



EDUCATION AS EMERGENCY RELIEF

NATIONAL COMMISSION FOR
PROTECTION OF CHILD RIGHTS

2012

BAL BANDHU SCHEME FOR PROTECTION OF
CHILDREN'S RIGHTS IN AREAS OF CIVIL UNREST

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Foreword

The National Commission for Protection of Child Rights (NCPCR), in its field visits to the civil unrest affected States in the country, witnessed the precariousness and vulnerability of children in these areas when they were left without adult protection and institutional care and support. The conversion of schools, hostels and other educational institutions, which were meant to act as safe havens for children in such areas, in to relief camps or camps for militants and armed forces, took away a sense of normalcy from these children. The importance of education was seen to be undermined by the concerns of survival and while emergency relief was being provided to children, it did not include education.

Further, the field experiences of the Commission revealed the linkages between education and empowerment of young girls and boys who otherwise faced the risk of being recruited, trafficked, or employed. Provision of education as an emergency relief measure saved an entire generation and enabled these young boys and girls to exercise agency, negotiate with authorities and defy *status quo*.

This document is based on the field experiences of the Commission and focuses on the importance of education for children in areas of civil unrest. It calls for greater sensitivity towards out of school children in such areas to enable and ensure their mainstreaming.

It is hoped that this document is implemented with a sense of urgency in providing education as an emergency relief measure to children in areas of civil unrest.

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(Shantha Sinha)

1. Background

- 1.1. The National Commission for Protection of Child Rights (NCPCR) has been addressing issues of child rights in areas of civil unrest since its inception in 2007 in Chhattisgarh, Andhra Pradesh, Bihar, Manipur, Tripura, Assam etc. It conducted field visits, followed up with specific complaints- violation of right to education, health, nutrition and protection of individual children in these areas; and took *suo-moto* cognizance of issues in areas of civil unrest. Based on this it launched a pilot in December 2010 entitled the Bal Bandhu Scheme for Protection of Child Rights in Areas of Civil Unrest (BBS) with support from Prime Minister's National Relief Fund(PMNRF) in the States of Andhra Pradesh, Assam, Bihar, Chhattisgarh and Maharashtra.
- 1.2. The focus of the pilot is to mobilize the community on child rights, and give it confidence to access institutions for children such as primary health care centres, anganwadi centers, schools, Ashramshalas, hostels, Kasturba Gandhi Balika Vidyalayas (KGBVs) and all other entitlements and to interact with the government at the block and district level to bring to the fore the gaps in access to public institutions. Further it seeks to strengthen the delivery of services meant for children and work towards ensuring that children enjoy all their rights which include the right to education, right to protection, right to health and nutrition etc.
- 1.3. It has been found that children's rights are violated at every step in this context. Families become unstable even as they migrate to escape violent situations, children lose parents and supportive siblings in conflict, the economy of the household is affected due to loss of livelihood, and so on. Also, institutions for children such as anganwadis, schools, hostels and health centres turn non-functional (Ref to Annexure 4). The age-appropriate rights to development, education and protection of children thus come to a halt.

- 1.4. Children's right to education is also compromised with the State's emphasis on maintaining law and order while neglecting children and their rights. So much so that, institutions for education such as schools, hostels and ashram shalas are occupied by security forces disrupting the continuance of children's access to education. Consequently school buildings are targeted by the insurgents making education impossible for children in the area.
- 1.5. In this context a policy on education as a measure of emergency relief can hardly be overemphasized and this document attempts to bring out the significance of education in addressing the poverty and human rights of children in conflict situations. The document draws forth experience of the Commission in reckoning education as a measure to addressing protection, nutritional, food and development needs of children. Basing on this experience, the document specifically highlights the immediacy of intervention and varying/differential needs of children in different age groups while accessing their right to education. This policy document specifically seeks to address rights of children in the age group of 6 to 18 years.

2. Out of School Children-Preventive Measures

- 2.1. In the course of working in areas of civil unrest through the BBS it was found that there have to be specific programs firstly, to prevent children from either being recruited to armed conflict or being trafficked for labour and other forms of exploitation; secondly, to identify all children that have been missing from the villages - either because they have been trafficked for child labour or because they may have been recruited by the Maoists/ other outfits as their cadre or are in the process of being initiated through the 'Bal Sanghams' (*ref to case 1 at Annexure 6*)
- 2.2. Initial steps for prevention of children from being recruited to armed conflict or being trafficked is through participation of community, women's groups, youth, gram panchayats to track every child in the neighborhood through a process of community mobilization. They are motivated to take part in enrolment of all out of school children (school dropouts, child labour, children rescued from being trafficked etc.) to join schoolsⁱ; review regularity of attendance of children in schools, hostels and ashramshalas; and contact families of children to send children to schools regularly, conduct survey of all children of school going age at the level of the habitation and seek to track all of them to enjoy their right to education(*ref to case 2 at Annexure 6*).
- 2.3. Children who remain out of school are contacted on a one-on-one basis and given confidence to get back to schools, hostels and ashramshalas. All such institutions are simultaneously prepared to accept out of school children unquestioningly and without insisting on formalities or documentation.

- 2.4. A child- friendly atmosphere is fostered in the area by enabling gram panchayats to review the status of children in the area; sensitizing school teachers to accept school dropouts and children who are irregular back into the school; and formation of local groups for protection of child rights.
- 2.5. Such an atmosphere is to enable children who are already recruited to armed conflict as cadre to want to return. Slowly, it is expected that even as they return the system is prepared to mainstream all such children in a very non-threatening manner. Likewise children who have been trafficked too would begin to exercise agency to return to the villages.

3. Education as Emergency Relief and Rehabilitation

3.1. Education for Children upto 18 years

3.1.1. It is extremely important that once children enter the portal of the school system, they continue to do so until they are 18 years of age or complete their secondary school. Considering the fact that children in areas of unrest are often the first generation learners, they are late starters and so are older for their class. Therefore protecting their right to education under the Right of Children to Free and Compulsory Education Act, 2009 (RTE) that covers children up to 14 years serves a limited purpose. They have to be given all encouragement until they are 18 years of age and reach secondary school.

3.2. Education of out of school children – plug bottlenecks

3.2.1. It should be understood that if children drop out of schools, their fate is sealed. They are forced to join the ranks of the labour force, illegal nexuses, or armed conflict, having no other option. It is necessary to plug all the critical bottlenecks to ensure that their education is not interrupted or to enable them to come back to the school system. The following are some of the measures to be introduced to ensure that children enjoy their right to education.

3.3. Reviving non-functional schools, hostels and Ashramshalas

3.3.1. Efforts should be made to identify non-functional schools, Ashramshalas, hostels, orphanages and aanganwadi centres and take immediate measures to make them functional (*ref to case 3 at Annexure 6*). A non-functional school may be due to teacher absenteeism; lack of children; lack of school building or classrooms. It is necessary not to blame any stakeholders, either the school teachers or parents. They are part of the milieu of uncertainty and instability and need to be given confidence to start to revive the school. It is here the role of Bal bandhu and community mobilization has played a significant role. In bringing stability in schools, children's

lives are stabilized and thereafter the lives and routines of the family members as well.

3.4. Vacation of schools and hostels by police and para military forces

3.4.1. Another measure to ensure the right to education is to protect educational institutions from occupation by security forces and police even if they are being occupied on a temporary basis(*ref to case 4 at Annexure 6*).

3.4.2. The Hon'ble Supreme Court of India has directed the State Governments to vacate the educational institutions from occupation of security forces [in WP (Crl.) No.102/2007]. This must be complied with strictly and in an expeditious manner. Under no circumstances, educational institutions should be used for housing security forces or bear the signs of threat.

3.4.3. Schools should be seen as zones for protecting child rights and not as potential locations for any use that can attract their very destructionⁱⁱ.

3.5. Provision of hostels and scholarships

3.5.1. There are instances of children discontinuing schools because there are no upper primary schools nearby or because the villages they live in are unsafe and full of tension. It has been noticed that many such children even as young as ten year olds - both boys and girls - take a room on rent in the nearest town and go to a government school to pursue their education. They pay for the rent, school books, fees and local transportation. They work on the weekends to be able to pay for their education. Children are at the risk of dropping out of schools once their own arrangements become unaffordable (*ref to case 5 at Annexure 6*).

3.5.2. In all such circumstances, children are to be identified by the school principals. Child Welfare Committees, gram panchayats or ward members are also to keep track of such children.

3.5.3. Provision has to be made for scholarships for such children and if they are more than ten such children in a school hostel facility is to be given. There could be a program made on demand from the gram panchayats who could also be entrusted with the task of monitoring the hostel (*for an estimation of cost ref to Annexure 5: Para 1*).

3.6. Provision for KGBV - post- class 8

3.6.1. Kasturba Gandhi Balika Vidyalayas (KGBVs) have been a boon to girls in rural areas and especially in areas of civil unrest. They prevented girls from being trafficked to bigger cities within and outside the State and from being recruited for armed conflict. There has to be flexibility in increasing the number of KGBVs and also to extend hostel facilities in KGBVs for girls ensuring that they finish up to class 12 for all the areas affected by civil unrest. The Ministry of MHRD must, taking cognizance of the plight of girl children who are vulnerable to being trafficked for labour and sex work and drafted into naxal *bal sanghams*, expand in number and upgrade KGBVs to class 12.

3.6.2. Since there is no provision for continuance of girls in KGBVs after class 8 they discontinue their education and are at a risk of joining labour force, being trafficked or married. Information from the ground shows that there is a lot of pressure on the families to surrender all such children to Maoists to be recruited as cadre. They have to be insulated against risks without delay and admitted into schools. Therefore effort has to be made to negotiate with the concerned departments to provide for hostel facilities to secure these girls a safe zone (in this context provision of residential care/accommodation) and enable them to continue in schools.

3.6.3. The vocational education component within KGBVs needs a review. This would need to be beyond teaching children stitching and sewing. It should also prepare them for the competitive world by provisioning of secondary schooling and also

providing assured admission into Navodaya Vidyalayas (as a measure of positive discrimination). Efforts should be made to link these children to other residential programs as well to ensure that education as a development right of the child is meaningfully realized. Therefore, KGBV 'aftercare program' is needed for proper educational rehabilitation of girls.

3.7. Strengthening of Ashramshalas and Hostels/Residential Institutions for children

There is a need to review the policy framework of ashramshalas in the areas of civil unrest. For example in many villages, the capacity of ashramshalas is only 50 and often it is for both boys and girls. This is both unviable and unacceptable. Some ashramshalas are only up to primary school level and some from middle school onwards. A number of children drop out in transition from one ashramshala to another. The ashramshalas are co-educational institutions in many places and male teachers are allowed to stay in the same premises making it unsafe for children(*ref to case 6 at Annexure 6*).The facilities in ashramshalas are minimal. Yet these residential programs have given children shelter and safety, in spite of all the difficulties in the environment (*For estimates of costs refer to Annexure 5, Para 3 and 3.1.*).

3.8. Readmission of Older Children to Secondary Schools

3.8.1. Further, in the course of social mobilization, several older children who have dropped out of schools post class 8 are being identified and given confidence to continue with their education. It is necessary that all such children are encouraged to be re-enrolled into schools at the secondary and high school level. They should have the eligibility to attend classes to improve their performance.

3.8.2. Some children would have failed in just a couple of subjects and dropped out of school. They too are to be allowed to get re-enrolled. Just as how children in the 6-14 years age group under the RTE are guaranteed special training to be admitted

into an age appropriate class, older children especially in areas of civil unrest are to be provided for tuitions even as they are allowed to re-enter schools post class 8.

- 3.8.3. At the same time there has to be a flexible policy of admission of all children at any time during academic session, without insistence on documentation such as prior record of school progress, transfer certificates, birth certificates, religious, caste and tribal certificate etc. The RTE provides for this flexibility but it is necessary that this facility is available for children above 14 years of age and post class 8 as well (*For an estimate of costs refer to Annexure 5, Para 4*).

3.9. Starting of Residential or Non-Residential Bridge Courses

- 3.9.1. In several villages it has been found that schools have been dysfunctional and virtually closed down. For years together the schools have not functioned. This has left children with little or no education. They have been wasted in the village with no education, indeed no activity at all. It is necessary that a Residential Bridge Course Centres (RBCs) or a couple of Non-Residential Bridge Course Centres (NRBCs) are established, children get used to the culture and habit of school going and in the meantime all efforts are made to revive the schools. There is a need for a provision for setting up of NRBCs and RBCs on demand i.e. once a gram panchayat or a couple of gram panchayats have identified at least 50 out-of-school children in their area and have made a demand for an RBC, the education system shall have a process for vetting such a proposal and responding to the same within 45 days without having to incorporate the proposal in the annual plan and wait for a sanction from the Central government. It must be realized that any delay will cause risk to children. (*ref to case 8 at Annexure 6*).

3.10. Exemption of examination fees

Many children are unable to afford payment of examination fees for taking the Board examination for classes 10 and 12. Considering that most of them are poor tribal children or SCs and OBCs, provision for relaxation of examination fees for children in classes 10 and 12 is to be made (*For an estimate of costs refer to Annexure 5, Para 4*). An enabling official notification exempting fee for taking exams must be made for all the areas affected by civil unrest across the States (*ref to case 9 at Annexure 6*).

4. Identification, tracking and rehabilitation of missing children

4.1. Tracking children

After conducting a preliminary inquiry in the community on the possible places children of the village could have gone, there would be a need to travel long distances to actually track them and bring them back. There have been instances of the community making contributions to send some of their own members to track such children. There is a need to bear these costs without burdening the poor tribals. This can be met on actual expenditure incurred towards travel, board and lodging (*ref to case 10 at Annexure 6*).

4.2. Shelter for children-harnessing State and civil society

4.2.1. Residential schools, orphanages, institutions under the Juvenile Justice for children in need of care and protection and Residential Bridge Course Centres should be used to host children who are in immediate distress. A temporary fit-person institution should be enlisted for quick and immediate admission of children to a protective environment.

4.2.2. There have been occasions when children have been rescued from work after being trafficked and once identified, it has taken at least one whole month to repatriate them due to lack of resources to buy train tickets, keep them in a safe place, etc. They also need health care and support. In case of a girl, there is a need to check sexual abuse in a discreet manner and suitable counseling to be provided with the help of a child psychiatrist. Upon returning home, such children and girls especially require assistance to stay in a safe place with boarding facilities. The entire process of transition between rescue and rehabilitation normally takes a period of one to three months. Instead of the process of rescue being one of healing, the children go through untold anxiety and trauma.

- 4.2.3. Once they are back they would need support for basic amenities including health and education until such time they are rehabilitated fully through governments run schemes and programs.
- 4.2.4. With adequate resources and institutional support, children could be rehabilitated with greater ease and several of their anxieties could be taken care of. Rehabilitation of trafficked children entails coordination with departments of police, Child Welfare Committees, Social Welfare and Education and Tribal departments in both the State of origin of the child and the State wherein child has been found or traced. There would also be a need for legal aid service as well (*ref to case 11 at Annexure 6*).
- 4.2.5. There is a need to map out all the available residential facilities provided by government and NGOs for placement, counseling and rehabilitating trafficked children.

4.3. Reintegration into mainstream schools and education programs

It is necessary to ensure that all such children are sooner than later in hostels, ashramshalas and attending schools. This is true of children being identified and rescued from different circumstances who would need to be repatriated. This would also be true of children being identified as vulnerable to trafficking for commercial sex work from camps of internally displaced people or of children joining naxals or similar forces (*For an estimate of costs toward providing interim residential care refer to Annexure 5, Para 5*).

5. Children returning from armed conflict seeking to be reintegrated

- 5.1. When an environment of relief and rehabilitation of children is created and a message is sent that there would be no loss of dignity, it is quite likely that children would escape from the conflict zones seeking safety and shelter. While the components of their rehabilitation – education and health – would remain the same, they are in need of additional support in terms of confidence building. Care has to be taken to treat them as children in need of care and protection and not seen as children in conflict with law or as hardened criminals. They should not be subject to interrogation of any sort nor will they have to be sent to jails or Observation homes. This would only criminalize them which even more defeats the purpose of encouraging them to join the mainstream.
- 5.2. Often many would have lost records of their educational background, birth certificates and caste and tribal certificates. This documentation need not be insisted upon for provisioning of rehabilitation services and education.
- 5.3. All such children would need to be in a safe hostel first. Once the process of admission is done, the process of reconstructing and submitting the requisite documentation can be facilitated by the government. There must be flexibility in juvenile justice processing and rehabilitation through mainstream education of such children. It should be understood that in many of these areas affected by civil unrest, institutions such as Juvenile Justice Boards and Child Welfare Committees are non-functional. The first endeavor of the administration should be to create a safe area for children, and then the other institutions must come into play.

6. Orphaned children

- 6.1. Until such time regular homes can take care of them, or they are referred to foster care/sponsorship, there should provision in the respective States to provide all orphans with amenities for shelter. These shelters may be accessed by way of enlisting NGOs under the Childline of Ministry of Women and Child Development in the district and also those recognized under the Juvenile Justice (Care & Protection) Act, 2000.
- 6.2. Scholarships to study in private and government residential institutions through National Trust and PMNRF till children finish their Master's Degree may be provided for. Endowments need to be created for this purpose.

7. Immediate Relief for children in internally displaced areas

Due to unrest, at times families are displaced from their villages and seek refuge in the neighboring district or the neighboring State. Relief camps are set up by the State Government for all such displaced persons. Children's needs often do not become a priority. Therefore, proactive and specific measures should be initiated to focus on education of children in camps. This is while understanding differential educational needs of children, some children need linking to regular schools, some need supplementary tuition, some need language translation where language of host State is different from the source State and many need bridging of education gaps through residential bridge courses as loss of education during transit from source State to host State is long (*ref to case 12 at Annexure 6*). Besides, the trauma of displacement takes a toll on child learning, resulting in slow learning. Till such time State support is ensured, it becomes necessary to take care of children. For example there are ten camps in Khammam district in Andhra Pradesh which have not been reached by the State yet and one camp in Rohtas block, Rohtas district, Bihar (*For an estimate of costs refer to Annexure 5, Para 5*).

8. Need for a Special Integrated Education Action Plan for Areas of Civil Unrest

The Integrated Action Plan (IAP) of the Planning Commission of India has shown a positive way to making development initiatives in 78 or so districts in the country affected by civil unrest. The plan fund has a cap on repairing existing structures for educational services such as hostels, provision of scholarships, temporary hostels etc. There is a need for creation of special fund for an Integrated Education Action Plan to support initiatives of community mobilization akin to the Bal Bandhu Scheme. Relief to children, repair of schools, setting up interim residential care and reception centres for orphan children, residential programs for children out of school (especially girl children), scholarship for continuation of education etc can be micro planned by the district administration without running it through an annual action plan of SSA or other relevant tribal and social welfare department for providing educational services for children. Provision of child relief is thus necessary during both conflict and post conflict stages for reconstruction of children's lives through education.

Funds from SSA can be used for taking to scale the Bal bandhu program. For e.g. the district administration of Gadchiroli in Maharashtra, Dantewada in Chhattisgarh and Rohtas in Bihar through the Zilla Parishad/District Administration, Khammam district in Andhra Pradesh, have proposed expansion of the Bal Bandhu Scheme to cover the whole district or civil unrest intensive blocks in the district. Likewise, the Tribal Development Department in Gadchiroli district in Maharashtra has proposed engaging local youth (to be called as *Shikshan Premis* - akin to Bal Bandhus, the youth functionaries of the Bal Bandhu Scheme) to mobilize enrollment and retention of children in ashramshalas. Gauging the demand for extending the BBS, special funds are to be earmarked for an integrated action plan for ensuring right to education of

children, which provides scope for local planning and addresses local needs for shelter, scholarship, continuation of education facilities like tuition etc and repair of hostels, schools and all other educational institutions in an immediate and expeditious manner (*ref to case 13 at Annexure 6*).

In view of the fact that we are dealing with multiple aspects related to children (such as education, health, protection, rescue and rehabilitation), there is a critical need for convergence of the concerned Departments and Ministries to ensure the same.

9. Other Measures: Sports, exposure visits and co-curricular activities

- 9.1. There must be a provision for exposure visits for older children to see the capital cities in their respective States, as it is probable that none of them have left their villages and gone even up to the block level.
- 9.2. Children should also be encouraged to participate in sports and other co-curricular activities. This would foster solidarity and self-esteem. Any small amount towards this direction may be allocated by the District offices, and Integrated Action Plan could provide small support by way of some amount if there are gaps in what the District can or cannot provide(*ref to case 14 at Annexure 6*).

10. Finances for humanitarian and reconstruction related activities

- 10.1. Each district affected by conflict should have a 'Children's Relief Fund' wherein funds for some of the scenarios as described in the document could be utilized.
- 10.2. The principle that should guide humanitarian relief should be immediacy when it comes to reaching help to children in difficult circumstances. This inter-alia means setting up quick and flexible processes for vetting proposals and quick disbursement of funds.
- 10.3. There should be flexible or untied funds for immediate emergency relief to attend to medical, clothing and food needs of children especially in camp situations, rescued from trafficking.
- 10.4. Procedures and systems can be established on a case-by-case basis during reconstruction efforts, such as building schools, hostels and any other long-term measures of non-recurring nature of expense. It is necessary to recognize that all the above instances and programs that have been suggested would require a system that would not cause delays and subject children to further risks and suffering.
- 10.5. There is a need to have a Special Cell in the District for Children's Emergency Relief under the Chairpersonship of the District Collector. This Special Cell responds to the request from the ground in a time bound manner. It is likely that if the response has to be made through the existing processes of allocation, it would take at least one year for the State and the Centre to respond. The Special Cell has to come up with relief measures in the interim, pending the State and Central governments sanction to the proposals.

- 10.6. The Special Cell could involve the local body, namely the gram panchayats, for taking up the responsibility for monitoring relief & reconstruction activities and depending upon the issue and circumstances to even implement any program/scheme.
- 10.7. It is envisaged that with flexibility, innovation, decentralization and convergence a comprehensive policy of children's emergency relief in areas of civil unrest would emerge.
- 10.8. Education brings hope to millions of children who have not known peace. It brings opportunity for growth, prosperity and development.

Annexure

Annexure 1

Data about children being ensured right to education through: enrollment to schools; readmission of drop out children to schools, hostels and ashramshalas, revival of non-functional schools, protection of schools from being used for non-educational purposes etc.

Activities to Ensure Right to Education under the Bal Bandhu Scheme	Achievements from December 2010-March 2012
Children enrolled in School	8683
Schools made functional	594
Anganwadi Centres made functional	458
Children enrolled in Ashramshalas/RBC/KGBV	1797
Children contacted for support during final exams	7539
Children tracked and restored to families	149
Rallies, marches held	186
Provision of uniforms through State Support	7727
Orientation on Right to Education Act (RTE)	837
Vacation of schools and other educational institutions from occupation of security forces and police	7

Table 1: Information about RBC Ashrams in Dantewada

S.No	Name of the Block	Name of the Residential Bridge	Occupancy of Children
1	Sukma	Kumaharras Sukma	297
2	-----"	Nilavaram, Murtonda	500
3	-----"	Gadiras	266
4	-----"	Korra	232
5	-----"	Kerlapal	385
6	-----"	Budhdi	278
7	Kuaakonda	Cholnaar	250
8	-----"	Potali	100
9	-----"	Acheli	50
10	-----"	Baream	50
11	Chindghardh	Thogpal	224
12	-----"	Chindghardh	468
13	Konta	Polmpalli	206
14	-----"	Chintagufa	400
15	-----"	Chintalnar	349
16	Katekalyan	Mathdi	180
17	-----"	Chikpal	60
18	-----"	Pratapgiri	60
19	-----"	Surnar	60
20	-----"	Mokhpal	60
21	-----"	Baregunda	60
22	-----"	Bhusaras	60
23	-----"	Chotebeadma	60
Total			4655

Table 2: Information about Children in Porta Cabin

S.No	Name of the Block	Name of the Porta cabin	Occupancy of Children
1	Gidam	Karli	500
2	-----"	Kasholi	476
3	-----"	Bagapal	304
4	-----"	Hitameta	102
5	Kuaakonda	Kuaakonda	500
6	Chindgarh	Rokel	393
7	-----"	Pakela	380
8	Konta	Konta	300
9	-----"	Earrbor	428
10	-----"	Maraegura	362
Total			3745

Source: *Sarva Shiksha Abhiyaan*, Dantewada District (undivided), Chhattisgarh: October, 2011.

Annexure 3

PROJECT OFFICER, INTEGRATED TRIBAL DEVELOPMENT PROJECT, GADCHIROLI

ON ROLL STUDENTS IN DHANORA BLOCK

(A) Govt. Ashram School

Educational Year- 2011-2012 Dt. 6/08/2011

S.No	Name of School	Class	Hosteller Students		Non Residential Students			Total On Roll			
			Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
1	Rangi	1 to 12 (Arts)	130	142	272	28	27	55	158	169	327
2	Sode	1 to 12 (Arts & Science)	20	327	347	12	35	47	32	362	394
3	Godalwahi	1 to 12 (Arts & Science)	79	80	159	42	31	73	121	111	232
4	Yermaged	1 to 10	149	142	291	03	04	07	152	146	298
5	Murumgaon	1 to 10	170	176	346	38	53	91	208	229	437
6	Karwafa	1 to 12 (Arts)	174	160	334	22	27	49	196	187	383
7	Pendhri	1 to 12 (Arts & Science)	183	167	350	88	75	155	263	242	505
8	Sawargaon	1 to 7	94	86	180	17	06	23	111	92	203
Total			999	1280	2279	242	258	500	1241	1538	2779

(B) Grant- In Aid Ashram Schools

S.No.	Name of School	Class	Hosteller Students		Non Residential Students			Total On Roll			
			Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
1	Japthlai	1 to 10	228	165	393	57	20	77	285	185	470
2	Girola	1 to 10	209	186	395	57	50	107	266	236	502
3	Gatta	1 to 10	204	174	378	40	36	76	244	210	454
4	Kamngad	1 to 10	172	147	319	22	22	44	194	169	363
			813	672	1485	176	128	304	989	800	1789
Total A+B			1812	1952	3764	418	386	804	2230	2338	4568

**Functioning of Social Welfare Hostel in Dhanora Block Head Quarters,
Gadchiroli District Maharashtra**

There is a hostel for tribal children known as *Adivasi Mulanche Vasati Graha* in Dhanora. There are 40 tribal children currently staying in this hostel and they go to government schools in Dhanora (class 5-10). The hostel is being run by the Samaj Kalyan Vibhag (aka Social Welfare Department).

There are serious issues related to infrastructure facilities and administration of the school and they are as follows:

1. The building is in a dilapidated condition and may collapse anytime. During rainy season water seeps into the school and children and their belongings get soaked.
2. Inadequate staff: There is inadequate staff to oversee functions of the hostel. There is only an interim arrangement of a caretaker - a teacher from a school in the vicinity has been given supervisory and administrative responsibility.
3. Insufficient bedding facility: There are only 15 cots for 40 children staying there. The children are forced to share beds with each other.
4. There is no potable water and the only source of water, the open well, is filled with dirt.
5. Insufficient food: Children are provided with frugal lunch and dinner and no breakfast at all. Cooked meal is supplied by a private vendor every day and serving of stale food is common. The vendor complains of delays in payments for the catering contract.
6. Inadequate supply of text and note books: Children in class 10th are not getting adequate text books and notebooks and others children below 10th standard too face similar issues.

The members of the Bal Adhikar Suraksha Samiti (BASS) under the Bal Bandhu Scheme for Protection of Children's Rights (BBS) have held discussions with the Social Welfare department representatives. During the visit of the NCPCR team to Gadchiroli district on 8th August 2011, Bal Bandhus petitioned the Hon'ble Chairperson of the Commission to address

the issue. Consequently, the NCPCR has written to the Chief Secretary, Government of Maharashtra to address the issue. A copy of this communication has been sent to the Commissioner, Tribal Development in Nashik, Government of Maharashtra to take cognizance of the matter. Taking cognizance of the matter, the NCPCR has made the following additional suggestions to improve conditions of the hostel:

Immediate Measures:

1. Shift children to a safer place immediately within Dhanora block headquarters.
2. Appoint adequate staff to oversee functioning of the school and support in educational development.
3. Make provision for adequate clothing, bedding, cots, warm clothes, umbrellas, footwear and uniforms to all 40 children.
4. Make provision for adequate food – nutritious and filling. This should be a minimum three times a day, consisting of breakfast, lunch and dinner; and a cook should be appointed to prepare food in the hostel itself.

Long term Measures:

1. Repair or build a new structure with an occupation capacity of at least 100 children. Increase the facility up to 12th standard.
2. Start a hostel for tribal girl children in the block with a minimum capacity for 100 children.
3. Provide adequate staff to take care of holistic development of tribal children, such as supplementary coaching, sports instruction etc.
4. Appoint a hostel management committee consisting of parents and gram panchayat members and conduct social audit of the hostel every year with the help of schools of social work in Nagpur.

Estimate of Relief

S. No	Particular of intervention	Estimated cost per child	Existing Government programmes, if any
1.	Provision of hostels and scholarships (<i>Reference at Para - 3.5</i>)	Rs. 750-1500 Pm	-
2.	Aftercare for KGBV pass-outs	Rs. 1000 Pm	-
2.1.	Initial expenditure towards school uniform, books, stationery, and bed sheets (<i>Reference at Para - 3.6.3</i>)	1500 per child	-
3.	Provision for boarding and lodging for temporary or permanent residential facility	1000 per month	State Govt. of Maharashtra spends Rs. 1500 per child in Govt. Ashramshalas, and Rs. 830 per child in grant-in-aid Ashramshalas for foods and toiletries.
3.1	Initial expenditure towards school uniform, books, stationery, and bed sheets (<i>Reference at Para - 3.7</i>)	Rs. 1500 per child	State Govt. of Maharashtra spends on an average Rs.1500/- per year for bed sheets, change of beds etc. This is besides non-recurring expenditure on buildings and other infrastructure of residential schools. The GO dated 11/11/11 of Govt. of Maharashtra has further brought in enhanced allocations for maintenance of Ashramshalas and non-recurring costs.
4.	Tuitions to facilitate re-admission of older children to secondary schools (<i>Reference at Para - 3.8.</i>)	Rs. 3000 (for a group of children)	Around Rs.3500/- per month is spent on each child in the relief program initiated by the Tribal Development Department Maharashtra to support 112 children for a period of 3 months. This includes payment of examination fees.
5.	Reintegration into mainstream schools and education program	Rs. 1000 until permanent arrangement is made	The exiting SSA norms for RBC
6.	Immediate relief for children in Internally displaced areas (tuition, nutrition)	Rs. 500- 1500	The existing SSA norms for RBC etc.

Case studies

Case 1

Celebration of International Day Against Child Labour – 12th June for an extended period to create awareness on children's rights helped in making the community aware of issues of children out of school, non-functional schools, irregular noon meal (aka Midday Meal), child labour and significance of Residential Bridge Course Centre (RBC) in all the districts where the BBS is being implemented. For e.g. In Tariyani block of Sheohar district in the State of Bihar 23 children were motivated and enrolled in an RBC immediately after the rally and meeting with community on 20th June 2011. The rally, held from 12th to 20th June, raised child rights' consciousness in the community and created an environment to form child rights' support groups consisting of women, self-help group members, youth and panchayat representatives. Since then the support groups have been playing an instrumental role in admission of children in schools, anganwadis and RBC on the one hand and demanding regularity in functioning of midday meals and schools on the other. Since inception of the Scheme in December 2010, with support of the community the youth volunteers under the Scheme have enrolled 1665 children who were out of school/irregular to school; likewise 1589 children were given support to take examinations for various classes.

Case 2

Exposure visits to child friendly areas is a time tested method in India to inspire and build perspective on child rights as well as demonstrate examples of community participation of child rights. In these areas, the panchayat members and community support enrollment of children to school, practice no child labour, no child marriage, no female foeticide and infanticide. Sher Mohammed, Mukhiya of Barashankar village in Patahi block of East Champaran district in Bihar, was taken on an exposure visit. He was inspired by the role gram panchayats have played in Rangareddy district of Andhra Pradesh in ensuring school participation of children and making villages free from child labour. On his return, he has made it part of his work to visit schools, motivate parents, negotiate with education department for repair and construction of class rooms, verification of functionality of midday meal etc. The moral space that he enjoys as village chief commands respect and response from block level authorities as well as community members. This is an example of building child rights consciousness in democratic institutions at local level. These institutions in the long run will imbibe the spirit of working for child rights in the same breath as developmental activities like construction of roads.

Case 3

The school in Babbantalav village in Rohtas block, Rohtas district in Bihar, was functioning from just two rooms. The SSA had sanctioned money to build two more classrooms. However, there were no takers for the contract to build the school. The community was mobilized through the Scheme to build the additional rooms. Two rooms have now been built and children who were out of school have been brought back to school. Some 50 girls from an adjacent hamlet Nagatoli have also been enrolled into this school as there is no school for girl children in Nagatoli hamlet.

Case 4

Over the last nine months two schools in Khaira block of Jamui have been destroyed by naxal forces. The schools in Garhi panchayats and Harkhar panchayats have been demolished to prevent security forces from occupation during panchayat elections and also for a suspected combing operation. No measures have been taken so far by the State government to build the classrooms that have been broken. (Madhya Vidyalaya Garhi in March 2011; UMS Chananwar, Harkhar Panchayat December 2011, MS Sarkhanda, Sarkhanda Panchayat, Sonu Block, Jamui).

Project High School in Rohtas block of Rohtas district in Bihar was new and upgraded with more facilities only to start a residential high school for girls in the village. The building was under the occupation of security forces thus denying girl children their right to education. NCPCR approached the Home Ministry and the District Administration to get the school free from occupation of security forces. The school was vacated on 11th October and currently 32 girl children who have passed out of KGBV locally are provided with residential care to go to school.

On similar lines, three schools in Nangalbanga VCDC of Sidli block of Chirang district have been vacated from occupation of security forces with NCPCR taking up the matter with the State government and the Ministry of Home Affairs, Government of India. In this instance, Bal Bandhus mobilized communities to restore the confidence of children and enrolled them back to school.

Education department at the Centre and State should be on constant vigil to see that the schools receive the judicial protection from occupation by security forces by virtue of the order of the Hon'ble Supreme Court of India. NCPCR has been constantly monitoring vacation of educational institutions from occupation of schools and all other educational institutions by the police, security forces, etc.

Case 5

The Kasturba Gandhi Balika Vidyalaya in Rohtas block of Rohtas district, Bihar has been ensuring education of girl children from tribal communities, thus saving girls from tribal dominated Rohtasgarh panchayat from being married before age, trafficked to work in bigger cities and drafted into naxal child groups. However the education being provided is only upto 8th standard. This is when they are 14-18 years of age.

The demand for children from this age group for joining bal sanghams organized by the Maoists is very high. During the implementation of the Scheme 32 girls who had just passed out of KGBV approached the Resource Persons of the Bal Bandhu Program to help them continue their education lest they are drawn to Bal Sanghams in Jharkhand, contiguous to Rohtas block.

When approached the education and social welfare departments had no scheme to offer to continue their education in a residential program. As a temporary measure NCPCR with support from the Ministry of Home, Government of India is providing residential care and protection for such children who are now attending class 9 in the local high school. The gram panchayat in the neighborhood has constituted a committee to oversee the well-being of these girls.

Similar effort has been replicated in Jamui district of Bihar where there is a large number of children from tribal communities. With financial support from NCPCR and logistic support of the district administration and the education department, residential accommodation is being provided for 67 girls to continue their education after passing out of KGBV. These are the girls who were found working and to be trafficked and also under pressure for joining naxal bal sanghams.

The case of girls who passed out of KGBV in Rohtas and in Jamui indicate the significance of support for continuing education beyond class 8th in preventing children from labour, joining violence and especially keeping girls away from child marriage and trafficking for sex work. Any delay in extending this service would result in harmful effects on child rights. Munni Hasda (name changed) a girl from Kewali village in Sonu block passed out of KGBV in 2011. Her village being remote and parents being scared about protection of Munni got her married off and today she is three months' pregnant and she is just 14 years old. This is a typical case of early marriage and suppression of aspirations of girl children to be educated due to lack of opportunities. Similarly, some girls have migrated to Patna to pursue work in shops and establishments. While this is the case of girls from moderately affected areas of civil unrest, the story of girls and boys in severely affected areas is one of constant demand for joining naxal forces.

Case 6

The Ashramshala in Kamangad village, Dhanora block at Gadchiroli (Maharashtra) with 363 children, both boys and girls was closed down making children studying in classes 8-10 vulnerable as their parents were under pressure from the Maoists to join them.

After two months of community petitions to block, district and State level officials including the NCPCR, the Ashramshala has been reopened.

It was found that several children enrolled in ashram schools were to be tracked and re-admitted. At the same time there were no adequate materials in the Ashramshala while they sought to come back to the school. Until such time there was need for interim support in terms of provisions, school uniforms, books, bed sheets, water and sanitation etc.

Currently the Ashramshala is functioning at full capacity and there is an active interest of the gram panchayat and the community from 30 villages surrounding Kamangad. More importantly, children are in a safe place and pursuing education.

Strengthening Ashramshalas can open up many opportunities for children to get educated. While the example of Kamangad shows that it is possible, the opportunities are seen for improvement in 11 other Ashramshalas in Dhanora block. Out of these 8 are run by the Tribal Development Department. The capacity to admit children is 4650 but the actual admission is 2779. On the other hand there are 4 private Ashramshalas (Grant in Aid) with a capacity to admit 2000 children. The current admission in 4568 and this is higher than the capacity (Annexure 3). The overcrowding in grant-in-aid supported Ashramshalas and underutilization of the government-run Ashramshalas needs immediate addressing.

Strengthening of government Ashramshalas will ensure secondary education to youth who are vulnerable to recruitment by naxals, as five Ashramshalas of the government have provision for science

and arts education upto 12th Standard and two of them have provision for education upto class X. The Bal Bandhus in Dhanora block have identified 808 children out of Ashramshalas and with support from the Tribal Development Department have ensured their readmission thus fully utilizing the facilities available.

Case 7

The measures taken by the district administration of Dantewada in Chhattisgarh at the suggestion of NCPCR to increase residential institutions for children has produced results. Today 8400 children are in RBCs/RBC Ashrams (as they call in the education department, Dantewada District) and porta- cabin residential schools, Ashramshalas and hostels that have been started with funds from Mines and Mineral Development Corporation. An education hub to provide secondary, higher secondary and vocational education to children is one such measure to protect educational interests of children above 14 years. Similar efforts have been made in Ashramshalas in Jhapra and Badiseti panchayats in Sukma district of Chhattisgarh.

Case 8

In Edugurayapalli in Chintoor Mandal of Khammam district, there is an SSA-supported Residential Bridge Course Centre for children of migrant tribal community from Chhattisgarh. Families of these children escaped the clash between naxals, police and SalwaJudum in Chhattisgarh and came to Khammam district, contiguous to Dantewada.

The medium of instruction in this RBC turned out to be Telugu and it took time for children to understand the language and more time was needed to prepare children to age appropriate classes in Ashramshalas of Andhra Pradesh and Chhattisgarh. Responding to NCPCR's suggestion, the SSA supported RBCs for children from these families in Hindi. The SSA also allowed RBC for more than nine months to be run in the Government High School, Edugurayapalli. The RBC not just ensured education, but protection from rains and cold in the forested areas where families lived in thatch hutments, and also provision of adequate food and nutrition.

Case 9

Bal Bandhus, while mobilizing the community in Dhanora block in Gadchiroli (Maharashtra) came across 112 children who had failed in class Xth aspiring to study further but unable to pay for supplementary examination fees.

Their scholastic levels were also low and appearing in the examination needed support through tuitions. The tribal development department was approached to provide help in this regard by NCPCR and Rupees 12 lakh was sanctioned to provide residential care, tuition support for three months and payment of the examination fees. The district administration helped in accessing additional buildings from Panchayat and Health department to accommodate the children for three months. The community youth and Bal Bandhus provided support in contacting children and filling their applications. By January 2012 all the 112 children joined the residential care and education being provided by the tribal development department.

Case 10

In Sukma block of Dantewada district in Chhattisgarh, Burdi gram panchayat found that several children were missing from the villages. Through local enquiry they found out that they have been trafficked by agents to work in Kerala and Andhra Pradesh. They sent two persons to Chittoor district in Andhra Pradesh, who located children working in a fruit pulp factory and brought them back. This cost them a lot of money. They had to take loans to trace their children and bring them back.

Santhal children from camps and resettlement areas of Kokrajhar and Chirang district of Assam who till early 2000 suffered ethnic conflict are also vulnerable to being trafficked. Through the Bal Bandhu Scheme more than 16 children have been prevented from being trafficked from this community. At least ten cases from one single block of Kokrajhar district namely Kochugaon were reported. Through NCPCR intervention the district administration of Kokrajhar has taken measures to increase vigilance in the villages, railway stations and other traffic routes.

Case 11

The Kasturba Gandhi Ashram in Belsonda, Raipur district, Chhattisgarh State accommodates around 51 girl children from districts such as Bijapur and Dantewada that are affected by civil unrest. In response to the woes of children who have lost both or either of the parents learnt through newspaper accounts, the Ashram approached the State Government to refer children to the Ashram for care and protection. It has been more than a year since these girls are being given shelter and education (Also refer to Annexure 4 – for similar example).

Case 12

Responding to NCPCRs suggestions the departments of Women and Child Development, Rural Development and School Education extended programs such as ICDS, MNREGA, Residential Bridge Course and Alternative Innovative Education for children in the camps/settlements of Internally Displaced People from Chhattisgarh State in Khammam district of Andhra Pradesh. The district administration provided drinking water facilities in some places. While MNREGA provided work for adults, ICDS, RBA and Alternative Innovative Education provided education and nutrition to children. There have been many instances where children are enrolled in schools or Ashramshalas in Andhra Pradesh itself after preparing them for class/age appropriate education in RBCs. Some children have also been enrolled in Ashramshalas back in Chhattisgarh after going through education in RBCs. Many NGOs also joined the government in providing these supports through linking people to the schemes and overall community mobilization.

These measures not just ensured safety of children but also education and nutrition. This is also a precedent or model for cross border displacement of people. Generally the displaced people from other States in India are not received well in neighbouring States. However, the State efforts harmonized the conflict emerging from outsiders occupying village commons in Khammam – forests and grazing lands.

Case 13

Often procedural and jurisdictional barriers of different departments dealing with children's institutions can come in the way of addressing the issues of education. For example in Gadchiroli district of Maharashtra, a hostel run by the social welfare department through the Zilla Parishad is in need of repair badly (Annexure 5). Majority of the children in the hostel are from tribal communities. While there is availability of funds in the tribal development department, it cannot immediately step in to repair the hostel which is under the social welfare department until a decision is taken at the level of State government for such allocation of resources. The district administration has taken the initiative to get funds released from the State government.

If flexible guidelines and funds were made available for the district affected by naxalite activity like Gadchiroli, through an Integrated Action Plan for Education, immediate steps could have been initiated.

Case 14

Through the district administration and zilla parishad Dantewada district Sports' meets are supported to encourage youth to engage in sports activities. Children are feeling encouraged by this initiative and approached the zilla parishad on their own in some blocks. Infrastructure like indoor stadia, coach, and play ground should be made available. Children should also be taken out of the State and district to be trained to compete in sports at State and National levels. The district administration of Dantewada is creating such infrastructure to encourage sports amongst youth from the tribal community.

¹ The Paris Principles endorsed by 84 countries, emphasize that effective prevention of unlawful recruitment includes safe attendance at schools, prevention of family separation and early identification, protection and reunification programmes for children separated from their families (Para 47, Pg 18)

ⁱⁱ Refer to **Sabotaged Schooling by Bede Sheppard, Child Rights Division, Human Rights Watch, December 2009**, India. This report discusses succinctly the impact of occupation of schools and other educational institutions by security forces and also attack on schools by naxalities in Bihar and Jharkhand. Thus the prior depriving children of schooling in many places and infrastructure necessarily meant for children; and the latter i.e., naxalities depriving education infrastructure by destroying school building. This is a threat to their existence and the lurking doubt about schools being used for occupation of security forces. Some excerpts from the report indicate the contested debate as to who disrupts the schooling, the occupation by security forces or destruction by naxalities even of those schools that have never been occupied by the security forces (PP 1-2):

As part of their counter-insurgency operations, police and paramilitary forces are occupying school buildings either temporarily or for extended periods. The security forces may take over entire school facilities and campuses, completely shutting down the school, or occupy part of school buildings, forcing classes to continue in the reduced space and alongside the armed men. Some of these occupations last only days at a time and coincide with extra protection to schools and remote locations during times such as an election, or to serve as a base camp during anti-Naxalite "combing" operations—broad sweeps intended to capture individuals rather than territory. However, many police occupations last for many months and even for several years

The Naxalites claim that their attacks on schools cause no disruption to children's education because, they assert, they only target schools being used by state security forces in counter-Naxalite operations. Human Rights Watch's research suggests this claim is false. Our research suggests that many schools that have been attacked were not being used by the security forces at the time. Deficiencies in government monitoring make it difficult to get clear information on the extent and pattern of Naxalite attacks. Nonetheless, a combination of Human Rights Watch's own on-the-ground investigations and a survey of public news sources suggest that at least 25 of the schools that were attacked in Bihar and Jharkhand during the year between November 2008 and October 2009 were undefended and not in use by security forces at the time. The Naxalites appear to be attacking government schools because they are often the only government building in the remote rural areas where the Naxalites have their greatest influence and ease of movement. Moreover, undefended schools are a high-visibility, soft target—attacking them garners media attention and increases fear and intimidation among local communities. While the Naxalites do not appear to be targeting students directly, attacks on schools that are not being used for a military purpose are violations of both international humanitarian law and Indian criminal law.