



PREFACE

In the past three years, reported incidences of sexual violence against girls in residential schools of Odisha are on the rise and the media - both print and visual - is replete with the indiscretion of teachers and school mates against girls. In the background of this increased violations and incidents across the State, the Odisha State Commission for Women commissioned a dipstick study to comprehend the situation at ground zero. Subsequently the study was undertaken by SWARG, a state level NGO.

This report attempts to understand sexual and gender based violence against girls in residential schools of Odisha. It intends to capture the contemporaneous environment vis-a vis safety and security concerns for female students in the tribal residential schools of Odisha. The far reaching objective of this exercise is to contribute toward more equitable, harmonious and sustainable policies related to the safety and security of girl child in the state.

From the findings it was understood that the adolescent girls are often subject to physical violations outside and within the campus, sometimes leading to the vicious cycle of early marriages and the risk of pregnancies. The study team took utmost care to conduct the exercise in an objective manner sans any prejudice or bias. The Odisha State Commission for Women was involved right from the early stages of methodology finalisation, concept formation and consistently contributed to the report. The Commission played a supervisory role in the project and was involved in each aspect of the study.

Dr. Lopamudra Buxipatra

Chairperson

Odisha State Commission for Women

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Abbreviations

SC	Schedule caste
ST	Schedule Tribe
SSD	Schedule Caste & Schedule Tribe Department
ITDA	Integrated Tribal Development Agency
SMC	School Management Committee
CCA	Cook-Cum-Attendant
DWO	District Welfare Officer
WEO	Welfare Extension Officer
PRI	Panchayat Raj Institution
FGD	Focus Group Discussion
IDI	In-Depth Interview
KII	Key Informant Interview
PA	Project Administrator
DPEP	District Primary Education programme
SSA	Sarva Siksha Abhiyan
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
WHO	World Health Organization
WASH	Water Sanitation and Hygiene
ANM	Auxiliary Nurse Mid-wifery
POCSA	Protection of Children from Sexual Offences Act
HM	Head Master/Mistress
HS	High School
HR	Human Resource
NGO	Non-Government Organization
PTM	Parent Teacher Meeting
CO ED	Co-Education
CBR	Crude Birth Rate
CDR	Crude Death Rate
IMR	Infant Mortality Rate
TFR	Total Fertility Rate
LSE	Life Skill Education

Executive Summary

The report attempts to understand sexual and gender based violence against girls in the residential schools of Odisha. In the past three years, reported incidences are on the rise and media, both print and visual are replete with the indiscretion on teachers and school mates against the girls. It was understood that the adolescent girls when go for vacations to their home/villages are often subject to physical violations leading to the vicious cycle of early marriages and risk pregnancies. Also girls in higher forms like in Std. 9th & 10th have to commute to and from the boarding facilities for extra classes and tutorials leading to many instances of eve teasing and molestations.

This report draws content from extensive desk review, interview of key stakeholders like the District Welfare Officer, Welfare Extension Officers, Head Master/Mistress of Schools in 10 districts of the State. Most importantly, it captures the essence of discussion with 248 adolescent girl boarders from 18 residential Schools both in the periphery and headquarters across 10 districts spanning four zones-north, east, south and west. Other than these the opinion and views of SMC, parents, ITDA, District authorities such as DWO, ADWO, DEOs were interviewed to capture the spectrum of perceptions on the issue.

In June & July 2015, the team interviewed a total of 257 girls through grade 6 to 10 +2 belonging to 18 schools across ten districts of Odisha. The schools were all SSD residential schools located both in headquarters as well as periphery. Some schools were co education schools while others were exclusively meant

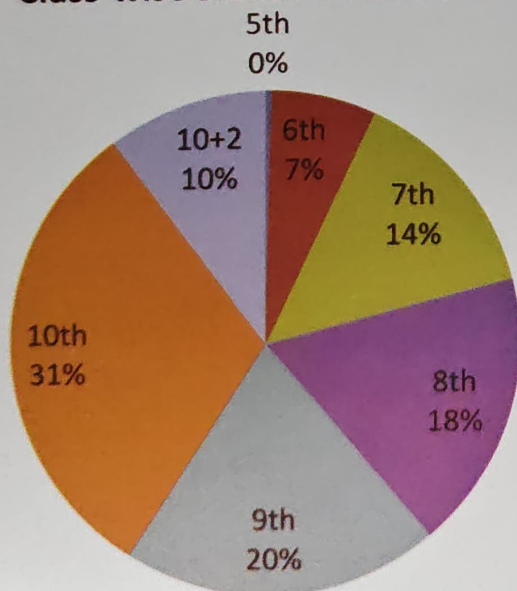
for girl boarders. Permission for the discussion was sought from the Headmaster/Mistress of the School, who then instructed the students via the Asst. hostel Superintendent/Matron/Lady CCA. The interaction with girls took place via focus group discussions. Speaking of the grade wise distribution of girls, 7% of the sample were from grade 6, 14% from 7, 18% from grade 8, 20 % from grade 9, 31% from grade 10 and 10% belonged to the 10+2. This included a lone girl from grade 5 as well. The sample was picked on a random basis however, a fair representation of both top performers and students not faring well in the class were called for the discussion. The lady researchers interacted with the girls whose age varied from 12 to 18 years.

Grade	Students
5th	1
6th	17
7th	36
8th	46
9th	52
10th	79
10+2	26
Total	257

Of the girls interviewed, over 25 % confessed said that they know of teachers /Head Masters who had barged into the hostels drunken. Others have made inappropriate remarks and yet there were also few who molested the girls. Some lured students into sexual relationships by calling them into their quarters. Even male CCAs owing to their control over kitchen and other resources and their proximity to the Head Teacher indulged in favouritism and molested boarders. The incidents reported took place mostly in staff quarters, while watching television in the common area or in the hostels.

It was found that basic life skill education and orientation on protection for girl students is grossly lacking in schools. The schools think in terms of control and have imposed sort of a campus curfew for girl boarders fearing incidents. It was also found out that girl students are never let out of the campus during their hostel stay whereas boys are allowed to go out and play in the evenings pointing at gender discrimination. In residential schools where both boy and girl boarders are there, teachers are very keen and in discussion with the SMCs to make

Class-wise students interacted



it same gender facilities. All these conduct seriously impact the education of the girl child making her regress often resulting in discontinuation of her studies.

Upon discussion it was validated that girls who experience incidents of abuse in school rarely report them, fearing termination from the school, stigma, blame, retaliation, or unresponsiveness on the part of school authorities. These fears are well justified; as schools and other duty bearers often fail to respond effectively to these cases, and girls who do report are unable to obtain redress. Yet it is understood that these patterns of conduct cause serious physical and emotional injuries to young girls, discourage them from continuing their education, and reinforce discriminatory patterns in the school, family and society. Important to cite here that the study team found many recent cases of unexplained terminations of girl students from the schools.

Many girls were also found to be harassed, assaulted, and abused by boys in their classes and boys from the community they live in. About one-third of the girls we interviewed reported about specific instances of sexual abuse or harassment at their schools and neighbouring community who intrude into the schools. Interviewees described how boys intimidated girls at school and proposed love to them, made inappropriate comments and advances like leaving condoms at their desks to embarrass them. Some boys threatened girls if they did not submit to their advances.

Moreover, senior girls in residential Ashram schools are vulnerable to harassment while travelling to and from school from the hostel facilities. Teachers at one school described incidents in which men from the surrounding community harassed girls who were boarding at the school. Numbers of girls reported being subjected to harassment or assault as they walked or rode the minibus long distances to and from school.

From the study it emerged that the plight of younger girls is even

worse. Children in Grade IV, V & VI were often targeted for abuse as their movement is more than the elder girls and such violations are normally not expected in case of younger children.

Sexual abuse by teachers, fellow students, or community members has serious negative consequences for girls' education and health. As a result of sexual violence, girls may experience sexually transmitted diseases, early pregnancy, injury or death from unsafe abortions, and depression and anxiety. They are also more likely to have difficulty concentrating on their studies. Some students have transferred to other school to escape harassment. Still others have dropped out of school because of violence and/or pregnancy. The government policy is silent on continuation of studies for such cases. The team came across instances of compensation doled out for the victims. However, a systematic reintegration of these girls into the education stream was not evident.

Girls who are subjected to sexual abuse at school face multiple barriers to obtaining redress. Most schools do not have clear policies or procedures for responding to reports of sexual abuse or educating girls about how to protect themselves from such abuse. Many school officials fail to recognize or respond effectively to harassment and violence that occurs in their school premises. In addition, in a system where there is a perennial dearth of teachers officials react to reports of abuse by cautioning the perpetrator or transferring them to another school, a case in point would be the transfer of a habitual offender in Kalahandi district.

When situations escalate and go beyond the control of school officials; the media often has a field day reporting the incident with all colours. Unfriendly police investigations are conducted with minor girls. Both of these scathe the psyche of girls and incur permanent damage. In addition, absence of child-friendly court procedures make it all the more taxing for the victims of school-based and community based rape or defilement.



The Ranking of Schools

The study team, developed a criterion based on indicators such as safe & secure infrastructure, staff adequacy, school environment, Life Skill and supporting institutions, etc. Of the 18 schools visited five schools got a good rating, seven secured average and six were found to be poor performing in terms of safety security environment for the female boarders.

Ranking	Color code	Status
1		Poor
2		Average
3		Good

SL. No.	School	Type	Required infrastructure	Favorable Teacher student ratio	implementing safety and security	Better Learning Environment	Overall Rank
1	Telipal	Ashram	1	1	1	1	4
2	Tenda	Ashram	2	3	2	2	9
3	Bhimei	Ashram	0	3	0	1	4
4	SS Nahandasor	High School	2	3	2	2	9
5	Batagaon	High School	2	3	2	2	9
6	Belghar	High School	1	2	1	2	6
7	Urladani	Ashram	1	2	1	1	5
8	Madingpadar	Ashram	1	2	1	1	5
9	Madhupur	High School	3	2	2	2	9
10	Jamadarpali	Ashram	1	1	2	2	6
11	Tangarmunda	High School	2	3	1	2	8
12	Bhogra	Sevashram	1	2	1	1	5
13	Saptasjya	Ashram	1	2	2	1	6
14	Tapoban	High School	2	3	2	2	9
15	Niladriprasad	Ashram	1	1	3	1	6
16	EMRS-Chandragiri	Model school	2	3	2	2	9
17	Ramgiri	Higher Secondary	1	3	1	1	6
18	Podagad	High School	2	1	1	2	6



Methodology

Objective of the Study:

To understand the physical, mental and educational situation of tribal girl child in residential schools and to suggest ways of improvement

Specific areas

- » Physical Safety and Security environment at school
- » To understand the reasons for drop out
- » Role off school: Awareness, Involvement and Responsibility
- » Role of family and Community: Awareness, involvement and responsibility

- » Challenges at different level: individual, family, peer group, school and larger environment

Scope of the Study:

Over the years, the Education programme of the SSD department has expanded manifold. Schools have been up-graded to elementary, secondary and senior-secondary levels with increasing demand from the communities. As on 31.12.2013, there are 1645 schools running across the state under the SSD Department. These schools have varied composition of incoming and terminating classes such as from class I-X, I-VIII, I-V, VI-X, IV-X & VI-XII. Following are the schools by nomenclature under the administrative control of the SSD department.

School Nomenclature	Non-residential Sevashram	Residential Sevashram	Ashram School	High Schools/ Higher Secondary Schools	Ekalabya Model Residential Schools	Education Complex	Total
Class range	I – V	I – V	I–VIII	Varied - I-X, IV-X, VI-X , VIII-X VI - XII	VI - X	I - X	
No of Schools	505	5	766	337	13	19	1645

Sample for the study:

Sl. No.	Type of School	No. of schools covered
1	Sevashram (I-V)	1
2	Ashram (I-VIII)	7
3	High School and secondary School (Varied - I-X, IV-X, VI-X , VIII-X VI - XII	9
5	EMRS Model School (secondary school) (I-XII)	1
Total		18

Typology of Schools Covered:

For the Scheduled Tribe Girl students the available government educational institutions can be broadly categorised in to four different facilities such as Sevashram, Ashram, Ekalavya Model Residential School (EMRS) and High Schools. The study attempted to cover

all the above mentioned categories within the given framework. In addition, there were slight alterations in the wake of district level consultations to the earlier school list given as more pertinent sample schools were taken into the ambit of study. Here it needs to be mentioned that against the earlier proposed 14 schools, a total of 18 schools were covered in all as part of the study.

Sl. No	District	No. of Schools as sample	Name of the School	Appx Distance from the Dist HQ in Kms
1	Koraput	1	Podagarh	30 kms
2	Gajapati	2	Chandragiri EMRS Co-ed	75 kms
			Ramgiri Co-ed Higher Secondary School	45 kms
3	Kalahandi	3	Urladani Co-ed Ashram School	80 kms
			Madingapadar Co-ed Ashram School	20 kms
			Madhupur Girls High School	20 kms
4	Kandhamal	2	Batagao Girls Hish School, Baliguda	100 kms from Dist HQ 5kms from SDHQ
			Belghar Co-ed High School	150 kms
5	Mayurbhanj	1	SS Nahandasar Girls High School Betanati	45 kms
6	Balasore	3	Tenda Girls High School	23 km
			Telipala Co-ed Ashram School	30 km
			Bhimei Co-ed Ashram School	35 kms
7	Khurda	2	Niladriprasad Co-ed Ashram School, Banpur,	95 kms
			Tapoban Co-ed HS, Khandagiri, Khurda	35 kms
8	Dhenkanal	1	Saptasajya Co-ed Ashram School, Dhenkanal	15 kms
9	Sambalpur	2	Jamadarpalli Co-ed Ashram School	10 kms
			Tangarmunda Co-ed, HS-Bamra	120 kms
10	Sundergarh	1	Bhogra Sevashram, Kutra	65 kms

Stakeholders Interviewed and Tools deployed

Segment	Stakeholders	Tools
School	Students, Teachers, Support staff (Matrons, Monitors)	FGD, IDI
Community	SMC, Parents (subject to availability)	FGD, IDI
Support Institutions	DWO, WEO, SPI. Projects, PRI, ITDA, NGOs	KII

Govt. Departmental Stakeholders Interviewed:

The District Welfare Officer is the nodal person for the welfare of schools barring the infrastructure component, which is supported

by PA, ITDA. So in the course of the study all DWOs from the selected districts, PA ITDA from few districts, ADWOs and WEOs were interviewed wherever the requirement was felt. It is critical to note here that in most sample districts DWOs were either in the process of transfer and relocation or had joined within the frame of one year.

Name & Designation	Contact No	Tenure
Ranjan Kumar Dash, WEO, Nilagiri, Balasore		
Prasanna Kumar Das, WEO, Oupada, Balasore	947312632	-
Brajabandhu Nayak, DWO, Balasore	8280151076	5 years (Has been recently transferred)
Dillip Kumar Parida, PA, ITDA, Nilagiri, Balasore	9937489525	1.5 years
Guruprasad Sahu, WEO, Betonoti, Mayurbhanj (Telephonic)	9437276363	3 years
Madhusmita Mohapatra, DWO, Mayurbhanj	9437124402	Transferred to Sambalpur within the study timeframe
PA, ITDA, Baripada, Mayurbhanj	9437192999	3 months
DWO, Kandhamal	9438325343	4 months
Smitashree Jena, WEO, Baliguda, Kandhamal	9439453101	3 years
Ajit Kumar Panda, DWO, Kalahandi	8763051019	8 months
PA, ITDA, Kalahandi	7077626455	6 months
Surendra Kumar Dora, ADWO, Sambalpur	9437151973	5 years
Sarat Chandra Sahu, DWO, Sundergarh (Telephonic)	9437212508	1 year
Banchanidhi Nayak, ADWO, Sundergarh	9437369297	2 years
Peter Tete, WEO, Kutra, Sundergarh	9439560185	5 years

Conti...

Pradip Kumar Purohit, Dealing Assistant, Sundergarh	9938000859	3.5 years
Parikhit Dash, DWO, Khorda	9437301608	9 months
Padman Dash, DWO, Gajapati (Telephonic)	8895727352	8 months
Trinath Rao, DWO, Koraput	9437234954	

1. Preparatory phase:

- » Literature Review: Collecting and reading up of all key documents relevant to this assignment
- » Stakeholder analysis and interaction plan: Preparing a list of key persons relevant to this process and their role in this evaluation. Meeting with key stakeholders to discuss the broad process of the exploratory exercise.
- » Tool Development: Field process and tools will be developed.
- » Letters for field team: An introductory letter from WC will be provided to the field team; both to identify themselves and introduce them to the key stakeholders.

2. Field work phase

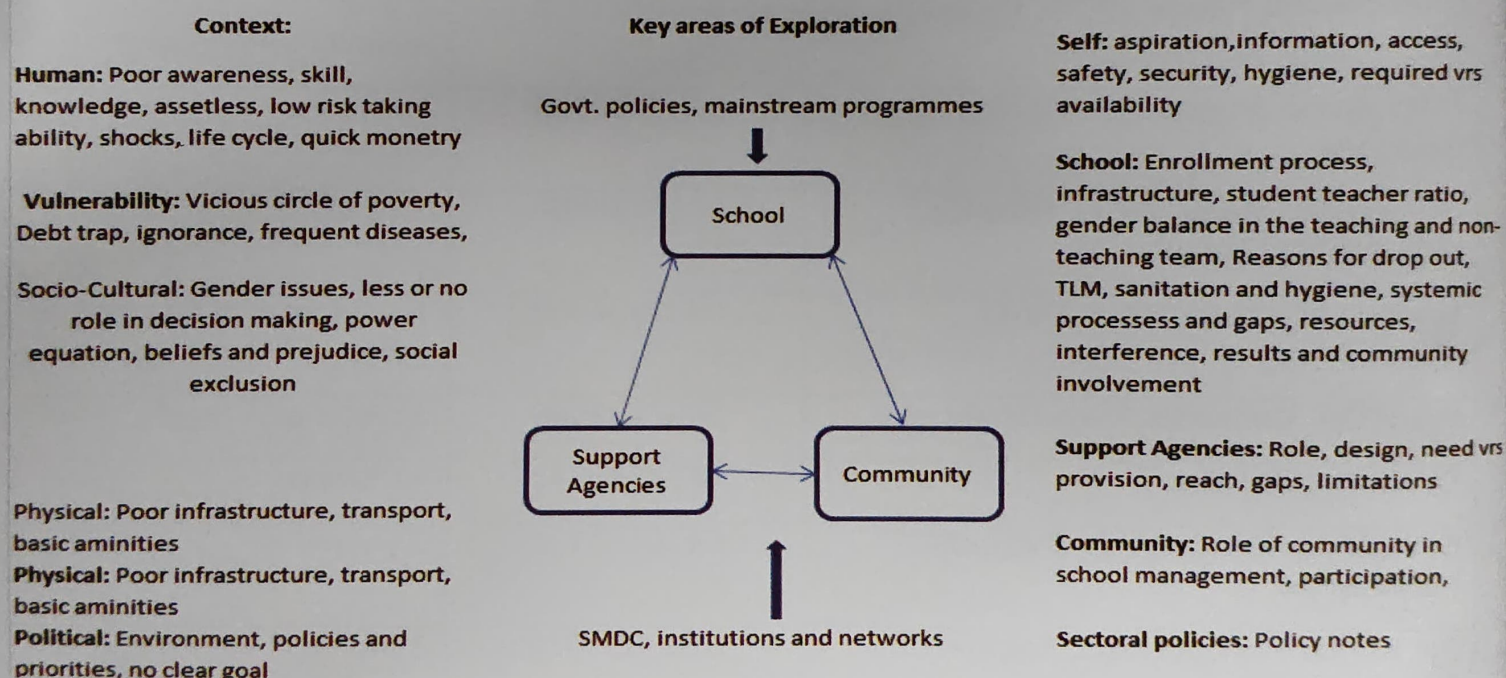
- » FGDs: Students, Faculties, Support staff and community.
- » KII: HM, Matrons, Monitors
- » Interaction with WEO, PRI Rep., DWO, Rep. From ITD and special projects

3. Data analysis and report writing

- » Data consolidation and analysis
- » Draft report
- » Sharing meeting and
- » Feedback collation
- » Final report

The Study Framework:

Situational Analysis of Girl Child Education in residential schools in Odisha



Constraints

1. Expansion of duration of the Study: The study was commissioned in April. However, after the preparatory phase, literature review and tool development, summer vacations commenced in the schools that spanned over the months of May & June. Though the schools opened by June 18th, it was almost end of June when the students came home. The field study could then only be taken up in the month of July and early August leading to a month's delay in the reporting.

2. Discussion with School Management Committees: Discussion

with SMCs was a key activity for understanding the community's role in furthering the safety, security of the girl child. However, in many schools, the SMC members could not turn up in the prescribed time owing to distance and non-availability of conveyance.

3. Inhibited attitude of ST & SC girl boarders : The timidity of the girl boarders required systematic ice breaking, strong rapport building and called for in-depth probing, which was not feasible in the one and half hour dedicated for the Focus Group discussion. In light of the information gathered, it is strongly felt that in absence of paucity of time, many new dimensions of violence could have been discovered.

Chapter -1 : Background

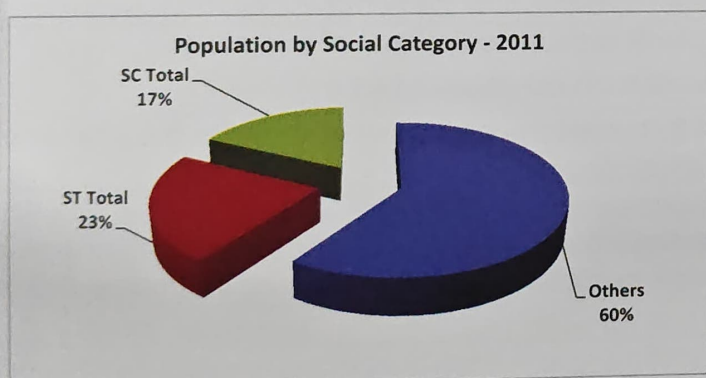
A. Context

Education as catalyst for development of disadvantaged ST & SC communities

The role of education in bringing about the upliftment and development of the disadvantaged and marginalized groups has been underscored by one and all. Education as a means of advancement of capacity, well-being and opportunity is uncontested, and more so among communities on the periphery.

Education Scenario in the State:

Odisha is among the prominent states in the country for its tribal population, both in terms of absolute numbers and proportion to the total population of the state. According to the 2011 Census, ST population is 22.85% of the total population. As many as 62 tribes reside in Orissa. The SCs constitutes 17.13% of the total state population.



The literacy levels provide a rough indication of overall educational progress among the different communities as well as serves as an index of past educational opportunities

available to them. The overall literacy rate of Odisha has shown considerable progress over the decades with total literacy rate rising from 49.09% in 1991 to 72.87% in 2011 census. Similarly, the literacy rate among tribal and scheduled caste population has also demonstrated upward movement during this period.

If one examines the trend, the percentage increase in the literacy rates over 1991 is highest among the ST Female (266.37%) followed by SC Female (183.32%) and ST Male (85.17%). Due to the interventions of DPEP, SSA and several other efforts of the State, the enrolment in primary & upper-primary schools have recorded substantial increase across the districts.

Status of Higher Secondary Education

The department data reveals that 2003-2004 to 2012-13, there has been an alarming dropout of 70 % ST students, especially after the upper primary level. The department data also attributes this anomaly to inhibiting factors such as challenges of low access to High Schools in remote tribal pockets, relatively higher educational expenses, high dropout rates owing to inability to cope with the greater academic demands, safety and security concerns of girl students, etc.

The Department is also implementing a range of enabling provisions and schemes like Pre and Post-matric scholarships to ST&SC students, bi-cycle for ST&SC girls pursuing secondary education, free books, & uniforms at the elementary and secondary levels, additional support for education like coaching facilities, promotion of sports and other extra-curricular activities etc. The thrust on the quality education is also given priority with increased investment in teachers' capacity building, use of ICT in education, regular supportive supervision and monitoring etc.

Category	1991	2001	2011	Increase in 2011 over 1991	% increase in 2011 over 1991
Male ST	34.4	51.48	63.7	29.3	85.17
Male SC	52.42	70.47	79.21	26.79	51.11
Female ST	10.2	23.37	37.37	27.17	266.37
Female SC	20.74	40.33	58.76	38.02	183.32

Chapter 2 : Legal Framework on Protection of and Provisions for Children in India

Sl.	Name of the Act	Objectives
1	Constitutional Provisions	<ul style="list-style-type: none"> ▪ Article 21 (Right to life— a Fundamental Right) ▪ Article 21A (Fundamental Right to Education) ▪ Article 23 (Prohibition of human trafficking and forced labour) ▪ Article 45 (Confers free and compulsory primary education between the ages of 6 and 14 years as fundamental right of every child in India) ▪ Article 47 (Raise the standard of living by improvement of public health and the level of nutrition and by prohibiting intoxicating drugs and drinks) ▪ Article 39 (f) (Children should be 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). ▪ Article 39A (Equal justice and free legal aid)
2	Indian Penal Code (IPC, 1860)	<ul style="list-style-type: none"> ▪ Section 376 (deals with rape including that of a minor girl) ▪ Section 377 (deals with sexual abuse of a boy) ▪ Section 312 to 318 (punish the person who commits the offence of foeticide or infanticide).
3	Child Marriage Restraint Act, 1929 (Amended in 1979).	<ul style="list-style-type: none"> ▪ To lay down minimum age of marriage for both the sexes. This Act prohibits child marriage but it does not invalidate once marriage is solemnized. This law is applicable to all communities irrespective of their religion.
4	Immoral Traffic (Prevention) Act, 1956 (Amended in 1986).	<ul style="list-style-type: none"> ▪ This Act prohibits trafficking in human beings and prescribed stringent action against those inducing children (below 16 years) and minors (16-18 Years) in the offences of procuring, inducing or taking a person for the sake of prostitution.
5	Registration of Births and Deaths Act, 1969	<ul style="list-style-type: none"> ▪ Confers birth registration as a fundamental right of every child.
6	The Medical Termination of Pregnancy Act, 1971	<ul style="list-style-type: none"> ▪ This Act provides for the termination of certain pregnancies by registered medical practitioners (especially relevant for the adolescent girls who get pregnant outside of marriage, often as a result of a rape or forced sexual encounter).
7	Child Labour (Prohibition and Regulation) Act, 1986.	<ul style="list-style-type: none"> ▪ This Act prohibits the engagement of children in certain employment (e.g. hazardous type) and regulates the conditions of work of children in certain other employment.

8	Protection of Human Rights Act, 1993	<ul style="list-style-type: none"> To promote Human Rights literacy and awareness and to make available Human Rights information to teachers and students, policy makers, curriculum developers and other personnel involved in formulating and implementing educational programmes.
9	Person with Disabilities (Equal Protection of Rights and Full Participation) Act, 1995.	<ul style="list-style-type: none"> This Act has ensured the responsibilities of the Central and State Governments with regard to services for disabled persons. The Act also speaks about education of children disabilities up to age of 18 years in an appropriate environment.
10	The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999	<ul style="list-style-type: none"> Mainly focuses on ways to empower disabled persons (including children) to live independently or as fully as possible within the community.
11	Juvenile Justice (Care and Protection of Children) Act, 2002	<ul style="list-style-type: none"> This Act considers all persons under the age of eighteen years as children and a trafficked child is considered a 'child in need of care and protection'
12	UN Resolution ('World Fit for Children') 2002 (This has lead to National Plan of Action for Children 2005 in India)	<ul style="list-style-type: none"> Put children first Eradicate poverty: invest in children and leave no child behind. Care for every child. Educate every child. Protect children from harm and exploitation. Protect children from war. Combat HIV/AIDS. Listen to children and ensure their participation. Protect the earth for children.
13	Right to Information Act, 2005	<ul style="list-style-type: none"> Enables children to use this provision for getting necessary information related to the issues vital for their development and protection. Also puts responsibility on the respective Government Departments to review programmes for children in the light of the National Policy for Children from time to time.
14	Child Marriage Prohibition Act, 2006	<ul style="list-style-type: none"> It is an Act to provide for the prohibition of solemnization of child marriages and for matters connected there with or incidental thereto.
15	Juvenile Justice (Care and Protection of Children) Amendment Act, 2006.	<ul style="list-style-type: none"> This Act deals with the laws relating to Juvenile in conflict with law and children in need of care and protection. It contains provision for proper care, protection and treatment, by catering to their developmental needs and by adopting child- friendly approach in the adjudication and disposition of matters in the best interest of the children and for their ultimate rehabilitation and for matters connected therewith or incidental thereto.
16	Right of Children to Free and Compulsory Education (RTE) Act, 2009	<ul style="list-style-type: none"> To provide free and compulsory elementary education of 8 years to all children of the age of six to fourteen years (accorded the same legal status as the right to life as provided by Article 21A). Reservation of 25% of seats in the private schools for children from the weaker sections and the same shall be subsidized by the State at the rate of average per learner costs in the government schools.

Chronology of Major National Policies /Plans on Children in India (to ensure their basic rights)

Year	Policy	Objectives
1974	National Policy For Children.	To declare and establish the fact that children are the "supremely important assets" of the nation and states that children's programme should find a prominent place in the national plans for the development of human resources.
1983	National Health Policy (updated in 2002, drafting of a new policy is underway)	Providing Universal Health Care and access to Medical Services covering preventive, promotive and curative aspects to all sections of the society with special emphasis on children.
1986	National Education Policy (NPE) (Modified in 1992; includes SSA)	<ul style="list-style-type: none"> All Children having attained 11 years of age by 1990 will complete 5 years of schooling; By 1995 all children up to 14 years will be provided free and compulsory education. Universal Primary Education by 1995. All Children in school or Education Guarantee Centre/Alternative School by 2003. 5 Years Primary Schooling for all children by 2007. 8 Years schooling for all children by 2010. Bridging all Gender and social category gaps at primary level by 2007 and Upper-Primary Level by 2010. Focus on Quality Education. Emphasis on Infrastructure improvement in schools <p>(SSA Programme has been operating in Odisha since 2003)</p>
1987	National Policy on Child Labour	Setting up of the National Child Labour Project (NCLPs) for the identification, withdrawal and rehabilitation of child labour. (18 nos. of Child Labour Projects with 653 Special Schools are in operation in 18 districts of Odisha).
1993	National Nutrition Policy	Aims eradicating malnutrition and achieving optimal nutrition for all.
2003	National Charter for Children	Intent to secure for every child its inherent right to be a child and enjoy a healthy and happy childhood, to address the root causes that negate the healthy growth and development of children and to awaken the conscience of the community in the wider societal context to protect the children from all forms of abuse, while strengthening the family, society and the nation.
2005	National Plan of Action for Children	The Plan commits itself to ensuring all the aforesaid rights to children up to the age of 18 years. It focuses on girl child, rescuing her from trafficking and exploitation and strong recommendation for a better and effective Act to stop child marriages. It has expanded the constituency of vulnerable children to include children of prisoners, children affected by HIV and AIDS. It works a comprehensive policy for withdrawing children from work and integrating them into full time school. For an effective implementation of the policy it sees the importance of adequate and specific child budgeting. The Plan recommended institutional mechanisms for monitoring child rights such as: establishing a National Commission for Protection of Child Rights, including the setting up of State Commissions and also setting up of a central nodal authority for combating trafficking for commercial purposes.

2005	National Commission for Protection of Child Rights Bill	Intent to uphold the Child Rights and to take suo motto cognizance of child rights violation.
2006	Notification on Banning Child Labour in Domestic Shops and Establishments	<p>An addendum to the National Child Labour Policy 1986, as this includes the following prohibitions:</p> <ul style="list-style-type: none"> ▪ Employment of child as domestic workers or servants. ▪ Employment of children in dhabas (roadside eateries), restaurants, hotels, motels, tea shops, resorts, spas or other recreational centres.
2010	Odisha State Commission for Protection of Child Rights	<p>Core tasks and responsibilities:</p> <ul style="list-style-type: none"> ▪ Public Awareness ▪ Addressing Complaint – Investigation & Interventions ▪ Research and Data ▪ Program, Policy and Legal Framework

Child Rights Protection Initiatives: Odisha and Beyond

Name of Institution/ programme/ agency	Description	Address
Scheme for Welfare of Orphan and Destitute Children: Odisha (Women and Child Development Department)	It is sponsored by the State Government. The sole of this programme is to prevent destitution of children. In order to provide good health atmosphere the orphan children are also given good nutrition. Under this scheme the children of this group are provided education and vocational guidance through which they can get better social dignity. The children within the age group between 18 to 25 both boys and girls are covered by the scheme. Validity of the Scheme is from 13 /09 / 2006 to 01 / 06 / 2012.	<p>Director Women and Child Development Department ShastriBhawan Bhubaneswar Tel: 0674- 2392976 Email: dirwcd.or@nic.in</p>
National Child Labour Project or NCLP (Ministry of Labour and Employment)	It is a major scheme for rehabilitation of child labourers by providing them formal and non-formal education and vocational training as well. The Government after careful consideration entrusted management of the special schools to the NGOs. The NGOs besides their own activities are now actively involved in management of the special schools, Periodically Health check-up Programme, Cultural and Sports Meet are being conducted in these schools	<p>State Labour Institute Kharavela Nagar, Unit-III, Near Gurudwar, Bhubaneswar-751001 Tel: 0674-2405275</p>
Odisha Human Rights Commission	Orissa Human Rights commission was constituted on 27th January (as provided by the Protection of Human Rights Act, 1993), 2000 and started functioning w.e.f. 11.07.2003. In case of children, it deals with child labour, child marriage, child prostitution, exploitation of children, immoral traffic in children, human sacrifice, cruelty to children and neglect of children.	<p>ToshaliBhawan Complex (2nd floor), Satya Nagar P.O. Saheed Nagar, Bhubaneswar-751007 Tel.: 0674-785/2573783/2572010/2572234 ohrc@nic.in</p>

National Commission for Protection of Child Rights	Emphasizes the principle of universality and inviolability of child rights and recognizes the tone of urgency in all the child-related policies of the country. For the Commission, protection of all children in the 0-18 years age group is of equal importance. And the policies define priority actions for the most vulnerable children.	5th Floor, Chanderlok Building, 36, Janpath, New Delhi - 110 001 shantha.sinha@nic.in (Chairperson) complaints.ncpcr@gmail.com (Complaint Section)
National Institute of Public Cooperation and Child Development	It is a premier organization devoted to promotion of voluntary action research, training and documentation in the overall domain of women and child development. It has a special Documentation Centre for women and children.	5, Siri Institutional Area, HauzKhas, New Delhi - 110 016. drdineshpaul@gmail.com (Director)

Literature on Child Rights:

- » Fundamental Right to Education Dr. Niranjana Aradhy and Aruna Kashyap
- » A Commentary on Juvenile Justice Processing in India - Somnath Vats
- » Universal Rights of Children and Displacement - Ms. Dipa Dixit
- » Human Rights Education for the Beginners, also available from: <http://nhrc.nic.in/publications/hredu.pdf>
- » Children in India and Their Rights – Sabita Bhakhry, also available from: <http://bhrc.bih.nic.in/Docs/ChildrenRights.pdf>
- » Convention on the Rights of the Child: First Periodic Report, Department of Women and Child Development, Ministry of Human Resource Development, Government of India, 2001, Page 390-405.
- » International Labour Organization (ILO). 2005. Combating Child labour in Asia and the Pacific: Progress and Challenges. Geneva: Switzerland.
- » Deepak Kumar Behera (ed.). 2007. Childhoods in South Asia. New Delhi: Pearson Education.
- » 1998. Children and Childhood in our Contemporary Societies. New Delhi: Kamal-Raj Enterprises.
- » 1996. Contemporary Society: Childhood and Complex Order. New Delhi: Manak Publications Pvt. Ltd.
- » Verhellen, E (ed.). 1997. Understanding Children's Rights. Ghent: Children's Rights Centre, University of Ghent.
- » UNICEF. 2005. The State of World's Children, 2005: Childhood under Threat. New York: UNICEF House.
- » 2006. The State of World's Children 2006: Excluded and Invisible. New York: UNICEF House.



Chapter -3 : Repression against Girls (sexual or otherwise) in Schools & Community

A. Teaching/Non-teaching Staff, Classmates and Community as perpetrators of violence

A.1. Adequacy of Hostel Infrastructure for Physical Safety & Security

Hostel Building & Residential Space allotted to Boarders

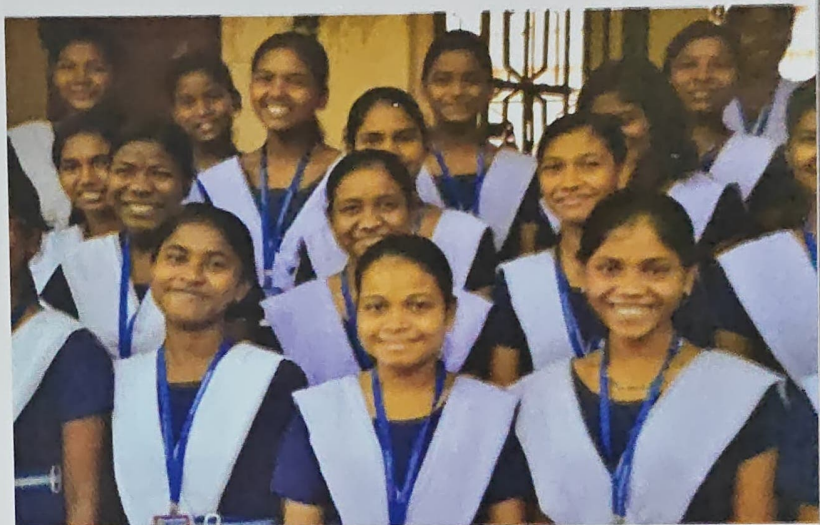
Fencing was found to be absent in many schools. Wherever it is there, the height is so low that it could be easily jumped over by both boarders and outsiders. Water issues also compound the travesty as boarders go out for defecation and bathing leading to exposure. Community and outsiders often take advantage of the situation for instance, the intrusion at Bhimei ashram school at Balasore.

Continuous load shedding especially in monsoon months and the resultant darkness present another serious threat to security. Of the 18 schools visited only three had generator facilities and two schools had inverter facilities. In schools like Urladani (Kalahandi), Belghar (Kandhamal), etc. the generators were used to light up boys hostel whereas girl's hostel were left in dark as per the girls.

Proximity of Staff quarters: Male teachers and CCAs inside the campus and in close proximity to girl's hostel also lead to threats and possibility of violations. Though the guideline doesn't permit, in most cases it was seen that they have direct access and authority over the students and occasionally go unattended to the hostels.

A.2. Playtime & availability of Playground for Girl Children:

Playtime offers children an important opportunity to increase their daily physical activity through unstructured physical activity during playtimes (WHO 2007). Children also benefit from physically active play in terms of their mental health. Children with lower physical activity levels have more symptoms of psychological distress than more active children (CMO 2004).



All 257 girls interviewed stated that they want to play free like the boys. Unfortunately, 17 out of 19 schools visited were found to be imposing restrictions on girls in terms of marginalisation of playtime and zoning (gender division). Unstructured playtime without adult supervision was practically absent.

Campus Curfew for Girl Boarders: All the girls across schools and all sample districts expressed their desire for a designated playtime in an open area. Unfortunately most of the schools do not have playgrounds. In Co-ed schools wherever there is a play area inside or outside the school, the first preference is given to the boys. To cite an instance, Belghar Residential School in Kandhamal has 33.3 acres of sprawling area which also includes a huge playground. It is an irony that when boy boarders play there every day, girls are allowed to play only on Saturdays.

The space constraint in some schools also aggravates the curfew. It was found that no indoor activities or past times are there for the students for meaningful utilisation of their time. In absence of outdoor opportunities as well their craving for free space and freedom is a burning truth.

Abuse by the Boy Boarders: Cases of letter exchange and affairs came forward during the course of focus group



discussion with the girls. It is to be noted here that though there were stray incidents of discomfort, girl boarders were not against co-education. On the contrary, the staff and school management were found to be vehemently advocating for gender exclusive schools.

A.3. Visitors in the Campus:

In all schools visited it was noted that Visitor's register was only used to check in parents. However, other visiting people such as construction workers, community leaders, SMC members,

vendors etc had free access to the school premises and were found roaming at will. It is needless to say that visitor's register has to be diligently maintained and Identity of the person keen on seeing the girl boarders has to be established. In this context, the case of Batagaon HS, Baliguda can be cited as an innovation, where parents have been issued ID proofs, which they have to compulsorily bring along while visiting their wards.

Contractors and construction labours: As the construction is not accomplished in a time bound manner the spill over continues beyond summer through monsoon months. The study team found that construction work were on-going in many schools. Unlike guardians the construction workers, supervisors do not sign in the registers and have free access to any place within the campus. From the discussion with the students it was found that they often indulge in mischief such as peeping and running up the hostels. Girl's reported feeling intimidated by these intruders and their acts.

A.4. Corporal Punishment & Verbal abuse

Though at the moment the schools are punishment free zones, all the teachers interviewed were in favour of corporal punishment and even some students when asked said they would prefer getting a milder form of corporal punishment for getting back their focus on studies. Girls in one school out of the 18 schools covered confessed that they receive corporal punishment from teachers. However, from the interviews it was clearly evident that verbal punishment from reprimands to abuse is a prevalent practice in all schools.



Reported Cases found during the study through discussions with the Govt. Stakeholders, school authorities and officials.

ID	District	School	Case
1	Balasore	Bhimei ME School	Sushmita Bhoi of Std. V abused by an elder boy of her community for the last three years during vacations
2	Mayurbhanj	Bareipani School	A girl student called Jhingi Saiyan committed suicide after being raped by a teacher
		Chhachinapadar High School	Sexual assault by Head Master toward 2 girl students in class 9th. The girls discontinued studies and then joined back with persuasion of the school staff and both have passed out.
3	Kandhamal	Belghar School	Molestation charges levelled against the HM. Perpetrator has been suspended.
		Mundigarh	Rape Case
4	Kalahandi	Urladani School	Fund misappropriation and forced termination of a boy boarder who is currently a migrant labour as informed by the HM.
		Madingpadar School	The case of a girl student surfaced who has been given TC last year. She was staying at the HM's house
		Gopalpur & Ambpani School	Reported rape cases against the same habitual offender Head Master who is still continuing in service
5	Sambalpur	Tangarmunda School, Bamra	Sanskrit teacher's husband took two ST girl students Haripriya Bagh & Sarupa Kissan of Class IX to Puri during vacations. The man has been suspended and the girls have received compensation of Rs.25,000/-
6	Sundergarh	Bhogra Sevashram School, Kutra	A student of Std. V delivered a full term baby in the school hostel toilet.
7	Gajapati	Ramgiri 10+2 school	Trafficking of a Std. VIII girl boarder Pramita Badamundi

B. Violence, abuse & drudgery at home during vacations

The burden of a girl child

All the 257 girls interviewed preferred hostel to home. The primary reason cited was the excessive drudgery at home. The chores varied from laborious tasks such as aiding work in the fields, daily wage and domestic tasks like cooking, cleaning, fetching water and taking care of younger siblings.

Girls also said that they do not get time to study at home. The preference for residential schools stemmed also for having a routine. Food also scored a brownie point as a high point in hostels.

The bane of Early Marriage:

In all the schools visited early marriage incidents came forward as number one reason for discontinuation of studies. The school or the SMC has not intervened anywhere in this matter. The DWOs of the districts also conceded that it remains a reality. Though it is a part of the life skill curriculum, the concepts are yet to gain ground and not reflected in practices.

To contain and reduce such incidents PTMs need to be strengthened and counselling has to be upped.

Molestation and Sexual Abuse during vacations stay at home:

During the FGDs, girls narrated their discomfort during stay at home. Most of them do not have toilets at home and a strong anxiety prevails among girls to venture outdoors for defecation and bathing. Of the girls interviewed, 50 % shared incidents where they themselves or their friends have been abused by community members.

Owing to the low availability of televisions in villages, it is a common practice to watch TV in a crowd. This then becomes a festering ground for girl child abuse. It was voiced by the girls during interview.

C. Other forms of repression related to Girl Child's Health and Education

Kitchen Hygiene & Food Distribution

Kitchen hygiene was found to be wanting in poor schools and average school. In ashram schools like Urladani & Madingapur, Kalahandi, where small children are there, there is a rush to get ahead and get their food. The huge cauldrons filled with boiling dal or curry is often placed on the ground, which could lead to small children falling into the cauldron. One such case has already been reported in Kalahandi District.



Health Issues and Availability of ANMs

Of the 18 schools visited only 50% of schools i.e. nine schools had visiting or residential ANMs. Even in these nine schools, multifarious problems such as non-availability of medicines in schools like SS Nahandasole and verbal abuse by ANM in EMRS Chandragiri came to the fore during FGDs.

WASH

Water Availability in the campus:

In all the schools visited the problem of water remained in one form or the other. The scarcity of water prompted the boarders to go for open defecation and morning ablutions setting the stage for potential abuse. In some schools like SS Nahandasole or Tangarmunda even though the numbers of toilets are adequate boarders go out for morning ablutions due to water deficit.



Sanitation & Hygiene

Toilet Complex: The toilets inside the campus were not found to be sufficient for the girl boarders. The usual trend found was ten boarders per toilet. However, in about 30 % of schools covered there were not enough toilets, resulting in long queues in front of the toilet and outdoor movement of girl boarders. As mentioned earlier, in few schools where toilets are adequate, water problems press the girls to go outside the campus.

Menstrual Hygiene

In 6 schools out of the 17 schools covered (one sevashram school is excluded here), girls were not getting sanitary napkins as a part of their monthly supplies roughly translating to 32 % non-availability. As a fall out, these girls use cloth napkins that are re used. They narrated that they experience a high degree of

inconvenience to clean and dry these in the monsoon months, especially in schools like Bhimei, Balasore where there is a crunch of space.

Maintenance of Menstrual Cycle Register: Of the 10 districts covered, in 8 districts, schools maintained a register mentioning details of menstrual cycle for girls who have attained puberty. This register is verified by the ANM, Warden, Matron and beyond them the HM, WEO and sometimes DWO who are often male. The team tried to find the source of this practice but no such official circulars could be traced. The study team felt that this exercise somewhat violates the privacy and dignity of a girl child and increases the risk of abuse in safe periods. The Head mistress and lady WEO when interviewed were also of the opinion that this sensitive information should not be disclosed to the male authorities during inspection.

The table below shows the sanitary napkin supply status in schools.

Sl. No	District	Name of the School	Supply of Sanitary Napkins (Y/N)
1	Koraput	Podagarh, Laxmipur	Y
2	Gajapati	EMRS Chandragiri	N (discontinued since last 2 months)
		Ramgiri Higher Secondary School	Y
3	Kalahandi	Urladani-M.Rampur,	N
		Madingapadar	N
		Madhupur	Y
4	Kandhamal	Batagaon-Baliguda	Y
		Belghar	N
5	Mayurbhanj	SS Nahandasar-Betanati	Y
6	Balasore	Tenda	Y
		Telipal	N
		Bhimei	N
7	Khurda	Niladriprasad-Banpur	Y
		Tapoban HS, Khurda	Y
8	Dhenkanal	Saptasajya-Dhenkanal	N
9	Sambalpur	Jamadarpalli	Y
		Tangarmunda	Y
10	Sundergarh	Bhogra	-

Findings

A. The gender paradigm: Of the 18 schools covered only 4 schools had lady Head Mistress, which include one In-charge HM. In the process of the interview it was understood that the Lady HM had more empathy toward the safety security issues than their male counterparts. Only few schools had

qualified Head Master/Mistress leading to poor management and coordination. In case of some schools, the proper handholding of lady Asst Superintendents in terms of deeper understanding of POCSA guideline, rapport building with girl boarders and preserving the dignity, privacy of the students were not given adequate attention owing to the poor understanding on sensitive issues such as Safety, Security by the Head of the Institution.

Table: The gender distribution among teaching, non-teaching staff

School	Students	Girls	Teachers	Female Teachers (FT)	Girls: Female Teacher ratio	Non Teaching (NT)	NT Female	Girls: Non Teaching Female ratio
Telipal	715	295	7	2	148	10	4	74
Tenda	375	375	16	8	47	8	6	63
Bhimei	155	77	5	1	77	3	3	26
SS Nahandas or	291	291	10	2	146	7	6	49
Batagaon	421	421	12	6	70	7	5	84
Belghar	488	162	12	3	54	5	2	81
Urladani	364	157	5	2	79	5	3	52
Madingpad ar	353	130	8	3	43	4	4	33
Madhupur	671	671	14	6	112	9	5	134
Jamadarpa li	530	195	6	3	65	6	3	65
Tangarmu nda	372	175	10	1	175	6	3	58
Bhiogra	166	105	2	1	105	2	2	53
Saptasjya	287	109	5	4	27	5	3	36
Tapoban	560	280	16	8	35	6	2	140
Niladripras ad	245	95	4	2	48	4	2	48
Chandragi ri	416	202	19	6	34	10	4	51
Ramgiri	716	358	19	3	119	12	4	90
Podagad	603	603	10	8	75	10	7	86
18	7728	4701	180	69	68	119	68	69

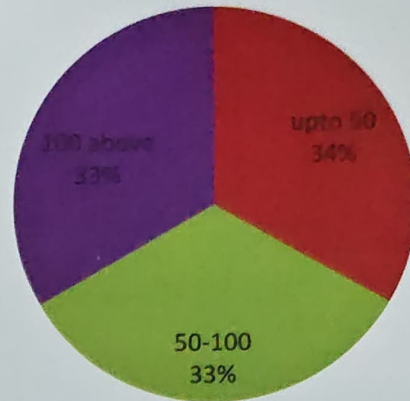
Inference: The table above depicts school wise share of: (a) female students in the total student strength; (b) female teachers in the teacher strength and (c) Female non-teaching staff in the CCA strength. It further depicts the female student to female teacher ratio and the female student to female non-teaching staff ratio.

Analysis:

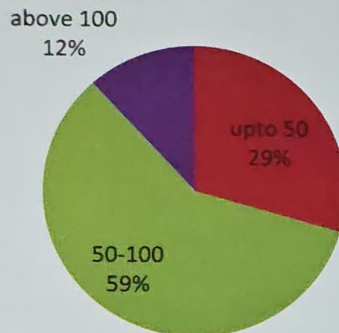
i. Female Teacher to Female Student ratio:

The table above, shows that there is a wide variations- from the lowest of 27 students per female teacher in Saptasajya school (Dhenkanal) to the highest of 175 girl students per female teacher in Tangarmunda school (Sambalpur) where there is a lone female teacher in the staff. The case of Telipal (Balasore) & SS Nahandasole can also be cited here, where the distribution is nearly 150 girl students per female teacher. The adjacent pie chart corroborates that 33 % of schools have over 100 girl students per female teacher and 33 % schools show 50-100 girl students per lady teacher. Only 34 % schools show a distribution of up to 50 girl students per lady teacher. The overall distribution was found to be 68 girls per lady teacher.

Female teacher: Female student



NTF:FS



ii. Female student to female non-teaching staff

On analysis it is found that, only 29 % schools have below and up to 50 girl students per female CCA. 12 % schools from the sample showed over 100 girls per lady CCA, which is a matter of concern. In approx 60 % of schools covered the distribution is between 50-100 students per lady CCA.

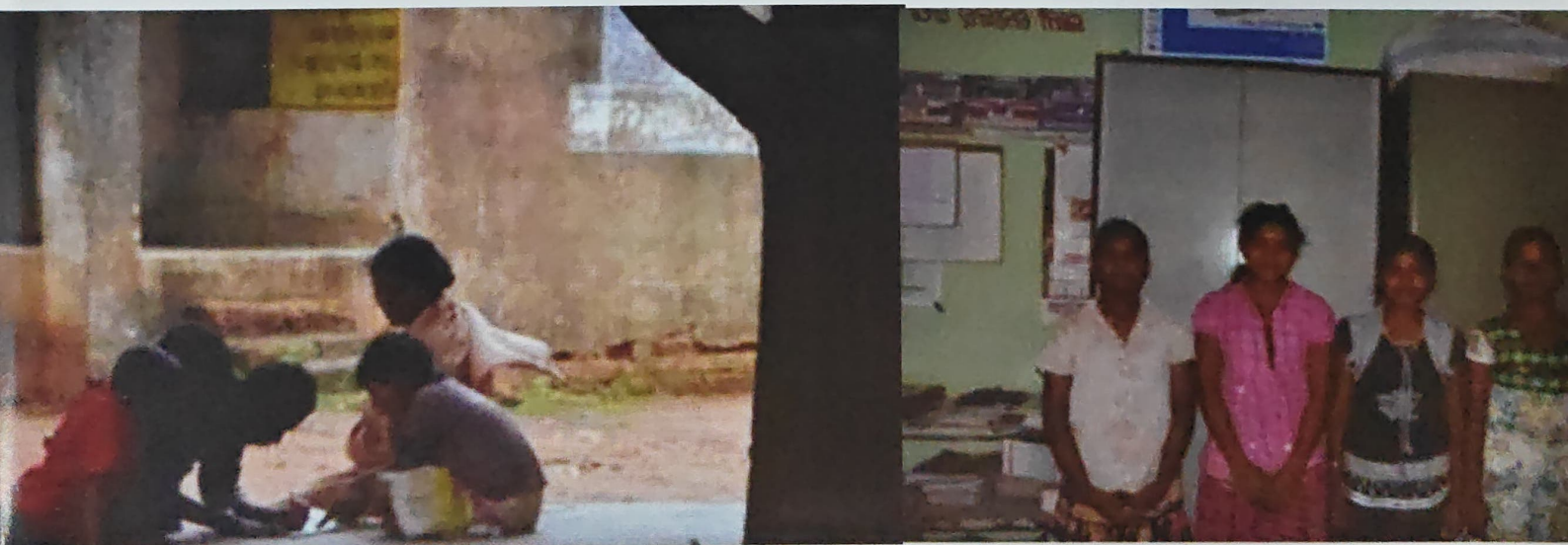


Table: Teacher strength and Distribution of female members in Schools

ID	Name of the School visited	Total Teaching Staff		M	F	Total Non-teaching Staff	M	F
		Sanctioned	Existing					
1	Telipal Co-ed School	20	8	6	2	10	6	4
2	Tenda High School	15	15	9	6	8	2	6
3	Bhimei Girl's High School	5	5	4	1	3	0	3
4	S S Nahandasole	10	10	8	2	7	1	6
5	Batagaon Girl's HS	12	11	5	6	7	2	5
6	Belghar HS	12	9	6	3	5	3	2
7	Urladani	10	5	3	2	5	2	3
8	Madingpadar	8	8	5	3	4	0	4
9	Madhupur	13	12	8	4	9	4	5
10	Jamdarpalli	7	6	3	3	6	3	3
11	Tangarmunda	12	8	7	1	6	3	3
12	Bhogra Sevashram	3	2	1	1	2	0	2
13	Saptasajya Ashram School	12	5	1	4(1 on leave)	5	2	3
14	Tapoban Co-ed HS	19	14	8	6	6	4	2
15	Niladriprasad Ashram School	9	4	4	0	4	2	2
16	EMRS Chandragiri	22	19	13	6	10	6	4
17	Ramgiri Higher Secondary School	24	19	16	3	12	8	4
18	Podagarh	15	10	2	8	10	3	7
Total		237	155	96	59	119	51	68

Inference: The table above shows the existing strength of teachers against the sanctioned strength and also depicts the share of females in teaching staff; non-teaching staffs. Speaking of the HR adequacy, it is observed that only 65 % of the sanctioned strength is present in the schools covered, indicating a vulnerable scenario owing to dearth of staff. On top of that, only 38 % per cent of the existing staff is female further affecting the safety security scenario in the schools. Speaking of CCAs, 57 % are female. In case of SMCs the scenario remains hazy as the school authorities were not able to give a clear picture.

Overcrowding of School Campus:

If one examines the trend, the percentage increase in the literacy rates over 1991 is highest among the ST Female (266.37%) followed by SC Female (183.32%). In addition, there is an additional increase of 10% in enrolment as provided by the policy framework. This establishes that number of girls in the schools has gone up phenomenally. However, when it comes to infrastructure and staff adequacy and capacity, no data was found. As part of study, it was observed that there is overcrowding in the SSD school campus leading to space crunch. In many schools visited it was observed that construction of hostels is in preliminary phase. Interestingly, the fencing for schools is something that is taken up in the end so in 16 out of 18 schools visited some or the other problem related to fencing remains.

Reasons for Dropout:

The department data reveals that 2003-2004 to 2012-113, there has been an alarming dropout of 70 % ST students, especially after the upper primary level and this is attributed to inhibiting factors such as challenges of low access to High Schools in remote tribal pockets, relatively higher educational expenses, high dropout rates owing to inability to cope with the greater academic demands, safety and security concerns of girl students, and pressing livelihoods situation at family front etc. Further to this, the study found reasons such as early marriage, sexual abuse, termination certificates given to students for unknown reasons and absence of follow-up of students passing out after class 8th from Ashram schools. The study sample included 44 % Ashram Schools, and it was found that no system for tracking students after passing out existed at the school level.

In addition, though there are enabling provisions and schemes like Pre and Post-matric scholarships to ST&SC students, bicycle for ST&SC girls pursuing secondary education, free books, & uniforms at the elementary and secondary levels, additional support for education like coaching facilities, promotion of sports and other extra-curricular activities etc; girls who are continuing to stay in Ashram Schools beyond Std VIII (for example in Telipal and Bhimei Ashram school in Balasore) are in gross deprivation and want of these facilities.

B. Understanding on Life Skills and POCSA ACT and the safety and Security guideline: The knowledge on life skill and safety security framework was also found to be inadequate in majority of the cases. Only 40 % of the Head Master/Mistress interviewed showed some understanding on the guideline and life skill curriculum.

C. School Management & Administration:

C.1. Fund Misappropriation and unruly behaviour of CCA:

It was understood from discussions and observation that CCAs indulge in activities which are detrimental to the safety, security of

the boarders especially the girls. There is no clear job description or guideline for the CCAs, which is seen to be resulting in under performance and indulgence in unprescribed activities such as access to hostels for fixing and repair work, etc.

As the appointed CCA are mostly locals and are under no transfer norms in most schools Head Master/Mistress are either unable to control or knowingly ignore their mischief such as cooked and/or uncooked food siphoning from the campus kitchen, drunkenness within the campus and favouritism in food distribution.

Despite the tribal girl boarders being extremely shy and the duration of focus group discussion short, in one school (Telipal Ashram School, Balasore), physical abuse by the CCA came to the fore indicating that such issues might be prevalent in other schools. It was observed in some schools that children are also made to help in the kitchen especially in cleaning activities in the knowledge of staff.

Though no clear evidence emerged considering the paucity of time, the nexus between some Head Masters and CCAs were clearly understood during the discussions with the staff.

C2: Managing the intruders in the School Campus

During the course of the study, it was seen that outsiders such as construction workers, visitors who are not actual guardians, friends and relatives of the teaching and non-teaching staff were present in all schools visited. Paradoxically it was seen that only guardians were made to sign or establish their identity in some cases whereas outsiders were roaming freely inside. In three schools, the girls opened up and shared their threat perceptions especially from construction labour, which included activities peeping into the hostels and their rooms, bath rooms, clicking photographs on mobiles, running up and down on the stairs, being on the roof of girl's hostel, etc.

In 50 % of the schools, owing to poor infrastructure, community intrusion and threat was clearly evident.

C3: Providing a safe environment to senior girl students (Std. IX & X) in Ashram Schools:

During the study it was observed in few schools that the girls passing out from class 8th were still continuing to stay in the Ashram school hostel and commute to nearby high schools. This happens for reasons such as the distance of their native places and their familiarity with the environment. However, these girl students are treated by the school authorities as an extra burden. In schools like Telipal and Bhimei in Balasore, the students do not receive entitlements such as bicycle, uniform, etc. In addition, the SMC, school authorities even the WEOs are systematically contemplating of displacing these senior girls from the campus, without any plans for their readmission in other schools.

C4: Attitude of Staff & School Authorities toward Co-education Facilities

All girls interviewed had no or negligible issues with a co-education facility. Surprisingly however, the school and district authorities were in favour of exclusive gender schools quoting the reason that it would lessen the burden of safety security responsibility of the school administration.

d. Internal & External Coordination

Managing classes as per schedule was not seen in few schools. As the schools are distantly located, for teachers staying outside the campus time adherence presents a challenge.

In terms of external coordination, the Head of 10 % of schools were found to be sound in leveraging resources at block, district and beyond owing to their rapport building and coordination with

district level stakeholders, whereas in poor performing schools, the problems continued without any initiatives from the Head.

e. Quality of Education

E.1. Qualified Staff Teachers and HR adequacy:

In the course of the study it was observed that owing to dearth of teachers, additional teachers have been hired and engaged from outside, who are not adept at handling student at middle and higher level. This fact was corroborated by the Head of Schools and DWOs.

As mentioned in the earlier segment, there are 155 staffs positioned against the sanctioned 237 post in the schools covered, which translates to a saturation level of 65 % pointing at HR inadequacy.

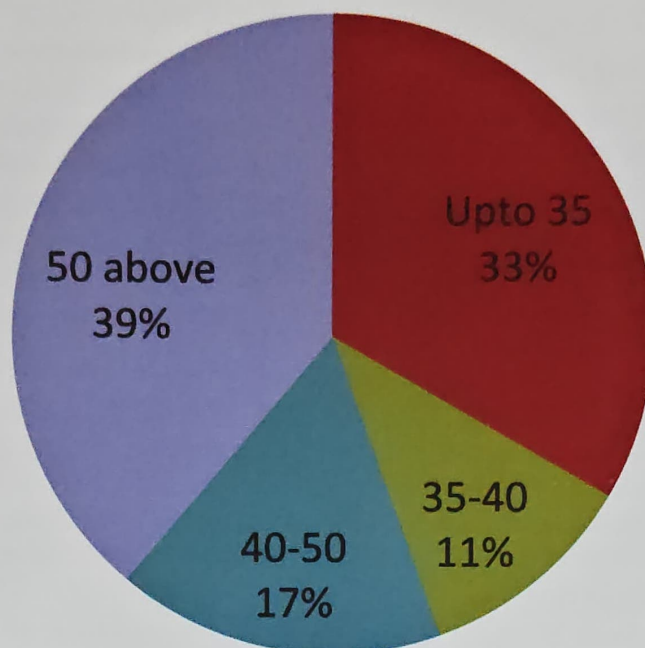
E.2. Teacher Student Ratio:

Table: Teacher Student Ratio

ID	School	Students	Teachers	Teacher :Student Ratio
1	Telipal	715	7	102
2	Tenda	375	16	23
3	Bhimei	155	5	31
4	SS nahandasor	291	10	29.1
5	Batagaon	421	12	35
6	Belghar	488	12	41
7	Urladani	364	5	73
8	Madingpadar	353	8	44
9	Madhupur	671	14	48
10	Jamadarpli	530	6	88
11	Tangarmunda	372	10	37
12	Bhiogra	166	2	83
13	Saptasjya	287	5	57
14	Tapoban	560	16	35
15	Niladriprasad	245	4	61
16	Chandragiri	416	19	22
17	Ramgiri	716	19	38
18	Podagad	603	10	60
	18	7728	180	43

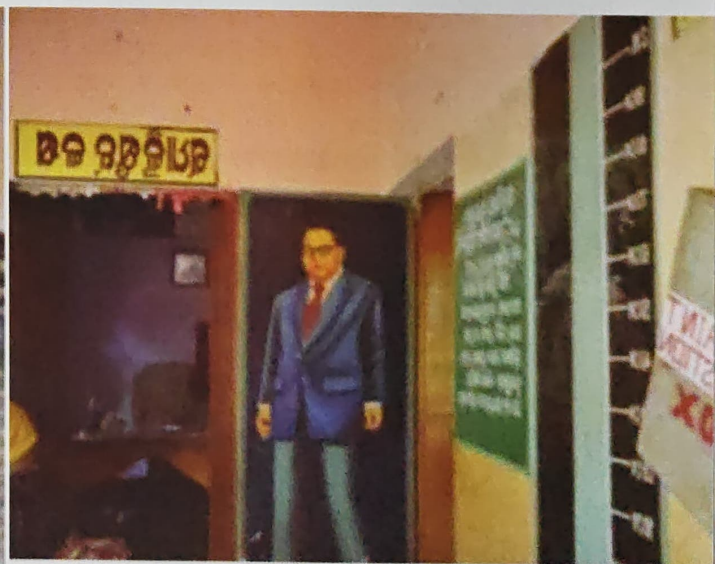
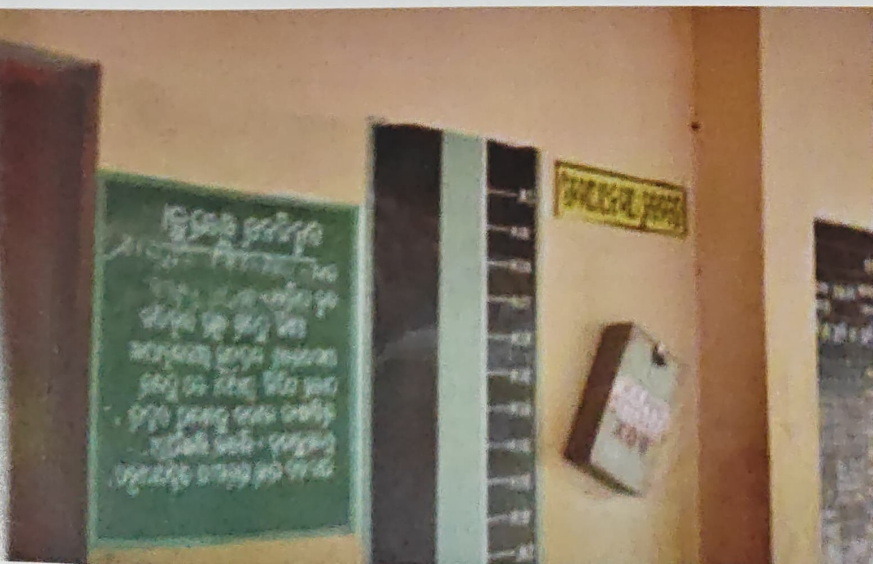
Inference: As per the statutory guideline, the teacher student ratio ideally should be 1:30 for primary level and 1:35 for higher classes. From the table above, however, it is evident that the ratios show high variations- from the lowest of 23 students per teacher in Tenda school (Balasore) to the highest of 102 students per teacher in Telipal school (Balasore). It is to be noted that these schools are separated by a distance of only 2 kilometre only. Moreover, 45 % of schools have ideal to near ideal teacher student distribution whereas 40 % of schools show more than 1:50 ratio. 17 % schools show a distribution of 40 to 50 students per teacher. The overall ratio was found to be 43 students per teacher, which is about 30 % higher than the norm.

Teacher -student Ratio



e. 3. Vacancy of key teaching Staff and physical education teachers:

The head of the institution as well as the students revealed that the teaching staffs are not sufficient. Many key staff like Language, Science and Physical Education teachers was not in position in a number of schools visited. This often leads to unstaffed classes where large number of adolescent boys and girls are crammed in to small classrooms. According to the head of the institution, this presents a challenge in managing the students and results in gross indiscipline bordering on harassment of girl students by their male counterparts. The same was confirmed by the girls during the focus group discussion.



Chapter 4 : Barriers to Obtaining Redress

A. Absence/Inadequacy of Policies and Procedures (obstacles to Seeking Assistance from the Police & pursuing justice)

Though a potent Act such POCSA and safety and security guideline from the line department is in place, a strong implementation is missing. The awareness at the school level is still to be seen. To carry out the policy, systemic framework is absent at the school level as there are no clear guideline on teacher's role has been laid out.

The policy lays down three tier security system, with strict adherence to entry/exist registers. The schools are expected to come with their own ingenious processes to adhere to this. In an encouraging feat, Batagaon Girl's High School(Kandhamal) management has come up with the idea of issuance of identity badges to the registered guardians leading to barring of other people/boys from the community from meeting the girls at whim.

Lack of Integration between the DWO Office & ITDA: The prioritisation of required infrastructure for the schools is missing. Second, constructions are not time bound increasing the threat to boarders. Third, HMs have lesser control on construction at the ground.

Schools often are nuclear entities and vulnerable to community intrusion. In three schools visited (Madingpadar(Kalahandi), Bhimei(Balasore), Tapoban HS(Khurda) there is evidence of community intrusion, which presents potential threat to the female boarders.

Policy is also silent on how to deal with alcoholism by teaching and non-teaching staff. From the FGDs with girls it was understood that such practices instil a fear psyche in girls.

It was found that most schools maintain a register of the menstrual dates for girls. The study team couldn't trace this practice to any existing guideline. This register is then cross verified by The HM, WEOs and DWOs who are mostly men. It was strongly felt that exercise is detrimental to the privacy and dignity of these female boarders.

Though the visitor's register is there in all schools visited, it is only legal guardians who sign in the register. In many places, there is lack manpower to man the entrance.

Policy Paradox: As the policy focus is on safety, schools are grossly misinterpreting the three tier security and putting in practices to curtail the freedom of girl boarders. Practices such as extremely restricted movement, marginalisation of playtime in comparison to boy boarders vindicates this.

Norm prescribes 50 sq ft area as a decent living space for

boarders at the same time, another policy also lays thrust on increasing the enrolment by 10 % every year, making the hostel and classroom infrastructure untenable for the increasing student load. In schools, up to 123 senior class students (boys & girls) are packed into single classrooms with a modest dimension of 20'12' (case Ramgiri in Gajapati district).

The larger roles & responsibility of parents and SMC is not prescribed leading to limited intervention of these entities in mess management and infrastructure. SMC FGDs showed their inability to prioritise safety security issues.

B. Normalizing Abuse

Forms of abuse such as early marriage (found to be existent across schools in all the 10 districts), child labour and community harassment were found to be widely existing in the schools visited. All the stakeholders spanning from teachers, SMCs and community members, however, were somewhat accepting of such deviations.

C. Girl boarders at the receiving end

Since the head of the institution HMs are accountable for any violation, girl boarders are kept under lock & key in 90% of the schools to avoid untoward incidents, hampering their physical and mental expressions. Few cases of unexplained termination certificate issuance were also brought to the notice of study team by the school staff.

As a reflection of gender discrimination, boys were given preferential treatment in terms of extended playtime, greater freedom of movement, etc. In schools like Uraladani, Kalahandi and Ramgiri, Gajapati girl's hostels were in precarious condition unlike their counterpart with no dining space, leaking roofs and no generator facilities.

D. Inadequate Response by School Officials

Most of the time school management though aware of the difficulty faced by girl boarders prefers to keep mum owing to several factors. The instance of Bhimei could be invoked, where there were gross violations by certain miscreants from the community, but the staff and SMC chose to keep quiet about it.

E. Lack of Reporting by Schools

Subsequent to inadequate response, lacks of reporting by schools were also seen. A case in point would be Bhogra school of Sundergarh, where a child of class V delivered a baby in the toilet. The staff -both teaching and non-teaching, feigned ignorance about it till the end.

Chapter 5 : Initiatives by the Schools, Government and Support Agencies

Life Skill Education in Schools

Name of the School	No of teachers trained in life skill	Male	Female
Telipal Co-ed Residential School, Sajnagarh, Nilagiri	0	0	0
School from Std. I up to VIII.			
Tenda Kanyashram, Nilagiri, Exclusive girl's residential school.	3	0	3
Bhimei Girls Residential School, Oupada, Facilities of schooling up to std. VIII.	2	2	0
SS Nahandasole Girls Residential High School, Betonoti , Schooling for boarders up to Std. X	3	2	1
Batagaon Girl's Residential School, Boarders from std. VI to X.	3	1	2
Belghar Co-ed Residential High School	2	1	1
UrlaDani Co-ed School, Std I to Std. VIII	1	1	0
Madingpadar, Std.I to VIII	2	1	1
Madhupur Girl's High School , Std.I to X	3	1	2
Jamadarpalli Ashram School	3	2	1
Tangarmunda Co-ed HS	1	1	0
Bhogra Sevashram School, Kutra	0	0	0
Saptasajya Ashram School	1	0	1
Tapoban High School	3	1	2
Niladriprasad	0	0	0
EMRS Chandragiri	3	1	3
Ramgiri Higher Secondary School	3	3	0
Podagarh Girl's High School	3	2	1
Total no. of schools having LSE : 15 schools	36	19	18

Inference: Of the 18 schools covered only 15 schools had Life Skill Education in some form or the other. Of a total of 36 trained Life skill teachers in these schools less than 50 % were females.

Other Observations: Only 2 of the sample schools had some degree of display and curriculum related to the LSE. On discussion with the life skill educators it was found that there is a level of reluctance in male LSEs to orient senior girl students on the topic. Their knowledge on the curriculum was also found to be wanting.

Matron Placement in Schools

In majority of the schools, it was found that rapport and trust building between the boarders and the Assistant Superintendent is not very strong and students are not opening up to the Superintendent. As they are the first counsellors, they need to have standard understanding on issues and improve their counselling skills

In all the sample schools their knowledge on POCSA and the guideline was found to be negligible or rudimentary at best. Matron appointment in schools across districts is still pending barring Kalahandi. Here the matrons have been posted recently on July 1st and their understanding was found to be wanting as far as safety security issues are concerned.

The orientation of these matrons on hostel management has to be taken up at the earliest.

Pre & Post Vacation Counselling to Parents and Children

PTMs have been initiated in majority of schools irrespective of the participation. Orientation to parents on timely attendance of boarders post vacation. Safety, security of the children when they are off school is also being discussed in this platform. It was however, found that the parents are most often passive in the interactions. As it was found that the top cause of children dropping out post puberty is early marriage and/or involvement in active labour, which are both preventable if the parents are made conscious.

To further strengthen PTMs, they need to be made mandatory and looking at the dispersed geography planning has to be on much prior to the scheduled date. Every quarter PTMs need to be taken up as events. Their involvement has to be upped through some encouragement and parent centric activities. Also the burden of drudgery at home in the form of taking care of the younger siblings, cooking, working in the fields remains a major issue with all the girls at home. Parents could be sensitised to improve nutrition at home and reduce drudgery of the girl child.

School Management Committee & Its Role:

Repeated dissolution of the SMCs doesn't give it a footing on school issues. High handedness of Chairman observed in many schools and conflicts between members. Zero understanding on safety security guideline and no sensitisation from the school side as well. Meetings are not regular and when meetings do happen the discussion are mostly on infrastructure, mess & food

distribution. Safety security issues never feature in the discussion. Child representations in SMCs are for namesake alone. Their participation and involvement was found to be zero in all schools visited. Even in a good rated school like SS Nahandasole student opinion is sought only on matter such as the colour of uniform.

Activities are limited to meetings only and no activism or community involvement was found. They are also unaware of life skills and its necessity for children.

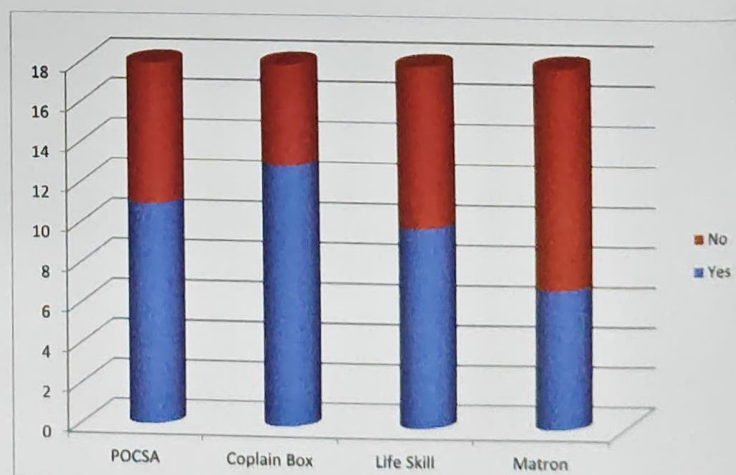
Complaint Boxes & Status of Complaints Received: In most schools complaint boxes were inside or outside the Head Master's chamber. Even when the boxes are in the hostel buildings, girls when asked about the use of the same couldn't respond displaying lack of awareness on the same.

Summary

Poor awareness and implementation deficit was found in conjunction with POCSA, in approx 40 % of the total schools covered. Most of the Head Mast/Mistress are aware on the introduction of the Act, they were however, not familiar with the clauses. It is important to state here that, in a certain school where the flex guideline was displayed, male teachers still accessed the campus with the Asst Superintendent accompanying them.

Approximately 30% schools did not have complain box and even though the rest schools had it systematic entry and documentation of complaints received and action taken details were not found in any school. The few complaints that have been received are mostly on mess management and other petty issues.

Speaking of life skill education, close to 45 % do not have the basic curriculum, sessions or teachers for the purpose. Of the rest 55% schools barring a couple of schools for example SS Nahandasole that have seriously taken up the implementation, rest are only paying a lip service to it. It was found that most of the teachers trained in life skill from the sample schools were male. As a sample two male life skill teachers were interviewed (Urladani, Kalahandi & Tangarmunda, Sambalpur). During the in-depth discussion, they spoke of their 'discomfort' and 'incapability' in teaching life skills to adolescent girls. Furthermore, though the



calendar has been provided, deviations are found in adherence to it. The time allotted, which is typically one session per week seems grossly inadequate. The rapport of the Life Skill Trainers was also found to be very weak.

When we talk of Matron Placement, 40 % of the schools visited had Matrons in place. Their tenure varied from 9 months to 15 days. In the schools where matrons were already in place, no job description and no clear division of responsibility was seen between the Lady CCA, matron and the Asst Superintendent

The Ranking of Schools based on Enabling Environment

The study team, developed a criterion based on indicators such as safe & secure infrastructure, staff adequacy, school environment, Life Skill and supporting institutions, etc. Of the 18 schools visited five schools got a good rating, seven secured average and six were found to be poor performing in terms of safety security environment for the female boarders.

Ranking	Color code	Status
1		Poor
2		Average
3		Good

SL. No.	School	Type	Required infrastructure	Favorable Teacher student ratio	implementing safety and security	Better Learning Environment	Overall Rank
1	Telipal	Ashram	1	1	1	1	4
2	Tenda	Ashram	2	3	2	2	9
3	Bhimei	Ashram	0	3	0	1	4
4	SS Nahandasor	High School	2	3	2	2	9
5	Batagaon	High School	2	3	2	2	9
6	Belghar	High School	1	2	1	2	6
7	Urladani	Ashram	1	2	1	1	5
8	Madingpadar	Ashram	1	2	1	1	5
9	Madhupur	High School	3	2	2	2	9
10	Jamadarpali	Ashram	1	1	2	2	6
11	Tangarmunda	High School	2	3	1	2	8
12	Bhogra	Sevashram	1	2	1	1	5
13	Saptasjya	Ashram	1	2	2	1	6
14	Tapoban	High School	2	3	2	2	9
15	Niladriprasad	Ashram	1	1	3	1	6
16	EMRS-Chandragiri	Model school	2	3	2	2	9
17	Ramgiri	Higher Secondary	1	3	1	1	6
18	Podagad	High School	2	1	1	2	6



Table:

ID	District	Schools covered	Name of the School	Appx Distance from the Dist HQ	POCSA awareness	Complain Box	Life Skill	Matron Placement
1	Koraput	1	Podagarh	30 kms	Y	Y	Y	N
2	Gajapati	2	Chandragiri EMRS Co-ed	75 kms	N	Y	N	Y
			Ramgiri Co-ed Higher Secondary School	45 kms	N	N	N	Y
3	Kalahandi	3	Urladani Co-ed Ashram School	80 kms	N	Y	Y	Y
			Madingapadar Co-ed Ashram School	20 kms	N	Y	N	N
			Madhupur Girls High School	20 kms	Y	Y	Y	Y
4	Kandhamal	2	Batagao Girls Hish School, Baliguda	100 kms from Dist HQ 5kms from SDHQ	Y	Y	Y	N
			Belghar Co-ed High School	150 kms	Y	N	Y	N
5	Mayurbhanj	1	SS Nahandasar Girls High School Betanati	45 kms	Y	Y	Y	N
6	Balasore	3	Tenda Girls High School	23 km	Y	Y	Y	N
			Telipala Co-ed Ashram School	30 km	Y	Y	N	N
			Bhimei Co-ed Ashram School	35 kms	N	N	N	N
7	Khurda	2	Niladriprasad Co-ed Ashram School, Banpur,	95 kms	Y	Y	N	Y
			Tapoban Co-ed HS, Khandagiri, Khurda	35 kms	Y	Y	Y	Y
8	Dhenkanal	1	Saptasajya Co-ed Ashram School, Dhenkanal	15 kms	N	Y	Y	N
9	Sambalpur	2	Jamadaripalli Co-ed Ashram School	10 kms	Y	Y	N	Y
			Tangarmunda Co-ed, HS-Bamra	120 kms	Y	N	Y	N
10	Sundergarh	1	Bhogra Sevashram, Kutra	65 kms	N	N	N	N

Chapter 6 : Recommendations

At School Level

- » SMC to be as per the guideline, made representative and active. Quarterly one meeting to be devoted on safety and security issues and It should be given a greater role in engaging with community and parent counseling
- » A clear role-responsibility and accountability chart for CCAs, Matron and non-teaching staffs
- » Intensive sensitization on POCSA guideline at school level.
- » Focus on learning environment and on quality education:
- » A counseling desk at the school for the parents on the safety and security, early marriages, child labour
- » Clear Charter on entitlement of students and display of the same in public area of school
- » Stringent adherence to the three tier security norm

At District Level

- » Smart intervention w.r.t infrastructure to minimize the risk of abuse/strengthen the safety and security standards
- » Clear process protocol for construction contractors and labourers w.r.t. their entry and exit, access, adherence to the guidance of school staffs, HM to be given a greater say while implementation
- » Life skill: more women teachers including the matron to be trained, more time/session allotment. Rapport building is key
- » Intensive sensitization on POCSA guideline at district, block and school level.
- » The ethical correctness and usefulness of the period register of girl boarders has to be discussed and a correct decision to be taken
- » Coordinated effort by the line offices and other key support providers.

At Policy Level

- » Adequate and trained teachers: the (current ratio ...)making teachers and student ratio favorable, more female to enhance the ratio and responsibility sharing
- » A transfer policy for the CCAs with the HM within district
- » Gradation of school on safety and security parameters and district level plan to dovetail it.
- » A clear protocol for mainstreaming the survivors of the abuse, long absentees and drop out
- » Guideline on no drinking norms

ANNEXUTURE

Annexure

I. List of Students Covered

List of students Covered under the study					
SL	Name	Grade	SL	Name	Grade
District Balasore			District Mayurbhanj		
1. Telipal Co-ed Ashram School			4. SS Nahandasloe Girl's High School		
1	Bhagyarashmi Majhi	7 th	113	Lipi Singh	9 th
2	Para Murmu	7 th	114	Jhuni Palei	9 th
3	Jyotsna Mallick	10 th	115	Dipali Soren	9 th
4	Parvati Hansda	10 th	116	Lilimani Hembrum	10 th
5	Bhagavati Kuanr	10 th	117	Gita Nayak	10 th
6	Bijayineeni Majhi	10 th	118	Jasmita Besra	10 th
7	Mahi Majhi	8 th	119	Sanjukta Singh	9 th
8	Damayanti Hembrum	8 th	120	Laxmipriya Singh	10 th
9	Basanti Murmu	8 th	121	Phulamani Hansda	10 th
10	Jolly Singh	9 th	122	Salge Kishu	9 th
11	Gayatri Majhi	9 th	123	Sarmila Hembrum	9 th
12	Kapura Majhi	9 th	District Dhenkanal		
13	Samari Mardi	9 th	5. Saptasajya Co-ed ME School		
2. Bhomei Girls Ashram School			124	Gurbari Perti	8th
14	Sashmita Lata Singh	10 th	125	Lata Sainya	6th
15	Asha Lata Singh	10 th	126	Sushila Perti	5th
16	Lipi Murmu	10 th	127	Salma Mirmu	8th
17	Tulasi Murmu	10 th	128	Surathi Siddhu	8th
18	Manguli Hansda	10 th	129	Charima Tiria	8th
19	Bharati Soren	6 th	130	Jani Padra	8th
20	Sumitra Singh	10 th	131	Balima Padra	8th
21	Sankhi Hembrum	7 th	132	Sukumari Kala	8th
22	Sushmita Soren	7 th	133	Namsi Palia	7th
23	Simarani Hembrum	7 th	134	Jyotsnarani	7th
3. Tenda Girl's High School			135	Gangi Munda	6th
24	Baby Chitra Singh	10 th	136	Purnami Alda	6th
25	Sulochana Hembrum	10 th	137	Sulekha Chatra	6th
26	Liza Singh	9 th	138	Sujata Kala	6th
27	Debaki Singh	9 th	139	Naina Padra	7th
District Kandhamal			140	Sankra Mardi	8th
6. Badagaon Girl's High School			141	Salge Tudud	7th
28	Anjana barik	10 th	142	Laxmi Muni	7th
29	Sabita Majhia Seth	10 th	143	Jani Jerai	7th

30	Rashmita Mallick	10 th	144	Kabita Gab	7th
31	Puja Mallick	10 th	145	Madakini Hembrum	7th
32	Rupina Mallick	10 th	146	Dulari Murmu	8th
33	Tapaswini Badseth	10 th	147	Sita Murmu	8th
34	Priti Nayak	10 th	148	Chand Khuntia	8th
35	Mirabai Mallick	10 th	149	Kuni Perti	6th
36	Bharati Mallick	10 th	150	Santi Behera	6th
37	Bhawani Mallick	10 th	151	Jatri Behera	6th
38	Gitanjali Mallick	10 th	152	Sangeeta Pradhan	8th
7. Belghar Co-ed High School			153	Tanu Dehury	8th
39	Anjali Nayak	9 th	154	Sunika Gagrai	6th
40	Purnima Nayak	10 th	155	Sombari Pingua	8th
41	Liza Nayak	10 th	156	Dasama Piura	8th
42	Dipali Nayak	10 th	157	Sanghamitra Nayak	8th
43	Sabita Patra	9 th	158	Jyoti Nayak	8th
44	Chumki Patra	10 th	159	Sabitri Soren	8th
45	Rita Majhi	10 th	160	Sabitri Dehury	8th
46	Baijayanti Majhi	10 th	161	Gitanjali Dehury	8th
47	Nikosia Majhia Seth	9 th	162	Charima Chhatra	6th
48	Puspanjali Majhi	10 th	163	Janaki Munda	6th
49	Suranti Mallick	9 th	164	Sumitra Munda	8th
50	Rebati Majhi	10 th	165	Surathi Murmu	6th
Kalahandi District			166	Laxmi Perti	7th
8. Urladani Co-ed Ashram School			167	Jamuna Manara	7th
51	Babita Patra	7 th	168	Janha Murmu	7th
52	Bijuli Nayak	8 th	District Gajapati		
53	Himadri Patra	7 th	10. Chandragiri EMRS		
54	Lalita Majhi	7 th	169	Pratima Mandal	10+2
55	Nilandri Patra	8 th	170	Gayatri Sabar	10+2
56	Alori Majhi	8 th	171	Renima Kaji	10+2
57	Swapna Patra	7 th	172	Bigyanmita Gamanga	10+2
58	Awanti Patra	8 th	173	Rajeswari Behera	10+2
59	Kumbhadei Patra	7 th	174	Sanjukta Raika	10+2
60	Rajani Patra	6 th	175	Urmilla Badaraita	10+2
61	Mamata Patra	7 th	176	Bhabani Nayak	10+2
9. Madingapadar Co-ed Ashram School			177	Bhagyashree Gamang	10+2
62	Sujata Nayak	8 th	178	Swagatika Dev	10+2
63	Sonali Majhi	8 th	179	Padmini Sabar	10+2
64	Damayanti Nayak	7 th	180	Tamal Dalabehera	10+2

65	Debaki Majhi	7 th	181	Sangita Karji	10+2
66	Sankhini Majhi	7 th	182	Nayal Nayak	10+2
67	Satyasila Niali	7 th	183	Justina Nayak	10+2
District Sambalpur			184	Premati Gamanga	10+2
12. Tangarmunda Co-ed HS			185	Jyotsnarani Gamanga	10+2
68	Malen Topno	10 th	186	Banita Pradhan	10+2
69	Lalita Lakra	10 th	187	Urmila Sabar	10+2
70	Riya Dhanwan	10 th	188	Banita Meherda	10+2
71	Sanjita kujur	10 th	189	Sujata Raita	10+2
72	Saloni Dang	10 th	190	Divyani Gamanga	10+2
73	Amrita Majhi	9 th	191	Madhusmita Gamanga	10+2
74	Pratima Tirki	9 th	192	Suchismita Nayak	10+2
75	Mangita Kerketta	9 th	193	Bidyapati Raita	10+2
76	Ujarmani Samal	10 th	11. Ramgiri Co-ed High School +2		
77	Supriya Kujur	9 th	194	Pushpalata Mandal	10th
78	Shivani Lugun	9 th	195	Subhadra Mandal	10th
79	Mamata Majhi	9 th	196	Banita Raita	10th
80	Sunita Lugun	9 th	197	Sukhamani Mandal	10th
81	Sushmita Lugun	10 th	198	Jayanti Pradhan	10th
82	Sushmita Chhatra	10 th	199	Jasmita Badamundi (day Schlr)	10+2
83	Suneli Dang	9 th	District Khurda		
84	Manure Horo	9 th	14. Nilariprasad Co-ed ME School		
85	Telani Topno	10 th	200	Anjali Pradhan	8th
86	Anita Bagh	10 th	201	Swarnaprabha Jani	8th
87	Sujata Tirki	10 th	202	Binita Pradhan	8th
88	Sumita Dang	10 th	203	Santoshi Pradhan	8th
89	Problen Lugun	10 th	204	Pinki Jani	8th
90	Sabita Toppo	9 th	205	Rashmita Pradhan	8th
91	Mamta Panna	10 th	206	Sumitra Jani	8th
92	Gulapi Khujur	9 th	207	Ranu Jani	7th
93	Mahima Horo	9 th	15. Tapoban Co-ed High School		
94	Reena Lakra	9 th	208	Lakhia Murmu (Mbj)	10th
95	Gayatri Khes	9 th	209	Nandini Icchagutu (Mbj)	9th
96	Deepika Majhi	9 th	210	Gitanjali Hial (Mbj)	10th
97	Anjelina Jejo	9 th	211	Salge Soren (Mbj)	10th
13. Jamadarpalli Co-ed Ashram School			212	Payal Pradhan (Kdl)	9th
98	Nandini Kisan	7 th	213	Lakhia Tudu (Mbj)	9th
99	Karishma Budek	7 th	214	Dipanjan Badra (Mbj)	10th
100	Rita Oram	8 th	215	Mamta Hial (Ryda)	10th
101	Yashoda Jauda	8 th	216	Truptimayi Murmu (Jjpr)	10th
102	Jannat Oram	8 th	217	Kajal Behera (Khurda)	10th
103	Sujata Oram	8 th	218	Jamuna Hembrum (Mbj)	10th
104	Dasmali Oram	8 th	219	Phulamani Soren (Mbj)	10th

105	Jati Oram	8 th	220	Sanjukta Dhanuar (Sdgh)	10 th
106	Rinki Kisan	8 th	221	Jinita Badseth (Kdml)	9 th
107	Laxmi Oram	8 th	222	Laxmi Tudu (Mbj)	9 th
108	Jyoti Chura	8 th	223	Malati Hansda (khurda)	10 th
109	Arati Oram	8 th	224	Annapurna Bita (Nbgr)	9 th
110	Sanjana Soren	7 th	225	Nibedita Pradhra (Kdml)	9 th
111	Jyotsna Mirdha	8 th	226	Sumitra Deora (Mbj)	10 th
112	Seema Oram	7 th	227	Rani hembrum (Mbj)	10 th
			228	Smruti Oram (Sdgh)	10 th
District Koraput					
Podagad Girl's High School					
229	Sunamani Saunta	10 th	239	Pallavi Jani	10 th
230	Jambika Saunta	10 th	240	Rajkumari Khara	10 th
231	Jhilita Nayak	10 th	241	Laxmi Sabari	10 th
232	Sunamani Jani	10 th	242	Minati Hikka	10 th
233	Gaudamani Saunta	10 th	243	Runi Majhi	10 th
234	Jasmine Khara	10 th	244	Elampi Majhi	10 th
235	Sudura Saunta	10 th	245	Gangi Paraja	10 th
236	Aparajita Sethy	10 th	246	Deepali Paraja	10 th
237	Namita Muduli	10 th	247	Sunuta Majhi	10 th
238	Trupti Khandapan	10 th	248	Gauri Hikka	9 th



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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No. 34] NEW DELHI, WEDNESDAY, JUNE 20, 2012/ JYAISTHA 30, 1934 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 20th June, 2012/Jyaistha 30, 1934 (Saka)

The following Act of Parliament received the assent of the President on the 19th June, 2012, and is hereby published for general information:—

THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

[No. 32 OF 2012]

[19th June, 2012]

An Act to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto.

WHEREAS clause (3) of article 15 of the Constitution, *inter alia*, empowers the State to make special provisions for children;

AND WHEREAS, the Government of India has acceded on the 11th December, 1992 to the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations, which has prescribed a set of standards to be followed by all State parties in securing the best interests of the child;

AND WHEREAS it is necessary for the proper development of the child that his or her right to privacy and confidentiality be protected and respected by every person by all means and through all stages of a judicial process involving the child;

AND WHEREAS it is imperative that the law operates in a manner that the best interest and well being of the child are regarded as being of paramount importance at every stage, to ensure the healthy physical, emotional, intellectual and social development of the child;

AND WHEREAS the State parties to the Convention on the Rights of the Child are required to undertake all appropriate national, bilateral and multilateral measures to prevent—

(a) the inducement or coercion of a child to engage in any unlawful sexual activity;

(b) the exploitative use of children in prostitution or other unlawful sexual practices;

(c) the exploitative use of children in pornographic performances and materials;

AND WHEREAS sexual exploitation and sexual abuse of children are heinous crimes and need to be effectively addressed.

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Act may be called the Protection of Children from Sexual Offences Act, 2012.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. (1) In this Act, unless the context otherwise requires, —

(a) "aggravated penetrative sexual assault" has the same meaning as assigned to it in section 5;

(b) "aggravated sexual assault" has the same meaning as assigned to it in section 9;

(c) "armed forces or security forces" means armed forces of the Union or security forces or police forces, as specified in the Schedule;

(d) "child" means any person below the age of eighteen years;

(e) "domestic relationship" shall have the same meaning as assigned to it in clause (f) of section 2 of the Protection of Women from Domestic Violence Act, 2005;

(f) "penetrative sexual assault" has the same meaning as assigned to it in section 3;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "religious institution" shall have the same meaning as assigned to it in the Religious Institutions (Prevention of Misuse) Act, 1988;

(i) "sexual assault" has the same meaning as assigned to it in section 7;

(j) "sexual harassment" has the same meaning as assigned to it in section 11;

(k) "shared household" means a household where the person charged with the offence lives or has lived at any time in a domestic relationship with the child;

(l) "Special Court" means a court designated as such under section 28;

(m) "Special Public Prosecutor" means a Public Prosecutor appointed under section 32.

(2) The words and expressions used herein and not defined but defined in the Indian Penal Code, the Code of Criminal Procedure, 1973, the Juvenile Justice (Care and Protection of Children) Act, 2000 and the Information Technology Act, 2000 shall have the meanings respectively assigned to them in the said Codes or the Acts.

43 of 2005.

41 of 1988.

45 of 1860.

2 of 1974.

56 of 2000.

21 of 2000.

CHAPTER II

SEXUAL OFFENCES AGAINST CHILDREN

A.—PENETRATIVE SEXUAL ASSAULT AND PUNISHMENT THEREFOR

Penetrative
sexual assault.

3. A person is said to commit "penetrative sexual assault" if—

(a) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or

(b) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or

(c) he manipulates any part of the body of the child so as to cause penetration into the vagina, urethra, anus or any part of body of the child or makes the child to do so with him or any other person; or

(d) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person.

4. Whoever commits penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may extend to imprisonment for life, and shall also be liable to fine.

Punishment
for
penetrative
sexual assault.

B.—AGGRAVATED PENETRATIVE SEXUAL ASSAULT AND PUNISHMENT THEREFOR

5. (a) Whoever, being a police officer, commits penetrative sexual assault on a child —

Aggravated
penetrative
sexual assault.

(i) within the limits of the police station or premises at which he is appointed; or

(ii) in the premises of any station house, whether or not situated in the police station, to which he is appointed; or

(iii) in the course of his duties or otherwise; or

(iv) where he is known as, or identified as, a police officer; or

(b) whoever being a member of the armed forces or security forces commits penetrative sexual assault on a child—

(i) within the limits of the area to which the person is deployed; or

(ii) in any areas under the command of the forces or armed forces; or

(iii) in the course of his duties or otherwise; or

(iv) where the said person is known or identified as a member of the security or armed forces; or

(c) whoever being a public servant commits penetrative sexual assault on a child; or

(d) whoever being on the management or on the staff of a jail, remand home, protection home, observation home, or other place of custody or care and protection established by or under any law for the time being in force, commits penetrative sexual assault on a child, being inmate of such jail, remand home, protection home, observation home, or other place of custody or care and protection; or

(e) whoever being on the management or staff of a hospital, whether Government or private, commits penetrative sexual assault on a child in that hospital; or

(f) whoever being on the management or staff of an educational institution or religious institution, commits penetrative sexual assault on a child in that institution; or

(g) whoever commits gang penetrative sexual assault on a child.

Explanation.—When a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang penetrative sexual assault within the meaning of this clause and each of such person shall be liable for that act in the same manner as if it were done by him alone; or

(h) whoever commits penetrative sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance; or

(i) whoever commits penetrative sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child; or

(j) whoever commits penetrative sexual assault on a child, which—

(i) physically incapacitates the child or causes the child to become mentally ill as defined under clause (b) of section 2 of the Mental Health Act, 1987 or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or

14 of 1987

(ii) in the case of female child, makes the child pregnant as a consequence of sexual assault;

(iii) inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, or mentally ill to perform regular tasks; or

(k) whoever, taking advantage of a child's mental or physical disability, commits penetrative sexual assault on the child; or

(l) whoever commits penetrative sexual assault on the child more than once or repeatedly; or

(m) whoever commits penetrative sexual assault on a child below twelve years; or

(n) whoever being a relative of the child through blood or adoption or marriage or guardianship or in foster care or having a domestic relationship with a parent of the child or who is living in the same or shared household with the child, commits penetrative sexual assault on such child; or

(o) whoever being, in the ownership, or management, or staff, of any institution providing services to the child, commits penetrative sexual assault on the child; or

(p) whoever being in a position of trust or authority of a child commits penetrative sexual assault on the child in an institution or home of the child or anywhere else; or

(q) whoever commits penetrative sexual assault on a child knowing the child is pregnant; or

(r) whoever commits penetrative sexual assault on a child and attempts to murder the child; or

(s) whoever commits penetrative sexual assault on a child in the course of communal or sectarian violence; or

(t) whoever commits penetrative sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force; or

(u) whoever commits penetrative sexual assault on a child and makes the child to strip or parade naked in public,

is said to commit aggravated penetrative sexual assault.

Punishment
for aggravated
penetrative
sexual assault.

6. Whoever, commits aggravated penetrative sexual assault, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.

C.—SEXUAL ASSAULT AND PUNISHMENT THEREFOR

Sexual assault.

7. Whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault.

8. Whoever, commits sexual assault, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to five years, and shall also be liable to fine.

Punishment for sexual assault.

D.—AGGRAVATED SEXUAL ASSAULT AND PUNISHMENT THEREFOR

9. (a) Whoever, being a police officer, commits sexual assault on a child—

Aggravated sexual assault.

(i) within the limits of the police station or premises where he is appointed; or

(ii) in the premises of any station house whether or not situated in the police station to which he is appointed; or

(iii) in the course of his duties or otherwise; or

(iv) where he is known as, or identified as a police officer; or

(b) whoever, being a member of the armed forces or security forces, commits sexual assault on a child—

(i) within the limits of the area to which the person is deployed; or

(ii) in any areas under the command of the security or armed forces; or

(iii) in the course of his duties or otherwise; or

(iv) where he is known or identified as a member of the security or armed forces; or

(c) whoever being a public servant commits sexual assault on a child; or

(d) whoever being on the management or on the staff of a jail, or remand home or protection home or observation home, or other place of custody or care and protection established by or under any law for the time being in force commits sexual assault on a child being inmate of such jail or remand home or protection home or observation home or other place of custody or care and protection; or

(e) whoever being on the management or staff of a hospital, whether Government or private, commits sexual assault on a child in that hospital; or

(f) whoever being on the management or staff of an educational institution or religious institution, commits sexual assault on a child in that institution; or

(g) whoever commits gang sexual assault on a child.

Explanation.—when a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang sexual assault within the meaning of this clause and each of such person shall be liable for that act in the same manner as if it were done by him alone; or

(h) whoever commits sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance; or

(i) whoever commits sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child; or

(j) whoever commits sexual assault on a child, which—

(i) physically incapacitates the child or causes the child to become mentally ill as defined under clause (f) of section 2 of the Mental Health Act, 1987 or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or

(ii) inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, or mentally ill to perform regular tasks; or

(k) whoever, taking advantage of a child's mental or physical disability, commits sexual assault on the child; or

(l) whoever commits sexual assault on the child more than once or repeatedly; or

(m) whoever commits sexual assault on a child below twelve years; or

(n) whoever, being a relative of the child through blood or adoption or marriage or guardianship or in foster care, or having domestic relationship with a parent of the child, or who is living in the same or shared household with the child, commits sexual assault on such child; or

(o) whoever, being in the ownership or management or staff, of any institution providing services to the child, commits sexual assault on the child in such institution; or

(p) whoever, being in a position of trust or authority of a child, commits sexual assault on the child in an institution or home of the child or anywhere else; or

(q) whoever commits sexual assault on a child knowing the child is pregnant; or

(r) whoever commits sexual assault on a child and attempts to murder the child; or

(s) whoever commits sexual assault on a child in the course of communal or sectarian violence; or

(t) whoever commits sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force; or

(u) whoever commits sexual assault on a child and makes the child to strip or parade naked in public,

is said to commit aggravated sexual assault.

Punishment
for aggravated
sexual assault.

10. Whoever, commits aggravated sexual assault shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.

E.—SEXUAL HARASSMENT AND PUNISHMENT THEREFOR

Sexual
harassment.

11. A person is said to commit sexual harassment upon a child when such person with sexual intent,—

(i) utters any word or makes any sound, or makes any gesture or exhibits any object or part of body with the intention that such word or sound shall be heard, or such gesture or object or part of body shall be seen by the child; or

(ii) makes a child exhibit his body or any part of his body so as it is seen by such person or any other person; or

(iii) shows any object to a child in any form or media for pornographic purposes; or

(iv) repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means; or

(v) threatens to use, in any form of media, a real or fabricated depiction through electronic, film or digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual act; or

(vi) entices a child for pornographic purposes or gives gratification therefor.

Explanation.—Any question which involves “sexual intent” shall be a question of fact.

Punishment
for sexual
harassment.

12. Whoever, commits sexual harassment upon a child shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

CHAPTER III

USING CHILD FOR PORNOGRAPHIC PURPOSES AND PUNISHMENT THEREFOR

Use of child for
pornographic
purposes.

13. Whoever, uses a child in any form of media (including programme or advertisement telecast by television channels or internet or any other electronic form or printed form, whether or not such programme or advertisement is intended for personal use or for distribution), for the purposes of sexual gratification, which includes—

(a) representation of the sexual organs of a child;

(b) usage of a child engaged in real or simulated sexual acts (with or without penetration);

(c) the indecent or obscene representation of a child,
shall be guilty of the offence of using a child for pornographic purposes.

Explanation.—For the purposes of this section, the expression “use a child” shall include involving a child through any medium like print, electronic, computer or any other technology for preparation, production, offering, transmitting, publishing, facilitation and distribution of the pornographic material.

14. (1) Whoever, uses a child or children for pornographic purposes shall be punished with imprisonment of either description which may extend to five years and shall also be liable to fine and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also be liable to fine.

Punishment for using child for pornographic purposes.

(2) If the person using the child for pornographic purposes commits an offence referred to in section 3, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

(3) If the person using the child for pornographic purposes commits an offence referred to in section 5, by directly participating in pornographic acts, he shall be punished with rigorous imprisonment for life and shall also be liable to fine.

(4) If the person using the child for pornographic purposes commits an offence referred to in section 7, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than six years but which may extend to eight years, and shall also be liable to fine.

(5) If the person using the child for pornographic purposes commits an offence referred to in section 9, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than eight years but which may extend to ten years, and shall also be liable to fine.

15. Any person, who stores, for commercial purposes any pornographic material in any form involving a child shall be punished with imprisonment of either description which may extend to three years or with fine or with both.

Punishment for storage of pornographic material involving child.

CHAPTER IV

ABETMENT OF AND ATTEMPT TO COMMIT AN OFFENCE

16. A person abets an offence, who—

Abetment of an offence.

First.—Instigates any person to do that offence; or

Secondly.—Engages with one or more other person or persons in any conspiracy for the doing of that offence, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that offence; or

Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that offence.

Explanation I.—A person who, by wilful misrepresentation, or by wilful concealment of a material fact, which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure a thing to be done, is said to instigate the doing of that offence.

Explanation II.—Whoever, either prior to or at the time of commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

Explanation III.—Whoever employ, harbours, receives or transports a child, by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position, vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of any offence under this Act, is said to aid the doing of that act.

17. Whoever abets any offence under this Act, if the act abetted is committed in consequence of the abetment, shall be punished with punishment provided for that offence.

Punishment for abetment.

Explanation.—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy or with the aid, which constitutes the abetment.

18. Whoever attempts to commit any offence punishable under this Act or to cause such an offence to be committed, and in such attempt, does any act towards the commission of the offence, shall be punished with imprisonment of any description provided for the

Punishment for attempt to commit an offence.

offence, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence or with fine or with both.

CHAPTER V

PROCEDURE FOR REPORTING OF CASES

Reporting of offences.

19. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any person (including the child), who has apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed, he shall provide such information to,—

- (a) the Special Juvenile Police Unit; or
- (b) the local police.

(2) Every report given under sub-section (1) shall be—

- (a) ascribed an entry number and recorded in writing;
- (b) be read over to the informant;
- (c) shall be entered in a book to be kept by the Police Unit.

(3) Where the report under sub-section (1) is given by a child, the same shall be recorded under sub-section (2) in a simple language so that the child understands contents being recorded.

(4) In case contents are being recorded in the language not understood by the child or wherever it is deemed necessary, a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, shall be provided to the child if he fails to understand the same.

(5) Where the Special Juvenile Police Unit or local police is satisfied that the child against whom an offence has been committed is in need of care and protection, then, it shall, after recording the reasons in writing, make immediate arrangement to give him such care and protection (including admitting the child into shelter home or to the nearest hospital) within twenty-four hours of the report, as may be prescribed.

(6) The Special Juvenile Police Unit or local police shall, without unnecessary delay but within a period of twenty-four hours, report the matter to the Child Welfare Committee and the Special Court or where no Special Court has been designated, to the Court of Session, including need of the child for care and protection and steps taken in this regard.

(7) No person shall incur any liability, whether civil or criminal, for giving the information in good faith for the purpose of sub-section (1).

Obligation of media, studio and photographic facilities to report cases.

20. Any personnel of the media or hotel or lodge or hospital or club or studio or photographic facilities, by whatever name called, irrespective of the number of persons employed therein, shall, on coming across any material or object which is sexually exploitative of the child (including pornographic, sexually-related or making obscene representation of a child or children) through the use of any medium, shall provide such information to the Special Juvenile Police Unit, or to the local police, as the case may be.

Punishment for failure to report or record a case.

21. (1) Any person, who fails to report the commission of an offence under sub-section (1) of section 19 or section 20 or who fails to record such offence under sub-section (2) of section 19 shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

(2) Any person, being in-charge of any company or an institution (by whatever name called) who fails to report the commission of an offence under sub-section (1) of section 19 in respect of a subordinate under his control, shall be punished with imprisonment for a term which may extend to one year and with fine.

(3) The provisions of sub-section (1) shall not apply to a child under this Act.

Punishment for false complaint or false information.

22. (1) Any person, who makes false complaint or provides false information against any person, in respect of an offence committed under sections 3, 5, 7 and section 9, solely with the intention to humiliate, extort or threaten or defame him, shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

(2) Where a false complaint has been made or false information has been provided by a child, no punishment shall be imposed on such child.

(3) Whoever, not being a child, makes a false complaint or provides false information against a child, knowing it to be false, thereby victimising such child in any of the offences under this Act, shall be punished with imprisonment which may extend to one year or with fine or with both.

2 of 1974

23. (1) No person shall make any report or present comments on any child from any form of media or studio or photographic facilities without having complete and authentic information, which may have the effect of lowering his reputation or infringing upon his privacy.

Procedure for media.

(2) No reports in any media shall disclose, the identity of a child including his name, address, photograph, family details, school, neighbourhood or any other particulars which may lead to disclosure of identity of the child:

Provided that for reasons to be recorded in writing, the Special Court, competent to try the case under the Act, may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

(3) The publisher or owner of the media or studio or photographic facilities shall be jointly and severally liable for the acts and omissions of his employee.

(4) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be liable to be punished with imprisonment of either description for a period which shall not be less than six months but which may extend to one year or with fine or with both.

CHAPTER VI

PROCEDURES FOR RECORDING STATEMENT OF THE CHILD

24. (1) The statement of the child shall be recorded at the residence of the child or at a place where he usually resides or at the place of his choice and as far as practicable by a woman police officer not below the rank of sub-inspector.

Recording of statement of a child.

(2) The police officer while recording the statement of the child shall not be in uniform.

(3) The police officer making the investigation, shall, while examining the child, ensure that at no point of time the child come in the contact in any way with the accused.

(4) No child shall be detained in the police station in the night for any reason.

(5) The police officer shall ensure that the identity of the child is protected from the public media, unless otherwise directed by the Special Court in the interest of the child.

25. (1) If the statement of the child is being recorded under section 164 of the Code of Criminal Procedure, 1973 (herein referred to as the Code), the Magistrate recording such statement shall, notwithstanding anything contained therein, record the statement as spoken by the child:

Recording of statement of a child by Magistrate.

Provided that the provisions contained in the first proviso to sub-section (1) of section 164 of the Code shall, so far it permits the presence of the advocate of the accused shall not apply in this case.

(2) The Magistrate shall provide to the child and his parents or his representative, a copy of the document specified under section 207 of the Code, upon the final report being filed by the police under section 173 of that Code.

26. (1) The Magistrate or the police officer, as the case may be, shall record the statement as spoken by the child in the presence of the parents of the child or any other person in whom the child has trust or confidence.

Additional provisions regarding statement to be recorded.

(2) Wherever necessary, the Magistrate or the police officer, as the case may be, may take the assistance of a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, while recording the statement of the child.

(3) The Magistrate or the police officer, as the case may be, may, in the case of a child having a mental or physical disability, seek the assistance of a special educator or any person familiar with the manner of communication of the child or an expert in that field, having such qualifications, experience and on payment of such fees as may be prescribed, to record the statement of the child.

(4) Wherever possible, the Magistrate or the police officer, as the case may be, shall ensure that the statement of the child is also recorded by audio-video electronic means.

Medical
examination
of a child.

27. (1) The medical examination of a child in respect of whom any offence has been committed under this Act, shall, notwithstanding that a First Information Report or complaint has not been registered for the offences under this Act, be conducted in accordance with section 164A of the Code of Criminal Procedure, 1973.

2 of 1974.

(2) In case the victim is a girl child, the medical examination shall be conducted by a woman doctor.

(3) The medical examination shall be conducted in the presence of the parent of the child or any other person in whom the child reposes trust or confidence.

(4) Where, in case the parent of the child or other person referred to in sub-section (3) cannot be present, for any reason, during the medical examination of the child, the medical examination shall be conducted in the presence of a woman nominated by the head of the medical institution.

CHAPTER VII

SPECIAL COURTS

Designation
of Special
Courts.

28. (1) For the purposes of providing a speedy trial, the State Government shall in consultation with the Chief Justice of the High Court, by notification in the Official Gazette, designate for each district, a Court of Session to be a Special Court to try the offences under the Act:

Provided that if a Court of Session is notified as a children's court under the Commissions for Protection of Child Rights Act, 2005 or a Special Court designated for similar purposes under any other law for the time being in force, then, such court shall be deemed to be a Special Court under this section.

4 of 2006.

(2) While trying an offence under this Act, a Special Court shall also try an offence [other than the offence referred to in sub-section (1)], with which the accused may, under the Code of Criminal Procedure, 1973, be charged at the same trial.

2 of 1974.

(3) The Special Court constituted under this Act, notwithstanding anything in the Information Technology Act, 2000, shall have jurisdiction to try offences under section 67B of that Act in so far as it relates to publication or transmission of sexually explicit material depicting children in any act, or conduct or manner or facilitates abuse of children online.

21 of 2000.

Presumption
as to certain
offences.

29. Where a person is prosecuted for committing or abetting or attempting to commit any offence under sections 3, 5, 7 and section 9 of this Act, the Special Court shall presume, that such person has committed or abetted or attempted to commit the offence, as the case may be unless the contrary is proved.

Presumption
of culpable
mental state.

30. (1) In any prosecution for any offence under this Act which requires a culpable mental state on the part of the accused, the Special Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

(2) For the purposes of this section, a fact is said to be proved only when the Special Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.

Explanation.—In this section, "culpable mental state" includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact.

Application of
Code of
Criminal
Procedure,
1973 to
proceedings
before a
Special Court.

31. Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 (including the provisions as to bail and bonds) shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Sessions and the person conducting a prosecution before a Special Court, shall be deemed to be a Public Prosecutor.

2 of 1974.

32. (1) The State Government shall, by notification in the Official Gazette, appoint a Special Public Prosecutor for every Special Court for conducting cases only under the provisions of this Act.

Special Public
Prosecutors.

(2) A person shall be eligible to be appointed as a Special Public Prosecutor under sub-section (1) only if he had been in practice for not less than seven years as an advocate.

(3) Every person appointed as a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973 and provision of that Code shall have effect accordingly.

2 of 1974.

CHAPTER VIII

PROCEDURE AND POWERS OF SPECIAL COURTS AND RECORDING OF EVIDENCE

33. (1) A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report of such facts.

Procedure and
powers of
Special Court.

(2) The Special Public Prosecutor, or as the case may be, the counsel appearing for the accused shall, while recording the examination-in-chief, cross-examination or re-examination of the child, communicate the questions to be put to the child to the Special Court which shall in turn put those questions to the child.

(3) The Special Court may, if it considers necessary, permit frequent breaks for the child during the trial.

(4) The Special Court shall create a child-friendly atmosphere by allowing a family member, a guardian, a friend or a relative, in whom the child has trust or confidence, to be present in the court.

(5) The Special Court shall ensure that the child is not called repeatedly to testify in the court.

(6) The Special Court shall not permit aggressive questioning or character assassination of the child and ensure that dignity of the child is maintained at all times during the trial.

(7) The Special Court shall ensure that the identity of the child is not disclosed at any time during the course of investigation or trial:

Provided that for reasons to be recorded in writing, the Special Court may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

Explanation.—For the purposes of this sub-section, the identity of the child shall include the identity of the child's family, school, relatives, neighbourhood or any other information by which the identity of the child may be revealed.

(8) In appropriate cases, the Special Court may, in addition to the punishment, direct payment of such compensation as may be prescribed to the child for any physical or mental trauma caused to him or for immediate rehabilitation of such child.

(9) Subject to the provisions of this Act, a Special Court shall, for the purpose of the trial of any offence under this Act, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session, and as far as may be, in accordance with the procedure specified in the Code of Criminal Procedure, 1973 for trial before a Court of Session.

2 of 1974.

34. (1) Where any offence under this Act is committed by a child, such child shall be dealt with under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000.

56 of 2000.

Procedure in
case of
commission of
offence by
child and
determination
of age by
Special Court.

(2) If any question arises in any proceeding before the Special Court whether a person is a child or not, such question shall be determined by the Special Court after satisfying itself about the age of such person and it shall record in writing its reasons for such determination.

(3) No order made by the Special Court shall be deemed to be invalid merely by any subsequent proof that the age of a person as determined by it under sub-section (2) was not the correct age of that person.

Period for recording of evidence of child and disposal of case.

35. (1) The evidence of the child shall be recorded within a period of thirty days of the Special Court taking cognizance of the offence and reasons for delay, if any, shall be recorded by the Special Court.

(2) The Special Court shall complete the trial, as far as possible, within a period of one year from the date of taking cognizance of the offence.

Child not to see accused at the time of testifying.

36. (1) The Special Court shall ensure that the child is not exposed in any way to the accused at the time of recording of the evidence, while at the same time ensuring that the accused is in a position to hear the statement of the child and communicate with his advocate.

(2) For the purposes of sub-section (1), the Special Court may record the statement of a child through video conferencing or by utilising single visibility mirrors or curtains or any other device.

Trials to be conducted in camera.

37. The Special Court shall try cases *in camera* and in the presence of the parents of the child or any other person in whom the child has trust or confidence:

Provided that where the Special Court is of the opinion that the child needs to be examined at a place other than the court, it shall proceed to issue a commission in accordance with the provisions of section 284 of the Code of Criminal Procedure, 1973.

2 of 1974.

Assistance of an interpreter or expert while recording evidence of child.

38. (1) Wherever necessary, the Court may take the assistance of a translator or interpreter having such qualifications, experience and on payment of such fees as may be prescribed, while recording the evidence of the child.

(2) If a child has a mental or physical disability, the Special Court may take the assistance of a special educator or any person familiar with the manner of communication of the child or an expert in that field, having such qualifications, experience and on payment of such fees as may be prescribed to record the evidence of the child.

CHAPTER IX

MISCELLANEOUS

Guidelines for child to take assistance of experts, etc.

39. Subject to such rules as may be made in this behalf, the State Government shall prepare guidelines for use of non-governmental organisations, professionals and experts or persons having knowledge of psychology, social work, physical health, mental health and child development to be associated with the pre-trial and trial stage to assist the child.

Right of child to take assistance of legal practitioner.

40. Subject to the proviso to section 301 of the Code of Criminal Procedure, 1973 the family or the guardian of the child shall be entitled to the assistance of a legal counsel of their choice for any offence under this Act:

2 of 1974.

Provided that if the family or the guardian of the child are unable to afford a legal counsel, the Legal Services Authority shall provide a lawyer to them.

Provisions of sections 3 to 13 not to apply in certain cases.

41. The provisions of sections 3 to 13 (both inclusive) shall not apply in case of medical examination or medical treatment of a child when such medical examination or medical treatment is undertaken with the consent of his parents or guardian.

Alternative punishment.

42. Where an act or omission constitute an offence punishable under this Act and also under any other law for the time being in force, then, notwithstanding anything contained in any law for the time being in force, the offender found guilty of such offence shall be liable to punishment only under such law or this Act as provides for punishment which is greater in degree.

43. The Central Government and every State Government, shall take all measures to ensure that—

Public
awareness
about Act

(a) the provisions of this Act are given wide publicity through media including the television, radio and the print media at regular intervals to make the general public, children as well as their parents and guardians aware of the provisions of this Act;

(b) the officers of the Central Government and the State Governments and other concerned persons (including the police officers) are imparted periodic training on the matters relating to the implementation of the provisions of the Act.

4 of 2006.

44. (1) The National Commission for Protection of Child Rights constituted under section 3, or as the case may be, the State Commission for Protection of Child Rights constituted under section 17, of the Commissions for Protection of Child Rights Act, 2005, shall, in addition to the functions assigned to them under that Act, also monitor the implementation of the provisions of this Act in such manner as may be prescribed.

Monitoring of
implementation
of Act.

4 of 2006.

(2) The National Commission or, as the case may be, the State Commission, referred to in sub-section (1), shall, while inquiring into any matter relating to any offence under this Act, have the same powers as are vested in it under the Commissions for Protection of Child Rights Act, 2005.

4 of 2006.

(3) The National Commission or, as the case may be, the State Commission, referred to in sub-section (1), shall, also include, its activities under this section, in the annual report referred to in section 16 of the Commissions for Protection of Child Rights Act, 2005.

45. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make
rules.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the qualifications and experience of, and the fees payable to, a translator or an interpreter, a special educator or any person familiar with the manner of communication of the child or an expert in that field, under sub-section (4) of section 19; sub-sections (2) and (3) of section 26 and section 38;

(b) care and protection and emergency medical treatment of the child under sub-section (5) of section 19;

(c) the payment of compensation under sub-section (8) of section 33;

(d) the manner of periodic monitoring of the provisions of the Act under sub-section (1) of section 44.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

46. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removal of the difficulty:

Power to
remove
difficulties.

Provided that no order shall be made under this section after the expiry of the period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

THE SCHEDULE

[See section 2(c)]

ARMED FORCES AND SECURITY FORCES CONSTITUTED UNDER

- (a) The Air Force Act, 1950 (45 of 1950);
- (b) The Army Act, 1950 (46 of 1950);
- (c) The Assam Rifles Act, 2006 (47 of 2006);
- (d) The Bombay Home Guard Act, 1947 (3 of 1947);
- (e) The Border Security Force Act, 1968 (47 of 1968);
- (f) The Central Industrial Security Force Act, 1968 (50 of 1968);
- (g) The Central Reserve Police Force Act, 1949 (66 of 1949);
- (h) The Coast Guard Act, 1978 (30 of 1978);
- (i) The Delhi Special Police Establishment Act, 1946 (25 of 1946);
- (j) The Indo-Tibetan Border Police Force Act, 1992 (35 of 1992);
- (k) The Navy Act, 1957 (62 of 1957);
- (l) The National Investigation Agency Act, 2008 (34 of 2008);
- (m) The National Security Guard Act, 1986 (47 of 1986);
- (n) The Railway Protection Force Act, 1957 (23 of 1957);
- (o) The Sashastra Seema Bal Act, 2007 (53 of 2007);
- (p) The Special Protection Group Act, 1988 (34 of 1988);
- (q) The Territorial Army Act, 1948 (56 of 1948);
- (r) The State police forces (including armed constabulary) constituted under the State laws to aid the civil powers of the State and empowered to employ force during internal disturbances or otherwise including armed forces as defined in clause (a) of section 2 of the Armed Forces (Special Powers) Act, 1958 (28 of 1958).

V. K. BHASIN,
Secretary to the Govt. of India.

GOVERNMENT OF ODISHA
ST & SC DEVELOPMENT DEPARTMENT

No. 33963 /SSD., Dated Bhubaneswar the, 24.12.2014,
Edn-I (P)- 57/2014

From

Sri Surendra Kumar, IAS
Commissioner-cum- Secretary to Govt.

To

All Collectors.

Sub:- Guidelines to ensure safety and security of students in Schools & Hostels under ST & SC Dev. Deptt., Govt. of Odisha.

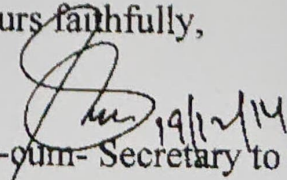
Madam/Sir,

With reference to the subject cited above, I am directed to say that this Deptt. operates a number of Residential Schools where ST & SC boarders were provided free lodging and boarding facilities. While various initiatives are being taken at the policy level, there is constant need to monitor safety these boarders / students especially in Residential Schools/ Residential High schools/ Sevashrams/ Ashram Schools / Hostels. This Deptt. has issued various circulars from time to time for safety and security of students in Schools & Hostels. However, there have been increasing instance of sexual harassment and abused of the school & hostel mess in many Residential Schools in recent past leading to distress among the students/ boarders.

Accordingly, I am directed to communicate herewith a standard guideline to ensure safety and security of students in Schools & Hostels under ST & SC Dev. Deptt., Govt. of Odisha. This guidelines also specifies the responsibility and accountability at various levels. All HMs/ HMs/ Head of Educational Institutions/ Supdt. of hostels and Asst. Supdts. of the hostels should be directed to strictly follow the guidelines.

Any deviation from these guidelines should be firmly dealt and prompt action shall be taken immediately.

Yours faithfully,

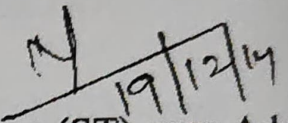

Commissioner-cum- Secretary to Govt.

P.T.O.

Memo No. 33964 /SSD dt. 24.12.2014

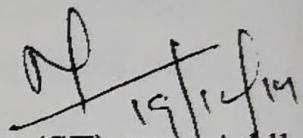
Copy forwarded to all PA, ITDAs/ DWOs/ Inspector of Schools (SSD)/ D.I. of Schools (SSD)/ Special Officers, Micro Projects/ Principals of EMRSs for information and necessary action.

All DWOs are directed to communicate a copy of the guidelines to all WEOs, HMs/ HMs and Asst. Superintendent of hostels within one week. A detailed briefing of the guidelines should be given to all WEOs, HM/HMs and Asst. hostel Superintendents during the next monthly review meeting conducted by the DWOs.


Director (ST)-cum-Addl.
Secretary to Govt.

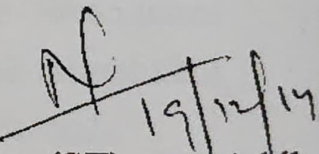
Memo No. 33965 /SSD dt. 24.12.2014

Copy forwarded to the Secretaries to Govt. of all Deptts. for kind information and necessary action.


Director (ST)-cum-Addl.
Secretary to Govt.

Memo No. 33966 /SSD dt. 24.12.2014

Copy forwarded to Special Officer, Statistics Cell, ST & SC Dev. Deptt. for webhosting of the above in the Deptt. website.


Director (ST)-cum-Addl.
Secretary to Govt.

GUIDELINES
TO
ENSURE SAFETY AND SECURITY OF STUDENTS IN
SCHOOLS AND HOSTELS UNDER
ST & SC DEVELOPMENT DEPARTMENT
GOVT. OF ODISHA

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- **INTRODUCTION**

The Scheduled Tribes and Scheduled Castes Development Department is the nodal Department of the State Government for the welfare of the ST & SC communities. There are 1670 residential schools with over 4700 hostels functioning under the department. There about 450,000 students studying in these schools of which about 60 % are girls.

The department accords high importance to the safety of girls and boys in schools and hostels with particular attention to prevent any form of sexual exploitation and abuse. In order to ensure the students are free from any form of abuse and exploitation, stringent mechanisms will be put in place; all teaching and non-teaching staff oriented on their code of conduct and responsibilities; and students trained on life skills to prevent and deal with such situations.

- **OBJECTIVE OF GUIDELINES**

The aim of these guidelines is to create an enabling environment for students in schools and hostels and to protect them from any act of sexual harassment and abuse, define mechanisms for raising awareness among staff and students and setting a process of accepting complaints from students, their investigation and appropriate actions there off. These include:

- To suggest measures for prevention of sexual abuse of all students, especially girls in the residential schools, by providing a congenial and safe atmosphere for continuing education and realizing their full potential.
- To sensitize the employees on the prevention of sexual abuse of students and establish stringent measures for action against persons indulging in such acts.
- Educate students especially the girls through life skills education approach on their safety and to guard themselves against it.

- **SCOPE / APPLICABILITY**

These guidelines are applicable to all employees (regular and contractual, teaching and non-teaching) and students residing in and/or studying at Sevasharm, Ashram, High Schools, Higher Secondary Schools, Educational Complexes for the PVTGs and the

Ekalavya Model Residential Schools (EMRS) under the Department of ST&SC Development, Government of Odisha.

• LEGAL PROVISIONS

4.1 The Juvenile Justice (Care and Protection of Children) Act, 2000 and its subsequent amendment in the year 2006 provides a framework for the protection, treatment and rehabilitation of children in the preview of the juvenile justice system. This Act also focuses on the protection of the rights of the children especially right to protection from violence, abuse and neglect.

4.2 The Right of Children to Free and Compulsory Education Act 2009 makes education fundamental right of every child between the ages of 6 and 14 and prescribes norms for child friendly schools.

4.3 Protection of Children from Sexual Offences (POCSO) Act, 2012 is a specialized Act which provides protection to all children under the age of 18 years from offences of sexual assault, sexual harassment and pornography. Punishment for Offences covered in the Act is:

- Penetrative Sexual Assault (Section 3) - Not less than seven years which may extend to imprisonment for life and fine (Section 4)
- Aggravated Penetrative Sexual Assault (Section 5) - Not less than ten years which may extend to imprisonment for life, and fine (Section 6)
- Sexual Assault (Section 7) - Not less than three years which may extend to five years, and fine (Section 8)
- Aggravated Sexual Assault (Section 9) - Not less than five years which may extend to seven years and fine (Section 10)
- Sexual Harassment of the Child (Section 11) - Three years and fine (Section 12)
- Use of Child for Pornographic Purposes (Section 13) - Five years and fine and in the event of subsequent conviction, seven years and fine (Section 1a (1))

A sexual assault shall be considered to be aggravated when the abused child is mentally ill or the abuse is committed by a person in a position of trust of authority vis-a-vis the child like a family member, police officer, teacher, or doctor.

The POCSO Act recognizes that the intent to commit an offence, even when unsuccessful for whatever reason, needs to be penalized. It also provides for abetment of the offence which is the same as commission of offence.

The implementation of the above mentioned Act is being monitored by the Odisha State commission for Protection of child Rights in the State.

The provisions in the above mentioned Act empowers the department to lay down guidelines for schools and hostels where children study and/or housed, so as to ensure safety of children.

5.0 MEASURES FOR PREVENTION AND PROTECTION FROM ABUSE

• CODE OF CONDUCT AND DUTIES OF STAFF

- All teaching and non-teaching staff shall respect the dignity and privacy of the student, and shall not commit any act that may be construed as one amounting to sexual abuse of the child.
- All employees shall be courteous and polite to students and take steps to ensure that the students are assured that they are studying and living in a safe environment.
- The Head Master/Head Mistress/Principal shall ensure staff receive continued orientation on the prevention, identification, and reporting of child sexual abuse and sexual violence. Teaching and non-teaching staff including Assistant Superintendents of hostels, matrons, ANMs, cook-cum-attendants, watchman, peon and such others persons shall be oriented to understand the basic characteristics of a sexual abuse, the process used by an abuser to choose and prepare a child for abuse, key indicators of sexual abuse, and be prepared to respond immediately to such behavior.
- All teaching and non-teaching staff shall remain vigilant and convey their apprehension or knowledge of sexual abuse of any student to the appropriate authority immediately. The authorities include Head Master/Head Mistress, Principal, Welfare Extension Officer, BDO, District Welfare Officer or the District Collector.
- There will be a Zero Tolerance Policy for any sexual offences against students by teaching and non-teaching staff. Any violation of this policy shall be dealt promptly and in the most stringent manner. Any sexual offences against any student will be treated as

a major offence under the Odisha OCS (CC&A) rules 1962 and shall be liable for dismissal from service.

- No student should be asked to go to any staff quarters/residential premises for any reason whatsoever. In case there is any need for interaction between an employee and student outside the classroom or school premises, permission must be sought in advance from the Assistant Superintendent and or Matron.
- No male teaching and non-teaching staff and inspecting officials shall enter girls' hostels unless he is accompanied by the Assistant Hostel Superintendent/Matron or a lady teacher designated by the Hostel Superintendent/Matron.
- Assistant Hostel Superintendent/ Matron and ANMs shall ensure that each student is provided immediate and adequate care including medical care in the event of any sexual abuse. Students must be encouraged to report and seek advice for any medical needs.
- The Headmaster/Headmistress/Principal shall conduct weekly review meetings on security and safety concerns of students with the Hostel Superintendent, Matron, nodal teachers and school cabinet members.

CODE OF CONDUCT FOR STUDENTS

- No student shall maintain any socially undesirable relationship with any teaching or non-teaching staff of the school.
- Every student must respect dignity and maintain an attitude of respect and friendship towards his or her fellow students.
- No student shall keep any intoxicant, such as *panmasala*, alcohol or cigarettes, within the school premises and hostels.
- No male student shall enter a girls' hostel and vice versa.
- All students must maintain an attitude of concern for the welfare of other students. Any information regarding the illness of a fellow student must be raised and reported to the Assistant Hostel Superintendent/Matron/ANM.

- Any student experiencing sexual abuse, exploitation or ill treatment shall immediately report the matter to the Assistant Hostel Superintendent and Matron or write a complaint and drop it in the compliant box.
- Any student experiencing sexual abuse or a student having information of sexual abuse occurring to fellow students shall immediately report such incidents to the Assistant Hostel Superintendent/ Matron or write a complaint and drop it in the compliant box.

- **INTERACTION BETWEEN STAFF AND STUDENTS**

- Every student shall be assured that they have the right to share and discuss any concern that they may have regarding their safety and security with the Headmaster/Headmistress, Teachers, Assistant Hostel Superintendent and Matron. The concerned staff members shall ensure that they are easily accessible to the students.
- Adequate and age-appropriate information shall be provided to students to recognize a "good touch and bad touch" and be encouraged to report any fears they may have regarding any unwanted advances made against them.
- Students shall be empowered with life skills to handle cases of abuse and harassment effectively. Besides, knowledge on Adolescent Sexual and Reproductive health would help them in handling challenges of growing up.
- Every student who reports any incident or fear of sexual abuse should be assured that their identity shall be kept confidential.
- A group of ten students representing each class having leadership qualities shall be identified by the Assistant Superintendent/Matron and oriented to become Peer Leaders, so that they can also help in identifying and reporting incidents of sexual abuse.
- Bi-annual competitions such as debates, elocution, painting and others shall be conducted by the Head Master/Head Mistress in order to create awareness on matters of sexual abuse, exploitation, Harassment and enabling Life Skills.

- Parents/ guardians of the students must also be encouraged to raise any concerns they may have at the Parent-Teacher Meetings.

- **ENVIRONMENTAL SAFEGUARDS**

- Assistant Hostel Superintendents, Matrons and Cook-cum-Attendants engaged at girl's hostels shall compulsorily be women.

- The Assistant Hostel Superintendent/Matron shall stay in the hostel campus. Wherever Lady Watch and Ward are engaged, they shall invariably stay in the girl's hostel.

- The Head Master/Head Mistress/Principal shall conduct a criminal history assessment for all employees (teaching and non-teaching) who are working with or around students with the local police station.

- No male members, including husband, of the lady Superintendent, Matron, Cook-cum-Attendant etc shall be allowed to stay in the girls' hostel campus.

- Adequate lighting facility shall be ensured to enable students to move safely within the school and hostel premises.

- It shall be the duty of the Assistant Hostel Superintendent/Matron to ensure that all doors and other entrances to hostels are properly secured at night.

- Areas not used for teaching or recreational purposes shall be secured to prevent children from being isolated (e.g., storerooms, unused rooms, buildings under construction).

- Adequate and separate toilet and bathroom facilities must be provided for boys and girls in schools and in hostels

- No guests shall be allowed to stay overnight in any hostel premises.

- A complaint box shall be placed within each hostel premises. The complaint box will have a double lock system wherein one key shall be with the Assistant Superintendent and the other with the Headmaster/Headmistress of the school. The complaint box shall be opened on every Monday by the Head Master/Head Mistress/Principal and the Assistant Superintendent in the presence of atleast one parent and the findings shall be recorded in a complaint register.

- No student shall be left alone in the hostel while s/he is ill; adequate supervision must be maintained by the Assistant Hostel Superintendent/Matron or ANMs in respect of such children

- No male person including maintenance or cleaning staff, construction workers should be allowed to enter the girl's hostel. In case of any urgent work, such as maintenance or repair work in the girls hostel the Assistant Hostel Superintendent/Matron should be informed and permission sought. The Assistant Hostel Superintendent/Matron should ensure that no girl student is left alone and unsupervised in the hostel while such work is undertaken

- No girl student shall be allowed to leave the premises of the school unless accompanied by an adult female.

- All students must be escorted during travel for school outings. Where girls are present in such groups, a lady teacher shall accompany them. The escorting teacher must travel along with the girls in the same vehicle.

Permission must be obtained from each child's parents / guardian for the child to participate in certain activities, such as field trips, late-night activities, and overnight trips. Parents must be allowed to raise any concerns they may have on what activities or interactions they are comfortable with for their children

- **RECORDING THE MOVEMENT OF BOARDERS / VISITORS**

- At the entry gate to the School an "in and out" register shall be maintained at the school gate in which entry and exit of all visitors to the school premises shall be recorded. The exit of students during school hours shall invariably be permitted in writing by the Head Master/Head Mistress/Principal and shall be duly recorded in the register.

- At the entry gate to the Hostel Premises an "in and out" register shall also be maintained where entry and exit of all visitors to the hostel premises shall be recorded. The exit of boarders from the hostel after school hours shall invariably be permitted in writing by Assistant Hostel Superintendent/Matron.

Ensuring adherence to the above mentioned guidelines in the school premises is the primary responsibility of the Head Master/Head Mistress/Principal/ and Assistant Hostel Superintendent/Matron and for any lapses in this regard they shall be liable for disciplinary action. The DWOs are responsible to periodically

supervise and ensure that that stipulations prescribed for the security of girl boarders are adhered to.

- **REPORTING AND RESPONSE**

- **6.1. MANDATORY REPORTING**

- The POCSO Act, 2012, requires that all suspected abuses must be reported, and teaching and non-teaching staff must be made aware of their reporting obligations and penalties for failure to report.
- Section 21 (I) of the POCSO Act 2012 provides for mandatory reporting of child sexual abuse to law enforcements authorities, and applies to everyone including parents, doctors and school/institution personnel. This casts a legal duty upon a person who has knowledge that a child has been sexually abused to report the offence, failing which he/she may be punished with six months imprisonment and/or fine.
- In the event of any sexual harassment or abuse reported or suspected the Head Master/Head Mistress/Principal/ Assistant Hostel Superintendent/Matron or any other staff having the information shall immediately report to the local police and to these officers - WEO/BDO/DWO/ District Collector.
- Any member of the staff, parents/guardians, the child himself/herself, his/her classmates/seniors or anyone else who is a victim or has come across such abuse or finds any of these behavior or physical symptoms provided in **Annexure-I**, can report it to the Head Master/Head Mistress and the Assistant Superintendent of the hostel either verbally or in written form.
- If a student or a parent/guardian/relative/custodian makes a complaint against an employee of the school/hostel, the Head Master/Head Mistress/Principal receiving the complaint must take it seriously and immediately take the action prescribed in the subsequent section. A record of the concerns must be made including a note of witnesses.
- In case the Head Master/Head Mistress/Principal is allegedly involved in the case, then the person reporting the offence shall immediately contact the DWO/WEO.

- The following points shall be kept in mind while the case is being reported by the student herself/himself:
 - Listen to what is being said without displaying shock or disbelief
 - Accept what is being said
 - Allow the child to talk freely
 - Reassure the child
 - Not promise confidentiality as it may be necessary to pass on the information for mobilizing action.
 - Reassure the child that what has happened is not their fault
 - Stress that it was right on his/her behalf to inform
 - Listen, rather than ask questions
 - Do not give value judgments
 - Explain the procedure to be followed to address the issue
 - Provide immediate medical attention if the situation so warrants
 - Make brief notes as soon as possible after the conversation
 - Record the date, time and any noticeable non-verbal behavior and the words used by the student/boarder
 - Draw a diagram to indicate the position of bruising/injury, if any
 - Record statement and observations rather than interpretations or assumptions
 - The students should not be made to feel that they may be penalized for having disclosed the matter at any time of enquiry or reporting.
- A strict policy of confidentiality must be maintained and steps must be taken to protect the student concerned.
- If a student withdraws an allegation; the Head Master/Head Mistress/Principal must be satisfied that the student has not been retaliated against or threatened in anyway.
- **RESPONSE**
 - Head Master/Head Mistress/Principal or the DWO shall take the following steps within 24 hours of the abuse being reported:
 - Isolate the alleged abuser from all students in the institution

- The institution shall file a First Information Report (FIR) with the nearest police station.
- Intimate the parents/guardians of the student
- Intimate the Child Welfare Committee and the District Child Protection officer
- In-case the abuse happens in the hostel, the assistant superintendent / matron/ANM should be attached to the student for providing counselling. The student should be kept under observation.
- Provide immediate medical facilities to the student from a registered medical facility/practitioner.
- In case a senior student is the abuser, the following protocol shall be followed:
 - The student's parents shall be informed immediately.
 - Immediately separate the student from other students.
 - Take the student to the nearest Special Juvenile Police Unit and produce before the Juvenile Justice board of the District.
 - Counsel the student and treat with sensitivity.

6.2. DISTRICT LEVEL DEPARTMENTAL ENQUIRY COMMITTEE

- A team consisting of the DWO, two district level/sub divisional/block level lady officers nominated by the District Collector and the WEO of the respective block will conduct an enquiry within 24 hours of receipt of the complaint.
- Necessary statements will be recorded from the student in a confidential manner by the lady officer of the team without causing any undue inconvenience to the student.
- The enquiry committee will carry out a preliminary investigation into the complaint and submit its report to the District Collector within 48 hours. A copy of the report shall also be sent to the Department without fail.
- The DWO on receipt of any complaint shall immediately order the accused staff to be removed from the school premises to prevent access to the student.
- Based on the findings of the enquiry if a 'prima face' case is established the concerned staff will be placed under suspension with immediate effect and departmental proceedings will be initiated. The report of the District Enquiry Committee shall also be shared with the local police so that relevant non-bailable sections of POCSO Act (2012) can be registered for serious offences.

- The Departmental Proceedings of all cases of sexual offences shall be completed within one month.
- The DWO must keep the District Collector informed of all developments in the case, including filing of F.I.R, progress of police investigation, filing of charge against the offender, status of Departmental Proceedings and its finalization.
- The DWO shall send a monthly report to the Department mentioning the status of all enquires, police investigation and departmental proceedings in all cases.
- The DWO will maintain a database of all staff having previous allegations of being involved in sexual offence cases and ensure that they are not posted in girls' schools.
- Particular attention shall be paid to safeguarding the privacy of the child who has been identified as 'at risk' or has been abused. The Assistant Superintendent/Matron/ANM shall track the condition of the child at risk for at least one year.

• **SUPERVISION & MONITORING**

- 7.1 The DWO and WEO shall review the implementation of these guidelines and the precautionary measures adopted by the schools during their inspections and monthly meetings with Head Master/Head Mistress/Principal. They shall provide necessary instructions, support and guidance to schools to strengthen safety measures.
- 7.2 The District Collector to ensure independent random visits to the girls' hostels by other district level officials, at least once in a month, to assess various issues concerning boarders of the residential schools and collect feedback for necessary action.

The District Collector shall review the implementation of these guidelines and ensure interdepartmental coordination

- 7.3. In case of any lacuna in supervision and monitoring; or in establishing mechanisms towards prevention and protection of students from sexual abuses; or failure in timely reporting; or in taking appropriate action, necessary disciplinary action shall be initiated.

• **ORIENTATION AND AWARENESS PROGRAMMES**

- Sensitization of school functionaries on the issue of safety and security, their duties regarding protection of students, legal and other implications in case of non-compliance shall be undertaken periodically by the DWO.

- The Life Skills Education shall be conducted on a weekly basis as per the themes assigned for the month by trained nodal teachers and ANMs at middle and high schools. The Assistant Superintendents/Matronas will organize sessions for girls in hostels after school hours in line with the monthly themes.
- The School Management Committees/School Management Development Committees will be oriented on relevant sections of the guidelines by the Head Master/Head Mistress/Principal.

ANNEXURE - I

SIGNS, SYMPTOMS AND INDICATORS OF SEXUAL ABUSE

Physical Indicators

- Difficulty in sitting down or walking
- Pain or itching in private parts
- Excessive crying
- Bleeding or general illness

Behavioral Indicators

- Inappropriate sexual behavior or knowledge
- Sudden behavioral changes
- Wary of Adults/ lack of trust
- Running away from home
- Unusual avoidance of touch
- Eating disorders
- Emotional withdrawal
- Poor relationship with peers
- Avoiding medical check-ups or consultation with doctors
- Soiling of clothes
- Substance abuse
- Frequent Absenteeism

**GOVERNMENT OF ODISHA
SCHOOL & MASS EDUCATION DEPARTMENT**

NOTIFICATION

Bhubaneswar dtd. the 30-7-14

Sub : Revised Guidelines on composition and function of School Management Committee.

No.IISME(B)45/2014/ 16485 /SME -As per the provisions under Section-21 of the RCFCE Act 2009, a School Management Committee shall be constituted in every school other than an un-aided school. Rule-3 of the Odisha Right of Children to Free and Compulsory Education Rules, 2010 indicates the composition and function of the School Management Committee. Govt., after careful consideration have decided that the following revised guidelines shall be followed for composition and function of School Management Committee in Govt./Govt. Aided, Primary and Upper Primary Schools of the State.

1. Constitution of a Standing Committee on Education:

The existing Standing Committee of the Grama Panchayat/ N.A.C/ Municipality/Municipal Corporation will be co-opted as the Standing Committee on Education.

1.1 Constitution of Standing Committee on Education:

- i. The Ward Member / Councilor/ Corporator of the concerned ward where the school exists shall be the members. In case a school caters to more than one ward then the Ward Members / Councilors/ Corporators of those wards shall be the members.
- ii. The Sarapanch/Chairman/Mayor of the G.P./ NAC/ Municipality/ Municipal Corporation shall be the Chairperson of the Standing Committee.
- iii. The Naib-Sarapanch/ Vice-Chairman/ Deputy Mayor shall be the Vice-Chairperson of the Standing Committee.
- iv. Elected Samiti Member of the Grama Panchayat shall be co-opted as Co-Chairman

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- v. The Executive Officer of the G.P./ NAC/ Municipality/ Municipal Corporation shall be the member-convenor.
- vi. The Head Master/Head Mistress (HM)s of all schools of the G.P./ NAC/ Municipality/ Municipal Corporation and School Management Committee (SMC) Chairpersons shall be the members.
- vii. One Educationist (preferably one eminent retired teacher) shall be nominated by the B.E.O in consultation with Sarapanch/Chairman/Mayor. In case of non-availability, a person having minimum 5-7 years of experiences / expertise in the field of education shall be selected as a member of the Standing Committee.
- viii. One member from educational background or from NGO or from Youth Club shall be nominated by the Block Education Officer of the concerned Block.
- ix. The Head / President of the Grama Panchayat Mission Shakti Federation shall be a member.
- x. One Health Worker nominated by Medical Officer as invitee member.
- xi. One Anganwadi Worker nominated by C.D.P.O as Member
- xii. The G.P./NAC/Municipal area headquarter CRCC shall coordinate with the Executive Officer for convening the Standing Committee meeting. If there are more than one CRCC in the G.P., these CRCCs shall be the members of the Standing Committee.

1.2. Function of the Standing Committee on Education at G.P.:

- i. The Standing Committee, as local authority shall look after the development activities in the area of school education, health, sanitation, public works etc. in the jurisdiction of G.P./ NAC/ Municipality/ Municipal Corporation.
- ii. The Sarapanch/Chairman/Mayor or 02 representatives shall be present in PTA meeting for SMC constitution in all Govt. and Govt. aided schools.
- iii. It shall periodically facilitate and review the implementation of the Annual Work Plans of schools within the G.P./ NAC/ Municipality/ Municipal Corporation area and wherever possible provide necessary support.
- iv. The Standing Committee of the G.P./ NAC/ Municipality/ Municipal Corporation shall sit at least once in every three months in the academic year for the purpose of exchange of information and co-ordination. 02 members from SMC i.e. the Head Master and the Chairperson of all schools within the G.P./ NAC/ Municipality/ Municipal Corporation shall attend the said meeting.

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- v. It shall resolve issues relating to formation and functioning of SMCs of schools within its jurisdiction.
- vi. It shall monitor the teachers' attendance. After receiving the teacher absenteeism report from the SMC it will recommend action to be taken against the person concerned by the BDO/BEO.
- vii. It shall fulfil the responsibilities as local authority and take necessary action for the implementation of the activities mapped in the notification.
- viii. The expenditure towards conducting the Standing Committee meeting shall be met from G.P./ NAC/ Municipality/ Municipal Corporation contingencies fund.

1.3. Linking of Standing Committee with SMC under RtE:

- i. Maintenance of record of children.
- ii. Ensure admission and attendance of the children.
- iii. Provide special training to the children taken admission on age appropriate basis.
- iv. Admission of children of migrant families.
- v. Monitoring, functioning of school including functioning of SMC.

1.4. Linking of Standing Committee with ShikshaSamvad:

- i. Sharing of progress by Government departments on new initiatives, orders and follow up of last meeting minutes compliance
- ii. Discussion within the group on merits and demerits of new initiatives
- iii. Sharing of results at ground level
- iv. Suggestions/Complaints if any, to be presented in writing to concerned Government Officer.
- v. Good practices to be presented and discussed.
- vi. Identification of 1 focus area every month for having detailed discussion.

1.5. Linking of Standing Committee with Block and Zilla Parishad

The Chairman of the Standing Committee shall share the progress and issues of the SMCs within his jurisdiction with the Chairman and others of the block in their monthly meeting and that shall be subsequently presented to the President of Zilla Parishad in his quarterly meeting.

2. PARENT TEACHER ASSOCIATION (PTA):

2.1. Constitution:

- i. PTA is a committee to be comprised of all the teachers and parents of the students of the school.
- ii. 40% of the total members shall constitute quorum for the Parent Teacher Association meetings.
- iii. The Head Master/Head Mistress of the school shall convene the PTA meeting in consultation with the CRCC and Standing Committee of the G.P./NAC/Municipality/Municipal Corporation by giving one week's notice to all parents sent through their wards returned duly attested by parents.
- iv. CRCC shall finalize the date of PTA meeting of the schools within his jurisdiction and submit the same to Standing Committee.
- v. One Nodal officer from the office of the B.E.O. shall attend the meeting.
- vi. At least two elected members of Standing Committee of G.P./NAC/ Municipality/Municipal Corporation (i.e. preferably Sarapanch/Chairman/Mayor or his representative and any one member) shall attend the P.T.A. meeting.
- vii. One register shall be maintained for the registration of parents and teachers in **Form-I (Copy enclosed)**
- viii. The HM shall convey the role and function of the PTA in the PTA meeting.
- ix. The Parent Teacher Association in each of its meetings shall select one of its members as the Chairperson to preside over the meeting. The Head Master shall conduct selection by show of hands. The time of the meeting shall be decided as per the convenience of the parents.

2.2. Membership:

Only those parents whose children are studying in the school can become SMC members having voting Rights .They cease to be members once child is out of the school. The mothers shall be encouraged to participate in the PTA meeting. However, only one of the parents has the right to vote. The PTA shall elect / select the members of the School Management Committee.

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In the event of death or transfer of residence of Parent members from the local area of the school or a parent member ceasing to be student guardian for his/her child/children ward (s) leaving the school or otherwise, his/her membership shall cease.

All the parents shall be automatically the members of the Parent Teacher Association by virtue of the admission of their ward(s).

2.3. Function of PTA:

- i) PTA meeting shall be convened at least twice in a year (preferable March & Last week of June). It may be more as per the need of the school. The HM shall be the convenor.
- ii) The Head Master shall explain the powers, the functions, the role and the responsibility of the Parent Teacher Association to all parents.
- iii) Every Parent Teacher Association shall take decisions with regard to raising of Contribution in shape of kind only which in its opinion is required for the development of school infrastructure with the resolution of the SMC. Contribution in any kind shall not entail any liability on the part of the school / Govt.\
- iv) In case of High school having elementary section, PTA may accept contribution for welfare of the school.
- v) It shall be lawful for the Parent Teacher Association to accept contribution from anybody or any organization in kind only.
- vi) The PTA shall elect / select the SMC members for constitution of SMC.
- vii) Head Master shall issue a receipt in **Form-II (copy enclosed)** as a token of receipt of the kinds.
- viii) The minutes of the meeting shall be recorded by the Head Master in the Minutes Book in **Form-III (copy enclosed)** in a separate register and signed by all the members of Parent Teacher Association present and countersigned by the Chairman.
- ix) PTA shall discuss the day-to-day progress and requirement of the school and bring it to the notice of Standing Committee through SMC.



- x) The Association shall meet as often as necessary as but not less than two times in a year. The Head Master shall be the member-convenor.
- xi) It shall be the duty of the Association to oversee the functioning of the school with regard to the following matters from time to time :-
 - a) Ensuring universal access & enrolment.
 - b) Motivating regular attendance of the children of the school, their retention and effectively arresting dropouts.
 - c) Creating interest in the children for education by improving infrastructural facilities in school and the quality of teaching & ensuring attainment of primary objectives of universal enrolment & zero dropout rate.
 - d) Mobilization for collection of contributions/ funds for the school.

3. SCHOOL MANAGEMENT COMMITTEE (SMC):

As per Section-21 of Right of Children to Free and Compulsory Education Act 2009 read with Rule-3 of Odisha Right of Children to Free and Compulsory Education Rules 2010 School Management Committee shall be constituted in every school other than an un-aided school.

3.1. Composition of School Management Committee

High School having primary and upper primary school (i.e. Class I to X, Class VI to X, Class IV to X, Class-VIII to X) shall also constitute the SMC in addition to SMDC

3.1.1. The members of the School Management Committee shall be elected from among the members of the PTA. It shall consist of 19 members within its jurisdiction as per the following specification.

(a) 12 (Twelve) parents members as described below,

- i. Male members – 50% - out of which at least one should belong to SC/ST/disadvantaged groups community and one should belong to economically weaker section according to availability
- ii. Female members – 50%-Out of which at least one should belong to SC/ST/ disadvantaged groups community and one should belong to economically weaker section according to availability.

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(b) The remaining 07 (seven) members of the Committee shall be from among the following persons.

▪ **Ex-Officio Members:**

- i. One member such as Ward Member / Councilor/Corporator of the Gram Panchayat / NAC / Municipality/Municipality Corporation in which the school exists
- ii. One Health Worker / Asha Karmi working in the village as member
- iii. One Anganwadi worker working in nearest centre as member
- iv. Headmaster / Headmaster I/C. of the concerned school as Member-Convenor

▪ **Nominated Members:**

- v. One member from among the teachers of the school to be decided by the teachers
- vi. Two student members i.e. Head of the Student Cabinet and Head of Meena Manch.

The member-convenor and the teacher member at (iv) and (v) shall have no voting power in any selection/election process. (Govt. functionaries who are ex-officio members shall not have voting rights)

3.1.2. To manage its affairs, the committee shall elect a Chairperson and a Vice-Chairperson from among the parents' members. Out of these two (Chairperson and Vice chairperson) at least one must be woman.

3.1.3. In the event of death or transfer of residence of parent members from the local area of the school or a parent member ceasing to be student guardian for his/her child / children ward (s) leaving the school or otherwise, his/her membership shall cease.

3.1.4. Ward Member / Councilor / Corporator of a Gram Panchayat / NAC / Municipality / Municipal Corporation shall hold office in ex-officio capacity. He/she shall cease to be a member of school management committee as and when he/she ceases to hold charge of his/her office.

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- 3.1.5. Any member of the School Management Committee, other than Member-Convenor may at any time resign from the membership by sending a letter of resignation to the Chairperson. But such a resignation takes effect from the date on which the School Management Committee accepts it.
- 3.1.6. If a member of the School Management Committee other than the Member-Convenor absents himself / herself from three consecutive meetings without prior intimation to the Chairperson, his/her membership shall ipso facto cease. The fact of not intimating prior to absence should find place in the proceeding of the meeting of School Management Committee.
- 3.1.7. Vacancies of membership of the School Management Committee other than the Ex-officio member caused due to resignation or otherwise shall be filled up by PTA from among the same category of members following the similar procedure as envisaged for each category on request of SMC within 30 days of occurrence of such vacancy.
- 3.1.8. In case of transfer / retirement / death of the Member-Convenor or in case, he/she remains on leave other than casual leave and optional holiday, the senior most teacher of the school shall remain in-charge.

3.2. Formation of School Management Committee

- 3.2.1. There shall be a separate School Management Committee for each Primary and Upper Primary School. The PTA of the concerned school shall elect / select the members of the School Management Committee except the Member-Convenor, Teacher member and Student members. The selection/election of such member shall be made in the open meeting of Parent Teacher Association convened for the purpose by the Headmaster of the institution as per the programme communicated to them by the Headmaster. At least 40% of the members of PTA shall form the quorum for the meeting in which SMC shall be constituted.
- 3.2.2. The committee formed in the manner prescribed in **para 3.2.1** above shall elect chairperson and vice-chairperson through election/selection in its first meeting to be held within a week of its formation. At least 8 members of the SMC shall form the quorum for any meeting of SMC. In case of voting the member-convenor, teacher-member and Govt. functionaries shall have no voting powers. In case of a tie of votes the final decision shall be taken through a lottery. 22

- 3.2.3. In case of residential schools of ST & SC Development Department, the SMDCs will be formed as per the guidelines issued for this purpose from this Department.
- 3.2.4. The term of the School Management Committee shall be 3 years from the date of the election of Chairperson of the School Management Committee.
- 3.2.5. In case a School Management Committee becomes non-functional and does not evince any interest in development and management of the school for more than three months, the Member-Convenor shall inform the same to Standing Committee through CRCC extending intimation to BEO and request for formation of a new School Management Committee. On receipt of such intimation, the Standing Committee shall take a decision on dissolution of the SMC and formation of a new committee within 15 days. Before dissolution of the so called non-functioning SMC an opportunity of hearing shall be given to the SMC. In case the Standing Committee does not take any decision on Formation of new SMC within 30 days of reporting by HM, the BEO shall take steps for formation of new SMC after an inquiry.
- 3.2.6. After obtaining such permission a new School Management Committee shall be formed following the usual procedure. On formation of new committee, the old committee ipso facto stands dissolved.

3.3. Functions of the School Management Committee:

3.3.1. The School Management Committee in general shall,

- i. Plan for development of educational institutions of the feeding area of the school.
- ii. Conduct annual census of children of the age groups up to 6 and 6+ to 14 as the case may be.
- iii. Ensure enrolment of all non-enrolled children through enrolment drive and their retention in the school till they complete the elementary stage of education.
- iv. Ensure regularity of attendance of children in the school and prevent temporary discontinuance and drop out of children through persuasion of parents.
- v. Monitor regular attendance of teachers. The teacher absenteeism shall be reported by the SMC to Standing Committee.

3.3.2. The School Management Committee in particular shall:

- i. Help expansion and augmentation of facilities of school as per need.
- ii. Beautify the school environment; develop play-ground, children's park and enrich plantation in school campus.

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- iii. Review and monitor school health programme and ensure maintenance of child profile incorporating health aspects.
- iv. Raise, maintain and manage school nurseries, school garden for implementing work education.
- v. Ensure distribution of incentives such as mid-day meals, text books and other reading writing materials, uniforms etc. and shall attend the emergent needs of the school as would be necessary at the time of unforeseen accidents like fire, flood and cyclone.
- vi. Review coverage of courses of studies.
- vii. Shall ensure updation of VER so as to update the database of DISE & CTS for proper implementation of SSA & RtE.
- viii. Shall assist HM and other staff at the time of self-assessment of the school and the self-assessment may be done jointly i.e. school staff and SMC members.
- ix. Ensure excellence in overall performance of school children and review the progress of work of the school and other curricular activities after the examination is over.
- x. Organize Shiksha Melas, Inter School Competition and Sports.
- xi. Invite local artisans and experts of other occupations to the school and organize interactions with the students;
- xii. Identify the donors and motivate them to adopt school for the development activities.
- xiii. Intimate the Standing Committee and the B.E.O. about the contribution received in kind, SSA grants received and utilization thereof; which is to be placed in the next PTA meeting.
- xiv. Ensure availability of the proceedings of the School Management Committee meeting to the inspecting authority as and when they visit;
- xv. Award the dedicated teachers for their contribution towards the development of the institution and of the community as a whole;
- xvi. Maintain proper and healthy relationship with Standing Committee for development of school;
- xvii. Adopt appropriate measures to maintain the properties and amenities of the school viz. school building, drinking water, toilet, playground etc.
- xviii. Communicate, in simple and creative ways, to the population in the neighborhood of the school, the rights of the child as enunciated in **Part-III, sub-section 6 (a) to (j) of Section-3 of RCFCE Rule 2010**; and also the duties of the State Government, local authority, school, parent and guardian;

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- xix. Ensure the implementation of **clauses (a)** "Maintain regularity and punctuality in attending school" and **(e)** "Hold regular meetings with parents and guardians and appraise them about the regularity in attendance, ability to learn, progress made in learning and any other relevant information about the child" - of **section 24** and **section 28** "No teachers shall engage himself /herself in private tuition or private teaching activity" - of the **RtE Act**;
- xx. Monitor that teachers are not burdened with non-academic duties other than those specified in **section 27 of the RtE Act**; "No teacher shall be deployed for any non-educational purpose; other than the decennial population census, disaster relief duties or duties relating to election to the local authority or the state legislature or parliament, as the case may be".
- xxi. Ensure the enrolment and continued attendance of all the children from the neighborhood in the school;
- xxii. Monitor the maintenance of the norms and standards prescribed in the Schedule to the **RtE Act**;
- xxiii. Bring to the notice of the local authority any deviation of the rights of the child, in particular mental and physical harassment of children, denial of admission, and timely provision of free entitlements as per **sub-section(2) of section 3 of RtE Act**;
- xxiv. Identify the needs, prepare a Plan, and monitor the implementation of the provisions of **Section 4 of the RtE Act**;
- xxv. Monitor the identification and enrolment and facilities for learning of disabled children, and ensure their participation in, and completion of Elementary Education;
- xxvi. Monitor the implementation of the Mid-Day Meal in the school and provide necessary support to the HM for the success of MDM programme.
- xxvii. Prepare an annual account of receipts and expenditure of the school in a separate register;
- xxviii. The Government may, from time to time, entrust such other powers, duties & responsibilities to the School Management Committee.

- 3.3.3. The details of flow of funds from SSA and other sources to School Management Committee shall be communicated to the Standing Committee on Education so that the committee can have some command and control upon the school.
- 3.3.4. Any money received by the Committee for the discharge of its functions under RCFCE Act, shall be kept in a separate account, to be made available for audit every year.

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- 3.3.5. The accounts shall be signed by the Chairperson / Vice-Chairperson and HM - Convenor of the School Management Committee and made available to the local authority within one month of its preparation.
- 3.3.6. The funds shall be utilized and spent in accordance with the guidelines issued / to be issued by the S & ME Department from time to time.
- 3.3.7. The accounting/procurement procedure and audit of the accounts shall be specified by the S & ME Department and the same shall be duly followed by the School Management Committee.

3.4. Preparation of School Development Plan:

- 3.4.1 The Committee shall prepare a School Development Plan at least three months before the end of the financial year in which it is first constituted under the Act.
- 3.4.2. The School Development Plan shall be a three year plan. **Annual plan** of each year shall be generated from Annual sub plans which shall contain the following:
- i. Estimates of class-wise enrolment for each year;
 - ii. Requirement of the number of additional teachers, including Head Teachers, subject teachers and part time teachers, separately for Classes I to V and Classes VI to VIII, calculated with reference to the norms specified in the Schedule;
 - iii. Physical requirement of additional infrastructures and equipments over the three year period, calculated with reference to the norms and standards specified in the Schedule;
 - iv. Additional financial requirement in respect of **clause (b) and (c) sub-rule(2)**, including special training facility specified in **section 4**, entitlements of children such as free text books and any other additional financial requirement for fulfilling the responsibilities of the school under the Act.
- 3.4.3. The School Development Plan shall be signed by the Chairperson / Vice-Chairperson and Member Convenor of the Committee and submitted to the Standing Committee. The CRCC of the concerned cluster shall consolidate all the plans of the schools under his cluster and submit the same to the B.E.O.

3.5. Meeting of the School Management Committee:



- 3.5.1. The meeting of the School Management Committee shall be held every month as per the fixed date of Samiksha conducted by CRCC. The CRCC shall remain present in the meeting. The meeting of SMC shall be conducted preferably in afternoon after completion of Samiksha by CRCC. The Member Convenor shall maintain record of such meeting on the same day with the signature of the members present.
- 3.5.2. In case the attention of the B.E.O. / A.B.E.O. is drawn for action by him, the copies shall be sent to him. The B.E.O. /A.B.E.O. shall make it a point to mention in his inspection reports about the regularity of attendance of the proceedings of the School Management Committee meeting.
- 3.5.3. The B.E.O., A.B.E.O., BRCC and CRCC shall review the working of the School Management Committees each month and send a report to the Director, Elementary Education, Odisha, State Project Director, OPEPA in the second week of the succeeding month.
- 3.5.4. 40% of the members (08) shall constitute the quorum for holding a meeting of the School Management Committee.
- 3.5.5. In case of any emergent situation, the Chairperson can requisition a special meeting of the School Management Committee.
- 3.5.6. The B.E.O. shall ensure that the guidelines are followed. In case of any omission or commission of the persons, the officers responsible shall be accountable. The higher officers of the School and Mass Education Department shall make periodical review and ensure that the systems work.

4. Grievance Redressal

4.1. In case of any dispute / problem in the constitution/reconstitution and functioning of the School Management Committee, the Block Education Officer shall be the Grievance Redressal Authority

4.2. The BDO-cum-Executive Officer of the Panchayat Samiti shall be the reviewing authority at Block level. He shall review the performance of the schools including functions of School Management Committees.

5. Appeal and Review:

The District Education Officer (DEO) shall be the Appellate Authority, whose decision shall be final and binding. The Collector-cum-Chairperson, RtE-SSA of the district shall be the reviewing authority.

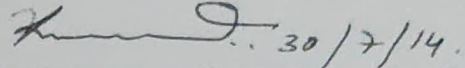
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6. This shall come into force from the date of its issue.
7. Relevant Rules shall be amended accordingly.

This supersedes all previous rules/instructions etc. issued by S & ME Department in this regard.

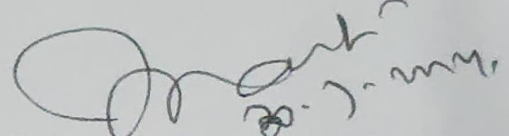
ORDER : **Ordered that the Notification be published in the next issue of the Odisha Gazette.**

By order of the Governor


Commissioner-cum-Secretary to Govt.

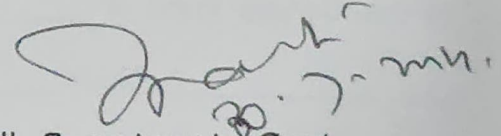
Memo No. 16486 /SME Date. 30-7-14

Copy forwarded to Gazette Cell in-charge, Orissa Gazette Cell C/o Commerce Department, Odisha Secretariat, BBSR with a request to publish the above Notification in an extraordinary issue of the Orissa gazette and supply 200 copies to this Department.


Addl. Secretary to Govt.

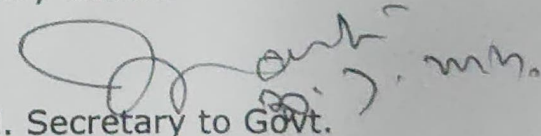
Memo No. 16487 /SME Dt. 30-7-14

Copy forwarded to all Departments of Government for information and necessary action.


Addl. Secretary to Govt.

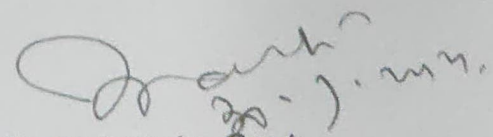
Memo No. 16488 /SME Dt. 30-7-14

Copy forwarded to all Directors under S&ME Deptt/ all Collectors/all BDOs/ all DEOs /all DPC,SSA /all BEOs for information and necessary action.


Addl. Secretary to Govt.

Memo No. 16489 /SME Dt. 30-7-14

Copy forwarded to all Officers/ all Sections/Section-II (50) copies/ Computer Cell of the S&ME Deptt./ State Portal for information and necessary action.


Addl. Secretary to Govt.

FORM-I**(Register to be maintained by the Head of the Institutions)**

Sl. No.	Name of the parent	Name of the child	Relationship	Class in which the child is studying

FORM-II**(Receipt of donations)**

Received _____ as a kind from Mr/ Ms.
_____ Address _____ towards his/her contribution
to the Corpus Fund of _____ school, _____ village
_____ Block _____ District.

The same has been entered into the Register of school as per resolution of SMC at
page _____

Signature of the Chairperson,
School Management Committee

**SIGNATURE OF THE HEAD OF THE
INSTITUTION WITH SEAL**

With Seal.

FORM-III

(Minutes of the meeting to be recorded by the Head master and it shall be read out in the meeting and signed by the PTA)

Minutes of the Parent Teacher Association meeting held on _____ (date). The Parent Teacher Association has unanimously resolved as follows:

Resolution: 1)

2)

3)

4)

Signatures of the members present:

1)

2)

3)

4)

5)

6)

Chairperson

Signature of the Head Master