

BIHAR HUMAN RIGHTS COMMISSION
9, Bailey Road

File No **BHRC/COMP.** 2081/09

Case of **DEVENDRA YADAV**

The applicant has approached this Commission seeking its intervention in the matter of payment of honorarium to the Anganwari Sewika and supply of food grains for centre no.98 situate at Laxmipur Bamania in Bhagalpur district, Payment of honorarium and supply of food grains, as per the application, has been stopped by the CDPO Kahalgaon to Anganwari Sewika Smt. Radhika Devi as the applicant, a relative of Smt. Radhika Devi, had sought some information under the RTI Act. As per the application further, CDPO Kahalgaon along with Anchal Adhikari-cum-BDO are planning to implicate the applicant and his family members in some fake case to harass them for seeking information under the RTI Act.

Report was called from the District Magistrate, Bhagalpur. He forwarded the report of District Programme Officer contained in letter no.599 dated 14.5.2010. The report somewhat found fault with the local officers including CDPO Kahalgaon. In the circumstances, notice was issued to the officer i.e. the CDPO for oral hearing. After two adjournments the officer namely Smt. Alka Amrapali appeared on 24.12.2010 and filed reply. The applicant later filed rejoinder to the reply. The CDPO vide letter no. 168 dated 28.3.2011 has submitted comments to the said rejoinder. She, however, did not appear at the time of hearing today (29.3.2011) taking the plea that as the Drawing and Disbursing Officer it is not possible to leave Headquarters towards close of the financial year. She has requested the Commission to take appropriate decision in the matter. The matter was accordingly taken up for hearing. The applicant made his submissions.

The applicant was asked to confine his submissions and limit his grievance to the issue of human right violation, if any, pointing out that disputed questions of fact cannot be gone into and adjudicated as the Commission has no such power. The applicant submitted that his main grievance is with respect to stoppage of honorarium to Smt. Radhika Devi since August 2008. The stand of the CDPO is that the Sewika was found absent at the time of inspection of the centre. Also, it is said, she did not submit the vouchers. The case of the applicant is that the vouchers were tendered to the Female Supervisor but she did not accept them. Application to this effect was submitted to the District Programme Officer. Office copies of

the applications/letters containing the endorsements of their receipt was shown. The applicant also submitted that the report of Mukhiya cannot be the basis for taking any action as the Mukhiya was contesting the Assembly elections and therefore could not have inspected the centre in view of the Model Code of Conduct in force at the relevant time.

On consideration of the rival stands it appears that there are disputed questions which would need to be resolved before giving a clear verdict – one way or the other – and issuing directions. The proper course would be to ask the District Magistrate to take action in the matter. As mentioned above, there is already a report, contained in letter no.599 dated 14.5.2010 of the District Programme Officer, Bhagalpur. If the District Magistrate is satisfied with the report he may issue appropriate orders/directions or else he may make his own enquiry or cause another enquiry as may he may think fit.

The Commission would like to observe in this connection that payment of honorarium to Anganwari Sewika, has a bearing on the question of 'human rights' of the person concerned and the same cannot be withheld or denied except on valid grounds. In any case, stopping supply of the food grains for distribution among the children also has a bearing on the 'human rights' of the children concerned and therefore even where some irregularity is found which disentitles the Anganwari Sewika to receive the amount of honorarium, there can be no justification to stop or withhold the supply of food grains. And if it is found that the payment of honorarium and/or supply of food grains has been unjustifiably withheld/stopped it would be in the fitness of things to take appropriate administrative and disciplinary action against the officials concerned. Having observed thus, the Commission would leave the matter to the good sense of the District Magistrate, Bhagalpur.

File is, thus, closed.

Copy of this order may be sent to the District Magistrate, Bhagalpur, CDPO, Kahalgaon as well as the applicant.

Justice S.N Jha
Chairperson