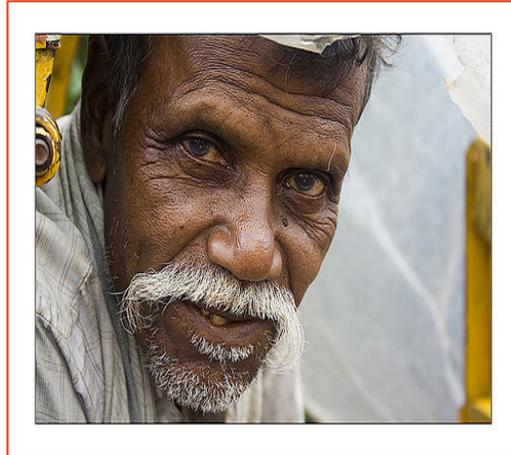
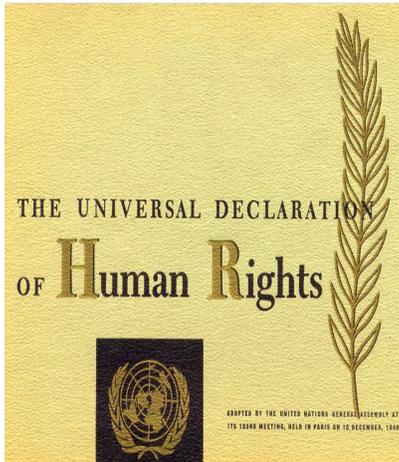


“HUMAN RIGHTS CONCERNS AND CHALLENGES IN BIHAR”



State Consultation

Organized by

PAIRVI

and

NIDAN

20th December 2008, SCADA Business Centre, Patna, Bihar

Summary

A state consultation was organized by Pairvi and NIDAN on "Human rights concerns and challenges in Bihar" which was held on 20th December 2008, SCADA Business centre, Patna, Bihar.

Mr. Ajay k Jha, Director, PAIRVI, Delhi welcomed the participants and highlighted the main purpose of the Consultation as, to discuss the urgent issues of concern related to human rights in the state and also to explore the grounds on which (NGOs) can collaborate with the Commission.

Mr. Ranjan K Singh NIDAN, Patna also welcomed the participants and the members of the Commission in the Consultation and said that they were ready to help the Commission in its functioning in the state.

The speakers were academicians, dignitaries and experts from various fields.

Ms. Priyadashani Trivedi from CARE, Bihar spoke about the status of females and child nutrition in the state and hoped that the Human rights Commission will act promptly towards the gross violations taking place in the state.

Mr. Arun Kumar PUCL, Bihar said the Commission will act as a watchdog towards rights violations in the state without any biasness.

Ms. Praveen Amanullah Humlog Trust, Patna shared her experience of working on Right to Information (RTI) in the state and said that she expects the Commission will intervene in issues of rights violations and will take stern actions so that the local administration can be forced to move towards fare trail.

Mr. Father Prashant requested the Commission to elect a group of people from the civil society to form an independent team for investigation of cases so that people can get justice and innocent can stay comfortably.

Other speakers such as Mr. Ishteyaque Ahmad Aman, New Delhi, Mr. Uday Kumar Centre for Human Rights, Patna, Mr. Babul Prasad IDF, Bihar, Mr. Sanjay Kumar Population Foundation of India, Ms. Sunita Sinha Nidan, Patna assured their full cooperation to the Commission for its effective functioning

Justice Shri. S. N. Jha Chairperson, Bihar Human Rights Commission addressed the consultation by giving an assurance that the Commission will try its best to fulfill the expectations of the civil society and make best possible use of the powers given to them. He also said that the Commission is ready to work with the civil society organizations, but also request the people present to do their ground work carefully before coming to any kind of conclusion as decisions are to be made on facts and evidences and so it is very important to gather facts before proceeding in any direction. He even said that other then civil and political rights we should also focus on economic, social, and cultural rights of people. He urged the people to come up and take responsibilities.

INAGURAL SESSION

Mr. Ajay k Jha

Director, PAIRVI, Delhi

Mr. Jha welcomed participants and explained the purpose of this Consultation on *HUMAN RIGHTS CONCERNS AND CHALLENGES IN BIHAR*. He thanked the dignitaries from the Bihar Human Rights Commission for their support and cooperation. The main purpose of the Consultation is to discuss the urgent issues of concern related to human rights in the state and also to explore the grounds on which we (NGOs) can collaborate with the Commission.

Mr. Ranjan K Singh

NIDAN, Patna

Mr. Ranjan formally welcomed the participants and the members of the Commission in the Consultation. Talking about the efforts of his organization in establishment of the Commission, he said that NIDAN fought hard with other organizations and activists in the state for the Commission to be constituted, and we are again ready to help the Commission in its functioning in the state. We have been fighting for the rights of slum dwellers in the city and we feel that their voices will be heard now. I welcome you all again in the Consultation and hope that we will be able to establish a long-lasting relationship with the Commission.

KEY SPEAKERS

Ms. Priyadashani Trivedi

CARE, Bihar

Ms. Priyadashani spoke about the status of females and child nutrition in the state. Focusing on the health status of both she emphasized that yet after so many government run social security schemes in the country, every year thousands of children die before their 1 birthday. Mothers also suffering from malnourishment and have the same fate. Today there is a need to access the gaps which are in our system. Despite several measures the results have been not the same which we had expected. I am happy that Human Rights Commission has been constituted in the state and hope that it will act promptly towards the gross violations taking place in the state.

Mr. Arun Kumar

PUCL, Bihar

Mr. Arun focused on the functioning and duties of the Commission. He said that we were waiting for the Commission to be constituted in the state and it has happened. But a lot is left to be done in the state. Now the Commission has come to existence, we expect that it will act as a watchdog towards rights violations in the state. We expect that necessary actions will be taken by the Commission without any biasness. We don't want any cosmetic Commission. The work of National Human Rights Commission (NHRC) has also not shown any significant sign in dealing with rights violations in the country. It seems that the National Commission is struggling in dealing with large numbers of cases it receives. The procedure of investigation has also to be refined. In many of the cases where police is also a part of crime committed the investigation is given to the same department, and to same officers yielding no results. As we know that justice delayed means justice denied, the National Commission has been inefficient in providing speedy trials of cases and hence the extent of relief to the victims has been also negligible. People file their case in the Commission and without providing any intimation to the victim the cases are been declined to register. If any such thing happens the Commission should take the responsibility to send

a justified intimation to the victim. We are happy that the Commission has been established and will lend our full cooperation to it.

Ms. Praveen Amanullah
Humlog Trust, Patna

Ms. Amanullah shared her experience of her work on Right to Information (RTI) in the state. She explained how people are being denied from information they have sought from the government departments. Discussing about the case of Patna Medical College Hospital, where they have filed an RTI application demanding details of expenses of hospital in year. The information was first delayed by the hospital administration and later on when they made the second appeal and took the matter to state government and media then information was given. There are many cases of rights violations in the state and yet no action is being taken to address the situation. We expect that the Commission will intervene in issues of rights violations and will take stern actions so that the local administration can be forced to move towards a fair trail.

Mr. Father Prashant

Mr. Prashant thanked the state government for setting up the Human Rights Commission in the state. Talking about the atrocities committed by the police administration, he said that in many parts of the state where the dalit community is present we have cases with us of police troubling the dalit population. If any theft occurs in the village or near by areas, police administration targets the dalit communities without any sufficient evidence and book them under false cases. There is nobody to hear the voices of such people who are being punished without doing anything. We have been fighting with the local administration for proper investigation and trial of such people, and feel that it's very tough to get justice for such people. Today I feel that a body has been constituted for the safeguarding of people rights in the state. I request the Commission to elect a group of people from the civil society to form an independent team for investigation of cases so that people can get justice and innocent can stay comfortably.

Mr. Ishteyaque Ahmad
Aman, New Delhi

Mr. Ahmad said that he is running a legal aid cell in Jehanabad district. Mainly the needy belong to the dalit community. In India the SC/ST population is protected by law, but in Bihar, the condition is totally different. The justice delivery system has collapsed totally. Cases of dalits are not being registered; even if it is registered it is not framed under the SC/ST Act to save the convicted people. The state legal cell is of no use in providing relief to the people in need. For a person from a rural background it is very difficult to move to court for fighting his/her case. And if he is economically poor then the matter becomes worse for him to get justice. Now that Human Rights Commission has come to power in state I feel that the deprived communities who have been suffering the atrocities silently can expect justice. At least their voice will be heard.

Mr. Uday Kumar
Centre for Human Rights, Patna

Talking about the condition of human rights in the states, Mr. Uday said that the time is very challenging for the Commission and for all of us to work. In state we have seen numerous incidences of rights violation taking place and there has been no action from the government or from local administration to address the situation. Instances of forcefully land grabbing from the weaker sections, they are forced to move out of land which they originally possess. Killings take place and no FIR gets registered in the police station. I expect that the Commission has got powers to ensure that no rights violation takes place in the state, and if anything happens will get proper treatment from the course of law. Being a part of this civil society I assure the Commission that we will give our full cooperation to the Commission for its effective functioning.

Mr. Babul Prasad
IDF, Bihar

Mr. Babul gave his presentation on disaster management and disaster preparedness. He also discussed about various articles protecting rights of people. Speaking about the flood disaster which took place this year in the state, he said that how right to life of people of people got The state government and the central government are equally responsible for ensuring that there is no threat to the lives of people and also have the duty to take appropriate measures to ensure their safety.

Ms. Sister Maggi

She thanked the Commission for their move to interact with the civil society representatives. Talking about human rights violations she pointed out that, Migration and Trafficking, Right to Identity, and Domestic Violence are some of the issues of urgent concern in the state. The Commission should focus on cases related to the above and react appropriately.

Mr. P. N. Pandey

S.S.E.V.K., East Champaran

Talking about human rights Mr. Pandey asked that why there is need to talk about human rights. Today the global debate on human rights is taking place because violation of human rights is taking place at large scale. If we talk about Bihar, we can find that still there is a big number of population who do not get their entitlements. There are very many examples, like we can find families who come under the category of below poverty limit (BPL) yet they don't possess the BPL cards to avail the facility, due to some reason or the other. There are still villages in east Champaran district which have not a single hand pump to draw water. I hope that the Commission will be a helping hand to the deprived communities in its true sense.

Ms. Sunita Sinha

Nidan, Patna

Ms. Sunita focused on the issue of witchcraft in the society. She spoke on the agony and pain of widow women in the society. Talking about a case-study of Ms. Lalpari devi of Manner Block, she highlighted that what problems a women has to face. The woman was asked by the gram panchayat to move out of village and can't come back again. All property including her land was taken by the gram panchayat. We took the issue to local administration but no action was taken by the civil administration or by the police to help the women out. Such negligence by the state authorities put a question mark on the commitment of the state government in protecting the right of people. We are fighting against such atrocious act and feel that the Commission will also look into such matters.

Mr. Pramod k Singh

Vidyasagar Samajik Shiksha & Shodha Sansthan, Patna

Ms. Singh pointed out the deaths of hundreds of people taking place in the state due to hunger and starvation. Despite so many social security schemes, people are dying. They are not under the coverage of such schemes. Due to flood in state, lakhs of people were forced to move from their original habitations, losing their occupation, property. The state government says that the flood is over and also the relief operations are over. But the affected people don't have any option rather staying in relief homes and depending on the government aid. The governments have the primary responsibility of ensuring the safety of people and create options for their livelihood, and taking appropriate steps to bring their lives back to normal. But I am sorry to share that it is not happening which is a sad thing for all of us. I promise the commission of my full support as a responsible individual and expect that the Commission will also perform its duties responsibly.

Justice Shri. S. N. Jha
Chairperson, Bihar Human Rights Commission

Justice Jha opened his address with giving an assurance that the Commission will try its best to fulfill the expectations of the civil society. Whatever powers we have been given we will make best possible use of it. We too need your support and cooperation in working forward. We will send our reports to government and assembly of our findings and it won't be a cake-walk for the government to neglect it. We are also in search of committed people who can work with us so that a higher level of accuracy can be achieved in investigation. The Commission is ready to work with the civil society organizations, but I request you all that please do your ground work carefully before coming to any kind of conclusion. Decisions are to be made on facts and evidences and so it is very important to gather facts before proceeding in any direction. Don't depend on reports articulated in papers; they can be a source of information, but if you really want to intervene then, you should find out the ground reality and get it properly documented. You can move to court for fair trial and justice, can file Public interest litigation (PIL), but to achieve desired results; it should be backed by strong evidences.

Today after hearing all of you, I noticed that mainly cases of atrocity committed by police were highlighted. I feel that other than civil and political rights we should also focus on economic, social, and cultural rights of people. I am happy that you all are with the Commission. We also want good people to come up and take the responsibility. I feel that if we can target the youth generation from school level to university a lot can be achieved in terms of making people aware towards their rights and responsibilities. In New Year we will emphasize on spreading awareness in the state towards rights. We are going to prepare a calendar of the activities of next year and will soon share with you. I thank PAIRVI for the effort it has made in bringing all of us together.

VOTE OF THANKS

Mr. Vijay Kant Sinha
Fellow, Actionaid

Mr. Vijay thanked the Commission and civil society members for the valuable presence. We will meet again and will discuss what we have done in respect to protect the rights of people in Bihar and how we want to move ahead in future.