

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

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

Dated this the 18<sup>th</sup> August, 2010.

**H.R.M.P.No.363 of 2010**

Petitioner : Dominic Kavunkal,  
Nazreth, Aluva,  
(Kerala Congress –B,  
Ernakulam District Committee).

Respondent :

**ORDER**

The complaint of the petitioner is that an Anganwadi is functioning in a congested room where 32 children are also studying and no action was taken by the Panchayat to shift the said Anganwadi to a suitable place.

In the report submitted by the Secretary, Keezhmad Grama Panchayat it is stated that after the complaint was received an enquiry was ordered and a report was obtained from the Supervisor of the Integrated Child Development Services (ICDS) and on the basis of the said report a meeting of the Welfare Committee was convened wherein a decision was taken and according to the said decision the class room was separated with a partition. Later on 13-5-2010 it was decided by the Committee in the presence of the Ward Member of the Panchayat to submit an application with the consent of the PTA of the school to shift the kitchen to some other place.

In the report filed by the District Social Welfare Officer (DSWO), Ernakulam, he has made similar averments made in the report of the Panchayat and further adding that the children are not put to any suffering on account of the functioning of the kitchen because plywood partition is put up and the cooking is done in a careful manner by using gas. According to the report of the DSWO, it is the duty of the

Panchayat to make available a proper building and attempts are being made for getting three cents of land from the school for the Anganwadi to which the co-operation is required from the local body as well as from the people.

The petitioner is present. Ummusalma Beevi, the Secretary of Keezhamad Grama Panchayat and Mr.Rajan who is presently holding charge of the DSWO, Ernakulam, are also present

The above reports of the Secretary of Keezhamad Grama Panchayat as well as the DSWO, Ernakulam, therefore show that the complaint of the petitioner is true. It is not disputed in the above reports that 32 children are studying in the Anganwadi in a class which is also used as a cooking room but with a plywood partition. The DSWO submits that since there is a partition there can be no difficulty for 32 children in the class room, the said statement to which I am not able to agree. This only shows that 32 children are made to be face undue hardships in a congested room which are further enhanced by partitioning it with a plywood for the purpose of cooking meals.

The complaint made in this HRMP was received in the office of this Commission on 28-1-2010 and reports were called for on 29-1-2010. It could be seen from the reports and the records furnished before me by the Panchayat that after the complaint was received the Panchayat woke up from its slumber by writing a letter dated 26-5-2010 to the District Panchayat, Ernakulam, requesting the District Panchayat to address the school authorities for getting three cents of land from the school for putting up an Anganwadi and thereafter prepared the above report mentioned earlier and sent it to the office of this Commission on 5-6-2010. The dates mentioned above therefore show that the Panchayat did not take any action till the complaint was received and the Social Welfare Department was satisfied with the fact

that since the partition is effected with a plywood the Anganwadi can function in an already congested room with 32 children who have to sit and study there. On the above facts, it is clear that the above authorities did not take any step till a complaint was received by this Commission and even the present stand of the Secretary of the Panchayat is that the Panchayat is on the look out for a property for running an Anganwadi.

. The petitioner submits that he is prepared to identify the property to the Panchayat and the Secretary of the Panchayat assures that proper steps will be initiated without any further delay and if the petitioner is able to identify a property which will be suitable for an Anganwadi it will also be considered for putting up the said Anganwadi.

In view of the above, the petitioner is at liberty to approach Keezhmad Grama Panchayat and identify the property and if the property so identified by the petitioner is convenient for putting up the Anganwadi steps will be initiated by the Panchayat. The District Social Welfare Officer, Ernakulam, cannot wash off his hands with the contention put forward by him in his report and it is also his responsibility to see that the Anganwadi is put up in a proper building which will secure the interest of everyone concerned.

The petition is closed accordingly. Send a copy of this order each to the petitioner, the Secretary, Keezhmad Grama Panchayat and the District Social Welfare Officer, Ernakulam.

Justice N. Dhinakar,  
Chairperson.