

STATUS OF HUMAN RIGHTS IN UTTARANCHAL



A REPORT BY PAIRVI



Public Advocacy Initiatives for Rights & Values in India

PUBLISHED BY PAIRVI ASSOCIATES

JD-2C,

2nd Floor, Pitampura,

Delhi-110088

INDIA

Ph. : 91-11-27312385

E-mail : pairvidelhi@rediffmail.com

URL : www.pairvi.org

CREDITS :

Compliation : Anupriya Ghosh

Editing : Narender Kumar

PREFACE

In furtherance of the faith in fundamental human rights reaffirmed by the people of the state of Uttaranchal, India, we are delighted to present before you a report on the scrutiny of the status of Human Rights in the state of Uttaranchal. This report is an attempt to assess the human rights condition in Uttaranchal, which would prompt the establishment of a State Human Rights Commission.

The report focuses broadly on the Civil & Political Rights and Economic, Social & Cultural Rights based on both primary and secondary data analysis and case studies. Emphasis is also given to Women, Children, and Tribal and Dalits issues of the concerned state.

It is a sequel to the previous attempt made to study the human rights state in Northern India. This report is being initialized in four states of the country namely, Uttaranchal, Rajasthan, Bihar and Chhattisgarh. The report is from a socio-legal perspective and beyond an oratory account. This document is based on the available data and thus some shortcomings are inevitable. This attempt nevertheless hope to be a learning and constructive experience, which would further serve as a base for future work in the respective states.

This study is a joint effort of many dedicated and concerned individuals and organizations. It's their constant persuasion and commitment towards the issue, which their contribution speaks.

We express our indebtedness to every individual without whose constant encouragement, support and cooperation this report would not have been possible.

We would be overwhelmed to receive suggestions or advice on the report.

Narender Kumar
Director

CONTENTS

CHAPTER	PAGE
1. Executive Summary	4
2. Human Rights; Concept, Philosophy and Situation in India	5
3. PAIRVI and Human Rights	9
4. Methodology and Framework of the Study	11
5. Uttaranchal: The State	17
6. Human Rights in Uttranchal	21
6.1. Civil and Political Rights	21
6.2. Economic Social and Cultural Rights	33
6.3. Other Issues of Concern	77
7. Conclusion	79
8. Annexures	80

EXECUTIVE SUMMARY

The present report is the outcome of a diagnostic study to profile the major human rights issues in Uttaranchal. The study was envisaged with the objective of bringing out the issues and violations to the fore, and to interpret these from human rights perspectives, and ultimately to press for the setting up of the State Human Rights Commission. The study categorized the rights issues under the broad rubrics of civil and political rights and economic, social and cultural rights. The problems of women, children, tribals are further elaborated through the essays.

1. The main areas of concern under civil and political rights are reflected through crimes (falling) under Indian Penal Code and Special and Local laws. The specific crimes covered are murder, rape, extra-judicial killings, dowry death and discrimination against SC/ST/dalits etc. among the ESC rights considered were right to food, education livelihood, health services etc.

CIVIL AND POLITICAL RIGHTS

2. Among the major IPC crimes, almost all the crimes except murder and loot show an increasing trend when data of 2005 are compared to that of 2003. The total IPC crimes as well as other petty crimes (not listed) show an increasing trend. Most significantly, rape shows a persistently increasing trend since 2003.
3. A district wise break up of the crime shows that 5 districts of Dehradun, Hardwar, Udham Singh Nagar, Chamoli and Nainital clearly show an increasing trend. Other districts hardly show any improvement or persisting with equal number of crimes over the years. The capital, Dehradun has shown significant increase in the number of crimes committed in 2005 (1886) as against (1574) committed in 2003.
4. As against the only reported custodial death in the state, the NHRC annual Report (2002-03) lists an astoundingly high 386 complaints lodged for custodial and encounter deaths in Uttaranchal.
5. More than half of the districts show an increasing trend in number of murder cases reported, the total number being reported stands at 185, same as in 2003 but less than 2004.
6. More than half of districts show an increasing trend as regards reported rape cases, the total number being 93 for 2005 as against 68 in 2003.
7. Amongst the crime committed against the SC/ST rape has increased. Crimes under Prevention of Atrocities against SC/ST Act, has remained persistent rising nominally.

ECONOMIC SOCIAL AND CULTURAL RIGHTS

8. On the basis of data available (2004-05) 4,21,700 families/households are listed as being below poverty line. AAY, to provide food security to the poorest of the poor, has identified 1.909 lakh families/households in Uttaranchal out of which 1.145 households have been issued AAY ration cards.
9. NREGA is a novel and welcome step of the government to provide guaranteed employment to one member of the rural household at least 100 days of employment. NREG is running in three districts of Tehri, Garhwal, Chamoli and Champawat but works have been started only in Chamoli district (as on 10/4/06)

10. Displacement and rehabilitation of development refugees has been an important human rights concern in the state of Uttaranchal. Tehri dam has reportedly displaced more than 1 lakh people many of whom are still homeless despite the government's claim of providing them with adequate compensation and rehabilitation facilities. Equally mention-worthy is the plight of earthquake affected people of Chamoli. Even after six years after the disaster struck, not even half the compensation money has reached the affected people.
11. In terms of literacy, though having a higher literacy rate than the national average, Uttaranchal has 14th position amongst the states. The gap of more than 20% in the literacy rates of male and female requires urgent attention. Focused interventions are required in the hill districts and farthest habitations. While generally the teacher pupil ratio is satisfactory 1: 40, there are huge variations within, to the extent that sometimes it peaks to 1: 109. There is also significant number of teacher's positions vacant.
12. Health services infrastructure is in a morbid shape especially in the hills. For a population of 24,000 jaunsaris in the jaunsar-bawar area there is only one PHC Government services as available provide only skeletal services of the most elementary kind. Only 22% of the births are attended by professionals as compared to 91% in Goa. Less than 15% pregnant women avail full ANC. Though the estimated IMR (41/000) is better than the national average (63/000), it is reported to be extremely high especially in the hill districts. There is also huge difference in the IMR between the rural and the urban areas at 62/000 and 21/000 respectively.

RECOMMENDATION

13. The state of Uttaranchal is in the process of settling down. The worrying factor is the absence of a nodal agency for promotion, protection and preservation of human rights. The state government feels that it has adequate infrastructure to meet the demands of human rights, which it manifestly lacks. The issue of human rights is not on the agenda of the state. Despite being seemingly a quiet state, violations continue unabated, unreported and unchecked. The proposed SHRC could enable the human rights to have their due importance and visibility and protection framework.

HUMAN RIGHTS: CONCEPT, PHILOSOPHY AND SITUATION IN INDIA

Human rights refers to the concept of human beings as having universal rights, or status, regardless of legal jurisdiction or other localizing factors, such as ethnicity and nationality.

The existence, validity and the content of human rights continue to be the subject to debate in philosophy and political science. Legally, human rights are defined in international law and covenants, and further, in the domestic laws of many states. However, for many people the doctrine of human rights goes beyond law and forms a fundamental moral basis for regulating the contemporary geo-political order. For them, they are democratic ideals.

EMERGENCE OF HUMAN RIGHTS

The concept of human rights has existed under several names in European thought for many centuries, at least since the time of King John of England. After the king violated a number of ancient laws and customs by which England had been governed, his subjects forced him to sign the Magna Carta, or Great Charter, which enumerates a number of what later, came to be thought of as human rights. The political and religious traditions in other parts of the world also proclaimed what have come to be called human rights, calling on rulers to rule justly and compassionately, and delineating limits on their power over the lives, property, and activities of their citizens.

In the eighteenth and nineteenth centuries in Europe several philosophers proposed the concept of "natural rights," rights belonging to a person by nature and because he was a human being, not by virtue of his citizenship in a particular country or membership in a particular religious or ethnic group. This concept was vigorously debated and rejected by some philosophers as baseless. Others saw it as a formulation of the underlying principle on which all ideas of citizens' rights and political and religious liberties were based. The middle and late 19th century saw a number of issues take center stage, many of them issues we in the late 20th century would consider human rights issues. They included slavery, serfdom, brutal working conditions, starvation wages, and child labor.

However, the critical event that brought the concept and importance of human rights to the centre stage is the post World War II developments. Appalled by the barbarism of the Second World War and the Holocaust, the United Nations General Assembly adopted the Universal Declaration of Human Rights in 1948. The UNIVERSAL DECLARATION OF HUMAN RIGHTS is the basic international statement of the inalienable and inviolable rights of all members of the human family. It is intended to serve as the common standard of achievement for all people and all nations in the effort to secure universal and effective recognition and observance of the rights and freedoms its lists.

While not legally binding, it urged member nations to promote a number of human, civil, economic and social rights, asserting these rights are part of the "foundation of freedom, justice and peace in the world". The declaration was the first international legal effort to limit the behavior of states and press upon them duties to their citizens following the model of the rights-duty duality.

Many states wanted to go beyond the declaration of rights and create legal covenants, which would put greater pressure on states to follow human rights norms. Because some states disagreed over whether this international covenant should contain economic and social rights (which usually require a greater effort to fulfill on the part of individual states), two treaties were prepared.

In 1976, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights came into force. With the Universal Declaration of Human Rights these documents form the International bill of rights. Since then several other

pieces of legislation have been introduced at the international level:

- Convention on the Prevention and Punishment of the Crime of Genocide
- Convention against Torture
- Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination Against Women
- Convention on the Rights of the Child
- Rome Statute of the International Criminal Court

With the exception of the non-derogable human rights (the four most important are the right to life, the right to be free from slavery, the right to be free from torture and the right to be free from retroactive application of penal laws), the UN recognizes that human rights can be limited or even pushed aside during times of national emergency - although "the emergency must be actual, affect the whole population and the threat must be to the very existence of the nation.

Nonetheless many specific civil rights and human rights movements managed to affect profound social changes during this time. Labor unions brought about laws granting workers the right to strike, establishing minimum work conditions, forbidding or regulating child labor. The women's rights movement succeeded in gaining for many women the right to vote. National liberation movements in many countries succeeded in driving out colonial powers. One of the most influential was Mahatma Gandhi's movement to free his native India from British rule. Movements by long-oppressed racial and religious minorities succeeded in many parts of the world, among them the U.S. Civil Rights movement.

The modern human rights movement didn't invent any new principles. It was different from what preceded it primarily in its explicit rejection of political ideology and partisanship, and its demand that governments everywhere, regardless of ideology, adhere to certain basic principles of human rights in their treatment of their citizens. This appealed to a large group of people, many of whom were politically inactive, not interested in joining a political movement, not ideologically motivated, and didn't care about creating "the perfect society" or perfect government. They were simply outraged that any government dared abuse, imprison, torture, and often kill human beings whose only crime was in believing differently from their government and saying so in public. They (naively, according to many detractors) took to writing letters to governments and publicizing the plights of these people in hopes of persuading or embarrassing abusive governments into better behavior.

JUSTIFICATION OF HUMAN RIGHTS

Numerous theoretical approaches have been advanced to explain how human rights become part of social expectations. The biological theory considers the comparative reproductive advantage of human social behavior based on empathy and altruism in the context of natural selection. Other theories hold that human rights codify moral behavior, which is a human, social product developed by a process of biological and social evolution (associated with Hume) or as a sociological pattern of rule setting (as in the sociological theory of law and the work of Weber). This approach includes the notion that individuals in a society accept rules from legitimate authority in exchange for security and economic advantage (as in Rawls).

On the other hand, natural law theories set human rights on the "natural" moral order that derives from religious precepts such as common understandings of justice and the belief that moral behavior is a set of objectively valid prescriptions. Some have used religious texts such as the Bible and Qur'an to support human rights arguments.

Yet others have attempted to construct an "interests theory" defense of human rights. For example the philosopher John Finnis argues that human rights are justifiable on the grounds of their instrumental value in creating the necessary conditions for human well being. Some

interest-theorists also justify the duty to respect the rights of other individuals on grounds of self-interest (rather than altruism or benevolence). Reciprocal recognition and respect of rights ensures that one's own will be protected.

The theories on human rights can also be categorized under two schools of thought:

Relativists believe that while human rights are necessary however they may vary according to culture, which is considered acceptable. Typically, a standard of human rights can be adapted to fit into a given culture; however, the basic premise of this paradigm is that all cultural practices have a purpose in the culture and therefore fulfill some purpose and should be accepted on face value.

Universalists support the international human rights regime from the perspective that an international paradigm on human rights needs to be applied uniformly across the world. Followers of this persuasion strongly support the efforts of the UN in developing international covenants and treaties that work to develop an international dialogue and consensus.

Ultimately, the term "human rights" is often itself an appeal to a transcendent principle, without basing it on existing legal concepts. The term "humanism" refers to the developing doctrine of such universally applicable values.

SITUATION IN INDIA

India has always been a supporter of human rights. It has a long history of movements and resistance as mark of protest towards demeaning civil rights and liberties. Though, the Human Rights movement in India has come a long way, and many Human Rights centered legislations have also been enacted by the Legislatures but unfortunately most of these rights exist only in the statute books and are ignored in reality. The level of poverty in India is appalling and there is no denying the fact that poverty is destructive of all rights. Besides, in India today the greatest and the most urgent challenges of Human Rights are in the areas of maternal and child care, child education, child labour, child abuse, bonded labour, trafficking in women and the protection of minorities and the weaker sections of the society like Scheduled Castes and Dalits. These great societal issues are not issues of excellence but of survival. Unless Human Rights are made the focal point in good governance, no progress is either possible or sustainable as no amount of economic development can be sustained without a baseline of respect for Human Rights.

Indian Human Rights law is provisioned under the Protection of Human Rights Act 1993. The Act indicates that though human rights embodied in International Covenant of Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights are substantially protected by the Constitution, changing social realities and the emerging trends in the nature of crime and violence require enactment of new provisions on this subject. This indicates that the Act is an attempt to improve the system for the protection of human rights in the country.

The Protection of Human Rights Act, 1993 treats 'Human Rights' as binding obligations enforceable by law courts in India and therefore defines them as including all fundamental and constitutional rights guaranteed by the Constitution and Civil, Political, Economic, Social and Cultural Rights enumerated in the two Covenants.

The National Human Rights Commission was constituted under the Protection of Human Rights Act, 1993. The preamble of the Act states that it aims at providing for the constitution of a National Human Rights Commission and State Human Rights Commissions in States and also of Human Rights Court. Through these aforementioned execution devices, human rights were supposed to be protected. But the irony lies that yet in the country only 14 states have a State Human Rights Commission (SHRC).

Though the some of the states have established SHRC, their performances in many cases have been less than satisfactory. The need for immediate improvement cannot be denied.

The rights violations are alarming, be it post Godhra riots in Gujarat (2002), or failure of state authorities to bring justice in conditions of widespread chaos and violence or cases of Security legislation facilitating arbitrary arrests, torture and other grave human rights violations, often against political opponents and marginalized groups in the north-eastern states as well as in Jammu & Kashmir, Andhra Pradesh, Bihar, Jharkhand, and West Bengal or be it the inability of the government to provide the affected people of the Bhopal tragedy with sufficient compensation even after 20 years. Time and again, there were allegations that military and paramilitary forces engaged in abduction, torture, rape, arbitrary detention, and the extra judicial killing of militants and noncombatant civilians, particularly in areas of insurgency.

According to human rights activists and journalists, during 2004 a few Naxalites (Maoist guerillas) in eastern and central parts of the country (including Madhya Pradesh, Andhra Pradesh, West Bengal, Bihar, Chhattisgarh, Jharkhand, parts of Uttar Pradesh, and Maharashtra) who surrendered were allowed to retain their weapons and worked for the police as "anti-People's War Group (PWG) officers." There were no reports of political detainees during the year, although the government detained hundreds of suspected terrorists, insurgents, and separatists. We still find instances of people from socially, economically marginalized sections of the society subjected to discrimination and ill treatment. They are denied basic rights to life, food, security, employment, access to education and healthcare.

In terms of Economic Social and Cultural Rights also, India has not faired very well. Displacement and rehabilitation issues are high on the agenda as many states are affected either due to Water projects, like in Uttaranchal, or disputes regarding Forest rights or natural disasters be it in Uttaranchal 1999 or 2005 Jammu & Kashmir. Displacements due to secessionist movements in Assam, Nagaland or due to caste discrimination or identity violations too concern the government. Human rights activists are also concerned with problems of unemployment, which doesn't seem to have an end to.

In Uttaranchal, there is a steady increase in the number of both under trials and prisoners. Prison conditions were harsh, life threatening, and did not meet international standards. Prisons were severely overcrowded, and food and medical care inadequate. Issues on displacement too are a major concern in the state especially in reference to Rajaji National Park, 1999 earthquake or Tehri Dam Displacement issues. The Tribals, Women, Dalits and other marginalized groups in the state too have been largely affected in regards to land rights, and accession to natural resources.

In Rajasthan the discriminatory attitude meted towards the dalits, tribals and other marginalized sections especially women are of primary concern. Such incidents were noted in the Chakwara, Jhikari and Kutka villages. Water disputes, in western Rajasthan has always been a serious problem, especially due to incomplete Indira Gandhi Canal Project. This has also led to underdeveloped transport routes. Each year in April and May during the Hindu festival of Askhay Tiritiya, thousands of child marriages were performed in Madhya Pradesh, Chhattisgarh, and Rajasthan. Although state governments conducted awareness campaigns but it hadn't been a complete success.

Chhattisgarh carved out from the eastern part of Madhya Pradesh came into existence in 2000, is facing serious underdevelopment problems. The state doesn't have enough provision for drinking water, sanitation facilities, and imparting education etcetera. There is also prevalence of strong discrimination towards the underprivileged and existence of a lot of social evils.

Farmers Chamba district of Chhattisgarh have been fighting for land rights for the last two decades but all they have got are empty promises by successive state governments. Workers are forced to work in subhuman conditions in the many older and new industries of the region like the Bhilai Steel Plant (BSP), National Thermal Power Corporation (NTPC), Bharat Aluminium Corpn (BALCO), and Jindal Steel and Power (JSP). Incidents of uprising Naxalite violence too are common in the state.

Bihar not only showcases incidents of political anarchy but also, ineffective administration, lack and improper implementation of polices. Government schools were reported to be under funded and understaffed. Right to Freedom of Assembly guaranteed by the government was violated in Maharajganj, Siwan district in Bihar, when two people were killed after police opened fire on locals protesting the removal of a bus stand following the death of a child in a bus accident. According to the Indian Confederation of Indigenous and Tribal Peoples, 80 percent of the tribal population in 2004 was living below poverty level, and more than 40 thousand tribal women, mainly from Orissa and Bihar, were forced into situations of economic and sexual exploitation. Naxalite interferences and government uprising against them is very common here too.

PAIRVI AND HUMAN RIGHTS

PAIRVI was established in 1996 after a comprehensive process of state consultations on advocacy which clearly manifested the urgent need of enhancing advocacy skills of grass root organizations working in northern and central India. Therefore, the core mandate of Pairvi became capacity building of grassroots organizations in human rights advocacy and practice. For several years PAIRVI has worked on building theoretical and well as skill based capacity building for the organizations working in seven states of Uttar Pradesh, Bihar, Madhya Pradesh, Rajasthan, Uttarakhand, Jharkhand and Chhattisgarh.

MANDATE OF PAIRVI

PAIRVI works to improve the awareness on human rights, instruments and legislative provisions as well as to improve human rights infrastructure in the country. In order to achieve its stated objectives Pairvi has engaged in building a cadre of social advocates through training and case consultations. Besides capacity building, Pairvi has demonstrated its commitment towards human rights by engaging itself in a number of campaigns which relate to improvement in policy environment as well as execution of existing framework. National Campaign for Child Rights (NCCR), focused upon improving the lot of children by providing them rights at par with global standards by introducing policy reforms. Campaign on dalit rights, was policy level initiative to emphasize the dignity of dalits and addressing the issue of affirmative action in a meaningful manner. The intervention with the right to employment and livelihood backed the legitimate demands of employment guarantee or basic employment as a fundamental right. Being a member of International Coalition on Right to Food and Nutritional Security, involved attempts to lobby and advocate both at national and international level, the issues of food security for the huge mass of food insecure people in developing countries (in preference to trade in food) and supporting fair trade in food.

The basic underlying theme of all interventions was protection of human rights of the marginalized and deprived people. All the actions taken under the rubric of human rights reiterated its conviction in human rights and strengthened its resolve to work for and with the downtrodden.

CASE FOR HUMAN RIGHTS COMMISSIONS IN THE STATE

As stated earlier, Pairvi has also engaged in strengthening human rights infrastructure in the country by advocating more accountable and responsive institutions having human rights as its solitary concern. The protection of Human Rights Act, 1993 has met the need laid down by the Vienna Congress and Paris Principles partly. Despite its celebrated shortcomings, National Human Rights Commission has worked consistently to raise awareness and suggest improvements in the existing legislative and executive framework to respond to the call of human rights. The Judiciary has also proved sensitive to the requirements and responded encouragingly to enhance the accountability of the state to hold human rights in high esteem. Having said that, it also needs to be mentioned here that terms that violations of rights continue to take place. Many states have callously neglected the establishment of Human Rights Commission in the states, despite the clear mandate therefor in the Protection of Human Rights Act and several injunctions by the NHRC. It is nobody's presumption that violations will cease with the set up of Commissions in the states; however, the argument is that Commissions in the state will facilitate protection, promotion and preservation of human rights and will lead to reduction in state and private individuals' impunity for violations.

CAMPAIGN FOR SHRC

PAIRVI has been engaged in strengthening people's campaigns for setting up SHRC in its constituency. Along with other concerned civil society organizations and individuals, it successfully engaged the Government of Uttar Pradesh to set up SHRC in 2001. The efforts are on to make the states of Uttaranchal, Jharkhand and Bihar follow the suit. The governments of Bihar and Jharkhand have issued the notification but Uttaranchal government is yet to take any step in this regard. Manifestly, human rights are not on the priority on the agenda. Though the data available does not speak volumes of violations but it does not provide any reason to be overtly content with. The small cases of violations being reported also suggest lack of capacity of people to comprehend rights and identify violations. The most plausible reason for that human rights not being in the mainstream public discourse. Many cited private sources have confirmed serious violations regards women's rights, right to land of tribal and indigenous populations, serious environmental degradation etc. which are going unnoticed. Therefore, we believe that SHRC would unearth the cases of violations as well as attempt to redress those. Furthermore, it would contribute to human rights becoming a public discourse.

As a part of the campaign Pairvi has organized three state consultations profiling human rights issues and on setting up of the SHRC. The outcomes of the Consultations have expressed urgent need for the commission and the participants activists, organizations, academia, judiciary included have extended their overwhelming support for the cause.

METHODOLOGY AND FRAMEWORK OF THE STUDY

The present study is a diagnostic account of the human rights issues in the state. Though not a classic scientific study, it is suggestive enough of the human rights violations going steadily in the state. The study has been envisaged by PAIRVI in order to educate the opinion of the stakeholders, organizations and the individuals to come in support for the establishment of SHRC. Simultaneously, it also seeks to make the state aware of the violations and see them through a human rights perspective.

In the study, the attempt to bring out the present status of the fundamental human rights and consequently, to stress on the requirement of a State Human Rights Commission in the state of Uttaranchal.

THEORETICAL FRAMEWORK

Human rights mean the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by the courts in India. The Protection of Human Rights Act 1993 ensures the fundamental rights of the citizen residing all over India through the constitution of a National Human Rights Commission, State Human rights Commission in states and human Rights Courts for the better protection of Human Rights for matters connected therewith and incidental thereto.

The covenants recognized under the Universal Declaration of Human Rights, i.e. COVENANT ON CIVIL AND POLITICAL RIGHTS AND COVENANT ON CONOMIC, SOCIAL AND CULTURAL RIGHTS too are adapted in the Protection of Human Rights Act of 1993.



The Covenant on Civil and Political Rights recognizes the right of every human person to life, liberty and security of person, to privacy, to freedom from cruel, inhuman or degrading treatment and from torture, to freedom from slavery, to immunity from arbitrary arrest, to a fair trial, to recognition as a person before the law, to immunity from retroactive sentences, to freedom of thought, conscience and religion, to freedom of expression, to liberty of movement, including the right to emigrate, to peaceful assembly and to freedom of association.

The Covenant on Economic, Social and Cultural Rights recognizes the right to work and to free choice of employment, to fair wages, to form and join unions, to social security and to adequate standards of living conditions for their people.

In the study initiated the following issues are documented:

Among the Civil and political Rights:

- ✍ Violations: Murder, Dowry Death, Rape, Extra Judicial Killings, Untouchability /Discrimination meted to minorities.
- ✍ Discrimination on minorities, SC/STs and Dalits, issues on Child Labour, Child Marriage and Bonded Labour.
- ✍ Among the Economic, Social and Cultural Rights:
- ✍ Right to Food: Different Schemes Run in the State like the Annaporna, Antodaya, etc., mid-day meal scheme, BPL, APL, and MPL rates
- ✍ Right to Education: Sarva Siksha Abhiyan scheme implementation, Dropout rates, Schemes for Girl Child, disabled Child

-  Right to Livelihood: Unemployment Issues, Displacement and rehabilitation status of the affected.
-  Health Services: Immunization, Malnutrition report, Antenatal, IMR, MMR rates, HIV cases, and Health Infrastructure

Other than these a special emphasis is to be laid on the Women, Children, Tribal and Dalit Issues concerning the state.

METHODOLOGY

This is an Explanatory Research Study meant to make a qualitative analysis of the human rights status through the Baseline Survey conducted for the year 2005. The time frame taken for the study is from the year 2002 to 2005.

The field of study is the state of Uttaranchal, where incidents of Human Rights violation were noted and analyzed through the data collected. The population of the study is the human rights violations taking place all over the state of Uttaranchal. The sample chosen from it is based on Purposive Sampling technique. In case of the study on Uttaranchal, data was collected from the Secretariat, different governmental departments, non-governmental organizations, State Women's Commission, State Police Headquarters, human rights organizations and research institutes. Interviews were also conducted with eminent lawyers, academicians, social activists, governmental officials and Superintendent of Police (Crime).

Both Primary and Secondary data were collected. It's primarily a secondary analysis where data collected from governmental departments, annual reports, and studies conducted on the concerned subjects, newspaper clippings and case studies. These secondary data were substantiated by first hand data collected from interviews with unstructured schedule conducted with eminent professionals and academicians. Other sources of the study were books, articles, internet materials, etc.

LIMITATIONS

As Uttaranchal is a relatively new state, it was difficult to find organized data. As the data collected for the study was since 2002, it was further a problem as very few departments had update cases to offer since the 2001 census.

The difficulty in data collection was due to several reasons. No central agency had all the required data. In the state of Uttaranchal, there is no appropriate repository or monitoring mechanism.

Moreover, the available data was only about reported human rights violations, but perhaps it goes without saying that there is much more unreported frequencies of it.

Thus, lack of data was a serious impediment to this study. However, due to efforts undertaken by certain officials in the states, the compilation could achieve satisfactory progress. It's advised to take up this study as a first of its kind for a new state like Uttaranchal, so that later it could provide as a base for further attempts undertaken.

UTTARANCHAL: THE STATE

Uttaranchal is one of the three most recently created states in India, carved out from the state of Uttar Pradesh. Situated in the Central Himalayan zone, in the northern part of India between latitude of 28° 44' and 31° 25'. With a total area of 53,483 sq. Km lies the state occupies 1.69 % of the area of the country. It shares its borders with the Himachal Pradesh, Uttar Pradesh, and Harayana and also shares international borders with China and Nepal occupied Tibet.

Uttaranchal is comprised of five latitudinal /geological zones: the Terai-Bhabar, the Shivalik with Doons, the Lesser Himalayas, the Greater Himalayas and the Trans Himalayas. Deep valleys, high peaked mountains, magnificent glaciers, majestic rivers, dense forests and a wide variety of vegetation characterize the topography of Uttaranchal. This state has many ethnic groups and castes living harmoniously together like the Jaunsaries, the Bhotiyas, the Bokshas, the Tharus and the Rajis.



The state of Uttaranchal emerged as an independent state on November 9, 2000 when the Government of India was finally forced to accept the demands of the people who were engaged in a long struggle for Uttarakhand. The State has two distinct geographical regions of Garhwal and Kumaon Mandal. While Dehradun (Garhwal) is the capital of the state and Nainital (Kumaon) houses the High Court. The state comprises of 13 districts, 49 tehsils and 95 development blocs, with about 15651 inhabited villages and 955 villages not inhabited.

The total population of Uttarakhand as per 2001 census is 8,479,562 comprising 4,316,401 males and 4,163,161 females. It contributes 0.82% of the total population of the country. Among the 13 districts of Uttarakhand, Haridwar is the most populous with 1,444,213 followed by Dehradun and Udham Singh Nagar whereas Champawat (224461), Rudrapur (227461) and Bageshwar (249453) are among the lowest. The decadal increase in population percentage 1991-2001 is reported as 19.20% in the state. The state has reported a higher sexratio 964 per 1000 males which is higher India, 933 per 1000 males. The highest sex ratio, according to the 2001 census is found in Almora (1147 females per 1000 males), while the lowest is found in Haridwar (868 females per 1000 males). The Crude Birth Rate of Uttarakhand according to 1999 data census is 19.6 per 1000 whereas crude Death Rate is 6.5 per 1000 and Infant mortality rate is 52 per 1000 live births.

The literacy rates of the state are higher than Indian average, but the gap between male and female literacy rates is quite significant. The male literacy rate of 2001 is 84.01% and that of females are 60.26% though the gap between the male and female literacy rate is decreasing.

The land of Uttarakhand has spiritual and cultural affiliation of the Indian masses, also known as "Dev Bhoomi" (the land of the lords). It's the spiritual melting pot of Hinduism, Jainism, Buddhism and Sikhism.

Over 75% of the population is rural; as dairy, agriculture, and horticulture are major components of the state's industry. Tehri Garhwal, a district in the state, is home of the controversial, incomplete and enormous Tehri Dam. Tourism, particularly in the form of pilgrimage, also plays a major role in the economy of the state. The region is mainly has a subsistence agricultural economy. Except for some tourism industry in Rishikesh, Haridwar, Chamoli, Uttarkashi, Nainital and other districts, the population is dependent on the money order economy.

Ironically the state remains an economically backward state in spite of its rich but unexploited resources. The state has also been witness to constant out and in-migration especially of males. Partly due to this factor, higher sex ratio and higher female participation in agricultural sector are observed in the state. The industrial development has been low in the state, which as of now, cannot claim to any major industry, except the BHEL factory at Haridwar and IDPL at Rishikesh.

Recently the government has been developing programs to enhance the pilgrimage industry and further exploit the other tourism capabilities of the state. Besides its natural and religious resources, the state has many advantages for tourists; good roads, (which the military maintains because of Uttarakhand's proximity to the Tibetan border) three airports and six railway stations.

However, Uttarakhand does not have the carrying capacity for the amount of pilgrims that currently visit. Environmental degradation resulting from overuse of roads, vehicles, lodging, and improper disposal of waste is a serious problem in the heavily traveled areas. For the good of the Paharis and to maintain the atmosphere that draws People to it, the state need to revise its tourism policies on terms of environmental friendly and sustainable. Because the tourism season is short (many areas are snowbound December through March) the environmental damage is more acute.

The state today is facing a grave Human rights concern, more because it does not have a regulation and protection body like the State Human Rights Commission yet. A few of the greatest concerns today are:

The communities formed Uttarakhand after much struggle and it was expected that the rights, needs and aspirations of the hill people would be respected and protected. However, even after

the formation of Uttaranchal instead of protecting the traditional rights of local communities, over access to forests and natural resources, the government is bent upon usurping these traditional rights, which even the British could not take away from the people.

The increasing number of inmates in a deplorable jail, whose living conditions are worsening day by day. Amongst them 80% of them are under trial. The jail lacks basic hygienic conditions. There are no sewage systems. This problem came into focus in 1976-77 where an 18000 convicts and under trial were reported living in those jails. The government though has taken action in this regard but there been a failure to make a noticeable change today. Thus the problem still persists.

One of the most difficult issues to handle in the state is its underdevelopment. The biggest reason would be the geographical hindrances. The hilly region, deep valleys and yet improbable lands make Uttaranchal a difficult state for development. Eight hilly districts of Chamoli, Rudraprayag, Tehri, Pauri, Almora, Bageshwar, Pithoragarh and Champawat whose rugged terrains make it difficult for normal development to take its pace. This is the ground behind the uneven development in the state.

During the period 1976-1977, approximately 19000-bonded labours were officially identified in Dehradun District, who has not yet been rehabilitated properly. Though a correct present official figure is not possible to be reported but there is an assumption even today that the problem continues.

The state of Uttaranchal has also failed to appoint Presiding Officers for the courts and in district Dehradun itself there are 20 courts lying vacant in the absence of Presiding officers resulting in tendency of cases being increased day by day. Moreover, the conditions of homes for the children and destitute people are also highly unsatisfactory. The state is yet to notify the Constitution of District Human Rights Courts and in spite of the directions of the High Court of Uttar Pradesh, District Human Rights courts are dysfunctional till date.

HUMAN RIGHTS IN UTTARANCHAL

Uttaranchal has a rich tradition of grassroots social action, including the world-renown 1973 Chipko or “tree hugging” movement and the more recent decade-long struggle to become its own state. However, since the inception of the state in 2000, Uttaranchal has been facing immense concerns on human rights. Though it was these human rights concern and violation, which actually led to the formation of the state, the promises made have remained unfulfilled. The demands especially of the tribals for Uttarakhand are yet to be provisioned. Human rights violation is still evident here, but the state is yet to have a state human rights commission for itself.

Keeping this scenario in view the study on the status of human rights was undertaken. The report on the study is an effort to instigate the establishment of the State Human Rights Commission in the state. The study initiated is based on both Civil & Political Rights and Economic Social and Cultural Rights. To preview a detailed and exhaustive view of the situation a few of the issues from both these rights were stressed on.

To gauge the real status of the Human Rights condition in the state we have to focus on every covenant individually.

CIVIL AND POLITICAL ISSUES

Under the above topic the issues are incorporated under the Indian Penal Code (IPC) and State and Local laws (SLL).

Table No. 1 Cases registered under the Indian Penal Code 1861

Nature of Crimes	2003	2004	2005	2006(up to April 2006)
Dowry death	50	48	38	19
Dacoity	17	27	33	12
Murder	185	198	185	55
Loot	101	104	92	30
Riot	248	334	345	113
Domestic Violence	389	438	388	133
Rape	68	78	93	30
Abduction for Extortion	9	5	6	2
Other crimes	5218	5728	5562	1862
Total IPC	6291	6960	6742	2256

Crime status of a place shows its mental and social morality of the people there. In the state of Uttaranchal from the data collected, it shows that among the districts highest incidences of

crime has been reported in the capital itself in 2005.

MURDER

Known for its most atrocious nature, the act of Murder is universally known and taken as a best possible ground to gauge the social sensitivity towards human rights situation of a place. It's perhaps the most grave of all crimes to devoid one of the every right to life and existence, an act, which can in no way be resurrected.

Table No. 2 Murders committed during (2003-05)

District	2005	2004	2003
Haridwar	62	52	73
US Nagar	35	53	44
Dehradun	32	41	27
Nainital	27	33	21
Champawat	5	3	2
Pauri	5	8	5
Pithoragarh	5	1	1
Rudraprayag	4	1	2
Tehri	3	1	2
Almora	3	3	2
Bageshwar	3	0	1
Uttarkashi	1	1	3
Chamoli	0	1	2
Total	185	198	185

The last three years data gathered of the state shows an increase in the frequency of the act though it had tended to decline in 2004, reporting 52 cases, which rose to 62 in 2005. As expressed by the Superintendent of Police, Uttarakhand, "the motive or intention behind such crimes is generally related to property fights and emotional outbursts."

DOWRY DEATH

Perhaps one of the oldest atrocities committed, known to Indian society, inflicted on a woman is the placement of a clause of monetary compensation by the girl at the time of her conjugation or marriage. This act termed as Dowry where the bride's family is forced, out of force or fear, to pay, ensuring their daughter's safety and comfort. This act is under the surveillance of the Dowry Prohibition Act of 1961.

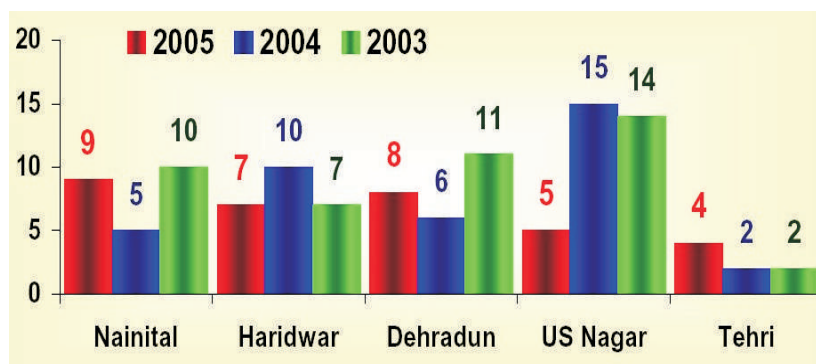
The Government of India and the anti-dowry movement took steps to eradicate the evil, which was fulfilled in 1961 as the Dowry Prohibition Act (XXXVIII of 1961). It was a complete failure as act was a non-cognizable offence. Moreover the act lacked social support for the anti-dowry laws. An amended bill was passed in 1984, came to be known as Dowry Prohibition (Amendment) Act 1984. Another amendment took place in 1986, which enhanced the punishment for taking dowry, and introduced the term 'dowry death' under section 304B of the IPC.⁽⁶⁰⁾

The annual report of the National Human Rights Commission (2002-03) states the following figures for Uttarakhand:

Number of custodial deaths	1
Judicial deaths	7
Total complaints lodged for custodial deaths and encounter death	386
Case of disappearances	7
False implication	93
Custodial violence	16
Cases on indignity and sexual harassment of women.	6
Bonded labour	6
Harassment of prisoners	7
Total cases registered that year	1745

The trend noted from the data received from the last few years are that the frequency of the crimes reported are decreasing which states that the society is becoming much open to issues concerning the rights of women. This act is one of the main reasons behind the rise in the female feticide and infanticide across the nation. The act of taking dowry and injustice both social and physical meted on the women due to it is lessening. People are becoming open to the idea of women pursuing an equitable status in the society. The decreasing number also shows that women today are becoming more aware of their rights and privileges.

Chart No. 1 Dowry cases in select Distt. (2003-05)



Women mostly keep mum over the problems as they are made to believe that they do not belong to the father's household but the in-laws house. She is made to feel as a burden. Dowry has not only the aspect of payments or commercializing the female but also is a grave human rights concern.

RAPE

One of the most beastly exploitation inflicted on the women is in the form of rape, where the women are violated upon against her will and with or without consent physically and her biological sex. Most important point in terms to Indian women is that as they are not allowed to voice out their feelings, thoughts, opinion, comfort or discomfort, likes or dislikes in any way, she is the more vulnerable to atrocities.

Section 375 of IPC defines rape as a man is said to commit rape who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six descriptions i.e. against her will, without her consent, with her consent in fear of death or hurt, or if she is a minor. Section 376 gives the punishments for rape.

From the data computed a steady increase in the rape cases is reported. These are the reported cases, though it has been agreed by many that the actual number of cases are much higher. It not only portrays the mental build of the society, but also the human respect of society. Most disastrous is the mental trauma that both the victim and her family has to undergo not only due to the act on the victim, but because of the society's reaction to it.

Table No. 2 No. of rape cases registered (2003-2005)

Year	2005	2004	2003
Haridwar	28	26	27
US Nagar	20	14	14
Dehradun	21	17	13
Nainital	7	3	3
Uttarkashi	4	3	5
Pauri	4	4	1
Pithoragarh	3	6	3
Tehri	2	1	0
Bageshwar	2	1	0
Almora	1	1	0
Rudraprayag	1	1	1
Champawat	0	1	1
Chamoli	0	0	0
Total	93	78	68

The Indian Penal Code, enacted in 1860, had made Rape an offence and had prescribed punishment, which might extend to imprisonment for life. 1970s saw the renewal of the concern for rape, especially with the case of Mathura custodial rape case (1980). The question of women's 'consent' was also brought up. A Law Commission was set to amend laws further. It recognized custodial rape and established Mandatory Minimum Sentences for rape in 1983. The reforms introduced had very little effect in improving the traditional definition of rape.

CHILD LABOUR

In India, a child is not distinguished from an adult in terms of physical labour put in household as well as in the fieldwork. Specified by the Indian constitution it is a violation of Article 24, 39 and 45. Child labour exists both in the organized and unorganized sector. In the latter the child works as the domestic helper, at roadside stalls. In the organized sector the children are found working in factories and hazardous industries in deplorable working conditions. Being of passive nature and also physically weak they are forced to work for more hours at a meager pay. They are also exposed to numerous other hazards at work.

As per the provisional figures of Census 2001, there are 12.5 million working children in India in age group of 5-14 years as compared to the child population of 252 million. Concerted attempts have been made to follow a pro-active policy in the matter of tackling the problem through constitutional, statutory and developmental measures. Article 24, 39 and 45 of the Constitution

consciously incorporate provisions to secure labour protection and free and compulsory education for children up to the age of 14 years. The policy of the Government is to ban employment of children below the age of 14 years in factories, mines and hazardous employment and to regulate the working conditions of children in other employments. The Child Labour (Prohibition and Regulation) Act, 1986 seeks to achieve this basic objective. It prohibits employment of children in 13 occupations and 57 processes.

In the context of child labour the NHRC has observed that “No economic or social issue has been of such compelling concern to the Commission as the persistence, fifty years after Independence, of widespread child labour in our country. It prevails, despite articles 23, 24, 39(e) & (f), 41, 45 and 47 of the Constitution and despite the passing of various legislations on the subject between 1948 and 1986. It has defied the terms of six Conventions of the International Labour Organization to which India is a party and the Convention on the Rights of the Child, in addition. Despite the announcement of a National Child Labour Policy in 1987, the subsequent constitution of a National Authority for the Elimination of Child Labour (NAECL) and the undertaking of National Child Labour Projects (NCLP) in an increasing number of areas of our country, the goal of ending child labour remains elusive, even in respect of the estimated two million children working in hazardous industries who were to be freed from such tyranny by the year 2000”.

The Commission focusing its attention on the following industries where from rampant reports of child labour were received. These inter alia include bangle/glass industry, silk industry, lock industry, stone-quarries, brick kiln, diamond cutting, ship-breaking, construction-work and carpet-weaving.

The exact estimate of child labour in the state is not yet available. The Census of 1991 recorded Allahabad as having maximum (3.94) and Uttarkashi having minimum (0.31) percentage of workforce of children to the total child population of undivided Uttar Pradesh while child population constituted 40.31 % of the total population of the state as against the national average of 37.25 (in 1991). (Working Children in India, An Analysis of the Census data, 1991).

The most debilitating factor is that despite all these Uttaranchal is not even in the focus of the child labour debate. The concern for the child labour has been obscured by the threats to environment posed by hazardous industrial activities. Child labour is considered to be non-existent in the region. However, the Census of U.P. shows that the Uttaranchal districts generally have a higher population of workers (both main and marginal), boys and girls in the below 15 years age group. It is assumed that all these children are engaged in family based activities. But this could not be the whole truth. Traditionally, Uttaranchal is known to be sending out a large number of child labour in 'domestic services' both house-hold and hotel/restaurant including 'dhabas'. The 'runway children' is a common phenomenon in the region. Children in plains are in no better position as they are being continuously employed in factories, mines and other hazardous vocations in the blatant violations of the constitutional guarantee. Labour contractors by providing children to be employed in any and all sorts of works are sending their rights for a toss with impunity.

The foothill towns are the important transit points for child labour originating from the hills and as such Tanakpur, Banbasa, Khatima, Kashipur, Rudrapur, Kaidwar, Rishikesh, Haridwar and Dehradun are known to have been exacerbating the practice.

The complete breakdown of local economy, largely dependent on forest products, on account of restriction on the use of forest products by individuals and communities and on the other hand, hostile physiological conditions, lack of arable land and industries and minimal opportunities of

employment have encouraged incessant migration. These reasons coupled with lack of educational facilities and women being over occupied with the responsibilities of running the household (in the absence of males) have deprived the children of opportunities of education, capable of engaging and weaning them away from the work.

BONDED LABOUR

Labour in India has always been cheap and as the older system of feudalism hierarchy still prevails with the new system in society. Bonded labour is another expression of poverty and relative deprivation of the society. In India too this system does exist, where the deprived and economically insufficient become bonded to the land or task assigned by the landlords or sahkars for a meager loan. The interest rates being very high the former are unable to repay, leading to the bondedness for generations.

This is against the fundamental rights, as specified in the Article 21 and 24 of the constitutions, which deals with Protection of life and personal liberty and Prohibition of traffic in human beings and forced labour respectively.

In Uttaranchal too the Commission remained deeply involved in the monitoring of the implementation of the Bonded Labour System (Abolition) Act 1976, as requested by the Supreme Court in its order of 11 November 1997, passed in Writ Petition (Civil) No. 3922 of 1985. This act provides for the abolition of bonded labour system with a view to preventing the economic and physical exploitation of the weaker sections of the people and matters connected therewith and incidental thereto.

Bonded labour prevalent in India is known by different names. In Uttaranchal they are called the Kotlas of Jaunsar Bawar found in the Tehri Garhwal, Dehradun and Uttarkashi Districts. According to the National Human Rights commission Report of 2002-03 the prevalence of bonded labour in the state is as low as 6 reported cases. Mainly it's found out that the labourer is part of the unorganized sector, which engages himself or herself as worker of Carpet Industry, of Uttar Pradesh. They generally work in small establishments at their home and thus also come under the preview of labourers working in small-scale industries from home.

CHILD MARRIAGE

Child marriage or 'gouridan' was a bane of Hindu society.⁽²⁷⁾ Early marriage was a great evil, which resulted in many women becoming early widows and even hindered their education. Protest against child marriage was taken up in the latter half of the 19th century by reformers such as Behram Malabari and Ranade.

Indian Constitution recognizes 18 years as the eligible and legal age for girls to marry and for boys its 21 according to the specification made in the Indian Marriage Act. But at heart Indians are still traditional in their thoughts. They are still attached to some intrinsic values. One such is that of Child marriage, where either or both of the bride and groom are not of the legal age.

Women's organization attempting to reform Hindu personal laws started with legislative reform of child marriage and Age On Consent which led to the enactment of Child Marriage Restrained Act in **1929**. The problem of protecting the rights of children was dealt by this act though it had a lot of limitations like; child marriage was not made a cognizable offence.⁽³⁸⁾

The main reason for child marriage is poverty. Being a large family household its often difficult to efficiently manage it, thus getting the daughter married off is one of the easiest option, More because the daughter is always thought to be the 'burden' of the family. Another reason quoted

can be the Dowry factor which makes it difficult finding a groom for the girl, thus as soon as they get a suitable groom they get the girl married off.

The hills of Uttaranchal are inhabited by 300000 tribal populations where early marriage is a norm. A study by Prof. D K Naudiyal (HoD of Deptt. of Sociology) has revealed that among the hill tribes of Uttaranchal, 24% Jaunsari, 19% Tharu, 23% Buxa, 18% Bhutia and 30% Raji females bear child before the age of 19 years.

DISCRIMINATION METED OUT TO THE MINORITIES

Minorities, socially, economically politically, religiously deprived class and caste of people, who are denied the basic provision of human rights expression. Amongst the existing tribes, many are considered untouchable. They don't have rights to own property. None of the members can move freely in the main streets, neither they can wear shoes before anybody belonging to “higher” caste. Females are not allowed to wear any jewellery. While males work as bonded labour to redeem ever-unending debt, females are routinely resorted to satiate carnal lust. The government of Uttar Pradesh had constituted a Committee before independence to end this outrageous discrimination, however, it failed to produce results. The government of Uttaranchal is yet to take notice of this dehumanizing practice.

Their role in human rights perspective is very significant to draw a very clear picture of the situation. In terms of opportunity led down before them, in terms of Education or Health Facilities, or in the context of work and livelihood, even in term of share in the public Distribution System they have been marginalized.

Education: In the context of educational facilities and infrastructure it was noted from the governmental study conducted in 2003 that a total of 19800 students from the SC community were enrolled in Upper Primary School Classes. Where as amongst the Scs total enrolled were 131286, I classes 6-8.

The dropout rates of the SCs and STs were also recovered. The table below displays it:

Table No. 4 Dropout rates among SCs & STs

Category	Disaggregation	Primary			Upper Primary		
		2003-04	2004-05	Increase/Decrease	2003-04	2004-05	Increase/Decrease
Total	Total	2.62	2.17	-0.45	2.76	2.10	-0.66
	SC	2.79	2.25	-0.54	3.02	2.39	-0.64
	ST	3.00	2.02	-0.98	2.49	1.85	-0.65
Boys	Total	2.36	1.94	-0.42	1.99	1.45	-0.54
	SC	2.22	1.73	-0.49	2.39	1.80	-0.60
	ST	2.17	1.77	-0.40	1.89	1.36	-0.53
Girls	Total	2.64	2.15	-0.49	2.71	2.17	-0.53
	SC	2.86	2.34	-0.52	2.82	2.35	-0.47
	ST	2.43	1.95	-0.48	2.31	1.84	-0.47

The dropout rate, also of the year 2003 shows less variation amongst the girls and boys data, which shows that there is less prevalence of gender discrimination among the minorities. But the data does show that the minorities still aren't fully operationalised into education. This can be due to lack of educational infrastructure, which is quite probable in a state like Uttaranchal which has a lot of difficult geographical terrains blocking its path of development.

Furthermore minorities living in the hilly terrains of the state face further deprivation, as means and facilities don't at all reach them. In the interview with the secretary of State Women's Commission, a like case was highlighted, where children from hills of Mori recovered children who were completely pursuing unsocial zed life. Having no sense of hygiene, food habits, they remembered the interviewee of young animals.

Employment: In terms of opportunities of employment, these groups of people are deprived. They are also vulnerable to migration both inter and intra state for better life prospects. Men look for jobs in the plains and women for prospective husbands.

Table No. 5 Crimes committed against SCs & STs (2003-05)

Crime	2005	2004	2003
Dacoity	0	0	0
Arson	0	1	2
Loot	0	0	0
Murder	5	6	9
Grave Injury	4	9	6
506 IPC	5	11	14
Abduction	8	2	7
Rape	15	6	9
SC/ST Act	22	29	21
Other IPC	29	43	33
Total	88	107	101

In relation to crime committed against an SC/TS its found that major are violation against a right of a women i.e. Rape followed by abduction and murder and molestation of a woman.

ISSUES UNDER THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Under the above rights we discuss the Right to Food Campaign, Right to Education, Right to Livelihood and Issues on Health in the State of Uttaranchal.

RIGHT TO FOOD

For data on Right to Food, information collected on the governmental food schemes or public distribution schemes, their implementation and distribution in the state were focused on. The study reviews schemes recognized under the Consumer protection Act of 1986 like the Antodaya Anna Yojna, Annapurna Yojna, BPL, APL, etc being implemented in 13 districts of Uttaranchal.

The 2004-05 report of the department of Food shows that in the state 4, 21,700 families are recognized as under the Below Poverty Line (B.P.L) scheme. The identification issued by the State government takes place on the basis of the correlation between per capita income, property of the family and number of consumers depended on the former mentioned. Even caste of the entitled family is taken into consideration. According to it every identified family is entitled to a white ration card through which they can consume 35 kilograms of food grains per month at a subsidized rate.

A large section of the population can be called as "hungry". Order to make TPDS more focused and targeted towards this in category of population, the "Antyodaya Anna Yojana" (AAY) was launched in December 2000 for one core poorest of the poor families. AAY contemplates

identification of one core poorest of the poor families from amongst the BPL families covered under TPDS within the States and providing them food grains at a highly subsidized rate of Rs.2/ per kg. For wheat and Rs. 3/ per kg for rice. The States/UTs are required to bear the distribution cost, including margin to dealers and retailers as well as the transportation cost. Thus the entire food subsidy is being passed on to the consumers under the scheme.

The scale of issue that was initially 25 kg per family per month has been increased to 35 kg per family per month with effect from 1st April 2002. The AAY Scheme has been expanded in 2003-2004 by adding another 50 lakh households from amongst the BPL families.

The Antodaya Anna Yojna designed by the central State government on economic grounds recognizes 76300 families, who are entitled to receive 35 kilograms of food grain at a much lower rate than the BPL scheme. On the other hand the Extended Antodaya scheme identified by the state government was in effect from 2001 recognizing the social parameter identify the socially deprived individuals like the widows, illiterate, physically challenged, single man/woman headed household and scheduled tribes are all recognized under this scheme. The scheme in the state of Uttaranchal is apt to identify 38200 families, which is more than the recognized 36700 families by the centre.

The Annaporna Scheme issued by the Food and Social Welfare Department, recognizes people over 65 years who are entitled but do not receive the Old Age Pension. Presently there are 10505 beneficiaries, who use the green card by the state, for 10 kilograms of food grains per month.

According to the Public Distribution System the rate of the food grains supplied under the Above Poverty Line (APL) Yojna and that of the government does not differ much thus the scheme is not very successful in Uttaranchal.

The Mid-Day Meal scheme under the Food and Education Scheme children are allotted 10 academic months of free ration on the ground s of 80% attendance in government primary schools. In Uttaranchal According to the 2004-05 data 1622.408 metric ton rice has been supplied. Moreover in accordance to the mid-day meal scheme run by the government in the primary schools, there is now complete provision of serving cooked meals, and also mothers of children under the BPL scheme are being absorbed in the workforce as an attendant or cook.

Also the department of Food has engaged itself in continuous check of all measurement devices, ration shops, food grains supplied and used under these schemes and has also taken necessary action if any one is found guilty. Thus from the current data received (as data further to 2005 January was unavailable as it was under organization) the public distribution schemes run by the government both at the state and the centre are fairly successful in Uttaranchal.

RIGHT TO LIVELIHOOD

Despite 57 years of independence, the pace of development among the different States of the country and within the State among the different districts has not been uniform. There are not only regional differences, but the divide appears to be ever widening. There are still districts, which lack in basic infrastructure, facilities and employment opportunities. It is from these districts reports of starvation deaths from time to time and massive migration of labour are reported. It is, therefore, quite imperative that such districts are identified and a sincere attempt is made to bring them at par with other districts.

The Planning commission has identified 150 most backward districts of the country on the basis of prevalence of poverty indicated by SC/ST population, agricultural productivity per worker and agricultural wage rate. Most of them happen to be tribal districts. There is a need for substantial additional investment in these districts to convert their surplus labour into required capital formation solving livelihood issues.

The new Food for Work Programme is such an attempt. Substantial resources in the form of cash and food grains are being provided under the programme to generate additional supplementary wage employment and to create productive assets in these 150 identified districts. The Programme is also a move towards wage employment guarantee. It is an experiment, which if successfully carried out, will give the government the necessary confidence to take responsibility for providing wage employment guarantee, initially in these 150 identified districts under the Sampoorna Grameen Rojgar Yojna and later, gradually in the remaining districts of the country are now being identified with the NREGA.

The NREGA scheme in Uttaranchal is pronounced as Uttaranchal Rural Employment Guarantee Scheme or UREGS. Of the 13 districts in the state of Uttaranchal, three districts namely Chamoli, Champawat and Tehri Garhwal were chosen in the first phase of NREGA in Uttaranchal. As the scheme progresses all the remaining 10 districts will be covered under UREGS. There are basically in all 95 blocks in 13 districts of Uttaranchal. In the initial phase the scheme is running in 22 blocks of three NREGA districts the following district have been identified:

1. *CHAMOLI: DASHOLI, DEWAL, GAIRSAIN, GHAT, GOSHIMATH, KARANPRAYAG, NARAYANBAZAR, POKHRI THARALI*
2. *CHAMPAWAT: BARAKOT, CHAMPAWAT LOHAGHAT PATI*
3. *TEHRIGARHWAL : BHILANGANA, CHAMBA, DEOPRAYAG, JAKHNIDHAR, THAULDHAR, JUANPUR, KIRTINAGAR, NARENDRANAGAR, PRATAPNAGAR,*

Table No. 6 Implementation Status of NREGA (as on 10-4-2006)

Sl. No.	Name of Distt.	OB on 1/4	Job Cards issued	Households demand	Employment demanded	Household provided employment	Employment provided	Works started	Expenditure incurred	Estimated cost of employment
1	2	3	4	5	6	7	8	9	10	11
1	Tehri Garhwal	891.66	70555	48*	48*	48*	48*	0**		3.59***
2	Chamoli	520.23	52712	1774	1774	1058	1058	46	0.9	30.67****
3	Champawat	136.14	22902							
Total		1548.03	146169	1822	1822	1106	1106	46	0.9	34.26

The data shows that the schemes under scrutiny have been implemented, though not in its full strength. One of the reasons behind it could be that the state is newly formed and is still to stabilize, or that due to its geographical features it is difficult to apply any plan into action.

DISPLACEMENT AND REHABILITATION

Displacement and Displaced can be categorized into two. Internally Displaced Persons (IDP) among other forms of forced migrants, through a constant comparison with refugees. It then draws attention to the neglected category of the Development-Induced Displaced (DID) and argues for their rightful position within the category of IDPs drawing particular attention to the situation of DIDs in India to validate this claim.

In India, if causal factors are restricted to dams, mines, wildlife sanctuaries and industries then the conservative estimate of the number of people displaced from 1950-1991 is about 2,13,00,000. In 1994 the government of India admitted that 10 million people displaced by dams, mines, deforestation and other developmental projects were still 'awaiting rehabilitation', a figure regarded as very conservative by most independent researchers. In the very topic of livelihood, both the issues on displacement and rehabilitation fall. In this context perhaps the biggest example would be TEHRI DAM displacement and the rehabilitation of the affected.

The historic Old Tehri, the former capital of Tehri kingdom, celebrated its 190th birthday on December 28 2005. Ironically, by then the town had become a water body in the very Bhagirathi River on whose banks Maharajah Sudershan Shah of the Tehri dynasty built it in 1815. In just less than two centuries, the town is being wiped out of the map thanks to the construction of the 2400 MW Tehri project, Asia's highest dam.

And it is not a question of just one town. Along with it, there are nearly 125 villages, which are also fully or partially affected by the mega project that had already uprooted a population of more than 1.5 lakh in Tehri and its adjoining areas. Malideval, Sarain, Paddiyar are some of those villages which would take a little less than one month before they are submerged by Bhagirathi reservoir. Very little help is coming from the administration, which had issued a warning asking the villagers to leave the area.

Pratap Nagar having a population of 1.5 lakh is another block, which will be cut off once the connecting bridges like Bhaldiyana get submerged. The area will now become nearly 80 to 100 Kms away from the district headquarters from the present distance of 20 Kms. Says Phool Singh Bist, the local MLA from Pratap Nagar: "The biggest tragedy is that the state government has not announced any plan to reconnect our block. Even if the construction work of new bridges starts today, it will take a very long time." It is for some areas in Uttarkashi district, which are also likely to cut off from the Tehri-Gangotri Highway, a portion of which is getting submerged. "Not only the people of Tehri have suffered. People of Pratap Nagar and Uttarkashi district are also feeling the heat," says Jot Singh Bist, a local Congress leader, who is fighting with his own government over the rehabilitation issue.

While the government claimed that most of the dam oustees have been rehabilitated, hundreds of villagers are still waging their last battle over the vexed rehabilitation issue. "All those people you are talking about have already taken the compensation," says an official of the Directorate of Rehabilitation.

Interestingly, the state government took no time in shutting down the T-2 diversion tunnel but is now dillydallying in announcing a new rehabilitation package for the people in Pratap Nagar and Uttarkashi areas. "Before the closure of the T-2 tunnel, the government should have announced a comprehensive package for the remaining rehabilitation work," says Anil Joshi, a social activist.

UTTARANCHAL NEWS : August 2005

Tehri Dam Displaced still Await Rehabilitation and Compensation 30 Aug 2005, By Atul Chauhan

As the first phase of a controversial dam in Uttaranchal nears completion, displaced villagers have accused the state authorities of not giving them enough compensation.

The Tehri Dam : The Tehri Dam in Tehri district of Uttaranchal on Bhagirathi River, the main tributary of the Ganges, will be the world's fourth biggest dam when completed. The multi-purpose dam is being built by the Tehri Hydro Development Corporation and is the world fourth biggest dam. The project was started way back in 1976 as a joint venture between the federal government and the then Uttar Pradesh state government.

Estimated to be built at five billion rupees initially, the cost of the dam has since escalated by more than 10 times. Almost 42 billion rupees have been spent on the project, which when completed, will generate 2,500 megawatt electricity. It will also control floods in the downstream plains and provide water to irrigate 270,000 hectares of land.

Environmentalists and scientists have been opposing the construction of the 260-metre high dam, as they say it is coming up in an earthquake-prone area.

The Tehri Dam project, which has entered its 28th year, has displaced about 100,000 people, many of whom say they are still homeless, despite the government's claims of providing them with adequate rehabilitation and compensation. Residents of most of the areas, which have been partially or completely submerged, have been protesting against a new township, saying it does not have adequate facilities like schools and markets. A new power grid, which is expected to be operational by the end of this year, would submerge many other villages in Old Tehri, pockets of which are still inhabited. The opposition BJP has taken up the cudgel of the dispossessed, and accused the ruling Congress party of red tape.

In 2002 we had almost cleared the area but then the Congress government came to power and since then the process has stopped due to the lack of interest of the government and red tape. The Congress government has been working only to rehabilitate Congressmen. It is working to provide them with facilities, the chief of the BJP Uttaranchal unit, B.S Koshyari, said. But the ruling Congress party said the state has decided not to make the project operational till the villagers were compensated. We discussed this issue with the chief minister, who has decided to stall the closure of tunnel till the time the villagers are not provided with proper solutions, said Harish Rawat president of the state Congress unit.

However, the displaced people said the rehabilitation package was getting delayed because of bureaucratic apathy. The rehabilitation process is stuck, as there is an unequal distribution of money. People who have come from outside are getting full compensation, but people who should actually receive the money are not getting the money. It is all because of bribes. We are waiting for developments from the governments end, said Vikram, a villager. Authorities claim that over Rs.10 billion (\$2.3million) have already been spent on rehabilitation of the displaced villagers so far. The multi-purpose dam is being built by the Tehri Hydro Development Corporation and is the world fourth biggest dam. The project was started way back in 1976 as a joint venture between the federal government and the then Uttar Pradesh state government.

Estimated to be built at five billion rupees initially, the cost of the dam has since escalated by more than 10 times. Almost 42 billion rupees have been spent on the project, which when completed, will generate 2,500 megawatt electricity. It will also control floods in the downstream plains and provide water to irrigate 270,000 hectares of land. Environmentalists and scientists have been opposing the construction of the 260-metre high dam, as they say it is coming up in an earthquake-prone area.

News Source: <http://www.newkerala.com/>

Most of the people, who were rehabilitated elsewhere, still grumble about the inadequate civic amenities in the places where they reside now. "We were robbed of our homes. But in return, we got nothing," says Virendra Dutt Saklani, who had settled down in New Tehri perched on the top of a steep hill overlooking the Old Tehri town. Cold winds every evening make life miserable for these settlers in New Tehri where there is an acute paucity of basic amenities like drinking water.

Several irregularities in the rehabilitation process came to light. "Those who were influential got the maximum. But for the poor people, compensation was a minuscule one," says Shoorvir Singh Sajwan, a local leader.

For nearly 100 families who settled on the outskirts of Dehra Dun, pangs of dislocation continue. These dam oustees residing in Athoorwala and Bhaniawala areas are facing their second dislocation in less than 20 years. Out of the frying pan, they are literally into the fire again. These people were given land in these two areas in lieu of their homes in Tehri but the expansion of Jolly Grant airport is threatening to uproot them one more time. "Nowhere else you will see people uprooted twice in their life-time," laments Surya Kant Dhasmana, Uttarakhand State NCP President.

The dam will be ready for commissioning in March-April next year, which the project authorities believe would usher in prosperity in the northern region. "Besides, producing 2400 MW of power, this project will also provide water for irrigation and drinking purposes for the people of Uttar Pradesh and Delhi," says S C Shukla, General Manager THDC, the implementing agency of the dam. Yes, Tehri project may be providing electricity and drinking water to people elsewhere in the country but at whose cost? Is that what development means? Moreover, do we really need big dams? While this debate continues, the moot question is who cares about the woes of the dam oustees.

UTTARANCHAL NEWS : February 2005

Chamoli Residents Await Rehabilitation Six Years After the Quake, Chamoli (Uttarakhand), Feb 16
People in Chamoli district have still not got over the after affects of the earthquake which hit the area almost six years ago. Locals say that they are still awaiting rehabilitation or compensation from the government. Almost 90 percent of the semi-urban areas were destroyed and at least 100 people killed in the earthquake. They say tall promises were made to them after the devastation struck in 1999, but till now not even half the compensation money has reached them. "We have received only two installments of our compensation money. Once we got 500 rupees, next time 6,000 rupees while we were promised 25,000 each after the disastrous earthquake. Earlier we used to inquire about the rest of our compensation but now we have given up hope," said an agitated Deen Dayal Bisht.

Mangala Devi, who lost her mother and sister, said they have only received 25,000 rupees against the promised one lakh. "They had announced that they would give us 100,000 rupees as compensation as we were staying in makeshift tents after we lost everything in the earthquake. But five years down the line, we have received no help," she said.

On the other hand, the authorities claim that they have already distributed 132.5 million rupees as compensation to the affected families and are awaiting the release of 675 million rupees from the government. "According to the availability of the funds the affected families have been given two instalments. There are some families, which were to receive a relief amount of 25,000 rupees, and some out of these have been given the first instalment of 12,500 rupees. Many families have been given first instalment of 12,500 rupees," said Ajay Nambiyal, District Magistrate, and Chamoli.

Chamoli and Rudrapur districts in the Himalayas were the worst affected in the earthquake measuring 6.8 on the Richter scale. The quake was felt across many parts of northern India, western Nepal and southern China. (ANI)

News Source: <http://www.newkerala.com/>

RIGHT TO EDUCATION

The State Government is implementing several programmes for ensuring universalisation of Elementary Education in the State. These include Sarva Shiksha Abhiyaan (SSA), District Primary Education Project (DPEP) and Kasturba Gandhi Balika Vidyalaya (KGBV). There are several sub-programmes within SSA and DPEP such as National Programme of Education for Girls at Elementary level (NPEGEL), Integrated Education for the Disable children (IED), Education Guarantee Scheme (EGS), Computer Aided Learning Programme (CALP) and Innovative schools for Education (AIE)

Table No. 7 District wise Population and Literacy rates by sex (Census 2001)

S. No.	State/District	Population 2001			Literacy Rate			Gender Gap
		Persons	Male	Female	Persons	Male	Female	
	UTTARANCHAL	8479562	4316401	4163161	72.28	84.01	60.26	23.75
1	UTTARKASHI	294179	151599	142580	66.58	84.52	47.48	37.04
2	CHAMOLI	369198	183033	186165	76.23	89.89	63.00	26.89
3	RUDRAPRAYAG	227461	107425	120036	74.23	90.73	59.98	30.75
4	TEHRI	604608	294842	309766	67.04	85.62	49.96	35.66
5	DEHRADUN	1279083	675549	603534	78.96	85.87	71.22	14.65
6	PAURI	696851	331138	365713	77.99	91.47	66.14	25.33
7	PITHORAGARH	462149	227592	234557	76.48	90.57	63.14	27.43
8	CHAMPAWAT	224461	110916	113545	71.11	88.13	54.75	33.38
9	ALMORA	630446	293576	336870	74.53	90.15	61.43	28.72
10	BAGESHWAR	249453	118202	131251	71.94	88.56	57.45	31.11
11	NAINITAL	762912	400336	362576	79.60	87.39	70.98	16.41
12	U.S. NAGAR	1234548	649020	585528	65.76	76.20	54.16	22.04
13	HARIDWAR	1444213	773173	671040	64.60	75.06	52.60	22.46

Source: Census of India 2001

Literacy, which is the first and foremost factor contributing directly to human resource development and quality of life, Uttaranchal has 14th position in the country. With the help of various government interventions there has been significant progress in the field of education in Uttaranchal. Now the State Government claims to be putting efforts for addressing the “quality” aspect of education. Literacy percentage of the state is 72.28 against all India average of 65.38. Male and female literacy rates are 84.01 percent and 60.26 percent against the all India figures of 75.85 percent and 54.16 percent respectively. Census data of 2001 shows that the gender gap is still an issue to be addressed in Uttaranchal, wherein focused interventions are required especially in the Cities and farthest habitations.

Following table gives a comparative picture of literacy rate of Uttaranchal, vis-à-vis major states of the country.

Table No. 8 Literacy Rates as compared to some major states

(% of literates ages 7 years and above)

States	OVERALL		
	Total	Male	Female
Kerala	90.92	94.20	87.86
Uttar Pradesh (from which UA was carved out)	57.36	70.23	42.98
Bihar	47.53	60.32	33.57
Uttaranchal	72.28	84.01	60.26
India	65.38	75.85	54.16

Source: Census of India 2001

The table below shows that there are a number of children in the State who have never been enrolled in to schools. They are termed as the “Missing Children” whereas other are as they term it Dropouts, be it seasonal or complete dropouts

Table No. 9 Out os School Children

Never Enrolled			Drop Out	Grand Total
Boys	Girls	Total		
834	876	1710	13854	15564
906	1727	2633	12595	15228
1740	2603	4343	26449	30792

Status of Elementary Education Institutions in Uttranchal (March 2006)

Table No. 10 Elementary Education Infrastructure (March 2006)

school	Primary School	Upper Primary School	High School	Inter College
Government/Parishadiya	11916	2994	544	733
Aided	12	227	51	222
Recognized	3008	1012	178	57
Unrecognized	478	125	NA	NA
Total	15414	4358	773	1012

Though the statistics display a fairly good condition for a newly formed state, but the inside story is a bit different.

Teacher pupil ratio: The reported PTR is 1:40, which is the state norm, but this camouflages the actual class sizes, which can range from classes in hill areas of 1:10-15 to 1:109 in the plains. In the schools visited the range was from 1:51 to 1:109 in one School and 1:31 to 1:66 in another. There is a significant shortage of teachers in the schools with 5413 posts of regular teachers vacant in the state and 2111 posts vacant in the project districts. The state is trying to address this issue. A total of 1100 posts of para teachers have been created under the project. Of these 730 are trained and posted in schools.

Classroom practices and pedagogy: Uttaranchal is in a peculiar geographical situation so that it has two distinct constituencies the large classes in the plains and the small multigrade schools and EGS in the hills. The approach to pedagogy needs to take this variation into account. While for multigrade the Kunjapuri model has been experimented with in some blocks the experience needs to be systematically evaluated and scaled up, if found effective. For the large classes in the plains' the classroom practice was still seen to be traditional rote memorization with high noise volume and limited time on task.

GIRL CHILD

A study was conducted by Mahila Samakhyia in 2004 in 230 villages in 5 blocks in Tehri Garhwal, The programme has expanded in the state and is now in the four districts of Tehri Garhwal; Pauri Garhwal; Nainital and Uttarkashi and covers 980 villages in 14 blocks on the ongoing efforts of the Sarva Shiksha Abhiyaan under the National Programme of Education of Girls at the Elementary Level (NPEGEL).

The approach of the programme has been to implement it in a minimum of 200-250 villages in a district to ensure a critical mass of villages in each district. The expansion of the programme has happened both through formal mechanisms and in informal ways. The four districts where the programme is currently being implemented have the largest number of the blocks where the status of education of girls is poor. In Tehri district all the blocks have been identified under NPEGEL. While for Uttaranchal state the female literacy rates are above the national average but there are pockets especially in remote hill areas where this is still a problem. The state has a wide gender gap in the literacy level. This is a matter of concern and the Mahila Samakhyia through its programme interventions could narrow these differences.

It was noted that Specific indicators like female literacy, low enrolment and participation rates of girls at school, poor completion rates at primary, upper primary and secondary level of education for girls, poor health status of women, lack of basic amenities of water, electricity and roads and nonperformance of the government structures to deliver basic services of health, education, public distribution, could be considered. Such pockets may be mostly remote areas of a block and with negligible presence of community based organizations. The government concern and sensitization has been adequate as they are implementing a number of programmes to address this issue. Schools have also opened in the remote areas.

The essence of the programme has been collective action on issues that affects the lives of women in their families, in the village and at a societal level Whether it is the issue of management of forests, fighting the problems of alcoholism or exerting pressure on the local administration so that those deserving are able to access the benefit of schemes frothier development. In some villages the Sangha women apart from addressing issues of education, health and social injustice are also involved with innovative projects like organic farming. Involvement of women in

such activities, which also impact the financial status of the family, has improved their status within the village.

Table No. 11 Female students identified & enrolled in primary education

SSA		
IED Progress (August 2005-06)		
SL. No.	District	Identification & Survey (Enrolled Female)
1	Uttarkashi	964
2	Tehri	755
3	Haridwar	1194
4	Champawat	232
5	Bageshwar	263
6	Pithoragarh	693
7	Dehradun	1129
8	Pauri	650
9	Chamoli	548
10	Rudraprayag	737
11	Nainital	676
12	Almora	470
13	U.S.Nagar	879
	Total	9190

DIASBLED CHILDREN

The government and its non-governmental associates in the state recognize the need to socially rehabilitate the disabled children and cater to their needs.

The NHRC is deeply concerned about the fact that people with disabilities face various forms of discrimination, social exclusion and marginalization. The Commission has therefore taken several initiatives to protect the rights of the disabled. Notably, the NHRC has been redressing individual complaints from NGOs and others; the Commission reviewed relevant legislations and made recommendations for improvements thereon; it has successfully championed the need to enumerate the disabled in Census 2001. It has made recommendations to both Union Ministers and Chief Ministers of all States and Union territories requesting them to evolve a State Disability Policy and Plan of Action, to provide social security, employment opportunities, rehabilitation, and barrier-free infrastructure to benefit the disabled. In addition, the Commission has been taking steps to spread awareness of the rights of the disabled through publications, besides undertaking research studies. The Commission has been advocating the need for a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights of Persons with Disabilities.

RIGHT TO HEALTH

National Human Rights Commission has tried to link the issue of health to that of human rights. When linked together, more can be done to advance human well being than when health, and human rights, are considered in isolation. The Commission constituted a Core Advisory Group on Health, comprising of eminent medical experts with a request to prepare a plan of action for

systemic improvements in the health delivery systems of the country. The Commission organized three major national consultations on maternal anemia, human rights and HIV/AIDS, and access to healthcare. Based on these consultations, detailed recommendations have been sent to the concerned authorities. Furthermore, the Commission has also been working on issues like sub-standard drugs and medical devices, illegal trade in human organs, emergency medical care, and fluorosis. In partnership with Jan Swasthya Abhiyan, between July to December 2004, the Commission is organizing five regional and one national public hearing on access to healthcare.

When linked together, more can be done to advance human well being than when health, and human rights, are considered in isolation. The Commission constituted a Core Advisory Group on Health, comprising of eminent medical experts with a request to prepare a plan of action for systemic improvements in the health delivery systems of the country. The Commission organized three major national consultations on maternal anemia, human rights and HIV/AIDS, and access to healthcare. Based on these consultations, detailed recommendations have been sent to the concerned authorities. Furthermore, the Commission has also been working on issues like sub-standard drugs and medical devices, illegal trade in human organs, emergency medical care, and fluorosis. In partnership with Jan Swasthya Abhiyan, between July to December 2004, the Commission is organizing five regional and one national public hearing on access to healthcare.

Immunization has played a major part in reducing childhood morbidity and mortality worldwide. Knowledge of vaccine coverage and reasons for poor uptake are essential for the achievement of herd immunity.

An observational study was carried out in September 2003, in 10 villages in the Vikas Nagar area around Herbertpur Christian Hospital in Uttarakhand, North India aimed to assess vaccination rates and potential socio-cultural, economic and religious influences on vaccine uptake. Age range of children included was 9 months to 6 years.

The overall primary immunization rate was 77.2%, children receiving the first booster were 73.1% and children receiving the second booster were 58.4%. The most common vaccinations to be missed were the diphtheria, pertussis, and tetanus at 18 months and diphtheria, tetanus at 5 years. Measles was the most frequently omitted vaccination in the primary course (19.4%). Poor education was the most frequent reason given by parents for failure to vaccinate. Immunization rates did not differ according to gender of the child. A lower immunization rate was found in Muslim families (65.4% primary) compared with Hindu (85.2%). Parental literacy had a beneficial effect such that up to 20% more children were immunized. These results highlight the potential importance of literacy, and religious or cultural influences on the success of the Expanded Programme of Immunization, and will have important implications for areas with similar cultural demographics.

NUTRITION

Uttarakhand, on the other hand, has severe nutrition problems: it is the state with the lowest per capita milk intake in the country. In 1998-1999, only 22% of the births in Uttarakhand were attended by a professional, while in Goa 91% were. In addition, Uttarakhand's dropout rate at the primary level is a staggering 52.53%, whereas Goa's is a mere 8.58%.

A baseline survey carried out by CHIRAG in Uttarakhand indicated that health care was among the most important needs expressed by the local people. The health service infrastructure in rural Uttarakhand is poor. Such government facilities as are available provide only skeletal services of the most elementary kind. Consequently, health care has, for over 15 years, been a priority area for CHIRAG. Through two rural health centers, the overt demand of the local populace for community and hospital services is partially met. Given limited resources, and the context of a tradition oriented society wherein daily life is governed by customary practices,

efforts are directed towards causes of ailments as much as their symptoms. Women, much more than men, are kept custom bound with associated rituals related with dietary, sanitation and other living habits. CHIRAG deploys resources that it is able to raise, in the priority area of reproductive health and mother and child care apart from its overall focus on general medicine.

Table No. 12 Health care indicators in Uttranchal

S.N.	District	% of girls marrying below eighteen years	% of births of order 3 and above	CPR	Unmet need	% of Preg. Women with ANC	% of Preg. Women with full ANC	% of Institutional delivery	% of Safe Delivery	% of child with complete immunisation	% of child with no immunisation	% of female with symptoms RTI/STI	% of male with symptoms RTI/STI
1	Almora	14.0	46.4	41.7	36.3	40.4	17.3	11.9	53.8	78.4	8	39.2	5.9
2	Chamoli	7.8	50.6	51.5	29.6	42.4	17.1	11.8	43.8	80.2	8.2	44.8	7.7
3	Dehradun	14.2	49.1	49.4	33.4	69.7	35.1	38.9	87.9	64.9	9.3	25	11.9
4	Hardwar	12.5	56.5	39	23.2	40.5	17.4	23.5	55	48.2	30.1	47.4	20.5
5	Nainital	9.5	50.9	40.5	41.3	46.2	16.9	19.3	55.7	81.6	6.9	40.6	6.6
6	Pauri Garhwal	6.7	50.8	49.9	36.5	51.7	23.3	18.6	56.4	78.5	5.1	25.3	10.0
7	Pithoragarh	22.8	47.6	43.3	34.9	49.1	19.5	12.7	41.6	79.2	5.3	33.9	4.8
8	Tehri Garhwal	13.1	50.3	41.3	23	34.8	15.6	13.2	43.5	66.5	12.9	56.5	19.1
9	Udhamsingh nagar	28.2	53.8	47	20.3	37.6	12.4	18.1	37.2	66.7	15.4	48.2	10.6
10	Uttarkashi	17.1	54.8	48.5	29.7	41	16.7	12.7	51.4	50.2	26.3	21.7	9.7
	Total of all above	145.9	513.8	452.1	310.2	453.4	191.3	180.7	526.3	694.4	127.5	382.6	106.8
	Average for state	14.59	51.08	45.21	31.02	45.34	19.13	18.07	52.63	69.44	12.75	38.26	10.68

HIV/AIDS

Deeply concerned about the need to protect the human rights of those affected/infected by HIV/AIDS, the Commission has been redressing individual cases relating to discrimination faced by them. It has organized a national consultation on this issue and made recommendations to concerned authorities on issues like consent, testing, respect for confidentiality, protection of vulnerable groups, prevention of mother-to-child transmission, etc. It has also launched a multi-media campaign to disseminate information on human rights and HIV/AIDS to various target groups. A Member of the Commission has been designated to serve as the Focal Point on HIV/AIDS related matters.

The number of new HIV infections for the year 2004-05 has increased by only about 28,000 as against 5.2 lakhs the last year. The total HIV infection figure now stands at 5.134 million in comparison to 5.106 million reported in 2003-04.

Topping the list of "high prevalence States" was Andhra Pradesh, Maharashtra, Karnataka, Tamil Nadu (stable since last year), Manipur and Nagaland while "medium prevalence States" included Goa, Gujarat and Pondicherry. The list of "highly vulnerable States" has Assam, Bihar, Delhi, Himachal Pradesh, Kerala, Madhya Pradesh, Punjab, Rajasthan, Uttar Pradesh, West Bengal, Chhattisgarh, Jharkhand, Orissa and Uttranchal in it.

Health Minister of Uttaranchal Tilakraj Behad has revealed for the first time the AID statistics from the newly formed state on October 2005. There were 48 AIDS patients and 343 HIV positive cases in the state. The health Minister said: 'AIDS is spreading in the state mostly by infected drivers who are coming from other states.'

There are now 16 voluntary consultation centers and many NGOs working in the state thanks to the grant of 3.26 Crore for managing and creating awareness about the disease. Mr. Behad revealed that out of thirteen districts in the state at least ten are vulnerable to AIDS. He added that out of 48 AIDS patients 28 belonged to Uttaranchal, 17 to Uttar Pradesh, 2 to Himachal Pradesh, and one to Punjab.

The impact of HIV/AIDS on children is seen most dramatically in the wave of AIDS orphans that have now grown to 15 million worldwide. The death of a parent pervades every aspect of a child's life, the report finds, from emotional well-being to physical security, mental development and overall health. But children suffer the pernicious effects of HIV/AIDS long before they are orphaned. Because of the financial pressures created by a caregiver's illness, many children whose families are affected by HIV/AIDS, especially girls, are forced to drop out of school in order to work or care for their families. They face an increased risk of engaging in hazardous labour and of being otherwise exploited. HIV/AIDS is not only killing parents but is destroying the protective network of adults in children's lives.

HILL WOMEN CAUGHT BETWEEN POVERTY, RISK OF HIV/AIDS

Inter Press Service - July 18, 2002; Sudeshna Banerjee

DEHRA DUN, India, Jul 18 (IPS) - Rangeeli collected more than 10,000 dollars as bride price for her fourth marriage and the groom had to sell off his apple orchards to raise the money that must, by custom, be paid to her last husband. This is not part of the plot of a Victorian novel, but an everyday happening among the Jaunsari tribals who live in the Jaunsar- Bawar region of India's northern Uttaranchal state. The Jaunsaris regard themselves as the descendants of the Pandavas, a fraternally polyandrous family that were the heroes of the ancient Hindu epic 'Mahabharata' and like their supposed ancestors have fewer sexual inhibitions than do modern-day Indians. For the modern-day descendants of the Pandavas, remarriage and divorce are commonplace, particularly among those belonging to Rangeeli's Kolta caste. A woman can divorce her husband by paying anything upwards of 800 dollars in front of the 'panchayat' (village local body) as 'alimony' to her husband and get married to another man of her choice. But Jaunsari marriages are expensive and call for the slaughter of as many as 40 goats, and not everybody has apple orchards to sell off to meet huge wedding expenses.

Bank credit is unheard of in these remote, neglected hill tracts and whether for wedding or for other contingencies, such as illnesses, the villagers look to the local landlords who give out money at usurious rates. So the lavishness of a wedding is usually followed by entire families reduced to bonded labour in the upper caste landlord's fields. It then falls on the unfortunate woman to deliver the family out of bondage and this means going down into the dusty but prosperous towns of Meerut, Saharanpur and Haridwar, where money can be made through selling sex -- against which there are few taboos among the Jaunsaris.

In his 1994 book 'Hindus of the Himalayas', Gerald Berreman, anthropology professor at the University of California, noted that throughout North India, the hills have been regarded as a source of prostitutes, sought after for their beauty and lack of inhibition. All of 15, Sonia has few regrets about having taken to sex work in Meerut, a bustling town about 100 km north of Delhi on the highway leading into the Uttaranchal hills.

While no reliable record of HIV/AIDs in the region is available, the high incidence of STDs and low general awareness on hygiene and family planning are a matter of concern for some of the 43 voluntary organizations that work in these parts. "People here may be sexually uninhibited but they do not like to discuss their customs and practices with strangers and people outside their community," says a voluntary worker who was particular that neither he nor his organisation be identified. This year, the government

began a survey on the type of diseases prevalent in the area. But Mira Shiva, a well-known public health expert familiar with Uttaranchal and is a director at the Voluntary Health Association of India (VHAI), said long-untreated reproductory tract infections are common among the women.

Most voluntary workers said that the government urgently needed to stop pimps and procurers from exploiting poverty and unemployment to recruit young girls for sex work in the plains, often using women who are already in the trade as decoys. Investigations have revealed that government officials lend patronage to the lucrative trade. Village fairs particularly are a time when women involved sex work go back to their villages and help lure fresh recruits. And then it could be a matter of choice for the girls. "I never liked it in the village especially those times when the landowner would ask my mother-in-law or my husbands to send me up to him at nights," recalls Sonia. Sonia's husband got about a thousand dollars with which the family freed themselves from bondage to the landowner. "Life has changed for me. I can afford a lifestyle at my own choice, with much less work and people respect me," Sonia says with pride.

Although 70 percent of the population lives below the poverty line it is not only poverty and untouchability that fuels trafficking in the hills. It appears to be more of a socio-cultural and psychological phenomenon and in fact, 50 percent of girls and women trafficked from these areas belong to upper caste families

While the community is open about marriage and divorce, there is little awareness of reproductive health. Researchers attribute poor community health to sheer ignorance and the failure of officialdom to do anything about it. Investigation on 481 households among the Jaunsaris carried out 10 years ago by Dr S K Basu, head of the department of population genetics and human development at the National Institute of health and Family Welfare, found infant mortality rate in these areas to be as high as 79.64 per thousand live births. Updates are yet to be made available by the census department.. There is even now only one primary health centre (PHC) for a population of 24, 000 in the Jaunsar-Bawar area. Overall in Uttaranchal, most PHCs lack infrastructure and doctors are reluctant to work in the remote state. Several government agencies and some 40 voluntary organisations exist in the area, but their work is confined mostly to distributing free condoms with little real work done to create awareness in such basic areas as discouraging child marriage although it is illegal.

INFANT MORTALITY RATE

Infant Mortality Rate (the probability of not surviving by age one) is one of the sensitive indicators of development. It is one of the key indicators from the programme point of view. Reduction of IMR has been accorded high priority in improving the health situation of the population. The National Population Policy, 2000 aims at a reduction of IMR to less than 30 by 2010. The Millennium Declaration aims to reduce infant mortality by two thirds from its current level. A reduction in the IMR depends on both exogenous and endogenous factors such as medical assistance at delivery, nutritional level, and health of mother as well as care during and after delivery.

According to the study conducted by Reproductive and Child Health Survey in 2001, the following districts of Uttaranchal were identified as low, medium and high IMR Distts.

Table No. 13 IMR in Uttranchal Distt.

State	Low in IMR	Medium in IMR	High in IMR
Uttaranchal	Almora	Nainital, Dehradun Tehri Garhwal, Garhwal (Pourigarwal), Udham Singh Nagar, Pithoragarh, Uttarkashi, Bageshwar, Hardwar, Chamoli	Rudraprayag, Champawat.

Uttaranchal has improved its position in the field of IMR. IMR (total) and IMR (urban) is much lower than all India average as is evident from the following table:

Table No. 14 Estimates of IMR, 2002

State	Total	Rural	Urban
Uttaranchal	41	62	21
Himachal Pd.	52	63	28
All India	63	69	40

UTTARANCHAL NEWS : January 2005

Less than one-fifth of the babies in Uttaranchal are delivered in hospital, a pointer to the poor access to healthcare that women have in the state, according to an NCW study. Only 51.2 per cent of the deliveries in 2004 were 'safe' and just 18.1 per cent of the babies were delivered in hospital, according to 'A Situational Analysis of Women and Girls in Uttaranchal' released recently.

OTHER ISSUES OF CONCERN

Migration

Uttaranchal has suffered from the drain of out-migration since soon after the beginning of the rule of the British Raj. Because new restrictions were placed on access to the forest, a main source of livelihood vanished from the Pahari people's culture. The men felt the necessity of migrating out of their home villages in search of a livelihood. The women stayed behind and tended to their traditional work: family and agriculture. With the introduction of the cash economy, even greater pressure was put on the men to migrate in search of higher wages. Though migration to cities outside of Uttaranchal is a problem, according to the 1961 and 1981 Census Reports, in 1961 and 1981 the number of people migrating into the Uttaranchal area was greater than those leaving. Data shows that 1.9% and 3.0%, respectively, of the population was migrating in to the region. When the data is broken down further, it is clear that this is due to people migrating to the urban centers. The cities of Dehradun and Nainital drew in a disproportionate number of people from surrounding areas. Rural-urban migrations continue to be a problem for the region today.

ENVIRONMENTAL DEGRADATION

Uttaranchal currently is suffering from its own environmental crisis. The existing regulations of pilgrimage, national parks and commercial logging perpetuate the degradation of the environment. The pilgrimage season is brief (May-September) and attracts several thousand pilgrims. The influx exceeds the carrying capacity of the area in several ways. There is a lack of adequate accommodation (many people pay to sleep in offices or stores), transportation and sanitation facilities (the Ganga River is used as place to wash, drink, and dispose of waste). The masses of traveling people necessarily create pollution, with the strain on the infrastructure creating additional environmental problems, as roads, vehicles, and other facilities are overused, breakdown, and create more pollution. There are some studies underway to determine the effects of pilgrimage on the environment. The Uttaranchal Environment Protection and Pollution Control Board (EPPCB) detects and records the ambient air and water quality, and is currently planning a project to assess the effect that mass bathing, which occurs as a religious

ceremony every six years in Uttarakhand, has on the environment. However, the pilgrimage industry is so lucrative, and the people so dependent on it, that instituting and maintaining regulations is very difficult. Deforestation is another major environmental problem the Paharis face. As discussed earlier, deforestation is related to a loss of cultural integrity for the people of Uttarakhand. This phenomenon is also a serious environmental hazard. Since colonial times the forest has been exploited for commercial purposes. The decrease in forested area has led to a host of problems. Without a strong root system in place on the hillsides, erosion and landslides become common occurrences. Without a canopy and a root system, the soil becomes more compacted, and less water can infiltrate the ground, causing increased runoff, erosion, the likelihood of floods and the lowering of groundwater tables. Historically, the economic situation of Uttarakhand has left it little room to consider the environmental consequences of such industries as logging and pilgrimage.

However, with an increase in landslides, forest fires, and problems with air and water quality, as well as the world's growing knowledge of the importance of a clean environment, Uttarakhand has given more attention to this factor. Numerous laws to protect the environment have been passed, and government organizations have been formed and changed keeping the environmental standards in view.

CONCLUSION

The Protection of Human Rights Act, 1993, though allegedly suffering from many inadequacies brought the human rights regime in the country at par with international standards. The Act is premised on the mutually reinforcing character of efforts that are to be made by the National Human Rights Commission and the government both at the centre and the states. Many state governments have respected the mandate and created infrastructure to buttress the ideal of human rights. At the same time, many states have failed to grasp the spirit and intention of the Act, resulting in poor enforcement and monitoring.

Uttaranchal became the 27th state of India in 2000 and is among one of the states which is yet to have a human rights monitor in the form of State Commission. The state is apparently quiet and having controlled law and order situation, possibly one of the most potent arguments put forward for not having proceeded with the formation of state Commission. However, it is argued that State Human Rights Commission will enlarge the panorama of human rights beyond law and order issues. The issues of food security, health services, education, and rights of women, tribals and children are seldom considered human rights emergencies in the administrative parlance. A state commission will sanitise and sensitize the administration towards these aspects and cause these issues to be observed through the lens of human rights.

The attempt to profile human rights in the state came across many issues of grave concern. As regards children there is progressive decline in the sex ratio in the 0-6 age-group from 976 in 1961 to 927 in 2001. The gap is the minimum in the 6-11 years age group where boys outnumber the girls only by 1000. Uttaranchal is known to be sending out a large number of child labour in 'domestic services' both household and hotel/restaurant including 'dhabas'. The 'runway children' is a common phenomenon in the region. The NHRC too, has identified existence of child labor and bonded labor in the state. Child trafficking and prostitution are on the rise and the crime against children has been spiralling.

Crime against women has steadily increased. The most gruesome of them is of inflicting rape, which is followed by threat to life, and also blame. There are also even today astounding figures of dowry deaths. Apart from these there is the problem of domestic violence and crimes such as witch hunting and community abandoning due to reasons of viewing thoughts. Discrimination against women is also rampant outside the house even today women are not paid equal to men during daily wage labour.

The creation of state of Uttaranchal essays the culmination of tremendous struggle by the tribal and indigenous populations. Their demand was that their needs and traditional rights have been ignored. Surprisingly even after the creation of a separate state, these demands are yet to be redressed. The tribals still live in their own country as refugees. The Commission will save the aspirations of these people from being belied.

Another very prominent issue was the lack of disaggregated data with the state departments. Even after six years of formation the departments and respective ministries are yet to have systematic data. This must be hampering development planning to a large extent.

The state yet has no nodal agency primarily responsible to look after the upkeep of human rights. What is further alarming that human rights lacks focus and is not an agenda of public discourse.

The government is sceptical about having the commission and many officials interviewed doubted the necessity of a Human Rights Commission for the state. They feel that the state is apt for handling these problems. But the question arises that if so then why does the state yet does not have a police force stationed at the borders knowing of regular infiltrations? Why are crime rates increasing alarmingly? Why does the state not have proper infrastructure to provide the basic amenities to all its residents? Why is the existence of the tribes at stake?

Human rights violation is and will continue to take place if left unchecked. Thus there is a need of a nodal monitoring agency, which will probe into the violations and prohibit their further occurrence. This report is an appeal to the state functionaries to understand the need of a State Human Rights Commission in Uttaranchal, and initiate its establishment without further delay.

ANNEXURE-I

DEPRIVING COMMUNITIES OF NATURAL RESOURCES IS GRAVE VIOLATION OF HUMAN RIGHTS

Ishwari Dutt Joshi (Aman, Almora)

Abundance of natural resources is a matter of pride for any state but when these natural resources become a source of conflict for the people then it is a matter of grave concern. In the resource abundant newly formed state of Uttaranchal, the life of local people very much dependant on these resources is becoming harder day by day due to introduction of increasingly stringent laws by the state government. As a result, the gulf between the people and the resources is widening day by day.

The people of Uttaranchal have shared a strong bond with the forests since times immemorial, as a result even small change in this symbiotic relationship impact their lives in numerous ways. Uttaranchal which is spread over 52484 sq. Km has 34651 sq. Km under forests constituting 64.79% of the total area. Out of this, 11709 sq. Km of forests have come under protected area, constituting 21.89% of the total forests. There are 18 more protected forests proposed in the state. These protected forests known variously as sanctuaries, national parks and bio-sphere reserves are completely out of bounds for the people of the state. The condition of people living in the protected areas is highly miserable. Tougher laws applicable in the sanctuaries and national parks hinder any kind of development work in the area. Along with the crops, all the vegetation grown by people is destroyed by wild animals. Cattle as well as human beings are being devoured by beasts on prowl. Destruction of cottage industries dependant on forest products further imperils the lives of villagers. Though forest department boasts of running "eco development programmes" for rural development supported by the World Bank, however, a closer examination of the guidelines of Corbett tiger reserve reveals the real intention behind such schemes. It states that though villages in protected areas will also be selected for eco development but no permanent construction work will be undertaken in these villages. Only such works will be undertaken by micro planning which enhances the livelihood options for people and encourage them to move out".

It was expected that with the creation of new state, this forest abundant state's forest policy will be more pro-people. However, the first gift given to the people was in the form of Van Panchayat guidelines. As per the guidelines the freedom and autonomy of the Van Panchayat, which were gained after historical fight with the Britishers were ended and the Van Panchayats were stripped of all their powers which were entrusted to the forest department. It is important to mention that Uttarakhand's Van Panchayat are excellent models of community forest management, which have been in place for last 7 decades and have been managing forest well without any help from the government. Not only these Van Panchayat remained a source of livelihoods for the villagers but also remained central to the development of local economy. The attempts by the government to bring them under its control were accelerated after 1997 with the introduction of World Bank model of "forest management". It engendered vociferous protests by the people in Uttarakhand. The government very cleverly outsmarted the people by introducing amendments in the Van Panchayat guidelines to make it similar to Joint forest management. In 2001, the guidelines of Van Panchayat and Joint forest Management were unified, thereby abolishing the van Panchayat system forever.

After the creation of state along with Van Panchayat guidelines, some changes in the Forest Act were also introduced. As a result usage/exploitation of forest products from protected forests became impossible for the people. Besides, Divisional Forest Officer was also given the powers of a magistrate.

In Uttarakhand, there is merely 12% agricultural land under private ownership, of which a big chunk is in the plains. Only 7.75% agricultural land is in the private ownership in the hills. With increasing population and urbanization such land is rapidly shrinking. In 1823, the then Commissioner of Kumaon, Mr. George William Trail estimated that only 20% land was under agriculture. Surprisingly, this proportion has come down to less than 8% today. In the hill areas of Uttarakhand, Village Panchayats have hardly any land, whereas in the plains they have their own land and have land management committees to

look after them. All benami lands in the hill districts were taken over by the state government in 1960 under Kumaon Uttarakhand (Abolition of Jamindari and) Land Reforms Act. Prior to 1996, landless were allotted land out of the land taken over by the government, but in 1996 a government order declared these land as protected forests and brought all the chances of extension of agricultural land in the area to an end. In fact ever since, the Forest Conservation Act, 1980 has been applicable in the area and number of villages having no land for school, Panchayat ghar, Primary Health Centre or community centre are on the rise. Villages have to depend upon individuals for giving land to related departments to have these facilities. Due to maneuverable land laws, most of the cultivable lands have been captured by land mafias. Fertile lands have been also turning into concrete jungle. The government has been leasing fertile land to private parties for pittance. The number of landless in the state has assumed alarming proportions.

Where on one hand, creation of sanctuaries and national parks are depriving people access to forests in upper regions in the name of ecotourism, on the other, land in the valley region is being increasingly used for dams often submerging entire villages and towns. Tehri dam alone led to the displacement of more than 1 lakh people. Nearly 150 more small and big hydropower dams are proposed in the state. In Falinda village protest of local people against selling the river to private players, was suppressed with an iron hand. The draft of the water policy of the state, treats water as a tradeable commodity and MNCs are being invited to invest stakes in the “water business” in the state. The start towards private investment (for profit) in water has already been made by the decade old World Bank supported Swajal Project. It is expected that everybody will have to pay up for water by 2020.

The natural resources of land, forest and water are the very basis of existence of the rural communities. Depriving these communities of the traditional rights they have been enjoying for centuries not only tantamount to depriving them of their bases of existence but also is a grave violation of their human rights.

ANNEXURE-II

EXCERPTS OF INTERVIEWS

INTERVIEW WITH ABHILASHA BHISHT S.P. (Crime), UTTARANCHAL

Child rape and molestation is on the rise since the last few months, which is surprising as in Uttaranchal it was never a major phenomenon. It's found that minor girls raped are generally by known perpetrator, either someone from their own family or one they are well acquainted with. As the perpetrator can also be from the family, it becomes difficult to investigate, as majority such cases are not reported.

Mostly what is reported in the case of crime against women is rape or abduction. The real reason is generally found to be elopement due to love or love marriage, inter-caste marriages.

The family of the victim to restraint the eloped couple falsely puts up the excuse.

Moreover there is yet no proper infrastructure for police force in whole of the state. In many areas especially in the borders of the state, revenue police is stationed. The trained police force apt to deal with the problems of the border areas is yet not formed. Though the state government is planning to initiate such a training soon.

Trafficking is another major issue in the state, especially through the borders, but the irony lies that no cases are reported it can't be stated officially. A large numbers of people are trafficked every day. As there is no force to combat it the act takes places in broad daylight.

AVDESH KAUSHAL, CHAIRPERSON, RLEK

Avdesh Kaushal says that the condition of the state is further deteriorating day by day. There is need for a State Human rights Commission.

Working with and for the Van Gujjars for years, he says that they toady have become refugees in their own land. They have been displaced from their home, livelihood, customs and culture. This has affected not only them but also the state and the country at large.

JAGDISH SAKLANI, ADVOCATE (CRIMINAL), DEHRADUN

Points out that the crime rates have risen tremendously, though the reported rates are much lower than the actual incidences. Though he also points out that the court procedures have improved as cases are being solved at an alarming rate.

SECRETARY, STATE WOMEN'S COMMISSION

In regards to the illegal abortion and rising incidences of female foeticide, Sujata, states that there are only handful of Ultra Sonograph Centres who are registered according to the government norms. Though unregistered centers are low, but the population in the 0-6 years age group is alarming. Such acts take place by unprofessional assistants mainly.

Prostitution is also common in the state, especially in the districts of Dehradun, Hardwar and Udham Singh Nagar. The state of women in this state is really pathetic. More because women themselves are not aware of their rights and they are socialized in to accepting violations as normal and part of every day life.

PRIYA ZADU, SOCIAL ACTIVIST, DEHRADUN

Since the inception of the state in 2000 and since Dehradun became its capital, the city has experienced change, that too in the negative way. It has lost its traditional/ conventional look and is becoming day by day like a metropolitan city without resources for it.

Despite serious concern shown by the experts, government is lacking to make a considerable effort in this regard.

Environmental hazards are enhancing. Environment laws are being violated. Like the CharDham Yatra, is polluting the state and destroying its resources which are not being replenished.

Child rape and molestation have been very high, which is surprising, as the state never reported of such incidences before. Children today are being sexually exploited and the society just watches.

The tribals perhaps are worst affected by this change, what I resume is an outcome of globalization. They have lost their identity and their home. Women too are tremendous under pressure because of dowry deaths, rape, domestic violence, molestation, and lack of facilities being provided to them. Issues on discrimination of the woman on issues of property inheritance too is high.

Discriminatory attitude meted on the minorities are also reported and more exists.

All this shows the immediate need of a State Human rights Commission.

ABOUT PAIRVI

PAIRVI grew out of a strong belief that functioning of the democracy in a civil society is based on minimizing the gap between the aspirations of the people and public policies. It requires an unambiguous and constant interaction between the state and people through a multitude of fora and media. Civil Society Organizations have a key role in facilitating this dialogue. Public Advocacy Initiatives for Rights and Values in India (PAIRVI) was formed in 1998 to facilitate and strengthen the advocacy efforts of the grassroots Voluntary Organizations in Northern India by providing them a national platform for voicing their issues as well as to enable them with requisite expertise for their advocacy efforts.

Ever since its inception, Pairvi has been making a conscious effort for addressing their advocacy issues as well as functioning as a resource center for the same. It has taken upon itself multiple responsibilities including building advocacy capacities of the grass roots organizations, facilitating social change through initiation of campaigns on people's issues, providing specific inputs on awareness raising and facilitating dialogue between the various actors of the civil society such as social activists, journalists, bureaucrats, policy makers etc. Pairvi has been undeterred in its commitment towards the concerns of the marginalized, democratic and human rights, livelihood issues, and accountable, transparent and interactive governance.

PAIRVI has crossed ways with a number of milestones on its mission. Through an array of activities from initiating and providing effective support to the issue based advocacy campaigns led by its partner organizations across eight states of Northern India, to organizing informative and value added training and capacity building programmes, to developing networks and linkages among organizations working with similar concern, it has drawn its strength from the weak and the wordless, the discriminated and the downtrodden.





VISION

To foster a growth oriented, just and equitable society based on the respect for the rights of the individuals and non-discrimination among the caste, communities and gender by enabling the underprivileged and uninitiated secure their rights.

MISSION

To enhance advocacy competence of grassroots organization working in North India, so that they can advocate more effectively in favor of the marginalized particularly on the issues related to caste, class, gender, environment and democratic human rights.

OBJECTIVES

-  To initiate dialogues between the organizations, social activists, journalists, lawyers, bureaucrats, legislature and the judiciary to promote equitable public policy and non-partisan implementation of laws.
-  To strengthen advocacy efforts in India by undertaking research and collection of data on issues of social relevance including information/ data about the judiciary, the legislature, the bureaucracy, the media, and the grassroots organizations involved in advocacy efforts with the objective of influencing policy and foster positive action by the authorities.
-  To collect and disseminate information and knowledge about social problems, social services, welfare policies and programmes through lectures, symposia, documentation and publication of books, monographs and journals.
-  To organize seminars, debates, discussions and meetings on issues relating to social awareness with a view to promoting knowledge, understanding, awareness and analysis of such issues and dissemination of the results of the research undertaken.



PAIRVI
JD-2C, 2nd Floor, Pitampura, Delhi-110088
INDIA
Ph. : 91-11-27312385
E-mail : pairvidelhi@rediffmail.com
URL : www.pairvi.org