

NHRC CASE No. 644/1/2001-2002 (FC).

Report dated the 13th December 2003 to the National Human Rights Commission, New Delhi on the Complaint from Shri M Shyam Prasad, Secretary, Human Rights Council, Ramnagar, Visakhapatnam alleging deplorable conditions in the Government Hostel for the Blind, Dilsukhnagar, Hyderabad.

Shri.M. Shyam Prasad, Secretary, Human Rights Commission, Visakhapatnam presented a complaint to the National Human Rights Commission under Section 12 of the Protection of Human Rights Act, 1993 against the Government of Andhra Pradesh represented by its Chief Secretary alleging that living conditions in most of the hostels including the Government Hostel for the Blind, Dilsukhnagar, Hyderabad were deplorable, that the blind inmates are required to draw water from the sump with a rope; that most of them do not have walking sticks; that the bathrooms are slippery with thick algae; the inmates sleep on old rickety iron cots with dirty, torn bed sheets; that there was a lack of study materials, regular readers and functioning tape recorders. Absence of lady wardens in the Hostels for blind girls places the safety of the blind girls in danger in the hands of male wardens and teachers. The complainant also submitted that the gross and deliberate neglect on the part of the Government of Andhra Pradesh "notwithstanding the fact that it was directed to pay by the Andhra Pradesh High Court a compensation of Rs. 50, 000 for the death of (a) blind inmate due to the negligence of the subordinates of the respondent Government in the Hostel for the Blind" required intervention of the Commission. The complainant prayed for an enquiry into the working of the hostels for the blind in the State of Andhra Pradesh and to issue appropriate directions to the Government "to create human conditions" in these hostels.

2. The Honourable Commission issued notices to the Chief Secretary, the Director General of Police and the Secretary, Women's Development, Child Welfare and Disabled Welfare (DW) Department of the Government of Andhra Pradesh forwarding copies of the complaint to them seeking information and reports from them. The Commissioner for Disabled Welfare, the Principal Secretary to the Government, Women's Development, Child Welfare and Disabled Welfare Department, the Additional Secretary to the Government of Andhra Pradesh, Home Department and the Director General of Police, Andhra Pradesh, all sent their respective reports to the Commission. Of these, the Additional Secretary, Home and the Director General of Police, Andhra Pradesh merely forwarded the reports received by them respectively from the Collector, Hyderabad District and the Additional Director General of Police, Hyderabad while the Principal Secretary, Women's Development, Child Welfare and Disabled Welfare essentially made the same substantive points made by the Commissioner of Disabled Welfare while furnishing her report to the Commission.

3. All these reports were forwarded to me by the Honourable Commission seeking my comments on the Complaint as well as the reports received from the Government of Andhra Pradesh.

4. In June, 2003 I started my investigation into the Complaint and my detailed comments and recommendations are furnished in the following paragraphs.

5. My approach to this case has been as follows:

In looking at this complaint, we are dealing comprehensively here with the over all living conditions obtaining in the hostels meant for the blind students including their educational needs. In particular, the death had occurred of a blind student by way of a fall from a great height. While the Complaint focused on this most disturbing event and other conditions in the Government Hostel for the Blind, Dilsukhnagar, Hyderabad, there was reference also to girls' hostels being manned by men wardens creating doubts about the safety of girls. I, therefore, decided to phase out my investigation by way of surprise visits to the Government Home for the Blind, Dilsukhnagar at different times so that I not only could see for myself first hand the prevailing conditions there in regard to all the points made in the Complaint but more importantly what the response was from the Government of Andhra Pradesh to this verification undertaken on behalf of the National Human Rights Commission. It was also my expectation that while my first visit would be a surprise visit, such a visit on behalf of the Commission would by itself cause the authorities to set things right. Thus, my effort has been to base my comments called for by the Honourable Commission on actual personal, physical verification of the conditions on more than one occasion in the same institution and on discussions with the officers concerned. The Report that follows is thus the result of the efforts based on such an approach.

6. I made three visits in all to the Government Home for the Blind, Dilsukhnagar, Hyderabad on the 23rd June 2003, 21st July 2003 and 12th December 2003. All the three visits were by surprise. For the third visit on 12th December 2003 I had the advantage of being accompanied at very short notice by Shri. Z. V. Prasad, Deputy Director in the office of the Commissioner of Disabled Welfare, Hyderabad as also Shri. Md. Akbar Ali, the Assistant Director of that office who is holding additional charge of the post of the Assistant Director of Disabled Welfare, Hyderabad District. I am grateful to these two officers in sparing their time for this visit and also participating in the discussions that followed. I also place on record my gratitude for the cooperation extended by Shri R. Sundar Vadan, I.F.S., Commissioner, Disabled Welfare, Andhra Pradesh by way of providing important information on the working of his Department and sparing his time for a detailed discussion on the issues involved in August 2003 following my second visit to the Dilsukhnagar Home in July 2003. My object in requesting the Deputy Director in the office of the Commissioner of Disabled Welfare, Hyderabad to accompany me on my visit to the Home at short notice was to enable him to see the conditions prevailing in the Home for himself, specifically against the background of what I had seen and recorded during previous visits to this Home so that the Department could get initiated action wherever required with out waiting for a formal directive from the Commission.

7. **The very first point I wish to make in this Report based on my personal visits by surprise to the Government Home for the Blind, Dilsukhnagar, Hyderabad on three different occasions separated by a time frame of a little above 5 months is that the allegation made in the Complaint in NHRC Case No. 644/1/2001-2002 (FC) that the conditions obtaining in the Government Blind Home, Dilsukhnagar are most deplorable is fully borne out by what I saw in that institution. That similar conditions can be safely presumed to exist elsewhere in the other hostels and homes for the blind cannot be seriously questioned either, because Dilsukhnagar is situated right in the city of Hyderabad, the seat of the Government of Andhra Pradesh and it is expected therefore that conditions there would reflect the best case scenario. That such conditions as were seen by me continued to exist despite repeated visits shows the priority that is attached to the needs of the blind by the Government of Andhra Pradesh.** One would expect that the warden and other immediate supervisors of the Blind Home at Dilsukhnagar would have received some feed back of the visits made by me as a representative of the National Human Rights Commission from the inmates with whom I had spent considerable time during my first two visits. I am sure they did. Yet, nothing in the conditions that governed the way the Blind Home was maintained changed over a period of nearly 6 months after which I made my third visit on 12th December 2003. That tells its own story, more eloquently than words. The reason why I alerted the senior officers of the Department of Disabled on my third visit was that I wanted them to know that the NHRC was aware of the conditions in the Home and that concrete action was expected to be initiated to improve the situation in all respects that I had noted in my previous inspections; that there was need for such action not only at Dilsukhnagar but elsewhere in the District of Hyderabad and the State as a whole. I may record here that both officers who were present at my third visit to the Dilsukhnagar Home were taken aback by what I showed them in the Home and they promised earnest action to set aright things there and elsewhere in the City and the Districts.

8. I give my findings under various headings in a manner that the points raised in the Complaint made by Shri.Shyam Prasad would all get covered.

Section - A: Findings

I. HYGIENE, SANITATION AND LIGHTING.

This Home is located in a privately owned residential house that has been rented by the Government of Andhra Pradesh.

The Home is most un-hygienically maintained. All round this cramped Home, refuse, garbage and waste are littered. **My impression is that this Home is unfit for human habitation, especially the way it is maintained.** The place where the barber shaves and cuts the hair of the inmates is littered with lumps of soap mixed with hair. I asked Shri Pandu, the barber who was present during my second visit as to how often the place is

cleaned. He replied that the place is cleaned once a week! **The latrines are so dank and so full of stench that no body can enter them with out feeling an extreme sense of revulsion and nausea. The first lavatory I inspected was full of un-flushed fecal matter.** It was explained that since running water is stopped during day inmates have to carry buckets of water for their use. That is well high impossible for the blind. Hence the dirt and overwhelming stench in the toilet-cum-bathrooms. **During my visit on the 12th December I saw a blind student go down on his knees to lift water from the sump with a bucket, risking falling off.** In addition, the water collected in the sump is so dirty that it is not for use for cleaning oneself.

The rooms are dark even during the day, with little ventilation. All the rooms have electric lights but seldom put on since the inmates have been told to economize on the life of the bulbs. The bulbs, when they fuse, can be replaced only when the warden is available in the Home, as they are kept in his custody. **With two hostels in his charge separated by a distance of 10 kms, that replacement of bulbs is going to take place rarely.** And that is what I found during my inspection on the 12th December. There were no lights in two bathroom-cum-lavatories I inspected at random on this day. These bathrooms are deep and dark and in the absence of lights the risk for the blind of falling and injuring themselves is enhanced in a big way. **It is not clear if the "authorities" perhaps think the blind do not need lights since they, in any case, cannot see. If that is so, it is gross ignorance putting the blind at grave risk.**

II. WATER

There are two sumps in the Home. There is one bore well. At the time of my first inspection on 23rd June 2003, the bore well had already been dry for two months. At the time of my second inspection on 21st July 2003, the bore well had been dry for three months. At the time of my third inspection on 12th December 2003, the bore well had been dry for eight months. In other words, it was never repaired or its use restored during all these months. The bore well requires to be desilted but despite written representations from the inmates this has not been done. Therefore, water supply to the hostel has been by tanker through a private supplier and also by the Hyderabad Metro Water Supply Board. This water supply is received once in two days. On one day the water supplied is from private bore wells while the next day it is Metro Water Supply drawn from the river Manjira. Metro water drawn from the river is given to the inmates for drinking purposes while the bore well water is used for other purposes like bathing. **The drinking water itself, just like the water meant for other purposes like bathing is stored in drums and I could see during all three inspections particles of dirt floating in the water meant for drinking. In my view this water is far from safe for drinking by the inmates.** I showed the particles of dirt floating in the drum storing the drinking water to Shri.Prasada Rao, Deputy Director who had joined me at the time of my visit to the Home on 12th December 2003.

The inmates showed me physically during my inspections how all the plates from which they eat were being washed together by being dumped into the same bucket

of water instead of clean water being used for each plate separately. Things cannot get much dirtier than this anywhere.

During the visit on 12th December 2003 one of the inmates pointed out that the cost of the water delivered by tanker was Rs.250 per day while the repairs to the bore well would not cost more than Rs.5, 000. What the Blind are able to see is not seen by those who otherwise can. This puzzles the Blind no end.

The complete absence of hygiene all round the hostel, the terrifying absence of cleanliness in the toilets, the accumulated garbage for months together in the precincts and unsafe drinking water together constitute an ideal invitation to infectious diseases. **This place is not fit for human beings to live in, the way it is managed and maintained.**

III. ACCOMMODATION

This Home, as already noted, is located in a privately owned residential house that has been rented by the Government of Andhra Pradesh.

There are in all 36 rooms in the Home for the 125 inmates. Of these, living rooms are 32. Inmates are placed in these rooms depending on the size of the rooms. A small room accommodates 3 inmates while a slightly bigger room accommodates 6 inmates. **In either case, the accommodation is totally inadequate. Invariably, the cots are fewer in number than the inmates in each room.** For the 125 inmates residing here the cots available are just 64. In other words, cots are shared by inmates. Thus 3 boys sleeping on 2 cots or 5 boys sleeping on 3 cots is the rule. With no ventilation, and space being cramped, the plight of the blind inmates can easily be imagined. I have already touched upon the poor lighting in the rooms. **Bath room-cum-toilets are 8 in number which means that they have, on average, one latrine for 16 inmates. In reality it is worse because there is a portion where for 22 inmates there is just only one toilet. So, the inmates often have to run round finding a vacant toilet with great anxiety in times of need, which obviously will be quite often given the ratio of inmates to toilets.**

The dining room is very small. Two small tables have been put together and long benches on either side that can accommodate in a cramped way 16 persons at one time. Thus, it will need 8 batches of serving for all 125 inmates to finish eating. The place where the inmates have to wash their hands has a sink which is out of commission and this means they have to stand and wash their hands right on the floor. **This area is worse than an ill-kept lavatory in terms of accumulated dirt, food and vegetable remnants. The drainage in this area was clogged at the time of all the three inspections I made.** While this area requires to be cleaned at least five times a day, the staff took pride in saying that this place was cleaned every alternate day! It is into this area that Balaswamy had fallen on 21st March 2001 from the terrace above to his death.

The inmates are not supplied with pillows. **The mattresses to which the Government of Andhra Pradesh has referred in their reports to the Commission have in fact not**

been supplied at all. All that is supplied is one bed sheet and one dhari. The dhari is frayed and torn indicating that it must have been supplied quite a long time ago. Thus, the inmates rest and sleep in negligible comfort and considering that Hyderabad does experience fall in temperatures in winter the discomfort at night must be considerable.

I inspected the terrace of the Home from where Balaswamy had fallen to his death on the 21st March 2001. I checked with the inmates the circumstances surrounding the tragic incident in detail. My enquiries show that Balaswamy did not fall because he was running about in a playful mood as mentioned in the report of the Government of Andhra Pradesh but that he fell while sitting on the wall built around the skylight in the roof. The inmates told me that he was sitting on the wall listening to cricket commentary from a transistor radio when he lost his balance and fell through the skylight. **Surely, there has been lack of care and concern in guiding and safeguarding the physical security of the blind inmates in regard to their movements.**

The height of the parapet wall of the terrace is not 4 feet as claimed in the Government report. I measured it myself with a tape. It is actually 2'-9" or 33" high. It is dangerously low and also somewhat weak. This terrace is a very unsafe place at all times.

The inmates in this Home are students studying in classes ranging from intermediate (+2) to Post Graduate courses. This is what is called a "Home" as distinguished from a "Hostel" and even some who have finished studies continue to live here. Some are relatively older than others. These older members will be about 30 in number. There are 7 who are above 40. Those between 30 and 40 will be 20 in number. Those above 25 are about 50 in number. Some of them would not be living there so late in their lives if they had been provided avenues of livelihood through appropriate vocational training. The Government of Andhra Pradesh should introspect on this and take further action.

IV. STAFF

I never saw the warden during any of my three visits. He had not come on any of those days to work. The inmates complained that he was absent several days during the month. The problem lies in the fact that each hostel for the Blind does not have a warden for itself. The staffing position is such that in Hyderabad city practically one warden manages two hostels. Nothing can be a more indifferent arrangement than this. The warden for the Dilsukhnagar Blind Home manages another hostel that is situated at a distance of about 10 kms away from Dilsukhnagar! Obviously, neither can he supervise the work of the other staff in the Home nor can his superiors credibly supervise his work. The result is what we see discussed in this report. This position is the result of fewer posts having been sanctioned than the actual need and that position being compounded by a ban on new posts and recruitment even to the existing posts.

There is a post of a nurse in the Home. The nurse's job is to watch the health of inmates and administer simple medicines for minor illnesses and refer the more serious cases to hospitals. Her hours of duty are 9 AM to 3 PM except on second Saturdays, Sundays and holidays. During my first two visits I never got to see her. According to the inmates she

was always late coming to work arriving at 11 AM and leaving at 2 PM. According to them she would not turn up for work on at least on 10 days in a month. According to the inmates, the Warden and inspecting officers know this as the inmates had complained in this regard in writing but that no action has been taken against her. She has now gone on a posting elsewhere and in her place a new nurse has been posted.

The inmates complained that absenteeism and late coming was the case in regard to the other staff as well. The Department has just become helpless and no one takes any action against any one, they complained.

Though they have the posts of 2 cooks, one post has been lying vacant for 1½ years now after the retirement of cook Saraswatamma. No cook has been posted and only a server is doing this job affecting adversely the quality of food and its timelines. The inmates complained that even that one cook comes late at 7.30 AM so they start getting their morning meals only after 9 AM. Some times even when the food is ready, it is not served since servers may not have turned up. Considering that the inmates get only two meals a day and no tea or breakfast or coffee in between, this causes them great hardship. On Sundays alone 3 meals - breakfast, lunch and dinner - are served to the inmates.

The inmates stated that the quality of food was very poor taste-wise though they had no complaints about the quantity of food served. However, they pointed out that when the quality was poor they could not after all eat the quantity served. During my visit in July 2003, the inmates complained that 5 days earlier a nail was found in the rice served. **One of the heart-rending points made by the inmates to me was that till a couple of years ago special meals were served on occasions like the Independence Day and the Republic Day as also on festival days like the Id, Diwali and Sankranti but that this practice has now been discontinued as an economy measure.** Their request is that this be restored. I cannot believe this request has not been made earlier to those concerned. That this remains an unfulfilled wish shows the consideration we have for the Blind on the one hand and for our own National and festival days on the other.

In 1999, plates and cups were last supplied though the rule is that replacement should be done once in 2 years.

The inmates stated that every time some one visits this Home, things improve for the next 4 or 5 days and then the same story restarts.

V. HEALTH

During my first visit in June 2003 I noted that three cases of T B had been detected 6 months earlier. These inmates were got treated by the authorities in the T B Hospital, Erragadda and they are now alright. There is no routine or regular medical check up organized for the inmates. This was affirmed to me during all my three visits, on the last occasion in the presence of the officers of the Department. No medical check up of all the inmates had ever been done at any time, affirmed Shri Lakshma Reddi who has been in this hostel for 19 years. In the absence of the nurse on my previous two visits I could not

verify the kind of first aid equipment or medicines available with her. However, at my third visit I was able to do this and found that she had with her a supply of paracetamol and brufen tablets as also ointment for handling minor sources of external sores. She did not have basic drugs like ampicillin nor any other medicines to handle satisfactorily even minor internal infections.

VI. EDUCATION.

Tape recorders were last supplied in 1998. Their performance guarantee is for one year. They are all in a state of disrepair at present, since neither repairs nor maintenance is ever undertaken. Almost all the tape recorders have been non-functional for 3 years now.

Textbooks should be supplied every year. This, however, is done only once in 3 or 4 years.

Each inmate should get 100 Braille sheets every year. They have not been supplied the sheets for two years now.

Private reading charges allowance for entrance studies e.g. for B. Ed., used to be given thrice a year. These have not given even once a year since 3 or 4 years. As for "Regular Reading charges" at the rate of Rs.50 per month for +2, Rs.75/- for Degree and Rs.100/- for Post Graduate students, there has been a ban since one year. The request of the inmates is that this should be restored. In my view, in addition to this the post of a regular Reader should be sanctioned for Homes and hostels like this one so that all the information and communication requirements of the Blind by way of newspaper reading, letter writing etc., could be fully met.

Given all these handicaps, there is need for creating at least two posts of tutors for providing tuition to the inmates for English and Social Studies. These tutors must be trained graduates.

VII. THE CASE OF THE DEATH OF SHRI BALASWAMY, AN INMATE STUDYING B.A. FINAL YEAR DEGREE ON THE 21ST MARCH 2001.

The Report of the Government of Andhra Pradesh states that Shri Balaswamy died slipping into the space kept open for ventilation in the terrace, while playing Kabbadi.

I inspected the terrace of the Home from where Balaswamy had fallen to his death on the 21st March 2001. I checked with the inmates the circumstances surrounding this tragic incident in detail. My enquiries show that Balaswamy did not fall to his death from the terrace because he was playing Kabbadi or due to excitement and "being in a serious playful mood and activity" as mentioned in the report of the Government of Andhra Pradesh but that he fell while sitting on the wall built around the skylight in the roof. The inmates told me that he was sitting on the wall listening to cricket commentary from a transistor radio when he lost his balance and fell through the skylight. Surely, there has

been lack of care and concern in guiding and safeguarding the physical security of the blind inmates in regard to their movements, including to the terrace.

As far as the Government is concerned the least that they could have done was to react promptly and sympathetically to this terrible incident and sanction appropriate compensation to the family of the young man. It is seen from the report of the Government that a compensation of Rs.50, 000 was paid only after the Honourable High Court of Andhra Pradesh had given a direction to that effect after an NGO called Raksha had approached the Honourable High Court in this regard. **Any comment on the indifferent attitude of the Government of Andhra Pradesh to this tragedy is superfluous. This is nothing short of callousness.**

VIII. THE ALLEGATION IN REGARD TO "ABSENCE OF LADY WARDENS IN THE HOSTELS FOR BLIND GIRLS" AND "THE SAFETY OF THE BLIND GIRLS THEREFORE BEING IN DANGER IN THE HANDS OF THE MALE WARDENS AND TEACHERS".

I have checked up the position with Shri. Md. Akbar Ali, Assistant Director in the office of the Commissioner of Disabled Welfare, who is holding additional charge of the post of the Assistant Director of Disabled Welfare, Hyderabad District. He has explained to me that this has never been position and that the real problem has been the matron of the Government Hostel for College Girls, Hyderabad having to look after the work relating to another hostel in Malakpet also. While a watch would be kept in this regard, I have requested the Assistant Director to immediately move his superiors to see that such dual charge arrangements are dispensed with at once. **However, the point that needs to be made in this connection is that in a crucial matter like managing a hostel meant for blind girls a casual dual charge approach has been adopted by the Government. Also, no efforts have been made by the Government to provide the matron with adequate facilities to live on the premises of the hostel itself so that due care and protection of the blind girl inmates can be ensured.**

Section - B: Comments

The fact that for years together the boys in the Dilshuknagar Blind Home have been kept in the same sub standard rented premises, even after the most gruesome and tragic death of one of the inmates shows that the Government of Andhra Pradesh attaches negligible priority for the safety and minimum conditions of comfort in the living conditions provided to the Blind students. The least that the Government of Andhra Pradesh can do is to construct its own buildings for the disabled, particularly the Blind. The Government cannot argue that it does not have land or resources readily available for this purpose. Often, the Government of Andhra Pradesh makes available high value lands to multinational and corporate houses. Recently, the Economic Times reported that the TATA Consultancy Services was provided nearly 7 acres of land in Madhapur area where a "Hi-tech city" has come

up. The same consideration has not been shown to the most deprived among the most marginalized of the disabled, namely the Blind. Also, Government lands are being auctioned in and around the city bringing in huge resources. A recent report in The Hindu in September 2003 announced that the State Government "had realised about Rs.13.86 crores after selling nearly 47 acres of Government land" in an open auction (copy of the clipping enclosed). Surely, construction can be taken up in places like Madhapur or elsewhere in the city with the resources so mobilized on Government lands. Also, given the cordial relationship that exists between the Government of Andhra Pradesh and Corporate Houses, the Government can use its leverage to get them to build homes and hostels for the disabled as part of their corporate social responsibility. We have 12 hostels in the city of Hyderabad and all of them can be provided with their own buildings in and close to the city after constructing the necessary accommodation and provision of transportation facilities to access their respective educational institutions. It is common knowledge that the kind of rents the Government offers and pays to the owners from whom it leases buildings do not offer any incentive for the private owners to improve the facilities in the buildings or to maintain them properly. The Dilsukhnagar Home for the Blind is a classic example of this situation. The only solution to this problem is for the Government to construct its own buildings. The National Human Rights Commission should call upon the State Government to do this within a period of 3 years at the latest.

There are reportedly 500 NGOs in Andhra Pradesh working in the Disability sector. Of these 172 institutions get Grants-in-Aid from the Government of India's Ministry of Social Justice and Empowerment amounting to about Rs.15 crores in all. This is a substantial amount considering that the Government of India's total budget for the Disability Sector is Rs. 70 crores. These grants are meant for salaries of teachers, teaching materials, vocational training etc., but not for the purpose of construction of homes. In Andhra Pradesh, in the Non-Government sector there are at present 142 educational institutions of which 42 are residential schools. The other 100 are Day Schools. Thus, we can see that in terms of the essential needs of the Disabled which can be satisfactorily answered only by residential facilities, there is a great gap, even in the voluntary sector. Donors like the Ford Foundation and the World Health Organization (WHO) who fund NGOs like the Thakur Hari Prasad Institute and Sweekaar-Upkaar of Hyderabad do not seem to provide any assistance for purposes of construction either. Thus, we have inadequate provision for residential schools and for provision for construction, which would enable institutions including those run by Government to own their own facilities. The sufferers are the Disabled in general and the Blind in particular. It is the responsibility of the State to take the lead in this regard. Obviously, there is an urgent need to sensitize the political and administrative echelons, who have the power to make decisions in regard to the needs of the disabled in general and of the blind in particular. Honesty of purpose in terms of political will is crucial if the Blind are to be rescued from their predicament.

I held detailed discussions with the Commissioner Disabled Welfare & State Commissioner under Persons with Disabilities Act, 1995 on the 20th August 2003 in regard to the various points noted by me during my two inspections and in particular the

budgetary provision made by the Government of Andhra Pradesh for the years 2002-03 and 2003-04 towards construction of buildings. The following points emerged during this discussion in response to various questions raised by me:

1. The budget for the year 2002-03 was Rs. 22 crores of which only an amount of Rs. 22.50 lakhs was meant for construction of homes. Of this again an amount of Rs.1.40 lakhs was meant for repairs. Thus, effectively, only an amount of Rs. 21.10 lakhs was available for construction of new buildings. In the budget for the year 2003-04, the sanctioned amount is Rs. 30 lakhs, which includes the provision for repairs as well. These figures speak for themselves.

2. Excluding the Residential Schools, at present there are 38 institutions in the State, such as the homes for the blind, for the deaf etc. Of these only 12 have their own buildings. As many as 26 institutions are located in rented buildings. The number of residential schools for the handicapped run by the Government in the State is 11- five for the visually handicapped and six for the hearing handicapped. Of these 4 are located in rented buildings.

It should clearly be understood by the Government that for a Disabled person and for a blind person in particular especially if poor, an institution for welfare and development at all times means only a residential institution combining education, board and lodging and not a mere day time institution. By definition, excepting in rare cases, Disability means a condition in need of wide-ranging physical assistance and physical facilities. In a social sense, education in the company of their peers is key for the blind to feel normal. No Department in conceptual and philosophic terms is therefore better suited in a Government to understand the institutional needs of the blind than the Department of Education. Therefore, in the matter of disability and the blind in particular the Department of Education has a dominant and fundamental responsibility to discharge. It would be worth investigating what this Department's role and contribution have been in Andhra Pradesh, especially in regard to promoting integrated Education. Without a major part of responsibility for this being assumed by the Education Department, no Department of Disability can by itself answer the educational needs of the blind.

Unfortunately, despite all the rhetoric, even today Education in the context of facilities created, means only education for those without any disability. We need to evaluate what has been done by way of Education being mainstreamed in Andhra Pradesh in the context of the issues thrown up in this case that the National Human Rights Commission is now looking into. It would be reasonable to expect that the Education Department should have been entrusted with the responsibility for providing institutions appropriate to the Disabled, including disability-friendly residential institutions. This does not seem to have happened in Andhra Pradesh. It is my impression that the DPEP and the Department of Education have the mandate and the funds required to do this. For, under the DPEP, a component called "Integrated Education", with a budget provision seems to exist. It has to be examined if these resources have been utilized for the benefit of the blind. Separate, access-friendly classrooms are required to be provided for the disabled in the "Common Schools" which form part of this programme. Also, other special educational equipment

like Braille for the blind, material for teaching sign language for the deaf and special teachers trained for these special purposes have all got to be provided for in these "Common Schools" providing "Integrated Education". With this kind of a focus, the Education Department is expected to establish schools progressively. If such a policy were being implemented, we would not be witnessing the kind of situation typified by the Government Home for the Blind in Dilsukhnagar, Hyderabad. In terms of the commitment and political will required to serve the Disabled, these facts speak for themselves.

As part of the evaluation effort mentioned above, it would be worthwhile to go into the question whether the State Government have trained and produced adequate number of special teachers required to man the existing institutions and the institutions that need to be set up all over the State. The need for this cannot be questioned when we see that in as many as 18 out of 23 Districts in Andhra Pradesh, we do not have a single institution established for the Blind by way of a school or a hostel, by the Government. Whether absence of or inadequacy of training infrastructure is one of the reasons why the required number of institutions has not been established needs to be assessed. The State Government should further urgently examine the adequacy or otherwise of the only Teacher Training Center for training teachers for the Visually Impaired, established more than a decade ago and which is designed to train 25 teachers every year. This adequacy should be judged against the felt needs of the blind all over Andhra Pradesh on the basis of a proper survey to be conducted by the Government to determine their number.

We have similar problems in regard to other teaching materials relevant to the blind. One of these is the availability of Braille books. It would appear that up to standard V Braille books are available. Beyond that, volume becomes an issue in Braille, the ratio being 1:5. This is why we resort to the use of audiocassettes. We require hundreds of cassettes from which the blind students have to hear and take down notes. What kind of a trauma that represents is not difficult to imagine. However, despite this, many of them reach Post Graduate levels, which high lights the point that what the disabled need are opportunities made credible by material support that is adequate. Cassettes also mean the need for tape recorders. At best, the life of a tape recorder seems to be 2 years. Adequate budget therefore needs to be provided for this. The real issue, however, is the quantum of cassettes. They are not available in the market and have to be custom-made. We have to examine what has been the performance of the Education Department, which is responsible for production of Educational material over all, in regard to the Braille books in required numbers or the cassettes in required numbers. My discussion with the inmates of the Dilsukhnagar Blind Home showed that there is a big gap between what is required and what is supplied.

Since 1980 we have been organizing women's Self Help Groups (SHGs) through the DWCRA programme. This concept has now caught the imagination of the people and women in particular in a big way. However, it is not clear if this programme has rendered any useful service to the Disabled. As far as the strategy of organizing the disabled into Self Help Groups (SHGs) is concerned, visually impaired youth and children do not seem to be part of these SHGs in Andhra Pradesh, with the result that in these SHGs there

seems to be no focus on the Educational and Health requirements of the disabled children and youth. The Andhra Pradesh Government will have to address this basic issue in order to establish a proper perspective regarding both Disability and the role of the SHGs.

Section - C: Conclusion

The findings in this Report show that the points made in the Complaint of Shri. Shyam Prasad, Secretary, Human rights Council, Ramnagar, Visakhapatnam are correct and it would therefore be in order for the Honourable Human Commission to issue appropriate directives to the Government of Andhra Pradesh as prayed for. Accordingly, the following recommendations are made to the Commission for being communicated to the Government of Andhra Pradesh for implementation by them:

Section-D: Recommendations

The recommendations made below are not exhaustive by themselves. They may be read along with and in the context of the comments made in Sections A and B. Action requires to be taken not only on these recommendations but also on the points made while discussing the findings and framing the comments under Sections A and B.

1. All the short comings in the functioning of the Government Home for the Blind, Dilsukhnagar, Hyderabad pointed out in the body of this Report in regard to hygiene and sanitation, lighting, accommodation, water, food, medicines, bedding, cots, staff, education and other issues require to be rectified within 3 weeks. Similar action needs to be taken in regard to all the other institutions in the state, as applicable.
2. The Government of Andhra Pradesh should take steps to convert all the existing schools and institutions for the Blind into residential schools and provide them with their own land and environmentally-friendly buildings as also adequate budget for the provision of facilities discussed above. This should be completed within a period of three years. It must be ensured that the institutions for the disabled and the blind are not located in crowded places and never in rented buildings.
3. The Government of Andhra Pradesh should call upon those corporate houses which have benefited from Government munificence to build the institutions required by the disabled, without in any way allowing such efforts to dilute the Government's own lead responsibility to the Blind.
4. Investigation into the working of the Dilshuknagar Blind Home shows that in a large number of cases including in the institution at Dilshuknagar, one warden or matron is in charge of two institutions. At the best of times this is unworkable and is bound to lead to inefficiency and a very low level of care and supervision. What is worse, an arrangement of this kind leads directly to deliberate absenteeism on the part of the warden, which cannot even be verified. The same is true about the deployment of nurses in the case of many institutions. This kind of staffing seems to obtain in many hostels, obviously with unwholesome results. Staffing pattern must be revised to provide for adequate and

meaningful supervision and nursing care. All obstacles such as inadequate staffing and ban on recruitment of posts for institutions serving the Blind should be removed forthwith.

5. The diet charges for the adult inmates of the Homes were enhanced in the year 2001 by the Government from Rs. 240 per month to Rs. 330 per month. This has been in force now for nearly 3 years. If we look at the current prices of essential commodities relevant for dietary purposes, a provision of Rs. 11 per day for an adult student can hardly be considered adequate. Also should be borne in mind is the fact that these are persons with disability and therefore need better nutrition care, often to meet their special needs. Anything less than at least Rs. 20 per day per person would be inadequate. An immediate revision of the dietary charges to this level is called for. The whole culture of providing too little increases and then too late should be overcome by imaginative and creative upgrading of expenditure within a timeframe. An annual review is the right norm.

6. Dual charge arrangements should be immediately dispensed with, especially in regard to women's hostels. Also, immediate efforts have to be initiated by the Government to provide the matrons of institutions for blind girls with adequate facilities to live on the premises of the institutions themselves so that due care and protection of the blind girl inmates are ensured.

7. As mentioned in the body of this Report the adequacy of the number of institutions compared to the actual needs should be assessed based on a properly conducted survey of the blind all over Andhra Pradesh. As part of this effort, it would be necessary during and after the survey, to categorize the totally visually impaired and those whose vision may not be so severely impaired. For those who are totally or near totally visually impaired, the minimum need is a residential school that combines education with all relevant facilities and board and lodge round the year. For the others the strategy should be mainstreaming in regular schools with appropriate teaching and learning aids, other friendly infrastructure and specially trained teachers. The levels of learning must be such that either stream prepares the students for total integration at the college level. Obviously, relevant vocational training of high quality would be an important dimension. At all times, the pit fall to be avoided is postponement of action in the name of integrated education as a goal to be achieved at an unspecified future date. Along with setting up of credible infrastructure side by side and achievement of attitudinal changes required for a fully integrated system of school education, special infrastructure like residential schools for the visually impaired should continue to receive priority attention. The points made under Comments in regard to the role of the Department of Education may be read as part of this recommendation.

8. The Andhra Pradesh State Government does not make in its budget any provision for funding the NGOs in the Disability Sector unlike the Government of Karnataka that reportedly has about Rs.5 crores in its budget for this purpose. Thus, the Andhra Pradesh NGOs are forced to turn to the Government of India for help but even there, as already

pointed out, no funds are available for construction purposes. It is against this background that we have to view the claim of the Government of Andhra Pradesh that they have approached the Government of India with proposals for funding the construction of a Disabled Welfare Complex during the year 2002-03. There seems to be no point in the Andhra Pradesh State Government making a proposal to the Government of India for a funding that is non-existent. The right course for the Government of Andhra Pradesh should be to find resources from its own sources. Further, the Andhra Pradesh Government's flagship antipoverty programme VELUGU which has provided an outlay of Rs.112 crores for Disability programmes over a period of 5 years has not made any provision for construction of building for the welfare of the blind or the other Disabled. This calls for a review.

9. Necessary training and orientation should be provided to the SHGs so as to enhance their focus on the empowerment of the Disabled in general and the visually impaired in particular.

K. R. VENUGOPAL.

16th March 2006.

Dear Bharihoke Saheb,

Sub: Complaint from Shri M Shyam Prasad regarding conditions of hostels for the Blind in the State of Andhra Pradesh.

- Ref: 1. My Report dated 13.12.2003 on the conditions of Government Hostel for The Blind in Andhra Pradesh.
2. D. O. Letter No.2886/DW/A1/2004 dated 13.10.2004 from the Department of Women Development, Child Welfare and Disabled Welfare, Government of Andhra Pradesh.
 3. Letter in NHRC Case No.644/1/2001-2002 (FC) (Law Division-IV) dated 15.2.2005.
 4. My fax message dated 23.01.2006 and my DO letter dated 06.02.2006 addressed to the Principal Secretary, Department of Women Development, Child Welfare and Disabled Welfare, Government of Andhra Pradesh.
 5. D O Letter No.2886//DW/A1/2004 dated 15.02.2006 from the Principal Secretary, Department of Women Development, Child Welfare and Disabled Welfare, Government of Andhra Pradesh addressed to me.

I invite your kind attention to the references 1st to 3rd cited and the final report received from the Principal Secretary, Department of Women Development, Child Welfare and Disabled Welfare, Government of Andhra Pradesh in the reference 5th cited. I enclose a copy of this reference for the information of the Honourable Commission.

2. As reported by me to the Commission earlier, I held a final round of detailed discussions with the Principal Secretary, Department of Women Development and Child Welfare and Disabled Welfare, Andhra Pradesh on the 28th February 2006 and have also held discussions with the office bearers of the Network of Persons with disabilities Organization (NPdO), Hyderabad in regard to issues relating to the differently-abled on the 7th March 2006. Based on all these efforts I offer my final comments in this case as shown below:

- (i) The central thrust in my Report 1st cited was the multi-faceted neglect of the basic needs of the inmates of the Government Home for the Visually Handicapped Men, Bhavani Nagar, Dilsuknagar, Hyderabad in Andhra Pradesh. I spelled these out in complete detail in my Report. In the reference 2nd cited the State Government gave a 27 page report to the Commission listing out all my findings and the action taken by them. Many of these pertain to facts relating to services like hygiene, sanitation, lighting, water, accommodation, staff, medical attention and education materials. The Government of Andhra Pradesh in its report has stated that

it has taken action on all these matters to improve matters. As the Commission is aware I made several visits to this institution but did not find any material difference by way of improvements. Obviously, these improvements have to be constantly effected and action required in regard to these services cannot be treated as a one-time affair. They have to continue on an earnest basis. Therefore, the action required from the Honourable Commission in regard to these matters is that the Government of Andhra Pradesh should direct the Department of Disabled Welfare to keep a constant watch on the conditions in this Blind Home in particular and all other institutions in general so as to ensure that proper conditions obtain in regard to services in these institutions.

- (ii) A specific point raised in my Report was the failure of the State Government to provide land for the construction of Homes and Hostels for the physically handicapped, particularly for the Visually Handicapped and also its failure in expanding the provision of such hostels and homes all over the State against the existing inadequate number. In regard to this, the response received from the State Government is totally unsatisfactory. As may be seen from the enclosed reference 5th cited, in regard to construction of institutions, there is a huge gap between what the Department proposes and what the Government actually has provided over the past several years. In my opinion the Department's own proposals are highly inadequate and this inadequacy is further compounded by even further inadequate provision by the State Government. I was assured by Shri Prabhaker Thomas IAS, Principal Secretary, Department of Women Development, Child Welfare and Disabled Welfare, Government of Andhra Pradesh during my discussions with him on the 28th February 2006 that the present Chief Minister of Andhra Pradesh is indeed sympathetic to the cause of the disabled and things have been improving since he took over in the year 2004. This needs to be further reflected in higher budget provisions particularly for the vision-impaired. However, I should point out that the general stand of the Government that they have issued instructions to the District Collectors to allot lands for construction of institutions for the disabled is inadequate. These things cannot be left to the District Collectors' discretion. A higher policy direction is the *sine qua non* in these matters and, therefore, the State Government itself should sit down, decide the number of institutions required for each district, allot the lands required for construction and provide the budget. Any thing less than this will amount to mere lip service to the cause of the physically disabled. In this they should seek advice and guidance from activists from those like the NPdO, Hyderabad.
- (iii) In regard to the above position I would like to reproduce an observation made very recently by the renowned social activist and an authority on disability matters Dr. David Werner, who stated recently in a journal thus:

“In 2002 I went to India as an advisor to the disability component of the World Bank sponsored “Andhra Pradesh Rural Poverty Reduction Programme.” At that time many plans were made to help disabled people meet their most pressing needs. But in 2005, at least in the part of rural Andhra Pradesh we visited, disabled people’s needs remained almost totally unmet”.

This statement of Dr David Warner speaks volumes about the conditions of the poor in Andhra Pradesh in general and of the disabled in particular.

3. These findings given above emphasize the need for devoted action on the part of the Government of Andhra Pradesh in regard to the welfare and development issues of the physically handicapped in that State. The Honourable Commission may accept these views of mine and communicate the same to the Government of Andhra Pradesh for action by them.

Yours sincerely,

K R VENUGOPAL

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