NCPCR Inquiry Report on
Suo-moto cognizance on death of 26 kids at tribal residential schools in Telengana
24th – 25th August 2016

Visit Report by:
Mrs. Rupa Kapoor, Member NCPCR
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National Commission for Protection of Child Rights
5th Floor, Chanderlok Building, 36-Janpath, New Delhi-110001
Visit of NCPCR team to Tribal Residential Schools of Khammam district of Telangana

Background and Purpose of the Visit

National Commission for Protection of Child Rights took suo-moto cognizance of the newspaper article published in Deccan Chronicle which mentioned that 26 kids died at tribal residential schools in Telangana. According to the news article, since the formation of Telangana in 2014, as high as 26 schoolchildren have died in government-run tribal residential schools. The reasons given for such deaths were mentioned as “illness, accident, snake bite, drowning etc.

According to a report “Students in tribal residential schools suffering from illness, and even dying from it, is not surprising as there are no medical experts there. Students shared that the warden turned doctor usually gives the sick child a paracetamol. The dal and curries are watery and lack nutrition; eggs are rarely served. There is no clean drinking water available and many students are crammed into a single room in the hostels.” The situation in tribal residential schools is pathetic. Most of them have dilapidated buildings; dogs and pigs get into the premises, attracted by the accumulated filth; and the caretakers are never accessible to students. Tribal students are an ignored lot.” There is lack of basic facilities like drinking water, toilets and healthcare.

It was only 10 days ago that a 15-year-old student at a tribal residential school in Khammam died due to scorpion bite.

To bring stability in the lives of children in the process of ensuring that all their entitlements to protection, health, nutrition, sanitation, education and safety, are fulfilled through government action, the National Commission for Protection of Child Rights team visited the area to get the ground situation and review the situation of children in the District.

In the course of the visit the team also participated in the inauguration of Telengana’s first Child Friendly Court.
Team Composition

Mrs. Rupa Kapoor, Member- National Commission for Protection of Child Rights (NCPCR) led a team to Khammam district from 24th – 25th August 2016. She was accompanied by Priyanka Singh (JTE-Child Health).

The Tour Itinerary

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<td>Participation in Inauguration of First Child Friendly Court in Hyderabad</td>
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INAUGURATION OF FIRST CHILDREN’S COURT IN SOUTH INDIA AT NAMPALLY COURT, HYDERABAD

The “child friendly” courtroom was jointly inaugurated at the Nampally Sessions Court by the Chief Justice of Telangana and Andhra Pradesh Ramesh Ranganathan and Director General of Telangana Police Anurag Sharma. The Nampally project was facilitated by the NGO Justice and Care in collaboration with the State Government and the Judiciary.

Mrs Rupa Kapoor, Member, NCPCR spoke about the importance of Child Friendly Court and role of NCPCR in establishment of Child friendly courts in India. Mrs Rupa Kapoor informed that 605 Special Courts have been set up across 654 Districts under the Protection of Children from Sexual Offences (POCSO) Act, 2012. The Commission of Protection of Child Rights Act, 2005 postulates for setting up of Children’s Courts across India and also mandates creation of child friendly atmosphere in Children’s Court.
After Goa and Delhi, Telangana is the third State to have Child Friendly courts with features, like separate waiting rooms for children and a video camera trial for the accused to eliminate coercion of minors, mandated under the POCSO Act.

Despite the POCSO law stressing for the need to have child friendly courts to ensure minors are not intimidated during proceedings, court continue to be hostile territory impacting cases involving children. Statistics show that across India, a total of 89,423 crimes were reported against children in 2014. However, the conviction rate in these cases has been a dismal 33.1 per cent. Horror stories of child witnesses succumbing to pressure during such proceedings have often come in the way of justice. A major reason for acquittal is because witnesses or complainants turn hostile due to the sensitive nature of cases, threats and intimidation. With increasing crimes against children there is a dire need for systemic reforms in strengthening the evidence gathering process. The child friendly space for recording the witness and testimony of the child will aid in improving the conviction rates for the crimes against children.

The Protection of Children from Sexual Offences Act, 2012 (POCSO) stipulates child friendly court rooms be put in place across all States at the earliest in the interest of children in need of care. However, as of now, children’s courts are functional in only 2 states- Delhi and Goa. So far, 5 out of 605 (4 in Delhi and 1 in Goa) Children’s courts in the country have facilitated the child friendly space. This is for the first time in South India and the sixth court in the country to be child friendly.

The model court room in Nampally, comes with a waiting area, which provides a ‘child-friendly environment’ complete with toys, bean bag, game rug, and colourful furniture. The child will also have a different entrance to the court room. Unlike a normal court set-up, the child will not be allowed to come face to face with the alleged offenders to make sure s/he is not intimidated while the court proceedings are ongoing. The Judge will be in plain clothes and will not sit on a dais in order to be more approachable for the child. Similarly, the police accompanying the child will not be their Uniform. The child (witness/victim) will be allowed direct interaction with the Judge, while the accused (who will be at a different location) will be able to view and hear the proceedings via two-way video conferencing in the courtroom. A two-way video communication system, allows the child witness to identify the accused on camera. This also enables the Judge to ask questions to the child and the accused without any physical interface.
FIRST CHILD FRIENDLY COURT IN SOUTH INDIA (TELANGANA)
Inspection visit to Asram School for Girls in Mustafa Nagar

The Team visited the Ashram school for girls at Mustafa Nagar in Kamamam district. The total strength of the school is 345 whereas the capacity is only for 250 children. The school is from Class 1 to 12. The team interacted with the children and asked about their daily routine, their classes and the facilities available. During the interaction it came into the notice that all children were not present at the time of visit. When inquired about their absence staffs told that they all went to their respective home for holidays. But when asked for the leave applications the staff did not have any application and irregularities found in the way girls were send with their parents/guardians. The Superintendent was also found to be least concerned about the situation of the children. The team then interacted with some of the girls separately and talked with them about the facilities and behavior of the staffs. The Commission found male staff in the girls schools which are contradictory to the norms. The team then visited the hostel, kitchen and dining area of the school. Toilets were located outside the premises putting the girls in a much more dangerous situation. They were prone to snake bites considering the location of toilets. The dormitories were converted into classrooms in the morning. They reside and study in the same place. There was not enough light or ventilation. There was no furniture for children like bed, table and chairs. There was also shortage of basic essentials required for children. Girls were drying their undergarments inside the windows and not out under the sun which is a very key reason behind sanitation problem. With lack of proper infrastructure, it was found that food for the kids was prepared out in the open with no cover.

There was no care taker in the night and children were kept in the vigilence of a male guard alone. There were no recreational facilities. Television was in superintendent’s room. In house medical facilities were not available and ambulance facility were unavailable. Children had to go a few miles for medical emergency that too without any vehicle available for them. There was lack of proper implementation of RTE Act. The norms were not followed as prescribed.

The commission took a serious note on this and had a detailed discussion with the administration to do the needful at the earliest.
Inspection visit to Ashram School for Boys, Kamamam district

The Tribal Residential School for Boys located at Revathi Theatre Centre was relatively better. The strength of the school is 250 but at present there are 97 students enrolled. There is only 1 teacher present at the time of visit. The team interacted with the students and met the teachers who were present there. When the team saw the attendance many of the boys were found missing. No applications of children on leave was available with the hostel warden. When inquired they told that the boys come and go. There is serious lack of monitoring in the hostel about the movement of the children. Here also there was a lack of infrastructure - table, chairs, beds. Children who were studying did not have proper school bags, books which hampered their studies. Children slept on the floor. There was absence of proper lightening and children were studying in the dim light. There was no recreational facilities available for children nor they have space to play outdoor games. Children were left with one male guard in the night. Hostel warden/care taker did not stay in the hostel. The quality of food was also not good. In house medical facilities was not available and ambulance facility was also not there. Children had to go few miles for medical emergency that too without any vehicle available for them. There was lack of proper implementation of RTE Act. The norms were not followed as prescribed.
Inspection visit to Ashram School for girls in Gollagudem village, Kamamam district

This school cum hostel for girls was located 20 km away from Khammam town in Gollagudem village. The school and hostel has huge campus with separate buildings for classes and dormitories. The total strength of girls was 330. The hostel was spacious and airy. There is a space for play also, however the grounds were filled with grass and was near the forests which made them prone to scorpion and snake bites. Girls played in the grounds without any footwear. The school is located far from the city and it was found that they were not equipped to deal with emergencies. There was a lack of medical facilities such as in house doctors or ambulance services. There was no furniture for children like bed, table and chairs. There was also shortage of basic essentials required for children. There was no caretaker in the night and are under the watch of a male guard. Children did not enjoy any in house recreation facilities/counseling services in the hostel. There was lack of proper implementation of RTE Act. The norms were not followed as prescribed.
Meeting with Stakeholders

NCPCR Member, Rupa Kapoor held discussion with the Khamamam District officials to review the condition of children and measures taken to improve the situation. The meeting was attended by Program Director, Deputy Director (Tribal Welfare), CDPO ICDS Project and Member Telangana SCPCR Shri Pochampally Achyuta Rao and others. Member Rupa Kapoor highlighted the issues and directed District officials to take immediate action and submit a detailed action taken report at earliest.

Recommendations:

Health:

- Ensure immediate transfer of girl children from Mustafa Nagar Hostel to a bigger facility

- Ensure access to adequate food on a regular basis, both the quantity and quality of food emerge as an issue in Ashram schools. Monitoring and ensuring provisions for adequate food, vegetables, milk and eggs as part of the diet should be done by District Magistrate.

- District administration needs to take immediate steps to stop the deaths and for prevention of such fatal diseases in Tribal Residential Schools.

- In house medical facilities needs to be provided in all the 3 tribal residential schools in Kamamam district. Also there is no ambulance facility. So immediate arrangements must be done to ensure ambulance facility and one in house doctor must be available specially in girls hostel.

- Arrange periodic health check-ups of all children and a visit by the nearest PHC doctor at least once every week;

- Water and sanitation facilities must be improved on priority basis.

- In house counseling facilities/training on POCSO Act needs to be initiated.
Education:

- Separate classrooms need to be arranged in the Ashram Schools of Girls and Boys in the district. Lack of infrastructure and education provisions need to be seen. Basic amenities. The facilities as per the norms must be made available to the children on priority basis.

- More teachers are required in schools. It will be help to ensure quality learning; Regular training/orientation for headmasters and wardens on RTE Act is also required. Proper school timing/records to be ensured.

- Child friendly officials/social workers who are trained in the child rights issues must regularly visit the schools. Stern action must be taken on officials responsible for such a bad condition in the schools.

- Steps must be taken to make the spaces child friendly.

- Convergence between between Education Department, Department of Tribal Affairs and District Magistrate’s office can ensure better coordination and implementation of recommendation.

- Children follow a routine of combining classes, additional study time. Children should be engaged in other extra curricular activities like such as self-defence training or children’s parliament etc.

- Children don’t have recreational facilities in the hostel leading to stress and fatigue among students. Recreation facilities need to be improved and children should be given some sports /yoga and other activities options on priority basis.

- A complaint box should be placed in schools and checked regularly for children’s grievances including complaints of corporal punishment and abuse. It will be important to highlight the grievance redressal mechanism for children.

Infrastructure

- Ensure repairing/reconstruction of buildings of all ashram schools/tribal residential schools in Kamamam District. 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 with a base line of health and nutritional status, and educational/scholastic level, for audit be developed and provided to all committee members. The exercise is to be repeated every six months.

- Create infrastructural facilities for classrooms, toilets, storage, bathrooms, board, kitchen, school uniforms, soaps and other supplies in all other Ashram Shalas in the district;

- Inadequacies related to the hostel building, bedding, clothing and functioning of Tribal Hostel was observed. The facilities as per the norms must be made available to the children on priority basis.

Staff

- Appoint staff in every Ashram Shala against sanctioned posts;

- Provide a female warden at Ashram School and a helper to assist young children in all ashram schools;

- There is also a need to look at the existing protocols for safety and security of children, and whether they are being followed or not. No men staff must be posted in the girls schools. Full time warden, counselors should be appointed on priority basis.

- The Gram Panchayats, Project Officer and the Tribal Development Department to monitor teacher’s regularity and conditions of the ashram shalas

- A special drive must be carried out in this regard of mapping of the other tribal residential schools and ensure proper monitoring to be done on regular basis covering education, health and others facilities.

Ensure that the same are implemented at the earliest. An Action Taken Report may be furnished to the Commission within 15 working days from the receipt of this letter.