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## **Report on the visit of S.Jalaja, Special Rapporteur, NHRC to Bhojpur, Buxar, Rohtas and Kaimur districts in Bihar**

### **Introduction**

The Joint secretary NHRC, vide his letter dated, had conveyed the directions of the Commission to study the problem of arsenic contamination in drinking water in the district of Bhojpur, Bihar, based on a complaint filed by Inner Voice Foundation, an NGO based in Ballia district of UP. It was, decided to include Buxar district also in the visit, as the district, which was earlier a part of Bhojpur district, has more number of habitations affected by arsenic contamination of ground water than Bhojpur district. A separate report on arsenic contamination of ground water in respect of Bhojpur and Buxar has already been submitted to the Commission.

The opportunity to visit Bihar was also utilized for covering two more near-by districts--Rohtas and Kaimur, although these two districts are not affected by arsenic contamination of ground water. Thus my visit from 30<sup>th</sup> of June to 4<sup>th</sup> July covered four districts in Patna Commissionaire in the State of Bihar. This is a general report on the status of human rights in respect of the four districts.

### **District Profile**

Established in 1829, Patna is one of the oldest Commissionaires of the state. Currently, it consists of Patna, Nalanda ( Biharsharif), Bhojpur, Rohtas (Sasaram), Buxar and Kaimur (Bhabhua) districts.

The present **Bhojpur** district came into existence in 1992. Earlier it was a part of old Sahabad district till 1972, when Sahabad district was bifurcated into two, namely Bhojpur and Rohtas districts. The district is bordered on the north by Saran district of Bihar and Ballia district of Uttar Pradesh; on the south by Rohtas district; on the west by the

district of Buxar; and on the east by the districts of Patna, Jehanabad and Arwal.

Arrah town (also known as Ara) is the administrative headquarters of this district located near the confluence of the Ganges and Sone rivers, about 36 miles from Patna.

The present district of **Buxar** consists of areas under Buxar Sadar and Dumraon Sub-Divisions of the old Bhojpur district, and came into existence in the year 1991, after the bifurcation of Bhojpur district. The district is bounded on the north by Ballia district of U.P, on the south by Rohtas district, on the west by Ghazipur and Ballia districts of U.P. and on the east by Bhojpur district. Buxar town is the headquarters of the district and also its principal town.

**Rohtas** started functioning as an independent district in 1972, before which it was a part of the Shahabad district. It is surrounded by Bhojpur and Buxar districts in the north, Palamu and Garwah districts of Jharkhand in the south, Aurangabad and a part of Gaya district in the east and Kaimur district in the west. Sasaram is the headquarters of the Rohtas District, which is a place of historical importance. The Mausoleum of Shersha Suri is situated here. The district is also home to the Rohtasgarh fort, which was one of the strongest forts in the medieval age. The district is currently a **part of the Red Corridor**.

**Kaimur** The old district of Shahabad had four subdivisions of which Bhabua was one. The present district of Kaimur has been formed from the whole of Bhabua subdivision. It is the westernmost district of Bihar with Buxar and Ghazipur districts of UP on the north, the district of Garhwa of Jharkhand on the south, districts of Chandauli and Mirjapur of the U.P on the West and the district of Rohtas on the East. The Kaimur Range and Rohtas Plateau cover the southern part of this district. The Karmnasha and Durgawati rivers run through the district. It has a large forest cover measuring 1, 06,300 hectares and contains the Kaimur Wildlife Sanctuary. Bhabua is the district headquarters of the district.

It is currently a part of the Red Corridor.

### History

Shahabad formed part of the ancient kingdom of Magadh which also had portions of the present day Patna & Gaya districts. After the fall of Guptas, in all probability it came under control of petty chieftains. After the Cheros who ruled over the greater portion of the district came the Rajputs from Ujjain in the province of Malwa. Raja Bhoj was their king and the land came to be known as 'Bhojpur'. While camping at Ara in 1529 after his victory over the Afghan rulers, Babar proclaimed his sovereignty over Bihar. In commemoration of this event, the place was called Shahabad, which literally means 'the city of Emperor'. Akbar included the district of Shahabad in his empire. The Rajas of Jagdishpur and Bhojpur defied the Mughals. The Raja of Bhojpur rebelled against Jahangir. His successor Raja Pratap, was done to death by Shahjahan. After this the district had a very uneventful history till 1857 when Kunwar Singh revolted against the British.

Buxar district has close linkage with that of its parent district Bhojpur and has an old and an interesting history. The remains from archaeological excavations have established the link of Buxar with ancient civilisations of Mohanjodaro and Harappa. The History of Buxar dates back even prior to the period of Ramayana. The word Buxar is said to have been derived from VyaghraSar.-the tiger face of Rishi Vedshira, an outcome of the curse of the sage Rishi Durvasha. It is believed that sage Vishwamitra, the family guru of Lord Rama and eighty thousand saints, had their sacred ashram here, at the banks of the holy river Ganges.

Buxar, is known for the important Battle of Buxar that took place in October, 1764, when Mir Kasim, Nawab of Bengal with the support of the Mughal Emperor Shah Alam II and Shuja-ud-daulla, Nawab of Avadh was defeated by the army of East India Company, the key event establishing the British colonization of India.

During the Indian rebellion of 1857, a small party of British officers and Indian soldiers was besieged *at Arrah*, by a band of armed soldiers under the command of 80-year-old Veer Kunwar Singh (1777–1858), the Zamindar of adjacent Jagdishpur. Vir Kunwar Singh was the only successful freedom fighter in the rebellion of 1857, as the British failed to defeat him.

Kaimur-The district has close linkage with the history of Shahabad, which was its parent district. The earliest evidence of human habitation in the district consists of rock paintings in the Lehda forest that date to around 20,000 years ago.

### Area & population

The area and population (2011 census) of the four districts are as follows: -

District	Area (Sq.km)	Total Population	Male	Female
Bhojpur	2395	2,720,155	1431,722	288,433
Buxar	1703	1,707,643	887,977	818,375
Rohtas	3851	2,959,918	1,543,546	1,416,372
Kaimur	3362	1,626,384	847,006	779,378

### Sex ratio

The sex ratios reported in the districts as per the 2011 census for every 1000 males are:-

District	sex ratio	District	Sex ratio
Bhojpur	900	Rohtas,	918
Buxar	925	Kaimur	920

The sex ratio in the four districts is much below the national average of 940, as per the Census 2011. As per a categorization made by the State Government, out of 38 districts in Bihar, Bhojpur is ranked 29<sup>th</sup>; Buxar 31; Rohtas 26 and Kaimur 28. The districts have to strive hard to improve the ratio through public campaign and action against those who conduct sex-determination tests in violation of the provisions of the PNDT Act on the short term and promoting educational avenues and employment opportunities for girls, skill up-gradation for women etc in the long term.

### Administrative set up

The administrative set up in the four districts is as follows:-

District	Names and nos. of Sub-divisions	No. of blocks
Bhojpur	3 (Arah Sadar, Jagdishpur, Piro)	14
Buxar	2 (Dumraon, Buxar Sadar)	11
Rohtas	3 (Sasaram, Bikramganj, Dehri)	19
Kaimur	2 (Mohania, Bhabua)	11

### Literacy

The percentage of literacy, especially the female literacy, in all four districts is low when compared to the percentages reported in other states, particularly states like Kerala, Tamil Nadu Himachal Pradesh etc.

District	Average literacy rate (%)	Male	Female
Bhojpur	74.29	84.08	60.20
Buxar	70.14,	80.72	58.63
Rohtas	73.37	82.88	62.97
Kaimur	69.34	79.37	58.40

## Criminal Justice System

Historically old Bhojpur was one of the nerve centers of peasant uprisings which took place in Central Bihar in the 20<sup>th</sup> century, especially between 1972 and 1979. It is unbelievable that only a decade and a half ago the areas, including Bhojpur/ Babhua were the battlegrounds for some of the bloodiest caste wars between the dreaded Ranvir Sena, an upper caste *Bhumihar* militia and the landless dalits. The criminal justice system itself had collapsed to such an extent that, instead of providing security to the life and property of the people and ensuring them protection against crimes, it became distorted as an instrument of oppression and atrocities against poor. The caste wars started with the slaughtering of 10 landless dalits in Haibaspur in the outskirts of Patna on the 23 March 1997. Thereafter, the *Sena* engineered the massacre of 21 dalits, including women and children, allegedly supporting Party Unity, a communist outfit, in Bathani Tola, Bhojpur, on 11 July 1996. This was followed by the infamous Laxmanpur-Bathe Massacre of 58 dalits, including women and children, in Arwal district, which took place on the night of 1<sup>st</sup> December, 1997. The mastermind of the massacre was **reportedly** the head of the Ranvir Sena militia, who hailed from Arrah. In Laxmanpur-Bathe 58 dalits were targeted because Ranvir Sena members believed that the dalits of the village, mostly poor and landless, were sympathizers of the Maoists who were behind the earlier killing of 37 upper caste men in Bara in Gaya district in 1992. The Bihar State government banned the Ranvir Sena in July 1995 and since then the Ranvir Sena remains proscribed.

Today the bloody caste wars which plagued the hinterlands of Bihar seem to have receded. Changes in the socio-economic conditions of people and targeting of the *Mahadalits* in development activities, better equipped police forces, fast-track courts etc have rendered the medieval outfits somewhat redundant in modern times. However, the administration needs to be vigilant as the undercurrents of caste conflicts have not yet died down in the area and also there are pockets in Bhojpur

and adjoining districts of Rohtas and Kaimur affected by extremist activities.

### **Police administration**

The district of **Bhojpur** has only one police district with 3 sub-Divisions and 36 thanas. Four *thanas* and 6 Police out Posts have no buildings.

**Buxar:** There are two police sub-divisions in the district namely, Buxar and Dumraon, with two Circles each. The Buxar Sub division has eight *thanas* and Dumraon 10 *thanas* and six police out posts (Pos). 10 of the *thanas* and all the six OPs do not have buildings of their own. Besides, the police inspectors of Sadar/ Dumraon/ Brahmpur *Anchals* have neither office nor residential buildings.

**Rohtas** district has three police sub-Divisions namely Rohtas, Bikramganj and Dehri. It has 38 police stations. In Rohtas out of 38 thanas only 25 have buildings.

**Kaimur** district has two police Sub-Divisions (Bhabua and Mohania), three Circles (Bhabua, Mohania and Chand) and 17 police Stations.

### **Toilets in police custody**

Providing basic facilities to those kept in police custody is mandatory and is a human right requirement. An effort has been made by the State Government to rectify this defect by including provision for toilets both for women and men detained in police custody while constructing new buildings. However, it may take some time to cover all the *thans*. No time-frame has been fixed for providing this facility in all old *thana* buildings. In these circumstances Commission may like to issue necessary directions to the State Governments to make it mandatory to provide this facility in all old and new *thanas*.

Out of 19 *thanas* in Buxar district, 15 do not have any toilet in police custody. In Rohtas district, out of 38 *thanas* only 15 have toilets in their *Hajats*

Data on this item has not been made available by the District police, Bhojpur and Kaimur. *It was, however, confirmed that there are no toilets for women in police custody in kaimur district.*

### **Crime profile**

According to National Crime Records Bureau (NCRB) 2014

- In Bhojpur district the number of cognizable crimes reported in 2001 was 3033; between 2002 and 2007 it varied from 3198 to 3586. It went up to 4452 in 2008 (except 2011-3903) and further up to **5552** in 2013. In 2014 up to June it is 2884.
- In Buxar district the number of cognizable crimes reported in the year 2001 was 1656; from 2002 to 2008 it was less than 2000 (except 2006-the number was 2001). From 2009 to 2012 it went up from 2044 to 2863; in 2013 it was **3094**; up to June, 2014 it is 1682.
- In Rohtas district the number reported for 2001 was 3263. It remained at more than 3000 up to 2005 (2509); again increased from 2861 in 2006 to **5481** in 2013; up to June, 2014, it is 2488.
- Kaimur district reported 1438 crimes in 2001; below 2000 up to 2009; 2009 in 2010; **2196** in 2013 and 1175 up to June, 2014.

NCRB has further analyzed the state level conviction figures for the years 2006-13, according to which the total number of convicted criminals for the above said period is only 4838. 324 relate to Arms Act; out of the remaining relating to IPC crimes, 13 are sentenced to hanging; 828 awarded life imprisonment; 268 imprisonment for more than



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10 years;1037 for less than 10 years and 2742 less than 2 years.

As per the data provided by the police administration the crime profiles of the four districts are given below:-

District	Number of crimes year-wise			
	2011	2012	2013	2014 Up to June
Bhojpur	1358	1466	<b>1873</b>	864
Buxar	2420	2799	<b>2918</b>	1283
Rohtas	4594	4588	<b>5481</b>	1957
Kaimur	2288	2049	2196	1175

In Bhojpur out of 1873 crimes reported in 2013, 98 relate to Murder; 08 Dacoity;468 Thefts; 149 Burglaries;125 Kidnappings; 23 Rapes ;77 offences under the Arms Act etc.

In **Buxar**, out of 2918 crimes reported in 2013, 58 relate to murder; 12 to dacoity; 15 rape cases; 101 to Burglary; 360 to Theft and 81 Kidnapping. The numbers are higher than those reported for the previous two years.

The crime profile of **Rohtas** district inter-alia reveals 112 Murder cases; 9 cases of Dacoity; 172 Burglaries; 615 Thefts; 165 Kidnappings and 60 Rape cases.

The crime profile, 2013 of **Kaimur** district reveals Murder (34), Dacoity 04, Robbery (21), Burglary (65) Theft (196) Kidnapping (58) and Rape (16). Robbery, Burglary, Kidnapping and Rape show a rise, when compared to the figures for 2011 and 2012.

### **Rights of women**

A number of measures are stated to have been taken in all four districts, including, setting up of special *Thanas/ help lines* to aid women to file their complaints, as also for their counseling. It is often seen that setting up of special *thanas* for women in many states is often a mere ritual. No one seems to bother about the number of complaints received; the number disposed of, the quality of service delivered--in short about their utility and effectiveness. I was told that the *Mahila Thana* in Kaimur district is manned by a male officer. It will be worthwhile for the State Government to conduct an impact study in this regard and take suitable follow up action. Both male and female officers need to be sensitized on this issue, by involving reputed institutions/ voluntary organizations/independent experts and community groups.

### **Rapes**

Atrocities on women, especially cases of rape, are increasingly becoming a major concern in the society. Changing power relations

between men and women, rapid socio-economic changes, increased reporting of crimes etc are major contributing factors.

The crime profiles of the four districts reveal that in Bhojpur district 16 cases of rape were reported in 2011; 06 cases in 2012 and 23 cases in 2013; Buxar police reported altogether 15 cases in 2011; 16 cases in 2012 and 15 cases in 2013; in Rohtas district 20 cases of rape were reported for the year 2011; 23 in 2012 ;60 in 2013 and 12 in 2014 (up to June). In the absence of details of conviction in these cases, it is difficult to judge the efficiency of police administration in dealing with these sensitive cases. These cases ought to be personally monitored by the SP.

### **Other Atrocities**

62 cases involving dowry related and other atrocities committed against women were reported in Bhojpur district in 2011; 145 cases in 2012; 270 in 2013 and 116 up to June, 2014. Rohtas police has reported 57 cases of atrocities committed against women; 82 in 2012; 86 in 2013 and 33 in 2014 (up to June). Data on these cases in respect of the other two districts is not available.

### **Trafficking of women and children**

Human trafficking is a well organized and a well-concealed crime. Due to highly efficient net work the crime does not surface very easily. Unless a concerted effort is made it is difficult to book the culprits. Reporting of cases is very tardy in the four districts. No report has been made by the Bhojpur police. Buxar police have reported only 3 cases in recent times involving 20 culprits. Only in one case relating to the year 2012 charge sheet has been filed. The other two cases are pending for action. No culprits have been arrested so far.

No case on trafficking of women and children has been reported in Rohtas district, although an Anti-trafficking Unit has been set up in the district. Only one case has been filed in Kaimur district in 2012 in which a charge sheet has been filed against the accused.

Preventive action in these cases is as important as detection of the crime. Public awareness needs to be created through grass root level functionaries like ASHA and Anganwadi workers, as also through the panchayats. Every woman leaving for work outside her village needs to register her name with the respective panchayats. It is often seen that economic causes often out-weigh the risks involved. Creation of employment opportunities for women in every panchayat and their skill up-gradation could to a great extent reduce this problem.

### **Missing women**

In India a large number of women are stated to be missing from their homes due to a variety of reasons, including abduction, elopement, trafficking, employment, abandonment and destitution. However, the cases instituted are few and the recoveries made are negligible. A perusal of data from the four districts is distressing.

Only seven cases have been registered under this category in Bhojpur district, 3 cases in 2013 and 4 cases in 2014. The missing women are between the ages of 22 and 35. Buxar police have reported 13 cases of missing women/girls in 2011; 14 cases in 2012; 15 cases in 2013 and 4 cases so far in 2014. Apparently no investigation has been done nor any recovery made so far. Kaimur District police has reported only two cases, that too in the year 2014. No data is available from Rohtas district.

### **Dowry- Related Deaths**

Increasing number of dowry deaths reported is a matter of concern. As per the data provided by the district police 40 dowry **deaths** have been reported in Bhojpur district in 2011; 38 each in 2012 and 2013 and 14 in 2014 up to June.

According to NCRB, 603 cases have been filed in Bhojpur district under the provisions of the Dowry Prohibition Act between 2011-14. Of these cases 72 cases relate to 2011; 145 cases to 2012 and 270 cases to 2013. 116 cases have been reported in 2014 up to now.

Buxar police have reported 37 dowry- related **deaths** in 2011; 27 in 2012 and 10 cases in 2013. 142 cases have been filed under the Act between 2011-2014 out of which charge sheets have been filed in 110 cases; final reports in 17 cases are pending. The pending cases are comparatively recent.

Rohtas police have reported 32 dowry-related deaths in 2011; 45 in 2011; 48 in 2013 and 12 in 2014 (up to June).

In Kaimur district out of 29 cases reported in 2012 and 2013 charge sheets have been filed in 25 cases.

As dowry deaths are avoidable, every step should be taken by the administration in creating awareness, promptly investigating the cases instituted and getting the guilty punished quickly. Wide publicity needs to be given to the cases registered and their outcomes, so that they serve as deterrents.

### **Child Marriages**

Commission has been monitoring the implementation of the provisions of the Child marriage Restraint Act by the various State Governments.

In the four districts 20-30% of the marriages of women take place below the legal age of marriage, as per the AHS 2010-11, as noted below:-

Percentage of marriages (women) below the legal age of Marriage

District	% of marriage (Total)	Rural	Urban
Bhojpur	29.2	31.8	12.4
Buxar	26.8	28.6	8.5
Rohtas	19.3	21.3	7.1
Kaimur	28.0	29.0	NA
<b>Bihar</b>	<b>20.2</b>	<b>21.7</b>	<b>11.1</b>

When asked, a group of rural women replied that they marry those girls early who do not go to school with no prospect of higher education or employment. **The average age of such girls who get married early is around 15-16.** However, the mean age of marriage in the four districts has risen to 19.2 as per AHS 2011-12.

### **Rights of the child**

Rights of the Child are not yet well understood by the officials at all levels in the states. They are also not adequately sensitized on the legal, social and emotional issues involved. It is invariably seen that although JJ Boards have been set up they are mostly non-functional. There is no officer posted in the *thanas* for exclusively dealing with violation of child rights; instead an officer is given additional charge whose accountability cannot be fixed due to his other engagements. No monitoring is done by the administration on the number and quality of case handling. Remand Homes set up do not meet the objectives for setting it up. NGOs who could offer valuable assistance are shunned or shooed away as nuisance creators.

The four districts visited are no exceptions. JJ Boards have been constituted in all four districts; The Board in Rohtas is not functional as all members have not been notified. No case has been filed under the JJ Act in Buxar district. The same appears to be the case with other districts too.

### **Extremist activities**

It is said that seeds of Naxal movement in Bihar were sown as early as in 1967 in Ekwari village in Sahar block of Bhojpur district. Jagadish Mahto, a local school teacher, who had alleged links with naxal leaders from West Bengal, led a protracted struggle against exploitative landlords.

Rohtas and Kaimur districts are almost contiguous to the states of UP and Jharkhand. River Sone separates Bihar and Jharkhand. It is reported that near about 37 villages in Rohtas and Nauhatta blocks which are located in Kaimur hills are affected by extremism. Communication is indeed very poor as there are no proper roads to reach the villages. Fear of the extremists and the unwillingness of the officials to reach out to the local people have deprived them of access to drinking water, education, health care and also to Government schemes.

Rohtas police have reported 24 cases of extremism in 2011; 17 in 2012; 6 cases in 2013. No case has been reported in 2014 so far. Extremist activities are stated to be under control in the district. According to SP, Rohtas no incident has been reported in the last 1-1/2 years. He mentioned that resource constraint is a problem faced by the police in the districts.

Rohtas district has spent Rs.85 crores up to last year under the Integrated Action Plan (IAP) with which concrete roads to Mahadalit habitations were taken up. This year again RS.10 crore have been received with

which roads/go downs /deep boring in hilly areas and additional class rooms in schools are being taken up. DM, Rohtas further explained that the CRPF plans to start health dispensaries in extremist affected areas as a welfare measure. Besides *vikas shibirs* and health camps are being organized in these areas by the administration. The three Prime Minister's District Development Fellows placed in the district to study and evaluate the programs expressed their satisfaction at the schemes taken up. Allotment of Rs.40 crores received in Kaimur district is being utilized for construction of buildings for Anganwadis under ICDS /schools /PHCs etc.

### **NDPS**

It is observed that many of the under trials found in these districts have been booked under the NDPS Act. 45 cases under the NDPS Act have been reported in Bhojpur district of which 16 relate to 2011; 08 to 2012 and 17 to 2013.04 cases have been registered in 2014 up to now.

Buxar police have reported 04 cases under the NDPS Act in 2011;15 in 2012 and 03 in 2013. Between 2011-14 only 24 cases have been filed under the NDPS Act; in one case final report and in 15 cases charge sheets have been filed. Only one case of 2012 is pending.

No data pertaining to Rohtas district has been made available.

09 cases have been filed in Kaimur district against 20 accused persons; charge sheets against all accused have been filed in seven cases; charge sheets are yet to be filed against all accused in the remaining cases.

### **Death in police custody**

No death in police custody has been reported in Bhojpur and Buxar districts in the recent past.



In Rohtas district two cases i.e. Case no.476//11 dated 13-9-2011 u/s 384/302 against the Officer in charge of Dihari Thana and Case No.154/14 dated 17-4-14 U/S341/323/302/34 against officer in charge of Dalmia Nagar have been filed. Final report has been filed in the first case .The second case is under investigation. It is not clear whether the concerned officials have been suspended and proceeded against under departmental action. No data was made available in respect of Kaimur district.

### **Encounter deaths**

No encounter deaths have been reported in Bhojpur Buxar kaimur or Rohtas so far.

### **DK Basu Guidelines**

The Hon'ble Supreme Court, in D.K.Basu Vs State of West Bengal, has laid down specific guidelines required to be followed while making arrests. It was stated that DK Basu guidelines are fully implemented in all the four districts.

### **Complaints against the police**

It was mentioned that Janta Durbars are being organized by the District/Police Administration in all four districts. Complaints received against the police are also received and processed.

No complaint against the police is pending in Rohtas district. One complaint against the police has been referred to Rohtas Police by the BHRC vide letter No.3644 dated 06-09-13: a report has been sent to the Commission recommending closure of the case.

## **Cases referred by Human Rights Commissions**

It was stated that all complaints received from NHRC have been attended to. Buxar district has reported only 3 cases pending relating to references received from NHRC. 17 cases relating to references received from the State Human Rights Commission are also pending for reply.

Out of 24 cases referred to it by the NHRC in 2013-14 in Rohtas district, the police administration is investigating 03 cases at present. The remaining 21 cases are under consideration. Of the 93 cases of 2013-14 referred to it by the Bihar State Human Rights Commission 16 are under investigation. 63 are recommended for closure by the Commission. In 14 cases files have been closed on the orders of the Commission.

## **Prisons**

A separate report is being filed on my visits to the Central Jails, Arrah, and Buxar as well as the District Jail, Rohtas. In Buxar I also visited the Sub-jail which has been converted to a Female Prison with 12 inmates. I also had the opportunity to visit the first Open Jail in Bihar at Buxar set up in an area of 42 acres with 104 inmates. All inmates are allowed to stay with their family members (restricted to 4 in no.) This was inaugurated by the then Chief Minister on 23-15-2012. In fact an open jail for women with small children, if set up, would be unique. The State Government may be urged to take up this step without any delay. A detailed report on the visits to the two jails has been submitted to the Commission.

I could not inspect the District Jail, Babhua in Kaimur district. This jail was set up in 1994, after the formation of the district. It was stated that against a capacity of 400, 340 prisoners are lodged in the jail, which includes under trials numbering 173. Getting to reduce the under trials population, use of video-conferencing system, having fast-track courts

for speedy trials, improving the conviction rates, providing legal assistance, disposal of petty cases, protecting the rights of women and children etc are important steps in improving the conditions within the jails.

### **Rights of the SC/ST**

According to the Census 2011, Bihar has the third highest population of Scheduled Castes in India. The SC population in all four districts is high, with Bhojpur having around 15.3%; Buxar 14.1%; Rohtas 18.1% and Kaimur with 22.2%.

### **Atrocities against SC/ST**

Atrocities against SC/ST remain a blot on India's human rights record. The increasing number of crimes against the SC/ST has not deserved the attention it deserves. The data received from the four districts show an increase in crime over the years. In Bhojpur district 455 of atrocities against SC/ST have been reported so far between 2011-14 out of which 75 were in 2011; 120 in 2012; 177 in 2013 and 82 in 2014 up to now. All atrocities reported need to be investigated quickly.

Buxar police have reported 72 atrocities against the SC/ST in 2011; 70 in 2012 and 90 in 2013. Buxar police has reported that out of 10 cases registered be relating to atrocities against SC/ST, in 5 cases investigation is yet to be done. In the remaining cases charge sheets have been filed. SP, Buxar ought to monitor these cases on a regular basis.

Rohtas police have reported 125 atrocities in 2011; 118 in 2012; 191 in 2013 and 76 in 2014 (up to June). All the crimes reported need to be investigated quickly. No case of rape of SC/St women has been reported in the year 2011. Charge sheet has been filed in the only case reported in 2012. Out of 04 cases filed in 2013, charge sheets have been filed in two;

final reports have been filed in the remaining 02 cases. In the only case reported in 2014 charge sheet has already been filed.

Year-wise details of atrocities against SC/ST have not been made available by Kaimur police. Out of 5 cases reported in Kaimur district 04 relate to murder and one case of rape. In 03 murder cases charge sheets have been filed and in the fourth, arrest has been made. Charge sheet has been filed in the case relating to rape of a SC/ST woman. It was stated that Bhojpur /Buxar/Rohtas/Kaimur districts have set up special *thanas* to aid SC/St complainants.

The state Government ought to do an independent evaluation of the handling of crimes against the SC/ST and take necessary corrective measures.

### **Mahadalits**

Out of 22 caste groups identified as dalits in Bihar, all but one (Paswan) have been identified as Mahadalits in Bihar. The percentages of Rural population of SC/ Mahadalits are as follows:-

District	SC as % Rural Population	% of Mahadalit population
Bhojpur	16.6	15.31
Buxar	15.2	14.1
Rohtas	20.6	18.1
Kaimur	25.5	22.14

Bihar Government has taken this important step in focusing on the development of the most marginalized and exploited dalits in the state. The Bihar Mahadalit Development Mission, specially constituted for this purpose, is focusing on implementation of different schemes for the benefit of Mahadalits.

All the four districts have high concentration of Mahadalit population. Mahadalit population is present in all 228 panchayats of Bhojpur district.

The state government has specially taken up land allotment, Indira Awas Yojana, approach roads under MNREGA etc. As pointed out in my earlier reports the schemes are implemented as stand- alone programs and they lack overall integration and cohesion. Health and education of Mahadalits are two areas which need attention.

Buxar district has reported 57 cases of dispossession of land distributed to the landless SC/ST under the land purchase scheme. Pilot studies conducted by reputed agencies in the states of West Bengal, Orissa, Jharkhand and Karnataka have revealed that land allotment is most effective when integrated with livelihood schemes. Allotment of a minimum extent of 10 cents of land coupled with irrigation (mostly through dug wells or through water harvesting) facilities and provision of inputs can help in increasing the yield from the crops, thereby enhancing the quality of life of the SC/ST beneficiaries. The State Government needs to initiate a drive to identify government lands through re-survey/from *Bhoodan* /surplus lands in land ceiling cases /wastelands/ *Khas mahal* lands etc as it is a sad fact that GM lands are not available any more for public purposes. In some of the districts covered, including the present four districts, it is observed that plantation schemes /repair of Ahar/ Pyne schemes, though permissible under MNREGA, are mostly taken up in private lands of the well to do, as GM lands are not available. DM, Rohtas pointed out that in the absence of their maintenance, land records are often manipulated and public lands are shown as private lands.

I visited a Harijan *basti* in Sinha village of Bhojpur. The community is affected by arsenic problem. The village had no source of safe drinking water, although one was available at a short distance. Keeping in view

the social problems faced by them subject to technical feasibility dalit villages need to be provided with safe water sources on priority. The villages complained about non availability of grains and kerosene under PDS. They had received their social security/disability/destitute pensions.

### **Tribes**

The percentage of Scheduled tribes is negligible in all for districts with Bhojpur having 0.4%; Buxar 0.6 %; Rohtas 1% and Kaimur with 2.8 %. 3 lakhs tribals reside in the hills of Rohtas in Navatta, Rohtas, and Chenari blocks. They mostly belong to Cheros and Kherwar tribes. DM, Rohtas pointed out that drinking water is a problem in hilly areas. Besides, education and health care also need immediate attention. He also mentioned the activities taken up for the Welfare of the tribes. He stated that *khoya*, made from milk collected from local cattle milk by the tribes is used by COMFED in manufacturing Mozzarella cheese, for which Rs.4 crores have been provided. Provisions for bulk coolers, tankers and containers have been made. Training is provided to the members of Milk cooperatives. Most of the beneficiaries are women. The National Watershed Management Program is being implemented in hilly areas. Programs like rain water harvesting are taken up. With the help of Krishi Vigyan Kendra (KVIC) programs for strengthening cultivation in hilly areas is also taken up. Check dams are constructed with local boulders procured with the permission of the Forest Department.

### **Bonded Labor**

It was confirmed by the administration in all four districts that no case of bonded labor has been reported in their districts. . DM, Rohtas pointed

out that the prevailing high labor rate at Rs.200 per day as well as the shortage of labor, today favor the labor.

### **Manual scavenging**

The district administration in respect of the four districts reported that there was no case of manual scavenging in their districts. The DM, Buxar stated that a survey was conducted to this effect in the district only last year.

### **Right to Education**

Although private schools have mushroomed everywhere in Bihar, government schools still remain the only option for the poor to pursue education. To the credit of Bihar Government there has been considerable improvement in respect of infrastructure. Today most of the schools have good buildings. However, teacher absenteeism, engagement of teachers in items of work other than teaching etc have created problems in providing education even at the basic level. Some of the District Magistrates have proposed the creation of a separate cadre for assisting census/election and miscellaneous items of work so that the teachers are able to carry on their work undisturbed.

In Bhojpur I visited Upgraded Middle School, Nurpur. The total strength of students was 149 out of which only 129 students were present. Apart from the Head Master there were nine teachers on roll. However, only 7 were present. The Head Master himself was away. It was stated that school drop outs form 10-15% of the total students.

The Government Middle School, Navanagar in Buxar district has strength of 483 boys. Out of ten teachers only 5 were present. Arrangements for preparation mid-day meal for the students were in progress. The arrangements appeared to be satisfactory.

In Rohtas district I visited Kanya primary School, Semra. Out of 281 students only 141 were present. It was stated that there were no drop-outs. All six teachers were present.

In Kaimur district there are 645 primary schools out of which 28 are without buildings; 6500 teachers are deployed and more number of teachers is being appointed as the teacher to student ratio low in the district.

Established in 1971, Primary School, Kundra in Kaimur district has student strength of 130—74 boys and 56 girls. Only 97 were present on the day of my visit. All seven teachers were present. There were only two class rooms which had benches and desks for the students. Rice, dal and *Subji* were being cooked for mid-day meal of the students.

### **Right to drinking water**

As directed by the Commission a comprehensive report on the Arsenic contamination in drinking water in Bhojpur and Kaimur districts has already been submitted. It has been inter alia recommended that a taking up a health survey, investigating serious cases reported by research teams by a team of doctors, creation of public awareness, monitoring the functioning of each water treatment plants, coverage of all affected habitations in a given time frame, setting up of Advisory Committees, utilizing the services of reputed NGOs could be taken up on priority. Kaimur and Rohtas districts are not affected by arsenic contamination. However, presence of iron and fluorides in drinking water has been reported. It was stated that drinking water in all the blocks had iron-contamination. The PHED, Kaimur district has reported that several measures have been taken to mitigate the problem, including setting up of Solar-Powered Mini Water Treatment Plants in 9 villages and



distribution of 260 fluoride removal attachment units. Besides 34 water supply units are functional. Electricity is available for 18-20 hrs.

### **Right to Public Service Delivery**

The Right to Delivery of Public Services Act is under implementation in all four districts. In Kaimur district I saw over 300 persons visit the Center.

### **Food security**

The District-wise Vulnerability Index ranks Bhojpur at the 34<sup>th</sup> place; Buxar at 36; Rohtas at 30 and Kaimur at the 8<sup>th</sup>. Bhojpur and Buxar districts which are rated at 5 are much below average; Rohtas with a rating of 4 is considered below average and Kaimur **above average at 2**.

According to the District Level Food Security Outcome Index based on Under 5 Mortality Rate and child nutritional indicators, Kaimur district is categorized as 'severely insecure', Bhojpur and Buxar as 'moderately secure' and Rohtas as 'secure'.

The new Food Security Act is under implementation in all four districts since February, 2014. It was stated by DM Bhojpur that the distribution of food grains has been disrupted in the district for the last four months, as the state started implementing the provisions of the Act, without adequate preparation. Earlier the beneficiaries were identified in a survey conducted in 2011. Now under the new Act identification of Priority House Hold (PHH) list was prepared in 2012-13 in which many names (sub-families) of the earlier list were allegedly left out. While 2, 41,000 PHH were identified, only 2, 15,000 cards were printed for distribution. Due to the hue and cry raised by the public, corrective measures are now being taken, after hearing the complaints. The same is true with other districts in Bihar. During my interaction with villagers

while visiting schemes the issue of non-receipt of ration was raised by the people, including the Mahadalits.

Apart from the dependence on the Public Distribution system for ensuring food security, intensive cultivation of rice using water/seed treatment techniques called **Suvidhi** is taken up in all districts for increasing productivity. In Rohtas rice production is to the tune of 47Qui /Ha (Area covered: 1.95 lakh Ha) out of which 1.47 L MT (80%) is procured through PACs. In Bhojpur the entire strip of land between the Ganges on the north and the main line of the Eastern Railways on the south is extremely fertile and is considered to be the best wheat-growing area in Bihar. Buxar has geographic features similar to Bhojpur. As such food security is a problem mainly in respect of Kaimur district.

### **Right to Health**

The Health indicators in respect of the four districts reported by the Annual Health Survey, 2011-12 are as follows:-

District	IMR	MMR	TFR
Bhojpur	44	241	3.3
Buxar	53	“	3.0
Rohtas	49	“	-
Kaimur	53	“	2.9
Bihar	53	294	3.6 (2011)

In Bhojpur I visited the Additional PHC Gaziapur. The only doctor posted there was not present. I was told that 3 ANMs are posted but only one who resides in the PHC premises was present. No staff except one peon and sweeper each were present. Although it was an area affected by arsenic contamination of ground water, it appears that the APHC was

not equipped any way to deal with the problem. Neither separate records have been maintained about the number of patients affected by arsenic contamination, nor has any health survey been carried out. I was told by the ANM that deliveries are regularly being conducted in the PHC. On inquiry it was seen that BCG vaccine was not available in the PHC.

In Buxar district I visited the PHC, Navanagar. It had a new building. Three doctors were posted, including a lady doctor and a surgeon and an AYUSH doctor. Except the AYUSH doctor the other two doctors, including the MOIC were not present. Two Anesthetists are available in the Sadar hospital whose services are utilized in emergencies.

I was told that there is no arrangement in the PHC for treating TB patients. Nor counseling to HIV/AIDS patients was available. The gynecologist was absent on the day of my visit without any reason. None of the staff members including the Accountant, BHM, and Data Entry Operator were present. Three ANMs are posted in the PHC. 130-160 deliveries are being attended to by them. The PHC had 12 *Mamtas* and 196 *ASHAs*.

In Rohtas district I visited PHC, Shiv Sagar. It has a sanctioned strength of 7 Medical Officers. All the three doctors who were posted there were present at the time of my visit. No AYUSH doctor is posted here. A new building with 30 beds was under construction in the PHC premises. Institutional delivery is reported at 60% only. 75-80 deliveries are conducted on the average every month. Gynecologist/Radiologist/Anesthetist/surgeon are not posted in the PHC. Rogi Kalyan Samiti was functional. With funds received under this item the PHC provides facilities to visitors, including, drinking water, seating arrangements, grill for the veranda etc. Condition of the toilets was generally satisfactory.

I was told that there was at present no epidemic in the area. The TB centre is treating 8 patients. No testing facilities for Malaria or HIV/AIDS were available in the PHC nor was any counseling available to HIV/AIDS patients. 2 Lab technicians were posted in the PHC. Testing was available for chronic diseases.

I visited PHC Kundra in Kaimur district which was in a dilapidated condition. A new building is under construction. The wards in the PHC had no patients. Four doctors are posted in the PHC, two regular and two on contract basis. A dentist is also posted here. Although services of a Gynecologist are available; the PHC has no Radiologist or Anesthetist. .OPD attendance is around 250 of which 200 are women patients. Institutional delivery was reported at 90%. Pregnancy tests are conducted in the PHC. A labor room has been constructed with funds available in the Rogi Kalyan Samiti. Ultra- sound facilities are also organized. About 10 deliveries are conducted on daily basis. Out of 10 sanctioned posts of ANMs, six are posted. DOT testing and treating facilities are available. No epidemic was reported in the area. A DOT lab has been set up .One Technician is posted for testing TB cases; another conducts tests for other diseases. Testing facilities for HIV/AIDS are available though no testing for chronic diseases like Diabetes is conducted. ***It was stated that the doctors on contract have not received their pay for the last six months.***

Although Bihar has taken advantage of the funds and facilities provided by Government of India under the National Rural Health Mission (NRHM) and improved the health infrastructure in the state, it still has to improve the quality of delivery of services. Lack of manpower at all levels in the Health sector is a serious constraint. Among the states, Bihar has the highest Total Fertility Rate (TFR) and decadal rate of population growth. Stabilization of the population by creating

awareness, offering quality family planning services, increasing the age of marriage etc. remain a serious challenge. No doubt the OPD attendance in hospitals and the percentage of immunization have gone up in these districts; but the quality of OPD services and immunization coverage need substantial improvement. Indoor treatment of patients still remains negligible. Chronic diseases are somewhat neglected. These trends were observed in all four districts.

### **MNREGA**

Based on an earlier estimate by the State Government, the percentage of BPL in Bhojpur is 50.06%; Buxar 48.55%; Rohtas at 48.63% and Kaimur 63.2%.

In Bhojpur I visited an Ahar scheme taken up in the land belonging to one Nagender Singh in Buhania village. The scheme covers 1200 ft of the *ahar* at an estimated cost of 7, 31,750. The scheme is expected to generate 4518 man days. The scheme was started only on 21-6-14. Work was going on because of the dry spell in that part of Bhojpur. The laborers who were Mahadalits confirmed that they received Rs.168 as daily wages.

Out of 66.30 crores received in 2013-14 Rs.66.15 crores have been spent, creating 16.66 lakh man days. I was told by the DM Buxar that under NREGA *pucca* works and plantation schemes have been mostly taken up in the district. I visited a plantation scheme taken up in the *ryoti* land of One Radhakrisna Pandey of Sapahi village in Bhrahmpur block of Buxar district. The plantation has an extent of 4 *bighas*. Sagwan, Mango and Guava saplings have been planted. Assistance has been provided for drilling a tube well and construction of the boundary wall. The saplings were supplied by the panchayat. The estimated cost of the

scheme is Rs.2.60 lakhs. The plantation consists of 6 units of plants, each with 1500 plants. The plants were in good condition.

In Rohtas district under MNREGA mostly roads and Tanks have been taken up as the district does not have *Ahars* and *Pynes*. I saw a tank (Pokra) scheme along with plantations in Sungava viilge, Sasram. A tank along with a *ghat* has already been constructed. Out of Rs. 9.77 lakhs sanctioned for the first phase, 6.15 lakhs have been spent. The second phase consists of plantation at an estimated cost of Rs.6, 56,000 generating 4015 man days. 4 *Vanposhaks* are engaged for 3 years for taking care of the plants Survival rate is close to 100%. Plants include *Sisam*, *Sagwan* and fruit plants. Every Wednesday superior officers check the scheme. DM Rohtas stated that 10% of MNREGA funds are utilized for plantation in the hilly areas and also for setting up forest nurseries.

In Kaimur district I was told that there are altogether 2, 21,048 BPL and 2, 13,075 APL families. Under NREGA schemes taken up include plantations, PCC road to *Mahadalit Tolas*, deepening/renovation of *Ahars* and *pynes* which are traditional water bodies. I saw the plantation made under MNREGA in the compound of Medha School in Mohania Sub Division. Planting was taken up in 2012/13. The trees include woody trees like *Sisam* and fruit plants. A *Vanposhak* has been engaged for one year to take care of the plants. The estimated cost of the scheme was stated to be Rs.3, 38,000.

As mentioned elsewhere in this report due to non-availability of Government land the schemes are generally being taken up in private lands. The objective of MNREGA in providing assured employment to targeted groups are surely met; but the other objective of improving the lives of the poor cannot be met by taking up schemes in private lands. A

land bank need to be set up in all districts to support and sustain MNREGA.

### Anganwadi

DM Bhojpur stated that there are altogether 1526 Anganwadis in the district. However, many are without buildings due to non-availability of GM lands. After many efforts lands have been identified in respect of 350 Anganwadis.

In Bhojpur district I visited the Anganwadi in Mahauli Ghat village in Sohra Panchayat. I was surprised to see that the Anganwadi was housed in a small hut on the road side, made of bamboo and dry grasses, which has no *pucca* flooring. Rs.200/-is being paid as rent to the owner! Rains had drenched the hut completely and a few children were sitting on the wet floor. No food was being served as there was no supply of the materials .Out of 40 children on the roll only 18 were present. Many are absent as no food is being served. Out of 14 pregnant women only 8 had come and left. *I was told that no food was served the previous two days as well.* For many of the children belonging to BPL families this could perhaps be the only full meal for the day. The Anganwadi Sevika was in jail and Manju Devi, Helper was managing the affairs of the Anganwadi. The CDPO was **absent from duty**. On inquiries I was told that she lives in Patna and comes to Bhojpur occasionally. The Anganwadi was stated to have been inspected on 18-6-14.Only 15 children were immunized.

I also noticed that in the adjoining School building there were rooms locked up in disuse. One of the rooms could have been utilized by the Anganwadi, at least for the time being. *Cross-linking of the schemes need to be adopted as a strategy. The DMs should be suitably empowered.*

I was informed by DM, Buxar that there are altogether 1500 Anganwadis in the district; 50% have no buildings of their own. Only 3 CDPOs are posted in the district for supervising the program. He mentioned that several new innovations are introduced to make the Anganwadis more attractive to women and children by introducing staging of cultural programs etc.

Sikral North 110 Anganwadi is in Navnagar Block of Buxar district. It was housed in a *pucca* building. Out of 40 children enrolled only 17 were present. Eight pregnant women have collected their quota of dry ration. Both Sevika and Helper were available. 80% of the children have been immunized.

In Rohtas district I visited the Anganwadi, Lalganj at Uchitpur. It is housed in a *pucca* building. Smt. Rajkumari Devi is the *Sevika*. The Helper was present. Against 40 children enrolled in Anganwadi 42 were present. 16 pregnant women take their dry ration.

The DM, Rohtas who accompanied me stated that Anganwadi buildings are constructed with funds made available by the 13<sup>th</sup> Finance Commission, NABARD etc. He also stated that the district average of immunized was 69% against the state average of 65%, as reported by the UNICEF.

I was told that there are 1345 sanctioned Anganwadis in Kaimur district, out of which only 1286 are functional. Only 300 have buildings at present. Construction of new buildings have been taken up under IAP (94)13<sup>th</sup> Finance Commission award (289) and 52 by the Zila Parishad. The Angawadi near Kundra in Kaimur district is housed in a thatched building. A new building is under construction adjacent to the present premises. Out of 40 children enrolled 39 were present. 8 pregnant women are tagged to the Anganwadi. Only 15 children have been



immunized. The children were seen sitting huddled inside the Anganwadi under oppressive conditions. Feeding time was already over by the time we reached.

Anganwadis are the life-lines of children, especially those belonging to the BPL categories. Besides, pregnant women are taken care of under this program. So far the stress has been on *quantity* (numbers) for example, the number of Anganwadis with buildings, number of children/pregnant women attending the program/number of children immunized. But the *quality* of the program- whether the feeding program is impacting the health of the beneficiaries, how many children are under-nourished how many have been completely immunized with all the doses etc. This program ought to be well run at all costs. An impact study should be conducted by the DMs and corrective steps taken.

Over-centralization and lack of community support have seriously affected the running of Anganwadis in India. It is noted that neither the panchayats nor the members of the community come forward to help the Anganwadis by way of making available land/buildings or materials. It is run as a typical *sarkari* scheme. The Ministry of Women and Child Development may be urged to decentralize the scheme, providing for flexibility, innovation and local participation.

### **Discussions with the DMs/SPs**

I had detailed discussions with the DMs and SPs and senior officials of Bhojpur, Buxar and Rohtas. DMs Buxar and Rohtas and SDO Arrah accompanied me while visiting the schemes in their districts. Since DM and SP, Kaimur were away, I could hold discussions only with the DDC/SDPO and other senior officials in Kaimur district.

In Bhojpur and Buxar arsenic contamination of ground water sources is a serious problem. Floods in some part of the district and drought in other parts caused problems in Bhojpur. The Sone Command Area Irrigation Scheme which irrigates lands in Bhojpur and parts of Buxar need extensive renovation. A gap of 14-15 kms in the Bandh along the Ganges needs filling up. Road communication has also become a problem as the net work of roads built by the government in the first phase is now due for renovation and repair. The Koilwar Bridge connecting Patna and Arrah (the gate way to the 4 districts) has become a bottle neck holding up traffic for hours together. There is need to regulate the flow of trucks from UP carrying loads of sand from river banks, which cause the main obstruction.

The poor sex ratios and low female literacy are common to all four districts. DM Bhojpur mentioned action taken against the clinics conducting sex determination tests. The current problems with the PDS were discussed in detail. The state of hospitals and Anganwadis was also discussed. The innovations of Buxar district could be copied by other districts. It was also pointed out that shortage of manpower also is a serious problem in the districts.

The law and order were considered generally satisfactory. As pointed out the rate of conviction in different categories cases, especially those concerning vulnerable groups like women, children and SC/ST should get priority. It was stated that the extremist activities in Rohtas, Kaimur and parts of Bhojpur are under control. Manpower shortage in the police force needs to be rectified.

I wish to record my appreciation for the sincere efforts being made by the District/Police administration in the four districts in difficult circumstances and in the midst of competing demands by the public.

I wish to thank the State Government as well as the District Magistrates and Superintendents and other officials of the district/police administration of the four districts for their cooperation and providing me necessary support during my visits.