

Tribal Children Need Greater Protection

In the past couple of months teams from NCPCR visited Amarabad Mandal, Mahboobnagar district, Andhra Pradesh, Dhanora block, Gadchiroli district, Maharashtra, Bishnupur district, Manipur, and East Champaran and Sheohar districts of Bihar, all predominantly tribal districts, to address complaints of child right violations in these areas. These are among the lowest performing districts in literacy, health and nutrition of children in the country. Some of them are also areas of civil unrest with a strong presence of Maoists.

In spite of sub plans for tribal areas, unfortunately most of the facilities have not reached the children leading to greater disparities, marginalization and perpetuation of poverty and inequality.

They found that there was an enormous demand for education even amongst the poorest of tribal families. Thus, despite inadequate hostels or residential schools for boys and girls, children make do with small rented rooms in the towns nearby just so they may go to the nearest middle or high school. Several tribal children had overcome all barriers to attend local schools, tribal ashram schools and the Kasturba Gandhi Balika Vidyalaya (KGBV) and had reached Class 8 and beyond. Communities have also taken pains to revive anganwadi centres and make them a place of pride.

In a way, these success stories give hope that all is not lost and public institutions can function even in the tribal belts and in areas of civil unrest.

It is important to recognize the endeavours of local tribal populations as well as the officials and support them. It is also important to increase the number of residential schools, hostels, ashram schools, KGBVs, Navodaya and Kendriya Vidyalayas and to ensure that children are protected and in safe zones. Only by ensuring that every child has a right to education can the cycle of poverty be broken. Education alone can create opportunities to eliminate inequity and marginalization.

All children must be covered under the ICDS programme, and even in smaller habitations children below six years of age should be given their entitlements of health, food and nutrition.

Often, there are not enough educated persons from the tribal community who qualify for recruitments as teachers, anganwadi workers or programme supervisors. This is a genuine concern. It is necessary to consider a policy of recruiting the best qualified person in the area and to be less demanding on qualifications. And once recruited, these tribal service providers should be given additional training and support to bring them on par with their peers in similar professions. Further, as they are mostly in remote areas with little or no access to transportation or any other facilities that a better connected town has, it becomes essential to create incentives in terms of housing, scholarships for their children and also better pay structure to encourage professionals to serve the tribal community better. There are instances in several states where this has been attempted and there is a need to review all such policies to ensure that personnel are available for delivery of services.

Thus, when a policy for tribal communities is framed it must include a section on children's rights as well. ■

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September 2011 Issue

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Removing Hurdles in Path of Education



Children near a community hall being used as a school

The National Commission for Protection of Child Rights (NCPCR) visited Gadchiroli district, Maharashtra, in the second week of August to look into the condition of children and the status of their access to education after the closure of the government aided ashram school in Kamangad village, Dhanora block.

This is one of the blocks which falls under the Bal Bandhu scheme, the NCPCR's pilot programme for protection of child rights in areas of civil unrest.

The team comprising Prof Shantha Sinha, Chairperson, NCPCR, Ms Dipa Dixit, Member, NCPCR, and Mr Venkat Reddy, National Convener, MV Foundation, inquired into the status of ashram schools, social welfare hostels and the implementation of the Right of Children to Free and Compulsory Education (RTE) Act, 2009, in the block and the district. During their two day visit, they also sought an update on the status of anganwadi centres (AWC) and children's access to health and nutrition in the block and reviewed the Bal Bandhu programme.

The Commission had received petitions from the community in Kamangad village regarding the closure of the ashram school where 363 children were studying from class 1 to 10 including 30 tribal children studying in class 10 in the current academic year. Petitions were made to the District

"Open the School Please" Petition Parents

"The aided ashram school in Kamangad village being run by a private trust, Motiramji Dhawle Shikshan Prasarak Mandal Kadholi since December 1992, has completed 20 years in the village. However, it is now being shifted/relocated to Kurkheda against the wishes of the village residents.

As soon as we (the parents and residents of Kamangad) found out about the relocation of the school, we apprised the District Administration. But the school at Kamangad was closed down.

The residents of Kamangad have helped the school trust to enable the smooth functioning of the school. The land for the school building was given by the village. Despite all efforts, the school in which 363 children were studying has been closed down. The school management trust is responsible for the present situation. An ashram school is essential for children in this area. Kindly strive to revive this school under any condition; it is a humble request from all of us."

—Signed by residents of Kamangad village
and all the parents/guardians



Tribal girls that have had the opportunity to complete their primary schooling and have been enrolled in KGVs

Collector, Gadchiroli and the Tribal Development Department. The Commission, which had written to the Maharashtra government to investigate and take action, also decided to look into the issue as children were being deprived of their right to education and were beginning to join the labour force.

What Dhanora Needs

A survey conducted by the Bal Bandhus showed that many of the children who were enrolled were either irregular or had dropped out. Out of 4568 students enrolled in both government and aided ashram schools in Dhanora block, only 3000 were found attending school. They also found

- (i) Lack of teachers, dilapidated school building, and lack of health facilities in state run Godalwahi and Sawargaon ashramshalas
- (ii) Although the state run Sode ashram school was comparatively better than the other ashram schools in the block, it lacked a science teacher and needed additional classrooms
- (iii) Inadequacies related to the hostel building, bedding, clothing and functioning of Tribal Hostel at Dhanora block headquarters

Ashram School Closed Despite Protests

A private Trust which was running the ashramshala with government aid was given permission by the Maharashtra government to close the Kamangad ashramshala and shift it to Kurkheda, a village nearly 100 km away. The Kamangad gram panchayat passed a resolution against its shifting and demanded its continuance in the same village. The community too protested as children would find it difficult to travel so far. It was essential for the ashram school to remain in that block because children not only from Kamangad but also from nearby villages, dominated by the tribal population, attended it. However, the ashram school closed in spite of these appeals.

This was brought to the notice of the District Collector, CEO Zila Parishad, and Project Officer, Integrated Tribal Development Project by the community and the gram panchayat.

Closure Impacts Children

The Commission found that the closure of the school had forced girls of class 10 to work in the fields for a paltry Rs 30 a day. Children who deposed before the NCPCR team wanted to study and demanded the school be reopened immediately. They also saw that parents in Kamangad and surrounding villages were anxious about their children's education even as they were under pressure to surrender their children to the Maoists as their cadre. They made a plea for the school

to be taken over by the government.

Two school teachers, who continued to teach, were able to facilitate the attendance of about 80 children from Kamangad and neighbouring villages. These teachers continued teaching although their salaries were not paid by the Trust for three years.

A Panchayat Samiti member pointed out that earlier children and their parents could speak only Gondi. But thanks to the school, they could now speak Marathi too.

The parents and guardians of the children, especially mothers, reiterated that they wouldn't send their children to school if it was shifted 100 kms away from Kamangad to Kurkheda and asked the government to take over this school.

Recommendations

Concerned about the predicament of children in areas of civil unrest, the NCPCR made several key recommendations:

Recommendation Accepted

The NCPCR recommendation to revive the ashram school in Kamangad village and rehabilitate the 363 out of school children has been accepted and carried out by the government. It has put the school under the control of the Department of Tribal Development and appointed the Tribal Development Inspector, Project Office, Gadchiroli, to overlook its functioning as administrator as recommended by NCPCR. The Commission was also informed that food provisions would reach the school. A teacher from the Block Resource Centre has been deputed to teach the children at Nawargaon Zila Parishad primary school three days a week

- Conduct enquiry to investigate allegations and complaints made against the ashram school management regarding abducted and missing children, stolen school records and non payment of salaries to the teachers for three years
- Repair/reconstruct buildings of all ashram schools in Gadchiroli and Dhanora block. Constitute committee comprising District Administration and BDOs or BEOs, representatives of zila parishad, block panchayats, Bal Bandhu (BB) resource persons to conduct audit of these schools. Proper indicators for audit be developed and provided to all committee members
- Regular training/orientation for headmasters and wardens on RTE Act
- Cooperation between school teachers, AWWs and others

Overcoming Challenges

Bal Bandhus and BB resource persons work under extremely difficult circumstances. Despite the hurdles, the 19 Bal Bandhus and two resource persons working in Dhanora block of Gadchiroli district have managed to

- Complete household survey in 19 of 62 gram panchayats of all children in the 0-18 year age group
- Motivate active participation of six of these 19 panchayats including Navargaon, Haiti, Rangi and Salebhatti, on promoting child rights by monitoring enrolment of children in school, bringing children back to school, verifying their school attendance with community, petitioning for reinstating subject teachers in schools, and attending block level trainings and orientation
- Train 16 gram panchayats on RTE provisions
- Facilitate formation of School Management Committees (SMCs)
- Form Bal and Balika Adhikar Suraksha Samiti (BASS) in three gram panchayats and encourage them to make regular petitions on matters concerning child rights
- Assess functioning of ashram schools and social welfare hostels with support from community and functionaries
- Improve conditions of schools and AWCs ensuring non absenteeism of teachers and better food quality
- Hold youth meetings/rallies in every village on child rights
- Prepare list of non functional block AWCs and share it with District Administration
- Work with ASHAs

- with BBs and their resource persons
- Hold review meeting between BB resource persons and the CEO and District Collector at least once a month to review and respond to petitions from the community in Dhanora block regarding children's access to schools, anganwadi centres, health facilities and other entitlements.
- The CEO to facilitate training for the functionaries of BB scheme including the resource persons on Child Treatment Centres (CTCs) and Village Child Development Centres (VCDCs) and enable coordination between BBs and ASHAs
- Institute procedure for timely response to NCPCR recommendations
- The District Collector allocate one day in a month to meet sarpanchs and community to listen to their grievances ■

Vulnerable Manipur Children Fend for Themselves

- Ngampao of Chakpikarong Village, Chandel District, Manipur, was returning home with three of his friends in February this year when they accidentally stepped on a landmine. The landmine exploded, gravely injuring all three boys. Two boys were released from the regional medical college after two months of treatment. But Ngampao, who lost his left leg and right hand, was unable to bear the cost for his treatment (over Rs 2 lakhs) as he belongs to a poor tribal family. He needs financial assistance urgently.
- After the death of the parents of 12 year old Chandni, she and her five siblings went to live with her grandmother in Imphal East District. Chandni has two elder brothers and two elder sisters. However, her grandmother also died leaving the children to fend for themselves. While the elder children have dropped out of school, Chandni and one of her sisters receive partial education support from a NGO. Chandni is on first line ART since 2008 and is very worried about her condition. With insufficient food at home, her CD4 count declined in the last six months. Their only source of income is what the elder brothers earn as daily wage labourers. She needs psychological support, nutrition and proper medicines.
- Huidrom Promodini completed her education till class IV. But she was denied admission to class V in Yurembam Junior High School for not paying admission fees. She comes to class but has not been listed in the school register and thus deprived of free textbooks. Despite it being brought to the notice of higher authorities in the department, the situation remains unchanged.

These are some of the cases that came before the National Commission for Protection of Child Rights (NCPCR) during a two day public hearing in Imphal, Manipur, in the second week of August. While complaints related to violation of rights of the orphan and vulnerable children infected/affected by HIV and AIDS was heard on the first day, grievances on denial of the right to education (RTE), child trafficking and other child rights issues were presented on the second day.

The jury, headed by NCPCR Chairperson Shantha Sinha, heard 29 cases related to trafficking and RTE and 23 cases of denial of rights to orphans affected by HIV and AIDS brought before them by the children, their relatives and civil society organizations. Other jury members comprised Ms Dipa Dixit, Member, NCPCR, Mr Sunil Kaul, President, ANT, Chirang, Assam and Mr Satya Gopal Dey, Associate General Manager, Development Support, CRY, Kolkata.

Officials of the Departments of Social Welfare, Education, State AIDS Control Society, Legal Aid Service Authority and the District Administration were also present at the hearing.

The jury heard cases of vulnerable children infected/affected by HIV and AIDS, many of whom were fending for themselves after the death of their parents. Several children had dropped out of school because of lack of resources and fear of stigma. There was an immediate need for nutrition and educational support, financial assistance and counseling for these children.

Complaints regarding irregular attendance of government appointed teachers, access issues for children with disabilities, absence of government schools in the vicinity, government schools charging admission and other fees/funds,



denial of admission, poor infrastructure, midday meal issues, detention, eviction without child care plan, entitlements for widows and children with disabilities, compensation for landmine victims and lack of government support for children's institutions were also heard.

Since each child's case and requirement was unique, the Commission gave recommendations for each child separately to the concerned departments of the state government including Social Welfare, Health & Family Welfare, NRHM, School Education, Sarva Shiksha Abhiyan (SSA), and State AIDS Control Society.

While underlining the need for confidentiality, as many of the children revealed that their HIV status was unknown to their schoolmates, relatives and neighbours, the Commission has sought an action taken report. ■

Recommendations: RTE and other Child Rights Issues

- A study on the number of out of school children to be conducted by SSA, Manipur. Any child absent for more than 15 days a month to be counted as out of school. This survey report to include details of children with disabilities
- Fees/funds collected by schools this year to be returned within one week
- Disciplinary action be taken against teachers found charging fees/funds in government schools
- Children with disabilities be provided with aids and appliances as required and midday meals even if they are enrolled in non government/private schools
- The school toilet be made accessible for children with dis-

abilities as required under SSA norms and guidelines

- Submit to NCPCR a report with sub division details of teacher vacancies and appointments
- Conduct public hearings in each district. The jury may comprise members from the Autonomous District Council, the Child Welfare Committee and Village Council. The relevant CWC to report to NCPCR after each public hearing. A schedule with details of jury members for these hearings be sent to NCPCR
- The state Social Welfare Department seek special permission from the Centre to consider the case for institutional care of the children as circumstances in Manipur are different from other states and non institutional care may neither be feasible nor sustainable

Recommendations: Orphan and Vulnerable Children Affected/Infected by HIV and AIDS

Access to Nutrition and Healthcare

- Manipur AIDS Control Society (MACS) to register names of children who deposed at the public hearing and reach out to them and others to enable access to all services
- Conduct a complete health check up of all these children to ascertain their medical and nutritional requirements and government to formulate individual healthcare plans and implement them
- Ensure availability of good quality supplementary nutrition, in the form of micronutrients and double or dry ration to orphan and vulnerable children (OVC) since one midday meal a day is not sufficient. Also, OVC not enrolled in school, or missing school due to treatment or during vacations, require supplementary nutritional support. MACS to pursue this policy change
- Ensure capacity building of doctors at government hospitals, especially relating to paediatric HIV and free access to quality prevention, treatment, care and support services.. Ensure availability of paediatric dosage, Early Infant Diagnosis (EID), 2nd and 3rd Line ART treatment, PPTCT kits, and medicine for Opportunistic Infections and, treatment and care centres, especially government run ones
- Public hearings in every district to resolve issues presented by the children and their caregivers. Ensure timely review of implementation of directives at district level
- AAY cards be given to families living with HIV and AIDS
- For children living with frail grandparents or extended family (aunt and uncle), provisions must be made for pension and BPL cards to ensure minimum food security, nutritional support and to prevent child labour. With regard to single mothers, widowed by AIDS, livelihood programmes must be available and accessible so that the

child is not forced into labour

- Department of Women and Child Development and Social Welfare to devise policies focusing on boys since most government schemes, especially regarding nutrition such as SABLA and SNP, focus on girl children

Access to Education

- No child can be denied admission to school on the basis of her (or her parents') HIV status and strict action must be taken against educational institutions which discriminate. In addition, OVC must be provided with scholarships, especially if they are living with grandparents or child/elderly headed households. This would serve as incentive to attend school. Certain special provisions for OVC such as relaxation in attendance, retests etc. will help them realize their right to education
- Education Department to ensure children living with HIV and AIDS receive free education under the 25 percent reservation clause for private schools as per the RTE Act
- Education Department to ensure waiver of examination fee up to 10th Board examination for all children living with HIV and AIDS
- Education Department to regularly review status of midday meals in schools and check frequency of supplies released as children complained about non availability of provisions

Legal Aid

- Manipur Legal Services Authority must simplify access to legal aid for OVC. These should be available at the district level ART centre since property rights of a child orphaned by AIDS are violated. Ensure effective grievance redressal mechanisms at the block, village or district level in schools and hospitals, in both public and private sector. This must include redressal of issues related to food, healthcare, nutrition, treatment, education, stigma, discrimination, and rehabilitation

Demand for Education Grows

A visit to Amarabad Mandal of Mahbubnagar, Andhra Pradesh, was made in the second week of July by the National Commission for Protection of Child Rights (NCPCR) in response to several complaints on denial of basic rights to children, especially right to education.

The team comprising NCPCR Chairperson Shatha Sinha, Ms Dipa Dixit, Member, NCPCR, Mr Lov Verma, Member Secretary, NCPCR, Mr J.B. Raju, Dalit leader and Mr Venkat Reddy, National Convener, MV Foundation visited an upper primary school in Thirumalapur BK village and interacted with school staff, children, women and youth of the village. The team, which was accompanied by Ms Chandana Khan, Principal Secretary, SSA Education, Mr Purushottam Reddy, District Collector and all the concerned officials of the Mahbubnagar district, also heard members of women's groups, local child rights activists, school teachers and the community in Mannanur.

Several recommendations were made to redress the complaints and were forwarded to Mr S V Prasad, Chief Secretary, Andhra Pradesh, for action. The Commission also proposes to send a team after two months to see the progress made.

Recommendations

The team learnt that poor parents sent their children to government schools and not to the local private schools. But 19 schools were closed due to non availability of teachers. This was a clear denial of their right to education. It was recommended that

- 'Vidya volunteers' be recruited at the ratio of 1:30 teacher pupil ratio (TPR) for primary schools and 1:35 TPR for upper primary schools, pending recruitment of regular trained school teachers
- Recruitment of teachers
 - for Wankeswaram Primary School (180 children and only 1 teacher)
 - For Wankeswaram High School (No subject teachers)
 - For Chitlakunta Upper Primary School (294 children and only 2 teachers)
 - For Zonal PHS Amarabad (Six sanctioned posts for teachers vacant)

Long gaps between the supplies of the rice needed for midday meals compelled headmasters to borrow from the market. It was recommended that an adequate supply and timely delivery of food supplies be ensured to avoid reduction in quantity and quality of food.

Badly maintained toilets and dirty kitchen sheds should be repaired/cleaned and clean drinking water and water supply to the toilets ensured.

Since children need free bus passes to travel to schools, this should be facilitated under the RTE Act, which stipulates that 'free' should include all the facilities necessary to enable a child to enjoy her right to education.

The policy regarding teacher posting, transfer of teach-

ers, deputation of teachers to Kasturba Gandhi Ballika Vidyalays (KGBV) and the government order regarding recruitment of teachers from tribal community in the area have led to vacancies and absence of qualified teachers in the area. At the high school level, there were no subject specialist teachers. Being a complex issue, the Commission recommended revisiting these policies.

The Commission also recommended a comprehensive recruitment policy for appointment of teachers keeping in mind the specific context and need for this area (Amarabad, Achampet, Balmoor and Lingala mandal).

Relaxing Age Limits for Girls

Several girl students, who were school dropouts or never enrolled in schools, were mainstreamed into formal schools through the residential bridge courses. However, their applications for hostel in intermediate colleges were rejected as they were 19 and thus over age. Since the girls were keen to



pursue education against all odds, relaxation of the age limit to enable them to access hostel seats, was recommended.

The team also recommended that complaints of students from SC, ST, backward classes and minority communities who had not received scholarships in the past two years in Amarabad Junior College should be addressed.

Redressing RTE Complaints

Since several issues needed to be resolved at the district and mandal levels, the Commission recommended a particular day be allocated for grievance redressal with District/Mandal administration. ■

Positive Impact of Social Audit Debriefing



With the completion of the post-facto social audit of RTE in eight out of 10 states, a debriefing meeting was organized for all organisations working in the field in nine states in Hyderabad in the second week of August. This year the social audit pilot has been expanded to include two new states, Karnataka and Orissa.

The social audit structure in each state comprises a team of 31 persons. This includes one District Coordinator, five Block Monitors and 25 Panchayat Facilitators. All District Coordinators and Block Monitors were invited to Hyderabad to share their experiences while piloting the methodology and their inputs for further improvement. Prof Shantha Sinha, Chairperson, NCPCR, distributed certificates to all of them.

Each state shared their experiences on the following:

- Administering checklists and suggestions for change
- Challenges faced in social audit methodology
- Comments on community meetings
- Comments on government involvement/response during the process
- Communication with NCPCR and gaps therein
- Positive stories/case studies emerging as a result of the social audit process

Initially, team members in Uttar Pradesh, Maharashtra and Tamil Nadu faced resistance from government officials and were denied entry into schools. However, with the support of NCPCR most of them were able to get them on board. In fact, block meetings held as part of the audit process activated several Block Education Officers (BEOs) to take quick action.

The teams used local forms of art and music such as street plays and Kala Jathas in Bihar and Madhya Pradesh,

'phads' and newsletters in the local language (Bundeli) in Uttar Pradesh, to generate awareness on RTE among the community.

Besides giving suggestions to improve the checklists for the next round of the audit, groups spoke of how the social audit process had impacted not only in the 25 panchayats per state selected for the pilot but in neighbouring areas as well.

During the block level public meeting in Dhamangaon, Maharashtra, it was found that children were being given only part of their incentive. Children from families affected by the farmers' suicide in Vidarbha are given Rs. 500 as incentive as part of the 'Shetkari' package. However, their schools were taking a 10 percent cut from this incentive from each child. The BEO passed orders for an immediate refund and over Rs. 8000 was returned to 77 students in the school.

Organisations in each state prepared lists of out of school children through a house to house survey and handed it over to the block office. A large number of out of school children have been enrolled into schools after the social audit.

Way forward

The organisations were also trained on 'concurrent monitoring', the next phase after post-facto social audit of RTE. The groups will begin this phase by the end of September/early October. This phase has been designed to involve the panchayati raj institutions (PRI) as well as members of the School Management Committees in a more sustained and intensive manner. Efforts will also be made to expand the process to other areas and build linkages with other organisations and volunteer groups working in the area. ■



State Rules Amended in Madhya Pradesh

Members of the Commission's RTE division and the social audit team, BGVS, met Mr Manoj Jhalani, Commissioner, Rajya Shiksha Kendra, Madhya Pradesh in the first week of August. Mr Jhalani shared details of an amendment made to the State RTE Rules. This amendment pertained to the Madhya Pradesh State Rule wherein free uniforms were mentioned as entitlements only for girls and boys belonging to the scheduled caste (SC), scheduled tribe (ST) and living below the poverty line (BPL). This was amended following the recommendation that free uniforms should be provided to all children and not just children belonging to SC, SC and BPL.

The Commissioner stated he would look into the issue of composition of the School Management Committees in the State RTE Rules. The NCPCR has recommend that a system of random selection of SMC members based on the composition criteria be included in the State Rules as opposed to the current formulation, which says that, "mother and father of each child who has secured highest percentage of marks in the annual examination of the preceding academic session in class I, II, III and IV will be members of the SMC."

AP Amends RTE Rules

The Andhra Pradesh government has amended the Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010. This was done after the State Project Director, Rajiv Vidya Mission, (SSA), AP, Hyderabad, submitted proposals for substitution/addition of certain provisions to the AP Right of Children to Free and Compulsory Education Rules, 2010. The Commissioner & Director of School Education, AP, Hyderabad and the State Project Director, Rajiv Vidya Mission (SSA), AP, Hyderabad shall take necessary action accordingly.

Instituting a RTE Grievance Redressal System

The Ministry of Human Resource Development (MHRD) and the NCPCR organized a national consultation with state Education Secretaries in the second week of July in the Capital to develop a RTE grievance redressal system. Speakers at the consultation pointed out that one of the most crucial challenges of the RTE Act was the establishment of an effective grievance redressal system. A well defined institutional mechanism for registering, investigating and responding to grievances was needed if the implementation of the RTE legislation was to be effective and successful, they said.

Education Secretary Ms Anshu Vaish, Additional Secretary Ms Anita Kaul and NCPCR Chairperson Shantha Sinha stressed the urgency needed to institute the grievance redressal system for the RTE Act to be meaningful.

At present, SCPCRs or Right to Education Protection Authorities (REPAs) have been set up by 24 states under Section 32 of RTE to monitor its implementation. State Rules have also been notified in more than 15 states. But there was a need for monitoring agencies to link with the Education Department and push for responsibilities to be fixed at various levels within departments to register and respond to the various complaints. The NCPCR presented a matrix of entitlements of the RTE Act and requested Education Secretaries of each state to designate the corresponding officer within the department for registering, investigating and responding to the complaint.

Legal experts from the National Law School, Bangalore, also participated in the consultations which highlighted the need for formulating the contours of an appeal process in cases of unsatisfactory responses and/or delayed responses. The Human Resources Development Ministry and NCPCR has asked all Education Secretaries to revert to them soon with a detailed grievance redressal mechanism based on the matrix presented. ■

In Odisha, Liquor Shops Outside School Compound

At a state level public hearing on the Right to Education in Bhubaneswar, Odisha, about 29 cases of children who had not been able to access education or had other problems were heard by a NCPCR team and directives issued to the concerned officials at the district and state level.

A poor and migrant Schedule Caste worker said his son Chula Kalari, 12, wanted admission in a residential school in Baragarh district and he had petitioned the Collector in the third week of June. Since there was no response, he sought the help of the Commission. Not only was the administration told to accommodate the child but the NCPCR sought the tracking of all migrant children in the district by the Sarva Shiksha Abhiyan and the gram panchayats so that proper residential schools could be provided.

At the Jhalbhahal Primary School in the tribal dominated Jhalbhahal village of Bolangir District though there were 60 students studying in class 1 to 5, there was just one teacher thus affecting the quality of teaching. So parents were not interested in sending their children to school and there was large scale migration of children with their parents. Based on the complaints of the villagers, an additional teacher was provided. The Commission has directed the School Managing Committee be activated to deal with these kinds of problems.

In the Kumiapalli Upper Primary School, Lohisingha block of Bolangir there was just one teacher for 101 students in seven classes. Several petitions were made by the villagers over five years. Eventually, the villagers and the Village Education Committee appointed two volunteer teachers who left after a year because they were not paid. Emphasizing the need to maintain the RTE stipulated teacher-pupil ratio, the Commission noted at the public hearing that more teachers

had been appointed but they needed to be monitored.

It also asked the administration to draw up a list of the single teacher schools in the district and keep the Commission informed on how it planned to provide more teachers. The Odisha government informed the Commission that 3,000 more teachers were required in the state and assured that efforts were on to resolve the problem in the next two years.

The sarpanch of gram panchayat Turmunga, Keonjhar district, told the Commission that slaughter houses, fish godowns and liquor shops had come up in temporary cabins adjacent to the compound wall of the Turmunga Dadhibabana Primary School. This attracted all kinds of people around the school throughout the day and empty liquor bottles and gutkha pouches were strewn around. The noise from these shops disturbed the students and there was frequent transfer of teachers from the school.

The Commission has asked the district collector to issue eviction notices to these shops/godowns and submit its action taken report.

Other issues raised at the public hearings were students being asked to pay enrolment fees on entering class 8 (Commission clarified that there could be no fees charged from students of six to 14 years), denial of admission for not giving entrance exam, schools functioning in thatched hut, students having to travel two kms to get to school in an adjoining village because there was no school in their village and problems of preparing midday meals in schools which had no kitchen. Another problem was the presence of a school inside the Nandan Kanan zoo premises which had no boundary wall and added to the insecurity of the students. ■

Public Hearing Reveals Violation of Rights

A survey on the status of education in schools in Visakhapatnam district, Andhra Pradesh, found that alternate schools in five panchayats of Madugula block did not maintain proper records. About 17 schools had stopped functioning after August 2010 and 10 schools had never opened. Moreover, 276 out of 1013 students claimed to be in these schools, did not exist. Additionally, over nine tonnes of rice meant for midday meals for children in these schools had been sold in the market. Although a memoran-

dum had been submitted to the District Collector and other authorities, no investigation had taken place.

Pilferage of food supplies meant for midday meals is not the only complaint received by the National Commission for Protection of Child Rights (NCPCR). After getting numerous reports on denial of child rights, a public hearing was organised by the Commission in Hyderabad to look into the matter in the last week of July.

The team comprising Commission Chairperson Shantha

Sinha, retired Justice Subhashan Reddy, former Chairperson, Andhra Pradesh State Human Rights Commission, social activist Mr JB Raju and Commission Members Ms Dipa Dixit and Dr Yogesh Dube looked into 37 cases of child rights violation. These included cases related to the increase in out of school children and dropouts, migration, trafficking and child labour and children in need of care and protection.

Raju, a student of Pier Giorgio Frassati High School in Nemmikal, Nalgonda district, stated the management of this private school had detained about 70 children of Class 3, including him, because they had failed their examinations. A petition made by Raju's father stating his son had the right to be promoted to the next class, was rejected by the school management on grounds that it was their prerogative to decide whom to promote.

It was also disclosed that this school conducted screening tests for children seeking admission to all classes and imposed a fine of Rs 100 for each day that a child was absent from class.

Another case that came up in the hearing was of Hemanth Sai, a student of Class 3 of Little Tom Primary School in Musheerabad, Hyderabad district. The school management had detained him in Class 3 because he had not paid his fees. His teachers refused to let him sit for the

exams. Furthermore, they told him that he was incompetent and would not be admitted to any other school. The teachers also advised him to drop out of school and join the labour force to support his family.

In the case of Mandal Parishad upper primary school in Neriniki village, Kurnool district, 293 children were cramped into three small rooms and taught by only three teachers. When it rained, the school was flooded and so no classes were held. It was also pointed out that the government had still not given textbooks or any other entitlements due to the children of this school. Even the mandatory school management committee (SMC) had not been constituted to look into the matters of RTE implementation in the school.

Many of the children of this school wishing to continue studies beyond Class 6 had dropped out because of the lack of transportation between their village and the high school in Holagonda, 15 kms away.

After hearing all the complaints, the Commission has written to Mr S V Prasad, Chief Secretary, Andhra Pradesh, to ensure rights of every child in Andhra Pradesh were protected. It has given separate recommendations for each of the 37 cases. Copies of this letter have also been sent to relevant officials in the state and RTE State Representatives for action. ■

COMMISSION NEWS

Research to Enhance Child Rights

One of the responsibilities of the National Commission for Protection of Child Rights (NCPCR) is to advise the government on policy and legal framework for protection of child rights. So far the NCPCR had based its advice on voices and data emerging from consultations held at state and regional level with officials, constituting working groups to formulate its policies and learning from field visits. However, since policy making required considerable research and analysis, NCPCR decided to constitute a research advisory committee that would help it to engage in research to enhance children's rights.

A meeting was held in July to discuss the modalities of the Research Advisory Committee (RAC) and Technical Support Committee/Group with Commission Members, child rights and public health experts to identify the thrust areas for research by NCPCR. The participants included Prof Shantha Sinha, Chairperson, NCPCR, Commission Members Ms Dipa Dixit, Mr Vinod Kumar Tikoo, Dr. Yogesh Dube, Dr. Dinesh Laroia, Mr Lov Verma, Member Secretary, NCPCR, Ms Kiran Bhatta, National Coordinator (RTE), NCPCR, Ms Karuna Bishnoi, child rights specialist, UNICEF, Dr Veena Shatrugna, public health expert and former Director, NIN, Hyderabad, Prof Babu Mathew, Professor, National Law University, Delhi, Ms. Resmi P. Bhaskaren, researcher, Delhi, and Dr. Ashok Kumar, Addl. Director, NIPCCD, Delhi.

Some of the areas of research identified during the first RAC meeting were on a baseline survey to assess the effectiveness of the implementation of RTE in the selected two states; "estimation of street children in India (based on Census Provisional Data – 2011) with a focus on the present



approaches and discrepancies in methodologies, and review of existing legislation from child rights/child jurisprudence perspective"; and research on the implementation of laws like (Prohibition of Child Marriage Act (PCMA), 2006 and compliance of relevant Court Orders.

Hindi Pakhwada Held

Several eminent poets celebrated the Hindi pakhwada at the Commission premises in the second week of September. The poets who participated included Mr Arun Jaimini, Dr Shakuntal Pandey, Ms Sarita Sharma and Mr Ved Prakash. ■

Wall Writing

Children's Right to Free and Compulsory Education Act 2009 Rights and Responsibilities



Rights of Children in School

1. NO child can be denied admission because of inability to produce any document/s
2. Children/parents will NOT be required to pay fees (cash/kind) for any purpose at any time
3. NO child can be subjected to corporal punishment or discrimination of any kind
4. NO child can be detained or asked to leave school without completing 8 years of education
5. Admissions must be age-appropriate; special training must be provided for older children to bring them up to their age competency
6. Teachers must teach in class for a minimum of 4 hours every day
7. School must remain open for 220 days in a year
8. If it's a upper primary school (UPS) there must be subject teachers (Science, Math, Social Studies and Language)

There must be a full time head teacher, part time instructors for Art, Health and Physical Education
9. In every school there must be:
 - a) one classroom for every teacher and separate room for Head teacher
 - b) adequate, separate and functional toilets for boys and girls
 - c) drinking water facility
 - d) usable playground and sports equipment
 - e) books and magazines in the library
 - f) kitchen for midday meal
 - g) barrier free access
 - h) all weather buildings and a fenced/gated boundary wall
- 10 There must be a School Management Committee for every school and three fourths of the members must be publicly elected parents; List of SMC members must be displayed.
- 11.SMC members must :
 - a) monitor the functioning of the school
 - b) prepare the School Development Plan
 - c) ensure teacher accountability
12. Following are the names of the SMC members of this school (You can contact them for any help or advice)
 - i. (name of member)
 - ii. (name of member)
13. Grievance Redressal Right
14. Twenty five percent reservation for children from weaker and disadvantaged sections in Private schools

Responsibilities of Authorities

1. Every school must admit any/all children irrespective of their being able to produce relevant document/s
2. Every school will admit children/parents and will NOT charge pay fees (cash/kind) for any purpose at any time
3. Every school will ensure that NO child will be subjected to corporal punishment or discrimination of any kind
4. Every school will ensure that every child will complete 8 years of education and NO child will be detained or asked to leave school
5. Every school must ensure that admissions are age-appropriate; special training must be provided for older children to bring them up to their age competency
6. Every teachers must teach in class for a minimum of 4 hours every day
7. Every school must remain open for 220 days in a year
8. If it's a UPS there must be subject teachers (Science, Math, Social Studies and Language)

There must be a full time head teacher, part time instructors for Art, Health and Physical Education

9. In every school there must be:
 - a) one classroom for every teacher and separate room for Head teacher
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14. Twenty five percent reservation for children from weaker and disadvantaged sections in private schools

Children's Rights Violated During POSCO Agitation



The three member team of the National Commission for Protection of Child Rights (NCPCR) that investigated the involvement of children in the POSCO agitation in Odisha in the first week of July expressed disapproval at the forcible occupation of a part of the Balitutha primary school building by the police, saying the school gave an appearance of being a fortress and recommended the police forces be immediately withdrawn and enrolment and attendance of children in school ensured.

Dr Yogesh Dube, member NCPCR, who along with Mr Rabi Sankar Misra, former district judge and chairperson of the CWC, Bhubaneswar and Mr Jayaprakash Rao, retired professor of sociology and a known social activist visited eight villages sanctioned for the POSCO project, the transit camp at Badagabapur, the primary schools at Balitutha and Dhinkia, the anganwadi centre inside the school, all sites of protest at Godindapura and met the Collector and Chief Secretary.

They team found the primary school and the anganwadi located in the same premise had not functioned properly due to continued presence of the police force. Some policemen in the school were seen in their underwear. The district level officers of the WCD and SME Department did not take any remedial steps to ensure proper functioning of the school and the anganwadi centre. Provisions of the Right to Free and Compulsory Education (RTE) had also been violated in allowing the school building to be used as accommodation for the police.

The issues under investigation by the Commission included violation of child rights especially their right to education

in Dhinkia, Gobindapur and Nuagaon; failure, if any, of the government machinery in providing welfare measures to children; whether the Administration should be more responsive and the desirability of police action. The possibility of parents and others forcing their children to participate in the agitation was also investigated and the team found that the participation of children in the agitation appeared to be voluntary. The fear of displacement and loss of livelihood for their families had apparently affected the children.

After its discussions with the Collector on the alleged misuse of children of village Dhinkia and Gobindapur for protest against the POSCO project and their continued absence from the respective primary school, the NCPCR team recommended that the removal of police from the villages and an assurance that all children would attend schools.

In the transit camp at Badagabapur and in the primary school at Balitutha, the team found 35 children had not received the benefits of the ICDS programme. The district social welfare officer had never visited this transit camp. Further there was no mobilization through the District Child Protection Committee under the ICPS and the Child Welfare Committee or through any NGO to motivate the parents to send children to school. The team recommended that the ICDS programme and midday meal scheme be implemented with immediate effect and the child welfare committee actively motivate parents to send their children to school. Allegation of illegal arrest of small children and the possible role of CWC Chairperson in taking up these cases were also discussed. ■

Forced Marriage of Minor Girl

The National Commission for Protection of Child Rights rescued a 15 year old girl of Gannor village, Sonapat District, Haryana, after she was forcibly married to a 35 year old sarpanch. The Commission, on receiving a written complaint seeking an annulment of the marriage, also requested authorities of Nirmal Chhaya Children's Home to ensure the girl, who is extremely bright and keen on studies, completes her education. The girl is continuing her studies now.

Forced into the marriage on June 14 this year by her parents, the girl mustered the courage and escaped from her in laws and husband the same day. She was immediately put into Bapnughar, a short stay home. The Superintendent of Police, Rohtak and Sonapat were directed not to register any complaint of elopement/missing against the girl as she was under the custody of the Commission. The Chief Secretary, Government of Haryana, was directed to take action against

the police officers and persons responsible for allowing the marriage of a minor girl. The girl was produced before the Child Welfare Committee, which in turn directed she be sent to Nirmal Chhaya, a home for children in need of care and protection in Delhi.

With the intervention of the NCPCR, the following action has been taken by the Haryana government:

- FIR u/s 9, 10 and 11 of Prohibition of Child Marriage Act 2006 and u/s 23 of JJ Act 2000 has been registered against the accused person
- Disciplinary proceedings have been initiated against the police officials at the local level.
- The District Child Marriage Prohibition Officer, Rohtak, has been directed to file a case for annulment of child marriage by a degree of nullity as per Section 2(e)3(II) and 8 of the Prohibition of Child Marriage Act 2006 ■

REPORT

Comprehensive Child Care Needed in Maharashtra

With almost 85 percent of working children in the agricultural sector in Maharashtra, state officials will be putting greater efforts to address the problem of children of sugarcane workers and others. This assurance came at a meeting on the situation of vulnerable children held in August between the National Commission for Protection of Child Rights, the Chief Secretary, Department of Women and Child Development (DWCD) and other key state officials from the departments of Home and Labour.

Ms Vandana Krishna, Secretary, WCD, Maharashtra, assured the Commission represented by its Member Dr Yogesh Dube, that with the provision of bridge schools for working children and the RTE making it compulsory for children to attend formal school, children's issues were being resolved. Children were being rescued with the help of state juvenile protection units (SJPU). She pointed out that Childline had trained the SJPU and police functionaries for their new responsibilities. The rescue of a large number of working children from Dharavi had been facilitated by the DWCD.

The National Child Labour Programme (NCLP), which was operational in 18 districts, covering 361 schools with 16000 children, was working for the formal education of the rescued children, state officials said. The Integrated Scheme

for Street Children and other such programmes which were being directly implemented by the Centre would now be the responsibility of the state.

Dr Dube pointed out that the data on child labour was outdated and a comprehensive new survey by the Labour Department was needed. In view of the RTE Act, all forms of child labour was to be eliminated and children were to be in schools, he added. He also recommended convergence of the departments of Labour, WCD and Education, a proper monitoring structure at the district and state level to ensure care and rehabilitation of working children and 'protocols' for all officers/bodies involved in the implementation of programmes for street and working children.

On the situation of children of women prisoners, officials said NGOs were working in the bigger prisons and as the prison atmosphere was not conducive for the growth of children, there were plans to move the balwadies outside the prisons. There was a move to set up anganwadis in staff quarters outside the prison.

A proper policy for the children of women prisoners was needed and there should be a Government Order on it suggested Dr Dube. The Home Department should provide the data on the number of children living with their mothers in prisons and the State Commission for Protection of Child

Rights (SCPCR) should be given the responsibility of monitoring programmes for children in prisons.

The NCPCR was also concerned about the working of the Child Welfare Committees, Juvenile Justice Boards and SJPU. Nodal officers were recommended for monitoring the work of CWCs, JJBs and SJPU and systematic effort by the DWCD for enhancing the capacities of these bodies.

In response to the issue of children in institutions and shelter homes, the Commission felt that there were a large number of children in unregistered homes who remained unmonitored. Besides making it mandatory to register all these homes under the JJ Act, all Homes should be visited on

a regular basis by the DCWD with sufficient staff for monitoring and supervision of homes, he said. The Integrated Child Protection Scheme (ICPS) also needed to be rolled out.

Responding to the government's arguments that funds were reaching the departments too late and were inadequate to train the anganwadi workers to tackle malnutrition, Dr Dube said malnutrition could not be solved by only feeding programmes. A comprehensive plan for providing safe water, sanitation and health facilities leading to a safe environment for the families was needed as was in the case of a malnourished rag picker in Govandi. The DWCD has been directed to take action on the Govandi case. ■

Amravati Initiative to Protect Child Rights

At the end of a workshop on child protection, child rights and elimination of child labour organized by the National Commission for Protection of Child Rights (NCPCR), the Amravati Divisional Commissioner's office and the Shikshan Hakka Abhiyan (SHA), a Maharashtra based NGO, nine action points were drawn up to free the state of child labour.

The meeting was attended by Dr Yogesh Dube, Member, NCPCR, Mr Ganesh Thakur, Divisional Commissioner, Amravati, Mr Suryakant Kulkarni and Dr Madhukar Gumble, RTE State Representatives, Mr Santosh Shinde, advisor, CWC, Maharashtra, the assistant tribal commissioner, Amravati Division, the deputy commissioner for development and other officials dealing with children. Also present were representatives of child rights committees from villages and blocks.

Mr Pravin Desali, director of SHA, said a recent survey had revealed that in 5,115 villages there were 56,705 children who were out of school or irregular in their attendance. Since the urban areas were not covered by the survey the actual number of out of school children would be higher. For eradicating child labour, he said, every department including police, labour, ICDS, women and child welfare and NGOs and civil society had distinct roles and responsibilities.

For creating awareness that child labour was prohibited by law and punishable, Mr Shinde said owners of all establishments should display a notice at conspicuous place in their organisations that there were no children working in their establishment. Action teams (Kruti Dal) working in sync with the government machinery could rescue working children and hand them over to the child welfare committees (CWCs).

Mr Ganesh Thakur, Divisional Commissioner, said if a domestic helper brought her child to work in a home, the lady of the house should persuade her to send the child to

school and assure her she would not have to pay for the education. Government help, he said, could be sought to put the child into school. The employment of children for domestic work was not permitted and if a child was employed it should be reported to the government.

Dr Yogesh Dube pointed out that infrastructure was lacking at the Ashram schools and there was no proper security for girls studying in these schools. Anganwadis, he said, had been reduced to khichadi (mixture of rice and lentils given as midday meal) distribution centres. The capacities of anganwadi workers had to be built so that they could impart pre primary education to children. He also referred to the lack of uniformity in the statistics on children presented by the government and civil society. Malnutrition was a serious issue in Amravati. Deaths due to hunger and malnutrition, he said were concealed as deaths due to pneumonia, typhoid etc.

Mr. Suryakant Kukarni, RTE State Representative, said whether children did not go to school because of child labour or because of discrimination at school on the ground of being HIV infected, both were equally disturbing. Full time, formal education was mandatory and the village committees and panchayats should take the responsibilities for sending children to school.

In the action plan it was recommended that the Labour Department impose a fine of Rs 20,000 on the employer from whom a child was rescued and the money used for the rehabilitation of the child. The Women and Child Department and the Education Department should mainstream the education of the rescued child and the police should take punitive action against those employing children. Since tribal children were showing increasing interest in education it was suggested that separate arrangements be made for education, accommodation, meals and toilet facilities in Ashram schools in the tribal areas. Also, appointment of a lady superintendent in all Ashram schools where girls were studying was needed. ■

Review and Reflections on Bal Bandhu Programme

The enormous odds under which Bal Bandhu resource persons and Bal Bandhus, the young recruits from the community to ensure child rights in areas of civil unrest, work and their achievements and problems were discussed at a two day review meeting organized by the NCPCR in Delhi in September.

The Bal Bandhu programme has been working for nine months in five states where civil unrest and Naxal activity has made it difficult to impart education, provide midday meals and run anganwadi centres. Under this new initiative, Bal Bandhus (BBs) are working in Kokrajar and Chirang districts of Assam, Gadchiroli in Maharashtra, Dantewada in Chattisgarh, Khammam in Andhra Pradesh and Rohtas, Jamui, Sheohar and East Champaran districts of Bihar informing the community about child rights and seeking their help to provide these rights.

The BB resource persons narrated how they were pushing for child rights in difficult terrain where entire villages had been evacuated under Naxal threats and some people killed in the presence of villagers. They have reopened schools, started residential bridge schools and persuaded teachers to attend school regularly by mobilizing the youth, women groups and teachers forums.

After listening to experiences narrated by the resource persons, Mr D K Sikri, Secretary, Ministry of Women and Child Development, said it was evident that even the Naxals want schools to function in disturbed areas. Referring to the problem of getting the anganwadi workers and sevikas in these areas, he said they should be recruited from the village itself and if there is no anganwadi building, the anganwadi worker should run it from her home. Money was being provided for providing meals that could either be cooked at the centre or distributed as dry rations. Both breakfast and a midday meal given three hours later had to be provided, he reiterated. The government, he said, was spending close to Rs 15,000 crores on meals for children in anganwadis and schools.

Dr Shantha Sinha, Chairperson, NCPCR, said an emergency relief plan was needed for children caught in areas of civil unrest. Praising the BB resource persons and the Bal Bandhus for working with dedication the former Home Secretary, Mr G K Pillai, said they had the responsibility to create awareness among communities and gram panchayats about government schemes and how to access them.

Mr Lov Verma, Member Secretary, NCPCR, who presided over the two day meeting, said BB resource persons had shown great courage and commitment to protect the rights of children in areas of civil unrest.

Rajasthan Increases Check Points to Stop Trafficking

The Rajasthan government has agreed to increase the number of check points on the state border from 11 to 18 to stop child trafficking. This decision was taken after a meeting held with the National Commission for Protection of Child Rights and

concerned officials and non governmental organizations working on child rights.

The NCPCR, represented by Dr Yogesh Dube, Member, expressed dissatisfaction with the steps taken by the government to stop trafficking of tribal children for work in the BT cotton farms of Gujarat. Asking the government to step up its efforts to rescue trafficked children, Dr Dube said only 179 children in Dungarpur and 26 in Banswara had been rescued. He said middlemen who supplied children should not be spared and sought data from NGOs to initiate proceedings against them. Neither the government nor the NCPCR, he said, should be complacent because there had been a 10 to 20 per cent decline in child trafficking.

The NCPCR team, which visited Jaipur in the second week of August, has asked the government to submit a report on steps taken to rescue/release children from the clutches of middlemen and farmers. The NCPCR team visited the state on the basis of complaints that with the onset of the cross-pollination season, there was forced migration of children from Udaipur, Dungarpur and Banswara districts to Gujarat.

In addition to Mr Lalit Mehra, Principal Secretary, Labour, Ms Anjana Dixit, Special Secretary, Labour, they met representative of 10 NGOs. The NGOs said a nexus was emerging in the three districts for supply of children to Gujarat because of poverty among tribal children.

The government agreed to train a special juvenile police unit and establish child shelters in all three districts. Child Labour Task Forces are also to be set up at the district, block and panchayat level.

Integrating Schemes for Child Protection and Welfare in UP

With child labour, child trafficking, child marriage and child sexual abuse and violence are on the rise, a workshop was organized by DSSRF, a research foundation and Plan India at Gyanpur, Bhadohi, Uttar Pradesh, on the Integrated Child Protection Scheme, Child Welfare Committee and the Juvenile Justice Board.

Dr Yogesh Dube, Member, NCPCR, who was the chief guest at the meeting attended by government officers, police personnel, NGO representatives, stakeholders and the media, said the existing laws for child protection should be understood and used not just by the police and the government but also by the community. He said that the implementation of laws and programmes for children was still poor. The number of children engaged in labour was high as was violence against them in the country, particularly in UP. He suggested more check posts to prevent child trafficking. The panchayats had to be strengthened to deal with child related issues at the grassroots level, he stated.

Mr Rajeev Singh, Director, DSSRF, said in addition to training police personnel to deal with children sensitively, there should be hoardings and wall writings on the rights of the child and the laws and regulations to enforce them. ■

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