

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION,
THIRUVANANTHAPURAM**

**Present: Mr.Justice N.Dhinakar,
Hon'ble Chairperson**

Dated this the 17th June, 2008.

H.R.M.P.No HRMP 510/09

Petitioner : K.V. Rajan,
President,
Murikkappad.P.O. Pinangodu..
Wayanad Dist.

Respondent :

ORDER

The complaint of the petitioner Rajan is that Pookode Model Residential School, under the control of the Scheduled Tribe Development Department, 300 students are studying without basic facilities and in spite of the fact that the Government sanctioned Rs.2.50 crores the work was not taken up for putting up a new building.

A report was called for from the Director, Scheduled Tribe Development Department. In the report submitted by the Director Scheduled Tribe Development Department it is stated that the school started functioning during the academic year 2000 – 01 under the Scheduled Tribe Development Department at Vythiri. According to the report administrative sanction was granted for the construction of a building for the school and a sum of Rs.2.50 crores was granted as per G.O.(Ms) No.87/99SC/ST. Dept. dated 27..9..1999 but as there was objection on account of the building being put up on the river bank the construction was

thereafter directed to put up the PWD (Buildings) at another site and the site was handed over to the PWD (Buildings) during the year 2005. In the report it is further stated that the contractor filed a case before the High Court seeking excess amount and as per the directions of the High Court 35% tender excess was sanctioned but the contractor did not proceed with the work saying that the said amount is not sufficient and therefore re-tendering process is in progress. It is also stated that at present the building is maintained by spending Rs.8,70,000/- and also by spending Rs.3,32,000/- for re-wiring for which administrative sanction was given vide G.O.(Rt) 106/09/SC.ST. Dept. dated 24.1.09 and that renovation of Computer Lab, Kitchen, Dining Hall and additional Dining Hall will be provided with hostel facilities to the students and that steps are also being taken to implement the same.

The petitioner is present. Mr.C.K. Pankajakshan, Project Officer, ITDP, is also present. The petitioner submits that it is more than 10 years since any concrete steps are taken to put up a building for 300 students who belong to Scheduled Tribe who come from a lower strata of society. According to him no effective steps are being taken and at every stage some reason or other is given for not proceeding with the work and in the process the students, who study in this school, which has secured 100% pass, suffer.

The Project Officer, ITDP submits that since it is the responsibility of the PWD to construct the building steps are being taken to see that the

building is put up for the school at the earliest, but he is not able to give any time frame within which the building will be constructed.

The complaint and the report therefore show that the school where 300 students belonging to Scheduled Tribe are studying requires a new building and the construction of the said building is being stalled on lame grounds and by several persons by giving one reason or other. Mr.C.K. Pankajakshan informs me that order of the High Court was passed on 1..5..2006 and since then three years have elapsed but no further action had been taken after the contractor stopped the work on the ground that the enhanced amount of 35% on the tender amount is not sufficient. In the report it is stated that Rs.12,02,000/- was sanctioned and spent for maintenance and re-wiring as well as for other purposes. I am unable to understand as to why the Scheduled Tribe Development Department is not taking effective steps to see that the new building is put up to enable the students to study in a good building when they are prepared to spend about Rs.12,02,000/- in maintaining an old building. The Department cannot simply hide behind the technicalities stating that the PWD has to take action for tender and the re-tendering process is going on when admittedly a sum of Rs.2.50 crores was sanctioned by Government even in the year 1999 and later the High Court also passed an order in the year 2006 sanctioning an excess of 35% on the tender amount. This indicates the sorry state of affairs and the lack of initiative on the part of the officials concerned to see that new building is put up for the students who belong to

Scheduled Tribe Community. I expect them to wake up to the realities and to see that the construction of the new building starts immediately and completed within a period of one year from today. The Scheduled Tribes Development Department will leave no stone unturned to see that the above direction is complied with in letter and spirit as it is for the benefit of students from the Scheduled Tribe Community when many children from the Tribal Community do not even think of going to schools. It is the responsibility of the welfare State to see that the underprivileged and the oppressed group of people are given sufficient and adequate opportunity to educate themselves so that they can come out of their ignorance and also raise their standard of living.

I hope and trust that the authorities concerned will consider the sentiments expressed by me in this order and take steps to see that the building is completed within the period of one year.

With the above direction the petition is closed.

**Justice N. Dhinakar,
Chairperson.**