from leprosy, and another from Heart ailments. There are 2 mentally ill prisoners. No psychiatrist is available in the district for their treatment. Every month five to six hundred prisoners have been reporting to the district hospital for treatment. In the previous year. In an average 8 to 9 hundred had been reporting to the district hospital for treatment every month. As many as 17 prisoners have died in custody in this prison between 2007 and 2009 (5 in 2007, 3 in 2008 & 7 in 2009). Together these figures present a very dismal picture of the living conditions prevailing in this prison. There is one prisoner in this jail, Shalevar Shoren who has been granted bail more than a year back but has not been able to find sureties. Two of the prisoners pleaded that they are less than 18 years of age and requested for sending them to observation homes.

There is no place for interview of the prisoners. Prisoners are allowed to talk to their friends and relatives with prior permission of the jail superintendent across the grill gates, the relatives standing on the road outside. The prison is severely understaffed. Against a sanction for 100 warders only 19 are in place. Of the sanctioned 11 Head Warders only six are in place. The posts of three asst. jailors and both the posts of MO are lying vacant.

Sanitation is very poor. There are only 34 latrines in this prison. The latrine prisoners ratio is 1:16 which is very low. Of the 17 hand pumps, 7 are out of order. Drains are open.

E. Protection and Welfare of SC/ST Communities

I visited villages Athatola Ghatwari, and Nemgadimoh, the inhabitants of which largely belong to SC/ST communities to verify their living conditions. My observations on the status of the PDS in these hamlets has already been discussed at paragraph 2 C (i & iii) above.

The residents of these hamlets have other problems as well. Not a single family in Nemgadimoh has been provided with a dwelling house under the Indira Awas Scheme. The water reservoir in their village, from which they were drawing water in the past for irrigating their land, has dried up due to silting and lack of maintenance. This has seriously affected the productivity of their land forcing a section of the villagers to migrate to other states seeking work and employment. The health sub centre is 4 kms away. The residents of Athatola Ghatwari, besides complaining about the gross irregularities in the working of the public distribution system, as has already been discussed, also informed that though all of them qualify for the award of dwelling houses under Indira Awas Yojana, only one such dwelling unit has so far been sanctioned. The primary school in their village is practically defunct. There is no ASHA worker for their hamlet.

3. Petitions and Representations received from members of the public

During my visit to the district a number of people met me and expressed their grievances which have a bearing with the subject matter of the workshop. Some of them submitted individual/mass petitions in which such grievances were highlighted. The petitions are enclosed with this report. The gist of their contents are given below.

i) One Manish Kumar Yadav s/o Bindheswari Yadav submitted a petition addressed to the Commission in which it has been alleged that between February 2008 and 28.6.2009 his house was repeatedly searched by Laxmipur police and his motor cycle was taken away without preparation of any seizure list and without any receipt being

provided. He himself was picked up, detained and beaten up in the police station from 15.12.2008 to 18.2.2008, 29.5.2008 to 31.5.2008 and 27.1.2009 to 30.1.2009. His motor cycle is now being used by the officers of Laxmipur police station.

The police did all this to favour his sister in a family dispute over ancestral property. His brother Basudev Yadav, who is an advocate in Jamui court had submitted a petition to Bihar Human Rights Commission. The Commission, under their letter no BHRC/ Comp 1315/09/ 2302 dt 3.9.2009 had sent the petition to the local SP for taking appropriate action. No action has been taken by the SP so far. I broached the subject twice with the SP during my visit. The SP neither denied nor confirmed the allegations and promised to look into the matter. The allegations are extremely serious, and if true warrant severe disciplinary action besides institution of Criminal Proceedings against the concerned officers. That such allegations have not been addressed for all these days speak poorly of the quality of custodial justice available in the district.

Copies of the petitions received from Manish and his brother, along with their enclosures are attached at Annexure-A to this report.

ii) At Jamui, residents of Ratanpur Gram Panchayat submitted a mass petition in which it has been alleged that the entire money allocated under NREGS for the excavation of water bodies has been withdrawn and shown spent, though only 10 to 30% of the work has been completed. They have brought the matter to the notice of the district administration without result. The petition is enclosed at Annexure B to this report.

iii) A complaint was received from the residents of Hadkhar Panchayat in Khera Block, wherein it has been alleged that the 'Mukhia' is misappropriating funds allocated for various projects without executing any work. A copy of the petition is enclosed at Annexure C to this report.

iv) At Jhajha the residents of Burhikharan submitted a petition addressed to the Civil Surgeon demanding that the staff sanctioned for Burhikharan PHC, which has been closed to the CHC should be immediately returned to the PHC. A copy of the petition endorsed to the Commission is enclosed at Annexure D to this report.

v) At Jamui, Smt Asha Kumari, teacher, Jamui government girls ME School submitted a petition addressed to the State Human Rights Commission, to the effect that as per the orders issued by the education department she is to function as the Headmistress of the school till a regular incumbent is posted in place of Smt Padmanandini Kumari who has superannuated on 31.10.2009. The retired Headmistress has refused to handover charge to her. This has affected routine administration of the

school and the issue of MDM has been suspended. The petition is enclosed at Annexure E of this report.

vi) At Secundera PHC, Sabitri Devi, ASHA worker, submitted a petition in which it has been alleged that the ASHA workers under this PHC have not been paid their incentives for the period from July 2008 to June 2009. The hiring charges of vehicles for the transport of expectant mothers from their house to the hospital for delivery are also not being reimbursed. A copy of the petition is enclosed at Annexure F to this report.

vii) The residents of Bhullo Panchayat submitted a xerox copy of a petition in which they have alleged that the 'Mukhia' of this Panchayat under Secundera Block has been misappropriating old age pension, BPL benefits etc and complaints to the BDO have fallen on deaf ears. A copy of the petition is enclosed at Annexure G to this report.

viii) Sri Basisths Kumar
S/o- Sri Ramdhani Sahoo
Vill/po- Garsanda

In his petition he submitted that he is a disabled youth belonging to the backward class. He was appointed as a 'Gram Kacheri Sachib' for Garsanda village of Jamui block. He worked in that capacity for 18 months, but was summarily dismissed without payment of any wage. He has moved the BDO and the District Magistrate for redress without result. Prays for his reinstatement. Copy of his prayer is enclosed at Annexure H to this report.

ix) A mass petition was received from villagers of Tenghara in which it has been alleged that Sri Panchanand, panchayat sikhyak of Prathamik Vidyalaya Uttar Tola, Tenghara, has been demanding 10% commission from the villagers from the money sanctioned for construction of the school building. He is working as an LIC agent, and is committing gross irregularities in the management of MDM. They demand an enquiry into these allegations. The petition is enclosed at Annexure I to this report

x) Copies of a few photographs taken during my field visits are enclosed at Annexure J to this report.

4. I also interacted extensively with the district and block level officers including the DM, the SP, the CMO, the DFO and the district education officer to get their views on various issues relevant to the theme of the workshop and to obtain their comments on the information gathered by me during my field visits. Based on my field visits and

these interactions, I proceed to record my observations, subject wise, as under.

A) School Education

The state government has stopped recruiting regular teachers and has decided to engage Sikhya Sahayaks (Known as Panchayat Sikhyaks), in their place. These Panchayat Sikhyaks are paid Rs4000/- each as their monthly remuneration and are engaged by the Panchayat Mukhias. They are selected on the basis of their performances in the Higher Secondary Examination (Known as Inter in Bihar). Training for 30 days is given to them only after they take up the job. The officers of the education department have no role in the selection, except for deciding the number of teachers required for each school. The district education officer informed that they are sanctioning one teacher for every 40 enrolled students. The information collected during my field visits does not support this claim. I visited a primary school with 249 students on the rolls and five classes (class I to class V), which had a sanctioned strength of only 2 teachers. In one school I found 7 teachers against five classes and in another 10 teachers against five classes. Though the enrolled strengths have been shown to be 394 and 478 respectively in these schools, on the date of my visit only 132 and 261 students were found present in these schools. There are reasons to suspect that some of these students have been shown enrolled only to justify sanction of extra teachers. Many villagers, including VEC members complained that many of the students shown enrolled in these schools actually study in private schools like 'Cambridge' & 'Pragatishil Sikhya Mandir'. The villagers also complained that the teachers misappropriate the MDM ration shown issued against their names. During my field visits I came across a coaching school at village Kakan run by one Ghanashyam Mahato. He along with two of his assistants coach 100 children from KG to class X. I was told that a number of such coaching schools have been functioning in the district. This speaks poorly of the standard of instructions given in government schools.

Most of the schools do not have adequate class rooms. Students of two to three classes are given instructions in one room. In some schools they are accommodated on the verandah. Even in the school with 10 teachers there are only four class rooms. Class I is accommodated in the verandah. At any point of time not more than five of these teachers could actually be taking classes. While sanctioning teachers on the basis of student strengths, the authorities have not taken care to split the classes to sections for optimum use of the sanctioned strength of teachers.

The quality of MDM for the students was found to be very poor. In one school only Rice and Molasses (mitha rice) was being cooked for them. The academic standards of the students was not found quite

satisfactory. The inspection system has almost collapsed. Many schools did not have an Inspection Register. I interacted with some students of class V. They were not in a position to answer questions from the text books of previous classes.

Almost all the teachers are locals. The system of periodical transfer is not in vogue. Some teachers are serving in the same school for more than two decades. The DEO informed that powers of transfer and postings have been delegated to the panchayats and other elected representatives. Panchayat teachers could be transferred only to schools under the same panchayat. Transfer of regular teachers can be considered only on their request and willingness. The DEO does not have any disciplinary powers over the panchayat teachers. The government proposes to vest such powers with the panchayats, but rules in this regard have still not been framed.

No examination for the award of merit based scholarships is being held. Of the 1337 primary schools, 151 are running with only one teacher each. 1093 schools have less teachers than classes. The VECs, wherever in position appeared to be ridden with factionalism and are in no position to enforce quality education.

B. Health services

There is acute shortage of Medical Officers in the government hospitals. In the district hospital, against the sanctioned strength for 18 doctors only six are in position. All the posts of specialists are lying vacant. There are many PG qualified doctors in the district but they are working in PHCs and Addl PHCs in the absence of any transparent recruitment rules for specialists. Some of them claimed that with the right connections, MOs with MBBS degree only have been posted as specialists in some hospitals in the state (It is difficult to believe that this is possible). Of the sanctioned strength of 99 MOs for the district only 33 are posted of whom 4 are long absenting without leave or permission. There is a sanction for engaging 38 MOs on contractual basis (at a remuneration of Rs20000/- per month). But only 19 are in position. The district hospital has a sanctioned bed strength of 100, but in the absence of doctors these beds are not fully utilized. The bed strength has been increased to 300 recently. Without corresponding increase in the sanctioned strength of MOs and their physical placement the increase in the bed strength is meaningless.

Some of the PHCs are running with single doctor. Most of the additional PHCs are running without any doctor. Staffs from the sub centres and additional PHCs have often been sent to district hospital, CHCs and PHCs on deputation, leaving their parent units in the lurch. The CMO claimed that there is no dearth of medicine. I however found a number of chemists' shops close to the hospital premises suggesting that patients must be purchasing some medicines from these private stores

due to dearth of government supplies. At Khera the villagers complained as much, to the Hon'ble Member.

Quarters for the MOs and paramedical staff are inadequate. Wherever available, these are in bad state of repairs. There is no water supply to many such quarters. In some hospitals the employees have sunk tube wells in their quarters, spending money from their pockets.

Laboratory facilities are absent in most PHCs. Against 16 sanctioned posts of technicians only 3 are in position. There are also large scale vacancies in the ranks of Sanitary Inspectors, Male Health Workers and Ministerial Staff.

Ambulances have been sanctioned for the district hospital, the referral hospitals, PHCs and APHCs. Percentage of satisfaction in the field of inoculation, so far achieved, has remained between 50 and 80. That of institutional deliveries has remained at around 40.

C. Custodial Justice

The state of the district jail, which I visited on 5.11.09 and 6.11.09 has already been discussed at paragraph 2 of this report. The jail is highly overpopulated. Living conditions are dismal. The progress of construction of the new jail building, in the outskirts of the district HQs, has been very slow.

One of the 14 police stations of the district does not have any lockup. 11 of the remaining 13 police stations do not have toilets in the male lock ups. In 9 police stations there is no toilet either in the male or female lock ups. 2299 persons were arrested between 2007 and 2009 in bailable offences. As per the SP's report, all of them have been granted bail by the Officers-in-Charge. The power of the police to grant bail in non-bailable cases has not been exercised in a single case.

There is no child welfare officer in any of the police stations. Nor there is any special police unit or Child Welfare Committee in the district. There is no JJB in the district. There were complaints that in the absence of the Board the local police is sending some juveniles to the prison by manipulating their age in the forwarding reports. Complaints to this effect were received from two inmates of the district jail. During my visit to the district, a complaint involving repeated unauthorized detention, torture and search of the premises of a local resident without preparation of any seizure list or registration of any case was brought to my notice. Complaint to the SP has not yielded any result. The case has been discussed in some detail at paragraph 3 of this report.

D. Public Distribution System

Of the 162786 families of Jamui district, projected by government of Bihar to be counted as BPL families, government of India have agreed

to treat only 37015 families as such. Food grain issued by government of India is just enough to meet the requirements of these 37015 families. The state government has however been distributing the above food grains amongst the 162786 families. This has resulted in a situation where these families including the 37015 approved BPL families are getting food grains for hardly three months in a year, though coupons have been issued to them for issue of 15 kgs of rice and 10kgs of wheat every month at the subsidized rates. Like wise the state government had created another category of beneficiaries namely 'Vishes Antyoday' and had been providing them ration drawing from the quota meant for beneficiaries listed as 'Antyoday'. The High Court has mercifully set aside this arrangement w.e.f September 2009.

There are huge gaps in the BPL figures projected by the state governments and those accepted by the central government, in many other states. In many states the additional BPL families are being provided food grains purchased by the respective state governments from their own budget. I had a chance meeting with the Hon'ble minister of Food and Civil Supplies of Bihar in Jamui Circuit House. I enquired of him why should not the state government procure food grains for the additional families to whom they want to extend the benefits, instead of depriving the approved BPL families of their full quota. The Hon'ble minister claimed that they are prepared to purchase the additional requirement from the FCI at the market rate. They are also prepared to purchase the requirement directly from the open market, and pay for the same. But government of India is not giving permission for the same. Kerosene at the rate of 3 litres for family is being issued to all families including APL families.

During my field visits, many beneficiaries complained that the ration dealers are charging them more than the price fixed for kerosene, rice and wheat and also cheating on measurement. Some of these allegations were substantiated during preliminary enquiry. The local officers explained that as the incentives given to the dealers do not fully compensate overhead expenses on transport, spillage etc, the dealers are tempted to adopt such malpractices. This explanation is clearly naïve.

E. Rights of Scheduled Castes & Scheduled Tribes

The district administration did not have any authentic information on the number of forest villages/hamlets and the extent of forest land presently occupied by tribals and other communities. No survey has been held on the ground that the state government is yet to formulate the rules under the Forest Rights (Protection) Act 2006. The DFO explained that as per the existing practice the forest department is required to prepare a working plan for each division for every 10 years. This plan is required to contain the detail list of forest villages situated in the forest.

No such plan for the district has been prepared in recent years. That is why no reliable information on the number of such hamlets/inhabitants is available and no notification has been issued. The local DFO submitted a tentative list of 56 such villages which they have identified for such notification. This list may not be quite dependable.

Naxalite presence in the forest areas of the district is cited as the reason for the delay in completing the survey.

i. Reliable Information on the alienation of SC/ST land and the restoration of such land was not available.

In section 49B of the Bihar Tenancy Act 1885, scheduled castes, scheduled tribes and backward classes have been clubbed together as belonging to the 'Protected Tenants'. The Act leaves scope for transfer of tribal land and land belonging to the Atipichada (A new class created by the state government) to members of the backward classes, who are relatively much more privileged in Bihar.

ii. The Bihar Tenancy Act still permits transfer of tribal land to other communities with the permission of the Collector.

Between 2007 and 2009, 176 cases of atrocities against SC/ST members have been reported of which charge sheets have been submitted in 82 cases.

5. Recommendations

A) School Education

i. Teachers should be sanctioned on the basis of the number of classes and class rooms available in the schools, and not on the basis of the enrolled strength. If there are more than 40 students in a class, the class should be split into sections and one teacher each should be sanctioned for such additional section.

ii. Teachers should be recruited based on their performances in a state level competitive examination to be conducted by a proper selection board like the School Service Commission.

iii. Candidates with pre employment training in teaching methodology in recognized teachers' training institutes, and higher qualifications should be given preference for recruitment.

iv. The decision to discontinue recruitment of regular teachers and filling up existing and future vacancies by panchayat sikhyaks, to be selected

by the local sarpanch/mukhia, based on their HS marks may be reversed/reconsidered.

v. Enrolment figures in many schools appeared to have been fudged. Many students have reportedly been enrolled in more than one school. A task force should be created to hold surprise checks on attendance, and superfluous sanction of teachers should be withdrawn/transferred to other schools having less than the required number of teachers.

vi. Inspection system should be strengthened by appointing adequate number of district and block level Inspectors/ Sub Inspectors of schools. Such Inspection should give adequate stress on the quality of instructions. Career advancement of teachers should be linked with their class room performances.

vii. Immediate steps should be taken to frame rules for disciplinary control over the panchayat teachers. The district education officer should have concurrent powers to initiate disciplinary action against teachers.

viii. Vacancies in the remote schools should be filled up first. 151 schools with 5 classes are running with one teacher each while some schools with equal number of classes have 7 to 10 teachers each. For the removal of these anomalies, teachers including panchayat teachers should be transferable from one school to the other and if necessary across panchayats.

ix. Scholarship examinations at lower and upper primary levels should be introduced to promote quality education.

x. Land for govt schools should be purchased by the govt. The present practice of dependence on donation from the villagers should be discontinued. In most schools available class rooms are less than the number of classes. Additional class rooms must be provided early.

xi. Opening of new schools without providing required number of teachers should stop.

B) Health Services

i. Almost two third of the posts of doctors are lying vacant. These posts may be filled up early. Establishment of additional medical colleges and subsidizing education in government medical colleges may help finding adequate doctors for government hospitals.

- ii. All posts of specialists sanctioned for the district are lying vacant, though a number of doctors with post graduate degree are available in the district itself. The CMO informed that there is no recruitment rule for specialists. If that be true the state government should frame required rules immediately. Qualification, seniority and records of service should form the basis of such recruitment.
- iii. MOs from PHCs and additional PHCs are being closed to CHCs and the District Hospital at will. This should stop. Doctors posted against vacancies of outlying hospitals should be made to serve in these hospitals.
- iv. There are also large scale vacancies in the ranks of paramedical staff which require to be filled up early.
- e. Quarters for doctors and paramedical staff are inadequate. Wherever available they are in bad state of repairs. The state government must construct adequate number of quarters and ensure their maintenance.
- v. Rest sheds for ASHA workers and the relatives/attendants of patients should be provided in all CHCs /PHCS as also in the district hospital.
- vi. Reimbursement of transport charges to expectant mothers reporting for delivery at the hospital should be paid in all cases irrespective of the place from where they come. Percentage of institutional deliveries is still very low (40%). Persons responsible for delay/denial of admissible incentives to ASHA workers (As has been reported from Secundera PHC), and the mothers should be seriously dealt with.
- vii. At least at the CHC level a laboratory with technician should be available for holding simple tests of blood, sputum etc. At present such laboratories, wherever present, are merely taking samples and sending the same for examination in outsourced laboratories. The time taken for receiving report from the outsourced laboratories is 3 to 4 days, which is dangerously long.
- viii. Complaints were received regarding the non availability of essential medicines in the hospital as well as doctors compelling patients to purchase medicines from specified private shops. These complaints require to be verified and remedial actions taken.
- ix. The per day diet money per patient (Rs 24/-) is low and requires to be enhanced.
- x. Opening of new PHCs / APHCs should stop till adequate doctors are found to run existing PHCs.

xi. Of the 14002 tube wells in the district 2094 are (15% of the TWS) lying out of order. Of the 20 Rural Water Supply Schemes only 8 are functional. The department has only 40 field staffs to repair and maintain these 14002 tube wells. The state government may consider engaging one 'Self Employed Mechanic' for every 25/30 tube wells as has been done in Orissa for the maintenance of these tube wells. In Orissa such SEMs are paid Rs500/- per month.

C) Custodial Justice

i. The only jail in the district is severely overpopulated. The construction of the new prison in the outskirts of the district HQ, is very slow and requires to be expedited.

ii. Of the 541 prisoners 505 are undertrials. Trial of the cases against many of them has been slow. Some of these cases are pending for non appearance of the investigating officers, the autopsy surgeons, and other public officials. Every action should be taken for enforcing their timely attendance.

iii. Both the posts of MOs sanctioned for the prison are lying vacant. At least one MO should be posted immediately. As many as 17 prisoners have died in custody in the district jail between 2007 and 2009. Lack of timely treatment is one of the reasons for such high rate of death.

iv. Immediate action should be taken to provide toilets to the lockups of the police stations. It is disturbing to find that despite interventions by Hon'ble Patna High Court, 9 of the 14 police stations of the district still do not have any toilet in the lock up.

v. During my visit to the district I received a serious complaint involving repeated unlawful detention and torture of an apparently innocent citizen by the police and repeated search of his residence without registration of any case or preparation of any seizure list. Though the matter was brought to the notice of senior officers, no redress was available. The local police officers require to be adequately sensitized to Human Rights by holding seminars and workshops.

vi. A JJB and a CWC may be constituted for the district early. A special police unit for dealing with children should be created as is mandated in the JJ Act 2000.

vii. A large number of accused have been detained in the prison for their alleged involvement in cases registered under sections 498A/304B. Many of them pleaded to be innocent and to have been falsely implicated. Such cases may be adequately supervised before effecting arrests.

D) Public Distribution System / Right to food

i. It is grossly unfair to distribute rice and wheat allocated by the central government for 37015 BPL families among 162786 families. While government of India have accepted only 37015 families of this district to be belonging to BPL category, the state government is claiming that there are 162786 such families. The state government may supply grains to the balance families by procuring the same from the market from their own budget, and not by depriving the 37015 approved BPL families of their legitimate dues. It is claimed by the state that permission for such procurement/purchase is not being accorded by the central government. If that be true, the commission may advise the Union government for accepting the proposal of the state government in this regard.

ii. The public distribution system in the district is beset with rampant corruption. The dealers are charging the beneficiaries higher prices than has been approved by the government and also cheating them on measurement. The poorest of the poor are the worst affected. Disciplinary/ penal action against unscrupulous dealers have been few and far between. Dealers, suspended on the basis of specific complaints have usually been reinstated after a few months. Such dealers should be firmly dealt with. Quality of supervision by the officers of the Food and Supply Department must improve.

iii. Dealers must be made to issue cash memos indicating the quantity of foodgrains and kerosene issued to each beneficiary and the sale price, to prevent them from duping the beneficiaries.

iv. Of the 1397 Anganbadis of the district only 214 have separate accommodation. Most are functioning from the houses of the Anganwari workers. This leaves scope for pilferage/misappropriation of food grains meant for providing supplementary nutrition to children and expectant/lactating mothers. Separate accommodation for the remaining Anganbadis should be constructed early.

v. At present teachers have been placed in charge of the MDM scheme. In schools with 1 or 2 teachers only, this responsibility clashes with their primary duty, affecting adversely both the services. Though the responsibility for supervision may continue to rest with the teachers, day to day running of the scheme may rest with a non teaching staff to be engaged separately for the purpose, on payment of a reasonable remuneration.

E) SC/ST Welfare

- i. The survey required for identifying tribals and other residents of forest villages/hamlets for settlement of homestead and agricultural land in their favour and providing land for schools, roads, anganbadis, health centres and other community requirements to these hamlets, as has been provided for in the Forest Rights Act 2006, must be completed early by providing adequate security cover to the survey teams, wherever necessary.
- ii. As transpired during my field visits, tribals living in the margins of the forests and the foothills, which are still accessible to public officials, are being deprived of various welfare schemes and being openly cheated by the ration dealers. The schools in their villages have no more than one/two teachers, the attendance of many such teachers has been irregular. Conditions in the interior dominated by Naxalites may be even worse. The grievance redressal mechanism must be strengthened and the field officers found wanting should be taken to task. Development of roads, schools, hospitals, water supply schemes, irrigation, agricultural marketing and the settlement of homestead and agricultural land in their favour, as per the Forest Right Act 2006 will go a long way in weaning the tribals away from the extremists. The oft repeated plea that it is difficult to extend development to these areas due to presence of Naxalites may not be fully correct. As has already been explained above, welfare schemes have not been properly implemented in accessible tribal belts due to apathy and indifference on the part of the field officers.
- iii. The residential school at Bamdaha for tribal students is running with 5 teachers in place of 9 teachers sanctioned for this school. The Day School at Khadia meant for them is running with 3 teachers against 21 sanctioned posts of teachers. These vacancies should be filled up early. At least one residential high school each for boys and one for girls should be opened in Chakai, Sonho and Jhajha blocks (which have substantial tribal population), for the education of ST/SC students.
- iv. The Bihar Tenancy Act should be amended to segregate Backward classes from ST/SC, and Adivasi communities in regard to the definition of 'Protected Tenants'
- v. Transfer of SC/ST land to members of other communities including backward classes should altogether be banned. It should not be permissible even with the prior approval of the collector.

6. The petitions received during my visit to the district, enclosed with this report, may be sent to the state government/district magistrate for comments or such other action as is considered appropriate by the commission.

Sarangi 8/1/09
Damodar Sarangi

NOTE :

The petitions/complaints as mentioned at page 17 & 18 has been detached and sent to Law Division in NHRC for further processing.