

## **NATIONAL HUMAN RIGHTS COMMISSION**

### **REPORT ON THE CAMP SITTING / OPEN HEARING FOR THE STATE OF GUJARAT AND UTs OF DAMAN & DIU AND DADRA & NAGAR HAVELI AT AHMEDABAD, GUJARAT**

**(26-27 April, 2018)**

1. The National Human Rights Commission (NHRC) held its two Camp Sitting/Open Hearing for the State of Gujarat and UTs of Daman & Diu and Dadra & Nagar Haveli at Ahmedabad, Gujarat on 26<sup>th</sup> - 27<sup>th</sup> April, 2017. NHRC has been holding Camp Sittings/Open Hearings in different States and Union Territories of the country in order to address the grievances of people speedily. Another objective of these camp Sittings/Open Hearings is to sensitize the public officers about the issues involving human rights.
2. The Commission took up 155 cases during its Camp Sitting/Open Hearing at Gujarat Police Academy, Karai, Gandhinagar.
3. Notices were published in leading national and local dailies in the State of Gujarat and UTs of Daman & Diu and Dadra & Nagar Haveli inviting complaints for public hearing at Ahmedabad, Gujarat on the problems and grievances of scheduled castes and scheduled tribes from the persons belonging to those sects who have a complaint of atrocity committed by a public servant or of negligence by a public servant in prevention of alleged atrocity.
4. In addition to the complaints received in response to the public notices, the Commission had also decided to take up some of the cases of Scheduled Castes and Scheduled Tribes victims, already under consideration of the Commission, during its Camp Sitting/Open Hearing. The authorities concerned had been asked to remain present at the time of hearing of these cases.
5. An advance team also visited some villages in Kheda, Panchmahal and Dahod districts of Gujarat from 10-14 April, 2018 to monitor the implementation of central and state level schemes for vulnerable sections of the society. The team during its visit of Kheda (Nadiad), Panchmahal (Godhra), and Dahod districts of Gujarat observed as under:

- Though the connectivity of roads is good, but there appeared to be lack of public transport. Due to this, the people are compelled to travel in private three wheelers/ four wheelers old vehicles, on which the operators are overloading the passengers even on the roof tops of the vehicles. About 10 – 15 persons were seen travelling sitting on the roof tops of many such vehicles which is a serious traffic hazard on the highways. The team has taken photographs of such vehicles.
- Toilets under scheme of Swachh Bharat Mission (SBM) have not been provided to all the needy persons. The authorities have informed the team that the toilets have been provided to the persons included in the base line survey only, and the remaining families are yet to be provided the toilets under the SBM scheme.
- No waiting lists under the extant provisions of Indira Awas Yojana were prepared, and the houses were allotted ignoring the priorities, at times on the arbitrary recommendations of the village Sarpanch and Patwari.
- It has also been seen that the priority as per the SECC-2011 survey is not being maintained for providing benefit of newly introduced Pradhan Mantri Awas Yojana (PMAY). Benefit of Rs. 12,000/- for making toilets under SWM is also not being given to the beneficiaries.
- Implementation of providing nutrients to the beneficiaries under the ICDS scheme was not also found satisfactory. More efforts are required by the ground level officers/staff.
- Though there is adequate supply of food grains under PDS scheme, but many villagers have complained regarding short supply of food grains and over charging by the PDS shop keepers. During the visit, stock of a PDS was checked by the officers of the Food Supply department in Narukot village of Jambughoda Taluka of Panchmahal district and found misappropriation of 200 Kgs wheat, 850 Kgs Rice, 150 Kgs sugar and 60 liters kerosene oil, amounting to Rs. 26400/-, 17000/-, 4500/- and Rs. 1500/- respectively. A detailed action taken report from the DM, Panchmahal is awaited in the matter.
- There are adequate schools, infrastructure and teachers in the schools, but quality of elementary education is required to be improved.
- Similarly, there are adequate Community Health Centers (CHCs), Primary Health Centers (PHCs) and Sub-Centers in the districts, medicines are supplied free of cost, but there are huge vacancies of

Specialists, MBBS/ Ayush doctors and paramedical staff in the CHCs and PHCs. Payment of benefits of Janani Suraksha Yojna could not be done to more than 700 beneficiaries in Dahod district in absence of their bank accounts.

- Cases of serving of inadequate nutrients in Mid-day Meal scheme were also noticed during the visit of the NHRC team.
- The implementation of Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) is needs some improvement. The ratio of the employment provided to the job card holders, out of the total job card holders, is very low. Similarly, number of average working persons days per job card holder is also less than 50 days in a year.
- Annual target of supply of free LPG set under the Pradhan Mantri Awas Yojana (PMAY) could not be completed in absence of Bank Accounts/ ration cards/ Aadhar cards etc. with the beneficiaries. In some districts, private gas agencies were authorized to collect documents and supply the LPG set to the beneficiaries, who have acted as per their convenience, and provided the LPG gas sets after collecting Rs. 300-400/- in the name of transport charges. Another big problem is refilling of the empty cylinders. The beneficiaries are required to pay a handsome amount and to spend their whole day for transportation of the cylinders, as the supply points are far away from their residents in the remote areas.

6. The two-day Camp Sitting/Open Hearing began with the inauguration of the Open Hearing by Justice Shri H.L. Dattu, Chairperson, NHRC on 26.04.2018 at 10.00 AM at Gujarat Police Academy, Karai, Gandhinagar. While inaugurating the 'Open Hearing and Camp Sitting', Mr. Justice H. L. Dattu emphasized that such camp sittings facilitate speedy disposal of cases. He said, wider interaction with the diverse stake holders help understand the key concerns of the people from the marginalized sections of society. Apart from monetary compensation for violation of human rights and action against the perpetrators, the camp sittings pave the way for expanding scope of activities including eradication of bonded labour, child labour, rights of women, children, health and also address issues of economic and social justice. He also mentioned about the issue of silicosis, prison reforms, rights of elderly and mentally challenged and physically challenged persons besides strengthening of partnership between the Commission, State, Civil Society and the media.

7. The Chief Secretary of the Government of Gujarat, Dr. J. N. Singh emphasized upon the commitment of the State Government.

The Secretary General of the Commission, Mr. Ambuj Sharma focused on the creation of mass awareness for protection of rights of all at the grass-root level.

8. After inauguration, 136 cases were taken up for hearing in four benches, presided over by Justice Shri H.L. Dattu, Chairperson, NHRC and Members Justice Shri P.C. Ghose, Justice Shri D. Murugesan and Smt. Jyotika Kalra. In most of the cases, complainants were also present at the time of hearing of the cases.
9. Out of these 136 cases, 63 were closed after the reports on action taken by the authorities were found satisfactory and proof of payment of Rs. 4 Lakh was received. In 40 cases, further reports were called. In 05 cases, the State Government informed about sanction of relief in accordance with the provisions of the SC & ST (POA) Act & Rules. The Commission recommended monetary relief of Rs. 3.25 Lakh in some cases.
10. The State Government was asked to submit a comprehensive report in a case of alleged death of 165 persons in sewage manhole incidents and non-payment of Rs. 10 lakhs as per the March, 2014 order of the Supreme Court.
11. The cases of release of pensionary benefits and other retiral benefits, payment of wages to employees of certain companies through Labour Department, rehabilitation and relief for an 11 year old rape victim, ex-gratia relief for family of a woman, who had died due to negligence of doctor in Banaskantha, were also taken up. The concerned District Magistrates were sensitized for counseling the local bodies and the groups in districts, from where complaints were received about the prevention of Dalits entry into temples, barber facilities and taking marriage processions etc.
12. On the second day of the Camp Sitting/Open Hearing, 14 important cases were taken up in the sitting of Full Commission which include cases of Silicosis, Water pollution of River Kalindri and Machhu-II water reservoir of Gujarat, Ostracizing of poor people by a group of strong people in Diu, Deaths in police custody/encounters etc.
13. After the sitting of Full Commission, the Commission had an interaction with NGOs and Human Rights Defenders who raised numerous issues including the following:-
  - Deaths due to silicosis. No State policy for rehabilitation.

- Untouchability-caste based atrocities in 75 % villages and reluctance of police to register FIRs.
- Tribal rights/forest rights and police firing incident.
- Forest land mine in Panchmahal District.
- Food security-Ujwala Yojana in Panchmahal-Rights of poor women-kerosene, pulses, rice, etc.-no refill of LPG gas without payment.
- Non provision of job cards under MNREGA Scheme.
- Illegal construction by builders in Ahmedabad.
- Rights of transgender.

14. The list containing the name of representatives of the following NGOs attended the interaction is enclosed with the report as Annexure 'A'

15. Thereafter, the Commission held a detailed discussion with the Chief Secretary, DGP, DMs, SPs and other senior civil, police and jail officers of the State of Gujarat and senior officers of UTs of Daman & Diu and Dadra & Nagar Haveli on the following issues:

- (1) Atrocities on Schedules Castes and other vulnerable sections.
- (2) Ostracizing of poor people by a group of strong people in Diu.
- (3) Delay in payment of compensation under SC (POA) Rules.
- (4) Silicosis-Awareness, Prevention and Rehabilitation.
- (5) Illegal mining/pollution caused by industry.
- (6) Water pollution of River Kalindri and Machhu-II water reservoir of Gujarat.
- (7) Availability of Public Transport.
- (8) Large number of electrocution deaths.
- (9) Protection of Rights of Transgender
- (10) Implementation of welfare schemes of the Central Govt. and State Govt.
- (11) Public Distribution System.
- (12) Drinking Water.
- (13) Protection of rights of persons with special needs.
- (14) Compliance with Commission's guidelines on custodial/encounter deaths
- (15) Delay in sending report called for by the Commission
- (16) Delay in compliance of recommendations of the Commission
- (17) Child Mortality Rate.
- (18) Sexual offence and harassment against women including girl child.

16. Issues raised by the NGOs during interaction with them were also taken up for discussion. Particular attention was invited to the issue of rights of transgender raised by NGO LAKSHYA Trust of Vadodra.
17. Shri J. N. Singh, Chief Secretary, Govt. of Gujarat assured full cooperation of the State Govt. in resolving all outstanding issues brought up in the camp sitting & open hearing.  
The list of officers present during the interaction, is enclosed with the report as Annexure 'B'
18. Later on, Hon'ble Chairperson and Members of the Commission interacted with the media persons about the outcome of the Open Hearing/Camp Sitting as well as discussions with the NGOs and senior officers of the State Government and UTs for wider dissemination of information on the human rights issues and action taken by the NHRC for their protection and promotion. The list containing the names of media persons attended the media briefing is enclosed with the report as Annexure 'C'

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