

Submission on the Third and Fourth Periodic Report of India to the Committee on the Rights of the Child

August 15, 2013

We write in advance of the Committee on the Rights of the Child's pre-session working group on the periodic report of India to highlight areas of concern regarding attacks on schools and teachers, and the use of schools by government security forces.¹ We hope our submission will inform your consideration of India's compliance with the Convention on the Rights of the Child (CRC).

As India's report notes, access to education in the country continues to expand. Of particular importance during the reporting period was new legislation, particularly the Right of Children to Free and Compulsory Education Act of 2009, and continuing programs, such as Sarva Shiksha Abhiyan, which is aimed at achieving universal elementary education. Government efforts have resulted in nearly 100 percent enrollment in primary schools but marginalized children still face exclusion and many drop out before completing even eight years of schooling guaranteed under the Right to Education Act.

In particular, we are concerned that India's report does not comment on the ongoing violent attacks on schools in areas affected by the conflict with Maoist guerillas, commonly known as Naxalites. Moreover, the report fails to mention the practice of government security forces using schools for military or counterinsurgency purposes, such as bases and barracks—a practice that imperils the security of students and interferes with their access to education.

Access to education for India's most marginalized children is an indispensable ingredient for India's children's survival and development. But far too many children in the areas of India affected by conflict are being deprived of this right.

1. Maoist Attacks on Schools

In recent years the Maoist movement has spread to nine states in central and eastern India, with a significant presence in the states of Chhattisgarh, Orissa, Andhra Pradesh, Maharashtra, Jharkhand, Bihar, and West Bengal, and a marginal presence in Assam, Madhya Pradesh, and Uttar Pradesh.

The Maoist's primary armed wing is the People's Liberation Guerilla Army. Other smaller armed groups also carry out combat operations. Their tactics include abduction and killing police and government

officials, attacks on hospitals, and the extortion, torture, and killing of suspected informers or “class enemies.” The Maoists have also recruited children for combat.¹

The Maoists also frequently attack schools. Human Rights Watch documented attacks on at least 36 schools in Jharkhand and 23 schools in Bihar during 2009. According to the Indian Home Ministry, Maoists were responsible for attacks on 21 schools between January and November 2011,² and between 2006 and November 2011, Maoists destroyed 131 school buildings in Chhattisgarh, 63 in Jharkhand, 46 in Bihar, 13 in Odisha (Orissa), 4 in Maharashtra, and 1 in Andhra Pradesh.³ Police in Jharkhand reported that Maoists attacked five schools in the state between January and October 2012.⁴ According to police in Bihar, Maoists attacked a school in Jamui district in June 2013, destroying it completely.⁵

Attacks carried out by the Maoists on schools tend to occur in the evening or at night. Frequently, the Maoists use one or more improvised explosive devices, usually steel cans packed with explosive materials.⁶ The Maoists have even used bulldozers to destroy schools. For example, Maoists demolished a two-story school in Jamui district, Bihar, on March 1, 2011, using four bulldozers.⁷

A local resident who lives very close to Gosain-Pesra Middle School in Bihar state described one attack:

The Maoists ... came around 11 or 11:30 at night... They surrounded me... They were all dressed up in military uniforms that were [camouflaged] green, brown, and black. [Some wore] black cotton *pagri* [a head covering made of a long scarf-like piece of cloth wound around the head]. They had guns, carbines, rifles, AK-47s [assault rifles]. They had sophisticated guns. Three people on one motorbike came in the beginning. The rest of the people came on an autorickshaw [motorbike taxi] ... and in different groups walking. They [also] came in pickups. Thirty to forty people... They spread mines over [the school] then they went to the bridge and set off the blast... It took around 30 to 45 minutes to plant the mines and between 12 or 12:15 a.m. it was blasted.⁸

The explosives used during the attack on Gosain-Pesra collapsed half of the two-story structure to the ground (see figure 1).

¹ Human Rights Watch, *Dangerous Duty: Children and the Chhattisgarh Conflict*, September 2008.

² “Over 500 killed in Naxal violence this year,” ZeeNews, December 6, 2011.

³ “Maoists target tribal areas to further propaganda,” TNN, December 4, 2011.

⁴ Biswajit Roy, “Troops occupy, Maoists demolish schools,” *The Telegraph (Calcutta)*, January 17, 2013.

⁵ “Maoists destroy school building in Bihar,” *Press Trust India*, June 15, 2013.

⁶ Human Rights Watch interview with Saket Kumar Singh, Superintendent of Police Garwa, interviewed in Daltenganj, Palamu, Jharkhand, June 9, 2009; Sanjay Singh, “Explosives seized, Naxal areas on high alert,” *Indian Express*, April 23, 2007; “400 kg. explosives seized in Bihar,” *Press Trust of India*, October 27, 2009; “Naxals setting up arms factories, developing electronic IEDs,” *Indian Express*, June 14, 2009; Shahnawaz Akhtar, “Gelatin, detonators seized in Giridih,” *Telegraph*, Kolkata, October 16, 2008; “Naxalites blast school building,” *The Hindu*, April 1, 2009; and “Maoists blast dynamite in Bihar school,” *The Hindu*, April 6, 2009.

⁷ “Maoists demolished three government buildings, including a two-storied school in Bihar’s Jamui District last night,” *Asian News International*, March 2, 2011.

⁸ Human Rights Watch interview with eyewitness, Gosain-Pesra, Gaya, Bihar, June 11, 2009.

The Maoists publicly justify their attacks on schools on the grounds that all the schools attacked were legitimate military targets because they were being used by government security forces (an issue documented in the second part of this submission). However, investigations by Human Rights Watch suggest that the majority of schools were in fact not occupied by security forces at the time of attack. (Even though, as documented later in this submission, security forces indeed use schools.)



Figure 1: The damage caused to the new school building at Gosain-Pesra by a series of explosions set by Maoist fighters on April 14, 2009. © 2009 Bede Sheppard / Human Rights Watch

An article in *CPI (Maoist) Information Bulletin* (a publication apparently linked and supportive of the Maoist movement) in November 2008 defended the Maoists' attacks on schools:

School buildings are like military fortresses providing defence for the security forces. Maoist attacks on school building should be seen in this specific context instead of blaming them of disrupting education to children when the very purpose of these buildings is different... As for destroying schools used by CRPF [Central Reserve Police Force] as their camps, neither the people nor our Party think it is wrong. The schools, once they are occupied by these forces, are transformed into torture chambers and concentration camps and there is no hope that they will once again be used as schools in the near future.⁹

⁹ "A Review of the Report of Human Rights Watch on human rights violations in Dantewara and Bijapur," *CPI(Maoist) Information Bulletin-5*, November 5, 2008, available at www.bannedthought.net/India/CPIMIB/MIB-05.doc (accessed August 2, 2013).

In the same issue of the *CPI (Maoist) Information Bulletin*, editorial comments on another article regarding the conflict in Chhattisgarh, stated: “No school was destroyed by the Maoists if it was not used by the police as its camp. You cannot show a single instance where we had destroyed a school that was really meant for education purpose.”¹⁰

Human Rights Watch recognizes that some attacks carried out against schools were indeed conducted while security forces occupied the building. For example, in the early hours of April 15, 2009, Maoist fighters attacked a school being used as a camp by the Border Security Force (BSF) in Dhansa valley, Rohtas, in Bihar;¹¹ on August 25, 2009, Maoists opened fire on a CRPF camp based at a school in Bundu, Ranchi, in Jharkhand;¹² and seven police were injured after Maoists tried to blow up a camp at a school housing about one hundred personnel in Cone, Latehar district, Jharkhand, on November 8, 2011.¹³

Nonetheless, a combination of Human Rights Watch’s on-the-ground investigations and a survey of public news sources suggest that in at least 25 attacks on schools carried out in Bihar and Jharkhand in the year between November 2008 and October 2009, there were apparently no security forces present at the schools at the time of the attacks.¹⁴

Human Rights Watch finds it likely that most Maoist attacks on undefended schools are motivated by the relative ease that such “soft” targets can be attacked and the publicity garnered in doing so. Schools are often the only government building present in the rural areas where the Maoists have influence and ease of movement. Schools are a high-visibility target and attacking them is likely to both increase media coverage of the Maoists’ activities and spread fear and intimidation among the local communities.¹⁵

The spike in attacks on schools during the lead-up to the Lok Sabha (House of Representatives) elections in April to May 2009 illustrates this view of the attacks. During many of these attacks, the bombings were often accompanied by the posting of leaflets or graffiti slogans advocating for a general voter boycott of the elections. An eyewitness to the bombing of Gosain-Pesra Middle School told Human Rights Watch, “They pasted a poster in front of my house... In the poster they wrote ‘Don’t Vote.’... There was a polling station in the [old building of the] middle school.”¹⁶

Some attacks seem clearly tied to other events, such as strikes called by the Maoists. On March 16, 2011, for example, Maoists used dynamite to damage a government school in Banke Bazar, Gaya

¹⁰ Editorial comments on “To help Maoists, activists criticize Salwa Judum,” in *ibid.*

¹¹ “Maoists pick out poll targets,” *The Telegraph*, Kolkata, April 16, 2009; “On poll-eve, 10 rebels killed in encounter,” *The Telegraph*, Kolkata, April 15, 2009; Madan Kumar and Vishal Sharma, “Maoist triple strike on poll eve,” *Hindustan Times*, April 15, 2009; “A day before polls, Maoist attack on BSF camp in Bihar,” *Indo-Asian News Service*, April 15, 2009.

¹² “Maoists attack CRPF camp in Jharkhand,” *Press Trust India*, August 26, 2009.

¹³ “Maoists attack make-shift camp, 7 security men injured,” *Press Trust India*, November 8, 2011; “Maoists resist paramilitary force, attack temporary camp in Latehar,” *Asian News International*, November 8, 2011.

¹⁴ Human Rights Watch, *Sabotaged Schooling: Naxalite Attacks and Police Occupation of Schools in India’s Bihar and Jharkhand States*, December 2009.

¹⁵ *Ibid.*

¹⁶ Human Rights Watch interview with eyewitness, Gosain-Pesra, Gaya, Bihar, June 11, 2009.

district, Bihar, according to government officials. The day before, the Maoists had called for a 24-hour strike in Gaya to protest the killing of two individuals in what they claimed was a fake shootout.¹⁷

According to police, Maoists used an improvised explosive device to attack Bodari village middle school, Garwaha district, Bihar, on December 5, 2011. Over the previous weekend, the Maoists had called for a general strike shutdown to protest the killing of their leader Mallojula Koteswara Rao, known as Kishenji, who was killed in a gunbattle with security forces in West Bengal on November 25.¹⁸

Maoist Attacks on Teachers

Local media reported that on January 17, 2012, teachers in Latehar district in Jharkhand state held a sit-in rally to protest threats against and abductions of teachers in the state by the Maoists.¹⁹

Primary school teacher Rahman Singh Dhrub was abducted, allegedly by a group of Maoists, on August 7, 2012. Local media reported that he was abducted because he allowed government security forces to spend a night in his school in July 2012. The teacher's body was found with his throat slit on August 14, 2012.²⁰

In September 2012, Badbanki High School in Turekela block, Odisha state, closed for at least 12 days after the Maoists pasted a poster on the school gate threatening to kill the headmistress and another school administrator because they were the "main culprits" responsible for the "degradation of the school." The Maoists also demanded that more teachers be recruited.²¹

Slow government response to Maoist attacks on schools

Although it is the Maoists who bear responsibility for the attacks on schools and whose fighters and commanders should be held criminally accountable for violations of the law, it is nonetheless the responsibility of the government to respond quickly and effectively to minimize the negative effect caused to children's education. The government should quickly repair or rebuild damaged or destroyed schools. Children should benefit from both immediate psychosocial support where necessary and emergency education alternatives. Many state governments are, however, failing in this responsibility. None of the attacked schools visited by Human Rights Watch in 2009 and 2010 had yet received any government assistance to repair or rebuild the damaged buildings, despite the attacks having occurred between two and six months prior to the visit.²²

¹⁷ "Maoists blow up school in Gaya," *Indo-Asian New Service*, March 16, 2011.

¹⁸ "Maoists blast school, attack police station in Jharkhand," *Indo-Asian New Service*, December 6, 2011.

¹⁹ "Teachers in Jharkhand agitate against Maoist atrocities," *Asian News International*, January 18, 2012.

²⁰ Sahar Kahn, "Family forced to carry away body of murdered teacher as Police stay away in the midst of Maoist terror," *Daily Mail Online*, August 18, 2012.

²¹ Sudeep Kumar Guru, "Maoist poster fear hits school," *The Telegraph (Calcutta)*, September 18, 2012; "Maoist poster: School closed for 10 days," *Indian Express*, September 15, 2012.

²² See also "Students forced to study under trees ever since Maoists destroyed school in Jharkhand," *Asian News International*, July 16, 2009; "Fear of Maoists keeps school shut for 3 months," *Indo-Asian News Service*, July 18, 2009.

Yet, according to officials, the time to commence rebuilding should be much faster. The Secretary of Human Resource Development for Jharkhand told Human Rights Watch that “it should be quite fast because the decision-making is decentralized. [Approximately] one month.”²³ Her counterpart in Bihar said similarly, “Getting the funds sometimes will take time, so the school might start [rebuilding] after a few weeks. But reconstruction will usually take a month, or two months.... These are emergencies.”²⁴

Both state governments insisted that insufficient funding was not a concern for rebuilding.²⁵

The government’s failure to repair the bombed schools promptly prolongs the negative impact of these attacks on children’s education.

Suggested Questions to the Government of India:

- How many schools currently require significant repair or reconstruction as a result of attacks? How many of those schools are currently closed for repair? How many children are out of schools as a result?
- What has been the average time to repair a school attacked by Maoists during the reporting period?
- What psycho-social support is the government providing to children whose schools have been attacked?
- How many individuals have been prosecuted and convicted for attacks on schools during the reporting period?
- What measures are the government employing, such as the establishment of early warning systems, higher security, or community-based schools, to prevent future attacks? What arrangements have been put in place to ensure that children’s education is not interrupted when their schools are attacked?

Suggested Recommendations to the Government of India:

- Ensure that domestic criminal law explicitly prohibits attacks on buildings dedicated to education as war crimes during periods of armed conflict, provided they are not military objectives.
- Ensure that those responsible for attacks on schools and other buildings dedicated to education are investigated and appropriately prosecuted.
- India’s federal government should cooperate with state authorities to create an advance rapid response system whenever there are attacks on schools, so that facilities are quickly repaired or rebuilt and destroyed educational material is replaced so children can return to school as soon as possible.

²³ Human Rights Watch interview with Mridula Sinha, secretary of Human Resource Department, Ranchi, Jharkhand, June 19, 2009.

²⁴ Human Rights Watch interview with Anjani Kumar Singh, principal secretary of Human Resource Development Department, Patna, Bihar, June 17, 2009.

²⁵ Human Rights Watch interviews with Mridula Sinha, secretary of Human Resource Department, Ranchi, Jharkhand, June 19, 2009; and Anjani Kumar Singh, principal secretary of Human Resource Development Department, Patna, Bihar, June 17, 2009.

2. Security Forces Use of Schools for Military Purposes

Government security forces—both police and paramilitary police—use school buildings as barracks and bases for operations, sometimes only for a few days but often for periods lasting several months, and even years.

In December 2010, the Bihar police told Human Rights Watch that at least 28 schools were being used by police and paramilitary police.²⁶ In January 2011 the government of Chhattisgarh conceded that it was using 31 schools in that state.²⁷ The state of Jharkhand admitted in March 2011 that security forces occupied at least 21 schools and hostels in that state.²⁸

Security forces also occupied schools in the northeast of India during 2011: including at least 16 in Tripura,²⁹ and an unknown number of schools in Assam,³⁰ Manipur,³¹ and Nagaland.³² (In August 2011, these four northeastern states informed the Supreme Court that they had vacated all these schools.³³)

In some cases schools are occupied entirely, meaning that all educational functions at the school either stop completely or are displaced to alternative locations. However, in many cases, the security forces only occupy part of the school facilities, and the school is compelled to attempt to continue to operate in the remainder of the campus.

For example, as of May 2009, at Mahulia High School, in Jharkhand's East Singhbhum, five out of ten classrooms plus the school's hostel and playground were occupied by the Central Reserve Police Force (CRPF), and had been since October 2008. A student described the police presence: "[The police] have fenced their area—fenced the boundary that they have made. They have captured the science practical room and a hand pump, and the hostel as well, with barbed wire."³⁴

At Kasma Middle School, in Aurangabad district, Bihar, the police had occupied two of the 15 classrooms since 2005 when Human Rights Watch visited in 2010. But as the school principal explained, "They have only two rooms, but they occupy the whole building by hanging their clothes and leaving their things everywhere." Indeed, when Human Rights Watch visited the school in 2009, camouflaged pants and underwear were hanging from a washing line in the school courtyard, while in addition to the two rooms

²⁶ Email from Rajesh Ranjan, Bihar police, to Human Rights Watch, December 10, 2010.

²⁷ Affidavit of Chhattisgarh government to the Indian Supreme Court, January 6, 2011, cited in J. Venkatesan, "Chhattisgarh Government Pulled Up for Misleading Supreme Court," *The Hindu*, January 9, 2011.

²⁸ Order, *Exploitation of Children in Orphanages in the State of Tamil Nadu v. Union of India*, Writ Petition (Criminal), No. 102 (2007), Indian Supreme Court, March 7, 2011.

²⁹ "SC asks Jharkhand, Tripura to Free Schools from Security Forces," *Times of India*, March 7, 2011.

³⁰ "SC Pulls Up State for not Furnishing Details," *Assam Tribune*, March 7, 2011.

³¹ "Schools Occupied by Security Personnel in Manipur," *The Hindu*, April 22, 2011.

³² Order, *Exploitation of Children in Orphanages in the State of Tamil Nadu v. Union of India*, Writ Petition (Criminal), No. 102 (2007), Indian Supreme Court, August 16, 2011.

³³ Order, *Exploitation of Children in Orphanages in the State of Tamil Nadu v. Union of India*, Writ Petition (Criminal), No. 102 (2007), Indian Supreme Court, August 16, 2011.

³⁴ Human Rights Watch interview with 15-year-old student, Mahulia, East Singhbhum, Jharkhand, May 30, 2009.

completely occupied by the police, another two classrooms had beds in them, which the police used for sleeping (see figure 2).³⁵ A member of the local school committee said: “The way the police are staying here, [maybe] after a lifetime they will still be here.”³⁶

As soon as the security forces occupy a school—whether the entire campus or just part of the school buildings—they immediately begin to militarize and fortify the school buildings and grounds.

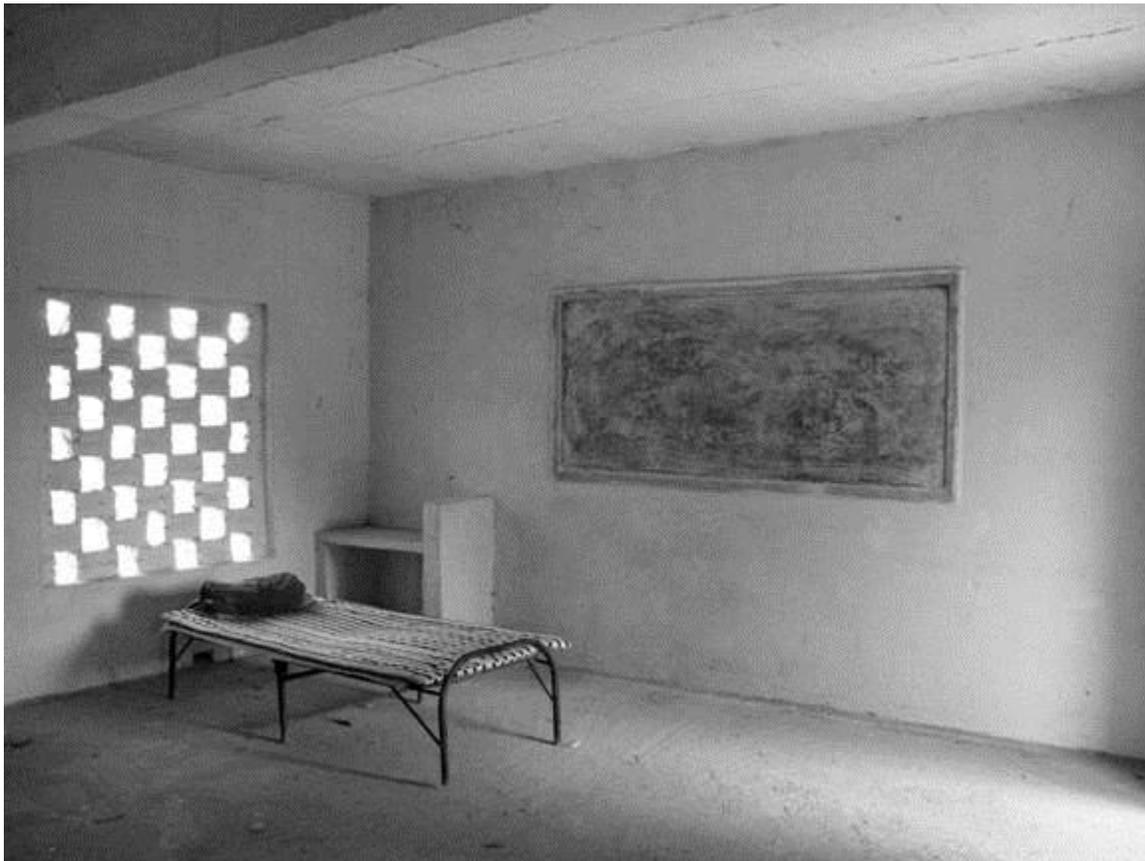


Figure 2: Security forces fully occupied two rooms at Kasma Middle School, Bihar, when Human Rights Watch visited on June 14, 2009. In addition, beds were set up in two other classrooms for the security personnel to sleep. © 2009 Bede Sheppard/Human Rights Watch

On June 7, 2009, Human Rights Watch visited Tal Middle School in Palamu district of Jharkhand, when it appeared that CRPF paramilitaries, under local command, were that very day reoccupying the school, which had previously been occupied and then vacated. Investigators witnessed security personnel digging a trench around the school, establishing fortifications with sandbags on the roof of the school, and filling sandbags for additional fortifications.³⁷

³⁵ Visit by Human Rights Watch, June 14, 2009.

³⁶ Human Rights Watch interview with school committee member, Kasma, Aurangabad, Bihar, June 14, 2009.

³⁷ Visit by Human Rights Watch June 7, 2009.



At Matiabandhi school there were brick fortifications on the roof of the building (see figure 3) as well as fortifications from sandbags, and one edge of the school's courtyard was fenced off completely with rings of barbed wire and sandbags.³⁸

Security personnel often carry their weapons within the school grounds, including semi-automatic rifles, or, as one eight-year-old put it: "Big, big size guns."³⁹ A ten-year-old student confided: "We were scared of the weapons."⁴⁰

The security forces may also store munitions within the schools in addition to the ammunition carried by the security forces. A 15-year-old said that he had seen "small explosives" at his school.⁴¹

Figure 3: An armed paramilitary police force sentry guard surveys the surroundings from inside the brick fortification on the roof of Matiabandhi High School, Jharkhand.

© 2009 Human Rights Watch / Kennji Kizuka

Human Rights Watch also visited some schools that had been recently vacated by the police. In some instances, the manner in which the police had conducted this process raised ongoing concerns about the security and well-being of the schools and the students. In particular, at Saraidih Middle School in Palamu district, although the police had vacated the property, the school retained three complete permanent sentry boxes on the roofs of the school building, one partial-brick fortification on one roof of the school, and one brick fortification in the school courtyard. Sandbag fortifications also remained in part on the roof of the school. A sign on the front of the school gate still proclaimed that the school was the location of "JAP 7" (Jharkhand Armed Police, seventh battalion). Moreover, the new location for the police camp is now directly adjacent to Saraidih High School.⁴²

School principals, teachers, parents, and students consistently reported to Human Rights Watch that they received no prior notification regarding the police occupying their schools. Lack of notification to school authorities deprives them of the opportunity to prepare better alternatives for continuing

³⁸ Visit by Human Rights Watch, May 30, 2009.

³⁹ Human Rights Watch interview with 8-year-old student, Aanti, Gaya, Bihar, June 13, 2009.

⁴⁰ Human Rights Watch interview with 10-year-old student, Saraidih, Palamu, Jharkhand, June 5, 2009.

⁴¹ Human Rights Watch interview with 15-year-old student, Matiabandhi, Jharkhand, May 30, 2009.

⁴² Visit by Human Rights Watch, June 5, 2009.

studies. Lack of notification to communities also eliminates the opportunity for local residents to propose alternative locations for the police presence. Finally, lack of notification and explanation to the students leaves many children confused and uncertain.

The principal at one school told Human Rights Watch:

The local police station informed me verbally that the police were going to come stay here [at the school] for the [2005] election. But then they just stayed on. The police have already told me, "Go get an order from the [superintendent of police] saying to vacate the school!" ... I have nothing written from anywhere from the government [explaining this], but the local police say that for the protection of the area, one battalion of [Special Armed Police] will stay here.⁴³

Failure to comply with court decisions

There is a worrying lack of civilian control over the process by which security forces use school buildings. On January 18, 2011, India's Supreme Court of India ordered: "There shall be a direction to the Union of India and the State of Chhattisgarh to ensure that the security forces vacate all the educational institutions, school buildings and hostels within a period of four months from today."⁴⁴ The Chhattisgarh government failed to meet this deadline and has twice requested extensions to comply with the court's order.⁴⁵ Schools continued to be used by government security forces during 2012. For example, in September 2012, a government official announced that paramilitary troops and police were still to be removed from 36 schools and hostels in Bastar district, Chhattisgarh state.⁴⁶

In a separate case, the Supreme Court made a broader call on September 1, 2010, for the Home Ministry to vacate all schools occupied by government security forces, adding that "the school buildings are not allowed to be occupied by the armed or security forces in future for whatsoever purpose."⁴⁷ However, use of schools continues. The state of Jharkhand admitted to the Supreme Court in March 2011 that security forces still occupied at least 21 schools and hostels in that state.⁴⁸ Local media reported that in Magra Bazar, in Gaya district, Bihar state, the government-run secondary school building still looked like a garrison as of January 2013 with classrooms hosting Central Reserve Police Force paramilitary troops.⁴⁹

⁴³ Human Rights Watch interview with Agha Noor Ali, principal, Kasma, Aurangabad, Bihar, June 14, 2009.

⁴⁴ Order, *Nandini Sundar v. Chhattisgarh*, Writ Petition (Civil), No. 250 (2007), Indian Supreme Court, January 18 2011.

⁴⁵ Order, *Nandini Sundar v. Chhattisgarh*, Writ Petition (Civil), No. 250 (2007), Indian Supreme Court, November 18, 2011.

⁴⁶ Bastar Divisional Commissioner Durgesh Chandra Mishra, quoted in "Troopers to vacate Chhattisgarh schools," IANS, September 24, 2012.

⁴⁷ *Exploitation of Children in Orphanages in the State of Tamil Nadu versus Union of India and Others*, Writ Petition (Criminal) No. 102 of 2007, Supreme Court Order of 1 September 2010.

⁴⁸ Order, *Exploitation of Children in Orphanages in the State of Tamil Nadu v. Union of India*, Writ Petition (Criminal), No. 102 (2007), Indian Supreme Court, March 7, 2011.

⁴⁹ Biswajit Roy, "Troops occupy, Maoists demolish schools," *The Telegraph (Calcutta)*, January 27, 2013.

And a visit by Human Rights Watch to Chonha Middle School, in Gaya, Bihar, in July 2013, found Gorkha battalion of the Bihar military police still occupying the school.⁵⁰

Endangering Children's Lives

Although Maoist bombing of schools are generally carried out during hours when students are not attending schools, security forces have placed children at risk of being involved in nighttime attacks by partially occupying residential (boarding) schools. By placing camps at such schools, the security forces are raising the risk that these students could be caught in the crossfire during night attacks on the security force's outpost.

At Chota Nagra, CRPF paramilitaries had taken over various buildings, including four of the 40 rooms of a residential school run by the Jharkhand Welfare Department. In the early morning of April 23, 2009, the Maoists attacked the CRPF force in the village. This attack may have been related to the use of the school as a voting station for elections that day. Between 1 and 1:30 a.m., the Maoists triggered either a "can bomb" or a mine tied to a tree in the village. According to the police, the Maoists then started firing indiscriminately, to which the CRPF paramilitary based at the school responded in kind.⁵¹

Some students were staying in the residential school that night. Another teacher who was sent to the school to assist as a polling officer was also staying overnight in the residential school. He said:

Around 1:30 at night I heard an explosion. I woke up suddenly with this explosion. The explosion echoed in my head for a while. When that stopped the firing started... We went to the children's room and we saw they were frightened. We tried to stop them being frightened. We told them we were there to protect them... None of the police personnel came to visit us [to check on us].⁵²

Witnessing police violence

At two schools, Human Rights Watch heard accounts from students who witnessed police commit violence on school grounds against apprehended suspects. One student from Tankuppa High School, described feeling "very bad" when police brought suspects back to her school and beat them. A school committee member for Aanti Middle School in Bihar, half of which is occupied by the police, said:

Sometimes the police bring culprits [to the school campus], and when these culprits enter the police start beating them, and when this happens all the children run to go and see what is happening, and this is one way that the standard of education is going

⁵⁰ Human Rights Watch visit July 19, 2013.

⁵¹ "3 poll staff injured, 3 missing in Maoist attacks," *Times of India on Mobile*, April 23, 2009; "Maoists attack polling party, encounter in Bansdera," *Sakaal Times*, April 23, 2009.

⁵² Human Rights Watch phone interview with teacher, location withheld, June 3, 2009.

down... Every time these police bring the culprits, they do all their actions in the school ground in the field. Both the boys and the girls go watch.⁵³

Increased student dropout rates

At some schools there is an almost immediate exodus of students in response to a police occupation.

A father with a daughter in class III at Bhita Ramda Middle School stated that after the police came to the school in early 2008, half the students dropped out. When the police took over the school building entirely and classes were shifted to the village hall behind the school, “the number of students decreased from 250 to 80 students now. Some of them have dropped out. Some of them have transferred to other schools.”⁵⁴ A boy in class VII at the school said: “There were 281 students before the police came. Now it has decreased. Now there are around 50 students. Because of the police the students are not coming.... Some students fear the police. Some of them have left to work at home. Some study at home and some have totally left the school.”⁵⁵

According to a social worker in Chota Nagra, in Jharkhand’s West Singhbhum district, “There were more children before the police came.... Between the primary and middle school 100 students have left the school. They go to Manoharpur, 45 kilometers and 2 hours away, or Barajanda, about 26 kilometers and an hour-and-a-half away.”⁵⁶

Class X student Sudesh Lakra estimated that there were about 800 students at Mahulia High School, and around 120 in her class. After the police occupied part of the school, the numbers dropped to 500 in the school and 70 in her class.⁵⁷ Lona Mehra told Human Rights Watch that 115 students were in her class at Mahulia High before the police arrived, after which about 15 students dropped out.⁵⁸

School occupations can also lead to decreased retention of students between school years (sometimes referred to as the “transition rate”). A particularly clear example of this is Tankuppa High School where the government had approved the school’s expansion to also teach grades XI and XII. However, because police occupied eight out of the eleven classrooms, there was no room to teach these additional classes. Students expressed how they wanted to continue their studies, but could not afford to go to the next closest school offering these grades because of its distance from their village. As a result, they said they would drop out of school at the end of the year.

Lower enrolment of new students

Not only do police use of schools prompt students to leave schools, they also create a disincentive for students to enroll in school.

⁵³ Human Rights Watch interview with member of school committee, Aanti, Gaya, Bihar, June 13, 2009.

⁵⁴ Human Rights Watch interview with parent, Bhita Ramda, East Singhbhum, Jharkhand, May 31, 2009.

⁵⁵ Human Rights Watch interview with 10-year-old student, Bhita Ramda, Jharkhand, May 31, 2009.

⁵⁶ Human Rights Watch phone interview with social worker, Chota Nagra, Jharkhand, June 2, 2009.

⁵⁷ Human Rights Watch interview with 15-year-old student, Mahulia, East Singhbhum, May 30, 2009.

⁵⁸ Human Rights Watch interview with 15-year-old student, Mahulia, East Singhbhum, May 30, 2009.

At Kasma Middle School, in Aurangabad district, the government had approved the addition of a hostel so that 200 disadvantaged girls currently not receiving any education can attend the school. The school's principal explained the problem caused to this plan by the presence of just 10 police at the school:

This whole area is very underdeveloped, and the government gave me permission [in late 2008] to teach 200 girls at the school on a residential basis. The District Commission has [already allocated] 1.4 million rupees [US\$28,600] for this purpose... These are girls who are already married, who are engaged to be married, or girls who do not have anywhere else where they can enroll.... [But] the parents of these girls do not want their girls to come here while the police are here. Because if we open the residential school then the girls will have to stay here all 24 hours in the campus with the police, so the parents do not want to send them. Maybe they think there is the possibility of sexual misconduct or abuse.... I want to open the residential school because it will benefit the girls and the local villagers, but because of these police I cannot open it and it is a setback for these disadvantaged girls.⁵⁹

Overcrowding

Where police partially occupy schools, the resulting space constraints cause increased overcrowding of classrooms.

An 8-year-old student complained to Human Rights Watch about the overcrowding at Aanti Middle School in Bihar's Gaya district caused by the police's occupation of two out of three of the school buildings. Eventually her father moved her to a private school, but she recalled:

Many times I was studying outside. Because there is no space, children have to go outside, and my friends ask me to come with them. Because sometimes the teachers called us outside because of the shortage of room, so we studied outside.... I didn't like it, because outside there are a lot of things going on, and lots of students are outside, and we can't study properly.⁶⁰

A 13-year-old at Mahulia High explained, "It is difficult to study because class IX and class X sit and study together now. It means one teacher comes for both classes, so the other class makes noise, and we have trouble listening to the studies."⁶¹ A 14-year-old student put the situation at his school in Sargardih bluntly: "There is not enough space so I want [the police] to move.... The number of students cannot fit in a single place. The rest of the students sit on the veranda."⁶²

⁵⁹ Human Rights Watch interview with Agha Noor Ali, principal, Kasma, Aurangabad, Bihar, June 14, 2009.

⁶⁰ Human Rights Watch interview with 8-year-old student, Aanti, Gaya, Bihar, June 13, 2009.

⁶¹ Human Rights Watch interview with 13-year-old student, Mahulia, East Singhbhum, Jharkhand, May 30, 2009.

⁶² Human Rights Watch interview with 14-year-old student, Sargardih, East Singhbhum, Jharkhand, May 31, 2009.

Increased truancy

The presence of police and paramilitaries in schools, resultant overcrowding and other problems related to police occupation may also cause increased truancy from school.

In East Singhbhum, a 15-year-old student told Human Rights Watch: “I used to go to school every day-six days per week. But because of the difficulties with the lack of space I now go only two, three, or four times per week.”⁶³ Because he does not complete his studies during the hours he now attends school, he and some of his classmates “use private tuition teachers to complete the whole syllabus.”⁶⁴ Another high school student said, “I pay 150 rupees [US\$3.11] to the teacher per month. Every day I go to study [at the teacher’s house] for two hours, in a group. But there are some students who can’t afford to do this.”⁶⁵ His classmate elaborated, “Some students go to private tuition, others don’t because some lack money to go. Some of them stay in class only, while some of them have failed because they cannot study properly.”⁶⁶

Truancy is also likely to increase when the police make use of specific facilities previously dedicated to encouraging school attendance by marginalized populations. At Mahulia High School, students from remote areas used to stay at a residential hostel at the school. When the police took over part of the school they also cordoned off the hostel with a barbed wire fence. A para-teacher explained, “The [20 to 25] students who were at the hostel have left and now have to come from home. Now they are not regular, they are skipping classes, some have dropped out.”⁶⁷

Lower quality alternative sites for schooling

Use of schools for military purposes by police can displace children from their traditional learning centers to alternative sites. Frequently these alternatives turn out to be inferior and inadequate replacements, or at other schools that require students to walk long distances to attend.

In Digha, a 14-year-old explained that since the police have taken over her middle school entirely, classes have now moved to the village hall, which takes her 30 minutes to walk to from the site of the school.⁶⁸ According to a parent with a daughter at the school, it took about three months from the date when the police took over the school until classes were shifted to the town hall: “Education was stopped more or less during this time... [My daughter] spent the time at home.”⁶⁹

In Chakri village, the police came to occupy the primary school in 2004. In 2005, a new building was constructed as a school next to the old occupied school. During the school’s occupation, education came to a stop for many students. A ten-year-old student who was around six at the time, remembered: “The

⁶³ Human Rights Watch interview with 15-year-old student, East Singhbhum, May 30, 2009.

⁶⁴ *Ibid.*

⁶⁵ Human Rights Watch interview with 15-year-old student, Mahulia, East Singhbhum, Jharkhand, May 30, 2009.

⁶⁶ Human Rights Watch interview with 15-year-old student, Mahulia, East Singhbhum, Jharkhand, May 30, 2009.

⁶⁷ Human Rights Watch interview with para-teacher, Mahulia, East Singhbhum, May 30, 2009.

⁶⁸ Human Rights Watch interview with 14-year-old student, Digha, East Singhbhum, Jharkhand, May 30, 2009.

⁶⁹ Human Rights Watch interview with parent, Digha, East Singhbhum, Jharkhand, May 30, 2009.

police came and they stayed in the school. We couldn't go to school. I stayed at home until a new building was made. It took about one year... The teaching was not going on. That made me feel bad. The studies were not going on. I used to go to the field [during my time at home] to help my mother in the rice paddies."⁷⁰

But once the new school building had been constructed in Chakri, the police then took over the new building as well. One parent said that when this second occupation occurred the local residents were too fearful to complain: "We are afraid of the police. That's why we didn't raise any incidents."⁷¹ Some students have therefore started attending school at another primary school approximately one kilometer away or are studying in the town hall beside the school. One boy said that although he had completed classes I through III at the old school, when he transferred to a new school, he was made to go back and start again with class I.⁷² A father with an eight-year-old daughter studying at the town hall complained that the improvised school site lacked the necessary infrastructure, such as a toilet.⁷³

Gender-based harassment of girl students by police

Many girls, teachers, and parents shared with Human Rights Watch their concerns regarding the harassment of girl students by police based in schools. Sometimes people described generalized fear and anxiety about the police presence. Even without a specific instance of harassment, the mere presence of police in the school can result in some girls staying at home. For example, a 15-year-old girl said, "We are scared of mixing with the police. In case these police people may try to take advantage of us and we may get into trouble... The police should quit and leave the school."⁷⁴

Other people we interviewed described widespread harassment of girl students or shared specific examples of direct harassment. The principal of a middle school observed:

Every three months the [Special Armed Police] troops transfer, and the previous team [we had here], were much worse. When the teachers were not there, sometimes they forcibly entered into the classroom where the girls were sitting. The girls and their parents did not like it. The troops used to talk to the girls. I don't want to give the troops a chance to misbehave so I have to work a lot at that.... If they just want to talk to someone, then they would talk to [the students in] class I to V as well, but always they are going to talk to classes VII and VIII.⁷⁵

One teacher related the following incident:

In my school there are no latrines or bathrooms, so the girls go outside toward the river. Two girls had gone for the latrine toward the river, when a *jawan* [constable] also went

⁷⁰ Human Rights Watch interview with 10-year-old student, Chakri Primary School, May 31, 2009.

⁷¹ Human Rights Watch interview with parent, Chakri, East Singhbhum, Jharkhand, May 31, 2009.

⁷² Human Rights Watch interview with class V student, Chakri, East Singhbhum, Jharkhand, May 31, 2009.

⁷³ Human Rights Watch interview with parent, Chakri, East Singhbhum, Jharkhand, May 31, 2009.

⁷⁴ Human Rights Watch interview with 15-year-old student, May 30, 2009.

⁷⁵ Human Rights Watch interview with Agha Noor Ali, principal, Kasma, Aurangabad, Bihar, June 14, 2009.

to that side and when the girls were washing, the *jawan* was watching them. The girls felt very insecure and felt he would do something to them, so they ran to the headmaster and complained. So the headmaster went and complained, and the [police] major said that he will take care of this, and the *jawan* was transferred to another place. This was around one year ago. The girls were around 13, or 14, or 15.⁷⁶

Police intimidation and harassment of students

Many students, teachers, and parents shared examples with Human Rights Watch of police intimidation and harassment of children.

Two students told Human Rights Watch that the police used to point their weapons at them. In Sanjaygram, in Saraikela district, Jharkhand, a nine-year-old boy from the Ho tribe said that when he saw the armed police, “I used to be frightened.... They used to show that they could kill... I was scared... [and] I would run away.”⁷⁷

One young boy in class V said that he was afraid of the school in his village that was occupied entirely by the police. In particular he did not like it when the police “sometimes aim [their weapons] toward us if we go near.”⁷⁸

A teacher from Chota Nagra said:

Most of the girls are being affected by the teasing. The police laugh at them. The police ask the boys about the village: “Who is coming to the village?”, “Are there any criminals in the village?” Because of this most of the boys and girls have fear of the police.⁷⁹

Reduced provision of “mid-day meal” scheme

Following a Supreme Court decision in 2001, the Indian government is obliged to provide a cooked meal to all children in government and government-assisted primary schools for at least 200 days each year.⁸⁰ The objectives of the National Programme of Nutritional Support to Primary Education scheme are to improve the nutrition of school students, as well as to encourage school enrolment and attendance. However, in a number of schools visited by Human Rights Watch, the occupation of the schools has ended this program through disruptions or loss of access to kitchens. For example, there was no longer a daily meal at the temporary location for students displaced by the police camp at Bhita Ramda Middle School,⁸¹ and it was irregular at Chakri Primary School.⁸²

⁷⁶ Human Rights Watch phone interview with teacher, Chota Nagra, West Singhbhum, Jharkhand, June 2, 2009.

⁷⁷ Human Rights Watch interview with 9-year-old student, Sanjaygram, Saraikela, Jharkhand, June 3, 2009.

⁷⁸ Human Rights Watch with class V student, Chakri, East Singhbhum, Jharkhand, May 31, 2009.

⁷⁹ Human Rights Watch telephone interview with a teacher from Chota Nagra, Jharkhand, June 2, 2009.

⁸⁰ *People’s Union for Civil Liberties v. Union of India & Ors.*, (S.C. 2001) Writ Petition (Civil) No. 196/2001.

⁸¹ Human Rights Watch interview with 10-year-old student, Bhita Ramda, Jharkhand, May 31, 2009.

⁸² Human Rights Watch interview with father, Chakri, East Singhbhum, Jharkhand, May 31, 2009.

Reduced access to toilets

Access to basic facilities, such as drinking water and toilets, has been demonstrated to be an important factor for retaining children, especially girls, at school.⁸³ But in a number of cases investigated by Human Rights Watch, the occupying police refused to let the students use such facilities, even when the government had made the expenditure to invest in such facilities, because the police wanted to use them exclusively.

A 15-year-old girl who studies at Mahulia High School, explained, “It becomes very difficult for a girl to stay in school for such a long time without a toilet. We are not allowed to go and use the toilet in the police camp.”⁸⁴ Students from Digha Middle School, Chakri Primary School, and Bhita Ramda Middle School, who were displaced by a police camp to study in alternative buildings, also said the new locations had no toilets.⁸⁵

Police blocking access to recreational facilities

At some schools, police occupations have impeded student’s ability to benefit from cultural, social, and recreational programs.

A 15-year-old student told Human Rights Watch: “Some of the cultural and social programs are not being held because [the police] have captured the playground. On Teachers’ Day-on September 5- prayers or songs are said, and the police came and told us not to sing songs or play the music loudly, or to play on the horns. When we were playing our musical instruments, the troops came and told us to stop doing this.”⁸⁶

“We don’t go towards the playground. We’re not allowed to go there. Earlier we used to play football there, but now we can’t,” said a 15-year-old student.⁸⁷

A local resident from Chota Nagra described how the school was affected: “There was a big playground before. Now the forces have taken it over and there is no playground for the children.”⁸⁸

⁸³ Barbara Herz and Gene B. Sperling, “What Works in Girls’ Education: Evidence and Policies from the Developing World,” Council on Foreign Relations (2004), pp. 63-64; Inter-Agency Network for Education in Emergencies’ Minimum Standards for Education in Emergencies (2004), pp. 29 and 47-48. See also Bihar Primary Education (Amendment) Act 1959, art. 3(vi)-(vii).

⁸⁴ Human Rights Watch interview with 15-year-old student, Mahulia, East Singhbhum, Jharkhand, May 30, 2009.

⁸⁵ Human Rights Watch interview with parent, Digha, East Singhbhum, Jharkhand, May 30, 2009; Human Rights Watch interview with parent, Chakri, East Singhbhum, Jharkhand, May 31, 2009; and Human Rights Watch interview with parent, Bhita Ramda, East Singhbhum, Jharkhand, May 31, 2009.

⁸⁶ Human Rights Watch interview with 15-year-old student, Mahulia, East Singhbhum, Jharkhand, May 30, 2009.

⁸⁷ Human Rights Watch interview with 15-year-old student, Mahulia, East Singhbhum, Jharkhand, May 30, 2009.

⁸⁸ Human Rights Watch telephone interview with social worker, Chota Nagra, West Singhbhum, June 2, 2009.

Suggested Questions to the Government of India:

- How many schools are currently being fully occupied or used by government security forces (including the military, police, paramilitary police, and border forces)?
- How many schools are currently being partially occupied or used by government security forces, with students continuing studies alongside the troops?
- How many schools have been attacked in recent years while being used by government security forces?
- What does the government do to rehabilitate schools after security forces vacate them?
- Why have government security forces failed to comply with the orders of the Supreme Court?

Suggested Recommendations to the Government of India:

- Enact domestic legislation or adopt security forces policies explicitly prohibiting armed forces and police and paramilitary police forces from using or occupying schools, school grounds, or other education facilities in a manner that either violates international humanitarian law or the international human right to education.
- Expediently rehabilitate and repair schools damaged through use by security forces.

ⁱ This is a joint submission from the Global Coalition to Protect Education from Attack and Human Rights Watch.

The **Global Coalition to Protect Education from Attack** (GCPEA) was established in 2010 by organizations from the fields of education in emergencies and conflict-affected fragile states, higher education, protection, international human rights, and international humanitarian law who were concerned about ongoing attacks on educational institutions, their students, and staff in countries affected by conflict and insecurity.

Human Rights Watch is an independent organization dedicated to defending and protecting the human rights of people around the world.