

GOA HUMAN RIGHTS COMMISSION
PANAJI – GOA

Proceeding No. 100/2013

Proceeding No. 134/2013

Proceeding No.149/2013

INQUIRY REPORT

By this common Order we propose to dispose of all the three proceedings mentioned above as they are based on facts which are identical and similar in nature relating to the incidents of alleged food poisoning of the students after consuming Mid-day meals.

2. On the basis of the media reports which appeared in the local newspapers 'Herald' dated 28/06/2013 and 'Navhind Times' dated 28/06/2013 pertaining to the incident of food poisoning of students of Mallikarjun High School at Canacona, the media report which appeared in the 'Navhind Times' dated 20/07/2013 under the caption "23 students fell ill after mid-day meal in Usgao" pertaining to St. Joseph High School, Usgao, Ponda - Goa and the news-paper report which appeared in the 'Herald' dated 28/07/2013 under the caption "19 Pernem students fall ill after eating mid-day meal" of Kamleshwar High School, Deulwado, Korgao, Pernem - Goa, this Commission took suo-motu cognizance of the matter and issued notices to the Chairperson, Mallikarjun Vidyalaya High School, Canacona - Goa, Headmaster, St. Joseph High School, Usgao, Ponda - Goa, the Headmaster, Kamleshwar High School, Korgao, Pernem - Goa, Director of Education, Panaji - Goa, the Secretary, (Education), Secretariat, Porvorim and the State of Goa through the Chief Secretary, Secretariat, Porvorim - Goa. In pursuance to the notices, the Respondents filed their respective responses.

3. The Chairman of Shree Mallikarjun Vidhyala High School, Canacona (proceeding No.100/2013) in his reply has stated that the students of Std. V to VIII were served bhaji and bread which was supplied by Omkar Self Help Group, Kindlem by the contractor Mrs. Sneha alias Sandhya Dinesh Dessai from Canacona. It is stated that before the mid-day meal is served it is their usual practice to taste the food and the same was tasted by one of their teachers, Headmaster Mr. N. D. Fernandes and also by three mid-day meal servers. After the recess, during Vth period some students from Std. V started complaining of stomach-ache, headache and nausea. 18 students were shifted to the Community Health Centre, Canacona. Even after giving treatment 8 students did not recover and they were referred to Hospicio Hospital, Margao for further treatment. Initially

23 students were admitted in the Community Health Centre. Later on the remaining students who had the Mid-day meals were taken to the Community Health Centre as a precautionary measure. The total number of students who were given treatment were 86 in number. During the course of the day, the Mamlatdar/Executive Magistrate of Canacona taluka visited the school and inspected the mid-day meal and also sealed the samples of the mid-day meal which was served to the students. Thereafter, complaint was filed at Canacona Police Station. The Police Inspector of Canacona Police Station also visited the school. Later on the contractor Mrs. Sneha Dinesh Dessai was arrested by Canacona police.

4. The Manager of St. Joseph High School, Usgao, Ponda (proceeding No.134/2013) in his reply has stated that the food which is supplied to the school by the Self-Help Groups is tasted by two or more persons who are working in the school before serving to the students. The meal was tasted and was found to be good before giving to the students. It is further stated that the ambulance was called and the students were taken to the hospital so that there should be no delay in case the matter becomes serious. The students were fine and reached the hospital in a happy mood. The students were not admitted but were kept under observation and sent home at 4.00 p.m. The school continued the meals from next day onwards but on account of incident of another school report of food-poisoning from Pernem school made almost all the students to stop eating meals and accordingly he stopped the meals from 1st August onwards and had a meeting of parents on 5th August, 2013 and it was felt that the meals should be cooked in the school.

5. The Headmaster of Kamleshwar High School, Deulwado, Korgao (proceeding No.149/2013) in his reply has stated that mid-day meal supplier supplied meals to the students consisting of bhaji (green peas) and bread at 10.45 a.m. After about 10 minutes at 11.00 a.m. one student Ms. Rachana Mandrekar started omitting. Immediately about 10-12 students also started omitting. About 20 students were sent to the Community Health Centre, Tuem at about 11.10 a.m. accompanied by four teachers and two mid-day meal helpers. It is further stated that the Food Safety Officer visited the school at 3.00 p.m. and collected the sample of the MDM (bhaji/pao) and it was duly sealed.

6. The Director of Education has stated that by a Circular No.DE/VOC/466/MDM/2005/165 dated 10/06/2005, the Directorate of

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Education has informed all the Headmasters/Headmistresses of all Government/Government aided institutions to implement mid-day meal scheme by providing hot cooked food to all Government and Government aided primary schools children of St. I to St. IV under the National Programme of Nutritional Support to Primary Education, Mid-day Meal Scheme as per the Supreme Court directions. The concerned Headmasters of the primary schools were directed to check the quality and quantity of hot cooked food before distributing it to the school children. If the food items are of poor quality, food should not be distributed to the children and the same should be informed to the ADEI of the taluka.

7. By another Circular dated 03/06/2011 all the Presidents of Self-Help Groups were instructed to take all the measures to cook the meal in tidy and clean kitchen with quality ingredients which has to be added. The food served should contain appropriate weight and nutritional values as prescribed. It is further stated that the Directorate of Education is only the Nodal Agency to provide Mid-day meals to the Government and Government aided schools. The responsibilities of tasting the food under the mid-day meal scheme is of the Headmaster and of the Parents-Teachers Association member of the school as per the guidelines issued.

8. It is further stated that the Directorate of Food and Drug Administration has been requested to inspect the kitchen of Self-Help Groups/Mahila Mandals regularly and the Taluka ADEIs have been directed to ensure that the school authorities shall taste the meals before serving to the students. It is also stated that all necessary precautions are taken and instructions are issued to Self-Help Groups/Mahila Mandals to supply safe and secured standard and hygienic mid-day meals.

9. We have gone through the media reports and the responses filed by the Respondents in respective cases. We have also heard the Parties.

10. The records indicate that on 27/06/2013 the mid-day meal was supplied by Omkar Self-Help Group to the students of Mallikarjun Vidhyala High School. The samples of food were analysed by the Directorate of Food and Drugs Administration, Panaji. The Analytical Report of Food and Drugs Administration indicates that out of five samples drawn, two samples of patal bhaji and bread

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showed presence of E.coli microorganism. According to the Food and Drug Administration the said food articles were unfit for consumption.

11. The food samples of St. Joseph High School, Usgao were also analysed by the Food and Drug Administration. The Analytical Report indicates that all the five samples were of standard quality free from bacterial contamination and fit for consumption. Similarly, the food samples of Kamleshwar High School, Korgao were also analysed by the Food and Drugs Administration and it was found that the sample analysed was fit for consumption and was free from pathogenic microorganism of E.coli and Salmonella Bacterial contamination.

12. It is thus apparent that the food supplied by the Self-Help Group of Mallikarjun High School, Canacona was not fit for consumption. But food supplied to the students of St. Joseph High School, Usgao and Kamleshwar High School, Korgao was found fit for human consumption

13. The State of Goa is implementing the Mid-day meal scheme sponsored by Government of India through Directorate of Education, Panaji. The contracts for supplying cooked food are awarded to Self Help Groups/Mahila Mandals by Directorate of Education., It appears that there are 82 Self-Help/Groups/Mahila Mandals who have been awarded such contracts. Needless to say that the food is required to be cooked in clean and tidy kitchens and in hygienic atmosphere. It is therefore imperative on the part of school managements as well as the Directorate of Education to keep a strict vigil over such activities to ensure that the food is

cooked in clean and tidy kitchens and in hygienic atmosphere to prevent any untoward incident.

14. The International Covenant on Economic, Social and Cultural Rights which India is a State Party, specifically recognises that “the enjoyment of the highest attainable standard of health” is the right of every human being. Article-21 of the Constitution of India has been judiciously interpreted to expand the meaning and scope of the right to life to include right to health which is a fundamental right of every citizen. Thus, it is the primary obligation of the State Government to protect and promote the right to health of citizens including the students in letter and spirit.

15. In the facts and circumstances of these cases, we make following recommendations:

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1. All the Self-Help Groups/Mahila Mandals which are given contracts to supply mid-day meals to the students of Government/Government aided schools should cook the food in clean and tidy kitchen rooms which are duly approved by Directorate of Food and Drugs Administration, Panaji – Goa. They should maintain cleanliness at the place of cooking and the food should be cooked in a hygienic atmosphere.
2. All the Self-Help Groups/Mahila Mandals should supply hygienic and quality meals to the students.
3. The food/meals should be tasted by the representative of school management along with representative of Parent/Teachers Association before serving the cooked food to the students.
4. The ingredients used to cook the food should be stored in a hygienic and safe place to avoid contamination.
5. The Food & Drugs Administration should carry out periodical inspections of cooking places as well as ingredients used for cooking food with the assistance of representative of the Director of Education to ensure that hygienic food is supplied to the students.

6. As far as possible the concerned authorities must ensure that only hot cooked food is provided to the children to avoid any contamination in transit.
7. The Director of Education who is the overall Controlling and Supervisory Authority should keep strict vigilance over the Self-Help Groups/Mahila Mandals while implementing the Mid-day meal scheme to avoid any untoward incidents.

The State of Goa through its Chief Secretary shall forward its comments on the report including the action taken or proposed to be taken thereon in terms of Section 18 (e) of the Protection of Human Rights Act, 1993 to this Commission on 14/02/2014 at 11.00 a.m.

Date: 08/01/2014

Place: Panaji - Goa

Sd/-
(Justice P. K. Misra)
Chairperson
Goa Human Rights Commission

Sd/-
(A. D. Salkar)
Member
Goa Human Rights Commission

Sd/-
(J. A. Keny)
Member
Goa Human Rights Commission