

National Commission for Protection of Child Rights
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Report of the Expert Team on Action Taken by the District Administration on suggestions of the Commission made in July 2007

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Context of the Visit

National Commission for Protection of Child Rights (NCPCR) visited Dharni block of Amaravati district in the light of the information about the problems being faced by tribal children in Ashram Schools, Anganwadis, Health Care Centres and in Government Schools. The Honorable Chairperson visited the block on 27th and 28th June 2007.

In the light of the observations made by the Chairperson following directives were given to the district administration for implementation:

1. Universal coverage of children under the ICDS program and timely release of funds to the Self Help Groups (SHGs) for preparation of food at Anganwadi centres.
2. Bring about improvement in infrastructure, amenities and elicit community participation in management of the Ashram Schools.
3. Redress all grievances regarding education of children in schools, especially access and retention in school and transport.
4. Consolidate data on out of school children and enroll them into formal school.
5. Assign a day every month to review status of child rights and receive petitions on issues related to child rights. Ensure presence of concerned departments in the district in this meeting – women and child development, education, labour, tribal development, health, district supply officer etc.
6. Set out a campaign for abolition of child labour, and enrollment of children in full time formal schools.

It is pertinent to note that the report of the district administration on the above directives and also on other specific complaints filed by citizens is awaited by the NCPCR.

In order to find out progress on these directives a team was constituted by the NCPCR. The team consisted of Smt.Paromita Goswami – academic, women and tribal rights activist; Shri.Ashutosh Dharmadhikari, Advocate and Human Rights Activist and Shri.Ravi, S.K., Consultant NCPCR. The team was put together based on previous experience of being part of fact finding missions, expertise in the area of child rights and familiarity with the local issues.

Field Visits

The team carried out field visits in Dharni and Chikkaldhara blocks between 28- 30th of November. The team also met with the district collector and district level officials on the

27th November and 1st December – preceding and succeeding the field visits. Through the field visits the team tried to ascertain the positions vis a vis points 1 and 2 mentioned above and through discussions with the officials and representatives of NGOs the team tried to ascertain the positions vis a vis points 3 to 6.

The specific observations regarding the institutions visited by the team is annexed herewith for perusal and urgent action by the administration. (Annexure 1).

The team attempts to outline the overall observations as under vis a vis directives:

1. Anganwadi and ICDS Program

1. The team has observed that a majority of the children who are malnourished are girl children. It is a matter of grave concern to the team members as well as the NCPCR and the administration should urgently inquire into whether there is a systematic/cultural exclusion of girl children from food arising from preference for boys or other reasons. It appears that the gender aspects of malnourishment has not been taken cognizance of in the policy and programme measures designed for tackling malnourishment and hunger in Melghat.
2. Universal coverage of the ICDS is in lines with the directives of the Supreme Court of India in the PUCL Vs. Union Of India (2001). Right to food has assumed the status of fundamental right now. In Melghat this directive is of paramount importance in the light of reports of malnourishment and deaths of children due to hunger and malnourishment. Visits to anganwadi centres informed the team that although there is a significant effort to take children out of severe malnourishment - Grade 3 and Grade 4, the same seriousness is not attached to Grade 1 and 2. At the field level Anganwadi workers and even health care workers like nurses do not show the same concern towards children suffering from Grade 1 and 2 to as compared to Grade 3 and 4. This perception needs to be corrected so that there would not be any complacent attitude and the entire focus is to take children out of any grade completely – make them normal and healthy.
3. Anganwadi infrastructure needs immediate and urgent attention. Most of the Anganwadis visited are lacking in infrastructure – building, play ground, kitchen, toilet, water storage and are lacking cleanliness, hygiene, sanitation, safe drinking water and stimulating education environment. For example in Khari, Bobdo, Dhabida and Kharatembu in Dharni block and Matki in Chikkaldhara block did not have proper building and were in urgent of infrastructure and amenities.
4. It is not clear how the allocation of funds and diet charts are fixed for anganwadi children nutrition. for example Anganwadis were serving either Kichdi or boiled chanas and lobiya. The team did not find any Anganwadi serving milk/fruits/vegetables/groundnuts/eggs etc. Eggs, Vegetable and Rotis are provided only to those children combining in Grade 3 and 4.
5. Education and recreation were not witnessed by the team members in any of the anganwadis, and saw children gathering only for food, it is also that mothers or elder

siblings came to take the share of the child. Centre thus displayed look of a food dole places.

6. Anganwadi centres does not seem to have linkages with Parents, Community and PRIs in its functioning.
7. Teaching aids which are relevant to the age ground was not found in the centres
8. Role of SHGs was limited to cooking food and they reported that payment to their services was settled beginning of each month. It did not seem like that the SHGs were oriented to nutritional requirement of children – normal and malnourished.
9. Local resources such as milk, vegetables, cereals, pulses, millets etc were not being procured for anganwadis, though available in great quantity in the villages.

2. Ashram Shalas

1. The norms for deciding when to start an Ashram Shala and where to start an Ashram Shala are not clear. There did not seem any baseline data to inform the same. It was not clear what efforts the tribal development department had taken to bring the Ashram Shalas up to the mark regarding building infrastructure, educational facilities and providing amenities to the students. In selection of the village as site for Ashram Shala the distance from nearest PHC should have been taken into account which is not the case. For example Adnadi Ashram Shala in Chikkaldhara is 20 kms from the nearest PHC.
2. There seems no co-ordination between the education, social welfare and tribal development department.
3. The Ashram Shala Code is being violated on many aspects – infrastructure, food, water, uniforms, toiletries, books, stationery, bedding etc. All the Ashram Shalas that the team visited reflect the same. For example in Biroti, Khairi, in Dharni and in Aadnadi in Chikkaldhara block are being run either in makeshift shacks or in rented rooms in dilapidated conditions. The ashramshala in Biroti is a case study by itself. The classrooms are in roofless shacks, the children sleeps in the villagers houses, kitchen and store room in rented rooms spread in different directions of the village. There is a Zilla Parishad school in the village, and no effort has been made to use the classrooms for night stay of the children. All the Ashram Shalas visited have been in existence since 5 years. Which only goes to prove dereliction of duty by the tribal development department. Besides, none of these Ashram Shalas have toilets and bathrooms in line with the Code/norms.
4. Quality and quantity of food is not up to the mark. Verification of stock revealed severe lack of vegetables, milk, and hygienic storage and preparation of food. In Khari requisition for vegetable had been placed on 24th of November and on the day of the visit i.e., 28th there was no vegetable in the stock and children were served only with lentils/dhal. The team observed that none of the schools are serving evening snacks between lunch and dinner as expected under the code.

5. All the Ashram Shalas had lesser number of teachers than required strength. In Khari no female superintendent has been appointed in spite of clear direction by the NCPCR Chairperson.
6. The team was seriously concerned at the lack of textbooks and stationery. In Khari and Biroti students did not have all the textbooks of all subjects. None of the students in any Ashram Shala had a geometry box or drawing and painting materials.
7. There was clearly no monitoring or supervision of teachers and overall functioning of Ashram Shalas in the area. As a result there was absence of teachers in the Shalas, lack of teaching, which has not created a learning atmosphere for development of the children.
8. None of the Ashram Shalas had provided the uniforms, night dress and shampoo as per the code.
9. There was no helper to wash the clothes of children from stad I to IV as required under the code.
10. There was no Dai to take care of the children especially girl children.
11. The team also learnt that teachers from Ashram Shalas are not attending refresher and other training courses to update their knowledge and skills which could have been taken care of by the education department.
12. It is not clear to the team what is the basis of choosing contractors for the procurement of food, stationery, clothes, toiletries, etc for ashram shalas. Further, it is not clear how the contractors are monitored and what is the procedure for release of money.

Recommendations

1. Institutional mechanisms should be set up for monitoring of the progress of directives issued by NCPCR on the ground level. Towards this the NCPCR may appoint a committee or special rapporteurs/commission to monitor the same at the local level with clear terms of reference including the period of monitor.
2. A fixed percentage of funds from the MPLAD, MLA Fund and BRGF should be reserved for children's rights and education in rural areas.
3. Education should primarily be the responsibility of the education department and all other departments running schools/centre should be accountable to it and monitored and supervised by it. This includes tribal development department, social welfare department and labour department. This is to ensure that a minimum quality and uniformity in the education and facilities imparted to the children is maintained.

4. Ashram Shalas should not be allowed to continue outside the purview of Panchayati Raj Institutions. Right from the Gram Panchayat to the Zilla Parishad, committees should be formed to monitor the schemes of tribal development department including hostels and ashram shalas.
5. The gender aspects of malnourishment amongst children in Melghat should be reflected in the policies and programmes of the government.
6. Exposure visit of Anganwadi workers, community leaders, PRI leaders should be organized to the best Anganwadis (e.g. Anganwadi at village Aladoh in Chikhaldhara). Similar visit of Ashram Shala teachers should be organized to well-organised Ashram Shalas.
7. Anganwadis should be linked to the education department for management and supervision.
8. As far as possible tribal development department should not set up Ashram Shalas where there are already Z.P. schools functioning and capable to absorbing tribal students. The children should be admitted in Z.P. schools and tribal development department may consider running hostels where required.
9. A time bound action plan should be evolved by the district administration to erect buildings for Anganwadis and Ashram Shalas / hostels.
10. The district administration and tribal development department should be given a month's time to evolve such a plan and implement the same within a period of six months. Necessary help may be sought in designing appropriate centres / hostels from renowned sources following low cost creative methods – Laurie Baker, School of Planning and Architecture New Delhi and National Institute of Design, Ahmedabad etc.
11. Violation of Ashram Shala Code should be taken seriously and strict action should be taken against the erring officials.
12. As far as possible procurement of food, milk, vegetables etc. should be from local sources to ensure timely delivery and quality.
13. Wherever required e.g. in village Biroti, Adnadi, etc classrooms of Z.P. Schools should be made available to the Ashram Shalas for children to sleep at night till the buildings of Ashram Shalas are constructed.
14. The Anganwadi teacher at village Aladoh Taluka Chikhaldhara Smt. Sumitra Akotkar should be recognized for her extraordinary commitment and leadership qualities which are reflected in the manner in which the Anganwadi is maintained and the service it provides to the children and community.

Limitations in the visit

1. The team did not check functioning of Anganwadis for lactating mothers, pregnant women and adolescent girls
2. NREGA implementation was not ascertained in an in-depth way
3. Lacked interaction with elected representatives in most of the areas visited by the team.

Conclusion

From the visit it has emerged that the issues related to children's right to food, education and health are of significance in the arena of child rights and also its institutional linkages. This seems to be the first step towards understanding the issues and evolving mechanisms to address the issues in a meaningful way with the complete co-operation of the district administration and the state government. Therefore it is of great significance to do systematic follow up of the directives of the Commission as well as the field visits.

Both NGOs and the state government have a critical role to play in addressing child rights in Melghat region. It is important for them to work together in partnership and engage in a meaningful dialogue. However, in spite of presence of many NGOs, there seems to be no mechanism or systems in place to work with the governments as partners bringing about change in the current scenario. Towards achieving this the district collector and engagement of a third person from outside the district would be helpful to facilitate more interaction and cooperation at the ground level. The commission may think of appointing a special rapporteur on child rights for Vidharba to facilitate this process of child rights monitoring by the district administration and the state. It is important to bring them together, at the moment it appears like there is distance. During the visit of the team, the NGOs did not meet the team members for discussion on the issues, even though a meeting with the NGOs had been scheduled.

Above all, involvement of the PRIs, youth, women's group and other local community members in management of schools, anganwadis and health centres would be the key to make their functioning effective.