

Annexure R



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सूचना का
अधिकार

भारत सरकार
मानव संसाधन विकास मंत्रालय
स्कूल शिक्षा और साक्षरता विभाग
शास्त्री भवन

नई दिल्ली - 110 115
GOVERNMENT OF INDIA

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
DEPARTMENT OF SCHOOL EDUCATION & LITERACY
SHASTRI BHAVAN
NEW DELHI-110 115

D.O. No.10-11/2014-EE.4

9th October, 2014

Dear *Secretary,*

For realization of the goals of universalization of elementary and secondary education, it is critical to ensure safety and well being of children in schools. Suggested preventive mechanisms and procedures should be put in place in the schooling system alongwith relief and redressal strategies in case of any incident.

2. While State Governments have undertaken a number of initiatives to ensure safety and security of children in the schools, a set of guidelines on the same is enclosed, for your attention and appropriate follow up action.
3. I would be grateful if you could provide personal leadership and direction in institutionalizing a system for safety and security of school children in your State.
4. Kindly apprise us of the action taken.

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Yours sincerely,

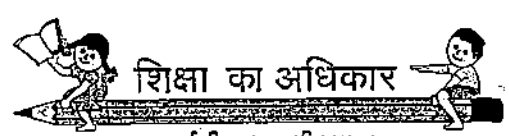
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(Vrinda Sarup)

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- To
- All Education Secretaries - 35
 - All SPDs, SSA - 36
 - All SPDs, RMSA - 35

Handwritten note:
10/10/14
at 4-45 PM



शिक्षा का अधिकार

सर्व शिक्षा अभियान
सब पढ़ें सब बढ़ें

Guidelines on safety and security of children

1. Background:

- 1.1** Children require a healthy and supportive environment to grow and develop. All children have a right to live in dignity, and have access to education in an environment that is safe, protective and conducive to growth and development. The school environment is associated with overall growth and development, cognitive behaviour, safety and security of a child.
- 1.2** The country has succeeded in bringing children to schools and achieving near universal enrolment among children at the primary level. Efforts made for enrolment need to be further supported by interventions to ensure safety and overall well-being of students. Schools need to protect their children from risk of natural disasters, health hazards, abuse, violence and accidents.
- 1.3** Laws provide for instituting mechanisms for safety and security of children and also for monitoring of the same by specified agencies. The State governments and affiliating boards for schools need to take a holistic view for planning and monitoring to ensure that schools provide the safe and child friendly environment, as mandated by various laws enumerated in the succeeding paragraphs.

2. Legal provisions

2.1 Constitutional provisions

- Article 21 of the Constitution of India which protects the right to life and dignity includes the right of free and compulsory education for children up to 14 years of age. Any form of harassment, discrimination or corporal punishment amounts to abuse and militates against the freedom and dignity of a child. It also interferes with a child's right to education because fear makes children more likely to avoid school or to drop out altogether. Hence, corporal punishment is violative of the right to life with dignity.
- Article 21A of the Constitution provides that "the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine." This fundamental right has been operationalized with the enactment of the RTE Act, 2009.
- Article 39(e) directs the State to work progressively to ensure that "... the tender age of children are not abused". Article 39(f) directs the State to work progressively to ensure that "children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment."

2.2 Indian Penal Code (IPC)

Several provisions of the Indian Penal Code (IPC) relating to varying degrees of physical harm and intimidation can be used to prosecute perpetrators of corporal punishment against children in an institutional setting. These include, *inter alia*:

- Section 305: Abetment of suicide committed by a child;
- Section 323: Voluntarily causing hurt;
- Section 325: Voluntarily causing grievous hurt;
- Section 326: Voluntarily causing hurt by dangerous weapons or means;
- Section 352: Assault or use of criminal force otherwise than a grave provocation;
- Section 354: Outraging the modesty of a woman;
- Section 506: Criminal intimidation;
- Section 509: Word, gesture or act intended to insult the modesty of a woman;

Till recently, the provisions of Sections 88 and 89 of the IPC were invoked to explain the power teachers exercised when inflicting corporal punishment. These two provisions in the chapter on 'General Exceptions' cover harms that may be caused without penal consequence. Section 88 exempts an act from being treated as an offence when the harm was caused "to any person for whose benefit it is done in good faith". Section 89 exempts acts "done in good faith for the benefit of a person under 12 years of age ... by or by consent, either express or implied, of the guardian or other person having lawful charge of that person." However, contrary to Sections 88 and 89 of the IPC, the Gujarat High Court in its judgment *Hasmukhbhai Gokaldas Shah v. State of Gujarat*, 17 November 2008, has clearly stated that "corporal punishment to child in present days ... is not recognised by law."

2.3 Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989

Some provisions of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 can be used to prosecute an adult in the general category who inflicts corporal punishment upon a scheduled caste or scheduled tribe child.

2.4 Protection of Civil Rights Act, 1955

Various provisions of the Protection of Civil Rights Act, 1955 can be used to prosecute a person/ manager/trustee as well as warrant resumption or suspension of grants made by the Government to the educational institution or hostel on the ground of untouchability.

2.5 The Protection of Children from Sexual Offences Act, 2012

The act protects children from offences of sexual assault, sexual harassment and pornography and provides for establishment of special courts for trial of such offences and for matters connected with or incidental thereof.

2.6 The Right of Children to Free and Compulsory Education (RTE) Act, 2009

Within the RTE Act, the provisions are as follows:

Section 3: Provides for free and compulsory education to all children.

Sections 8 and 9: of the RTE Act 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 grounds".

Section 17: Makes provision for disciplinary action under the service rules applicable to such person who contravenes the provision that no child shall be subjected to physical punishment or mental harassment.

Section 19: Lays down norms for school buildings: (a) Schools should have at least one classroom for every teacher and one office cum store room cum Head's room; (b) Barrier free access; (c) Separate toilet for girls and boys; (d) Safe and adequate drinking water facility for all children; (e) Kitchen where Mid Day Meal is cooked; (f) Playground and (g) Arrangement for secure school building with boundary wall or fencing.

The RTE Act does not preclude the application of other legislation that relates to the violations of the rights of the child, for example, booking the offenses under the IPC and the SC and ST Prevention of Atrocities Act of 1989.

3. International Law

- Article 28(2) of UN-CRC requires the State parties to "take all 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 emphasises 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 37(a) of UN CRC requires States Parties to ensure that "no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment".
- 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 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 the care of the child."
- Article 19(2) lays down that- "Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore and, as appropriate, for judicial involvement."

4 Suggested Guidelines for affirmative action

The safety and security of children may be looked at in multiple dimensions.

4.1 Physical:

4.1.1 Location:

Schools located near the highway, busy main roads, unmanned railway crossings or water bodies/ canals/ seasonal rivers etc. are hazardous for the children, as most of the children come to school and return unattended by guardians. Also during playtime, children may wander off to unsafe surrounding, including under construction civil works within the campus and places where materials are stored. Schools located in commercial areas and having tobacco selling shops nearby the school pose a different type of threat where children’s health and safety may be affected insidiously. Eve teasing is another problem which the older girls may face at certain locations on the way to schools and this may ultimately lead to school avoidance by girl students.

While new sites for schools may be chosen keeping these points in mind, for the existing schools the following may be considered on priority:

- Boundary wall or double fencing with plantation, with provision of a gate which can be locked.
- Removal of sale points of objectionable materials through special drive, to be repeated at regular intervals. Community policing for sale of tobacco/ drugs etc. could also be taken up.
- Ensuring the safety of the approach to schools may require permanent civil work solutions like building of approach roads/ bridges etc. or behavioural changes like traffic management and escort duty to facilitate children’s safety.
- Training of children and teachers to negotiate the specific hazards en route to the school.
- Community awareness needs to be generated to impact parental choice so that they select schools within the neighbourhood, instead of making children commute long distances every day.
- States need to vigorously and constantly enforce traffic rules about colour of school buses/ vehicles and the background of the drivers and helpers engaged therein should be additionally verified by the local police. School buses may also be encouraged to hire women helpers on the vehicles, as an additional safety feature for girls.

4.1.2 Building:

The buildings should be physically sound, all-weather structures with the following facilities and structural parameters:

- Drinking water source and toilets to have clean and aseptic draining/ soak-pits/ waste disposal.
- Secure and separate kitchen shed within the school premises, equipped with storage facilities and a cooking area which can be maintained free of insects, rodents etc.

- The buildings should be resistant to earthquakes, fire, safe from floods and other calamities as the children are more vulnerable to be harmed and less likely to be able to react effectively in case calamity strikes.
- The buildings should be kept free from inflammable and toxic materials. If storage of some inflammable material (eg: fuel for cooking mid-day meal) is inevitable, they should be stored safely.
- The school should have adequate emergency exits.
- There should be adequate supply of water and sand for fire-fighting purposes.
- This essentially means a 'building safety audit' be done for each and every school with the specific points of emergency outlets, school steps/ ramps, buildings to be free of inflammable materials, storage of construction materials and other structural issues.
- Reducing structural vulnerability of existing school buildings, which is often the root cause of death and injury of school children, is a resource intensive solution and would require time. Therefore, as a risk reduction effort, a Disaster Preparedness and Response Plans at individual school levels should be prepared to ensure that the children are in a better position to respond effectively or to tackle any emergency within the school environment. The School Disaster Management Plans may further be supported with constitution of disaster management teams, training of the disaster management teams on basic life supporting skills and development of a school level emergency kit. Existence of such kits at the school level will be of great help during any post disaster search and rescue operation within the school premise or in the nearby area. Many States had taken up this initiative with support from National Disaster Management Authority and the existing Manuals may be used as a starting point till each school is verified for safety requirements.
- Preparation of a standard Checklist to assess the existing structural risks in the school buildings-this particular activity can be taken up at the State level and a ready-made checklist can be provided to for reference of each school. The standardized checklist can then be further modified at the local level as per the requirement.
- In the longer term, preparation of retrofitting guidelines would be needed to strengthen the schools found vulnerable. This will necessitate preparation of phase-wise execution plan for carrying out the retrofitting of school buildings. Along with the strengthening work, a sensitization programme for the students, teachers and surrounding community people on the importance of structural and non-structural retrofitting will also be required.

4.1.3 Campus:

One of the serious hazards for children in schools is uncovered, exposed, loose electricity cables and wires. Out of curiosity or in playful mood or accidentally, there is possibility of touching or pulling the live wires causing fatal hazard to life. The condition of the school play-ground should be levelled to avoid falling down of

children. Digging of wells, bore wells etc. should be cordoned off securely to prevent children from falling in. Schools having secluded rooms/ corners within the campus have the possibility of anti-social activities which can prove to be hazardous for children, particularly for girls. Also construction of additional class rooms/ toilets etc may pose potential danger to children due to exposed construction materials/ building under construction and these should be made out of bounds for children. Review of safety within the campus must be taken up by the head teacher and teachers continuously.

4.1.4 Classroom:

The class rooms should be white washed at periodic intervals and dusted regularly to maintain the class room hygiene. The windows should be secure and there should be no broken glass or fittings hanging loose. Black board in the class room may be hung, placed in a three legged stand or kept on a chair. Black boards are also attached to the walls of the classroom. In case of loosely placed black board in the classroom, there is a possibility of accidents, both minor and major, to the children while moving around in the class room. While constructing school building, provision of adequate ventilators and windows in the classroom should be considered. Air flowing through the ventilators keeps the class room airy and fresh and the children also feel fresh and energetic to get involved in the teaching-learning process. Class room floor should not be broken or uneven and may need to be repaired/ maintained annually.

4.1.5 Teachers and staff:

- It is important that the States devise processes to verify the antecedents of not only all teachers but also other contractual or subordinate staff deployed in schools. In addition, oversight by Government's own administrative and monitoring machinery needs to be prescribed realistically so as to ensure that schools and teachers are monitored regularly.
- There should be a conscious attempt to have at least one female teacher in every school and also to have more women as cooks, helpers and other staff in the schools. Head teachers and principals must be tasked to supervise the other teachers and ensure that no child is abused in any manner by the staff or even older children.
- In the event of a teacher or employee being in a drunken/ intoxicated state, the environment of the school is vitiated in addition to the risk posed to the children. Head teachers must show a zero tolerance for such stray incidents.
- Continuous education of teachers on the principles of child rights and the drills for safety and security in the event of disasters and accidents needs to be systematically planned, beyond the ambit of the in-service academic training of teachers. States may do so in convergence with Red Cross, National and State Disaster Management Authorities, SCPCRs or even non-government organisations.
- The aspects of teacher's sensitization on response to disasters and respect for child rights should also be actively woven into the pre-service training of teachers, so that in the years to come the new teachers entering the teaching profession are already well versed with these critical issues. Challenging gender stereotypes and other inherent

biases prevalent in the society can be intensively done in the pre-service teacher training.

4.1.6 Excursions and trips:

Whenever schools organize excursions and trips, for any reason what-so-ever, the onus of safety and security of the children is totally upon the school authorities. The transportation used must be verified for road worthiness and the driver for antecedents and experience. Sufficient number of male and female teachers must be deployed so that boys and girls are adequately supervised. Arrangements for board and lodging should be made keeping in view the security and safety of the children. Instructions issued vide D.O. letter number 32-5/2014-RMSA- I dated 28.7.2014 of this Department are at *Annexure A* for reiteration.

4.2 Health and hygiene:

4.2.1 Drinking water:

Source of drinking water is important as availability of potable water or treatment required for making the water potable depends on the source. Most of the water-borne diseases spread due to ignorance of the quality of drinking water. In case of schools, care is to be taken by the school authorities to ensure that water is safe. Covered water storage and purification through chlorine tablets/ use of filters etc. can also be provided in convergence with the Public Health Engineering and Health Departments in case regular piped supply or quality bore wells are not present.

4.2.2 Toilets:

There should be separate toilets for girls and boys. For hygienic maintenance of toilets, availability of water is of prime importance. Although the facility of running water is necessary for keeping the toilets clean, yet few schools may not have the provision of running water in toilets. In such cases, alternative methods of transportation and storage of water should be put in place to ensure that the toilets remain functional. For maintenance and cleaning, the annual school grants should be used by the school authorities.

4.2.3 Hygiene:

Teachers need to be trained to regularly monitor and ensure the general hygiene factors in the school premises and also of the children. Other than the basic hygiene factors, teachers can be sensitized to the local and specific issues, for example, the preventive and curative steps in areas with prevalence of Japanese Encephalitis, filariasis, iodine deficiency etc. There are also reports of substance and drug abuse at a very early age. Teachers should also be alerted on the signs and symptoms to watch out for children, especially as some of these are also linked to absence from schools, where a collaborative approach between teachers and parents would be required.

4.2.4 Mid-day meal:

Intensive and repeated training to cooks and helpers on safe and nutritious cooking is necessary. The training must be followed by refresher courses and visits to see the impact of the inputs in the field, as local conditions like lack of water or storage facilities may affect the practical utility of the trainings. The local infrastructure available to the cook/ helper may be so challenging that he/ she finds no situation to apply the knowledge acquired during training. In such conditions, the local issues will have to be resolved.

In case of any untoward incident occurring after consumption of the MDM/other food materials by children, the school teachers and SMC members should be well acquainted with the standard operating procedures to be followed. The relevant extract on 'Quality and Safety Aspects' in the Guidelines issued by this Ministry on Mid Day Meal in September, 2006 are at *Annexure B*. Guidelines with regard to MDM safety dated 22nd July, 2013 are at *Annexure C*.

4.3 Psychosocial

4.3.1 Punishment:

Verbal, physical or mental abuse of children has negative impact on young minds and such children gradually develop fear-psychosis. They are unable to speak up, break down emotionally and mentally and ultimately lose the enthusiasm to come to school. Physical punishment inflicted on children in school could lead to minor or major injury or damage to physical health, for example twisting of the ears may damage internal parts of ears leading to deafness. Canning or beating the children could also cause minor or major injury.

The issue of physical punishment and how to prevent it and deal with it has been exhaustively discussed in the guidelines on corporal punishment under the RTE Act, which are available on the www.mhrd.gov.in website under the link RTE. These are relevant for secondary schools also. The following steps can be taken to eliminate corporal punishment:

- Repeated and intensive training of teachers.
- In the State Service Rules, where duties and responsibilities of teachers are prescribed, specific mention should be made for protection of children, providing them a safe and child friendly environment in school and prohibition of any form of corporal punishment, harassment, discrimination or verbal abuse. The service rules of the teachers and staff should also be amended to reflect the departmental penalties which would be attracted, other than the penal provisions, on contravention of duties and responsibilities prescribed in the RTE Rules.

- The teacher training will have to be supplemented by monitoring visits from academic/ administrative supervisory officials, which also must look into the psychosomatic environment and demeanor of the children. This would entail training of the administrative staff of the education department on child rights and sensitization so that signs and symptoms of infringement can be picked up by them.

4.3.2 Eve teasing/ sexual abuse:

These are becoming serious issues as incidents get reported from schools and nearby places.

Children should be taught early to differentiate between 'good touch/ bad touch' and encouraged to speak out at the first instance. It vests totally with the teachers to ensure that the schools are safe in this regard. The Head Teacher/ principal and teachers must ensure that all parts of the school are accessible to everyone and there are no secluded/ isolated areas. Also the teachers should be sensitized to detect such an occurrence if the child displays any sign, which may include investigating sudden absence or unusual behavior.

4.3.3 School environment:

- The School environment should be such each child should be feel that help would be available to her if she approached them: The SMC members may facilitate this process by regularly visiting the schools and interacting with students. Children may find it easier to report incidents at the initial stage itself if the school environment is conducive. Other methodologies, like help desk in schools supported by Mahila Samakhya in Kerala, toll free numbers of Odisha, formation of child cabinets/ *kishori manch/ bal sabha*, 'open house' with parents etc may also be adopted depending on the local circumstances.
- Training of teachers to ensure safety and security of children itself will cover a wide spectrum from drills for safety, first aid, gender sensitization, principles of no corporal punishment. While training on physical aspects of safety drills may be staggered to cover a specified number of teachers every year, till coverage is complete, however training on gender and other mindset issues will have to cover all teachers every year.
- As far as possible, every school must have at least one female teacher.
- The norms for teacher deployment and hours of access to staff/ others must be laid down clearly and carefully in the case of residential schools and hostels.

5 Monitoring by SMCs:

The School Management Committee, in its overall monitoring of the school should necessarily dwell upon the following aspects:

- a) The SMCs should be made familiar with basic guidelines and standard operating procedure in case of natural calamities, accidents, abuse of children by others, food poisoning in case of MDM etc. This is a wide spectrum for orientation, but should be taken up by the States systematically as the SMCs are the most effective local monitoring mechanisms and their capacity building is critical.
- b) While attempt should be made to post at least one lady teacher in each school, it may not be possible immediately as recruitments and redeployment take time. In the meantime, it may be ensured that women SMC members are more actively engaged in schools. The SMC members, especially women, may be selected by also giving weightage to their ability to contribute time to school monitoring and being available for girls on a day to day basis.
- c) Mid-day meals requires constant oversight by local SMC members. Not only daily supervision by SMCs, but local fixation of weekly menus, depending on seasonal availability of food materials, should be encouraged.
- d) The SMCs have a focal role in ensuring that no eve teasing happens on the way to school or in the locality, as this can lead to girls dropping out. Community awareness and pressure on the culprits can be brought about effectively by the SMCs.
- e) The role of SMCs is critical as an oversight that the school and teachers are providing a safe and child friendly environment. The presence of SMC members during school hours should be encouraged. They may also devise local systems that at time of dispersal when children return home at the end of the school hours, supervision of the SMC is there on rotation to ensure that all the children leave safely.
- f) As far as practicable, SMC members, especially women, may accompany school tours and excursions.
- g) The SMC must have a system to monitor the daily hygiene factors in the school, including class rooms, toilets and mid-day meal.
- h) As prevalence of substance abuse is now reported even at early ages, the SMCs must be entrusted with the task of ensuring that the school premises and area around it is not accessible to vendors of tobacco and other such materials.
- i) The SMC members also need to be trained on signs of neglect or abuse of children, which may even manifest as frequent or long absence from school. The SMCs must be strengthened to be able to track absent children and go into the causes for the absence.
- j) The SMCs themselves should conduct an annual safety audit of physical safety hazards and psychosomatic environment in the school. This should cover whether adequate steps have been taken by the school management to prevent accidents, corporal punishment, child sexual abuse, mental harassment and discrimination and also preparedness to deal with natural disasters and accidents. The exercise should be made public and accessible to the authorities, the parents and to civil society.
- k) SMCs should be encouraged to devise mechanisms for children to express their grievances both in person and anonymously. Drop boxes for complaints may be placed in the school and anonymity of the children/parents maintained while sharing

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the details of the complaints/grievances with other agencies such as the media in order to protect their privacy/confidentiality.

- d) Lastly, the SMC must ensure that whenever any untoward occurrence take place in a school, the 'victim child' is always protected and provided the best possible speedy care- medical and psychological.

6 Grievance redressal:

6.1 For the elementary level, States under their RTE Rules have notified block/district level grievance redressal agencies under the RTE Act. This decentralized grievance redressal mechanism of each State/UT should be made publicly available and posted on all school, panchayat bulletin boards, so that any infringement of children's safety is reported immediately. Some States have created appellate systems too, for instance, that HM/principal will register any incident affecting a child and SMC will take action to redress it within 7 days; if the case remains unsolved, then BEO is nominated as appellate authority.

6.2 The designated Local Authority/ PRIs in States/UTs must invariably fix days for meetings with the community on issues related to school education, prevention of corporal punishment/ abuse and ensuring that safety and security features are in place. Institutionalized public meetings by the Local Authority/ PRIs will not only help monitor, but also address individual cases which will go a long way to change deep seated beliefs on the issue from within the community.

6.3 The Local Authority/ PRI can also provide for a system of registering grievances related to safety and security of children at both the district and sub-district levels. For instance, a State has notified a mechanism to register corporal punishments cases with the Education Committee of the Gram Panchayat, and where their Block Education Officer will organize a Shiksha Samvad (Education dialogue) on every 2nd Saturday of each month. This can be expanded to cover the entire spectrum of issues relating to safety and security of children. Another State has notified a toll free number help line, to establish accountability by a direct line for complaints at State level. This State through an MIS created from the grievances received through the toll free number, can do a trend analysis and compare improvements across districts over time.

7 Monitoring by the State:

7.1 A safe and secure environment, free of corporal punishment and abuse, with preventive mechanisms to ensure physical and socio-psychological safety of children, should be stipulated as one of the conditions for giving recognition/no-objection certificate (NOC) to a school by the State Government and also as one of the conditions for giving affiliation to a school by the State Board. This would include all features of physical safety of infrastructure as well as the environment within the school.

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7.2 This advisory should be used by the State Governments/ UT Administrations to ensure that appropriate State/school level guidelines on safety and security of children and appropriate redressal of any complaints, are framed, disseminated, acted upon and monitored.