# International Institute of Social Studies

## '*Adivasi Ashram shala'* (Tribal Residential school) and Protection for Tribal Children in Maharashtra, India

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**Sneha Dicholkar**

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Members of the Examining Committee:

Dr Rachel Kurian
Dr Kristen Cheney

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*Inquiries:*

International Institute of Social Studies
P.O. Box 29776
2502 LT The Hague
The Netherlands

t:      +31 70 426 0460
e:      info@iss.nl
w:     www.iss.nl
fb:    http://www.facebook.com/iss.nl
twitter:  @issnl

*Location:*

Kortenaerkade 12
2518 AX The Hague
The Netherlands

**Dedication**

To all the blooming tribal children of '*Adivasi Ashram shala'* in India

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**List of Acronyms**

| | |
|---|---|
| ST | Scheduled Tribes |
| GOI | Government of India |
| MTA | Ministry of Tribal Affairs |
| TDD | Tribal Development Department |
| UT | Union Territories |
| ATC | Additional Tribal Commissioner |
| SDR | Specific Death Rate |
| PIL | Public Interest Litigation |
| TISS | Tata Institute of Social Studies |
| TSP | Tribal Sub-Plan |
| PWD | Public Work Department |
| CPWD | Central Public Work Department |
| NGO | Non-Governmental Organization |
| MSCPCR | Maharashtra State Commission for Protection of Child Rights |
| IAS | Indian Administration Service |
| UNCRC | United Nations Convention on the Rights of the Child |
| UNICEF | United Nations Children's Fund |
| RTE | Right to Education |
| POCSO | Protection of Children from Sexual Offence |
| CSO | Civil Society Organisation |
| NPC | National Policy for Children |
| NCC | National Charter for Children |
| NPE | National Policy for Education |
| MMU | Mobile Medical Units |
| PHC | Primary Health Centre |
| WASH | Water, Sanitation and Hygiene |
| CCTV | Closed Circuit Television |
| SOP | Standard Operation Procedure |
| MOU | Memorandum of Understanding |
| ICPS | Integrated Child Protection System |

## Abstract

Deaths of tribal children in '*Adivasi Ashram shala*' questioned the administration of Maharashtra on the protection of children. Maharashtra state has designed schemes based on the central policy to ensure infrastructural facilities in the residential school set-up. Whereas, analysis of the death report reveals the primary cause for death is infrastructural mismanagement. Therefore, this study particularly addresses the paradox- despite many schemes, programs, and legal frameworks are introduced by policymakers at the central and state level to ensure the protection of children. Children's status on the ground reveals an alarming situation of deprivation. To understand the paradox, this study looks into stakeholder's understanding and interpretation about the policy and the circle of implementation. To address the paradox, the study reveals that the central government has put the entire responsibility on the state to implement the scheme as per the need of the region. In absence of guideline from the central government to run and monitor the scheme, the state has made it more bureaucratic. My study reveals that due to school's remote establishments; street-level bureaucrats are implementing it according to their own solace and beliefs. This interrelated circle is making children more vulnerable to their physical safety and security.

## Relevance to Development Studies

The following study has a relevance to Children and Youth studies of the development sector. This study explores the concepts of vulnerability and child rights, particularly a child's right to life and survival emphasizing on UNCRC. This study has the significance to child protection in context with Indian policy. It reveals stakeholder's understanding and interpretation about the policy and their co-responsibility to execute the policy to protect children. Further, this study addresses the current situation and analyzes the gap between policy and its execution in India.

## Keywords

Indian tribals, tribal children, residential schools, child Protection, child wellbeing, right to life and survival, physical safety and security

# Chapter 1 . Introduction to the Research Problem and Methodology

Since the last decade of the 20th century, the Indian media as well as concerned individuals and groups have raised concerns regarding the safety and security of tribal children educated in government-sponsored residential facilities or '*Adivasi Ashram Shalas*'. In 23 February 1998, tribal children from ages of 10 to 13 (of them 10 girls) trekked for more than three days to storm the tribal commissioner at '*Adivasi Vikas Bhavan*' (Tribal Development Department- TDD)[1] Nasik[2] in Maharashtra to complain about appalling conditions in their '*Ashram shala*'. The catalogue of horror stories that they revealed including bullying by teachers, abusive staff, missing rations and run-down buildings (as quoted by Wazir, 2000:33). In Times of India (2013), reported a suicide resulting from a sexual abuse at '*Ashram shala*' in Maharashtra (TOI, March 2013). Economic Times (2016), indicated that some 882 tribal children had died in state-run residential school between 2010 and 2011, nearly four-fifths of them being in a single state of Maharashtra (Economics Times, April 2016). Other reports also noted that "1077 kids died with suspicious reasons in last 15 years- reported by the media of Maharashtra state in India" (DNA India, October 2016). (More News Articles appended in Annex1).

**Figure 1**

Indicating death of tribal children in Government '*Ashram shala*' between year 2001 and 2016.



(Source: Salunke Committee Report, 2016:12)

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[1] A state level body responsible for the affairs and welfare related to Schedule Tribe community.

[2] A city in Maharashtra state, Tribal Development Department has a Head Quarter in Nasik.

The given statistic showed, out of 1077 total deaths 584 were boys whereas, 493 were girls. In 2010-11, the highest death rate took place and total went up to 112 across Maharashtra. The Specific Death Rate (SDR- deaths per thousand students enrolled) for total students for all the year was 0.395 with minor difference between boys and girls. In 2015-16, the death rate of girl students out numbered.

To investigate the reasons behind these deaths, State Legislature and Public Interest Litigation (PIL) of High Court of Bombay formed a committee headed by Dr Salunke. A primary task of the committee was to analyze the deaths of tribal children in Maharashtra's '*Ashram shala*'. From the available data analysis of death cases from Salunke Committee report shows around 396 children died due to lack or failure of health services and facilities. Around 154 children lost their lives due to infrastructural haphazard, around 37 cases of suicides, bomb explosion killed 3 children and data reflected on the sudden death of 121 children. It also shows, a failure of the system in maintaining data of around 229 children's death in the span of 15 years. (The detailed break-up of death analysis is appended in Annex 3). While collecting the data Salunke committee observed the status of '*Ashram shala*'. The report mentioned that the infrastructure of the premises was a serious issue due to poor construction quality and missing maintenance: inadequately maintained sanitation and water supply, overcrowded dormitories, missing compound walls, lack bulbs and tube light provision, missing cots and bed nets, inadequate water supply for daily bathing due to which children go to nearby waterbody to bathe and accidents occur. Lack of health facilities and sub-standard food quality which is affecting children's health-related concerns. This has led to the cause of deaths in '*Ashram shala*'. (Salunke, 2016:2). Another important report by the reputed Tata Institute of Social Sciences (TISS) suggested that lack of basic infrastructure, unhygienic water and sanitation facilities along with living conditions were important in leading to negligence, the safety of children and eventual abuse of these children (Balprafulta, 2016: 10-12).

From the above findings of Salunke Committee and TISS study report, my research paper is directly concerned with the physical safety and security of tribal children in '*Ashram Shalas*'. My research paper focuses on the provisions in the '*Ashram Shalas*' along with children's safety and security, health and hygiene, and protection from physical and sexual harassment. It considers the role of the different stakeholders involved, who are responsible for the safety and security of tribal children. These issues and experiences of tribal children in these schools, and measures are undertaken to improve to prevent deaths. Also, by understanding the trend of education in '*Ashram shala*' in India.

# Education and *'Adivasis'/* Scheduled Tribes in India: Historical Background

The 573 tribal communities in India, officially classified as Scheduled Tribes[3] and widely referred to as '*Adivasi*' (or original inhabitants), reside in different states and constitute 104.28 million which is 8.7% of the total population of the country (Census 2011). Most of the tribal communities have their own (over 270) languages, which are often different from the official language (Sujatha 2002: 87). As these communities have historically inhabited the interior of the country, they were not exposed to and marginalized from mainstream educational opportunities, with the result that they have experienced relatively lower literacy rates than the general population. The same can be seen from the table below:

**Table 1**

Indicating literacy rate of ST population and All Social Groups in last 60 years.

| Year | ST literacy Percentage | | | All social groups literacy Percentage | | | Gap (%) |
|------|------|--------|-------|------|--------|-------|---------|
| | Male | Female | Total | Male | Female | Total | |
| 1961 | 13.83 | 3.16 | 8.53 | 40.4 | 15.35 | 28.3 | 19.77 |
| 1971 | 17.63 | 4.85 | 11.3 | 45.96 | 21.97 | 34.45 | 23.15 |
| 1981 | 24.52 | 8.04 | 16.35 | 56.38 | 29.76 | 43.57 | 27.22 |
| 1991 | 40.65 | 18.19 | 29.6 | 64.13 | 39.29 | 52.21 | 22.61 |
| 2001 | 59.17 | 34.76 | 47.1 | 75.26 | 53.67 | 64.84 | 17.74 |
| 2011 | 68.53 | 49.35 | 58.96 | 80.89 | 64.64 | 72.99 | 14.03 |

(Source: 44th standing committee on Social justice and Empowerment, 2013-2014:11)

Since Independence in 1947, the Government of India has initiated different programmes and projects to improve the literacy levels of the tribal population through providing them with mainstream education. An important scheme that was

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[3] Scheduled Tribes need to be distinguished from Scheduled Castes. The latter are constituted the so-called 'low castes' groups that faced caste-based exclusion and discrimination based on traditional interpretations of the Hindu religion. Scheduled Tribes are not typically viewed as part of Hindu caste structure in India, and have their own cultures, languages and beliefs. Both groups have been targets of government policies to improve their social and economic status.

developed was the '*Ashram shala*', a residential school facility for tribal children between age of 6 and 14 years. The government emphasized the importance of providing "good ventilation and comfortable living space" and an establishment the students could "feel proud" and be seen as "child- friendly" (Ministry of Tribal Affairs- GOI 2008: 2). The current scheme was launched by the Ministry of Tribal Affairs, central ministry of GOI in the year 1990-91.

'*Ashram shala*' is an ancient concept of India. The idea of children leaving their homes and living with their teacher has been a historical practice in India typically associated with the so-called higher castes such as the Brahmins and Kshatriyas. This type of schooling was established for the tribal groups for the first time in Mirakhedi of Gujarat state in 1923 for the children of Bhil tribe. This was initiated and run by Amritlal Vithaldas Thakkar popularly known as Thakkar Bapa (Indian social worker and a follower of Mahatma Gandhi). Subsequently with the support of Mahatma Gandhi these schools were established in Odisha state in 1939 and were called '*Ashram shala*'. These '*Ashram shala*' were established in tribal region with the residential facility for children. The objective of these '*Ashram shala*' was to encourage children for education and to improve their social status. (Mishra & Dhir, 2005: 4). In 1962 (post-independence era), the Dhebar Commission of Tribals proposed the scheme of '*Adivasi Ashram shala*' accessible for tribal children especially from hilly terrain and scattered hamlets and since then, '*Adivasi Ashram shala*' has been introduced as a policy. ST population has traditionally inherent from interior part of the country and close to forest with natural resources surrounded. The isolated and challenging geographical terrain separated them from mainstream Indian society (Sedwal and Kamat, 2008:3). In principle, these '*Ashram shalas*' were meant to be inter-village schools, established in areas where regular schools did not exist. As a result, from the Third Five-year plan[4] the number of '*Ashram shala*' spread in states of Gujarat, Himachal Pradesh, Kerala, Maharashtra, Odisha, Rajasthan, and Tamilnadu.

While experiments were undertaken over the decades, the Ministry of Tribal Affairs- Central Ministry of GOI formally launched the existing scheme of '*Ashram shala*' across the country in 1990-91 run by the Ministry of Tribal Affairs. The broad objective of this scheme is to establish '*Ashram shala*' complexes for the social, educational and economic development of the population in interior areas (TISS, 2015: 75-76). Simultaneously, NGOs were also encouraged to start non-formal education centers, establish and run '*Ashram shala*' and offer academic assistance, material production to make education innovation for tribal children (Nambissan 2000: 210). The latter also initiated the '*Eklavya* Model Residential School' (EMRS) for tribal children as a pilot project in 2010. This initiative was completely funded by the Ministry of Tribal Affairs with the central focus on infrastructural support to '*Ashram shala*' in Tribal Sub-Plan (TSP)[5] areas (Ministry of Tribal Affairs, 2018:3-

[4] Third five-year plan was implemented during the period of 1961-1966 in India where states were made responsible for secondary and higher education for rural and marginalized population.

[5] The Tribal Sub-Plan (TSP) is a strategy for the rapid Socio-economic development of ST population. It forms a part of annual plan of State/UT to give benefits to ST population, in addition to what percolates from the overall plan of a State/ UT.

7). From the perspective of policy makers, infrastructure was considered a key component of the scheme.

## Stakeholders: Finance and Infrastructure

The Ministry of Tribal Affairs executed a scheme 'Establishment of Ashram Schools in Tribal Sub Plan Areas' under the grant-in-aid is given to states for the construction of school (primary, middle, secondary and senior secondary) hostel, kitchen buildings, staff quarters and to upgrade the existing '*Ashram shala*'. According to standard '*Ashram shala*' code, all the tribal children studying in these schools are entitled to: a residential facility, provision of nutritious meals, school uniforms, books, bedding, portable and safe drinking water, toilets etc. and other education material at the free of costs for all tribal children. Under this scheme, the infrastructural development for girl's '*Ashram shala*' is funded 100 percent. In addition, 100% funding for the establishment of '*Ashram shala*' for boys of the Naxal affected districts (if any) identified by Ministry of Home Affairs. All other '*Ashram shala*' for boys in TSP states continued to be funded on 50:50 basis (50% funds from Ministry of Tribal Affairs and 50% funds from TDD). Financial support on 50:50 (50% funds from Ministry of Tribal Affairs and 50% funds from TDD) basis given for other non-recurring items of expenditure i.e. purchase of equipment, furniture and furnishing, purchase of a few sets of books for a small library for use of inmates of the hostels, etc. to ensure physical services reach all the tribal students under infrastructural development. The scheme is merely need-based and demand-driven and funds are distributed on receipt of proposals, indicating the obligatory details from the state government, and subject to availability of funds under the scheme. There is no State-wise allocation under the scheme hence, funds are disbursed subject to the availability of the same.

The maintenance and running expenses of '*Ashram shala*' is the responsibility of the state government, this again emphasizes that TDD is responsible for the infrastructural well-being of the schools and hostels. Also, the construction of '*Ashram shala*' is required to be completed within a period of 2 years from the date of issue of the central aid. However, for the extension of '*Ashram shala*' period of construction is 12 months. (Biswal, 2014:16-17). The state government is required to submit their proposals to the Ministry of Tribal Affairs yearly along with the documents such as, a plan of the '*Ashram shala*' along with the location, duly approved by the expert authority in the state government. The plan must specify a layout of the compound, including the kitchen, vegetable garden, and plantation (fruits and nutritional trees like moringa, citrus) areas. State is also encouraged to use fuel saving or renewable energy technologies in the school. A certificate to the result that equivalent provision exists in the state budget for the scheme, wherever necessary to match it with the central funds. Unencumbered land is made available free of cost by the concerned state government for construction of '*Ashram shala*'. State government bears the required equivalent share of the cost of the building based on the current scheduled rates of state Public Work Department (PWD) or Central Public Work Department (CPWD) rates.

A few rooms/blocks of the hostels should be constructed barrier-free and facilities like ramps, etc. should be included in the design of the construction for

the convenience of the tribal students with disabilities. Preference is given to the state governments who commit annual maintenance expenditure, as per reasonable norms. (Biswal, 2014:17-18). These requirements clearly highlight the focus on the infrastructural development of '*Ashram shala*' from the Ministry of Tribal Affairs and so as the TDD.

# Research Objective

The overall objective is to contribute to the development of a safe and secure educational environment for the tribal children of '*Ashram Shalas*'. This paper focuses on the role of appropriate infrastructural services through, proper hygiene and health, and protection from physical and sexual abuse, as a key to improving their rights to a safe and secure environment. It deals with how these aspects have been included in policies and programmes, and implemented in practice by different stakeholders, and the implications of the outcomes for the physical safety and security of the children's wellbeing.

# Research Question

How have policies and programmes, as well as the different stakeholders involved in the implementation process, influenced the quality of infrastructural support, the health and hygiene facilities, and thereby the physical safety and security of children in '*Ashram shalas*'?

# Sub-questions

1. In which ways have the concerns for the physical safety and security of Tribal children been included in policies and programmes on '*Ashram shalas*'?
2. How have these policies and programmes been interpreted and implemented by the different stakeholders involved and which implications do they hold for ensuring the physical safety and security of the children?
3. What are the prevailing problems with regard to infrastructural support, health and hygiene, and physical and sexual abuse, and how have they challenged children's right to a safe and secure learning environment in '*Ashram Shalas*'?
4. In which ways have NGOs, the media and other concerned groups raised these issues and sought to promote changes for improvement?

# Methodology

This paper is concerned with the safety and security of tribal children, reflected particularly in health and hygiene, infrastructural safety and security. To this effect, it provides the historical background to the Ashram Shalas, indicating how these issues have included the policies and schemes, as well as by the different stakeholders involved in their implementation. It develops a theoretical framework based on the concepts of child vulnerability and child rights, childhood and citizenship
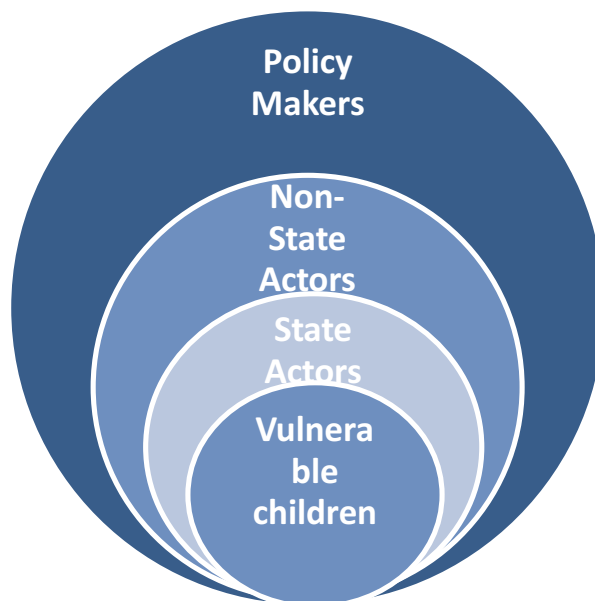
and street-level bureaucrats. It then uses these ideas to study the particular situation in the State of Maharashtra.

To analyze the sub-question, I decided to look at the Socio- Ecological Model, in which children are at the center of the child protection system. This model place children in the center of a system and explores outside layers involve in it and how do they interact with each other. While other stakeholders around it and their interpretation and interaction between all the spheres involved, and how do they influence one another. Taking into account this model and my understanding on the structure of child protection that integrated from in four spheres where all the attention should be focused in: Policy Makers (Central/State), State Actors (academic/administrative staff), Non-State Actors (NGOs) and Tribal children.

The use of socio-ecological model is to understand the way any system is organized. In order to see the child protection system, this model places a child in the center and help in understanding how all the actors/stakeholders are organized in terms of developing a coherent system. This model shows the layers which goes from micro to macro level and how collectively they are responsible for the protection of children. To understand the functioning of the child protection system, I am taking this model into a consideration along with my understanding from the ground and created a four layers model. In this model, all the spheres/ layers are from most broad to most narrow from Policy makers, non-state actors, state actors and in the center tribal children respectively. In the (Figure 2) visualizing the model, in order to reflect the collaboration of all the spheres/layers who interact with each other to provide protection and care to the children from a particular group in a specific set-up, in this case its '*Ashram shala*'.

**Figure 2**

Socio-Ecological Model



Socio-Ecological Model showing all the spheres/ stakeholders responsible in the Child Protection system.

## Rationale of the State

While the policies and programs for '*Ashram Shalas*' are undertaken at the national level in India, this Research Paper focuses on the context of the state of Maharashtra. (A map of Maharashtra is appended in Annex3). In Maharashtra, the Tribal Sub-Plan (TSP) districts are divided into 4 zones (Nasik, Thane including Palghar, Amravati, Nagpur). Each zone has one dedicated Additional Tribal Commissioner (ATC) who is a cadre of Indian Administration Services (IAS). All the four ATCs report to the Commissioner of TDD. Maharashtra state government has also established a statutory body under Commission for Protection of Child Rights Act 2005 to protect, promote and defend child rights and it's called 'Maharashtra State Commission for Protection of Child Rights' (MSCPCR). This cell is responsible for the protection of tribal children of the state. There are several reasons for the choice of this State. First, it has a significant ST population of over 10 million which is 9.4% total population of the state and 10% of the total ST population of India and constitutes 47 tribal groups (2011 census). Second, there are 1107 '*Ashram shala*' in Maharashtra, 549 of which are supported by the state government and 558 are aided schools.[6] (TDD 2014). Third, there were reports of deaths and abuse in these schools, with questions raised around safety and security of the residential tribal children. Fourth, I can, as originating from state of Maharashtra, speak the state language (Marathi) which helped in discussions with the local stakeholders.

## Sources of Data

The study is based on two types of data.

Secondary data on child protection aspects of health and hygiene, infrastructural safety and security, as well as physical and sexual abuse of tribal children in '*Ashram shala*' system. The available resources are in the regional language too, in forms of reports, study visits, articles, visit reports etc.

Primary data of different types was generated as indicated below:

- Telephonic interviews with state and non-state actors of '*Ashram shala*' between July and August 2018 to discuss their learnings/ achievements and challenges in implementing the scheme. The duration of my every call was around 45 to 60 mins. I could not record my calls as my interviewees were not comfortable with the process. Attention was given to covering the following key stakeholders.

- I interviewed one member of MSCPCR in July 2018. Topics covered- Child Protection in '*Ashram shala*', measures of safety and security of health and hygiene, infrastructure, physical and sexual abuse, Learnings and Challenges.

- In order to collect qualitative data from street level bureaucrats (in my case, academic and administrative staff) my total sample size was 22 respondents between 28 July 2018 and 14 August 2018. I interviewed 12 academic staff (10 teachers- 6 males and 4 females along with 2 headmasters- both male) representing government-run and aided schools. I also interviewed 10 administrative

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[6] This system is the government grant-in-aid to schools are managed privately, known as 'aided' schools.

staff (7 superintendents- 4 males and 3 females along with 3 caretakers- 2 males and 1females) representing government-run and aided schools. All my respondents were from 7 '*Ashram shala*' of Nasik, Gadchiroli, Chandrapur, Thane and Dhule districts of Maharashtra state. (Map of Maharashtra with focuses districts highlighted appended in Annexure 4). I could interview them in the span of two weeks as the staff was busy for the preparation of examinations for that period. Topics covered- daily routine/practices in the school, issues related to children's education, support from the state, practices of addressing issues around health and hygiene, infrastructure, physical and sexual abuse, Learning and Challenges.

- In order to understand the role of NGOs working with tribal children from '*Ashram shala*' I interviewed two representatives working with child rights and child protection, as well as one member of NGO working with nutrition project for '*Ashram shala*' between July and August 2018. I interviewed field level staff as well of these NGOs who are in regular touch with children through WhatsApp calls. Topics covered- current scenario of children in '*Ashram shala*' and practices around child protection and child rights, activities/ measures planned and implemented by them, government respond and support on their measures, learning and challenges.

While interviewing state actors and non-state actors (stakeholders) my primary focus was:
- To understand their interpretation about the existing scheme of '*Ashram shala*'.
- Problems and hurdles faced by the said stakeholders, while implementing existing scheme in their schools or in the designated vicinity.
- Methodology used by stakeholders to handle unforeseen situations, if any.


Furthermore, I have had personal experience as I have visited between the period of August 2015 and February 2016 around 40 '*Ashram shala*' in districts of Nashik, Nandurbar, Parabhani, Dhule, Thane and Gadchiroli as representative from a funding organization. I made these visits along with an NGO called Balprafulta, which focuses on child rights and protection and has worked in the tribal belts of Maharashtra. Thus, I have witnessed the situations of '*Ashram shala*' premises and situation of tribal children was able to interact with government officials and non-government organizations working in the sector of child protection and education along with academic and administrative staff during my visits.

## Justification of the Study

While there are several studies on the quality of the education and the social exclusion experienced by children in the '*Ashram sh*alas', there is less attention given in research to how infrastructural services influence physical safety and security of the children. Therefore, this study contributes to understand how appropriate infrastructure is essential in ensuring that children in '*Ashram shalas*' can access their education without being exposed to the dangers of bad health and hygiene as well as and physical and sexual abuse.

## Limitation of the study

My methodology has restricted to telephone interviews due to lack of resources at my end also, I was recommended to not conduct the field research on this issue from the official of Maharashtra Chief Minister's office. As the elections are due in 2019 and such sensitive issues can create a hurdle in an election campaign. Therefore, I could not meet children and witnessed their situations on the ground this time. Also, I could not interview ATCs and my interviews with MSCPCR spokesperson, academic and administrative staff had many restrictions, even in terms of time allocated to me was a span of 15 days only to interview 22 respondents.

# Chapter 2 . Review: Literature and Conceptual framework

This chapter reviews the relevant theoretical discussions that frame the analysis of the rights of tribal children in '*Ashram shalas*' for their protection and the right to survival. In order to do this, the chapter first addresses at the literature on the vulnerabilities related to infrastructure, safety, health and hygiene with the nutrition of the tribal children in '*Ashram shalas*'. The second part, addresses the conceptual analysis within the vulnerability framework and its relevance to the wellbeing of children. It then examines the rights of children to protection and survival as reflected in the United Nations Convention on the Rights of the Child (UNCRC) highlighting the significance of infrastructure, health and hygiene, physical and sexual abuse. It will also discuss the role of stakeholders in formulating policy and implementing programmes and how they influence the safety and right to protection of children. In doing so the chapter develops a framework for the subsequence discussion on how tribal children in '*Ashram shalas*' are exposed to danger and denied their rights.

## Literature Review

Studies and reports have highlighted the vulnerabilities experienced by children of marginalized groups, when they enroll in such residential schools as part of state policy. This policy emphasizes formal education to bring these children in the mainstream by promoting ST's social inclusion and empowerment. Most of these institutions are critical in the quality of the education as well as the standards of infrastructure (Jojo, 2015). This chapter highlights the findings of physical safety and security of tribal children with the help of available literature. Existing literature has highlighted the issue of infrastructural challenges due to which tribal children's health and hygiene is affected and they are more vulnerable towards incidences of physical and sexual abuse. Further, the chapter will conceptually define vulnerability of tribal children in such situations along with the concept of child protection and how their right to safety and security has been violated while implementing the scheme of '*Ashram shala*'.

### Infrastructural challenges:

Salunke in his 'In Search of Hope' report (2016), recommended corrective measures to be taken for the prevention of deaths of tribal children of '*Ashram shala*' in Maharashtra. Salunke committee was a technical team formed by the state administration- TDD and the committee submitted the report to the Governor of Maharashtra state with fact findings in October 2016. Salunke committee mentioned that in 30% cases action was taken against employees who were directly or indirectly responsible for the deaths of children and in 77% cases primary enquiry was conducted. Salunke committee stated the primary causes of deaths were: high fever, snake-bite, stomach aches, accident, suicide etc. The committee also flashed issues around non-functional Mobile Medical Units, lack of first-aid kits in the premises, nearly no ambulance service, sub-standard food quality, overcrowded dormitories, inadequate safe water supply, unhygienic sanitation conditions, lack of

electricity, lack of measures for students' safety and security etc. The committee also reported on cases of sexual exploitation in these schools by the employees of '*Ashram shala*' (Salunke, 2016:7-22). Salunke has also carried out preliminary 'Death Audit Report' prior to formation of Salunke committee in 2016, which analyzed 148 death cases occurred in 2014-15 and 2015-16. However, the preliminary 'Death Audit Report' of 2014-15 and 2015-16 cases did not explain the reasons of deaths properly whereas, the Salunke committee report emphasized on causes such as health and hygiene issues, infrastructural haphazard, cases of physical and sexual abuse.

Jojo (2013) claimed that these residential education institutions ('*Ashram shala*') have hindered the development of tribal children against the objective of the '*Ashram shala*' scheme in his book 'Decline of Ashramshala in Central Eastern India'. Jojo strongly mentions that this is not a feasible option for tribal children to get their formal education. He has described the conditions of the schools and hostels are inhumane, unhygienic and unhealthy for tribal children's development, which has been the objective of the state. The impacts of such inadequate services in '*Ashram shala*' are seen as prolonged ill-health, unhygienic residential conditions, poor quality of food, affected the quality of education resulting children into mentally and physically weak. As a part of academic practice, Hindu culture has influenced the premises whereas the institutions are meant for indigenous children. Another observation captured by Jojo was that Government aided '*Ashram shalas*' to run in partnership with NGOs and majority NGOs are associated with religious and political parties. Tribal culture, tradition, and their customs becoming invisible from tribal children gradually. Eventually their attachment with their own custom and traditions weaken, and therefore it affects their senses of belonging to their practices, identity, pride and dignity (Jojo, 2013:377-395).

In Tata Institute of Social Study (TISS)'s (2015) 'Tribal Sub-Plan in Maharashtra: A Diagnostic Study' mentioned, most '*Ashram shalas*' are situated in the deep forests therefore, mishap with wild animals can take place. In addition, these premises are unequipped with physical services such as toilets, bathrooms, safe drinking water and infrastructure is in run-down conditions. Based on TISS team's observations, most of the Ashram shalas looks like tribal shacks and they face major problems during the rainy season. These structures are lacking with basic hygiene conditions and facilities like beds to sleep and desks /chairs for students in the classrooms. Even older children have to sit on the floor, which is not cleaned and a leveled surface. This report also captured the claim made by staff (academic and administrative) about the delay in response from PWD which impacts on the lack of maintenance and repair work of the structures and building of new facilities (TISS, 2015:75-80). This reports clearly articulated infrastructural apathy in the premises of '*Ashram shala*' along with the claim made by street-level bureaucrats showing their limitations to combat the state's negligence.

## Infrastructural impact on Health and Hygiene:

Bhise et al. (2013) in their article "Prevalence of anemia in the children of tribal ashram schools in Ahmednagar district of Maharashtra" mentioned that of anemia is a very common problem from birth up to 18 years of age group. School children constitute 20.25% of total population in India and they are more vulnerable

to this disease due to their rapidly growing need for iron. The focus of this report is to study the prevalence of anemia among tribal children aged 8-16 years from tribal Ashram Schools in Ahmednagar district, Maharashtra. Total 310 children (including both boys and girls) between the ages of 8-16 years were selected from two Ashram schools of Ahmednagar district of Maharashtra state. The health check-up was undertaken in the premises of Ashram schools. All children were present in the school are interviewed, and examined by a team of trained medical doctors. The overall prevalence of anemia among children in the age group was 77.10 % (239/310). The highest prevalence of anemia was present in the girls (87.8 %) while boys were (65.1 %). Anemia therefore still constitutes a health problem among tribal children with the present prevalence of 77.1%. (Bhise et al., 2013:298-305). Provision of nutritional food support is one of the major services undertaken by 'Ashram shala' as per the guidelines of the scheme. This article reflects on the absence of nutritional diet to tribal children which is impacting on their unhealthy conditions

Biswal (2014) reported on the working of ashram schools in tribal areas belonging to scheduled tribes, the committee pointed out that sub-standard food is being provided at school and hostels. The Committee pointed out that 793 children died in ashram schools in Maharashtra between 2001-02 and 2012-13 as a result of scorpion/snake bites and minor illnesses. A large number of tribal children drop out of school, 55% at the elementary level and 71% at the secondary level. This is 22% higher than the national average. (Biswal, 2014). Also, Biswal's 44th standing committee report emphasized the negligence of health conditions of tribal children which have impacted on children's lives. Going further, the report also mentioned the impact of increasing dropout rate amongst tribal children from 'Ashram shala'.

## Safety and security concerns due to infrastructural haphazard:

Jojo (2015), in his "Status of Government and Aided Ashram Schools in Maharashtra" study 1076 schools, safety and security of the girls in the Ashram Schools in the absence of the warden. While emphasizing infrastructural facilities constraints Jojo mentioned that lack of structures like playground for the recreation activities of children and separate buildings for classes and accommodation and so. Similarly, as per the guidelines, the schools must have an office for the Headmaster, staff room, classrooms, storage room, kitchen, dining room, sick room, etc. However, it has been observed that none of these infrastructural facilities are available in all the schools. Only 80.4% schools have classrooms for all the classes. There are only 614 (57.06%) schools which have two tube/bulbs and fan in their class and still 462 (42.94%) schools not have the tube light and fan facility. There are 601 (55.9%) schools which have not provided separate a bed or bedding to each student in the boys' hostel. Among them, 385 (69.6%) of the aided and 216 (41.3%) of the government schools are without the provision of bed. Similarly, there are 593 (55.1%) schools where the girls 'hostel were not provided with their own bed or bedding to each student among whom 376 (68.0%) of aided and 217 (41.5%) of government school hostels belong to. There are 339 (31.5%) schools with the provision for one bathroom for 20 girls, whereas 278 (25.8%) schools have the same for the boys. Similarly, 555 (51.6%) schools have a provision of one bathroom for 50 students each in case of both girls and boys. There are 182 (16.9%) schools where either there are no bathrooms or bathrooms were not in use for the girls, whereas, there are 243 (22.6%) schools where the boys do not have bathrooms or not in use. Good menstrual hygiene facility is essential for not only good health but

also to maintain the dignity of girls and women. Government Ashram Schools are better than Aided Schools because, there are at least 61 percent govt. Schools which provide sanitary napkins whereas only 47 percent of Aided schools do so. This draws concern that without the provision of sanitary napkins, it exposes them to unhygienic practices which could lead to serious health problems like Reproductive Tract Infection. (Jojo, 2015).

## Best practice for safety and security of children through infrastructure development:

The Child-Friendly Schools Approach developed by UNICEF (2009) places the child in the centre of holistic learning and teaching environment, with the goal of creating an empowering physical environment, which fit for every child's education. The example of Rwanda can be viewed as a form of 'best practice'. The country has four standards with detailed guidelines of Child-friendly Schools infrastructure:

"A: School must have appropriate, sufficient and secure buildings.

B: A school must be healthy, clean, secure and earner protecting environment.

C: A school must have a child-friendly, barrier-free environment which promotes inclusive access and equal rights of every child.

D: A school must have adequate and appropriate equipment that support the level of education" (Rwanda Ministry Education, 2009:5).

At state level to make it more effective, TDD can design a strategy for regular monitoring of '*Ashram shala*'. The monitoring and evaluation of these schools on regular basis is lacking from this document.

The 44th standing committee on Social Justice and Empowerment's report captured the response from the Ministry of Tribal Affairs on the functioning of '*Ashram shala*'. The running of '*Ashram shala*' constructed under the scheme of "Establishment of Ashram Schools in Tribal Areas" is directly the responsibility of the concerned state government. The concerned state government is responsible for teachers' recruitment, students' enrolment, syllabus, association to the education board, managing dropout rates and general functioning of the schools. The Ministry ensures the benefits increasing to tribal students timely. Also, conducting regular meetings with the state government to make sure the quality services and facilities are reaching tribal students need to be ensured. While emphasizing facilities the Ministry of Tribal Affairs mentioned the importance of safe drinking water, bedding and mattress, healthy and quality food, toilets and amenities like fans, hand pumps, security arrangements, laboratory, library, computer room and services like watchman, sweeper and health check of students (Biswal, 2014:20).

In addition to the above-mentioned concerns and challenges faced by tribal children in terms of infrastructural and physical facilities offered for their development. However, due to lack of these facilities, tribal children are going through safety, security and protection issues which were not highlighted until the death rate went high and administration of '*Ashram shala*' was held responsible. Lack of infrastructural facilities have impacted children's health and hygiene, security and protection in the due course of their study and stay in '*Ashram shala*'. While, the Ministry of Tribal Affairs and TDD have emphasized the infrastructure of '*Ashram shala*' to

ensure the safety and protection of tribal children throughout their education. At the same time, the stakeholders such as academic and administrative staff, and NGOs have varied interpretation and understanding of the scheme, resulting in lack of safety and security of tribal children in '*Ashram shala*' and making them more vulnerable.

## Conceptual Framework

The above literature highlights issues of infrastructural services in '*Ashram shala*' lead to the vulnerability of tribal children. The awareness of these issues amongst children, school administration and community is needed. The available qualitative data is limited on the issues of tribal children's safety in such educational institutes with regard to health and hygiene, infrastructure and child sexual abuse. The need of doing this study was felt due to lack of information available about security issues of these children. Most of the available material is in form of news articles, committee and study reports published. Now, we will look at the conceptual review of child rights and children's vulnerability along with theory of children's citizenship. In the last segment, we will look at the theory of Street-level Bureaucracy to understand the stakeholders, the last sphere/layer from the socio-ecological model.

### Vulnerability and Child Rights: A theoretical and comparative review of the significance of Child Protection and Right to Life and Survival:

The analysis of particular child rights from United Nation Convention on the Rights of Children (UNCRC) along with the provision made for children in the Indian Constitution are considered in this research by me. For the physical safety and protection of children UNCRC, in this case being the state and the staff at the schools are obliged to respect, fulfill and protect these rights. Article 28 (2) of the convention requires State parties to "take all the appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present convention". Article 29 (1) (b) of the Convention emphasizes that the State parties agree that the education of the child shall be directed to the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations. Article 19 (1) of the Convention, which requires States to "Take all appropriate legislative, administrative, social and educational measures to protect the child from all the forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has a care of the child". This complemented by Article 37 (a) of the UNCRC requires State parties to ensure that "no child shall be subjected to torture or other cruel, inhuman or degrading punishment"

Every nation ratified the convention to develop a mechanism in the country, that would be a "watchdog" to monitor children's situation and for rights of children. According to Indian constitutional provision, Article 39 (f) directs the state to ensure that "children are given opportunities and facilities to develop in a healthy manner and in the condition of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment."

The Rights of children to Free and Compulsory Education (RTE) Act, 2009 under section 8 and 9 place a duty on the appropriate Government and the local authority to ensure that "the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any ground." Also, the national level policy on child protection which focuses on the Protection of Children from Sexual Offence Act (POCSO Act) 2010.

It is important to have a broad framework that indicates know-how to base the creation of schemes/ programs and legal framework with regard to the rights of children. According to me, the principal issue is more about the construction of this framework- where and by whom these guidelines are created. They are adult men from Global North (Kaime, 2009). Adults have different perspectives to look at children's issues and needs, and Global North may not always consider the perspectives of Global South issues. In this particular case, we should also question who creates these policies and laws at the national level. States are designing scheme/ programs and legal framework in consultation with Civil Society Organisations working with children and young people. Hence, such schemes/ programs have a failure to implement or lack the desired outcome. Also, state parliament discusses major problems related to children twice a year, only those problems get enough exposure. Children are given rights but how do they understand them, practice them and participate in the process of their practice? In addition to that, children need to be protected, however are they only being the observer of their rights within the system of child protection.  In the national policy for children it is stated that children are an extremely important asset of the country and hence, it is obligatory to protect predominantly vulnerable groups and enable equal and effective access to health and educational resources to accomplish basic "minimum care"/ rights of children (Mehta, 2008:6). India is also lacking with a systematic approach to developing the execution policy for UNCRC.

The concept of vulnerability is defined differently depending on the perspective of the writer. As Daniel suggests, "vulnerability appears simultaneously to be conceptualized broadly and narrowly with a view that all children are vulnerable, but some are more vulnerable than others." (Daniel, 2010:235). Childhood is defined by age- according to UNCRC's Article 1: "a child means every human being below the age of eighteen years unless, under the law applicable to the child a majority is attained earlier." (UNICEF, 1989:2) The level of vulnerability is "assigned" to a child depending on the "level" on their vulnerability through the risk they find there has exposed to. Therefore, vulnerability is quite a disputed term, however in childhood the position of being vulnerable varies because of their size, their delicacy when they are little and because they are in the process of getting "formed" (Daniel, 2010:236). Also, children's socio-economic, socio-cultural and socio-political context defines their vulnerability differently. Children's socio-economic-cultural conditions make them more "marginalized" and "neglected" than others and these children are categorized as children in need of care and protection. This category follows in the situation of children in families "At Risk" and children in "Institutions".

Since, "*Ashram Shala*" is one of the residential institutions I will focus further in detail about the same. Institutions are a "substitute" to family and their focus should be on "child's physical well-being, as well as a child's emotional and development needs". (Mehta, 2008:18) However, in such settings "caregivers"- in case

of "*Ashram Shala*"- Academic/ Administrative staff- who are employees and their primary task is to ensure protection and care of children are the exploiters, increased number of physical and sexual abuse- from corporal punishment, to physical assault, deprivation of food, use of abusive language, physical touching, molestation to rape- is an evidence of the same. As mentioned in the literature review part, on the death cases of children- only in 77% cases further inquiry is conducted and only in 30% cases action against employees are taken.

While summarizing vulnerability- we can see that every child is vulnerable however, some are more vulnerable than others. The conception is that children are a weaker section of the society which emphasizes on their 'need for protection' but in contrary, it restricts their ability to practice their agency which can violate on their right to survival and right to safety and security. "Paradoxically, therefore, the 'concern' about children as a group in need of specific attention because of their unique vulnerability can simultaneously signal a recognition that children should be accorded state protection but potentially de-humanize them and deny their role as an active citizen in their own right." (Daniel, 2010: 237)

## Childhood and Citizenship:

Childhood is seen as marginalized phase of life; however, the wellbeing of a child is connected to the notion of childhood. There are various documents and State's policies which stress on the need for investments on children to become a citizen whereas for children as 'beings'. Such a notion of state's opinion has been criticized by scholars. Qvortup argues that, childhood is an exclusive stage of life in itself, looking for the future, we shouldn't oversee the appropriate requirements and necessities of childhood. Qvortup also argues that not just an investment of child becoming is an important investment for a child being is equally important (Qvortup, 1994). Further building on Qvortup's argument, Ben-Arieh recommended that 'child-being' should be given more importance than to 'child well becoming' (Ben-Arieh, 2006:9).

The perception of childhood gives an impression about how Policy, State and Stakeholders structure wellbeing of the children and further, the perception also becomes an important factor for the wellbeing of the children as they are dependent on adults as the articulation of their rights, needs, and wants are done by adults. So, whether children feel marginalized or enjoy their rights as citizens, seems to be also based on the undisclosed assumption for conceptualizing childhood. Based on this discussion, I will show how Indian policymakers conceptualize childhood and how these assumptions affect the way policies are further interpreted.

## Stakeholders in formulating and implementing policy and programs:

In order to look at different stakeholders responsible for the protection of children, let us disclose the most significant sphere/ layer which is responsible for the regular interaction with tribal children and implementation of the policy- state actors from the socio-ecological model. We will look at the theory of Street-Level

Bureaucracy which was developed by Michael Lypsky in 1980. He defined it as "public service workers who interact directly with citizens in the course of their jobs and who have substantial discretion in the execution of their work" (Lypsky, 1980:3). Meyers and Vorsanger describe as, they could be teachers, headmasters, caretakers/ caregivers, superintendents, health workers, welfare officers and other public employees who are responsible to governs/administers public programs or to implement public law and guidelines. These public employees dominate unique, and uniquely powerful positions in public welfare program implementation process (Peters & Pierre, 2013:153). Bureaucrats use discretion to benefit and assign approvals of public services. To make policy effective bureaucrats plays a crucial role, they interpret existing rules to make it operational. At the same time, street-level bureaucrats do not stand alone in the process as they replicate the nature of current governmental interactions in the society as a whole and are a key tool of contact between government and citizens which reinforces the connection between the state and citizens. Lypsky states that, limited time and restricted information influences bureaucratic decision making. By envisaging ideal similar execution condition, policymakers articulate problems and resolution in such cases. On the other hand, street-level bureaucrats make decisions for embedding such policy with insufficient resources and under a complication of the issue. Therefore, with such negligent behavior, bureaucrats are criticized regularly and fail to deliver proper services to citizens. It is important to scrutinize the working conditions of these bureaucrats and policymakers. A theory of street-level bureaucrats helps to clarify the risk in execution and prospect for a development perspective. (Lypsky, 1980).

Meyers and Marcia (1980) called such street-level bureaucrats as front-line workers who practice discretion beyond their official power which can hardly be controlled by political, organizational rules. Front-line workers cannot be controlled and directed by political supervision because their actions are visible but outcome may not be visible, for example, front-line worker could make a number of visits to the field as assigned, however, if those visits are giving any output or not is totally dependent on that front-line worker's approach. Considering the nature of complexity on the field in regard to the nature of subject and execution of such new policy within given monitoring setup, cannot be controlled by an organization. Hence, street-level bureaucrats are needed to use their discretion and find an appropriate way of execution (Meyers et al., 1980). Meyers put forward the argument that front-line workers have much more impact of their views about work environment and beneficiaries. Hence, front-line workers decisions are less controlled by rules and more inclined by their own beliefs. Therefore, Meyers concluded that discretion depends on the beliefs of front-line workers which is formed by political, social, organizational environment where they are engaged (Meyers et al., 1980).

The said theory is used by many scholars; Hupe and Hill (2007) used it to scrutinize the efficiency and responsibility of street-level bureaucrats (Hupe and Hill, 2007). Rothstein has compared existing disparity in social capital between different cities at regional and national levels (Rothstein and Stolle, 2001). Scholz analyzed that organization responsibility has more impact on front-line workers and political power has less influence on their discretion (Hupe and Hill 2007). New public sector has developed limited discretion of bureaucrats (Taylor and Kelly, 2006). Whereas Brodkin states that, front-line workers discretion matters because

its use as a political act possibly structuring or discouraging support for the government as a vehicle for improving "social welfare, justice, and equality" (Brodkin, 2012:947).

A theory of street-level bureaucracy describes a bottom up perspective- to improve the performance of public social welfare agencies and to generate greater investment, also the limits and degree of discretion of street-level bureaucrats. In the case of this paper, headmasters, teachers (academic staff), superintendents, caretakers, cooks etc (administrative staff) are street-level bureaucrats and responsible to implements the scheme of '*Ashram shala*' for the tribal children.

In this chapter, we reviewed the literature to understand, how lack of infrastructural facilities impacted the health and hygiene, physical safety and security of tribal children in '*Ashram shala*'. The Salunke committee highlighted that the existing infrastructural facilities were one of the major reasons behind the death of tribal children. While, looking at the conceptual framework, the concepts unpacked vulnerability aspects of tribal children by reviewing the significance of child protection and children's right to life and survival while they are in such residential institutions. We have also looked at the child rights as a citizen and the importance of his 'being' than focusing on the 'becoming'. Towards the last segment, we looked at the theory of 'Street-Level Bureaucracy'. The paper further will analyze the discretion practice by these street-level bureaucrats on a daily basis and to what extent these policies are successfully implemented. Additionally, it will also look at the practices they engage with to execute the provisions of the policy. It will also focus on their interpretation of the scheme and what are the hurdles they have to go through while enabling the policy to meet its projected objectives.

# Chapter 3 . Actions and Relations: Socio-ecological Model

In this chapter, I will unpack the roles of different stakeholders from the socio-ecological model, who are responsible for the protection of vulnerable children. I will explain the co-responsibility of all the stakeholders responsible. These stakeholders guarantee the protection of children by providing infrastructural safety and security to tribal children. I will give an overview of a particular organisation who is responsible for every layer and how they operate to protect children in '*Ashram shalas*'.

I will further divide this chapter into three sub-chapters: Policymakers (at central and state level), Non- state actors and State actors (street-level bureaucrats) to describe three layers in detail and to describe how do they interact with each other for the smooth execution of the policy. Responsibilities of each sphere in regard to the physical safety and security of tribal children. Further, I will review the role of street-level bureaucrats from the data collected and unpack their interpretation of the policy. This will help in understanding the gaps in their interaction with tribal children and in interpreting the policy.

## Policymakers

From the socio-ecological model, the policymakers are the broad and macro layer, and also from the outer most sphere of the model. However, they play a crucial role in the model as they design policies for the welfare of the beneficiaries. In the case of this paper, the central government through the Ministry of Tribal Affairs and State government through TDD are responsible for designing schemes for the protection and welfare of children. These departments take help from Human Resource Development and Education Department to contribute to the planning and designing of the schemes. Following policies and programs are designed by policymakers for the protection of children at large:

At **Central level**, the Ministry of Tribal Affair was a division of Home Ministry Affairs until 1985, which later shifted to the Welfare Ministry. Between the year 1998-99, the division worked under the Ministry of Social Justice and Empowerment, from the year of 1999, the Ministry of Tribal Affairs got a separate and independent identity to take care of welfare and wellbeing of the most underprivileged society- tribal community. This shows the negligence and delay of the central government to identify the need to establish an independent ministry which can exclusively look at the issues of ST population.

Post establishing an independent department, the government started giving attention to tribal children's issues. The same was reflected in 21<sup>st</sup> century with the following schemes and programs: '*Sarva Shiksha Abhiyan*' (Education for all Mission) is one of the flagship schemes of GOI to fulfill universalization of primary education. '*Sarva Shiksha Abhiyan*' further developed Right to Education Act 2009,

which emphasized on the education of ST population. Integrated Child Development Scheme emphasizes tribal children's health in the undernourished tribal belt of the country. Protection of Children from Sexual Offences (POCSO) Act, 2012- passed to provide a strong legal framework to protect children from sexual harassment, sexual assault, and pornography. The Act is enclosed with the mechanism of child-friendly reporting, evidence recording, along with a special court provided for the speedy trial of such offenses.

Above schemes have specifically been mentioned about the tribal children in the policies. Now, we will see the changes emerged in national policies for children. As we look at some of the old schemes such as: National Policy for Children (NPC), focused on the material wellbeing of children, it did consider protection aspect but was barely conceptualized (NPC, 1974: 2). National Charter for Children (NCC) acknowledged that child well-being can be achieved by education, food and health also, by indicating the requirement of the basic minimum need for the development of the child however, the basic minimum need is not quantified. NCC has also, encouraged the importance of protection of children like NPC 1974 (NCC, 2003: 3-4). However, the policy lacks inputs on the implementation for the states. Whereas in 2003, NCC acknowledged that child survival, development and protection were significant components for child well-being and understanding of child rights, however these components were barely defined. In the latest policy for children stated, "every child has the right to life, survival, development, education and protection". Policy also affirms "every child has universal, inalienable and indivisible human rights." Additionally, policy states "child rights are interrelated and independent and are important for child well-being" (NPC, 2013:3).

The visible changes occurred in 2013, when NPC admitted the discrimination and it possibilities for "special measures and affirmative action" to eliminate it. NPC also states that every child regardless of religion, language, caste, sex, socio-economic status should get equal opportunity for the development. It also added that voices of children from marginalized communities need to be heard. (NPC, 2013: 2-3,11). Policy assumes that providing equal opportunities would lead to minimize the disparities however, policy seems to miss the current structural factors and power relation in the society which is a fundamental factor for the overall development of children. The need of children for a protective and child-friendly environment for the realization of their rights, and it's a state's responsibility to provide a protective environment (NPC 2013: 9). In defining protection, the policy recognizes the protection of children from abuse, harm, neglect, stigma, and deprivation (ibid). The policy further states the need for broad child protection mechanism and environment moreover used terms "like 'child-friendly', progressive, responsive and preventive, effective and punitive for elaborating the broad system" (NPC 2013: 10). Addressing the grievances of children need to be managed at a local level is encouraged by policy (NPC 2013: 10). Overall, the National Child Policy 2013 shows a major paradigm that shifted and changed from previous policies and laws. For the first time the policy has emphasized on the child as 'being' than 'becoming'- as becoming has been a historical approach.

Nevertheless, policy has the achievement of child well-being which was attained by the understanding of their rights and echoes with disagreement of many scholars (Summer 2010, Gordon et al. 2003). As we can see at the national/ central

level attempted to design policies for the welfare and protection of children based on UNCRC guidelines. While these policies are designed for the protection of children however, more or less they are generic for all the children whose vulnerability may define from others. Also, National schemes lack clarity on the mechanism for the states to implement these schemes, as the states are solely responsible for the implementation of these schemes and programs. Since, the State government is responsible to plan and design region specific and more focused schemes and programs. Let us understand the stake of the second layer from the socio-ecological model.

At **State level**, the government function on the grant issued by the Ministry of Tribal Affairs- GOI, according to Section 275 (1) of the Constitution and based on the ST population percentage in each state, in relation to the total tribal population of the country. Further, states are responsible to take up activities for the strengthening of infrastructure in sectors critical to human development, maintenance of schools, providing nutritional food and other activities for the welfare of tribal children in schemes like '*Ashram shala'*. It is used to raise the level of administration of scheduled areas as compared to administration of other areas in that state, promoting tribal welfare.

In Maharashtra, two departments are responsible, to run '*Ashram shala'* at the state level- Education department, to design curriculum and educational activities whereas, administrative responsibilities are taken care of by TDD. Education department design curriculum, keeping mainstream population's need and demand in mind which doesn't pair with the need, diversity of culture and language of ST population. Here, we can see a gap in NPE 1986, which emphasizes a common school system and on National Curriculum Framework which cannot be applicable in schools for tribal children. While, TDD has a knowledge of tribal culture and practices, but lack experience in fulfilling academic needs. Both these departments function in lack of coordination, the only thing unites them is in-service training for teachers. The said linkage is enabled through the centrally sponsored scheme '*Sarva Shiksha Abhiyan'*. Here, the gap in NPC's execution is visible, the policy demands equal, equitable, universal and quality access of education to all the children for their development and well-being which is not suitable for the development for tribal children. Also, the mismanagement of '*Ashram shala'* due to a different understanding on the needs of tribal children in two departments.

As a state initiative, TDD claims the following measures undertaken to improve infrastructural conditions of '*Ashram shala'* and to protect tribal children. Maharashtra state has introduced new Ashram School building as per updated Type Plan under Article 275(1) which includes: construction of sick rooms, compound wall for security, increased hostel of capacity for boys and girls and a multipurpose hall for the recreation and other welfare activities of children. The grants made available for the construction of Primary Health Centres and other infrastructure for medicines in Ashram shala. Also, Construction Cell is created exclusively for Ashram Schools.  The state made it mandatory to install a solar heater, solar power system, and fire extinguisher in every Ashram School. Provision of a separate water supply scheme under TSP also ensured timely pest control in all Ashram Schools

from time to time. State has also ensured for the establishment of 37 Mobile Medical Units by giving powers to spend INR 100,000 to take care of the health of students and day-to-day repairs of Ashram School facilities. However, it doesn't clarify that the mentioned amount is for each school or the amount made available for all the schools together. If that is the case then it is a minimal amount. The state has also made sure to establish Vigilance Cell under the Chairmanship of Collector/District Magistrate. State has emphasized on creating separate Education Cell along with 1961 new posts including Lady Superintendent and Watchman for grant-in-aid and a separate head for repair and maintenance of Ashram Schools. For Ashram School Management, training has been given to headmasters and superintendents. On the nutritional front, diet of Ashram School student is fixed in consultation with the Diet Expert and additional items like milk, eggs, and bananas are introduced to the students on the directions of Bombay High Court in Writ Petition No. 1420 of 2008. For maintaining hygiene of tribal students, WASH (Water, Sanitation & Hygiene) Program is introduced in the Ashram Schools for better health of students and for that training has been given to the male/female Superintendent. Sanitary napkins are provided to the Ashram School girl students (Salunke, 2016:18-19). The state has claimed to introduce the above measures to ensure the physical safety of tribal children by improving infrastructural services, health and hygiene, clear water facility and safe surrounding in '*Ashram shala*'. However, to understand the current situation of the schools and services above I interviewed academic staff which will reflect ahead.

During my visit in 2015-16, I noticed CCTV cameras were installed in the premises of '*Ashram shala*', I was told by the school administration that, this was an initiative of the state government for surveillance and to capture unforeseen incidences occurring within the premises. These cameras were installed only in the Gadchiroli district as a pilot project. Since, Gadchiroli is a sensitive district due to naxal insurgency[7], the state claims that Naxalites enroll tribal students in their movement through '*Ashram shala*'. Therefore, the cameras were installed for the purpose of surveillance as quoted by Headmaster then. However, I didn't get the state's clear agenda in installing cameras. Also, in 3 out of 4 premises these cameras were covered with a cloth and remaining one school, there was an electricity supply issue. In all the locations, none of the staff members were trained to maintain these services. Hence, I found this mechanism was a state failure.

Maharashtra State Commission for Protection of Child Rights (MSCPCR) is a statutory body run by the state to protect, defend and promote child rights in the state. I learned, during my interview with a representative of MSCPCR on 16 July 2018 that, this body is ensuring a speedy trial for cases on the violation of child rights from '*Ashram shala*'. He refused to share a number of these incidences in this year. He did mention that the state government is treating issues related to physical safety and security of tribal children as a priority. He also mentioned that this change occurred only after 2016, following the Salunke committee report in October 2016.

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[7] Naxalites are a group of far-left radical communists, supportive of Maoist political sentiment and ideology. Naxalites are a group of far-left radical communists, supportive of Maoist political sentiment and ideology. In Maharashtra, three districts- Gadchiroli, Chandrapur and Gondia are affected with naxalism.

However, a representative clarified that he is unable to disclose any detail information and keep his identity confidential.

As NPC 2013 emphasizes the grievances of the children should be addressed at the local level. A successful attempt was done by a former Additional Tribal Commissioner (female) of Nagpur, also attempted running a toll-free helpline number for the protection of children in the premises. To make it accessible for students, she made a provision of installing telephone instruments outside girls' hostels. This was one of the best initiatives, I saw during my visits to the schools during 2015-16. Girl students were aware of the service and they were availing it to use for emergency situations. However, the service is defunct now after the transfer of Additional Tribal Commissioner as I was told by a caretaker of Gadchiroli during my interview on 8 August 2018. The same former Additional Tribal Commissioner (female) also introduced Standard Operational Procedure to handle cases on the violation of child rights and published a booklet for the academic and administrative staff to guide them on the protection of children and their rights with the help of NGO-Balprafulta.

Between July and August 2018, I tried to connect with two Additional Tribal Commissioners over the phone to understand their perspective on the policy and their measure to protect children of '*Ashram shala'*. However, every time my call was ignored by giving an excuse of meetings or some other important work. In due course, I learned my calls were ignored on the ground of legislative assembly's elections which are due in 2019 in the state of Maharashtra. The recent news article highlights, 13 state officials including former Additional Tribal Commissioner (male) from Nagpur zone and District Planning Officer of Gadchiroli are booked for INR 61.52 lakh scam. They were accused of submitting forged bills between the year 2010 and 2016 and duping the government to draw additional grants (Times of India, June 2018).

The policymakers at central design broad policies and they need to be altered by the state as per the need of different sections of the society and as per the degree of their vulnerability. Now, we will look at the next sphere which interacts between policymakers, state actors, and children. NGOs give inputs to policymakers for designing and modifying the schemes and programs.

## Non- state actors

Non-state actors play an important role in the socio-ecological model. In this case, non-state actors are the NGOs working with tribal children. NGOs play a crucial role in associating state and society. In this paper, NGOs are helping state execute the schemes and program designed by the central and state policymakers. NGOs fill the gap where the state cannot reach and where citizens feel helpless, in such cases, NGOs route the welfare schemes and programs on the ground. Between July and August 2018, I interviewed representatives of two NGOs- working directly with tribal children for protecting their rights and ensuring a safe and secured environment for them and another one working towards providing nutritious meals to improve their health status.

Balprafulta is an NGO working on the rights of children across Maharashtra. During my visits in 2015-16, they accompanied me- I was representing TATA Trusts, to understand the problems and the reasons of deaths in '*Ashram shala*'. Based on the policy stated in NPC 2013 for the protection of children, Balprafulta joint hands with Nagpur zone to work on the protection of tribal children. Balprafulta, with the help of TATA Trusts, published a study report on our findings during the visits. Based on the findings captured, a former Additional Tribal Commissioner (female) of Nagpur, connected with them to design SOPs and booklet for the protection of children. During my interview on 22 August 2018, with a representative of an NGO mentioned that, "we are working towards reaching out to all the districts to introduce the same SOPs and booklet to prevent deaths in '*Ashram shala*' students and to protect them from all kind of abuse, torture. We want to work with children to make them aware of their rights and train them to help their friends when their rights are violated. Academic and administrative staff pay a crucial role in the safety of tribal children hence, we would like to train them to handle unforeseen situations. However, new ATCs are not cooperating with us as they have priorities on digitizing classrooms…unfortunately, the classrooms are not intact for it whereas in some schools the structure of the classroom is also missing…". In this interview, the respondent mentioned the need of replicating the model rolled out in Gadchiroli district. However, she did not have the success rate of this model as the ATC (female) got transferred to other department and new ATC did not issue a permission letter to conduct an evaluation study. However, she claimed that they could reach out to '*Ashram shala*' staff of Gadchiroli district to aware them about the policy of child protection and possible measures to protect children in difficult situation.

The Akshaya Patra foundation in partnership with TDD and TATA Trusts launched a pilot project called '*Annapurna*' centralized kitchen to provide nutritious four nutritious meals for tribal children of 29 '*Ashram shala*' in Maharashtra. The pilot project was catered to 12,000 students from grade 1 to 10 in Nasik and Palghar districts between 2015-17. All the students were provided with nutritious breakfast, lunch, snack and dinner on a regular basis which resulted in reducing the percentage of underweight children. This resulted in reducing a stunting to 12.9% and 14.6% from the baseline (Devara et al., 2017:236). This pilot was helpful and effective in tackling undernourishment of tribal children in '*Ashram shala*'. During my interview with a representative of an NGO on 27 July 2018 I was told that, "according to the MOU signed with TDD, on the success of a pilot project the state has agreed to replicate the program in all four zones and to reach out to all the tribal children. However, the state has not taken up this program on a priority as per the original plan. We still have high hopes from the current government to replicate the model, if they come in power again in the election of 2019." Even in this case, the respondent feels that government's priorities have changed, as the government is not taking an action as mentioned in the MOU. An NGO can hold the state accountable for not taking steps to replicate the model however, even an NGO is waiting for elections as the representative showed some hopes post elections. However, a representative didn't give any clarification for not taking any action along with their funding partner TATA Trusts against the state. I feel, NGO wants to be in a good

relationship with the current government being the right-wing and TATA Trusts does not want to spoil their equation[8] with the state.

From this segment, we can see that NGOs play a vital role in implementing government designed schemes and programs. However, the hurdle they face while scaling up their models as they need buy-in from the government in power. Also, every official from administrative position (IAS) such as ATC in this case, come with their own priorities and they have transferrable positions so when they get transferred then the new official may not look at the running initiatives with same enthusiasm. Also, to roll out the ideas NGOs need financial support which comes from non-governmental sources and these sources have their agenda to be rolled out. Therefore, NGOs are mandated to tailor-made their initiatives based on the funder's mission. Overall, it shows NGOs hurdles to successfully implement programs within the field. However, there is one sphere which closely deals with children and is responsible to implement government schemes, and they are state actors, so we will see how do they interact with children and other spheres.

## State actors

State actors are an important sphere/layer of socio-ecological model, who interact with children on a regular basis and are responsible for the implementation of the policy and directly responsible for the protection of children. In this case these street-level bureaucrats are academic and administrative staff of '*Ashram shala*'. This is the most significant sphere to who interprets existing policies on the ground to make it effective for tribal children. Academic and administrative staff of '*Ashram shala*' are the key tool of a contact between the policy and tribal children.

These front-line workers are responsible to ensure physical safety and security of tribal students. Whereas, according to the Public Interest Litigation (PIL) in Maharashtra had noted that, the posts of staff members are unfilled for the last 15 years, these posts are created to assure good health for tribal students in '*Ashram shala*'. This was observed even by GOI's evaluation team in '*Ashram shala*' (GOI, 2013 - 2014). Salunke committee report mentioned physical/ sexual harassment done by employees; as they cannot be controlled by political supervision due to the nature of complexity on the ground. Since, these schools are established in the forests and in difficult terrains the state does not reach them for a supervision on a regular basis.

The gap in execution of NPC 2013, emphasizes the need for a protective and 'child-friendly' environment to be provided by the state. Policy recognizes the protection of children from abuse, harm, neglect, stigma and deprivation. The policy also states the need for broad child protection mechanism and environment moreover it uses terms like: 'child-friendly', progressive, responsive and preventive, effective and punitive for elaborating the broad system (NPC, 2013: 10). According to Integrated Child Protection Scheme (ICPS), every child irrespective to his socioeconomic, cultural, religious and ethnic background should be treated equally and in a dignified manner (ICPS, 2014:9). However, it seems the safety and security of

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[8] Made a statement as an employee of TATA trusts

the children implies in urban set-up for higher-class children as the way tribal children are treated in '*Ashram shala*'. ICPS (2007) states, child protection service should be provided by technical and professional staff (ICPS, 2007:23). However, there is a scarcity of such professional staff within the field. During my interview on 8 August 2018 with a male superintendent of Dhule school, he mentioned that, he was a trained social worker who is well aware of the child protection scheme and UNCRC. He also mentioned that he conducts training of safety and security with all the students of his school. He also claimed that all the students from that school are aware of their rights and students are aware of a 'good touch' and a 'bad touch', which was the most unique information I received amongst all the calls.

As per '*Ashram shala*' guidelines, superintendents- both male and female, supposed to stay in the school premises to address any administrative emergency in regard to the protection of children. While interviewing a woman superintendent from Gadchiroli '*Ashram shala*' on 6 August 2018, I learned that she does not stay in the premises of the school. Upon asking the reason she mentioned, "..the surrounding of the location is not safe for me to stay here overnight so therefore, I prefer to stay with my family home and I travel 25 km every day to attend the school". Indeed, she was proud to share a distance she crosses every day to attend the school. However, she has never thought about the security of girl students staying in the same sensitive belt. Upon asking about the safety of girl students in such situation she mentioned, "first I have to think of my safety as a woman…" it was quite depressing answer I have received from personnel who gets a salary to protect and ensure safety and security of girl children in such residential setup.

NPC 2013 has a provision of recruiting staff from the same community or caste of beneficiary children which is not a practice on the ground, and results into a discrimination and a verbal assault towards tribal children by staff. During an interview on 8 August 2018, a male teacher from Nasik mentioned that, "these children are used to unhygienic living conditions even back home, they are used to jumping over trees hence, they don't need a compound wall as it doesn't bound them. These children are at least getting feed here…". It showed, lack of sensitivity about their situation and misinterpretation about their living conditions by a staff member as their actions and decisions are less controlled by rules and guidelines but more controlled by their own beliefs.

During my interview on 4 August 2018 with a headmaster of Chandrapur district's '*Ashram shala*', he shared a concern on the delays of the state body to process the request and requisition of maintenance and repair work, which results into a run- down infrastructure. He also mentioned that, "..the state bodies never prioritized the infrastructural issues of '*Ashram shala*'…to manage the need of 1000 odd schools, the state should have an exclusive cell to manage these schools in a PWD…."

Different measures claimed by the state to ensure infrastructural betterment in the schools are not introduced in the schools as yet. Only in Nasik district, we could find most of the services reached to students for their physical safety and security as Nasik is a headquarter for TDD in Maharashtra. It seems the state wants to ensure that all the facilities and services reach to Nasik at least. I found, another

concern at the state level that lengthy bureaucratic processes involved to send requisitions and schools are established at the remote places with limited resources so, they find it difficult to reach out to the state. Also, a number of departments involved in the process of clarification make it more difficult administratively for the schools and it further delays the assistance which results in low maintenance of the schools. At the state level, posts of administrative official i.e. ATC in this case, are transferrable. Every new ATC may not continue the initiatives introduced by the old one which we saw in case of Gadchiroli district in regard to SOP on child protection and a toll-free number for students to launch their grievances. Also, some wasted interest of ATCs in digitalizing the classrooms which do not have a basic structure: bench, adequate tube lights, fans, proper windows and even classrooms in some of the schools. In Gadchiroli, on the name of safety measures installation of CCTV cameras was fulfilling the hidden agenda of the state. These incidences address state's negligence and sensitivity toward the physical safety and security of tribal children which is resulting into deaths of innocent children.

Despite the shortcomings, the policy is concerned with child wellbeing. In this chapter we saw, the functioning of each stakeholder's responsibility for the smooth functioning of '*Ashram shala*'. They are expected to work in coordination with each other to ensure physical safety and protection of tribal children who stay away from their family. We also saw the gaps in their understanding on the culture and custom of tribal children and the way they function in an isolation without considering needs of these children. Moreover, street-level bureaucrats' interpretation towards the policies make tribal children more vulnerable. It triggers the question that if the stakeholders recognise the rights of children and the importance of child wellbeing, then why are children deprived of the benefits and basic amenities on the ground?

# Chapter 4 . Situational analysis: Physical safety and security

This chapter will look at the framework of vulnerability, child protection and child rights as citizens of the country by reviewing the current situation and practices of '*Ashram shala*'. Previously, I reviewed the available literature highlighting problem and then analyzed concepts around the research objective. In this chapter, I will review the physical safety of children through health, hygiene and nutrition-related issues due to infrastructural indifference in '*Ashram shala*'. According to Right To Education (RTE) Act 2009, each school building should have "All weather building consisting of at least one classroom for every teacher and office-cum-store-cum-Head teacher's room; barrier-free access; separate toilets for boys and girls; safe and adequate drinking water facility to all the children; a kitchen where Mid-Day meal is cooked in the school; playground; arrangements for securing the school building by boundary wall or fencing" (Bandyopadhyay, unpublished: 1). '*Ashram shala*' emphasize on the same infrastructural provisions for the safety and security of tribal children. The observations, quotes mentioned below are from my visits during 2015-16, study reports and collected qualitative data through telephone interviews between July and August 2018 for the purpose of this research.

## Impact on 'Health' status

Under children's right to life and survival, to improve children's health status, Maharashtra state has claimed a construction of sick rooms, PHCs provision of 37 MMUs with regular supply and storage of drinking water facility. To review these facilities, I interviewed state and non-state actors. During my interviews in August 2018, all the state actors claimed that medical camp is conducted regularly and all the students get examined; however, frequency wasn't mentioned by them. Staff Nasik and Thane schools mentioned about MMU whereas, at other locations the service is not functional.  A teacher at Dhule school mentioned on 8 August 2018, "we have constructed a separate sick room which includes First-Aid kit and 3 beds for children. We also have a doctor visiting once a month." I have visited the same school in February 2016, where I witnessed the well-constructed sick room occupied by teachers to rest and I found a sick girl was sleeping in a dormitory by herself. Superintendent of Gadchiroli school mentioned on 6 August 2018 that, "we have a water storage in our school, earlier there wasn't a provision for it and we wrote it to the district collector for the same, the procedure took long but finally we got the storage water tank for our school, which provides regular water supply". Whereas, water storage is a problem due to missing infrastructure for the same in Chandrapur and Dhule schools. In Nasik schools, administrative staff mentioned having TATA swachh (portable) water-purifiers in the schools. As per the policy, all the students should get school uniforms, nightdresses, undergarments, winter clothes on timely basis (Bal Hakka Abhiyan, 2017:17). Other than Nasik school, other state actors mentioned that, uniforms, nightdress, undergarments never arrive on time, they have to follow up with district collector and ATC office on a regular basis.

During my visit in 2015-16, I observed lack of basic facilities such as: safe drinking water, lodging and boarding, drying clothes and irregular supply of electricity. This impacts children's ability to focus on studies and perform better. I also noticed lack of provision for water storage as drinking water was not readily available near school. Lack of safe space for children to assemble in case of emergency. As per the policy, every '*Ashram shala*' should install solar electricity panel as a solution for frequent power failure. In Thane, Dhule and Nasik, solar panels were installed however, they were defunct due to maintenance issues and a headmaster claimed that the complains have registered to the ATC office for the maintenance. Whereas, in none of the schools of Gadchiroli, I found solar panels installed. From these interviews, I learned other than Nasik district, other places were suffering with health facilities mentioned in the policy guidelines. I assume, Nasik being a HQ of TDD, the services were reaching them regularly and timely while other places were still suffering.

## Provision of 'Nutritional' diet

'*Ashram shala*' policy emphasizes the importance of nutritional diet for tribal children considering the malnourish status due to anemic conditions (Bhise et al.,2013:298-305). The Maharashtra state claimed to have fixed diets designed by experts for children which includes milk, eggs and banana. However, many reports and news articles have highlighted issues on provisions of a nutritious meal. During my interview with a caretaker of Thane on 13 August 2018 he mentioned, "…we cook and serve children what we receive from the government. Even upon complaining about the quality of grains, we receive the same so we have no choice than cooking it…." Whereas, staff of Nasik '*Ashram shala*' referred to 'Annapurna Centralized Kitchen' services due to which children receive nutritious four meals on a regular basis. Even children enjoyed that meal and started developing healthier eating habits. In all other places, administrative staff had a complained about irregular supply and about the sub-standard quality of food grains.

During my visit in 2015-16, I found the quality of food supply was substandard and insufficient.[9] Even the standing committee questioned the nutritional security of tribal children (Biswal, 2014: 32). I noticed that it was difficult for cooks to serve a quality and nutritious meal due to a limited and irregular food supply. In 2015-16, I also noticed that children were helping cooks in the kitchen to clean and chop vegetables. Kitchen conditions were terrible, schools in Dhule were using the traditional way of cooking as the state has not provided kitchen stoves to the school, as claimed by the cook then. However, the situation in the schools are no better, which makes children vulnerable due to the deprived of quality and regular meal as per their right.

## 'Hygiene' through WASH

Based on the 'Death Review Report', one major reason is health conditions. To improve children's health, Maharashtra state has claimed to introduce WASH program in '*Ashram shala*'. For better providing better personal hygiene, the state
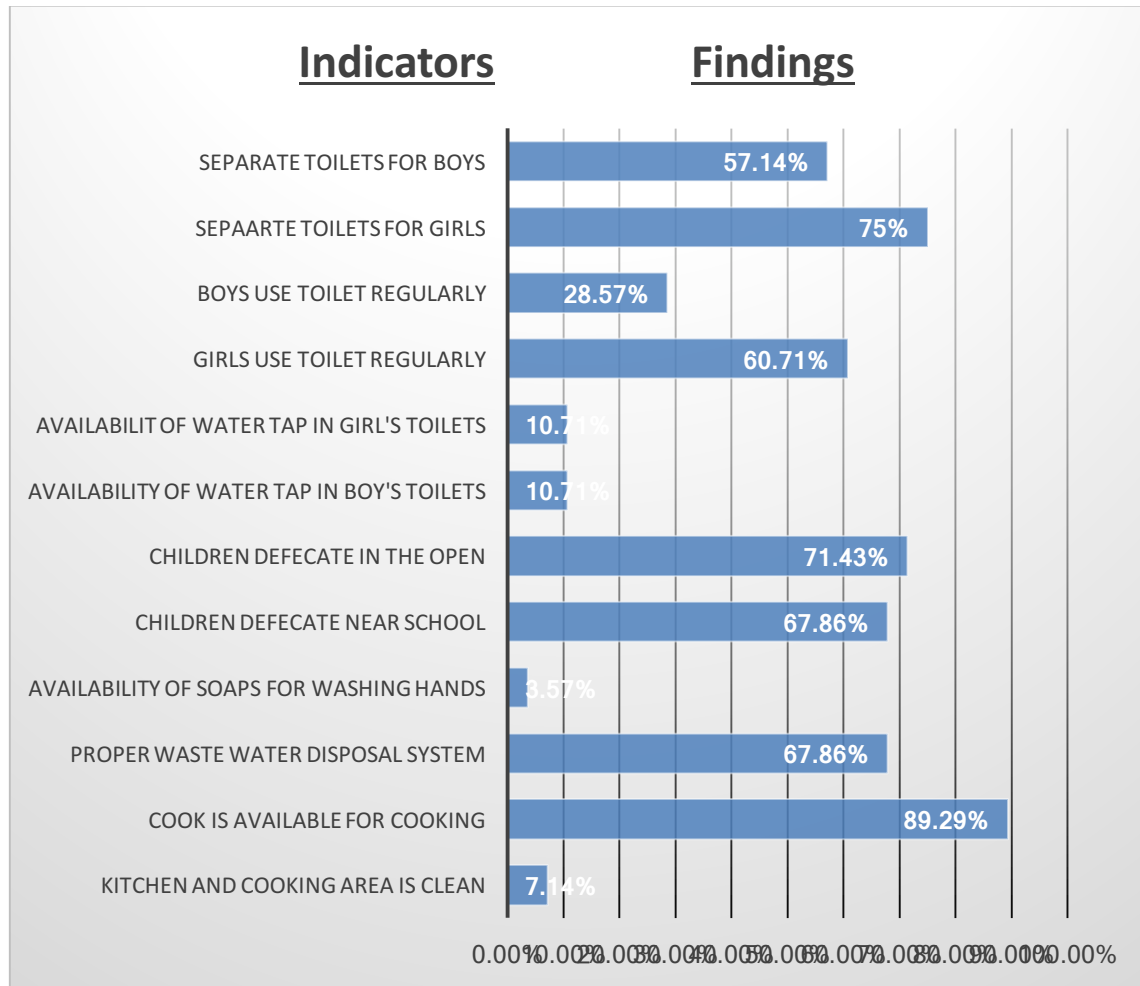
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[9] Kitchen conditions are captured by Balprafulta (2016) in their visit report, as mentioned earlier, I have visited those schools along with them.

took a measure of providing and improving existing infrastructural facilities- construction of toilets and bathrooms in the premises. This is also a part of Prime Minister's '*Swacch Bharat Abhiyan*' (Clean India Mission) construction of toilets in the schools as a priority. While interviewing a superintendent of Gadchiroli on 6 August 2018, he mentioned, "we have fully functional toilet and bathrooms. There is a water shortage only because of water scarcity in the entire district. Also, lack of cleanliness in such toilets due to a shortage of water which affects children's health". While interviewing other administrative staff in August 2018 about this issue, they mentioned the shortage of water due to lack of rainfall. Teachers and caretakers from Dhule and Nasik mentioned in August 2018, that bathrooms and toilets are under maintenance. I received an interesting response from a caretaker of Chandrapur on 7 August 2018 that, "…these children are responsible for destroying structures of toilet and bathrooms as they don't know how to use it". So, to hide government's failure, he took the liberty to blame children's hygiene practices.

During my visit to '*Ashram shala*' of Dhule in July 2015, I didn't find toilets and bathrooms for children on the premises. Available single toilets were locked, and kept only for teacher's use. For urination, children were asked to go to open spaces nearby the school. And to bathe, children were taken to the river close by and on the day of my visit I saw, children were not returning to the school post activity. Then I learned that this was a regular situation. In Chandrapur and Thane, there was no proper bathrooms and toilets available in any of the schools I visited. I found, girls were taking showers behind a half-broken wall and boys were going to the nearby water body for a shower. Girl students mentioned that they get scared to go to the toilets even in the evening so they make a group and go together. There was no water in the toilets therefore, students preferred to use open space for defecation. Whereas, in Gadchiroli, there were structures for toilet and bathroom however, it was not kept clean with no proper drainage system and there was no lamp so students were frightened to use the toilets during the night. This situation on the ground of toilets and bathroom violates children right to protection. It also clashes with '*Swachh Bharat Abhiyan*' which focuses on the clean functional toilets for children in the schools. I also found, students don't get soaps and other goods in time. Girl students of Gadchiroli were not even introduced to sanitary napkins by school authorities. In other schools, girl students receive sanitary napkins on time, but less in numbers so they save their money and buy it from pharmacies around. As per the policy, girl students should get adequate sanitary napkins on time. During interviews, all the caretakers/ superintendents claimed to provide adequate sanitary napkins as and when girls required them. This shows that the current situation of children's hygiene conditions in the school, which leads to the health issues of children.

**Table 2**

Health and Hygiene indicators observed in Nasik, Nandurbar, Palghar and Gadchi-
roli



(Source: report of study visits by an NGO- Balprafulta, 2016:29)

In Table 2, the observation based on health and hygiene indicators of 4
districts in Maharashtra are cited. Balprafulta (NGO)[10] has visited '*Ashram shala*' of
Nasik, Nandurbar, Palghar and Gadchiroli districts in the year 2016. The above
statistic reflects the situation of tribal children's health and hygiene due to lack of
infrastructural support affecting on children's health, violating children's right to
life and survival. These conditions forced children to practice unsafe and unhealthy
and hygienic ways which can cause for accidents, physical abuse etc which has been
the reasons for death in the past.

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[10] The primary reason to refer data of Balprafulta (NGO) is that, I have accompanied them
during their visits to twenty-eight '*Adivasi Ashram shala*' from four selective districts of Maha-
rashtra between period of August 2015 and February 2016.

## Infrastructure for 'Physical Safety'

As mentioned, the policy emphasizes the infrastructural facilities for the physical safety of children. Maharashtra state claims to undertake measures for safety by introducing updated plans of construction to ensure the physical safety of tribal children- by increasing the capacity of hostel rooms, in addition to other facilities. During my interviews with state actors in August 2018, all the respondents raised concerns of overcrowded rooms. The Ministry of Tribal Affairs refused the responsibility of this issue as they have not set any norms on sharing rooms by students. As the scheme has a provision for the upgradation of existing '*Ashram shala*' which could be availed by the state government. (Biswal, 2014: 35). Headmaster of Chandrapur school mentioned on 4 August 2018 that "…we get good respond of children every year and we have to enroll children more than the existing capacity of our hostel and hence, we can't provide bed to every child. We sent a requisition to the district collector a year ago and we have to follow up with PWD and ATC's office on a regular basis. We are expecting to receive funds by end of this year and then we can reconstruct the hostel to increase capacity".

During my visits, one of the major concerns I noticed regarded the accommodation provided to students. I found, in around 50% places, students were sleeping in the classrooms during night. Students were separated gender-based, and the responsibility of younger children was given on the older children. In 50% of the places, hostel facilities were available. Hostel rooms were accommodated with bunk beds and a single mattress was shared by two students. The TDD does not have any criteria for the minimum space occupancy by a student at such residential setup. Hence, '*Ashram shala*' does not have adequate space allocated for all the enrolled students (Bal Hakka Abhiyan, 2017:16). Due to this gap in the policy, children's physical safety is at risk, children are prone to get physically and sexually abused in such structures. Tribal children have protested these situations of rundown buildings, raw structures of the schools since the 90's (as quoted by Wazir, 2000:33).
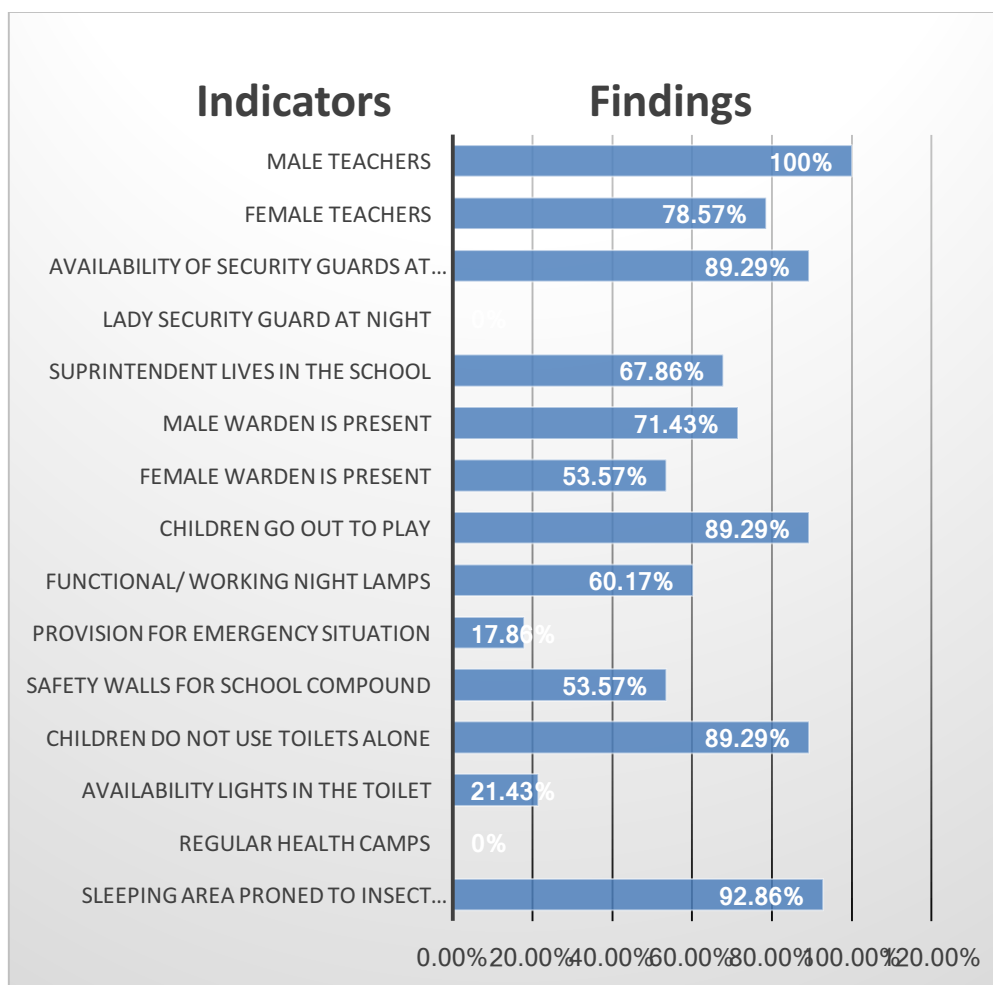
## 'Security' of tribal children

'*Ashram shala*' cater to children from the age group of 6 to 16 years old and these children are staying far away from their families. In such cases, children's security is a major responsibility of the school administration and hence, every student is a responsibility of the state government. A teacher and a caretaker of '*Ashram shala*' in Gadchiroli on 6 August 2018 mentioned, "…drop-out rate of students in naxal affected areas is quite high. Students go home during vacations and don't return to the schools". The staff didn't mention any incidence of students disappearing from the school though. However, the 'Death Review Report' mentioned about deaths of 3 children due to bomb explosion (Salunke, 2016:14). TDD's website says, 2 lakhs 7 thousand students were studying in the government-run '*Ashram shala*' in the year 2011-12. Whereas, in the year 2014-15 only 1 lakh 96 thousand students were enrolled in the government-run '*Ashram shala*' (Bal Hakka Abhiyan, 2017:7). It shows the decline of 5% in just two academic years. While, teachers from other districts do not face the problem of absenteeism or drop-out in their respective schools, as mentioned by teachers during interviews in August 2018. They also claimed to have a proper compound wall constructed in their schools for the safety of children.

During my visits in 2015-16, I have noticed 'zero absenteeism' as per school's attendance record. The collected information is clashing with the government records which shows the decline in enrollment. In Gadchiroli, I did not find any women superintendents in the school premises during day time. Whereas, in other locations I found women superintendents however, majority of them don't stay on premises overnight as they don't find it secure to sleep there. In such places, girl students are made to stay without any assistance. In Nasik I found, a lady cook was taking the responsibility of a woman superintendent to ensure the safety of girl students. She was not trained to handle girls in any difficult situations. Rather she was taking girls to help her in the kitchen chores than helping them with their regular issues. Most of the schools I have visited didn't have properly constructed compound walls which raised the question of student's security from external forces. Only in Gadchiroli district, all the schools had compound walls and iron gates at the entrance. This indicates the violation of children rights to a safe and secure environment. Lack of trained and professional staff handling the crisis situations of students, who may not guide children appropriately whereas, misusing children in their own work such as assisting in cooking.

**Table 3**

Safety indicators observed in Nasik, Nandurbar, Palghar and Gadchiroli

(Table 3) indicates safety and security indicators observed by Balprafulta (NGO) during their visit to '*Ashram shala*' of Nasik, Nandurbar, Palghar and Gadchiroli districts of Maharashtra in the year 2016. A significant observation was made that 100% male teachers teaching in such setup against 78.5% female teachers. This disparity leads to sexual bias and also girl students' problems related to harassment/ life skills and/or personal care are either mistreated or neglected. Regarding the safety aspects of children during the night, only 89.2% schools had male security guards on a night shift however, the concept of female security guard didn't exist in these setups. Whereas, this is an extensive need of residential schools for girl children. As per the TDD guidelines, superintendents are mandatory to stay in the schools or premises for any mishap or an emergency. They have a responsibility to take an administrative decision. Another finding on the security part of the children was 92.8% children had been sleeping in areas which were prone to be attacked by snakes, scorpions and such harmful insects. Due to the lack of emergency health assistance, around 50 children lost their lives in '*Ashram shala*' due to poisonous snake and scorpions bite (Salunke, 2016:14, 36-37).

These issues are highlighted by Salunke committee report as well. The committee report certainly had recommendations to improve children's conditions by providing better infrastructural support and to make the place 'child-friendly'. However, the current situation shows not many improvements in health/ hygiene, infrastructure of '*Ashram shala*' resulting into illnesses, physical/sexual abuses and deaths- no current records available of children's deaths after 2016.

As we saw, the TDD receives a fund from the Ministry of Tribal Affairs to run '*Ashram shalas*' based on the state's ST population. However, the central government has not set any guideline to implement and monitor the scheme on the ground. For the present conditions prevailing to '*Ashram shala*', the Ministry of Tribal Affairs is pointing finger at the state government for the malfunctioning of '*Ashram shala*' whereas, state government expresses their concern about untimely support from the central government. Also, the TDD is depending on the number of departments and it is helpless to take an action for the regular improvements of infrastructure. At the same time, street-level bureaucrats blame state authorities for the current situation of the premises and violation of child rights. It's a vicious circle where every layer/sphere is holding others for the malfunctioning on the ground. It also shows the lack of coordination amongst the spheres and lack of sensitivity about the protection of tribal children amongst the authorities. I did not come across any baseline and endline survey report to measure the impact of any policy for the protection of tribal children other than, Annapurna centralized kitchen. In this chapter we addressed, the current situation of infrastructural services which are impacting on children's health and hygiene, safety and security leading to deaths and physical and sexual abuses of children which will further help me to conclude this study.

# Chapter 5 . Conclusion and Recommendations

## Conclusion

From the above study, chapter one addressed the problem around the death of 1107 tribal children in Maharashtra's '*Ashram shala*' in the span of 15 years primarily because of their physical safety and security. In chapter two I reviewed available literature which states the issues related to health, hygiene, physical safety and security due to lack of infrastructural facilities for tribal children. Also, looked at the concepts to unpack the vulnerability aspect of tribal children with emphasis on child rights and protection. Further chapter three revealed a theory of street-level bureaucrats and their co-responsibility with other stakeholders from the socio-ecological model for implementing the scheme. It also revealed their coordination with each other to make 'child-friendly' environment in '*Ashram shala'*. Then chapter four disclosed the situational analysis of tribal children in regard to their physical safety and security by exploring infrastructure, health, hygiene, and nutrition conditions despite the state's claim to provide infrastructural services to ensure protection for tribal children.

While addressing my sub-question about which ways the concerns of physical safety and security been included in policies and programs we saw, in the state of Maharashtra, TDD claimed to introduce preventive measures with better infrastructural facilities for physical safety and security, health-related services, nutritious diet to prevent the deaths of tribal children. However, the above study reveals that either these services did not reach to students or those who received it are in a poor quality. This implies the lack of monitoring and evaluation mechanism on the ground due to which children are deprived of their rights. Therefore, on the paper, it shows that the concerns are been included but the ground reality shows a different reality.

In regard to my second sub-question about how have these policies and programmes been interpreted and implemented by the different stakeholders involved and which implications do they hold for ensuring the physical safety and security of the children? To address this, the above study showed that stakeholders at the state level interpret policies according to their own understanding and interest due to the lack of guidelines and mechanism from the central government. Whereas, street-level bureaucrats are implementing the schemes with limited resources and limited support from the state. In some cases, we saw their beliefs drive them to execute schemes as the political/ administrative pressure does not have any mechanism to evaluate the outcome hence, they don't hold any implications to ensure physical safety and security of the children. Implementation of the state policies is the core responsibility of the street-level bureaucrats which is a powerful position on the ground. Although they don't stand alone in the process as they contact between the state and tribal children. These state actors represent the state while implementing the policies while their actions are based on their beliefs which we saw in the quotes mentioned by them. Primarily, teachers are from the upper-caste and they have a different perception to look at tribal children which violates the national guideline of recruiting staff from the same community. Children are also victims of

staff's verbal abuses in the premises which is a violation of their rights. I did come across one superintendent who was trained to handle protection related issues but he was just one amongst 22 staff members interviewed.

My third sub-question is about what are the prevailing problems with regard to infrastructural support, health and hygiene, and physical and sexual abuse, and how have they challenged children's right to a safe and secure learning environment in '*Ashram Shalas*'? it showed through lack of infrastructural facilities which led to accidental deaths, drowning due to lack of bathing facilities, no protection walls and measures led to snake and scorpion bites, and due to electric shocks. We saw, children lost their lives due to lack of immediate medical assistance. Lack of health and hygiene led to chronic to curable illnesses, even curable illnesses like fever, jaundice, TB etc also killed children due to inadequate and untimely treatment. News articles showed the cause of suicide was a sexual abuse in '*Ashram shala*'. Such prevailing problems have challenged children's safe and secure learning environment in '*Ashram shala*'.

To address my forth sub-question about which ways have NGOs, the media and other concerned groups raised these issues and sought to promote changes for improvement? We saw, '*Ashram shalas*' were functioning in a blind spot until concerned individual and groups highlighted the mismanagement through media. Media played a crucial role in 2015-16 on highlighting the death rate of tribal children which forced the central and state government to address the reasons of deaths. Salunke committee report was an output of PIL and media outcry to review the death cases and design preventive measures to reduce the numbers of deaths of tribal children. However, and observations from study visits show that many students are still deprived of their rights for safety and security in the premises. NGOs play a crucial role in implementing policies and programs on the ground, they also play a vital role of recommendation for the welfare of children while designing policies. However, they have limited resources and power in the entire structure as we saw they have to depend on funding organization and the state's will to replicate successful models. This reflects on the limitations of the NGOs to work on the physical safety and security of tribal children.

The above analysis shows, that how have policies and programmes, as well as the different stakeholders involved in the implementation process, influenced the quality of infrastructural support, the health and hygiene facilities, and thereby the physical safety and security of children in '*Ashram shalas*'. Overall, it reflects different understanding and interpretation of the stakeholders on the policies make children more vulnerable. Also, the lack of coordination and sharing of co-responsibility amongst the stakeholders towards the physical safety and security of tribal children in such residential setup.

# Recommendations

Policymakers should modify policies to improve services of '*Adivasi Ashram shala*' by accommodating recommendations of state, non-state actors who work closely with children and participation of tribal children is essential while planning schemes and programs for their welfare.

Ministry of Tribal Affairs can replicate this approach in terms of ensuring healthy and hygienic school environment through infrastructure by learning best practices from other developing nation such as Rwanda. By emphasizing on monitoring and evaluation mechanism to review the policy timely and make amendments as and when required.

The present state of '*Ashram shala*' suggests that some of the poorly performing and low student strength '*Ashram shala*' should merge with the bigger or nearby '*Ashram shala*' to make them this scheme viable and effective.

Community participation while running such an institution is important, the nearest community should be actively involved in the administration and monitoring of the schools. Children should get a training about their rights and way to practice their rights. With the help of the TDD, children should be trained and guided to take appropriate action on cases of physical and sexual abuse by involving community members in it.

A mechanism to reduce the TDD's tendency to depend on other line departments as the current system is making it handicapped and in taking quick actions and effective measures.

Regular training and sensitization of street-level bureaucrats who are responsible for the implementation of the scheme. Recruitment of local tribal youth as superintendent and caretaker will help reducing safety and security concerns of '*Ashram shala*'. These positions could be created on a contract basis with a proper training for child protection.

Way forward

Due to limitations, I could not visit the field to observe and interact with tribal children and could not record their voices. There is tremendous need to conduct a qualitative and quantitative study in this area to examine the impact of the state's measures to protect tribal children.

**Appendices**

**Annexure 1**

News articles on safety and security of tribal children in '*Ashram shala*'

## Maharashtra: Cook Allegedly Molests Tribal Girl at Govt Ashram School  - 16th October 2015

A 30-year-old cook from a government ashram school at Jahwar near here was today arrested for allegedly molesting a minor inmate, police said today.

PSI RS Bhusara of Jawhar police station told *PTI* that the incident took place on Wednesday when the 13-year-old tribal girl, who is studying and residing in the government ashram school, was making a call to her parents from the Superintendent's cabin. The accused identified as Gopal R Pawar tried to interrupt her call and subsequently molested her, the victim's complaint stated.

Based on the complaint, police have registered a case under section 354 of the IPC and also 8 and 12 of the POCSO Act 2012.

Ref: http://www.outlookindia.com/newswire/story/maharashtra-cook-allegedly-molests-tribal-girl-at-govt-ashram-school/917074

## Mumbai teen hangs self after sexual abuse at ashram school

Pradeep Gupta | TNN | Mar 20, 2013, 03.43 AM IST

ULHASNAGAR: A 14-year-old girl on Monday night hanged herself from a ceiling fan at her Ulhasnagar home following alleged sexual abuse by the superintendent of an ashram where she studied in Class V. The victim's family has refused to take the body from hospital unless the superintendent is arrested. The victim's family has alleged that Vijay Patil (24), superintendent of Rajashri Sahu Maharaj Ashram, allegedly sexually abused the girl on false promises of marriage.

Following protests by the family outside the Central police station till late on Tuesday, an abetment to suicide case was filed against Patil. "We will take action after detailed inquiry," said senior inspector M Pimpalkar.

Ref: http://timesofindia.indiatimes.com/city/mumbai/Mumbai-teen-hangs-self-after-sexual-abuse-at-ashram-school/articleshow/19081886.cms

News articles on health and hygiene status of tribal children in '*Adivasi Ashram shala*'

## 793 deaths in ashram schools across Maharashtra in 10 years

Shibu Thomas | TNN | Sep 4, 2013, 09.46 PM IST

MUMBAI: Around 793 children had died in the past decade in ashram schools across Maharashtra, the Bombay high court was informed on Tuesday. A division bench of Justice P V Hardas and Justice P N Deshmukh expressed its dissatisfaction at the measures taken by the government in tackling such deaths. The court said that the lives of the children studying in ashram schools were at great risk.

News articles on infrastructural challenges of '*Adivasi Ashram shala*' in Maharashtra

**Annexure 2**

**Table 4**

Causes of death of 793 tribal children between 2001 and 2013 in '*Adivasi Ashram shala*', Maharashtra

| Sr. No. | Causes of Death | No. of Deaths |
|---|---|---|
| 1 | Data not available | 94 |
| 2 | Unknown Cause | 135 |
| 3 | Sudden death | 100 |
| 4 | Severe Illnesses | 183 |
| 5 | Abdominal Pain | 19 |
| 6 | Snake bites | 38 |
| 7 | Fever | 39 |
| 8 | Accidental deaths | 34 |
| 9 | Malaria | 13 |
| 10 | Drowning | 40 |
| 11 | SCD | 9 |
| 12 | Weakness | 1 |
| 13 | Heart diseases | 7 |
| 14 | Meningitis | 4 |
| 15 | Electric shock | 7 |
| 16 | Jaundice | 7 |
| 17 | Kidney disorders | 1 |
| 18 | Gastro-enteritis | 8 |
| 19 | Liver damage | 1 |
| 20 | Minor diseases | 3 |
| 21 | Suicides | 31 |
| 22 | Poisoning | 4 |
| 23 | Cancer | 2 |
| 24 | Diabetes | 1 |
| 25 | TB | 2 |
| 26 | Terminal audio | 1 |
| 27 | Leucorrhoea | 1 |
| 28 | Convulsions | 2 |
| 29 | Bomb explosion | 3 |
| 30 | HIV | 1 |
| 31 | Measles | 1 |
| 32 | Non-communal act | 1 |
| | **Total Deaths** | **793** |

(Source: Report of the technical committee for prevention of deaths of students in Ashram Schools- Salunke, 2016:14)

**Table 5**

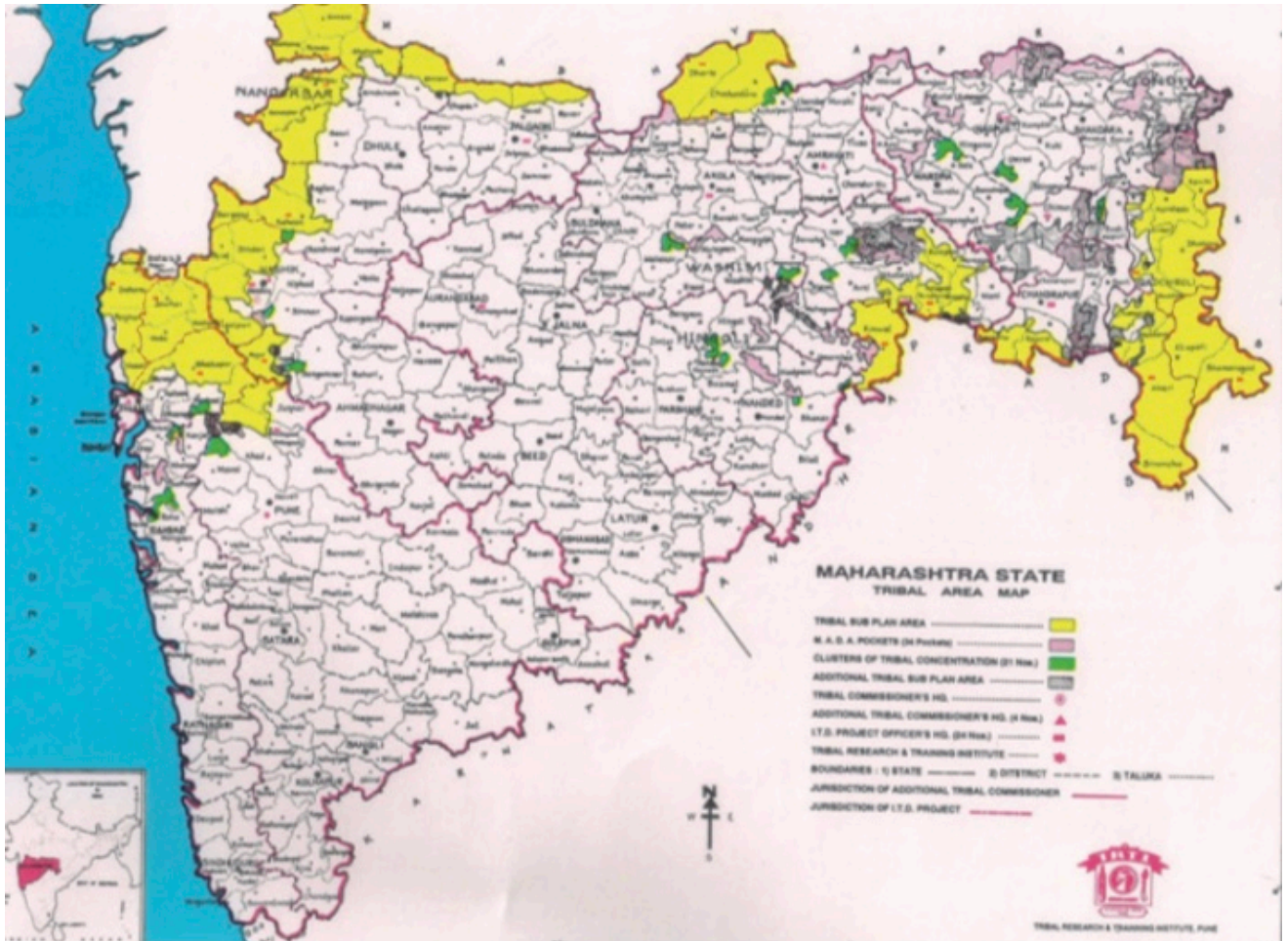Causes of death of 148 tribal children between 2014 and 2016 in 'Adivasi Ashram shala', Maharashtra

| Sr No | Causes of Death | No. of Deaths |
|-------|-----------------|---------------|
| 1 | Accident | 13 |
| 2 | Anaemia | 1 |
| 3 | Appendix & fever | 1 |
| 4 | Asthma & fever | 1 |
| 5 | Blood Cancer | 3 |
| 6 | Bone Cancer | 3 |
| 7 | Breathing Problem | 2 |
| 8 | Burns | 1 |
| 9 | Chest Pain | 1 |
| 10 | Cough & Cold | 1 |
| 11 | Diarrhoea and vomiting | 1 |
| 12 | Dog bite | 1 |
| 13 | Drowning in water | 5 |
| 14 | Due to fever | 10 |
| 15 | Electric shock | 3 |
| 16 | Epilepsy | 1 |
| 17 | Fainting | 3 |
| 18 | Fever& boils | 1 |
| 19 | Fever and cold and cough | 1 |
| 20 | Heart Attack | 1 |
| 21 | Heart Related | 2 |
| 22 | Illness | 15 |
| 23 | In Hospital while treatment | 12 |
| 24 | Jaundice | 2 |
| 25 | Kidney surgery | 1 |
| 26 | Malaria | 3 |
| 27 | Poisoning | 2 |
| 28 | Sickle Cell Anaemia | 7 |
| 29 | Snake bite | 12 |
| 30 | Stomach ache | 4 |
| 31 | Sudden death | 21 |
| 32 | Suicide | 6 |
| 33 | Surgery | 1 |
| 34 | Swelling | 1 |
| 35 | T.B. | 3 |
| 36 | Tetanus (T.T) | 1 |
| 37 | Throat related problem | 1 |
| 38 | While ongoing treatment | 1 |
|  | **Total Deaths** | **148** |

(Source: Report of the technical committee for prevention of deaths of students in Ashram Schools- Salunke, 2016:36-37).

**Map 1**

Maharashtra state- Tribal Area Map
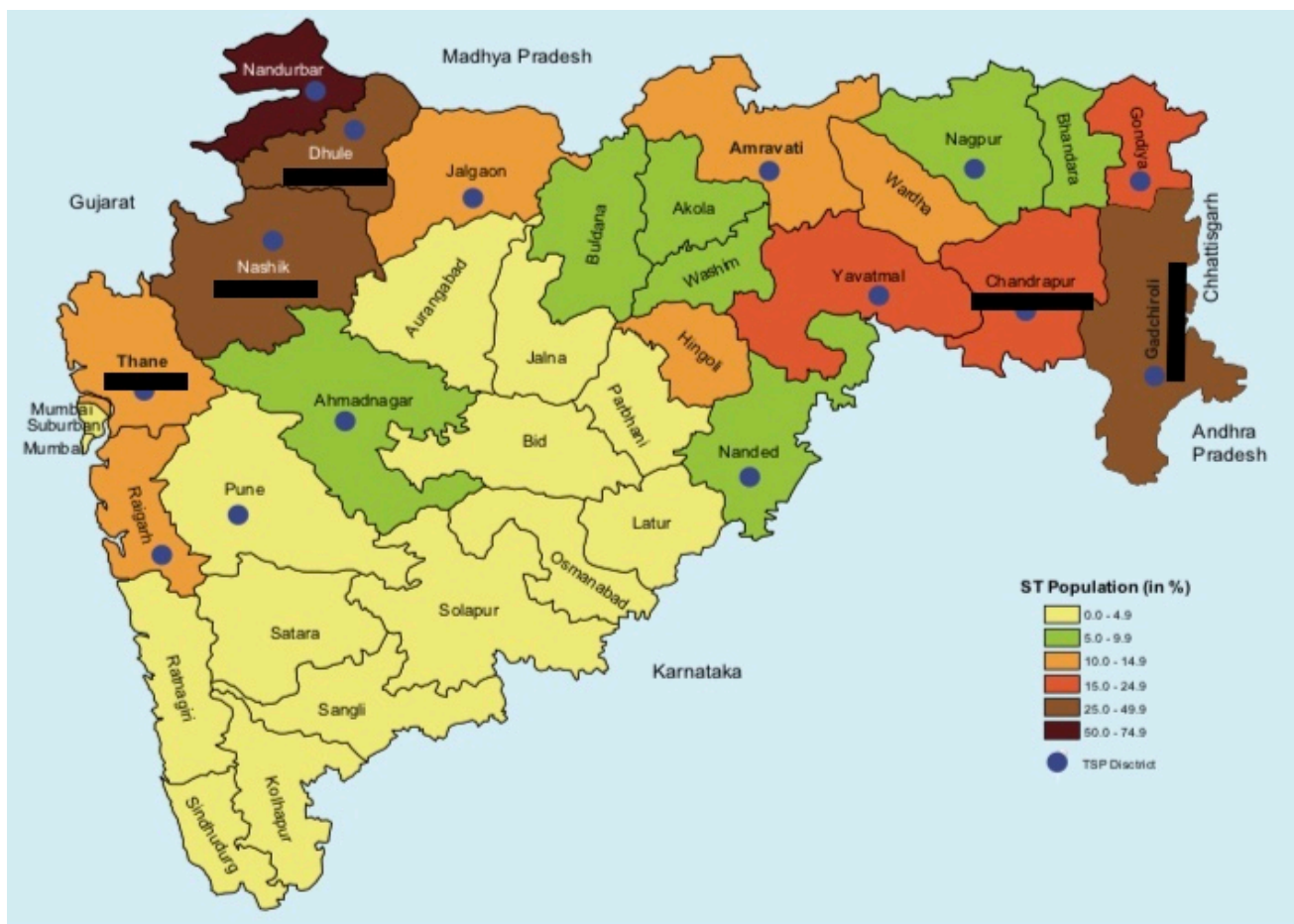


(Source: Tribal Sub-Plan in Maharashtra- Diagnostic Study, TISS, 2015:3)

**Map 2**

Qualitative data collected from the districts underline in black



(Source: Tribal Sub-Plan in Maharashtra- Diagnostic Study, TISS, 2015:4).

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